



TO: Members of the Board

FROM: Bruce Steadman
Executive Director and Secretary

DATE: July 16, 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 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
10. **Committee Reports**
 - Audit Committee – Robert Ades, Chairman
 - Real Estate Committee – James V. Gorman, Chairman
 - Environmental Staff Advisory Committee – Kenneth J. Kloo, Chairman
 - Historical Preservation Staff Advisory Committee – Robert Ades, Chairman
 - Housing Staff Advisory Committee – Gina Fischetti, Chairwoman
 - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Other Board Actions**

- Consideration of Approval of Chenega Operations Services, LLC, for On-Call Property Maintenance Services
- Consideration of Approval of Terms and Conditions of Sale for Professional Auctioneering Services for Personal Property

12. **Other Items**

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

- Responses to questions submitted online or in writing

14. **Executive Session - OPMA EXEMPTION N.J.S.A. 10:4-12b(5) and (7):**

- Discussion on negotiation of Howard Commons Purchase and Sale Agreement and Redevelopment Agreement

15. **Adjournment**

Fort Monmouth Economic Revitalization Authority
Board Meeting
June 18, 2014
FMERA Offices, 502 Brewer Avenue, Oceanport, NJ

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
- John Tobia, Monmouth County Director of Public Works and Engineering – V
- Gerald Tarantolo, Mayor of Eatontown – V
- Gary Baldwin, Borough Council President - Tinton Falls – V
- Michael Mahon, Mayor of Oceanport – V
- Tim Lizura, President and Chief Operating Officer, NJ Economic Development Authority (NJEDA) – V
- 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)
- Gina Fischetti, Chief Counsel, Local Planning Services, NJ Department of Community Affairs (DCA) – (via phone)
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJ Transit (NJT) – (via phone)

V - Denotes Voting Member

Members Not Present

Also present:

- Dave Nuse, Deputy Executive Director and Assistant Secretary, FMERA
- Gabriel Chacon, Deputy Attorney General (DAG)
- FMERA staff

II.

The meeting was called to order by Chairman James V. Gorman at 7:00 p.m., who led the meeting in the Pledge of Allegiance.

In accordance with the Open Public Meetings Act, FMERA Assistant Secretary, Dave Nuse, 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 May 21st meeting minutes. A motion was made to approve the minutes by Mayor Mahon and seconded by Mayor Tarantolo.

Motion to Approve: MAYOR MAHON Second: MAYOR TARANTOLO
AYes: 7

James V. Gorman abstained from voting stating that he was not at the May meeting.
Tim Lizura abstained from voting stating that he was not at the May meeting.

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 Executive Director Bruce Steadman was not present at the meeting and Assistant Secretary Dave Nuse would be taking his place. Mr. Gorman stated that the Board would consider four action items, consideration of approval for FMERA staff to extend Exclusive Negotiations Period for a Purchase Agreement pursuant to the Request for Offers to Purchase (RFOTP) for the Russel Hall Parcel; consideration of Approval for FMERA staff to terminate the Offer to Purchase process for Parcel V-1; consideration of approval to make Satellite Drive Parcel 1 available through the Offer to Purchase Process; and consideration of approval of The Auctioneer's Group, LLC for Professional Auctioneering Services for Personal Property.

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

Mr. Nuse stated that FMERA received the fully executed Phase 1 deed on June 11th and the deed has been sent to the Attorney General's office for recording.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated the Authority's Grant Request for funds in support of its operations is under review by the Office of Economic Adjustment (OEA). The funds requested from 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. This portion of FMERA's budget is funded 90% by OEA and 10% by the State. The balance of the FMERA budget is funded 100% by EDC revenue. FMERA staff has completed the first quarter Financial and Operational Summary, and will review the report with the members of the Audit Committee at their June 23rd meeting. The 2013 Comprehensive Annual Report of the Authority is posted on the Authority's website in accordance with Executive Order 37. Spending continues to be strictly monitored.

VI. PUBLIC COMMENT REGARDING BOARD ACTION ITEMS

Bob English stated that on the Soldier On website the organization states that Soldier On is in the pre-development stage of a permanent housing project in Fort Monmouth, NJ. Mr. English asked if the Board or FMERA are aware of the posting and has anything been done for Soldier On to make the claim.

Linda Zucaro of Tinton Falls asked if the RFOTP for Parcel V-1 is terminated, is there a chance that the Veterans project will be relocated from Eatontown to another one of the municipalities.

Tom Mahedy of Wall Township asserted that there is a conflict of interest with The Auctioneer's Group and the proper procedures were not followed in the selection process. Mr. Mahedy asserted that FMERA rejected

the out of state proposals that were submitted for the auctioneer services. Mr. Mahedy asked what political contributions The Auctioneer's Group has made and who has reviewed the political contributions.

Dave Nuse answered Mr. English by stating that FMERA is not aware of the Soldier On website posting nor has FMERA given Soldier On any indication that they were the successful bidder of the Parcel V-1 project. Mr. Nuse stated that Soldier On did submit a proposal and was advised that the proposals are being evaluated.

Mr. Nuse answered Ms. Zucaro by stating that the Real Estate Committee has asked FMERA staff to make recommendations at their next meeting with regards to the projects structure and location for the Veterans project.

Mr. Nuse answered Mr. Mahedy by stating that there were no out of state proposals submitted in response to the Request for Proposals (RFP). Mr. Nuse stated that due to no proposals being submitted, FMERA contacted local auctioneer firms and The Auctioneer Group was responsive. Mr. Nuse stated that all forms relating to political contributions are submitted to the Department of Treasury for review and approval.

VII. EXECUTIVE DIRECTOR'S REPORT

Dave Nuse stated that FMERA continues to make good progress on Phase 2 of the Fort's redevelopment. FMERA and the Army have executed a non-binding letter agreement, and staff anticipates submitting a final EDC Application by July 1st. FMERA remains on target to sign a Phase 2 EDC Agreement this fall.

Rick Harrison, Director of Facilities Planning gave the following update on RFOTP/RFPs:

Officers Housing

FMERA is in exclusive negotiations with RPM Development, LLC (RPM). FMERA and the Army are finalizing the Finding of Suitability to Lease for the property so that RPM can proceed with their due diligence and financing.

Howard Commons

HovWest Land Acquisitions' engineers are on site performing their environmental due diligence.

