

MINUTES OF THE MEETING

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

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - V
- Robert Ades, Vice Chairman, Public Member – V
- Amy Herbold, Assistant Counsel, Authorities Unit, Office of the Governor – V
- Lillian Burry, Monmouth County Freeholder – V
- Gerald Tarantolo, Mayor of Eatontown – V
- Gerald Turning, Mayor of Tinton Falls – V
- Michael Mahon, Mayor of Oceanport – V
- Tim Lizura, President and Chief Operating Officer, New Jersey Economic Development Authority (NJEDA) - V
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)

V - Denotes Voting Member

Members Not Present

- Dr. Robert Lucky, Public Member – V
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor & Workforce Development
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJTransit (NJT)
- Charles Richman, Deputy Commissioner, NJ Department of Community Affairs (DCA)

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 7:02 p.m., 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 the meeting was sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, that a meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA and the NJEDA websites.

The first item of business was the approval of the January 15th meeting minutes. A motion was made to approve the minutes by Lillian Burry and seconded by Mayor Tarantolo.

Motion to Approve: LILLIAN BURRY Second: MAYOR TARANTOLO
AYes: 8

III. WELCOME

Chairman James V. Gorman welcomed attendees to the 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 in the afternoon to give the public the opportunity to review the information in advance of the meeting.

Mr. Gorman stated that there is a new Board protocol regarding the two comment periods and Mr. Steadman would be explaining the protocol during the Secretary's report. Mr. Gorman asked that the public cooperate in complying with the revised meeting protocol. Mr. Gorman stated that public interest and comment is an important component of the successful redevelopment of Fort Monmouth and that the new protocol should facilitate increased public participation and transparency.

Mr. Gorman stated that the Board would receive updates from the Committees and the Staff Advisory Committees. Mr. Gorman stated that there will be three Board Actions; Consideration of approval to terminate the Offer to Purchase process with regard to Parcel B on Fort Monmouth's Main Post without awarding a purchase contract and approval to issue a new Request for Offers to Purchase (RFOTP) for Parcel B; Consideration of approval of a Redevelopment Agreement between AcuteCare Management Services, LLC (AcuteCare) and FMERA with respect to AcuteCare's purchase and redevelopment of the former Patterson Army Health Clinic; and Consideration of selection of Professional Management and Maintenance Service Provider for Suneagles Golf Course and Associated Banquet/Restaurant Facilities. Mr. Gorman stated that the Board would enter into Executive Session to discuss non-public negotiations with the Army regarding the Phase 2 EDC.

The Chairman went on to state that there will be two comment periods at the meeting based on the new meeting protocol. 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 reviewed the new Board Meeting protocol and stated that the protocol was posted on the FMERA website and copies were available at the door.

1. Public Comment Regarding Action Items

This first period of public comment is limited to Board Action items listed on the Meeting Agenda only. If no Action items are included in a particular meeting agenda, this public comment period will be excluded and all comments will be reserved for the final public comment period. Each speaker will have up to three minutes to provide comments. No comments will be addressed until all the speakers have concluded and have returned to their seats. The three-minute period is not transferrable in whole in part from one speaker to another.

2. Public Comment Regarding FMERA related business.

This second and final period of public comment is open for all FMERA-related business. Each speaker is allowed up to five minutes for any comments. No comments will be addressed until all the speakers have concluded and have returned to their seats. The five-minute period is not transferrable in whole or in part from one speaker

Mr. Steadman stated that the public is welcome to send their comments regarding the protocol to fmerainfo@njeda.com.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that a new grant application is being prepared to support the Authority's operations for the period July 1, 2014 through June 30, 2015. The funds being requested from the Office of Economic Adjustment are consistent with the budget approved by the Authority's Board for fiscal year 2014 and presented to the State's Office of Management and Budget (OMB) in support of the Authority's appropriation request.

