



**TO:** Members of the Board  
**FROM:** Bruce Steadman  
Executive Director and Secretary  
**DATE:** April 23, 2014  
**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**
8. **Public Comment Regarding Board Action Items**
9. **Executive Session – OPMA EXEMPTION N.J.S.A. 10:4-12b(5) and (7):** Update on Real Estate and Contract Negotiations with the Army  
**Public Session – Board Action**
  - Consideration of Approval for FMERA Staff to Proceed with Real Estate and Contract Negotiations with the Army for Phase 2
10. **Executive Director’s Report:**
  - Update on Meetings with Army Representatives
  - Update on Requests for Offers to Purchase (RFOTPs)
  - Update on Marketing Effort
  - Action Items for Next Month
11. **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 – Gina Fischetti, Chairwoman
- Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

12. **Other Board Actions**

- Consideration of Approval of the Authority’s Comprehensive Annual Report for 2013, as Required by Executive Order No.37
- Consideration of Approval for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for the Officer Housing Parcel
- Consideration of Approval for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the RFOTP for Parcels C and C1

13. **Other Items**

14. **Public Comment Regarding any FMERA Business**

- Responses to questions submitted online or in writing

15. **Adjournment**

**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**
- Dr. Robert Lucky, Public Member – **V**
- Amy Herbold, Assistant Counsel, Authorities Unit, Office of the Governor – **V (via telephone)**
- Lillian Burry, Monmouth County Freeholder – **V**
- Gerald Tarantolo, Mayor of Eatontown – **V**
- Michael Mahon, Mayor of Oceanport – **V**
- Tim Lizura, President and Chief Operating Officer, NJ Economic Development Authority (NJEDA) – **V**
- Gina Fischetti, Chief Counsel, Local Planning Services, NJ Department of Community Affairs (DCA)
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- Jeffrey Stoller, Assistant Commissioner, Office of Research and Information, NJ Department of Labor & Workforce Development (DOL)
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJTransit (NJT)

**V - Denotes Voting Member**

**Members Not Present**

- Gerald Turning, Mayor of Tinton Falls – **V**

**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 7:03p.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 February 19<sup>th</sup> meeting minutes. A motion was made to approve the minutes by Tim Lizura and seconded by Lillian Burry.

AYes: 8

The second item of business was the approval of the February 19<sup>th</sup> Executive Session meeting minutes. A motion was made to approve the minutes by Gerald Tarantolo and seconded by Michael Mahon.

Motion to Approve: MAYOR TARANTOLO Second: MAYOR MAHON  
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 the Board protocol established at the February Board meeting will continue to be followed. Mr. Gorman stated that there are no Board Actions; therefore there will be one comment period in accordance with that protocol.

Mr. Gorman stated that the Board would receive updates from the Committees and the Staff Advisory Committees. Mr. Gorman thanked Bruce Steadman and the FMERA staff for their meeting with the Army and the successful efforts to approve and expedite the Phase 2 Economic Development Conveyance (EDC) negotiations with the Army for the current and future redevelopment efforts. Mr. Gorman stated that time is of the essence to the local communities to restore the economic stimulus due to the Fort closure. Mr. Gorman stated that the Board would enter into Executive Session to discuss highly confidential information related to the Phase 2 EDC.

The Chairman went on to state that there will be one comment period 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 stated that the sound system in the Board meeting room has been retested and the volume has been increased. Mr. Steadman stated that the public is welcome to send comments to [fmereinfo@njeda.com](mailto:fmereinfo@njeda.com) regarding the new board comment period protocol. Mr. Steadman stated that he had a conversation with Bob English from Eatontown regarding the new public comment protocol. Mr. Steadman stated that he received an email from Tom Mahedy of Wall Township regarding how FMERA operates and conducts business. Mr. Steadman asked Mr. Mahedy to be more specific regarding his request, and an answer would be provided.

### V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that work continues on the federal grant application 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 (OEA) 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). The 2013 audit continues. 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 Comprehensive 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. EXECUTIVE DIRECTOR'S REPORT

Mr. Steadman stated that FMERA and AcuteCare closed on the Patterson Army Clinic today. Mr. Steadman thanked the FMERA staff, Dan Czermak of AcuteCare, Mayor Mahon and the Oceanport Planning Board for their assistance in bringing the Clinic to a close.

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

- FMERA and Army staff have been holding discussions over the past year and a half regarding the terms of a Phase 2 EDC agreement.
- The EDC Agreement is the mechanism through which FMERA takes ownership of property from the Army and makes it available for private redevelopment. Staff met with Army representatives on March 6<sup>th</sup> in Washington and made significant progress toward an agreement covering the Main Post.
- FMERA's goal is to have an executed Phase 2 EDC Agreement with the Army by the end of the 3<sup>rd</sup> Quarter.
- FMERA staff will be briefing the Board on the status of the confidential Army negotiations in Executive Session.
- FMERA anticipates receiving a deed from the Army for the remaining Phase 1 properties on or about March 31. The Phase 1 EDC Agreement covers the Charles Wood Area in Tinton Falls and Eatontown, and three parcels on the Main Post. To date, FMERA has taken title to 2 Phase 1 parcels, Parcel E (Tinton Falls) and the Clinic Parcel (Oceanport), which were sold to CommVault and AcuteCare, respectively.

Rick Harrison, Director of Facilities Planning gave the following summary of the status of the Phase 1 Transition and the RFOTPs that FMERA has issued:

FMERA has a Phase One Transition Plan in place and discussions and agreements are underway to ensure the safety, security and upkeep of the Charles Wood Area, Parcel B, and Marina buildings and grounds, and roadways which will become the property of FMERA. FMERA is very pleased with the cooperation from the municipalities (including Fire Depts., Police Depts., Borough engineers and Public Works), the County, JCP&L, NJ American Water, TRWRA, NJ Natural Gas, the State Police and the local Army Caretaker workforce.