Parcels C and C1

FMERA is in exclusive negotiations with Lennar Corporation and working on sales terms and conditions and reviewing proposed concept plans.

Parcel B

FMERA staff is preparing a new RFOTP for Parcel B.

Parcel V-1

FMERA staff is recommending that the Board terminate the RFOTP for Parcel V-1 at tonight's meeting.

Russel Hall

FMERA staff is recommending an extension to the exclusive negotiations period at tonight's meeting. FMERA and the Army are finalizing the lease so that due diligence and renovations can proceed.

Fabrication Shops (Pinebrook Road Commerce Center at Fort Monmouth)

Exclusive negotiations are underway with Pinebrook Commerce Center LLC.

Marina

The compliant proposal for offer to purchase is currently under evaluation.

Pistol Range

FMERA Staff is in exclusive negotiations with Kiely Realty Group.

Charles Wood Firehouse

FMERA staff is currently reviewing the one proposal received.

Fitness Center

FMERA Staff is currently reviewing the one proposal received.

Main Post Chapel

FMERA Staff is currently reviewing the one compliant proposal received.

Upcoming RFOTPs

FMERA plans on issuing additional RFOTPs over the next few months, including the Sunegles Golf Course and Parcel B, both in Eatontown, and a 1.5 acre parcel on Satellite Drive in Tinton Falls.

Mr. Harrison gave the following update on the progress on the Charles Wood Area (CWA)/Phase 1 property transfer:

- FMERA is working with the Army caretaker to transfer utility accounts for the recently transferred property to FMERA. These include:
 - Power, natural gas and water meters serving the Phase 1 properties
 - Fire Hydrant service on Pinebrook Road
- Shutting down water supplies and cutting and capping sewer lines to limit usage and inflow and infiltration from those buildings and systems not planned for reuse.
- New Jersey American Water Company (NJAW) has started installing new water mains in the Charles Wood Area to enable them to provide, operate and maintain the water system on the CWA.
- JCP&L is currently performing due diligence inspections and inventorying the CWA electrical system in preparation for entering into a maintenance and operating agreement with FMERA to provide electrical service to our buildings where required and our tenants.
- FMERA is currently evaluating six proposals in response to our property maintenance and management RFP.

Katie Hodes, Marketing Officer, stated that FMERA issued a Request for Proposals (RFP) for Professional Marketing Consultant/Creative Agency Services for Brand Development and Website Design on May 1st. Proposals were due on June 5th and nine proposals were received. An evaluation committee is currently reviewing proposals.

Ms. Hodes stated that FMERA joined with the U.S. Army to celebrate Flag Day on Saturday, June 14th. The ceremony also commemorated the 239th birthday of the U.S. Army. The event, which was open to the public, drew approximately 50 attendees. Thank you to Rick Harrison and John Occhipinti, Army Site Manager, and the New Jersey National Guard for their participation.

Ms. Hodes stated that on October 25th an RFOTP was issued for the Marina Parcel in Oceanport. The property consists of a 71-slip marina and boat launch ramp on Oceanport Creek, a boat house and associated off-street parking. Staff is evaluation the proposals received in accordance with the Authority's Sales Rules. In the interim, FMERA staff released an RFP for a Marina Operator in April, as not to miss this year's boating season. One proposal was received. The operator, AP Development Partners, LLC, intends on having the marina open for boat traffic on Saturday, June 28th and is targeting Friday, July 4th for the opening of a full-service restaurant.

Ms. Hodes stated that FMERA continues to work with Cushman & Wakefield, the Authority's Master Broker, to market the Fort property. The level of interest in the Fort property remains high.

VIII. COMMITTEE REPORTS

a) AUDIT COMMITTEE (ROBERT ADES, CHAIRMAN):

Robert Ades stated that the Committee is scheduled to meet on June 23rd.

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

Chairman Gorman, stated that the Committee met on June 18th and discussed the following:

- Overview of the RFOTP for Parcel V-1 in Eatontown and the termination of the Offer to Purchase Process due to the proposer's purchase prices being significantly below the appraised value of the property. FMERA staff will provide options for a new Veterans community to the Committee at the next meeting. The Committee reached a consensus and agreed to recommend approval to the Board to terminate the Offer to Purchase process with regard to Parcel V-1.
- Overview of the need to extend the exclusive negotiating period with Kiely Realty Group, LLC for Russel Hall for an additional sixty days as permitted by the Sales Rules. The Committee reached a consensus and agreed to recommend approval to the Board to extend the exclusive negotiation period.
- Overview of the request to authorize FMERA staff to make the Satellite Drive Parcel 1 available through the offer to purchase process. The Committee discussed the parcel as being open space in the Reuse Plan and will have a discussion at the next meeting regarding open space. The Committee reached a consensus and agreed to recommend approval to the Board to make the Satellite Drive Parcel 1 available through the offer to purchase process.
- Overview of the request to approve the selection of The Auctioneers Group, LLC, for Professional Auctioneering Services for Personal Property. The Committee reached a consensus and agreed to recommend approval of the selection of The Auctioneer Group for Professional Auctioneering Services.

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

Kenneth J. Kloo stated that the Committee met on June 2nd and discussed the following:

- Discussion regarding the Finding of Suitability to Lease (FOSL) for the Officer Housing and Russel Hall parcels. The main topic of discussion was the location of unregulated heating oil tanks throughout the Officer Housing site. FMERA staff will be following up with the Army on the status of each tank location and will provide feedback at the next meeting of the Committee.
- Overview of the conceptual site plan for Parcels C and C1, which led to a discussion of the various methods to encourage environmentally-friendly redevelopment in the RFOTP process. It was agreed that FMERA will have more flexibility to pursue these and other goals in Phase 2 redevelopment, when the Army is no longer a partner.
- Overview and current status of Howard Commons, Parcel B, and the Marina projects.
- Update to an issue discussed at the April meeting, the Committee discussed the Army's recent re-evaluation of the PCB contamination near Gibbs Hall. Based on the results of the re-evaluation, the property has received an unrestricted No Further Action letter and no deed notice will be required. This will enable the property to be more easily marketed in the future.

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

Robert Ades stated that the Committee did not meet this month but will be meeting on June 24th.