Ms. Akerblom stated that staff is preparing the Authority's 2013 Annual Report for presentation to the Audit Committee with the audited financial statements for the year ended December 31, 2013. 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). It is expected that a draft report and statements will be available for review in early March, and finals presented to the Board in April.

The Authority's independent accounting firm is nearing completion of the field work on the 2013 audit of the Authority. The 2013 fiscal year represents the Authority's first full year of operation under the Phase 1 EDC Agreement. The auditors will report on the Authority's financial statements and accompanying notes, as well as the Phase 1 EDC agreement. Additionally, the auditors will report on the Authority's internal controls and compliance in accordance with Government Auditing Standards and OMB Circular A-133. The auditors will report their findings to the Audit Committee at the Committee's next meeting. Subject to the Audit Committee's recommendation, the 2013 Annual Report including the audited financial statements will be forwarded to the Authority's Board for their review.

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

VI. PUBLIC COMMENT REGARDING BOARD ACTIONS

Anthony Talerico of Eatontown thanked the Board and the Real Estate Committee for the Board Action regarding Parcel B and that he was pleased that the Board memo stated "the new RFOTP will provide greater emphasis and weighting of proposals that reflect the preference of FMERA and the Borough of Eatontown for owner-occupied housing." Mr. Talerico stated that he appreciated that his previous comments at Board meetings were taken into consideration regarding the Parcel B Board action.

Sara Breslow of Eatontown stated that the new Board protocol does not make for a productive meeting as it does not allow for public feedback at the meeting and it blocks freedom of speech.

Bob English of Eatontown stated that the new Board protocol drawback is that it eliminates the public from asking a follow up question.

Tom Mahedy of Wall Township stated that the Board protocol is retribution due to the fact that he was able to uncover corruption and fraud regarding Parcel B and the non-compliant proposer due to New Jersey's political contribution law. Mr. Mahedy stated that AcuteCare was awarded the clinic due to a Senator being an AcuteCare Board member. Mr. Mahedy stated that the previous Request for Proposals for the operator of Suneagles was corrupt. Mr. Mahedy asked who the non-compliant proposer was for Parcel B and who the evaluators were for the proposals. Mr. Mahedy asked who put forth the gag rule regarding the Board protocol.

Mr. Steadman responded to Mr. Talerico's comment stating that his previous comments were not the reason for the cancellation of the Parcel B RFOTP, but that the facts were stated in the Board memo. Mr. Steadman stated that Mr. Mahedy's comments were also not the reason for the cancellation. Mr. Steadman stated that the decision was underway several weeks prior based on circumstances that had come to the attention of staff as well as the Real Estate Committee.

Mr. Steadman stated that the comments of Ms. Breslow and Mr. English will be addressed during the second comment period as they do not relate to Board Action items.

Mr. Steadman stated that there is no response to Mr. Mahedy's comments regarding AcuteCare and Suneagles as they are inaccurate and have been discussed several times in past Board meetings.

VII. EXECUTIVE DIRECTOR'S REPORT

Dave Nuse, Director of Real Estate Development, gave the following summary of the meetings with Army Representatives:

- FMERA and Army staff have been holding on-going discussions over the terms of a Phase 2 Economic Development Conveyance agreement.
- Staff remains hopeful that agreement over business terms can be reached with the Army by the end of the 1st Quarter.
- The Phase 2 negotiations are proving more challenging than Phase 1 because the current as-is value of the property is less than the Army's initial expectations, due in part to the substantial amount of infrastructure and demolition work required on the Main Post.
- The Board will be discussing the status of Army negotiations this evening in Executive Session.

Rick Harrison, Director of Facilities Planning, gave the following summary of the status of the RFOTPs:

The following RFOTPs are still open:

- Pistol Range - proposals due on February 24
- CWA Fire Station - proposals due March 20

The following proposals have been received in response to RFOTPs and are under evaluation:

- 3 proposals each on parcels C and C1. FMERA hopes to have a recommendation to the Board at the March meeting
- 2 proposals were received on Parcel V-1
- 2 proposals were received on the Marina Parcel
- 3 proposals were received on the Fabrication Shops/Pinebrook Commerce Center
- Negotiations with the highest scoring proposer for the Officer Housing RFOTP are underway.
- FMERA anticipates an executed/signed PSA for the Howard Commons Parcel with HovWest by the end of February.