The following RFOTPs are open:

- Fitness Center issued on March 14<sup>th</sup> – Proposals are due May 9<sup>th</sup>.
- MP Chapel issued on March 14<sup>th</sup> – Proposals are due May 9<sup>th</sup>, and
- CWA Fire Station – Proposals are due March 20<sup>th</sup>.

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

- Pistol Range – 5 compliant proposals were received and are currently being evaluated.
- Parcels C & C1 – 3 proposals were received. FMERA hopes to have a recommendation to the Board at the April meeting.
- Parcel V-1 – 2 proposals were received.
- Pinebrook Commerce Center – 3 proposals were received. FMERA hopes to have a recommendation to the Board at the April meeting.
- Officers Housing – FMERA is negotiating with the highest scoring proposer.
- Howard Commons – FMERA anticipates an executed and signed Purchase Sale Agreement (PSA) with HovWest Land Acquisition by the end of the month.

- Marina Parcel – 1 compliant proposal was received. FMERA would like to have the marina open this season; however, FMERA may not be able to reach an agreement on a purchase and sale of the property in time to open this season. As such, pending arrangements with the Army, FMERA would be issuing an RFP to hire an operator, in order to get the facility into active reuse this season.
- Russel Hall – FMERA is in exclusive negotiations with Kiely Realty Group.
- Auctioneering Services – No proposals were received. FMERA will proceed to negotiate directly with interested auctioneers.

FMERA will be issuing RFOTPs in the near future for:

- Sale of Parcel B
- Sale of Suneagles Golf Course

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. We anticipate issuing a Request for Proposals for a professional marketing consultant/creative agency services in the coming weeks.

Please refer to our website, [www.fortmonmouthredevelopment.com](http://www.fortmonmouthredevelopment.com), for more information.

Bruce Steadman introduced and thanked RichTanga from the Office of Economic Adjustment (OEA).

Mr. Steadman stated that FMERA will be distributing funds to the Army and the Homeless Providers from the proceeds of the closing of AcuteCare. Mr. Steadman stated that when the Auctioneer is in place, the auctions will be open to the public.

Mr. Steadman stated that FMERA has been conducting monthly meetings with the three host boroughs and the County and the meeting atmosphere has been great.

Mr. Steadman concluded the report with a list of the following action 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

Mr. Steadman noted that the Army has requested that when individuals depart the Board meetings that they leave the Fort without loitering and without delay, as it is still a closed Army facility.

## VII. COMMITTEE REPORTS

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

Robert Ades stated that the Committee will be meeting on March 31<sup>st</sup>.

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

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

- Update on the AcuteCare closing.
- Update on the Phase 2 EDC negotiations with the Army. Staff will present an update during Executive Session at tonight's meeting.

- Howard Commons: FMERA expects the Purchase Sale Agreement/Redevelopment Agreement to be executed by the end of the month.
- Officer Housing: FMERA met with the highest-scored proposer and representatives from the Borough of Oceanport.
- Parcels C&C1: FMERA met with the highest ranked proposer and the proposer will be meeting with representatives from the Borough of Tinton Falls at the end of the month.
- Parcel V-1: The evaluation committee is currently reviewing the proposals.
- Pinebrook Road Commerce Center: Three proposals were received and the evaluation committee met to review the proposals.
- Marina: Two proposals were received, but in comparison to the appraisal value the proposals were low and below the Army's required threshold.
- Current & Upcoming RFOTPs: Proposals for the Pistol Range have been received and are being evaluated. FMERA issued RFOTPs for the Chapel and the Fitness Center on March 14<sup>th</sup>.
- Broker Marketing Update: The Committee reviewed Cushman & Wakefield's monthly update. Staff informed the Committee that FMERA anticipates issuing an RFP for website design.

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

Kenneth J. Kloo, stated that the Committee did not meet this month.

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 March 13<sup>th</sup> and discussed the following:

- Discussion on FMERA obtaining approval from the Army to allow HovWest to begin environmental due diligence.
- Discussion on the Officer Housing parcel and the meetings between the lead developer and Oceanport representatives.
- Discussion regarding Parcels C, C1 and the meeting between the lead developer and Tinton Falls representatives.
- Discussion regarding Parcel V-1 and the evaluation process of the proposals received.
- Discussion regarding the termination of the Parcel B RFOTP and the new RFOTP adhering to the Reuse Plan's goal of creating a lifestyle town center.
- Discussion regarding Permanent Supportive Housing.

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

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

VIII. BOARD ACTIONS

There were no Board Actions.

IX. OTHER ITEMS

There were no other items.

## PUBLIC COMMENT

Sara Breslow of Eatontown stated that there are many ways to encourage public participation, but limiting all the components of the interactive public comment is not one of them. Ms. Breslow asked how the new comment period protocol accomplishes public participation and which Board members support the new protocol.

Walter Cuje of Little Silver asked what is the timeline for Avenue of Memories to be open to the public.

Patrick Daugherty of Neptune stated that he is investigating and discussing bringing solar energy to Fort Monmouth.

Bob English of Eatontown stated that the new comment period protocol is discouraging public participation due to limiting follow up questions. Mr. English stated that Soldier On gave a presentation several years ago and asked if the organization is still active in wanting to develop Veteran housing at the Fort. Mr. English asked if the Board has contacted anyone at the Federal, State or County level to make up any shortfall in tax revenue for the subsidized units.

Tom Mahedy of Wall Township read a letter that he asserted he had sent to FMERA regarding the new comment period protocol and it being imposed due to his uncovering of wrong doing, his uncovering of fraud with regards to Parcel B, the improper awarding of contracts, the liquor license at Gibbs Hall, and the public not able to attend the Staff Advisory Committees. Mr. Mahedy stated that he informed the NJSP regarding contamination on the Fort property.