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

Rick Harrison, on behalf of Gina Fischetti, stated that the Committee met on June 12th and discussed the following:

- Update on Howard Commons and HovWest has begun their due diligence
- Update on Officer Housing including a report on meetings that have been held with the developer and the proposed concept plan for the reuse of the property
- Update on Parcel C & C1 included discussion regarding the latest site plan proposal and the location of the retail and residential components
- Update on Parcel V-1, the Veterans Community and the cancellation of the RFOTP
- The path forward for Parcel B

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

John Tobia, on behalf of Lillian Burry, stated that the Committee did not meet this month. Mr. Tobia stated that Ms. Burry stated that while the Veterans parcel is before the Board for termination, she will proceed with vengeance to find a use for a Veteran's Community at the Fort.

IX. BOARD ACTIONS

- A) The first item before the Board was the consideration of approval for FMERA staff to extend the Exclusive Negotiations period for a Purchase Agreement Pursuant to the Request for Offers to Purchase (RFOTP) for the Russel Hall parcel.

Candice Valente read the resolution which is attached hereto and marked Exhibit 1.

A motion was made to approve by Tim Lizura and was seconded by John Tobia.

Motion to Approve: TIM LIZURA Second: JOHN TOBIA
AYes 9

- B) The second item before the Board was the consideration of approval for FMERA Staff to terminate the Offer to Purchase Process for Parcel V-1.

Candice Valente read the resolution which is attached hereto and marked Exhibit 2.

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

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

- C) The third item before the Board was consideration of approval to make Satellite Drive Parcel 1 available through the Offer to Purchase Process.

Candice Valente read the resolution which is attached hereto and marked Exhibit 3.

A motion was made to approve by Mayor Tarantolo and was seconded by Gary Baldwin

Motion to Approve: MAYOR TARANTOLO Second: GARY BALDWIN
AYes 9

D) The fourth item before the Board was consideration of approval of The Auctioneers Group, LLC, for Professional Auctioneering Services for Personal Property.

Candice Valente read the resolution which is attached hereto and marked Exhibit 4.

A motion was made to approve by Tim Lizura and was seconded by Robert Lucky.

Motion to Approve: TIM LIZURA Second: ROBERT LUCKY
AYes 9

X. OTHER ITEMS

Mayor Mahon stated that Oceanport Borough has been working with the operator of the Marina for permits and the Oceanport Council will be voting on the transfer of the liquor license to the marina. Mayor Mahon asked that FMERA contact the Coast Guard in order that the channel markings are replaced at the marina.

XI. PUBLIC COMMENT REGARDING ANY FMERA BUSINESS

Bob English stated that the grass at Howard Commons needs to be cut. Mr. English asked if the residents of Eatontown can address the Board or the Real Estate Committee regarding the new RFOTP for Parcel B in order to offer input. Mr. English stated that Eatontown Council approved a resolution regarding COAH housing within the Fort being consistent with the State of New Jersey.

Dave Nuse answered Mr. English by stating that FMERA and the Eatontown Ad Hoc Committee meet monthly and FMERA has received positive feedback from the Borough regarding the new RFOTP for Parcel B.

Mr. Nuse answered Mr. English by stating that the Fort's affordable housing obligations are governed by the FMERA Act and if COAH does change the guidelines, FMERA is obligated by statute. Mr. Nuse stated it would take legislative action to amend the FMERA act to adjust the affordable housing requirement on the Fort.

Mayor Mahon stated that the Monmouth County Delegation have submitted legislation that would amend the FMERA act regarding affordable housing.

There being no further business, on a motion by Robert Ades seconded by Mayor Tarantolo and unanimously approved by all voting members present, the meeting was adjourned at 8:00p.m.

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



David E. Nuse – Assistant Secretary

**ADOPTED
June 18, 2014**

**Resolution Regarding
Approval to Extend the Exclusive Negotiating Period with Kiely Realty Group, LLC for
Russel Hall**

WHEREAS, Russel Hall is a 6.5 acre parcel in the Fort's Main Post Area in Oceanport; and

WHEREAS, the Fort Monmouth Economic Revitalization Authority (FMERA) issued a Request for Offers to Purchase (RFOTP) in connection with the planned redevelopment of the Russel Hall parcel on September 6, 2013; and

WHEREAS, on November 7, 2013, FMERA received one proposal from the Kiely Realty Group, LLC (Kiely); and

WHEREAS, the proposal was distributed to three evaluators, who scored the proposal independently, according to criteria and weightings contained in the RFOTP and the Authority's Sales Rules, and reviewed the proposal for compliance with FMERA's Reuse and Redevelopment Plan (Reuse Plan); and

WHEREAS, the evaluators determined that the Kiely plan was compliant with the Reuse Plan in all aspects other than the institutional office use, which will require an amendment to the Reuse Plan, and recommended FMERA staff proceed with exclusive negotiations; and

WHEREAS, at the Authority's January 15, 2014 meeting, the Board authorized staff to enter into exclusive negotiations with Kiely, based on the recommendation of the evaluation committee; and

WHEREAS, by letter dated June 4, 2014, the Executive Director extended the exclusive negotiating period for an additional thirty days as permitted by the Authority's Sales Rules; and

WHEREAS, at the Authority's May 21, 2014 meeting, the Board authorized FMERA staff to execute a Lease in Furtherance of Conveyance (LIFOC) with the Army for Russel Hall and subsequently enter into a sublease with the Kiely Realty Group for Russel Hall, upon final terms acceptable to the Executive Director and the Attorney General's Office; and

WHEREAS, FMERA staff and Kiely have made significant progress toward the negotiation of a mutually acceptable Purchase and Sale Agreement (PSA) for Russel Hall, and staff believes that there is a likelihood that further negotiation will result in agreement over business terms; and

WHEREAS, the Real Estate Committee has reviewed and discussed extending the exclusive negotiating period and recommends approving the sixty (60) day extension to the full Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority authorizes a sixty (60) day extension of the exclusive negotiating period, as set forth in the attached memorandum, and authorizes the Executive Director to take all necessary actions to effectuate the extension.

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.