Mr. Harrison stated that FMERA is in negotiations with the Kiely Realty Group, LLC for the Russel Hall Parcel. Mr. Harrison further stated that proposals for the Auctioneering Services RFP are due this Friday, February 21.

Katie Hodes, Marketing and Development Officer, stated that FMERA continues to work with Cushman & Wakefield (Cushman), the Authority's Master Broker, to market the Fort property. FMERA and Cushman conduct, on average, a half a dozen tours per week of the Property. In addition, FMERA, Cushman and the Partnership for Action continue to meet monthly to expand our efforts and utilize additional resources that will enhance the marketing of the Fort. FMERA anticipates issuing a Request for Proposals for website design services in the coming weeks.

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

Bruce Steadman concluded the report with a list of the following actions items:

- Continued work with the N.J. Department of Environmental Protection and Langan-Matrix to identify and resolve environmental issues of concern
- Continued meetings and tours with interested prospective employers and investors

- Continued outreach to our stakeholders in the 3 host municipalities, the County and others
- Continued collaboration with the NJEDA Trenton Office on marketing and business development opportunities
- Note of thanks to the County Public Works and Army Caretaker for excellent help with snow plowing, salting, and shoveling during and after the recent storms.

VII. COMMITTEE REPORTS

a) AUDIT COMMITTEE (ROBERT ADES, CHAIRMAN):

Robert Ades stated that the Committee did not meet this month.

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

Chairman Gorman, stated that the Committee met on January 7th and discussed the following:

- Overview of the request to terminate the Offer to Purchase process with regards to Parcel B on Fort Monmouth's Main Post without awarding a purchase contract and return the deposits with accrued interest to the bidders; and issue a new RFOTP for Parcel B, in accordance with FMERA's approved sales rules. Staff is requesting authority to issue a new RFOTP for Parcel B in order to meet the Reuse Plan's goal of creating a lifestyle town center that blends residential use with retail use in a pedestrian friendly manner, resulting in an exciting and attractive gateway to the Fort. The new RFOTP will place greater emphasis on those qualities we think necessary to achieve the type of "vibrant pedestrian environment" and "exciting gateway" into the Fort that was envisioned in the Reuse Plan. The Real Estate Committee reached a consensus and agreed to recommend approval to the full board.
- Overview of the AcuteCare Redevelopment Agreement. AcuteCare is tentatively scheduled to close on the Clinic Parcel on March 14.
- Overview of the Sunegles Golf Course Operator Request for Proposals. One proposal was received from Atlantic Golf Management (AGM). The Committee reached a consensus and agreed to recommend the selection of AGM to the full board.
- Update on the Phase 2 Economic Development Conveyance negotiations with the Army. Staff will present an update at the Executive Session at tonight's meeting.
- Overview of the Transportation Planning District that is defined in the FMERA enabling statute. Staff asked the Attorney General's Office to provide additional guidance on the matter for future meetings.
- Update on Howard Commons
- Update of Officer Housing
- Update on Parcel C & C1
- Update on Parcel V-1
- Update on Pinebrook Commerce Center
- Update on Marina

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

Kenneth J. Kloo, stated that the Committee met on February 11th and discussed the following:

- Brief overview of AcuteCare's Mandatory Conceptual Review (MCR) application which was received December 19, 2013. In the MCR Application, AcuteCare is proposing to adaptively reuse the former Patterson Army Clinic, limiting construction to the existing building footprint.
- FMERA staff has determined that AcuteCare's MCR application and the Environmental Features checklist demonstrate that the project does not impact environmental features listed in the Natural Resources Inventory (NRI) and, therefore, no action is required by the Committee as FMERA's Environmental Commission.