The Chairman asked Mr. Steadman to respond to the questions.

Bruce Steadman answered Ms. Breslow by stating that the new comment period protocol was established in order to allow all the public members at the meeting to participate. Mr. Steadman stated that in the past one or two individuals have commandeered the public comment period and have influenced members of the public to leave the meeting or intimidated them into not making comments. By limiting everyone's comments to allocated time periods, it makes the podium available to all attendees equally and fairly. And, this is more consistent with other State and local agencies. Mr. Steadman stated that the public is welcome to visit the FMERA offices at any time during the business day, and staff will be happy to meet with them.

Mr. Gorman stated that no Board members have voiced reservations regarding the protocol, therefore it will continue.

Mr. Steadman answered Mr. Cuje's question stating that the Avenue of Memories is included in the Phase 2 EDC and negotiations are being finalized. Until that time, Avenue of Memories will remain closed to the public until it is owned by FMERA, the County or Eatontown and Oceanport, due to the Army's inability to open it to the public.

Mr. Steadman answered Mr. English's questions by stating that Soldier On and another firm did submit proposals for the Parcel V-1 RFOTP, and it is FMERA's hope and desire to have a Veterans project at the Fort. Mr. Steadman stated that the project would require a change in the Reuse Plan which Eatontown would review. Mr. Steadman stated that any shortfall in tax revenue may be negotiated with the highest proposer as part of the redevelopment agreement and Purchase and Sale Agreement.

Mr. Steadman stated that Mr. Mahedy did not ask any questions to respond to and that FMERA had not received a letter from Mr. Mahedy. Mr. Steadman stated that he did receive an email from Mr. Mahedy regarding how FMERA conducts business, and has asked Mr. Mahedy to be more specific regarding his question. Mr. Steadman stated Mr. Mahedy's comments have been addressed several times at past Board meetings.

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 Mayor Tarantolo, seconded by Lillian Burry 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 Lillian Burry seconded by Robert Ades and unanimously approved by all voting members present.

The Board returned to public session.

There being no further business, on a motion by Dr. Lucky seconded by Robert Ades and unanimously approved by all voting members present, the meeting was adjourned at 8:49 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**  
**March 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.

Dated: March 19, 2014

**EXHIBIT 1**



## MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman  
Executive Director

DATE: April 23, 2014

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 Marketing Effort and Action Items for Next Month.

### Treasurer's Report.

1. 2013 Comprehensive Annual Report of the Authority  
The Authority's independent accounting firm completed the 2013 audit, and reported their findings to the Audit Committee at the March 31, 2014 meeting of the Committee. The auditors issued an unmodified opinion with regard to the Authority's 2013 financial statements which is their highest opinion. At the meeting, FMERA staff presented the Authority's 2013 Annual Report to the Committee, including a financial and operational review of the year. 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 2013 Comprehensive Annual Report, the Committee recommended the presentation of the 2013 Comprehensive Annual Report for Members' approval at the April 23, 2014 Board meeting.

2. First Quarter 2014 Financial and Operational Summary  
The FMERA staff is preparing the first quarter Financial and Operational Summary. Staff will be meeting to review the quarter and assess the quarter's performance against the 2014 organization goals. FMERA staff will present the financial and operational summary report for the first quarter to the Audit Committee at their next meeting.
3. Grant Application



A grant application to the Office of Economic Adjustment (OEA) in support of the Authority's operations is being prepared. The funds requested from the OEA 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 in support of the Authority's appropriation request.

4. Budget

Spending continues to be strictly monitored.

**Executive Director's Report.**

1. Update on Meetings with Army Representatives

FMERA and the Army have been holding discussions over the past 20 months on the future transfer of the balance of the Main Post, to be accomplished under a Phase 2 Memorandum of Agreement (MOA). FMERA staff intends to brief the Board on the status of the negotiations in Executive Session this evening and request approval from the Board on proposed terms. Our goal is to have an executed Phase 2 MOA with the Army by the third quarter of 2014.

2. Update on RFOTPs

The following is a summary of the status of the RFOTPs that FMERA has issued:

Officer Housing

FMERA staff issued an RFOTP for the Officer Housing in the Historic District of the former Fort on January 16, 2013. The Officer Housing is intended for residential reuse consistent with the Fort Monmouth Reuse and Redevelopment Plan. 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 2 EDC Agreement with the Army. Proposals for the Officer Housing were due on April 1, 2013 and two proposals were received. FMERA staff evaluated the proposals and will present a recommendation to enter into exclusive negotiations with the higher ranked proposer, in accordance with the Authority's Sales Rules, for the Board's consideration at tonight's meeting of the Authority.

Howard Commons

At the January 15, 2014 meeting of the Authority the Board approved a Purchase & Sale Agreement and Redevelopment Agreement (PSA&RA) for Howard Commons with HovWest Land Acquisition, LLC (HovWest). FMERA's recommendation for approval of the PSA&RA with HovWest was approved by the EDA Board on February 11.

Howard Commons is a 63.67-acre tract on Pinebrook Road in the Fort's Charles Wood Area. The property is currently improved with 486 townhouse units constructed by the Army in 1953, along with a 3,853 sf general purpose building. The Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan) calls for the demolition of the existing improvements due to their age, condition, density and design, and their replacement with 275 dwelling units and approximately 15,000 sf of ancillary retail/commercial space. In



accordance with the Reuse Plan, 20% of the new units will be affordable housing qualified.

#### Parcels C and C1

On March 26, 2013 FMERA publically issued RFOTPs for Parcels C and C1. Proposals for each of the parcels were due on June 10, 2013. Three proposals were received for Parcel C, and three proposals were received for Parcel C1, with some firms submitting multiple scenarios for redevelopment. FMERA staff evaluated the proposals in accordance with the Authority's Sales Rules, and has engaged in discussions with the highest ranked proposers.

