



TO: Members of the Board of Directors

FROM: Bruce Steadman
Secretary & Executive Director

DATE: June 19, 2013

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 Fort Monmouth Economic Revitalization Authority (FMERA) Financials
8. **Public Comment Regarding Agenda Items**
9. **Executive Director’s Report:**
 - Update on Meetings with Army Representatives
 - Update on Requests for Offers to Purchase (RFOTPs)
 - Update on FMERA Office Move
 - Update on FMERA Office Roof
 - Update on Community Bus Tour
 - Update on Flag Flying Over Fort Monmouth
 - Action Items for Next Month
10. **Committee Reports**
 - Audit Committee – Robert Ades, Chairman
 - Real Estate Committee – James V. Gorman, Chairman
 - Environmental Staff Advisory Committee – Kenneth J. Kloo,

- Chairman
- Historical Preservation Staff Advisory Committee – Robert Ades, Chairman
 - Housing Staff Advisory Committee – Charles Richman, Chairman
 - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

1. Consideration of Approval of the Authority’s Comprehensive Annual Report for 2012, as Required by Executive Order No. 37
2. Consideration of Approval of Lease of Visitor Control Center (Building 460) from the Army and Memorandum of Understanding for Use and Occupancy with the New Jersey Department of Community Affairs
3. Consideration of Approval to Make Russel Hall (Building 286) Available through the Offer to Purchase Process
4. Consideration of Approval to Make Fabrication Shops (Buildings 2501-2507) Available through the Offer to Purchase Process
5. Consideration of Approval of FMERA Staff’s Recommendations Regarding Public Comments Submitted and Final Adoption of the Proposed Land Use Rules Containing Development and Design Guidelines

12. **Other Items**

13. **Public Comment**

14. **Adjournment**

Fort Monmouth Economic Revitalization Authority
Board Meeting
May 15, 2013
Tinton Falls Municipal Building, Tinton Falls, New Jersey

MINUTES OF THE MEETING

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

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - V
- Tim Lizura, President and COO, New Jersey Economic Development Authority (NJEDA) - V
- Amy Herbold, Assistant Counsel, Authorities Unit, Office of the Governor – V
- Dr. Robert Lucky, Public Member – V
- Gerald Tarantolo, Mayor of Eatontown - V
- Michael Skudera, Mayor of Tinton Falls - V
- Michael Mahon, Mayor of Oceanport – V
- John Tobia, Director, Monmouth County Public Works & Engineering - V
- Charles Richman, Deputy Commissioner, NJ Department of Community Affairs (DCA)
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJTransit (NJT)

V- Denotes Voting Member

Members Not Present

- Robert Ades, Vice Chairman, Public Member – V
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor & Workforce Development

Also present:

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

II.

The meeting was called to order by Chairman James V. Gorman at 7:00 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 March 26th meeting minutes. A motion was made to approve the minutes by Mayor Tarantolo and seconded by Tim Lizura.

Motion to Approve: MAYOR TARANTOLO Second: TIM LIZURA
AYes 7

Mayor Mahon abstained from voting stating he was not present at the March meeting.

III. WELCOME

Chairman James V. Gorman welcomed attendees to the Board Meeting. Mr. Gorman stated that copies of the Board package were available at the door and in response to public comment; the Board package was posted to the FMERA website at approximately 2:30pm to give the public the opportunity to review the information in advance of the meeting. Mr. Gorman stated that the Board would be evaluating this effort in the future.

Mr. Gorman stated that the Board would consider approval of four Board actions, the approval of FMERA Delegated Real Estate Operating Authorities, the Lease of the Marina from the Army and Sublease to Oceanport upon the same terms as FMERA's lease with the Army, making Parcel V-1 available through the Offer to Purchase Process, and the Lease of the third floor of Russel Hall from the Army and FMERA's Execution of a Memorandum of Understanding (MOU) with the New Jersey Economic Development Authority for use of the Property.

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 due to the full agenda. 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 in response to public requests, as of the May 15, 2013 Board of Directors Meeting, the draft Board package is available by approximately 2 pm on the afternoon of each Board Meeting. This policy is subject to change, based on availability of Board materials. Please access the draft Board materials on the FMERA website, www.fortmonmouthredevelopment.com, under the agenda tab.

Mr. Steadman stated that the Board Action, consideration of approval of FMERA staff's recommendations regarding public comments submitted and final adoption of the proposed Land Use Rules containing Development and Design Guidelines would not be addressed at the meeting.

Mr. Steadman also stated that an Executive Session would not be held at the meeting.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that the Authority's grant amendment requests for funds in support of the Authority's operations were approved by the Office of Economic Adjustment (OEA). The funds requested from the OEA are consistent with amounts approved by the Authority's Board and provide funding for expenses not previously funded under the grants scheduled to close June 30, 2013.

Ms. Akerblom stated that a new Grant Application is being prepared for submission to OEA in support of the Authority's operations. The funds being requested from the OEA are consistent with the budget approved by the Authority's Board for fiscal year 2013 and presented to the State's Office of Management and Budget, in support of the Authority's appropriation request.

Ms. Akerblom concluded her report by stating that spending continues to be strictly monitored.

VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Sara Breslow of Eatontown asked about a parcel which contains a geothermal field. Bruce Steadman explained it was likely she was referring to the geothermal field adjacent to Building 2705, the RFOTP for which was discussed at the March meeting. Mr. Steadman stated that the parcel measures approximately 5.5 acres and the parcel size would increase to 7.25 if the geothermal well field located south of the building were included. Mr. Steadman stated that it will be the proposer's determination whether to include the field in their proposals. Mr. Steadman clarified that Building 2705 is in Tinton Falls, not in Eatontown.

Linda Zucarro asked for clarification in the statement in the resolution regarding Parcel V-1 stating "the project's potential for helping to address the Fort's affordable housing and homeless assistance obligations; and other criteria". Mr. Steadman stated that the Request for Offers to Purchase (RFOTP) has not yet been written but the staff wanted to allow enough bandwidth to address certain criteria that would be evaluated in the proposals and their impact on affordable or homeless housing.

Ms. Zucarro asked if the project were to fulfill the affordable housing obligations then would the other residential projects with a 20% set aside for the proposed affordable housing for the three municipalities be affected. Mr. Steadman stated that for any new housing units put on the property, per the Reuse Plan, the commitment is 20% set aside for affordable housing. Mr. Steadman further stated that the Parcel V-1 project should comply with any new or existing laws that pertain to affordable credits for each of the municipalities.

Tom Mahedy of Wall Township read an email he sent to FMERA on April 30th which is attached hereto.

Bruce Steadman clarified several of Mr. Mahedy's comments stating that there is no reference in the Land Use Rules that allows the Army to "get away" from any environmental cleanup responsibility. There is no reference that the Army is not responsible for the cleanup due to the flooding that occurred to the dumps or the landfills. Mr. Steadman also stated that several derogatory terms used by Mr. Mahedy to describe FMERA, its stakeholders, or developers, were not used in the Land Use Rules, or implied therein.

Rick Harrison, Director of Facilities Planning, stated that FMERA and the Army continue to have regular discussions on the future transfer of the balance of the Main Post, under the Phase 2 Memorandum of Agreement (MOA). FMERA expects to have a meeting with the Army in June to advance the discussions. These discussions are helping to further a positive working relationship that will result in a revitalized former Fort Monmouth, and job creation.

Mr. Harrison stated that with regards to the Homeless Accommodation, FMERA has been working closely with our special Base Realignment and Closure (BRAC) Counsel and the Attorney General's office to finalize the path forward toward implementing the obligations as documented in the Homeless Assistance Submission, approved by the Department of Housing and Urban Development (HUD). FMERA is in the process of scheduling meetings with the involved homeless providers to develop action plans for moving forward in fulfilling the obligations as well as confirming their obligations under the Legally Binding Agreements. FMERA currently has about \$1M set aside from the sale of Parcel E and is in the process of setting up a fund to administer the obligations. We will continue to report progress monthly as we move forward with this important project.

Dave Nuse, Director of Real Estate Development, gave a summary of the status of the current RFOTPs that FMERA has issued:

Howard Commons

FMERA staff issued an RFOTP for the Howard Commons Area of the former Fort on December 14, 2012. On January 28, 2013 six firms submitted proposals, with some firms submitting multiple scenarios for redevelopment. In accordance with the RFOTP, and our sales rules, the evaluation of the proposals is underway. FMERA expects to have a recommendation for the Board of Directors' consideration at the June or July meeting of the Authority.

Officers Housing

FMERA staff issued an RFOTP for the Officers Housing in the Historic District of the former Fort 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 were due by 12:00 pm on April 1, 2013 and two proposals were received. Staff has begun to evaluate the proposals in accordance with the Authority's Sales Rules.

Parcels B, C and C1

On March 26, 2013 FMERA publically issued RFOTPs for Parcels B, C and C1. Proposals for each of the three parcels are due by 12:00 pm on June 10, 2013. Parcel B is a 55-acre tract located along the Fort's Route 35 frontage in the Main Post's Eatontown Reuse Area. The Reuse Plan calls for Parcel B to be developed as a lifestyle center, with approximately 150,000 square feet of retail, restaurant, entertainment and other uses in a Main Street format, along with 302 mixed-income apartments. Parcel C is in the Tinton Falls Reuse Area and is planned as a mixed-use town center. The 39-acre lot can accommodate up to 239 newly constructed residential units, along with up to 107,000 square feet of retail and other commercial development. Parcel C1 is a 12-acre tract also located in Tinton Falls. In accordance with the Reuse Plan, the property can accommodate up to 49 newly constructed residential units.