ATTACHMENT

Dated: June 18, 2014

EXHIBIT 1

**ADOPTED
June 18, 2014**

Resolution Regarding

Approval to terminate the Offer to Purchase process with regard to Parcel V-1 on Fort Monmouth's Main Post without awarding a purchase contract and return the deposits with accrued interest to the bidders

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, Parcel V-1 is an approximately 10 acre parcel located along Alexander Avenue in the Eatontown portion of the former Fort; and

WHEREAS, an appraisal report prepared for FMERA valued Parcel V-1 at \$1.39 million; and

WHEREAS, based on staff recommendations, and with the Real Estate Committee's concurrence, as well as the Veteran Staff Advisory Committee's interest to establish a veteran's community on the former Fort, the Board authorized proceeding with the offer to purchase process at the May 2013 meeting of the Authority; and

WHEREAS, on September 6, 2013, FMERA publically issued a Request for Offers to Purchase (RFOTP) for Parcel V-1, with proposals due on December 6, 2013; and

WHEREAS, proposals were received from two entities and an evaluation committee consisting of FMERA staff and one representative from the Army independently reviewed the proposals; and

WHEREAS, both bidders proposed paying nominal consideration to acquire and redevelop the property; and

WHEREAS, the evaluation committee met and concluded that further negotiation with either party would not result in purchase terms beneficial to FMERA; and

WHEREAS, the FMERA Real Estate Committee recommends that the Board of Directors authorize the FMERA Staff to terminate the Offer to Purchase process for Parcel V-1.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached memorandum, the Authority approves terminating the Parcel V-1 Request for Offers to Purchase process without awarding a purchase contract.

2. The Authority authorizes the Executive Director to take all necessary actions to effectuate the termination of the Parcel V-1 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: June 18, 2014

EXHIBIT 2

ADOPTED
June 18, 2014

Resolution Regarding
Approval to Make the Satellite Drive Parcel 1 Available through the Offer to Purchase Process

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

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

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

WHEREAS, Satellite Drive Parcel 1 is approximately a 1.5 acre parcel in the Tinton Falls area of the former Fort; and

WHEREAS, the parcel is located north of the Pinebrook Commerce Center parcel and east of the Pistol Range parcel, increasing the potential for redevelopment of this unused land, set aside as open space in the Reuse and Redevelopment Plan (“Reuse Plan”); and

WHEREAS, FMERA intends to create a public roadway connecting Satellite Road to Pearl Harbor Avenue, shifting the highest and best use of this parcel away from open space; and

WHEREAS, FMERA staff has received inquiries about this parcel from one or more interested parties; and

WHEREAS, an amendment to the Reuse Plan is needed for the area due to the sale of the Pistol Range to a private developer as well as the potential retail component of the Pistol Range, and a proposal for the Satellite Drive Parcel 1 that includes any use other than open space will require an additional amendment; and

WHEREAS, Authority staff recommends proceeding with the Request for Offer to Purchase (RFOTP) process for the Satellite Drive Parcel 1 in Tinton Falls; and

WHEREAS, the Real Estate Committee has reviewed and discussed making the

Satellite Drive Parcel 1 available through the offer to purchase process and recommends it to the full Board of Directors for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves making Satellite Drive Parcel 1 in Tinton Falls available through the offer to purchase process, as set forth in the attached memorandum.

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

3. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: June 18, 2014

EXHIBIT 3

ADOPTED
June 18, 2014

Resolution Regarding
**Approval to Select The Auctioneers Group, LLC, for Professional Auctioneering Services
for Personal Property**

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

WHEREAS, the Army has agreed to convey Personal Property contained within the Phase 1 Economic Development Conveyance property to FMERA via a Bill of Sale associated with the Deed for the Phase 1 properties; and

WHEREAS, this Personal Property can be sold along with the buildings or sold via a competitive bidding process; and

WHEREAS, on December 6, 2013, FMERA issued an RFP for Professional Auctioneering Services for Personal Property; and

WHEREAS, the proposals were due on February 21, 2014, and no proposals were received; and

WHEREAS, FMERA staff contacted the two potential bidders who had attended the pre-proposal conferences in an attempt to determine whether an agreement could be reached and neither of the potential bidders was agreeable to the terms that limited any recovery of expenses to auction proceeds; and

WHEREAS, a local auctioneer, The Auctioneers Group, LLC, contacted FMERA staff indicating interest in providing professional auctioneering services for FMERA and indicating that they were agreeable to the proposed terms regarding expense recovery; and

WHEREAS, after two meetings and site visits FMERA requested a proposal from The Auctioneers Group; and

WHEREAS, FMERA staff and The Auctioneers Group have agreed on the terms of the proposal for the Professional Auctioneering Services; and

WHEREAS, the Real Estate Committee has reviewed and discussed entering into a contract with The Auctioneers Group and recommends approving the selection; and

WHEREAS, at a future Board meeting, FMERA staff will ask the Board to approve standard procedures for conducting auction events, standard terms and conditions of sales, ethical restrictions on who can bid at auction events and a delegation of operating

authority to complete sales of personal property to the highest responsible bidder.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority authorizes the selection of The Auctioneers Group, LLC, for Professional Auctioneering Services for Personal Property and authorizes the Executive Director to take all necessary actions to effectuate the selection.

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.

ATTACHMENT

Dated: June 18, 2014

EXHIBIT 4



MEMORANDUM

TO: Members of the Board

FROM: Bruce Steadman
Executive Director

DATE: July 16, 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. Grant Request

The Office of Economic Adjustment (OEA) approved the Authority's Grant application funding in support of the Authority's operations through June 30, 2015. The grant funds requested from OEA are consistent with the budget approved by the Authority's Board and presented to the State's Office of Management and Budget in support of the Authority's appropriation request.

2. 2014 Quarterly Financial and Operational Summary

FMERA staff presented the first quarter's Financial and Operational Summary to the members of the Audit Committee at their June 23rd meeting. In addition to updating the Committee on the status of the Phase 1 Economic Development Conveyance application, staff reviewed the status of the future requests for offers to purchase and requests for proposals for property maintenance with the Committee.

With the close of the second quarter on June 30th, FMERA staff begins the process of compiling Financial and Operational Summary for the first half of 2014 for presentation to the Audit Committee.

3. 2013 Comprehensive Annual Report of the Authority

The 2013 Comprehensive Annual Report of the Authority is posted on the Authority's website in accordance with Executive Order 37.