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 the Tinton Falls Reuse Area. In accordance with the Reuse Plan amendment #1, the property can accommodate up to 49 newly constructed residential units. FMERA staff will present a recommendation to enter into exclusive negotiations with the highest ranked proposer, in accordance with the Authority's Sales Rules, for the Board's consideration at tonight's meeting of the Authority.

#### Parcel B

On March 26, 2013 FMERA publically issued an RFOTP for Parcel B. Proposals were due on June 10, 2013. Four proposals were received.

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 high quality 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. At the February 2014 meeting of the Authority, the Board authorized FMERA staff to terminate the RFOTP process without awarding a contract and issue a new RFOTP for Parcel B, in accordance with the Authority's Sales Rules. The new RFOTP for Parcel B should meet the Reuse Plan's goal of creating a lifestyle town center, as an exciting and attractive gateway to the Fort.

#### Parcel V-1

At the May meeting of the Authority, the Board approved making Parcel V-1 available through the offer to purchase process. Parcel V-1 is a 10-acre tract in the Eatontown section of the former Fort Monmouth which is being put out for bid for the purpose of establishing a Veterans Community. An RFOTP was publically issued for the parcel on September 6, 2013. Proposals were due on December 6, 2013 and two were received. 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 2 EDC Agreement with the Army. We look forward to a great project that will acknowledge the outstanding service to our country by military veterans. The two proposals received are currently being evaluated and scored in accordance with the Authority's Sales Rules.

### Russel Hall

FMERA staff issued an RFOTP for Russel Hall on September 6, 2013. Russel Hall is a 42,300 sf, four-story administration building located on Sanger Avenue in the Oceanport Reuse Area of the Fort. FMERA staff has determined that Russel Hall will require a parcel measuring approximately 6.5 acres. 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 2 EDC Agreement with the Army. Proposals were due on November 7, 2013 and one proposal was received. At the January 15, 2014, meeting of the Authority, the Board approved the recommendation to enter into exclusive negotiations with Kiely Realty Group, LLC, in accordance with the Authority's Sales Rules.

### Fabrication Shops (Pinebrook Road Commerce Center at Fort Monmouth)

At the June meeting of the Authority, the Board approved making the Fabrication Shops (buildings 2501 – 2504, 2506 and 2507) available through the offer to purchase process. The five fabrications shops (buildings 2502-2504, 2506 and 2507) consist of flex (industrial/office) space in varying configurations. There is also a building (building 2501) on site that is well-suited for use as office space. The buildings together total approximately 44,000 sf. The Parcel is located off of Pinebrook Road in the Tinton Falls Reuse Area of Fort Monmouth. An RFOTP for the parcel was issued on September 20, 2013, proposals were due on November 20, 2013 and three were received. Staff has evaluated the proposals in accordance with the Authority's Sales Rules and has engaged in discussions with the highest ranked proposer. FMERA staff intends to present its recommendations to the Board with respect to the Fabrication Shops at an upcoming meeting of the Authority.

### Marina

On October 25, 2013 an RFOTP was issued for the Marina Parcel in Oceanport. The Marina Parcel is 3.9 acres and is located on Oceanport and Riverside Avenues in the 400 area of the former Fort property. 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 and associated off-street parking. The Reuse Plan contemplates a marina/public boat ramp/restaurant on the property with the reuse of the existing marina building (Building 450). Proposals were due on January 27, 2014 and two were received. Staff has begun evaluating the proposals in accordance with the Authority's Sales Rules.

### Pistol Range

On November 22, 2013 an RFOTP was issued for the Pistol Range. The Pistol Range (Building 2627) is a one story 11,110 sf building, equipped with 10 indoor firing lanes. The range was constructed in 2006. The facility sits on a 1-acre parcel in the Tinton Falls Reuse Area of the former Fort Monmouth. The pistol range's planned 1-acre parcel represents the minimum lot size needed to accommodate required parking and building set-backs. The Request for Offers to Purchase (RFOTP) allows respondents the option to provide alternate proposals that include the purchase of additional adjacent land and/or buildings. Proposals were due by noon on February 24, 2014 and five were received. Staff has evaluated the proposals in accordance with the Authority's Sales Rules and has

engaged in discussions with the highest ranked proposer. FMERA staff intends to present its recommendation to the Board with respect to the Pistol Range at an upcoming meeting of the Authority.

#### Charles Wood Firehouse

On December 20<sup>th</sup>, 2013 an RFOTP was issued for the Charles Wood Firehouse in the Tinton Falls Reuse Area of the Fort. The Firehouse (Building 2560) is a 12,000 sf structure on Corregidor Road, built in 2001. The permitted principal land uses for the 2.3 acre parcel of land and building are office/research, institutional/civic, and open space/recreation. Proposals were due on March 20, 2014 and one proposal was received. Staff has begun evaluating the proposal in accordance with the Authority's Sales Rules.

#### Fitness Center

On March 14<sup>th</sup>, 2014 an RFOTP was issued for the Fitness Center in the Oceanport Reuse Area of the Fort. The RFOTP includes the option to purchase the Sports Bubble located on Parcel B in Eatontown and relocating it to the Fitness Center property. The property consists of 7.75 acres of land and three buildings, as well as all of the fitness equipment located within Building 114. The property is intended to be reused as a fitness center as set forth in the Reuse Plan, although other uses will be considered. FMERA has set \$1,950,000 as the minimum bid amount for the property. Proposals are due on May 9, 2014.