Building 2705

On May 6, 2013 FMERA publically issued an RFOTP for Building 2705 in the Tinton Falls section of the former Fort. FMERA staff has determined that Building 2705 and its two outbuildings would require a parcel measuring approximately 5.5 acres. The parcel size would increase to about 7.25 acres

if the geothermal well field located south of the building were included. Proposals are due by 12:00 pm on June 6, 2013.

Mayor Tarantolo asked if the Land Use Rules will be in place before the redevelopment of Howard Commons. Mr. Steadman stated that there will be no further action on the six proposals received for Howard Commons until the Land Use Rules are approved.

Bruce Steadman stated that FMERA has scheduled its second Community Bus Tour for Thursday, May 23, 2013. The Bus Tour will allow members of the public to tour the former Fort 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 May 23rd. 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. Please express your interest in participating in the tour by e-mailing FMERAINFO@njeda.com.

Bruce Steadman stated that the FMERA Office in the former Fort library is nearly complete, although delayed due to HVAC and roof issues. Staff hopes to move into the new facility by mid-June. Public board meetings will be held in the new office space beginning in late summer. A public access plan for the facility will be announced at the June or July meeting of the Authority.

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 and investors
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton EDA office on marketing and business development opportunities
- FMERA has collaborated with several Federal, State and Local agencies regarding storm response initiatives
- FMERA expects to engage Phillips Preiss Grygiel (PPG) to review the Reuse Plan and complete an inventory of Open Space and a plan for balancing development and open space needs.

VII. COMMITTEE REPORTS

a) AUDIT COMMITTEE (ROBERT ADES, CHAIRMAN):

Bruce Steadman, on behalf of Robert Ades, stated that the Committee met on May 13th at the FMERA offices and discussed the following:

- Approval of the November 27, 2012 Minutes
- Presentation of the 2012 Comprehensive Annual Report with the Audited Financial Statements and the 2012 Audit Results, and a meeting with independent auditor
- Warren Schneider, principal at Schneider & Company, presented the draft audited financial statements. Schneider & Company conducted the audit in accordance with GAAP standards and adheres to the Government Auditing Standards.

- Mr. Schneider reported that the statements were presented fairly with no material misstatements and Schneider & Company r reported an unqualified opinion.
- The Committee recommended approval of the comprehensive annual report for 2012, and the annual financial statements required by the June 2012 EDC Agreement with the Army, as required under Executive Order No. 37 to be presented at the June Board meeting for approval by the Board.
- Financial and operational assessment for the year ended December 31, 2012
- Homeless Fund Update
- Process of selection of a new Auditor of the 2013 Audit

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

Chairman Gorman stated that the Committee met on April 17th and on May 8th at the FMERA offices and discussed the following:

- Discussion on the Phase 2 negotiations with the Army regarding stipulated payments for the seven Phase 2 parcels.
- Discussion on the FMERA Real Estate Delegated Operating Authorities for approval at tonight's meeting. The Committee agreed to recommend to the full Board of Directors for approval.
- Discussion on the Land Use Rules and the public comments that were received.
- Overview of Parcel V-1 in the Eatontown section of the Fort be made available through the RFOTP process for a Veterans Community. The Committee agreed to recommend to the full Board of Directors for approval.
- Discussion on the Open Space preservation techniques to maintain the public's use of the property, and balance development and open space needs.
- Discussion on the Marina property and the sublease to Oceanport. The Committee agreed to recommend to the full Board of Directors for approval.
- Overview of the lease of the 3rd Floor of Russel Hall from Army and execution of Memorandum of Understanding (MOU) with the NJEDA's Office of Recovery for use of the property. The Committee agreed to recommend to the full Board of Directors for approval.
- Update on Howard Commons and the Officers Housing RFOTPs
- Update on the Golf Course Professional Management Services RFP
- Update on FMERA Office relocation
- Update on the Potential Lease(s) of McAfee
- Update on AcuteCare
- Update on Building 2705 RFOTP
- Update on Broker Marketing Effort
- Update on the Small Business Demonstration Project
- Update on Building 901

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

Kenneth J. Kloo stated that the Committee met on May 6th and discussed the following:

- Liz Leheny of PPG, provided an overview of the Committee's role as environmental commission. Ms. Leheny stated that the Committee will have the same role for the Fort as an

environmental commission of a municipality would have for Borough issues. The Committee will play a role in reviewing the Mandatory Conceptual Review (MCR) for each development application if/when resources from the Natural Resource Inventory (NRI) would be impacted. Ms. Leheny will prepare a draft checklist of the Committee's duties as environmental commission.

- Julie Carver, Matrix Design Group, provided an overview of the naturally occurring environmental conditions at the Myer Center. The Army is responsible for clean-up if environmental hazards are found during demolition. There are two lime pits on the Myer Center property; one that has received a No Further Action (NFA) designation from NJDEP, and a second that will require a 0.7 acre for undergoing remediation before transferring the land to a third party.
- The NJDEP expects to receive data from the Army on the proposed work plan for the second lime pit.
- Due to the length of the meeting it was decided to hold a discussion on wetlands and wet areas until next month.

Mayor Mahon asked for clarification on the Environmental Staff Advisory Committee (ESAC) replacing the local environmental commissions and where is the authority to allow this to happen.

Mr. Steadman stated that the statute requires that under the Land Use Rules, if a parcel is to be developed on the Fort, the developer would have to complete a MCR, which would trigger the environmental commission to review and respond to the MCR, based on any perceived impacts to the NRI. Mr. Steadman added that the enabling statute calls out the development of land use regulations and the role of the environmental commission is defined within those regulations.

Mr. Steadman stated that once the MCR is received if an environmental commission review is needed, the ESAC will reach out to the specific borough's environmental commissions for input.

Gabriel Chacon stated that the statute puts the ESAC in the role as the environmental commission to be the exclusive commission for the project within the Fort property that impact the former Fort's natural resource inventory.

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

Bruce Steadman, on behalf of Robert Ades, stated that the Committee did not meet this month, but will be meeting in June.

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

Bruce Steadman, on behalf of Charles Richman, stated that the Committee met on May 9th at the FMERA offices and discussed the following:

- Discussion regarding the two proposals received for the Officers Housing RFOTP. The evaluation committee has been formed and evaluation process has begun.
- Discussion regarding the outline for the Land Use Rules that were published February 19, 2013 in the NJ Register for formal public comment and the public comment period ended April 30, 2013. The Land Use Rules are currently under final review.
- Discussion on the Howard Commons proposals and the status of the evaluation process and an update on the Affordable units discussed in the proposals.

- Update on the RFOTP's for Parcels B, C, C1 including the language that would be included in the RFOTP specific to housing and affordable housing.
- Discussion on the Homeless Obligation

Mayor Tarantolo stated that the Land Use Rules public comment should be completed on a parallel path with the Attorney General's office review.

Mayor Mahon stated that a member of the Attorney General's office is present at the Real Estate Committee meetings.

Gabriel Chacon stated that should there be any substantive changes to the Land Use Rules, they must go before the Board for approval.

Bruce Steadman stated that the correct process as laid out by the Attorney General's office has been followed and the Board will see the final copy for approval.

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

Bruce Steadman, on behalf of Freeholder Burry, stated that the Committee did not meet this month, but met in April to review the site plan and criteria for Parcel V-1 and the Committee endorsed the site plan.

VIII. Board Actions

- a) The next item before the Board was the consideration of approval of FMERA Delegated Real Estate Operating Authorities.

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 Mahon and was seconded by Mayor Tarantolo.

Motion to Approve: MAYOR MAHON Second: MAYOR TARANTOLO
AYes 8

- b) The next item before the Board was the consideration of Lease of the Marina from the Army and Sublease to Oceanport upon the same terms as FMERA's lease with the Army.

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 Tim Lizura and was seconded by Mayor Tarantolo.

Motion to Approve: TIM LIZURA Second: MAYOR TARANTOLO
AYes 8

- c) The next item before the Board was the consideration of approval to Make Parcel V-1 available through the Offer to Purchase Process.

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 Tarantolo and was seconded by Dr. Robert Lucky

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

- d) The next item before the Board was the consideration of approval of Lease of the third floor of Russel Hall from the Army and FMERA's Execution of a Memorandum of Understanding (MOU) with the New Jersey Economic Development Authority (NJEDA) for use of the Property

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 Mayor Tarantolo and was seconded by Dr. Robert Lucky.

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

Mayor Tarantolo asked if this would allow FEMA to move more quickly in their assistance for those homes affected by Superstorm Sandy.

Tim Lizura explained that the office will be run by the NJEDA to provide grants to businesses in the nine most impacted counties affected by the storm. Mr. Lizura stated that it is HUD money and Community Development Block Grant (CDBG) funds. Mr. Lizura explained that the Stronger New Jersey Business Grants program can provide up to \$50,000 in forgivable loans or grants to a business that had over \$5,000 worth of physical damage. Mr. Lizura stated that there is \$260MM of HUD funds set aside for the program.