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). At the April 23, 2014, meeting of the Authority, the Board confirmed their support for the proposed terms negotiated by FMERA staff and Army representatives for the Authority's acquisition of the balance of the Main Post, as well as execution of a non-binding term sheet with the Army and submission of a Phase 2 Economic Development Conveyance (EDC) Application. Staff submitted the Phase 2 EDC application on July 1, 2014, and it is currently under review by the Army. 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 (Reuse 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. At the April meeting of the Authority, the Board approved the recommendation to enter into exclusive negotiations with RPM Development Group in accordance with the Authority's Sales Rules. Subsequently, at the May 21, 2014, meeting of the Authority, the Board approved FMERA staff entering into a Lease with the Army and a Sublease with RPM for the property, enabling RPM to undertake due diligence and pursue financing and project approvals in advance of the Phase 2 EDC Agreement.

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). The Authority and HovWest executed the purchase and sale agreement effective as of May 19, 2014.

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 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. HovWest has begun their pre-acquisition due diligence investigations on the property.

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 subsequently 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. At the April 23, 2014, meeting of the Authority, the Board approved the recommendation to enter into exclusive negotiations with Lennar Corporation in accordance with the Authority's Sales Rules.

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. 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.

Parcel B is a 55-acre tract located along the Fort's Route 35 frontage in the Main Post's Eatontown Reuse Area. The Reuse Plan calls for Parcel B to be developed as a 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. The new RFOTP for Parcel B will seek proposals that meet the Reuse Plan's goal of creating a lifestyle town center, as an exciting and attractive gateway to the Fort.

Parcel V-1

Parcel V-1 is a 10-acre tract in the Eatontown section of the former Fort 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. Both bidders proposed paying nominal consideration to acquire and redevelop the property into a veterans community. At the June 18, 2014 meeting of the Authority, the Board authorized FMERA staff to terminate the RFOTP process without awarding a contract.

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; the Board subsequently approved extending the exclusive negotiations term another sixty (60) days at the June 2014 meeting of the Authority. At the May 21, 2014 meeting of the Authority, the Board approved a Lease with the Army and Sublease with Kiely.

Fabrication Shops (Pinebrook Road Commerce Center at Fort Monmouth)

At the June 2013 meeting of the Authority, the Board approved making the Pinebrook Road Commerce Center (buildings 2501 – 2504, 2506 and 2507) available through the offer to purchase process. The five fabrications shops 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. At the May 21, 2014 meeting of the Authority, the Board approved the recommendation to enter into exclusive negotiations with the highest ranked proposer, Pinebrook Commerce Center, LLC, in accordance with the Authority's Sales Rules.

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 and the reuse of the existing boat house. Proposals were due on January 27, 2014 and two were received. Staff is evaluating the proposals in accordance with the Authority's Sales Rules and intends to make a recommendation to the Board in August. FMERA staff released a Request for Proposals (RFP) for a Marina Operator in the interim, and received one proposal. The operator, AP Development Partners, LLC, opened the marina for boat traffic on June 28, 2014 and for refreshments on the July 4th holiday weekend.

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 RFOTP allowed respondents the option to provide alternate proposals that included the purchase of additional adjacent land and/or buildings and the use for non-governmental purposes. Proposals were due on February 24, 2014 and five were

received. At the May 21, 2014 meeting of the Authority, the Board approved the recommendation to enter into exclusive negotiations with Kiely Realty Group, LLC, the highest ranked proposer, in accordance with the Authority's Sales Rules.

Charles Wood Firehouse

On December 20th, 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 use for the 2.3 acre parcel of land and building is institutional/civic reuse in the Fort's Reuse Plan. Proposals were due on March 20, 2014 and one proposal was received. Staff has evaluated the proposal in accordance with the Authority's Sales Rules and will advise the Board of the outcome of negotiations at a subsequent meeting.

Fitness Center

On March 14th, 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 were due May 28, 2014, and one proposal was received. Staff has begun evaluating the proposal in accordance with the Authority's Sales Rules. Staff intends to make a recommendation to the Board at its August meeting.

Main Post Chapel

On March 14th, 2014 an RFOTP was issued for the Main Post Chapel (Building 500) in the Oceanport Reuse Area of the Fort. The property encompasses 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 were due on May 9, 2014, and two proposals were received. Discussions have commenced with the compliant proposer.

Upcoming RFOTPs

FMERA plans on issuing additional RFOTPs over the next few months, including the Suneagles Golf Course and Parcel B, both in Eatontown, and a 1.5 acre parcel on Satellite Drive in Tinton Falls.

3. Marketing Update

FMERA issued a Request for Proposals (RFP) for Professional Marketing Consultant/Creative Agency Services for Brand Development and Website Design on May 1, 2014. A pre-proposal conference was held on May 9, 2014, proposals were due on June 5, 2014 by noon and nine proposals were received. The evaluation committee is


currently in the final stages of reviewing proposals and FMERA plans to engage the successful proposer shortly.

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. The level of interest in the Fort property remains high.

Please refer to our website, 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
July 16, 2014**

Resolution Regarding
Approval to Select Chenega Operations Services, LLC for On-Call Property Maintenance Services

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, FMERA took title to the Phase One Properties and expects to take title to the marina and Megill housing area within the next few months; and

WHEREAS, FMERA has a tentative agreement to acquire the Phase Two property no later than March 2015; and

WHEREAS, as FMERA acquires property the caretaker function and overall maintenance of the property and the Army utility systems becomes the responsibility of FMERA; and

WHEREAS, FMERA issued a Request for Proposals (RFP) for On-Call Property Maintenance Services on April 11, 2014, and proposals were due on May 29, 2014; and

WHEREAS, FMERA received six compliant proposals, and technical proposals were evaluated by four independent evaluators and fee proposals were evaluated by FMERA’s Chief Financial Officer and the RFP Coordinator; and

WHEREAS, the scores were compiled and the Evaluation Committee met on July 3, 2014 to review the scoring of the proposals; and

WHEREAS, the fee scores were added to the technical proposal scores with the resulting high scoring firm being Chenega Operations Services LLC; and

WHEREAS, the Evaluation Committee recommends that the Board of Directors approve the selection of Chenega as the On-Call Property Maintenance Services contractor; and

WHEREAS, the Real Estate Committee has reviewed and discussed entering into a contract with Chenega and recommends approving the selection.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority authorizes the selection of Chenega Operations Services, LLC, for On-Call Property Maintenance Services and authorizes the Executive Director to take all necessary actions to effectuate the selection.

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.