#### Main Post Chapel

On March 14<sup>th</sup>, 2014 an RFOTP was issued for the Main Post Chapel (Building 500) in the Oceanport Reuse Area of the Fort. The property consists of 5 acres of land and a 16,372 sf structure, consisting of a chapel, an administrative wing, a classroom wing, and a kitchen. The Chapel is intended to be reused as a house of worship, per the Authority's Reuse Plan. The Property is in the Oceanport Horseneck Center and the Historic District, although the structure is not considered historic. FMERA has set \$1,530,000 as the minimum bid amount for the property. Proposals are due on May 9, 2014.

#### Upcoming RFOTPs

FMERA plans on issuing additional RFOTPs over the next few months, including the Suneagles Golf Course in Eatontown.

### 3. Marketing Update

FMERA has scheduled its fourth Community Bus Tour for Thursday, May 8, 2014. 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 8th. Due to the capacity of the buses, the tour will be limited to 60 participants. 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](mailto:FMERAINFO@njeda.com).

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. We anticipate issuing a Request for Proposals for a professional marketing consultant/creative agency services in the coming weeks.

Please refer to our website, [www.fortmonmouthredevelopment.com](http://www.fortmonmouthredevelopment.com), for more information.

4. Action Items for Next Month.

- 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

  
Approved By: Bruce Steadman

Prepared by: Candice Valente

**ADOPTED**  
**April 23, 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.

Dated: April 23, 2014

**EXHIBIT 1**

**ADOPTED**  
**April 23, 2014**

Resolution Regarding  
**Confirmation of Support for Proposed Terms Negotiated by FMERA Staff and  
Representatives of the U.S. Army for the Authority's Acquisition of the Balance of the  
Main Post, Execution of a Non-Binding Term Sheet with the Army, and Submission of a  
Phase 2 Economic Development Conveyance Application**

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

**WHEREAS**, at the December 2011 and April 2012 meetings of the Authority, the Board of Directors approved a Phase 1 Memorandum of Agreement (MOA) with the Army and authorized the Executive Director to sign the MOA; and

**WHEREAS**, FMERA and the Army executed the Phase 1 MOA, covering the Fort's Charles Wood Area and three parcels on the Main Post on June 25, 2012; and

**WHEREAS**, the Phase 1 MOA between FMERA and the Army set up a two-phased property transfer, with Phase 2 intended to include the bulk of the Main Post properties in Eatontown and Oceanport; and

**WHEREAS**, the Authority has made substantial progress in implementing the Phase 1 MOA, with approximately two-thirds of the properties either sold, under contract, in negotiations, or in the Request for Offers to Purchase process; and

**WHEREAS**, FMERA staff initiated negotiations with the Army over Phase 2 in summer 2012 immediately after execution of the Phase 1 MOA; and

**WHEREAS**, FMERA and the Army have been exploring and negotiating alternatives that would meet each party's needs; and

**WHEREAS**, the FMERA Real Estate Committee has reviewed the proposed terms and recommends them to the full Board of Directors as the basis for the Executive Director's negotiation and execution of a non-binding term sheet with the Army and the submission of a Phase 2 Economic Development Conveyance application.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached memorandum, the Authority confirms its support for the proposed terms negotiated by FMERA Staff and representatives of the U.S. Army for the Authority's acquisition of the balance of the Main Post.

2. The Authority authorizes the Executive Director to execute a non-binding term sheet with the Army and submit a Phase 2 Economic Development Conveyance application, consistent with the proposed terms.

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: April 23, 2014

**EXHIBIT 2**

**ATTACHMENT**





**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Bruce Steadman  
Executive Director

**RE:** Approval to Continue Negotiating Terms for the Authority's Phase 2 Economic Development Conveyance Agreement with the U.S. Army

**DATE:** April 23, 2014

**Request**

I am requesting that the Board confirm its support for the terms negotiated by Fort Monmouth Economic Revitalization Authority (FMERA) staff and representatives of the U.S. Army for the Authority's acquisition of the balance of the Main Post. I am also asking for the Board's consent to finalize and execute a non-binding term sheet and to submit a Phase 2 Economic Development Conveyance (EDC) application to the Army.

**Background**

At the December 2011 and April 2012 meetings of the Authority, the Board of Directors approved a Phase 1 Memorandum of Agreement (MOA) with the Army and authorized the Executive Director to sign the MOA. FMERA and the Army executed the Phase 1 MOA, covering the Fort's Charles Wood Area and three parcels on the Main Post (Parcel B, the Clinic and the Marina) on June 25, 2012.

The Phase 1 MOA between FMERA and the Army set up a two-phased property transfer, with Phase 2 intended to include the bulk of the Main Post properties in Eatontown and Oceanport. The Army preferred a two-phased approach because it anticipated being able to convey the Charles Wood Area properties more expediently, as it viewed them as less mission-critical areas. The Phase 1 MOA called for the Army and FMERA to share sale proceeds, with the Army receiving approximately 60% and FMERA 40% of the net revenue. Under Base Realignment and Closure (BRAC) law, FMERA's share of the Phase 1 proceeds obtained until the end of the seventh year after the transfer of the last Phase 1 property must be reinvested within 12 pre-determined expense categories. The Phase 2 MOA will have its own seven-year restriction period. In addition, federal regulations require that FMERA perform an annual audit to confirm that lease and sale revenue has been reinvested appropriately.

The Authority has made substantial progress in implementing the Phase 1 MOA, with approximately two-thirds of the properties either sold, under contract, in negotiations, or in the



Request for Offers to Purchase process. We anticipate receiving a deed to the remaining Army-owned Phase 1 parcels this spring.

FMERA staff initiated negotiations with the Army over Phase 2 in summer 2012 immediately after execution of the Phase 1 MOA. The parties have spent the time since then exploring and negotiating alternatives that would meet each party's needs.