Chuck Richman stated that the Department of Consumer Affairs (DCA) will be opening residential centers in several counties to assist residents.

IX. Other Items

There were no other items.

X. Public Comment

Anthony Talerico of Eatontown thanked the Board for posting the Board package at 2:30 p.m. Mr. Talerico asked when site plans are brought before the municipalities planning board, is the municipal land use law modified.

Gabriel Chacon stated that the Boroughs planning board will do a normal technical review but will use FMERA's land use rules. Mr. Chacon stated that any referral or comments related to the NRI will come from FMERA's ESAC and be sent along with FMERA's MCR comments.

Sara Breslow of Eatontown asked if Committee advised CommVault of the environmental issues on Parcel E. Mr. Steadman stated that the Army's Finding of Suitability to Transfer (FOST) for Parcel E was reviewed by the NJDEP and that CommVault elected to complete their own study of the property after reviewing the FOST. Ms. Breslow stated that there is no objective body overseeing the Army and there is still a lot of contamination and the remediation is not complete. Ms. Breslow stated that the Board is profit oriented.

Bruce Steadman stated that there was a high degree of independent review by CommVault on Parcel E. Mr. Steadman stated that FMERA is job oriented, not profit oriented, and FMERA relies very heavily on the NJDEP to enforce the prevailing laws, and to review the Army's FOST's.

Kenneth Kloo stated that the Army met their obligation on Parcel E. Mr. Kloo stated that CommVault went above and beyond their review of the property and there were some issues that were addressed by CommVault.

Tom Mahedy of Wall Township stated that the carved out areas are deceptive and misleading as these are toxic areas. Mr. Mahedy stated that the Clinic should be made public. Mr. Mahedy stated that the NJEDA is issuing money to companies that are not increasing their employees.

There being no further business, on a motion by Mayor Mahon seconded by Dr. Lucky and unanimously approved by all voting members present, the meeting was adjourned at 8:30 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 15, 2013

Resolution Regarding
**Approval of FMERA Delegated Real Estate
Operating Authorities**

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”) as a successor to the Fort Monmouth Economic Revitalization Planning Authority (“FMERPA”); and

WHEREAS, at the Authority’s initial meeting, the Board approved certain administrative operating authorities, but opted to defer action on the real estate-related operating authorities and revisit the matter when the organization’s needs were better defined; and

WHEREAS, staff is requesting that the Board reopen discussions at this time on account of two items that recently came before the Board; and

WHEREAS, in the first instance, the closing with CommVault was delayed to allow for Board approval of FMERA’s grant of a no-cost utility easement to Jersey Central Power & Light Company; and

WHEREAS, at the February 2013 Meeting, the Board granted FMERA staff authority to extend the leases and sub-leases for the Teen Center and Pool, the New Jersey State Police facility and the County Homeless Shelter, if necessary, and requested that staff develop recommendations for real estate-related delegated authority; and

WHEREAS, staff has established threshold levels and scopes of authority in the attached guidelines that staff believes appropriately address the above issues raised at the January and February 2013 Board meetings; and

WHEREAS, in order to provide for more efficient operations, increased responsiveness to real estate development opportunities and prospective small business initiatives, and enhanced utilization of resources, staff is requesting the ability to make certain decisions relating to real estate-related procurements, grants, leases, rights of entry, license agreements and easements with certain limitations; and

WHEREAS, FMERA staff will notify members of the Board via e-mail when exercising delegated authority as well as report on the action at the next scheduled Board meeting; and

WHEREAS, all procurement activities will remain consistent with applicable laws, regulations and Executive Orders, and will adhere to FMERA's Board-approved budgets; and

WHEREAS, the Real Estate Committee has reviewed the proposed delegated operating authorities and recommends approval to the full Board of Directors.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves delegated authority to staff in accordance with the attached guidelines and memorandum.

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 15, 2013
ATTACHMENT

EXHIBIT 1

ADOPTED
May 15, 2013

Resolution Regarding the
**Agreement of Lease with the Department of the Army for the
Marina and Sublease of the Property
to the Borough of Oceanport (“Oceanport”) upon the
same terms as FMERA’s Lease with the Army**

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(b) of the Act authorizes the Authority, “[a]s designated and empowered as the ‘local redevelopment authority’ for Fort Monmouth . . . to enter into agreements with the federal government . . .” and section 9(f) “[t]o lease as lessee . . .”; and

WHEREAS, the Marina is a 3.9 acre parcel located at Oceanport and Riverside Avenues in the 400 area of the Oceanport Reuse Area. The property consists of a 71-slip marina and boat launch ramp on Oceanport Creek, a 2,600 sf boat house (Building 450) constructed in 1986, two circa-1939 administrative buildings (Buildings 498 and 499) totaling 3,263 sf, and associated off-street parking; and

WHEREAS, Oceanport officials have offered to sublease the Marina from the Authority and select a concessionaire to make necessary repairs and operate the facility for the 2013 season; and

WHEREAS, consistent with the proposed lease of the Marina from the Army to the Authority, Oceanport’s sublease will run for a term of one (1) year, with an option for an additional six (6) month extension at the discretion of FMERA staff, or until either: (i) FMERA conveys title to the Marina to Oceanport; or (ii) the Army terminates FMERA’s lease; and

WHEREAS, the Authority will lease the Marina from the Army through the Army’s standard form of short-term lease, and sublease the Marina to Oceanport through FMERA’s standard form of short-term sublease; and

WHEREAS, the Real Estate Committee reviewed this matter and recommends the lease and sublease to the full Board of Directors for approval.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons described in the attached memorandum, the Authority approves the lease of the Marina through the Army’s standard form of short-term lease and the sublease of the Property to Oceanport via the sublease, which reflects the same terms and conditions as the Authority’s proposed lease of the Property from the Army.

2. The Authority authorizes the Executive Director to execute and effectuate the lease, sublease and any related documents, as generally outlined in the attached board memorandum, with the Department of the Army and the Borough of Oceanport for the Marina, provided that execution of the lease is contingent upon FMERA obtaining written acceptance from the Borough of the sublease.

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.

**EXHIBIT 2
ATTACHMENT**

May 15, 2013

**ADOPTED
May 15, 2013**

Resolution Regarding
**Approval to Make Parcel V1
Available 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 V1 on the Main Post in Eatontown; and

WHEREAS, this recommendation is based on a desire to evaluate several criteria associated with proposals for a veterans community project, including some or all of the following: the type, size, configuration, and materials of the proposed building(s); the size, floor plan, and amenities associated with individual living units; the proposed management plan for the veterans community, including the extent to which the veterans themselves would have input or responsibility; the extent to which individual resident veterans may pay rent and/or own equity in the project; the project’s potential for helping to address the Fort’s affordable housing and homeless assistance obligations; and other criteria; and

WHEREAS, the FMERA staff believes that the Offer to Purchase process will afford FMERA the ability to negotiate the characteristics of the veterans project, so as to maximize the project’s value to its residents, Eatontown, FMERA, and our other constituents; and

WHEREAS, FMERA’s Veterans Staff Advisory Committee (VSAC) has been active in identifying and researching veterans issues, and the Real Estate Committee has reviewed and discussed making Parcel V1 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 V1 on the Main Post in Eatontown 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: May 15, 2013
ATTACHMENT

EXHIBIT 3

**ADOPTED
May 15, 2013**

**Resolution Regarding
Approval of Lease of the third floor of Russel Hall
from the Army and FMERA's
Execution of a Memorandum of Understanding (MOU)
with the New Jersey Economic
Development Authority (NJEDA) for use of the Property**

WHEREAS, section 9(b) of the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51 authorizes the Authority, “[a]s designated and empowered as the ‘local redevelopment authority’ for Fort Monmouth . . . to enter into agreements with the federal government . . .” and section 9(f) “[t]o lease as lessee . . .”; and

WHEREAS, in order to administer the Stronger NJ Business Grants and better serve New Jersey businesses affected by Superstorm Sandy in eastern New Jersey, NJEDA is seeking to expand its resources in this area; and

WHEREAS, NJEDA asked FMERA to identify available space on Fort Monmouth that could be used for minimal cost to house NJEDA Office of Recovery employees, as well as temporary employees and New Jersey Division of Purchase and Property’s business process outsourcing contract employees, who will be processing grant and forgivable loan applications submitted by affected New Jersey businesses; and

WHEREAS, the proposed space is located on the third floor of Russel Hall in the Oceanport section of Fort Monmouth with on-site parking; and

WHEREAS, FMERA will lease the space from the Army and allow NJEDA to use and occupy the space for a one year term with a six month extension option, subject to Army approval; and

WHEREAS, the rent is \$1.00 and NJEDA will pay for electricity and utility costs attributable to the space it occupies and for its proportionate share of any common area maintenance charges. NJEDA will also perform FMERA’s obligations under the Army’s lease for this space; and

WHEREAS, the Memorandum of Understanding was approved by the NJEDA Board at its April 30, 2013 special meeting; and

WHEREAS, the Real Estate Committee reviewed this matter and recommends approval to the full Board of Directors .

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons described in the attached memorandum, the Authority approves the lease of the third floor of Russel Hall through the Army's standard form of short-term lease and execution of a MOU for the Property with NJEDA via the attached MOU, which reflects the same terms and conditions as the Authority's proposed lease of the Property from the Army.

