

**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
- Gerald Turning, Mayor of Tinton Falls – V
- Ellynn Kahle, Oceanport Councilwoman – V
- Tim Lizura, President and COO, NJ Economic Development Authority (NJEDA) – V
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- John Raue, Senior Policy Advisor to the Commissioner, NJ Department of Labor & Workforce Development (DOL)
- Jonathan Lowy, Regional Manager, Government and Community Relations, NJ Transit (NJT)

**V - Denotes Voting Member**

**Members Not Present**

- Gina Fischetti, Chief Counsel, Local Planning Services, NJ Department of Community Affairs (DCA)

**Also present:**

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

**II.**

The meeting was called to order by Chairman James V. Gorman at 7:01 p.m., who led the meeting in the Pledge of Allegiance.

In accordance with the Open Public Meetings Act, FMERA 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 July 16<sup>th</sup> meeting minutes. A motion was made to approve the minutes by Robert Ades and seconded by Robert Lucky.

Motion to Approve: ROBERT ADES Second: ROBERT LUCKY

AYes: 6

Tim Lizura abstained from voting stating that he was not at the July meeting.

Ellynn Kahle abstained from voting stating that she was not at the July meeting.

The first item of business was the approval of the July 16<sup>th</sup> Executive meeting minutes. A motion was made to approve the minutes by Robert Ades and seconded by Gerald Tarantolo.

Motion to Approve: ROBERT ADES      Second: GERALD TARANTOLO  
AYes: 6

Tim Lizura abstained from voting stating that he was not at the July meeting.  
Ellynn Kahle abstained from voting stating that she was not at the July 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's public comment protocol established at the February Board meeting will continue to be followed.

Mr. Gorman stated that the Board would consider six action items: 1) consideration of approval for FMERA staff to terminated the Offer to Purchase Process for Howard Commons and approval to issue a new RFTOP; 2) consideration of approval to enter into Exclusive Negotiations for a Purchase Agreement Pursuant to the RFOTP for the Marina parcel; 3) consideration of approval to extend the Exclusive Negotiations period for a Purchase Agreement pursuant to the RFOTP for Russel Hall; 4) consideration of approval to make Parcel F-1 available through the Offer to Purchase Process; 5) consideration of approval to make the Squier Hall parcel available through the Offer to Purchase Process; 6) consideration of approval for reimbursement to the Borough of Tinton Falls for Infrastructure Improvements.

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. Steadman stated that Candice Valente would be reading the Board resolutions for the action items.

### V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated FMERA staff is preparing the 2<sup>nd</sup> quarter Financial and Operational Summary, assessing performance to-date against the 2014 goals. The financial and operational summary report will be reviewed by the Audit Committee at their next meeting. Preliminary results show the Authority is under budget for the six-month period ended June 30, 2014, operating expenses approximately \$100,000 under budget due to the proactive monitoring of expenses the Authority has in place. The budget process for 2015 is about to get underway. In the coming weeks, the staff will hold budget sessions and begin drafting the 2015 FMERA budget. The draft 2015 budget will then be forwarded to the Audit Committee for its review. The 2015 budget is scheduled to be brought before the Board for its consideration and approval at the December Authority Meeting.

## VI. PUBLIC COMMENT REGARDING BOARD ACTION ITEMS

Bob English of Eatontown asked what the purchase price reduction and the extension time of the due diligence was that HovWest requested for Howard Commons.

Tom Mahedy of Wall Township asserted that corporations such as Kiely and K. Hovnanian are receiving sweetheart deals and special treatment because of political contributions. Mr. Mahedy asserted that all of the contracts are secrets. Mr. Mahedy stated that the golf course liquor license was given away for a sweetheart deal because the operator makes political contributions. Mr. Mahedy also made accusations about impropriety and questionable dealings.

Gabriel Chacon answered Mr. English's question by stating that under the Sales Rules, the purchase price and the proposal are not available to the public until an award is granted.

Bruce Steadman stated that Mr. Mahedy's inaccurate assertions and accusations have been addressed in the past and no further comment is required, since no legitimate questions were asked.

## VII. EXECUTIVE DIRECTOR'S REPORT

Rick Harrison, Director of Facilities Planning gave the following updates:

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. FMERA is currently on track to have an executed Phase 2 MOA with the Army by the third quarter of 2014.

FMERA had a kick-off meeting with The Auctioneer's Group and they have started preparation for the first auction event to be held the end of September/first week in October, which will involve Buildings 1200 – 1205 on Parcel B. FMERA expects advertising will commence next week or just after Labor Day. The Auctioneers Group will have people onsite starting Monday in preparation for the auction. This first auction will be a large lot auction for fixtures, furniture and equipment.

FMERA had a project initiation meeting with Chenega Operations Services, the on call property maintenance contractor. One of the first projects undertaken will be the clean-up of the walkways on Pinebrook Road and the connecting walkway to the schools in anticipation of the opening of Eatontown schools after Labor Day. This will be a priority throughout the growing season and it will continue to be monitored throughout the year.