- The Environmental Features checklist will be posted on the host municipality's website – in the case of the Clinic - Oceanport Borough.
- FMERA staff discussed the preliminary site plan for the Howard Commons redevelopment, but stated FMERA has not seen a final plan for the site and that when it is received, it will be shared with the Committee in accordance with the Land Use Rules and the MCR.
- The DEP Case Manager provided a comparison of the Army's list of Installation Restoration Program (IRP) sites and the DEP's Area of Concern (AOC) inventory for the Ft. Monmouth property. The DEP Case Manager and FMERA staff will work with the Army to clear up any discrepancies between the two lists.
- FMERA staff then provided a brief update on the RFOTPs for the:
 - Myer Center Site
 - Officer Housing
 - Pistol Range
 - Marina
 - Gibbs Hall
 - Parcels C & C1

Mr. Gorman asked Mr. Kloo if there were any serious environmental issues on the Fort. Mr. Kloo stated that there were ongoing environmental issues at the Myers Center with regards to a slab under which chlorinated solvents have been discovered. Mr. Kloo stated that it has been suggested to the Army to have the slab excavated and removed. Mr. Kloo stated that if the slab remains, it will require a deed restriction on the property due to the presence of contaminants.

Mr. Steadman stated that the recommendation to the Army to have the slab removed impacts the potential value of the property during a future sale of the property.

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

Robert Ades stated that the Committee did not meet this month.

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

Bruce Steadman, on behalf of Charles Richman, stated that the Committee met on January 29th and discussed the following:

- Discussion regarding the Purchase & Sale Agreement and Redevelopment Agreement (PSA&RA) for Howard Commons with HovWest Land Acquisition, LLC (HovWest).
- Discussion regarding the first phase of the Howard Commons demolition to take place near the Eatontown elementary school. HovWest anticipates demolition to begin two months after closing.
- Discussion regarding Officer Housing. FMERA has met with the prospective developer and discussions continue.
- Discussion regarding Parcels, B, C, C1 and the status of the meetings with the lead proposers for each of the Parcels.
- Discussion regarding the question of affordable housing as it relates to the Veterans project.

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

Lillian Burry stated that the Committee did not meet this month.

VIII. BOARD ACTIONS

A) The next item before the Board was the consideration of approval to terminate the Offer to Purchase process with regard to Parcel B on Fort Monmouth’s Main Post without awarding a purchase contract, and approval to issue a new Request for Offers to Purchase (RFOTP) for Parcel B.

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

Bruce Steadman stated that the board memo mirrored the resolution and provided additional backup information.

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

Mr. Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Robert Ades	X		
Amy Herbold	X		
Lillian Burry	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Michael Mahon	X		
Tim Lizura	X		

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

B) The next item before the Board was the consideration of approval of a Redevelopment Agreement between AcuteCare Management Services, LLC and FMERA with respect to AcuteCare’s purchase and redevelopment of the former Patterson Army Health Clinic.

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 Lillian Burry and was seconded by Mayor Mahon.

Mr. Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Robert Ades			X
Amy Herbold	X		
Lillian Burry	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Michael Mahon	X		
Tim Lizura	X		

Mr. Ades abstained from the vote stating that he does not support the prevailing wage clause in the Redevelopment Agreement.

Motion to Approve: LILLIAN BURRY Second: MAYOR MAHON
AYes 7

C) The next item before the Board was the consideration of selection of Professional Management and Maintenance Service provider for Suneagles Golf Course and Associated Banquet/Restaurant Facilities.

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 Robert Ades and was seconded by Mayor Tarantolo.

Mr. Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Robert Ades	X		
Amy Herbold	X		
Lillian Burry	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Michael Mahon	X		
Tim Lizura	X		

Motion to Approve: ROBERT ADES Second: MAYOR TARANTOLO
AYes 8

IX. OTHER ITEMS

Mayor Tarantolo made a motion for the Board to adopt a resolution calling for FEMA to extend the housing located on the Fort.