2. The Authority delegates to the Executive Director to amend the lease and MOU, as necessary, for additional space for nominal consideration and generally consistent with the attached memorandum and the terms of the initial agreement.

3. The Authority authorizes the Executive Director to execute and effectuate the lease, MOU and any related documents, as generally outlined in the attached board memorandum, with the Department of the Army and the NJEDA for the third floor of Russel Hall.

4. 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 15, 2013
ATTACHMENT

EXHIBIT 4

Regina McGrade

To: Regina McGrade
Subject: RE: public comment on the fort monmouth land use regulations and design guidelines...tom mahedy- www.fmerpa.us fort monmouth earth renaissance peace alliance

-----Original Message-----

From: Tom Mahedy [<mailto:tmahedy@verizon.net>]

Sent: Tuesday, April 30, 2013 4:58 PM

To: Bruce Steadman; Rick Harrison

Subject: public comment on the fort monmouth land use regulations and design guidelines...tom mahedy-
www.fmerpa.us fort monmouth earth renaissance peace alliance

public comment on the fort monmouth land use regulations and design guidelines from tom mahedy

tmahedy@verizon.net

732-292-0662

wall, nj

www.fmerpa.us

fort monmouth earth renaissance peace alliance

the draft has many major problems

there are too many area where waivers can be granted and the process is too easy with little public oversight

the njdep has been forced to concede too much the usepa must get involved they can force the army into full cleanup of contaminated site

the flood situation at fort monmouth is

very serious

there are too many holes in the plan

liability must go back to the army

to fix the problem

the plan says that there should be

efforts to keep the cost of fixing this

to a minimum

recently the base was heavily flooded in a number of areas the army brass officers and fmerpa have refused to pressure the army to test flooded sites especially by the contaminated dumps

no mention was made of the toxic dumps

park land or open space should not be

above toxic dumps

improper influence

fmerpa and fmerpa have been awash in scandals conflict of interest appraisers also being lobbyists etc there is not enough teeth in this regulation

public hearings...

when are they

contact people- not listed or contact info

too easy to change things in secret

or to give corrupt waivers

penalties for violations are extremely low

njdep oversight is given to private contractors a huge conflict of interest

geothermal fields and systems are the best thing on the base too many loopholes to destroy them and wording that allows another immoral disgusting waiver

relief for a corporation
another wording
of corporate malfeasance

environmental committee oversight
now that the committee has been
purged of whistle blowers and
replaced with lap dogs and developers

permaculture is not included in the plan and should

private schools
military schools have been talked about
this must not be in the plan

peace healing and nonviolence is the
new mission of the fort monmouth

there must be anything on base that promotes hurting killing torturing any life form

there must not be any war profiteering corporation on base which would contaminate the mission of true healing nonviolence and the vision of goodness and the common good locally and globally

solar energy systems must be mandated for every building bruce steadman said solar is not economical or feasible he is absolutely wrong

public access to all water ways must be mandated

public common good is most important
for every deliberation

more must be emphasized for lenape indigenous sacred sites with monuments and history included in the base museum and an apology for the massacres they endured and their land stolen on base

performance centers must be kept public as well as the hospital and all recreation buildings and outdoor site

everything must promote the public good for humans and all life forms and the good for mother earth as a living being

coah affordable housing and housing for those without homes
the county has under counted the numbers in need especially now since the storm numbers must be increased
governor christi promised more housing to storm victims he either lied or is not aware of the forms he signs

liquor license at the golf course
a criminal sham theft is occurring there
with very low cost

sustainability and green should not be just buzz words but have teeth and mandates that are clear

this place should be a model of what the world can be not the same old corporate vulture profit model that is destroying spirit and community and planet

climate change is real
just ask insurance companies
and the pentagon

that must be a priority in
every decision here

right now too many holes that could
drive a steam roller through
no one is fooling anyone

it is time to be visionaries and
to be not afraid
tell the truth
follow your heart and mind and soul
be visionaries
all of you
now is the time
this is the place
be the ones to
make it happen
these are critical
important times
step up to
your aaa game

peace and best wishes
tom mahedy

Please consider the environment before printing this message.



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

DATE: June 19, 2013

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 Requests for Offers to Purchase (RFOTPs); Update on the FMERA Office Move; Update on FMERA Office Roof; Update on Community Bus Tour; Update on Flag Flying Over Fort Monmouth; and Action Items for Next Month.

Treasurer's Report.

1. New Grant Application.

The Authority has submitted a Grant Application to Office of Economic Adjustment in support of the Authority's operations. The funds being requested from the Office of Economic Adjustment are consistent with the budget approved by the Authority's Board for fiscal year 2013 and presented to the State's Office of Management and Budget in support of the Authority's appropriation request for the fiscal year ending June 30, 2014.

2. 2012 Comprehensive Annual Report of the Authority.

The Authority's independent accounting firm completed the 2012 audit, and reported their findings to the Audit Committee at the May 13, 2012 meeting of the Committee. The auditors issued an unqualified opinion with regard to the Authority's 2012 financial statements. Staff also presented the Authority's 2012 Annual Report to the Committee. The Annual Report and the audited financial statements serve as FMERA's comprehensive annual report to meet the requirements of Executive Order No. 37 (2006). Based on the Audit Committee's review of the 2012 Comprehensive Annual Report, the Committee recommended the presentation of 2012 Comprehensive Annual Report for Member's approval at the June 19, 2013 Board meeting.

3. Budget.

Spending continues to be strictly monitored.

Executive Director's Report.

1. Update on Meetings with Army Representatives.
FMERA and the Army continue to have regular discussions on the future transfer of the balance of the Main Post, under the Phase 2 Memorandum of Agreement (MOA). These discussions are helping to further a positive working relationship that will result in a revitalized former Fort Monmouth, and job creation.
2. Update on RFOTPs.
The following is a summary of the status of the current RFOTPs that FMERA has issued and will issue:

Howard Commons

FMERA staff issued a RFOTP for the Howard Commons Area of the former Fort 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. On January 28, 2013 six firms submitted proposals, with some firms submitting multiple scenarios for redevelopment. In accordance with the RFOTP, and our sales rules, the evaluation of the proposals is underway. FMERA expects to have a recommendation for the Board of Directors' consideration at the July or August meeting of the Authority.

Officers Housing

FMERA staff issued a RFOTP for the Officers Housing in the Historic District of the former Fort 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 were due on April 1, 2013 and two proposals were received. Staff has begun to evaluate the proposals in accordance with the Authority's Sales Rules.

Parcels B, C and C1

On March 26, 2013 FMERA publically issued RFOTPs for Parcels B, C and C1. Proposals for each of the three parcels were due on June 10, 2013. Four proposals were received for Parcel B, three proposals were received for Parcel C, and three proposals were received for Parcel C1.

Parcel B is a 55-acre tract located along the Fort's Route 35 frontage in the Main Post's Eatontown Reuse Area. The Reuse and Redevelopment Plan calls for Parcel B to be developed as a lifestyle center, with approximately 150,000 square feet of retail, restaurant, entertainment and other uses in a Main Street format, along with 302 mixed-income apartments.

Parcel C is in the Tinton Falls Reuse Area and is planned as a mixed-use town center. The 39-acre lot can accommodate up to 239 newly constructed residential units, along with up to 107,000 square feet of retail and other commercial development.

Parcel C1 is a 12-acre tract also located in Tinton Falls. In accordance with the Reuse Plan, the property can accommodate up to 49 newly constructed residential units.

Building 2705

On May 6, 2013 FMERA publically issued a Request for Offers to Purchase (RFOTP) for Building 2705 in the Tinton Falls section of the former Fort. FMERA staff has determined that Building 2705 and its two outbuildings would require a parcel measuring approximately 5.5 acres. The parcel size would increase to about 7.25 acres if the geothermal well field located south of the building were included. Proposals were due on June 6, 2013 and one proposal was received. Staff has begun to evaluate the proposal in accordance with the Authority's Sales Rules.

Parcel V-1

At the May meeting of the Authority, the Board approved making Parcel V-1 available for through the offer purchase process. Parcel V-1 is a 10-acre tract in the Eatontown section of Fort Monmouth and will be put out for offers to purchase for the purpose of establishing a Veterans Community. Staff anticipates issuing an RFOTP for Parcel V-1 in the next 30 days.

Please refer to our website, www.fortmonmouthredevelopment.com, for more information.

3. Update on FMERA Office Move.

The FMERA Office in the former Fort library is nearly complete. Staff hopes to move into the new facility by the end of the month. Public board meetings will be held in the new office space beginning in August. A public access plan has been established in coordination with the Army and the New Jersey State Police, and will be posted on the FMERA website, www.fortmonmouthredevelopment.com, in advance of the FMERA Office move.

4. Update on FMERA Office Roof.

A Request for Proposals (RFP) for a new roof for the FMERA Office in the former Fort Library was issued on April 19, 2013 with responses due May 17, 2013. An evaluation committee was established consisting of four FMERA staff members. The proposals were scored based on cost and technical factors, independently by each of the evaluators and then compiled. The Authority received five (5) submissions that were scored from a high of 285 points to a low of 128 points. Northeast Roof Maintenance, Inc. received the highest score.