ATTACHMENT

Dated: July 16, 2014

EXHIBIT 1



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Selection of On-Call Property Maintenance Services

DATE: July 16, 2014

Summary

I am requesting the Members to consider approving the selection of Chenega Operations Services, LLC for On-Call Property Maintenance Services.

Background

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

In accordance with the federal Base Realignment and Closure law, Fort Monmouth was closed September 15, 2011. FMERA took title to the Phase One Properties, including all of Charles Wood (with the exception of some environmental carve-outs and the Megill housing area) and Parcel B. FMERA expects to take title for the marina and the Megill housing area within the next few months. Further, FMERA has a tentative agreement to acquire the Phase Two property no later than March 2015. As FMERA acquires property the caretaker function and overall maintenance of the property and the Army utility systems becomes the responsibility of FMERA. In order to respond to maintenance issues on a 24 x 7 basis, FMERA must have an on-call property maintenance contractor in place to ensure timely response to issues that complies with FMERA procurement policy.

The Fort Monmouth Economic Revitalization Authority (the "Authority" or "FMERA"), issued a Request for Proposals for On-call Property Maintenance Services on April 11, 2014, soliciting Technical Proposals, and Fee Proposals from qualified firms interested in performing the services to procure and manage subcontractors or utilize in-house staff to perform routine tasks identified in this RFP as well as other tasks as determined by FMERA to be needed during the term of the contract. FMERA estimates that between twenty-five (25) and thirty (30) subcontractors will need to be hired each year. The services will be performed for various properties and facilities owned, operated, leased and/or managed by the Authority. The term of the contract is twenty-four (24) months with FMERA's right to extend the contract for up to an additional twenty-four (24) months.

The proposals were due on May 29, 2014. Six compliant proposals were received from: Ascend Construction Management, Inc.; Chenega Operations Services, LLC; Cushman & Wakefield of NJ, Inc.; Meridian Property Services; The Oak Group Inc.; and Security Measures Inc.

The six technical proposals were distributed to the Evaluation Committee. The Committee was made up of four New Jersey Economic Development Authority employees, all of which are assigned to the FMERA Office. Cost proposals were analyzed by FMERA's Chief Financial Officer and the RFP Coordinator. The technical proposals were scored independently by each of the evaluators. The scores were then compiled. The Evaluation Committee met on July 3, 2014, to review the scoring of the technical proposals. The technical evaluation scoring is based upon a comparative ranking with an emphasis on relevant experience and management approach. The total scores ranged from a high of 379 points to a low of 248 points, with the highest technically ranked firm being Chenega Operations Services, LLC. Fee proposals were scored and analyzed based on proposed hourly rates, sub-contract mark-up fees, and proposed ongoing recurring charges for administration and routine maintenance. The Fee scores were added to the technical proposal scores with the resulting high scoring firm being Chenega Operations Services, LLC, therefore, the Evaluation Committee recommends that the Board approve the selection of Chenega Operations Services, LLC as the FMERA On-Call Property Maintenance Services contractor.

The Real Estate Committee recommends that the Board of Directors authorize the FMERA staff to select Chenega Operations Services, LLC for On-Call Property Maintenance Services.

Recommendation

In summary, I am requesting the Members' approval to enter into a contract with Chenega Operations Services, LLC for services sought in the Request for Proposals for On-Call Property Maintenance Services.



Bruce Steadman

Attachment: Evaluation Committee RFP Scoring Compilation
Prepared by: Rick Harrison

**ADOPTED
July 16, 2014**

Resolution Regarding
**Approval of Operating Authority and Protocol and Standard Terms and Conditions of
Sale for Furniture, Fixture and Equipment Auctions**

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, FMERA took title to the Phase One Properties, including a bill of sale for all personal property within the Phase One Buildings; and

WHEREAS, the Board of Directors of the Authority approved a contract with The Auctioneers Group, LLC at the June 18 2014 Meeting of the Board; and

WHEREAS, FMERA staff worked with the contract auctioneer to develop a standard set of Terms and Conditions under which The Auctioneers Group would conduct auctions; and

WHEREAS, FMERA staff has developed processes and procedures for Furniture and Equipment auction events, which are described in the attached memorandum, including how the auctions will be conducted, minimum advertisement, prior inspections, and ethical restrictions on who can bid; and

WHEREAS, the Real Estate Committee has reviewed and discussed the Furniture and Equipment Auction Protocol and Terms and Conditions of Sale and recommends Board approval.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached memorandum, the Authority approves the processes and procedures for the Furniture and Equipment auction events and adopts the standard Terms and Conditions of Sale.
2. The Authority authorizes the Executive Director to accept the highest responsible bid at auction events conducted in accordance with the approved process and procedures for Furniture and Equipment Auctions and to sign and deliver documents necessary and appropriate to complete such sales as acceptable to the Executive Director and the Attorney General’s Office.
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: July 16, 2014

EXHIBIT 2



MEMORANDUM

TO: Members of the Board of Directors

FROM: Bruce Steadman
Executive Director

RE: Furniture, Fixture and Equipment Auction Operating Authority and Standard Terms and Conditions of Sale

DATE: July 16, 2014

Summary

I am requesting the Board: (i) to delegate authority to staff to accept the highest responsible bid at auction events conducted in accordance with FMERA's protocol for Furniture, Fixture and Equipment (F&E) auctions and to sign and deliver documents necessary and appropriate to complete such sales as acceptable to the Executive Director and the Attorney General's Office; and (ii) to adopt standard Terms and Conditions of Sale for F&E auctions.

Background

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

In accordance with the federal Base Realignment and Closure law, Fort Monmouth was closed September 15, 2011. FMERA took title to the Phase One Properties, including a bill of sale for all personal property within the Phase One buildings. The FMERA Board approved a contract with The Auctioneers Group, LLC at the June 18, 2014 Board meeting. Upon expiration of the Governor's Veto period, FMERA staff worked with the contract auctioneer to develop a standard set of Terms and Conditions under which The Auctioneers Group, LLC would conduct auctions. Furthermore, FMERA staff has developed the following processes and procedures for F&E auction events, for FMERA Board approval.