Mayor Mahon stated that a letter requesting the extension was sent to the Governor from the Boroughs of Oceanport and Sea Bright.

A motion was made to adopt the resolution by Mayor Tarantolo and was seconded by Lillian Burry.

Motion to Approve: MAYOR TARANTOLO Second: LILLIAN BURRY
AYes 8

PUBLIC COMMENT

Bob English of Eatontown stated that the Board protocol was reasonable but asked why it does not allow for follow up questions from the public. Mr. English asked the Mayors and Freeholder to voice their opinion about the protocol. Mr. English asked if there has been a response from the Attorney General's office regarding Parcel V-1 and the affordable housing component.

Sara Breslow stated that submitting questions before the Board meeting does not allow the public the opportunity to hear the answers at the meeting. Ms. Breslow stated that the Board should not allow the over use of the Chairman's authority and that the Board protocol allows for illegal gag-orders.

Mr. Steadman responded to Mr. English's comments by stating that no decision has been made regarding Parcel V-1 from the Attorney General's office. Mr. Steadman stated the delays are not related to Parcel B and that Parcel V-1 is being handled as a separate project.

Mr. Gorman noted that FMERA does not have a responsibility to answer comments, but only to offer the public an opportunity to comment. Mr. Gorman also noted that in the absence of follow-up questions, members of the public are invited to ask their questions directly to Executive Director Steadman at the close of the Board meetings, or at any time during normal business hours at the FMERA offices.

The next item before the Board was to adjourn the Public Session of the meeting and enter into Executive Session – OPMA Exemption N.J.S.A. 10:4-12b(5) and (7): Pending Real Estate and Contract Negotiations with the Army.

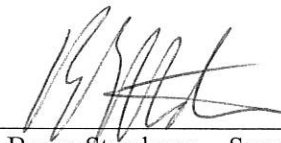
A motion was made to enter into Executive Session by Robert Ades, seconded by Mayor Turning and unanimously approved by all voting members present.

There being no further business in Executive Session, a motion was made to go back into public session by Robert Ades seconded by Mayor Tarantolo and unanimously approved by all voting members present.

The Board returned to public session.

There being no further business, on a motion by Robert Ades seconded by Mayor Turning and unanimously approved by all voting members present, the meeting was adjourned at 9:42 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
February 19, 2014

Resolution Regarding
**Approval to terminate the Offer to Purchase process
with regard to Parcel B on Fort Monmouth's Main Post without
awarding a purchase contract and return the deposits
with accrued interest to the bidders;
and issue a new Request for Offers to Purchase (RFOTP)
Parcel B, in accordance with FMERA's approved sales rules**

WHEREAS, Parcel B is a 55.327 acre tract fronting on Route 35 in the Eatontown Reuse Area of the Main Post; and

WHEREAS, the Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan) calls for the 480,000± sf of existing buildings to be demolished and replaced with up to 150,000 sf of retail and commercial uses and 302 housing units, 20% of which must be affordable to low- and moderate-income households; and

WHEREAS, based on staff's recommendation, and with the Real Estate Committee's concurrence, the Board authorized proceeding with the offer to purchase process for Parcel B at the January 2013 meeting of the Authority; and

WHEREAS, on March 26, 2013, FMERA publically issued an RFOTP for Parcel B, with proposals due on June 10, 2013; and

WHEREAS, proposals were received from four entities, with one of the proposers offering multiple scenarios for development, as permitted by the RFOTP; and

WHEREAS, an Evaluation Committee consisting of three FMERA staff members and one Army representative independently scored the proposals, and then met as a team to rank the responses in accordance with the Authority's Sales Rules; and

WHEREAS, the proposer that was ranked highest by the Evaluation Committee was disqualified for non-compliance with New Jersey's political contributions law, P.L. 2005, c. 51; and