Pursuant to the Procurement provisions of the Real Estate Delegated Operating Authority, Northeast Roof Maintenance, Inc. was selected. The procurement process is consistent with the guidelines of FMERA's Procurement and Policy Procedure and public bidding requirements. The form of the contract and FMERA's execution of the contract have been approved by the Attorney General's Office.

The new roof was not included in the original scope of work for the former Fort Library as FMERA did not have sufficient funds at the time. Additional grant funding from the Office of Economic Adjustment for the FMERA Office allowed FMERA to use Economic Development Conveyance funds budgeted for the FMERA Office work for the new roof.

5. Update on Community Bus Tour.
FMERA held its second Community Bus Tour on Thursday, May 23, 2013. The Bus Tour provided members of the public with a firsthand look at the former Fort, and an opportunity to speak to members of the FMERA staff about the redevelopment effort. Approximately 60 members of the public participated in the tour. FMERA hopes to schedule another tour in the fall.

6. Update on Flag Flying Over Fort Monmouth.
At the end of May, FMERA in coordination with the Army, raised the flag over Fort Monmouth once again. The flag is flying in front of Russel Hall and visible from Oceanport Avenue. The raising of the flag over Fort Monmouth was just in time to celebrate the Army's birthday and Flag Day on June 14, 2013.

7. 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 and investors
 - 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.


Approved By: Bruce Steadman

Prepared by: Katie Hodes

**ADOPTED
June 19, 2013**

Resolution Regarding the
**Fort Monmouth Economic Revitalization Authority
2012 Comprehensive Annual Report**

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, 2012 to December 31, 2012 and issued an unqualified opinion regarding the financial statement; and

WHEREAS, pursuant to Executive Order No. 122 (McGreevey), the Audit Committee reviewed the draft comprehensive Annual Report for January 1, 2012 to December 31, 2012 and recommends presenting the Members with the Annual Report; 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 2012 Comprehensive Annual Report and approve submitting the Report to the Governor's Authorities Unit and the Federal Audit Clearinghouse 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: June 19, 2013
ATTACHMENT**

EXHIBIT 1



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

DATE: June 19, 2013

RE: 2012 Comprehensive Annual Report

Request

The Members of the Board are asked to consider approving the Authority's comprehensive annual report for 2012, as required under Executive Order No. 37 (2006).

Background

The Authority distributes the Annual Report of accomplishments and activities in support of the revitalization and redevelopment of Fort Monmouth. To meet the requirements of Executive Order No. 37 (2006), the Annual Report is combined with the audited financial statements and serves as FMERA's "comprehensive annual report" for 2012.

The audited financial statements for the year ended December 31, 2012 were prepared pursuant to Generally Accepted Accounting Principles for a government entity. The financial statements include information for Operational and Economic Development Conveyance activities. I am also pleased to inform the Board that the independent accounting firm of Schneider & Company has issued an unqualified opinion with regard to the 2012 financial statements.

The certification accompanying the financial statements has been executed by the Executive Director and the Director – Finance & Administration confirming that the Authority has followed its standards, procedures and internal controls.


On May 13, 2013, per its Charter, as well as section 9 of Executive Order 122 (2004), the Audit Committee reviewed the draft comprehensive annual report, including the 2012 audited financial statements prior to release and considered the relevancy, accuracy and completeness of the information presented. Also pursuant to Executive Order 122 (2004), the independent auditor met with the Audit Committee, where it was reported that the financial audit resulted in no material weaknesses or internal control deficiencies; however, the auditor identified non-material instances of noncompliance that are required to be reported under Government Auditing Standards or under OMB Circular A-133. A corrective Action Plan addressing the auditor's findings is included and was

presented to the Audit Committee. With regard to the prior year's non-material noncompliance finding under OMB Circular A-133, the auditor reported that the Authority established procedures to insure timely submission of data forms, and that data collection forms have been submitted in a timely manner. Subsequent to the meeting and its review of the report, the Committee recommended that the report be presented to the Board for approval.

Under Executive Order No. 37 (2006), the Authority is required to obtain approval of a comprehensive annual report from its Board of Directors. Upon approval, this report will be submitted to the Authorities' Unit and the Federal Audit Clearinghouse, posted to the FMERA website, and transmitted electronically to members of the Legislature.

Recommendation:

The comprehensive annual report for 2012 as required under Executive Order No. 37 (2006) is presented for the Members to consider approving in order to submit the report to the Governor's Authorities' Unit and the Federal Audit Clearinghouse, post to Authority website, and transmit to the Legislature.


Bruce Steadman

ATTACHMENT

Prepared by: Beverlee Akerblom, Treasurer



ATTACHMENT

[The attachments that the preceding memo refers to has been removed from this full agenda.]

**ADOPTED
June 19, 2013**

Resolution Regarding
**Approval of Lease of Visitor Control
Center (Building 460) from the Army and Memorandum of Understanding for Use and
Occupancy with the New Jersey Department of Community Affairs (NJDCA)**

WHEREAS, section 9(b) of the Fort Monmouth Economic Revitalization Authority Act (“Act”) authorizes the Authority, “[a]s designated and empowered as the ‘local redevelopment authority’ for Fort Monmouth . . . to enter into agreements with the federal government . . .” and section 9(f) “[t]o lease as lessee . . .”; and

WHEREAS, NJDCA’s Sandy Recovery Division manages the majority of the federal funds that will be used to assist New Jersey in recovering from Superstorm Sandy. In order to administer the reNew Jersey Stronger Housing Grant programs and provide technical assistance to municipalities affected by Superstorm Sandy, the NJDCA Sandy Recovery Division is seeking to expand its presence in this area; and

WHEREAS, NJDCA has requested that FMERA identify available space on Fort Monmouth that could be used for minimal cost to house approximately eight (8) NJDCA employees; and

WHEREAS, the proposed space is located in Building 460, the 1,800± sf former Visitor Control Center trailer, in the Oceanport section of Fort Monmouth. The space will include on-site parking; and

WHEREAS, FMERA will lease the space from the Army and allow NJDCA to use and occupy the space for a one year term with a six month extension option, subject to Army approval. The rent is \$1.00 and NJDCA will pay for electricity and utility costs attributable to the space it occupies; and

WHEREAS, as the administration of the reNew Jersey Stronger Housing Grant program progresses, NJDCA may need to staff additional employees at Fort Monmouth. Delegated authority is requested for the Executive Director to amend the Lease and the MOU for additional space for nominal consideration, generally consistent with the terms of the initial agreements; and

WHEREAS, the Real Estate Committee reviewed this matter and recommends approval to the full Board of Directors .

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons described in the attached memorandum, the Authority approves the lease of the Visitor Control Center (Building 460) through the Army’s standard

form of short-term lease and execution of a MOU for the Property with NJDCA, generally consistent with the form of document that FMERA used in connection with making space available to the New Jersey Economic Development Authority on the third floor of Russel Hall and which reflects the same terms and conditions as the Authority's proposed lease of the Property from the Army.

2. The Authority delegates authority to staff to amend the lease and MOU, as necessary and generally consistent with the terms of the initial agreement, for additional space at Fort Monmouth for nominal consideration.

3. The Authority authorizes the Executive Director to execute and effectuate the lease, MOU and any related documents, as generally outlined in the attached board memorandum, with the Department of the Army and the NJDCA for the Visitor Control Center (Building 460). The final lease, MOU, and any amendments to those documents will be subject to the approval of the Executive Director and the Attorney General's Office.

4. 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 19, 2013
ATTACHMENT

EXHIBIT 2



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Lease of Building 460 from the Army and
Memorandum of Understanding for Use and Occupancy
with the New Jersey Department of Community Affairs

DATE: June 19, 2013

Summary

I am requesting that the Board of Directors authorize the Fort Monmouth Economic Revitalization Authority (FMERA) staff to: (i) execute a lease with the Army (Lease) for Building 460, the former Visitor Control Center; (ii) enter into a Memorandum of Understanding (MOU) with the New Jersey Department of Community Affairs (NJDCA) for use and occupancy of the space in order to provide assistance to communities and property owners in connection with Superstorm Sandy recovery efforts; and (iii) delegate authority to staff to amend the Lease and MOU, as necessary, for additional space at Fort Monmouth for nominal consideration.

Background

NJDCA's Sandy Recovery Division manages the majority of the federal funds that will be used to assist New Jersey in recovering from Superstorm Sandy. In order to administer the reNew Jersey Stronger Housing Grant programs and provide technical assistance to municipalities affected by Superstorm Sandy, the NJDCA Sandy Recovery Division is seeking to expand its presence in this area. NJDCA has requested that FMERA identify available space on Fort Monmouth that could be used for minimal cost to house approximately eight (8) NJDCA employees.

The proposed space is located in Building 460, the 1,800± sf former Visitor Control Center trailer, in the Oceanport section of Fort Monmouth. The space will include on-site parking. FMERA will lease the space from the Army and allow NJDCA to use and occupy the space for a one year term with a six month extension option, subject to Army approval. The rent is \$1.00 and NJDCA will pay for electricity and utility costs attributable to the space it occupies. NJDCA will also perform FMERA's obligations under the Army's lease for this space.