The Real Estate Committee has reviewed these proposed terms and recommends them to the full Board for approval as the basis for the Executive Director's negotiation and execution of a non-binding term sheet with the Army and the submission of a Phase 2 EDC application. The Board's approval of the final Phase 2 MOA will be obtained prior to FMERA's execution of a Phase 2 MOA.

**Recommendation**

In summary, I am requesting that the Board confirm its support for the proposed terms negotiated by FMERA staff and representatives of the U.S. Army for the Authority's acquisition of the balance of the Main Post. I am also asking for the Board's consent to execute a non-binding term sheet with the Army and to submit a Phase 2 Economic Development Conveyance application.



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Bruce Steadman  
Executive Director

Prepared by: David E. Nuse

**ADOPTED  
April 23, 2014**

Resolution Regarding the  
**Fort Monmouth Economic Revitalization Authority  
2013 Comprehensive Annual Report**

**WHEREAS**, the Authority selected its independent auditors Clifton Larson Allen LLP pursuant to Executive Order No. 122 (McGreevey); and

**WHEREAS**, the Authority's independent auditors, Clifton Larson Allen LLP audited and accepted the Authority's financial statements for January 1, 2013 to December 31, 2013 and issued an unmodified opinion regarding the financial statements; and

**WHEREAS**, pursuant to Executive Order No. 122 (McGreevey), the Audit Committee reviewed the draft comprehensive Annual Report for January 1, 2013 to December 31, 2013 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 2013 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: April 23, 2014**

**ATTACHMENT**

**EXHIBIT 3**



## MEMORANDUM

**TO:** Members of the Authority

**FROM:** Bruce Steadman  
Executive Director

**DATE:** April 23, 2014

**RE:** 2013 Comprehensive Annual Report

### **Request**

The Members of the Board are asked to consider approving the Authority's comprehensive annual report for 2013, 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 2013.

The audited financial statements for the year ended December 31, 2013 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 Clifton Larson Allen LLP has issued an unmodified opinion with regard to the 2013 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 March 31, 2014, per its Charter, as well as section 9 of Executive Order 122 (2004), the Audit Committee reviewed the draft comprehensive annual report, including the 2013 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 a material weakness in internal control due to lack of segregation of duties as a result of the Authority's limited number of employees but no significant deficiency(ies) were identified. The Auditors noted that the Authority has recognized the problem and hired additional staff during the year. A Corrective Action

Plan addressing the auditor's findings is included. With regard to the prior year's non-material noncompliance findings under Government Auditing Standards or under OMB Circular A-133 the auditors reported that the Authority has implemented policies and procedures in place and their testing did not reveal any findings. 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 2013 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



ATTACHMENT

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

**ADOPTED**  
**April 23, 2014**

Resolution Regarding  
**Consideration of Authorization for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for Officer Housing**

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

**WHEREAS**, on January 16, 2013, FMERA issued and publicly advertised a Request for Offers to Purchase (RFOTP) for the Officer Housing parcel with a response date of March 1, 2013, 45 days after the issuance of the RFOTP, in connection with the planned redevelopment of the Officer Housing in Oceanport; and

**WHEREAS**, The Officer Housing includes 117 historic residential units in single, duplex and four-plex configurations, surrounding and adjacent to the Parade Ground, located on two parcels of 26.5 acres and 10 acres; and

**WHEREAS**, FMERA received two proposals for the Officer Housing, however only one proposal was compliant with the requirements of the RFOTP; and

**WHEREAS**, one proposal was deemed non-compliant because it did not include the required 20% set-aside for affordable housing, per the Authority’s Rules for the Sale of Real and Personal Property; and

**WHEREAS**, the proposal from RPM Development Group (RPM) to redevelop the Officer Housing was scored by an evaluation committee and received the highest score; and

**WHEREAS**, as provided in the Rules for the Sale of Real and Personal Property, FMERA staff has determined during the evaluation process that there is a high likelihood that negotiating with RPM will lead to an acceptable sales contract between the parties, and, if exclusive negotiations are approved, RPM will make an additional deposit of 10% of the proposed purchase price that will be credited to RPM at closing; and

**WHEREAS**, the FMERA Real Estate Committee recommends that the Board of Directors authorize the FMERA Staff to enter into exclusive negotiations with RPM for a purchase agreement pursuant to the RFOTP for Officer Housing.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached memorandum, the Authority authorizes the FMERA Staff to enter into exclusive negotiations with RPM for a purchase agreement pursuant to the RFOTP for Officer Housing. The Executive Director or other staff authorized to execute documents pursuant to Operating Authority is authorized to do and perform all acts necessary to effectuate exclusive negotiations.

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: April 23, 2014

**EXHIBIT 4**

**ATTACHMENT**



## MEMORANDUM

**TO:** Members of the Authority

**FROM:** Bruce Steadman  
Executive Director

**RE:** Consideration of Authorization for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for the Officer Housing Parcel

**DATE:** April 23, 2014

### Request

I am requesting that the Board of Directors authorize FMERA staff to enter into exclusive negotiations with RPM Development Group (RPM) for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for the Officer Housing parcel in Oceanport, in accordance with the Authority's Rules for the Sale of Real and Personal Property (Sales Rules).

### Background

FMERA issued a Request for Offers to Purchase (RFOTP) in connection with the planned redevelopment of the Officer Housing parcel in Oceanport on January 16, 2013. The Officer Housing includes 117 historic residential units in single, duplex and four-plex configurations, surrounding and adjacent to the Parade Ground. Specifically, it consists of Gosselin Avenue non-commissioned officer residences and officer family housing units on Russel, Carty and Allen Avenues; the latter range in size from 3,700 to over 6,000 sf. The historic residential units are located on two parcels of 26.5 acres and 10 acres. A map of the Officer Housing area is attached. The Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan) calls for the housing to be reused as residential units. Also, the property is located within the Fort Monmouth National Register Historic District and redevelopment is restricted accordingly.