WHEREAS, following the disqualification of the top scoring proposer, staff met with the second-ranked party to discuss its proposal, including how it addressed the Borough's preference for owner-occupied housing and the project's proposed retail/commercial component. After the meeting and a subsequent discussion with the proposer, staff believes the second-ranked proposal falls short of the high standards the Reuse Plan allows; and

WHEREAS, a review of the other proposals submitted for Parcel B met with a similar staff opinion, as none of the responses received proposed a lifestyle town center format

that blends residential use with retail use in a pedestrian friendly manner; and

WHEREAS, staff is requesting authority to issue a new RFOTP for Parcel B in order to meet the Reuse Plan's goal of creating a lifestyle town center that blends residential use with retail use in a pedestrian friendly manner, resulting in an exciting and attractive gateway to the Fort; and

WHEREAS, the new RFOTP should provide greater emphasis and weighting of proposals that reflect the preference of FMERA and the Borough of Eatontown for owner-occupied housing; and

WHEREAS, the Real Estate Committee has discussed terminating the Parcel B Request for Offer to Purchase process and issuing a new RFOTP for Parcel B and recommends approval of the matter to the full Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves terminating the Parcel B Request for Offers to Purchase process without awarding a purchase contract and issuing a new RFOTP for Parcel B, as set forth in the attached memorandum.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the termination of the Parcel B Request for Offers to Purchase process, including returning the deposit with any accrued interest to the bidder.

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.

ATTACHMENT

Dated: February 19, 2014

EXHIBIT 1

ADOPTED
February 19, 2014

Resolution Regarding
Approval of Redevelopment Agreement
between AcuteCare and FMERA

WHEREAS, the Clinic, also known as Building 1075, is a 98,000± sf medical facility situated on a 16± acre parcel on Main Street in the Oceanport Reuse Area of the Main Post. The Clinic was constructed in 1961 and was expanded several times in the following decades; and

WHEREAS, the Fort Monmouth Reuse and Redevelopment Plan (the “Reuse Plan”) envisioned that the Clinic would be demolished and the property redeveloped for a mix of residential uses totaling 85 units. The Reuse Plan, however, also acknowledged that additional analysis of the Clinic’s reuse potential should be explored; and

WHEREAS, in August 2011, FMERA issued a Request for Proposals for the early lease of the Clinic, with an obligation to purchase, and received one qualified proposal from AcuteCare; and

WHEREAS, in its proposal, AcuteCare proposed to reuse the property as a medical facility, serving the elderly, veterans and other patients, along with other related uses. Renovation of the facility by AcuteCare would also avoid the need to demolish this building at an approximate cost savings to FMERA of \$1 million; and

WHEREAS, at the February 2012 meeting, the Members authorized staff to pursue negotiations for the lease and ultimate sale of the Clinic to AcuteCare, subject to adoption of a Reuse Plan amendment; and

WHEREAS, at the August 2012 meeting, the Members approved the transmittal of proposed Reuse Plan Amendment #2 to the three Host Municipalities. Amendment #2 would permit an alternative development scenario in the Oceanport Reuse Area that, if pursued, would result in the reuse of the Clinic as a medical facility; and

WHEREAS, after considering the comments from the Host Municipalities, the statements and opinions of its professional consultants, and the advice of the Real Estate and Housing Committees, the Board approved Amendment #2 at the December 2012 meeting; and

WHEREAS, at its September 2012 meeting, the Board authorized the execution of a Purchase and Sale Agreement (“PSA”) for AcuteCare’s purchase of the property for \$2,733,300; and

WHEREAS, under the PSA, a condition precedent to FMERA’s sale of the Clinic to AcuteCare is the execution of a redevelopment agreement (“Redevelopment

Agreement”), as required by the FMERA Act; and

WHEREAS, the purpose of the Redevelopment Agreement is to set out the terms and conditions under which FMERA and AcuteCare will carry out their respective obligations with regard to the construction of the project, and the parties’ rights and remedies for non-compliance; and