As the administration of the reNew Jersey Stronger Housing Grant program progresses, NJDCA may need to staff additional employees at Fort Monmouth. Delegated authority is requested for the Executive Director to amend the Lease and the MOU for additional space for nominal consideration, generally consistent with the terms of the initial agreements.

FMERA will execute the Army's standard form of lease for Building 460, and enter into an MOU with NJDCA generally consistent with the form of document that FMERA used in connection with making space available to the New Jersey Economic Development Authority on the third floor of Russel Hall. The final Lease and MOU and any amendments to those documents will be subject to the approval of the Executive Director and the Attorney General's Office.

The Real Estate Committee has reviewed this matter and recommends approval to the full Board of Directors.

Recommendation

In summary, I request that the Board of Directors authorize FMERA staff to: (i) execute a lease with the Army for Building 460, the former Visitor Control Center, with associated on-site parking; (ii) enter into a Memorandum of Understanding with the New Jersey Department of Community Affairs for use and occupancy of the space in order to administer its Superstorm Sandy recovery efforts; and (iii) delegate authority to staff to amend the Lease and MOU, as necessary, for additional space at Fort Monmouth for nominal consideration. Staff will report any activity under delegated authority to the Board.


Bruce Steadman

Attachment: Building 460 Map
Prepared by: David E. Nuse

Wade A

VCC
BLDG 460

0.157 AC
15 Parking Spaces



**ADOPTED
June 19, 2013**

Resolution Regarding
**Approval to Make Russel Hall (Building 286)
Available through the Offer to Purchase Process**

WHEREAS, section 9(j) of the Fort Monmouth Economic Revitalization Authority Act (“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 Russel Hall (Building 286) on the Main Post in Oceanport; and

WHEREAS, this recommendation is based on several factors. First, pursuant to the proposed Land Use Regulations, Russel Hall can be redeveloped for a broad range of potential uses, including continuation of its administrative use as well as adaptation to residential or office/research uses. Further, as a historic structure, the renovation of Russel Hall is potentially eligible for historic tax credits. Second, the Authority’s master broker and FMERA staff have shown the building to several interested parties and believe that issuance of an RFOTP at this time could facilitate the attraction or retention of one or more local companies; and

WHEREAS, given the building’s prominent location in the Fort’s historic district, its potential for adaptive reuse and job generation, and the interest expressed by local companies, 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, are maximized; and

WHEREAS, the Real Estate Committee has reviewed and discussed making Russel Hall 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 Russel Hall on the Main Post in Oceanport 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: June 19, 2013
ATTACHMENT

EXHIBIT 3



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Making Available Russel Hall (Building 286) in the Oceanport Reuse Area through the Offer to Purchase Process

DATE: June 19, 2013

Request

I am requesting that the Board of Directors authorize the Fort Monmouth Economic Revitalization Authority (FMERA) staff to make Russel Hall (Building 286) in Fort Monmouth's Oceanport Reuse Area available through the Offer to Purchase process, in accordance with FMERA's approved sales rules.

Background

Russel Hall is a 42,300 sf, four-story administration building located on Sanger Avenue in the Oceanport Reuse Area of the Fort. Constructed in 1936, the building served as Garrison Headquarters. Pursuant to the Army's 2009 Programmatic Agreement with the State Historic Preservation Office, Russel Hall lies within the Fort's proposed historic district, and the Army will nominate the building for listing on the National Register of Historic Places. Taking into account the parking and setback requirements of the proposed Land Use Regulations, FMERA staff has determined that Russel Hall will require a parcel measuring approximately 6.5 acres, including Sanger and Wallington Avenues and the adjacent heliport pad.

The Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan) envisioned that Russel Hall would be conveyed to the Federal Emergency Management Agency (FEMA) on a federal-to-federal transfer. However, subsequent to adoption of the Reuse Plan, FEMA withdrew its request. The proposed Land Use Regulations permit residential low density, residential medium density, office/research, institutional/civic and open space/recreational uses in the Oceanport Horseneck Center area. The property is located outside of the Fort's Phase One project area, so FMERA's ability to sell the property will be contingent on execution of a Phase Two Economic Development Conveyance Agreement with the Army. That agreement is currently under negotiation.

The Board of Directors approved the Rules for the Sale of Real and Personal Property (the Sale Rules) at the August 17, 2011 Meeting of the Authority. In accordance with Section 19:31C-2.5(a) of the Sale Rules, the Board shall approve a particular parcel of real property and


accompanying personal property as being available for sale through either a Sealed Bid or Offer to Purchase process. Before 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 to offer the property for sale through the Offer to Purchase process. In its determination to use the Offer to Purchase process, the Board also may consider various factors including, but not limited to, purchase price, jobs to be created and timing, to determine whether the Offer to Purchase process will enhance the economic value to FMERA or Fort Monmouth.

Authority staff recommends proceeding with the Offer to Purchase process for Russel Hall, rather than Sealed Bids. This recommendation is based on several factors. First, pursuant to the proposed Land Use Regulations, Russel Hall can be redeveloped for a broad range of potential uses, including continuation of its administrative use as well as adaptation to residential or office/research uses. Further, as a historic structure, the renovation of Russel Hall is potentially eligible for historic tax credits. Accordingly, this property holds the potential for generating a wide range of proposals, including creative uses and job-generating activities not currently envisioned by staff or the Authority's consultants. Second, the Authority's master broker and FMERA staff have shown the building to several interested parties and believe that issuance of an RFOTP at this time could facilitate the attraction or retention of one or more local companies. Given the building's prominent location in the Fort's historic district, its potential for adaptive reuse and job generation, and the interest expressed by local companies, 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, are maximized.

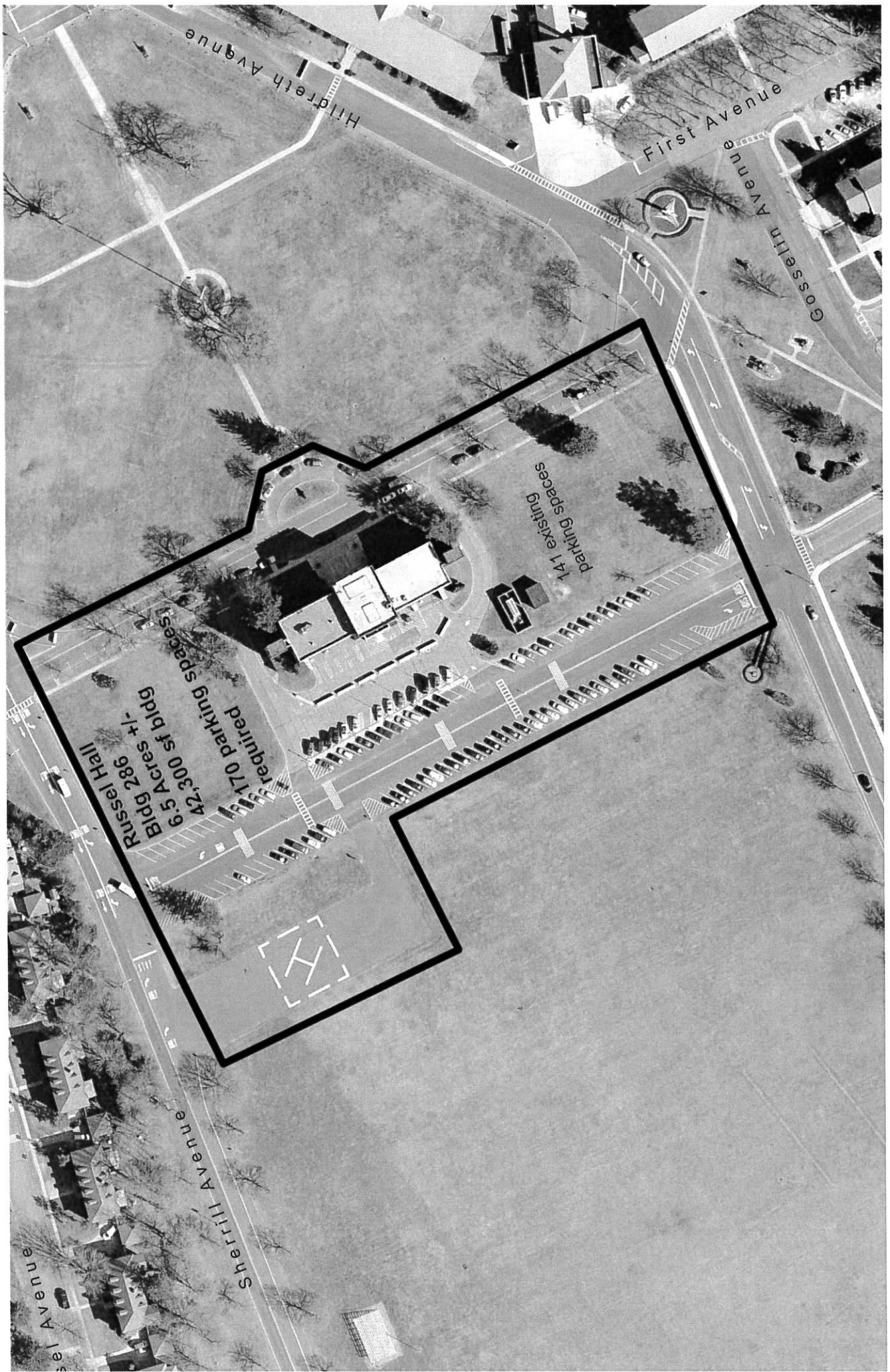
The Real Estate Committee has reviewed making Russel Hall available through the offer to purchase process and recommends approval to the full Board of Directors.