FMERA continues to work closely with the utility companies and the boroughs to maintain and upgrade infrastructure now that we have assumed ownership for a large portion of the former Fort Monmouth property. We must ensure continued service to our current tenants and future property owners. NJAW has substantially completed the installation and testing of a new water main in the Tinton Falls area of the Charles Wood area, and JCP&L is finishing their due diligence needed to take over operation and maintenance of the existing electrical system. NJNG has been supporting us on their existing service in the Charles Wood Area. The Borough of Tinton Falls has contracted out promised road improvements and has included some needed additional infrastructure work on our behalf in anticipation of pending redevelopment so the newly paved roads won't need to be dug up anytime soon. This includes extensions of sewer and water pipes, connection points for future service and cutting and capping of abandoned pipes and removal of out-of-service fire hydrants. There has also been some unanticipated work required due to some unknown buried Army water pipes encountered as

construction continues. All of the utility companies and their contractors have been cooperative and professional, and this is greatly appreciated. This also applies to the Army caretaker and contractor work force that continues to assist us and the utility contractors on a daily basis. Thanks to all.

Dave Nuse, Director of Real Estate Development gave the following update on RFOTPs:

In Tinton Falls, FMERA currently has 4 parcels either in or approved for Exclusive Negotiations. They include:

- Parcels C and C1, a mixed use town center project to be developed by Lennar Corporation;
- The Fabrication Shops, 45,000 sf of light industrial and flex space, where we're in negotiations with Pinebrook Commerce Center LLC; and
- The Pistol Range, where the Board has selected Kiely Realty LLC as purchaser.
- FMERA is also awaiting the Army's appraisal on the Charles Wood Area Fire Station, where there is one compliant proposal received,
- An RFOTP is currently posted on our website for the Satellite Drive parcel, a 1.5 acre building lot with a response date of October 17.

In Eatontown, FMERA plans to issue three RFOTPs within the next 30 days:

- Suneagles Golf Course, which includes a 10 acre area zoned for construction of a new hotel/conference center;
- An expanded Parcel B, the mixed-use town center parcel fronting Route 35;
- Re-issuance of the Howard Commons site on Pinebrook Road.

In Oceanport, FMERA is in Exclusive Negotiations on 2 parcels:

- The Officer Housing parcel, consisting of 117 historic housing units, where RPM Development has been selected as redeveloper;
- Russel Hall, the 40,000 sf former Garrison Headquarters building, with Kiely Realty, LLC.
- Initiated negotiations with the proposers on the Fitness Center and the Marina.

Staff will be requesting authorization to issue several additional RFOTPs this fall, including:

- A 38 acre site in Tinton Falls, including the Myer Center;
- Squier Hall and several adjacent buildings in Oceanport, including the Main Post Chapel. The 1 compliant proposer for the Chapel formally withdrew its bid, enabling us to re-offer that property.

Please visit our website, [www.fortmonmouthredevelopment.com](http://www.fortmonmouthredevelopment.com), for more information and to obtain copies of our RFOTPs.

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 1<sup>st</sup>. Proposals were due on June 5<sup>th</sup> and 9 proposals were received. An evaluation committee reviewed the proposals and on July 28th FMERA engaged Weblinx, Inc., the highest scoring proposer. The contract with Weblinx does not require Board approval as it falls under the procurement provisions of Delegated Operating Authority. The form of the contract and FMERA's execution of the contract have been approved by the Attorney General's Office. FMERA and Weblinx held an all-day kick-off meeting on August 7<sup>th</sup> and we look forward to working with Weblinx on our brand development and website design in the coming months.

Cushman & Wakefield and FMERA will be hosting a broker open house at the McAfee Center in September. The open house is intended to showcase the McAfee Building and engage additional members of the brokerage community on the overall redevelopment of Fort Monmouth. FMERA is also working with the Monmouth Ocean Development Council and the Greater Long Branch Rotary Club on two separate events in October each to be held at Gibbs Hall. If there are any organizations that would like FMERA to be a part of their events, please let us know. We would welcome the opportunity to participate.

Bruce Steadman stated that the CommVault project is progressing rapidly and welcomed the Board to drive by the location to see the project. Mr. Steadman stated that the AcuteCare project is underway and the interior construction is about 60% complete. Mr. Steadman thanked NJ American Water, the Borough of Tinton Falls and their engineer, T&M Associates for the utility work in the Charles Wood Area. Mr. Steadman thanked the FMERA staff for all of their hard work and efforts during his recent absence. Mr. Steadman thanked John Occiphinti and the Caretaker staff, John Windish, Asset Officer and Regina McGrade, Operations Specialist, for the work they did on the McAfee Center in order to begin to conduct events in that building.

## VIII. COMMITTEE REPORTS

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

Robert Ades stated that the Committee met on August 18<sup>th</sup> and discussed the following:

- Discussion on the Authority's Phase 2 EDC.
- Discussion regarding FMERA's negotiations with the Army and the options for the Phase 2 EDC, consisting of approximately 563 acres all within the Main Post of the Fort.
- Discussion regarding the Phase 2 EDC's pro forma and details on the sales forecast for the Phase 2 real estate, including the parcelization plan for the property to be sold through the public sale process in accordance with the Authority's sales rules for real and personal property.
- Review of expenditures, including FMERA's homeless obligations, over the 10-year program. The Committee confirmed that funds derived from the sale, and or leases of the Phase 2 real and personal property will be expended in conformance with the terms of the EDC legislation and agreement.
- Update on the status of the Homeless Fund.