WHEREAS, the Redevelopment Agreement confirms AcuteCare’s covenants contained in the PSA to start and complete the project consistent with the timeframes stated above, and bars AcuteCare from re-selling the property until receiving a certificate of completion from the Authority; and

WHEREAS, the Real Estate Committee has discussed the Redevelopment Agreement between AcuteCare and FMERA and recommends approval of the Agreement to the full Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Redevelopment Agreement between AcuteCare and FMERA as set forth in the attached memorandum and Redevelopment Agreement.
2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the Redevelopment Agreement with AcuteCare.
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.

ATTACHMENT

Dated: February 19, 2014

EXHIBIT 2

ADOPTED
February 19, 2014

Resolution Regarding the
Selection of the Professional Manager
for the Professional Management and Maintenance for
Fort Monmouth Sun eagles Golf Course and
Associated Banquet/Restaurant Facilities
Request for Proposals

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; section 9(cc) to “administer, operate, . . . and maintain, renovate, repair, modernize, lease or otherwise deal with any property”; and section 9(gg) “[t]o make and enter into all contracts and agreements necessary or incidental to the performance of the duties authorized”; and

WHEREAS, on January 11, 2013, the Authority issued a Request for Proposals for Professional Management and Maintenance for Fort Monmouth Sun eagles Golf Course and Associated Banquet/Restaurant Facilities (“the RFP”) with a mandatory pre-proposal conference held on January 18, 2013 and bid submissions due by February 11, 2013; and

WHEREAS, an award was made and the Board approved FMERA to enter into a new contract with Atlantic Golf Management; and

WHEREAS, this award was challenged by Meticulous Golf Management and the challenge was upheld; and

WHEREAS, a re-bid RFP was issued on November 22, 2013 with proposals due on January 3, 2014. As of the proposal due date, January 3, 2014, one proposal was received; and

WHEREAS, the Atlantic Golf Management Proposal was reviewed for compliance with the RFP and scored and evaluated by an evaluation team; and

WHEREAS, the Technical Proposal was scored at 185, out of a maximum score of 200 and the Fee Proposal was then evaluated; and

WHEREAS, the fee proposal for Atlantic Golf Management totaled \$62,500 for the initial 12-month period. Should the Authority choose to exercise its right to extend the term of the contract on a month by month basis, the individual monthly fees in the Fee Proposal will remain unchanged; and

WHEREAS, the contract also allows the Authority to terminate it without penalty if the Authority no longer leases or owns the golf course; and

WHEREAS, the Real Estate Committee has discussed the selection of Atlantic Golf Management and recommends approval to the full Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves entering into a contract with Atlantic Golf Management for the services sought in the RFP as set forth in the attached memorandum subject to the terms and conditions set forth in this Resolution, the RFP and addendum, and Atlantic Golf Management's proposal.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the selection of Atlantic Golf Management as the Professional Manager.

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.

ATTACHMENT

Dated: February 19, 2014

EXHIBIT 3

ADOPTED
February 19, 2014

Resolution Regarding
Entering into Executive Session
To Discuss Pending Real Estate and Contract Negotiations with the Army

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

WHEREAS, pursuant to the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(7), a public body may enter into executive session to discuss “[a]ny pending or anticipated . . . contract negotiation other than [a collective bargaining agreement] in which the public body is, or may become a party”; and

WHEREAS, the Authority desires to enter into executive session to discuss pending negotiations concerning contracts to purchase, lease or acquire real property from the U.S. Army with the use of public funds and the Authority is a party to such contracts.

THEREFORE, BE IT RESOLVED THAT:

1. In accordance with the Open Public Meetings Act, the Authority shall go into executive session for the purpose of discussing real estate purchase, lease or acquisition from and pending contract negotiations with the U.S. Army.

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

ATTACHMENT

Dated: February 19, 2014

EXHIBIT 4