FMERA will conduct open-cry auctions and the auctions will be open to the public but bidders must register before the auction event. Auctions will be absolute (i.e. without reserve) with the exception of specialty items as determined by staff with input from FMERA contract auctioneers/auction consultant. Furniture and Equipment will be divided into lots or sold individually as determined by staff with input from The Auctioneers Group. All sales will be final and subject to FMERA Standard Terms and Conditions for F&E Auctions as set forth in Exhibit A to this Board Memo. Sales will be conducted at Fort Monmouth in or near the buildings where the F&E is located.

Auctions will be advertised at a minimum in the Public Notice Section of The Star Ledger and The Asbury Park Press as well as posted to the FMERA website and The Auctioneers Group website. Auctions will be advertised for a minimum of 30 days prior to the auction event.

Prospective bidders will be permitted to inspect F&E prior to auctions.

Unless approved by the State Ethics Commission before an auction event is conducted, no State officer or employee or special State officer or employee (as those terms are defined in the Uniform Ethics Code) or any corporation, partnership, firm or association that is one (1%) percent or more owned or controlled by a State officer or employee or special State officer or employee shall bid to purchase or purchase from FMERA at any auction conducted on behalf of FMERA.

Recommendation

In summary, I am recommending that the Board: (i) delegate authority to staff to accept the highest responsible bid at auction events conducted in accordance with FMERA's protocol for Furniture, Fixture and Equipment (F&E) auctions and to sign and deliver documents necessary and appropriate to complete such sales as acceptable to the Executive Director and the Attorney General's Office; and (ii) to adopt standard Terms and Conditions of Sale for F&E auctions.



Bruce Steadman

ATTACHMENT: Exhibit A Public Auction Surplus Furniture, Fixtures & Equipment Fort Monmouth Economic Revitalization Authority (FMERA) Terms and Conditions of Sale

Prepared by: Rick Harrison

EXHIBIT A

PUBLIC AUCTION

SURPLUS FURNITURE, FIXTURES & EQUIPMENT

FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY (FMERA)

TERMS AND CONDITIONS OF SALE

PUBLIC AUCTION

SURPLUS FURNITURE, FIXTURES & EQUIPMENT

DATE GOES HERE:

ADDRESS GOES HERE:

**FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY (FMERA)
TERMS AND CONDITIONS OF SALE**

1. All bidders are required to register with the auction company and obtain a bidder number prior to bidding. A Drivers License or official picture I.D. will be required as part of the registration process. Initial deposit to register is \$100. The deposit will be made in cash, certified, or bank check only drawn to the order of "The Auctioneers Group". No other method of payment will be accepted. Bidders must be at least 18 years of age, and no children under the age of 18 are permitted at the auction or on the grounds. **We do not accept credit cards.** Deposits will be applied to successful bids or returned to customers upon request.
2. All persons acknowledge having full knowledge of these "Terms and Conditions of Sale" and agree to be bound thereby. The auctioneer reserves the right to add one or more to the following "Terms and Conditions of Sale" by announcement at the sale. **TERMS OF AUCTION:** All property, machinery, equipment, merchandise, and other items are sold on an "AS IS/WHERE IS/WITH ALL FAULTS" basis with no conditions, warranties or representations whatsoever either expressed or implied. Neither The Auctioneers Group nor FMERA makes any warranties or representations of any kind or nature with respect to the property or its value, and in no event shall they be responsible for correctness of description, genuineness, attribution, provenance, authenticity, authorship, completeness, condition of the property or estimate of its value. No statement (oral or written) in the catalog, at the auction or elsewhere shall be deemed such a warranty or representation, or any assumption of responsibility. Please inspect all items before bidding. Each and every lot will be sold "AS-IS" Specifically but without limitation, Auctioneer makes no representation or warranty that any of the lots: (a) conform to any applicable authority, law or regulation, or (b) fit for any particular purpose, (c) are of any particular age, year of manufacture, model, make or condition. No sale shall be invalidated and The Auctioneers Group shall have no liability for a mistaken description of any article or lot whether contained in a catalog, advertisement or otherwise. Descriptions have been prepared for guide purposes only and shall not be relied upon by the purchaser for accuracy or completeness. Purchasers shall be deemed to have relied entirely upon their own inspections and investigations. If you do not understand any or all of the Terms and Conditions herein please do not bid until you have contacted The Auctioneers Group for clarification at (609) 693-6899. No employee is authorized to alter these terms. If the purchaser fails to comply with any of the stated and printed "Terms and Conditions of Sale" included but not limited to full payment, method of payment and removal of purchased goods, FMERA at its option and in consultation with the auctioneer, may declare the purchaser in default and retain all monies paid as liquidated damaged.
3. A 25% (TWENTY FIVE PERCENT) DEPOSIT is required from the purchaser at the time the article is struck down The deposit must be made in CASH, CASHIERS CHECK, CERTIFIED FUNDS, OR BUSINESS OR PERSONAL CHECK WITH AN ACCEPTABLE BANK LETTER OF GUARANTEE ONLY. (Sample on website). All checks are to be made out to THE AUCTIONEERS GROUP. **No other method of payment will be accepted.**
4. All C.O.D. balances must be paid no later than **date goes here, and/or IMMEDIATELY AFTER THE AUCTION** In Cash, Certified Check, Bank Check, Cashier's Check, or business or personal check w/ acceptable bank letter of guarantee. All items must be removed no later than **4:00pm – date goes here.** In the event of a billing error the buyer is obligated to pay any deficiency upon presentation of a corrected bill.

Payment Default: Failure to pay invoices in full by the Final Payment Date in accordance with payment terms will subject the Bidder to be in default. The merchandise will be considered abandoned and all deposits retained as liquidated damages. Any deficiency, together with all expenses and cost of moving, and re-sale, will be charged to the defaulting buyer.

5. **REMOVAL:** Absolutely no items may be removed before the conclusion of the sale and payment is made in full. No goods will be released without presentation of the invoice marked "PAID". All articles purchased shall be removed within the time frame specified by The Auctioneers Group unless prior arrangements have been made. Buyer is solely responsible for all costs involved in moving the sold items from the auction site. Removal of certain items that may require rigging or removal from higher floors, basements, and/or that need the use of heavy equipment or elevators may require a specific appointment at the discretion of the auctioneer. Removal of the goods will begin at _____. Hours for removal are from 9:00AM to 4:00PM. The final date of removal will be no later than _____ by 4:00PM. Purchasers must remove the merchandise from the premises at their own risk and liability. All purchases are made at the purchaser's risk and neither the auctioneer nor FMERA is responsible if all or any part is lost, stolen, damaged or destroyed from any cause. Auctioneer or FMERA shall not be liable for non-delivery to the purchaser of any lots. Please note: any successful bidder must utilize the services of a licensed professional for the capping off or disconnecting of any plumbing or electric associated with the removal of any items that have plumbing or electric feeds.