Recommendation

In summary, I am requesting that the Board of Directors authorize FMERA staff to make Russel Hall (Building 286) in Fort Monmouth's Oceanport Reuse Area available through the Offer to Purchase process, in accordance with FMERA's approved Rules for the Sale of Real and Personal Property.


Bruce Steadman

Attachment: Parcel map
Prepared by: David E. Nuse



Hildreth Avenue

First Avenue

Gosselin Avenue

Sherrill Avenue

Sherrill Avenue

Russel Hall
Bldg 286
6.5 Acres +/-
42,300 sq ft bldg

170 parking spaces
required

141 existing
parking spaces

**ADOPTED
June 19, 2013**

Resolution Regarding
**Approval to Make the Fabrication Shops (Buildings 2501-2507)
Available through the Offer to Purchase Process**

WHEREAS, section 9(j) of the Fort Monmouth Economic Revitalization Authority Act (“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 the Fabrication Shops (Buildings 2501-2507) in the Charles Wood Area in Tinton Falls; and

WHEREAS, this recommendation is based on several factors. The property is well-suited as a multi-tenanted industrial park, with each building offering adaptable space suitable for up to five small businesses, and Building 2501 potentially serving as the administrative headquarters for the Park. This could attract one purchaser/user, or an investor who would purchase the buildings for lease to small businesses. Staff believes the Request For Offer To Purchase (RFOTP) process may allow greater flexibility for selecting the scenario that would create the maximum number of jobs and enhance the economic value of the property to FMERA and the Army; and

WHEREAS, a proposal was received on June 6, 2013 in response to FMERA’s RFOTP for Building 2705, which is also located in Parcel F and is targeted for research and development use. Staff would like to build on that momentum to continue the redevelopment of Parcel F, potentially tying the future of the Fabrication Shops to advanced manufacturing or prototype development in support of the future R&D uses on Parcel F; and

WHEREAS, 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, are maximized; and

WHEREAS, the Real Estate Committee has reviewed and discussed making the Fabrication Shops 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 the Fabrication Shops in the Charles Wood Area in Tinton Falls 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: June 19, 2013
ATTACHMENT

EXHIBIT 4



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Making Available the Fabrication Shops in the Charles Wood Area through the Offer to Purchase Process

DATE: June 19, 2013

Request

I am requesting that the Board of Directors authorize the Fort Monmouth Economic Revitalization Authority (FMERA) staff to make the Fabrication Shops (Buildings 2501-2507) in Fort Monmouth's Charles Wood Area available through the offer to purchase process, in accordance with FMERA's approved sales rules.

Background

The former Fort Monmouth property includes five fabrication shops that are well-suited for re-use by a business or businesses engaging in light industrial/fabrication/assembly work. The five fabrications shops (Buildings 2502-2507) consist of flex (industrial/office) space in varying configurations and range in size from 7,680 sf to 10,944 sf. There is also a building (Building 2501) on site that is 1,440 sf and well-suited for use as office space. The buildings together total over 44,000 sf. Constructed in 1942, these one-story facilities are located in the Tinton Falls Reuse Area of the Fort, and were used by the Army for fabrication. The parcel size, which includes all six buildings, totals five acres.

The Fort Monmouth Reuse and Redevelopment Plan (the Reuse Plan) envisions that the buildings be retained for use as light industrial/fabrication/assembly facilities. The property is located within Parcel F, which is a Phase One property in FMERA's June 25, 2012 Economic Development Conveyance Agreement with the Army.

The Board of Directors approved the Rules for the Sale of Real and Personal Property (the Sale Rules) at the August 17, 2011 Meeting of the Authority. In accordance with Section 19:31C-2.5(a) of the Sale Rules, before 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 to offer the property for sale through the Offer to Purchase process. In its determination to use the Offer to Purchase process, the Board also may consider various factors including, but not limited to, purchase price, jobs to be created and timing, to determine whether the offer to purchase process will enhance the economic value to FMERA or Fort Monmouth. After the RFOTP is issued and


offers are received and negotiated, the Director and FMERA staff shall present a recommendation to the Board to accept an offer, to terminate negotiations regarding offers, or to take other appropriate action.

Authority staff recommends proceeding with the offer to purchase process for the Fabrication Shops (Buildings 2502-2507) and accompanying office space (Building 2501), rather than Sealed Bids. This recommendation is based on several factors. First, the property is well-suited as a multi-tenanted industrial park, with each building offering adaptable space suitable for up to five small businesses, and Building 2501 potentially serving as the administrative headquarters for the Park. This could attract one purchaser/user, or an investor who would purchase the buildings for lease to small businesses. Staff believes the Request For Offer To Purchase (RFOTP) process may allow greater flexibility for selecting the scenario that would create the maximum number of jobs and enhance the economic value of the property to FMERA and the Army. Second, a proposal was received on June 6, 2013 in response to FMERA's RFOTP for Building 2705, which is also located in Parcel F and is targeted for research and development use. Staff would like to build on that momentum to continue the redevelopment of Parcel F, potentially tying the future of the Fabrication Shops to advanced manufacturing or prototype development in support of the future R&D uses on Parcel F. Accordingly, 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, are maximized.

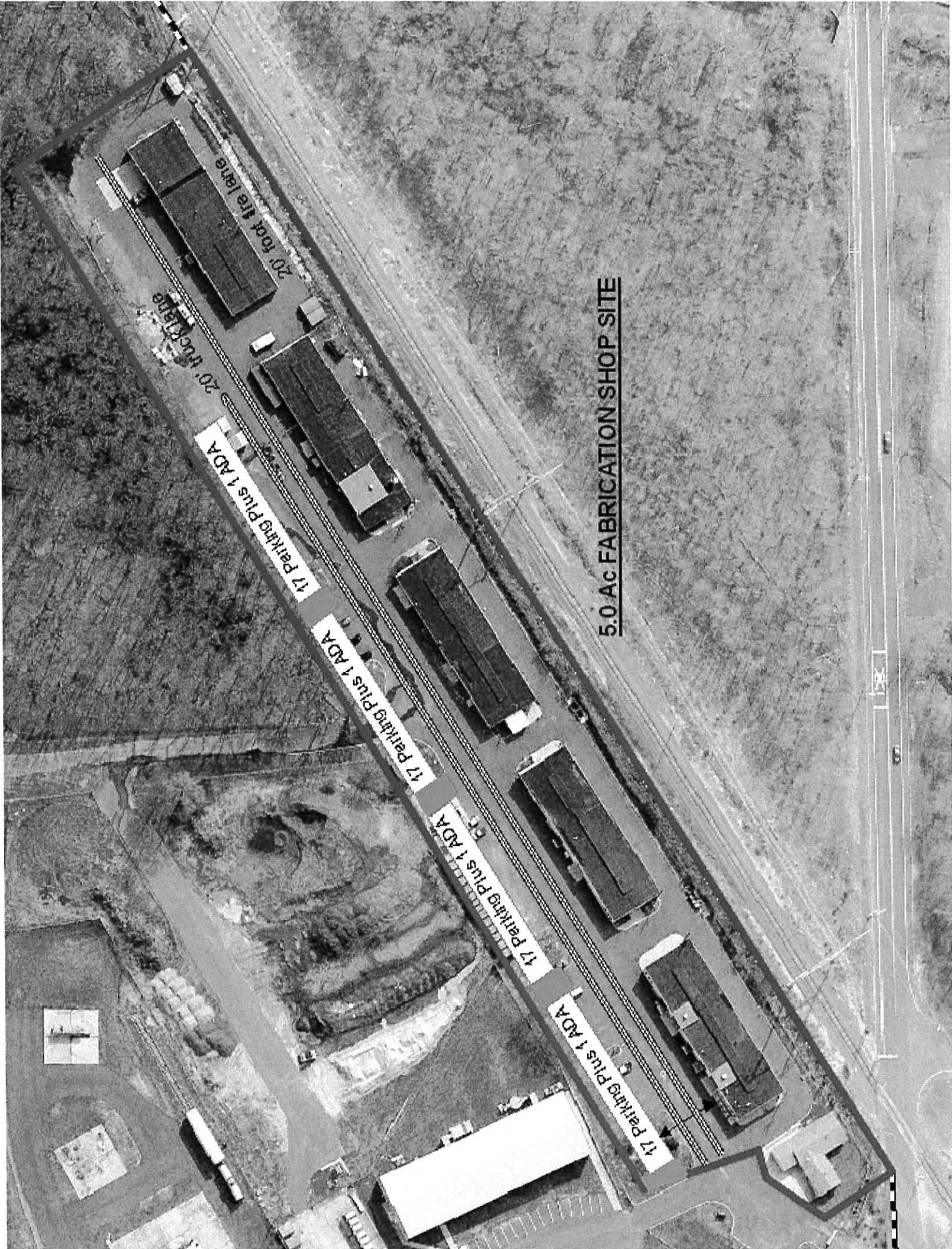
The Real Estate Committee has reviewed making the Fabrication Shops available through the offer to purchase process and recommends approval to the full Board of Directors.