The RFOTP was advertised in the Asbury Park Press and the Star Ledger, and posted to the FMERA, New Jersey Economic Development Authority (NJEDA) and New Jersey State Business Portal websites. The response date for offers to purchase Officer Housing was March 1, 2013.

FMERA received two proposals for the Officer Housing. However, one proposal was deemed non-compliant because it did not include the required 20% set-aside for affordable housing. An evaluation team, comprised of three FMERA staff, scored the proposal independently, according to criteria and weightings contained in the RFOTP and the Sales Rules. As part of their analysis, the evaluators reviewed the RPM Development Group (RPM) proposal for compliance with the



Reuse Plan in all aspects. The evaluators agreed that the RPM proposal was compliant with the Reuse Plan, and recommended that we proceed to exclusive negotiations.

RPM is a New Jersey-based real estate development organization with over two decades of experience. They have nearly 120 employees in three offices throughout New Jersey. The company has completed 12 historic preservation projects and has expertise in all aspects of real estate including development, construction, residential and commercial leasing, and property management.

RPM's proposal calls for 68 market-rate, for-sale units north of the Parade Ground (the North Post) and 48 rental units south of the Parade Ground (the South Post). The South Post units are proposed to be a mix of market-rate rentals and affordable rentals, with the affordable rentals meeting the project's required 20% affordable housing set aside. One of the homes on the South Post is proposed to be renovated and used as a community room for tenants. RPM plans to restore the exteriors and renovate the interiors of the North Post and South Post homes, as well as provide landscaping. A recreational area is proposed for the North Post along Parker's Creek.

After holding meetings with RPM representatives, FMERA staff is recommending that FMERA enter into exclusive negotiations with RPM. As provided in the Sales Rules, FMERA staff has determined during the evaluation process that there is a high likelihood that negotiating with RPM will lead to an acceptable sales contract between the parties.


If this request is granted by the FMERA Board, RPM will make an additional deposit of 10% of the proposed purchase price that will be credited to RPM at closing. The negotiations will be exclusive in that FMERA will agree not to consider any other proposals and cease negotiations with any other parties for the purchase of the property and instead negotiate with RPM in good and reasonable faith for the purchase and sale of the Officer Housing. RPM will agree in writing to terminate negotiations and discussions for the purchase of other competing property during the exclusive negotiating period. Since the Officer Housing parcel is not a Phase 1 parcel, FMERA's standard form of Exclusive Negotiations Agreement will be modified to clearly state that FMERA does not yet have a legal right to acquire the Officer Housing parcel. Both parties will agree to keep all negotiations confidential to the extent permissible under New Jersey law.

In addition to successfully completing negotiations, FMERA's execution of a contract to sell the Officer Housing property to RPM will be contingent upon: (i) the execution of a Phase 2 Economic Development Conveyance Agreement (or an amendment to our Phase 1 EDC Agreement to include this parcel) and (ii) final approval of the terms and conditions of sale by the FMERA Board at a future date, in the Board's sole and absolute discretion. FMERA's sale of the property to RPM will be contingent on FMERA's acquisition of title from the U.S. Army.

The Real Estate Committee recommends that the Board of Directors authorize the FMERA Staff to enter into exclusive negotiations with RPM for a purchase agreement pursuant to the RFOTP for Officer Housing.

**Recommendation**

In summary, I am requesting that the Board of Directors authorize FMERA staff to enter into exclusive negotiations with RPM Development Group (RPM) for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for the Officer Housing parcel in Oceanport, in accordance with the Authority's Rules for the Sale of Real and Personal Property (Sales Rules).



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Bruce Steadman  
Executive Director

Prepared by: Katie Hodes & David E. Nuse  
Attachment: Parcel Map



ATTACHMENT

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

**ADOPTED**  
**April 23, 2014**

Resolution Regarding  
**Consideration of Authorization for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for Parcels C and C1**

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

**WHEREAS**, on March 26, 2013, FMERA issued and publicly advertised a Request for Offers to Purchase (RFOTP) for Parcel C with a response date of June 10, 2013, and a RFOTP for Parcel C1 with a response date of June 10, 2013, 77 days after the issuance of the RFOTPs, in connection with the planned redevelopment of Parcels C and C1 in Tinton Falls; and

**WHEREAS**, Parcel C is a 39-acre lot that formerly contained enlisted family housing and currently contains one building, the former Post Chapel, built in 1942 and slated for demolition; and

**WHEREAS**, Parcel C1 is a 12-acre tract located in the Tinton Falls Reuse Area, containing three buildings, which are slated for demolition; and

**WHEREAS**, FMERA received three proposals for Parcel C and three proposals for Parcel C1, which were scored independently by an evaluation committee; and

**WHEREAS**, Lennar Corporation received the highest score for their proposal for Parcel C and the highest score for their proposal for Parcel C1, and Lennar also submitted the highest price proposals for both Parcel C and C1; and

**WHEREAS**, as provided in the Rules for the Sale of Real and Personal Property, FMERA staff has determined during the evaluation process that there is a high likelihood that negotiating with Lennar will lead to an acceptable sales contract between the parties, and, if exclusive negotiations are approved, Lennar will make an additional deposit of 10% of the proposed purchase price that will be credited to Lennar at closing; and

**WHEREAS**, the FMERA Real Estate Committee recommends that the Board of Directors authorize the FMERA Staff to enter into exclusive negotiations with Lennar for a purchase agreement pursuant to the RFOTPs for Parcels C and C1.

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached memorandum, the Authority authorizes the FMERA Staff to enter into exclusive negotiations with Lennar for a purchase agreement pursuant to the RFOTPs for Parcel C and Parcel C1. The Executive Director or other staff authorized to execute documents pursuant to Operating Authority is authorized to do and perform all acts necessary to effectuate exclusive negotiations.