Purchasers shall comply with all environmental laws and regulations and all requirements established by FMERA or The Auctioneers Group for the removal of articles, including requirements as to bonding of independent contractors. All independent contractors must provide to The Auctioneers Group certificates of liability and worker's compensation insurance in amounts stated by The Auctioneers Group. The Auctioneers Group has discretion to refuse any independent contractor from working on the premises.

The bidder acknowledges that the auction site is a potentially dangerous place with noxious, corrosive, and pressurized substances being present, heavy equipment being operated and electric circuits being live. Every person at the auction site before, during, and after the auction sale shall be deemed to be there at their own risk with the notice of the condition of the premises, the activities on the premises and the conduct of third parties and the bidder shall so advise his agents and employees. No person shall have any claim against The Auctioneers Group or FMERA, their agents, employees, or principals for any injuries sustained nor for damages to or loss of property which may occur from any cause whatsoever.

Removal and rigging is to be at the purchaser's own expense, risk, and liability. All rigging and delivery arrangements are strictly the responsibility of the purchaser and rigging company. The Auctioneers Group and FMERA take no responsibility for these arrangements whatsoever. The purchaser is responsible for obtaining a certificate of insurance for \$1,000,000.00 naming The Auctioneers Group and FMERA as additional insured entities. A certificate must be presented to the auctioneer for all heavy rigging requiring the use of forklifts, cranes, etc., whether performed by the customer or a rigging company. FMERA has the right to reduce or eliminate these requirements at its discretion. The Auctioneers Group at its discretion can deny access to an unqualified or uninsured rigger.

No refunds or adjustments will be made once an item has been removed from the auction site. All refunds and adjustments are solely at the discretion of FMERA in consultation with the auctioneer..

6. **Failure to Remove & Default:** All property must be paid for and picked up in the time frames announced by The Auctioneers Group at the time of the sale. Time is of the essence. If not, the merchandise will be deemed abandoned and the purchaser will lose any right, title, or interest that the buyer may have acquired and the merchandise. In the event the purchaser fails to perform contractual obligations (payment and removal) as specified in the terms and conditions the purchaser will be declared without notice in default and all monies paid will be retained as liquidated damages.
7. **Inspections:** Purchasers may inspect the merchandise and are urged to do so. Inspection dates are _____ and _____ from 10:00AM to 3:00PM and 9:00AM Morning of sale.

The auctioneer and FMERA make no warranty as to the condition of the merchandise. All goods are sold "AS IS and "WHERE IS" and all sales are "FINAL". Descriptions have been prepared for guide purposes only and shall not be relied upon by Buyer for accuracy or completeness. By submitting a bid, Buyer/Bidder affirms that he has inspected all the items or has waived his right to do so prior to bidding. Buyers shall be deemed to have relied entirely upon their own inspections and investigations.

8. **Disputes:** Any disputes as to bidding shall be settled by the onsite FMERA staff member with input from The Auctioneers Group. FMERA may, at its discretion, put any lot in dispute up for sale again. The Auctioneers Group is to regulate the bidding, establish the bidding increments. No bidder may retract his bid. Record of the sale is being kept by the auctioneer and bookkeeper and will be taken as final in the event of any dispute.
9. The Auctioneers Group will not be responsible for any missed bids from any source. Under no circumstance shall any bidder have any kind of claim against The Auctioneers Group.
10. **Indemnification:** The buyer agrees to indemnify and hold harmless The Auctioneers Group and FMERA from any and all claims arising from this auction and any and all claims and liabilities relating to the condition or use of the articles purchased or failure of user to follow instructions, warnings, or recommendations of the manufacturer, or to comply with federal, state, and local laws applicable to such articles or for proximate or consequential damages, costs, or legal expenses arising there from.
11. Persons in attendance during inspection, sale or removal of merchandise assume all risks of damage or loss to persons, property, merchandise, and shall exercise proper precautions at all times for the protection of persons and property. The Auctioneer and FMERA shall not be liable for any defect in or about the condition of the premises on which the auction is held. Buyer specifically releases the Auctioneer and FMERA, their agents and representatives from all liability thereof. All claims by a bidder or purchaser against FMERA shall be subject to the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.) and the New Jersey Contractual Liability Act (N.J.S.A. 59:13-1 et seq.)
12. **Absentee Bids:** Properly registered bidders may submit an absentee proxy bid for the sole purpose of purchasing the items listed when the bidder cannot bid on the day of sale. Absentee bids must be submitted in a sealed envelope and accompanied by a cash deposit. The absentee bid will be opened publically at the start of the auction but the amount will not be disclosed until executed at the appropriate time in the bidding. All bids are final and binding and do not include any Buyer's Premium or sales taxes. The Auctioneers announcements at the time the lot is sold take precedence on any and all published materials. Proxy bidders will be notified only if they have been declared the high bid. Notification will take place in the form of email which will be sent to the address provided during registration, or notification by phone.
13. The sale will take place in the order set forth in the catalog. The auctioneer reserves the right to group two or more lots together and also reserves the right to subdivide lots. All items will be sold on a unit basis by the piece, or announced as sold by the lot. Errors in cataloging or description shall not invalidate the sale.
14. Bids exceeding \$17,500 will be subject to Political Campaign Contribution restrictions as set forth in PL 2005, c.51.
15. Successful bidders will receive a computer generated invoice marked 'paid' as proof of purchase.

Summary

**This sale is subject to a 15% Buyers Premium
All items are lien free and sold with clear title
No merchandise will be released without a paid invoice
Auctioneer reserves the right to reject any bid or bidder
All items are sold "AS-IS, WHERE IS"**

Inspect the items before you bid
Payment and removal terms will be strictly adhered to
7% NJ State Sales Tax due when and if applicable
THE AUCTIONEERS GROUP is acting solely as the agent for the sellers

THE AUCTIONEERS GROUP

A.P. NATOLI / PETER COSTANZO

(609) 693-6899 (732) 776-7222

www.TheAuctioneersGroup.com