Recommendation

In summary, I am requesting that the Board of Directors authorize the Fort Monmouth Economic Revitalization Authority (FMERA) staff to make the Fabrication Shops (2501-2507) in Fort Monmouth's Charles Wood Area available through the offer to purchase process, in accordance with FMERA's approved sales rules.


Bruce Steadman

Attachments: Proposed Parcel Map
Prepared by: Katie Hodes



5.0 Ac FABRICATION SHOP SITE

ADOPTED
June 19, 2013

Resolution Regarding the
**Approval of FMERA Staff's Recommendations
Regarding Public Comments Submitted and
Final Adoption of the Proposed Land Use Rules
Containing Development and Design Guidelines**

WHEREAS, FMERA's charge is to adopt any modifications or amendments to the *Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan)* and adopt land use regulations and development and design guidelines consistent with and in furtherance of the *Reuse Plan*; and

WHEREAS, the Land Use Rules constitute the land use regulations and development and design guidelines intended to further the vision described in the *Reuse Plan*. Consistent with the edicts of the *Reuse Plan*, the use and bulk regulations and development and design guidelines contained in the Land Use Rules promote flexibility in implementation of the *Reuse Plan*, where appropriate, so as to focus on the creation and replacement of new jobs and return the region to economic vitality as expeditiously as possible; and

WHEREAS, the development and design guidelines within the Land Use Rules are intended to foster development that is consistent with the overall vision spelled out in the *Reuse Plan*, and also blend with the fabric of the host municipalities while also respecting existing neighborhood character; and

WHEREAS, this document has undergone review by the Real Estate Committee, the Housing Staff Advisory Committee, outside counsel, planning professionals representing Monmouth County and the Boroughs of Eatontown, Oceanport and Tinton Falls, FMERA Staff and our Planning Consultant, PPG; and

WHEREAS, pursuant to the Board of Directors approval of the proposed new rules on January 16, 2013, the Rules were published in the New Jersey Register on February 19, 2013 for a 60-day public comments period; and

WHEREAS, FMERA staff reviewed the timely public comments received and have proposed responses; and

WHEREAS, for the reasons set forth in the attached memorandum, the FMERA staff recommends approval of the proposed responses to public comments and adoption of the revised Proposed New Rules: N.J.A.C. 19:31C-3, Fort Monmouth Economic Revitalization Authority Land Use.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves responses to the public comments and the adoption of the

published proposed new land use rules containing development and design guidelines substantially as set forth in the attached memorandum and proposed rules.

2. The Authority authorizes staff to submit the adopted revised land use 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 Fort Monmouth Economic Revitalization Authority Act.

DATED: June 19, 2013
ATTACHMENT

EXHIBIT 5



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Consideration of Adoption of Fort Monmouth Land Use Rules and Responses to Public Comments

DATE: June 19, 2013

Request

I am requesting that the Board of Directors adopt the final version of the Proposed New Rules: N.J.A.C. 19:31C-3, Fort Monmouth Economic Revitalization Authority Land Use. These rules were published February 19, 2013 in the NJ Register for formal public comment, responses to public comments, and Board approval of responses to comments and the final rules. The public comment period ended April 30, 2013.

Background

To implement the *Reuse Plan*, the State legislature, pursuant to the *Fort Monmouth Economic Revitalization Authority Act*, P.L. 2010, c. 51(N.J.S.A. 52:27I-18 et seq.) (the "Act"), empowered an Authority to replace the Fort Monmouth Economic Revitalization Planning Authority known as the Fort Monmouth Economic Revitalization Authority (FMERA). FMERA's charge is to adopt any modifications or amendments to the *Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan)* and adopt land use regulations and development and design guidelines consistent with and in furtherance of the *Reuse Plan*.

The Land Use Rules constitute the land use regulations and development and design guidelines intended to further the vision described in the *Reuse Plan*. Consistent with the edicts of the *Reuse Plan*, the use and bulk regulations and development and design guidelines contained in the Land Use Rules promote flexibility in implementation of the *Reuse Plan*, where appropriate, so as to focus on the creation and replacement of new jobs and return the region to economic vitality as expeditiously as possible. The Land Use Rules also provide procedures to be followed for amending or supplementing the *Reuse Plan*, when determined by FMERA to be necessary or appropriate, and as permitted pursuant to the Act.

The development and design guidelines within the Land Use Rules are intended to foster development that is consistent with the overall vision spelled out in the *Reuse Plan*, and also blend with the fabric of the host municipalities while also respecting existing neighborhood character. In order to promote flexibility, the guidelines are not deemed mandatory, but rather are intended to reflect the preferred form of development and design.

This document has undergone review by the Real Estate Committee, the Housing Staff Advisory Committee, outside counsel, planning professionals representing Monmouth County and the Boroughs of Eatontown, Oceanport and Tinton Falls, FMERA Staff and our Planning Consultant, PPG.

Comments

Three sets of comments were timely received. Staff recommends that two sets of comments be rejected with no changes to the Land Use Rules. While the specific change proposed in the third comment is recommended for rejection, changes to the land use rules are recommended in response to the third comment.

Staff recommends that comments submitted by Tom Mahedy, Fort Monmouth Earth Peace Renaissance Alliance, Wall New Jersey, be rejected. Most of the comments did not specifically address the language in the proposed new rules. In addition, he commented that the proposed new rules do not adequately address the following: notification of public hearings; low penalties for violations; permaculture; mandatory solar energy systems for each building; and green building and sustainability. Our response to these comments is that the proposed new rules, under N.J.A.C. 19:31C-3.26, provide requirements for public hearings including public notification. Also, the proposed rules define what may be built and how approval must be sought; building permits, certificates of occupancy, and code enforcement are the responsibility of the host municipalities. Thus, the discussion of the amount of penalties is not relevant. In addition, as permaculture is not included in the Reuse Plan, it is not included in the proposed new Land Use rules. Finally, solar energy systems, green building and sustainability are recommended and encouraged in the rules.

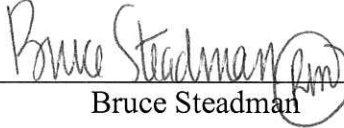
Comments submitted by the Monmouth County Division of Planning requested that the proposed extension of Tinton Avenue (County Road 537) be reflected in the rules as a potential roadway option with a revised cartway width from 48 feet to a minimum 60 feet. The Division also asked that the Monmouth County Development Regulations be referenced in the rules. Staff recommends that the requested revisions to the proposed new rules regarding Tinton Avenue, which would conform the right-of-way of streets around the Parade Ground to be consistent to the County Road Plan be rejected. The cartway widths in the proposed new rules are restated from the Reuse Plan, and are consistent with Residential Site Improvements Standards. In addition, the roadway dimensions provided in the design guidelines section of the proposed new rules are not mandatory, similar to the right-of-way widths listed in the Monmouth County Road Plan. Finally, the Land Use Rules already require that all site plan and subdivision applications submitted to the Fort Monmouth host communities – Eatontown, Oceanport and Tinton Falls Boroughs – must also be submitted to the Monmouth County Planning Department to the extent required by the County Planning Law.

Comments received from John F. Semple, V.P. and Division Counsel, HovWest Land Acquisition, L.L.C. request that the provision at N.J.A.C. 19:31C-3.4(a)1.i(2), defining medium-density residential use, should be revised to include “townhouses (only one unit vertically, in attached structures providing up to eight units per structure)”; and, that “each townhouse unit shall have its own private entrance at the first level.” The commenter explains that this would allow townhouses in Howard Commons (called the Pinebrook Neighborhood in the Land Use

Rules). The Reuse Plan contemplates residential medium density at Howard Commons through the use of apartments and townhouses. The rules approved on January 16, 2013 for public comment did not include townhouses in Howard Commons. In the proposed rules as amended, Table 1 (Permitted Principal Land Uses by Municipality and Development District) in N.J.A.C. 19:31C-3.4 now also permits townhouses consisting of attached, single units at a minimum of four units per structure in Howard Commons (called the Pinebrook Neighborhood in the rules). However, the Authority rejects adding townhouses in the definition of residential medium-density use, as proposed, because such a change would affect development districts other than the Pinebrook Neighborhood (Howard Commons). With regard to the definition of townhouses suggested by the commenter, a mandatory minimum number of units is included, without which, development could be inconsistent with the residential medium density development contemplated in the Reuse Plan for Howard Commons. Finally, the Authority rejects imposing the requirement that each townhouse unit have its own private entrance at the first level because in the residential medium-density use private entrances at the first level are optional. This change does not affect any of the substantive characteristics of the residential medium-density use permitted at Howard Commons. Maximum density, minimum attached units per structure, maximum yields, minimum setbacks, and permitted accessory uses all remain the same, and private entrances at the first level remain optional. Additionally, these comments show that the language in the rules regarding the relationship between the Reuse Plan and the Land Use Rules should be clarified to and specifically permit uses permitted in the Reuse Plan.

Recommendation

In summary, I am requesting that the Board of Directors approve the responses to the public comments and adoption of the revised Proposed New Rules: N.J.A.C. 19:31C-3, Fort Monmouth Economic Revitalization Authority Land Use.


Bruce Steadman

ATTACHMENT

Prepared by: Richard Harrison



ATTACHMENT

[The attachment that the preceding memo refers to has been removed from this full agenda.]