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: April 23, 2014

**EXHIBIT 5**

**ATTACHMENT**



## MEMORANDUM

**TO:** Members of the Authority

**FROM:** Bruce Steadman  
Executive Director

**RE:** Consideration of Authorization for FMERA Staff to Enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for Parcels C and C1

**DATE:** April 23, 2014

### Request

I am requesting that the Board of Directors authorize FMERA staff to enter into exclusive negotiations for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for Parcels C and C1 in Tinton Falls, in accordance with the Authority's Rules for the Sale of Real and Personal Property (Sales Rules).

### Background

FMERA issued two Requests for Offers to Purchase (RFOTP's) in connection with the planned redevelopment of Parcels C and C1 in Tinton Falls on March 26, 2013. Parcel C is a 39-acre lot that formerly contained enlisted family housing and currently contains one building, the former Post Chapel, built in 1942 and slated for demolition. The Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan) calls for Parcel C to be a mixed-use town center, accommodating 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 located in the Tinton Falls Reuse Area, containing three buildings, which are also slated for demolition. In accordance with Reuse Plan Amendment #1, the property can accommodate up to 49 newly constructed residential units. Per FMERA's Land Use Rules, 20% of the housing units developed on Parcels C and C1 shall be affordable to low- and moderate-income households as determined by New Jersey law.

The RFOTPs were advertised in the Asbury Park Press and the Star Ledger, and posted to the FMERA, New Jersey Economic Development Authority (NJEDA) and New Jersey State Business Portal websites. The response date for offers to purchase Parcels C and C1 was June 10, 2013.

FMERA received three proposals for Parcel C and three proposals for Parcel C1. Some firms submitted multiple scenarios for redevelopment. An evaluation team scored the proposals

independently, according to criteria and weightings contained in each RFOTP and the Sales Rules. Lennar submitted the highest scoring proposals for both Parcel C and C1. Lennar also submitted the highest price proposals for both Parcel C and C1. As part of their analysis, the evaluators reviewed the Lennar proposals for compliance with the Reuse Plan in all aspects. Since Tinton Falls is no longer requesting a library on Parcel C, it was expected that a Plan Amendment would be needed for Parcel C and all bidders were informed of this potential plan amendment in the RFOTP for Parcel C. Because of potential site constraints on Parcel C1, Lennar's proposals may also need a Plan Amendment to shift some of the housing from Parcel C1 to Parcel C; however, the total number of housing units on the 2 parcels would remain unchanged.

Founded in 1954, Lennar is one of the nation's largest homebuilding and real estate development organizations, with 53 employees in their New Jersey division. They have built or developed over 750,000 homes in 40 markets across the country, including a number of successful communities in New Jersey. Last year the company initiated development of a former military installation, the El Toro Marine Corps Air Station in California. In 2013 Lennar had net earnings of \$479.7 million on revenues of \$5.9 billion, with gross revenue up 45% over the prior year. Cash on hand at year-end totaled \$695 million. The company delivered 18,290 homes in 2013 and took orders on 19,203 units, reflecting increases of 33% and 21%, respectively.

As the leading proposer for both Parcel C and C1, Lennar's submission will be considered one project. The proposals call for a total of 288 residential units, 20% of which will be affordable to low- and moderate-income households. Lennar's conceptual site plans for both Parcels C and C1 emphasize connectivity through the site to the adjacent road network, while promoting pedestrian activity within the development to link the neighborhoods with retail and commercial uses. Parcel C includes a community green as a neighborhood space, and both Parcels include tree-lined streets and sidewalks to create a green network throughout the community. The site concept for each Parcel utilizes medium-density and traditional-styled design.

After holding meetings with Lennar representatives, FMERA staff is recommending that FMERA enter into exclusive negotiations with Lennar. As provided in the Sales Rules, FMERA staff has determined during the evaluation process that there is a high likelihood that negotiating with Lennar will lead to an acceptable sales contract and redevelopment agreement between the parties.

If this request is granted by the FMERA Board, Lennar will make an additional deposit of 10% of the proposed purchase price that will be credited to Lennar at closing. The negotiations will be exclusive in that FMERA will agree not to consider any other proposals and cease negotiations with any other parties for the purchase of the property and instead negotiate with Lennar in good and reasonable faith for the purchase and sale of Parcels C and C1. Lennar will agree in writing to terminate negotiations and discussions for the purchase of other competing property during the exclusive negotiating period. Both parties will agree to keep all negotiations confidential to the extent permissible under New Jersey law.

In addition to successfully completing negotiations, FMERA's execution of a contract to sell Parcels C and C1 to Lennar will be contingent upon final approval of the terms and conditions of



sale by the FMERA Board at a future date, in the Board's sole and absolute discretion. FMERA's sale of the property to Lennar will be contingent on FMERA's acquisition of title from the U.S. Army.

The Real Estate Committee recommends that the Board of Directors authorize the FMERA Staff to enter into exclusive negotiations with Lennar for a purchase agreement pursuant to the RFOTPs for Parcels C and C1

**Recommendation**

In summary, I am requesting that the Board of Directors authorize FMERA staff to enter into exclusive negotiations for a purchase agreement pursuant to the Request for Offers to Purchase (RFOTP) for Parcels C and C1, in accordance with the Authority's Rules for the Sale of Real and Personal Property.



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Bruce Steadman  
Executive Director

Prepared by: Candice Valente and David Nuse  
Attachment: Parcel Map

C = 44 ACRES  
C1 = 12 ACRES  
E = 55 ACRES

GOLF COURSE = 171 ACRES  
HOWARD COMMONS = 64 ACRES  
F = 143.46 ACRES