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

Bruce Steadman, on behalf of Chairman Gorman, stated that the Committee met on August 13<sup>th</sup> and discussed the following:

- The six Board Action items for the August 20<sup>th</sup> meeting. The Committee reached consensus and agreed to recommend to the Board the approval of the six individual Board Actions.
- Update on Parcels C & C1.
- Update on current and upcoming RFOTPs.
- Update on the Broker Marketing.

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

Kenneth J. Kloo stated that the Committee met on August 4<sup>th</sup> and discussed the following:

- Discussion on the portions of the Phase 1 and Phase 2 parcels that would be excluded from any current and future RFOTPs due to ongoing investigation or remediation activities. The discussion was focused on the Lime Pit associated with the Myer Center, and the potential for redevelopment to proceed. The NJDEP is awaiting the results of additional soil and ground water investigation performed in this area by the Army.
- Discussion on the closure requirements and future uses of the existing landfills including passive and active recreation, solar power and traditional redevelopment.
- Update on the recent developments concerning the Howard Commons RFOTP.

Ellynn Kahle asked who would be in charge of monitoring the waterways adjacent to landfills on an ongoing basis. Mr. Kloo stated that the DEP would require testing near or in the waterways only if any contamination from the landfills was found to be migrating. More will be known when Army's landfill closure plan is fully reviewed by DEP.



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

Robert Ades stated that the Committee will be meeting on August 26<sup>th</sup>.

e) HOUSING STAFF ADVISORY COMMITTEE (GINA FISCHETTI - CHAIRWOMAN):

Bruce Steadman, on behalf of Gina Fischetti, stated that the Committee met on August 14<sup>th</sup> and discussed the following:

- Discussion on Howard Commons and HovWest Land Acquisition termination of the Purchase and Sale & Redevelopment Agreement. Discussion regarding the reissuance of a new RFOTP for the property.
- Discussion of Officer Housing regarding RPM Development Group and the engagement of an architect who has begun site inspections of the property.
- Discussion regarding Parcels C & C1 and the new preliminary concept site plan. FMERA is currently in exclusive negotiations with Lennar. Borough of Tinton Falls is being consulted regarding the preliminary concept site plan.
- Discussion regarding upcoming RFOTPs including Suneagles Golf Course, Satellite Road, Parcel B, and Howard Commons.

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.

IX. BOARD ACTIONS

A) The first item before the Board was the consideration of approval for FMERA staff to terminate the Offer to Purchase Process for Howard Commons and approval to issue a new Request for Offers to Purchase (RFOTP) for Howard Commons

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

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

Bruce Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Robert Ades	X		
Robert Lucky	X		
Amy Herbold	X		
John Tobia	X		
Tim Lizura	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Ellynn Kahle	X		

Motion to Approve: GERALD TARANTOLO Second: ROBERTY LUCKY  
AYes 9

B) The second item before the Board was the consideration of approval to enter into Exclusive Negotiations for a Purchase Agreement pursuant to the RFOTP for the Marina Parcel.

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

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

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

C) The third item before the Board was the consideration of approval to extend the Exclusive Negotiations period for a Purchase Agreement pursuant to the RFOTP for the Russel Hall parcel.

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

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

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

D) The fourth item before the Board was the consideration of approval to make Parcel F-1 available through the Offer to Purchase Process.

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

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Robert Ades	X		
Robert Lucky	X		
Amy Herbold	X		
John Tobia	X		
Tim Lizura	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Ellynn Kahle	X		

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

E) The fifth item before the Board was the consideration of approval to make the Squier Hall Parcel available through the Offer to Purchase Process.

Candice Valente read the resolution which is attached hereto and marked Exhibit 5.

A motion was made to approve by Gerald Turning and was seconded by Tim Lizura

NAME	YES	NO	ABSTAIN
James V. Gorman	X		
Robert Ades	X		
Robert Lucky	X		
Amy Herbold	X		

John Tobia	X		
Tim Lizura	X		
Gerald Tarantolo	X		
Gerald Turning	X		
Ellynn Kahle	X		

Motion to Approve: GERALD TURNING Second: TIM LIZURA  
 AYes 9

F) The sixth item before the Board was the consideration of approval for reimbursement to the Borough of Tinton Falls for Infrastructure Improvements.

Candice Valente read the resolution which is attached hereto and marked Exhibit 6.

A motion was made to approve by Robert Ades and was seconded by Gerald Tarantolo.

Motion to Approve: ROBERT ADES Second: GERALD TARANTOLO  
 AYes 9

X. OTHER ITEMS

There were no other items before the Board.

XI. PUBLIC COMMENT REGARDING ANY FMERA BUSINESS

Bob English of Eatontown asked if the RFOTP for the golf course will include a hotel/conference center and if not what will be included.

Mr. English referred to an article in the Star Ledger stating “Representatives of the Fort Monmouth Economic Revitalization Authority are expected to meet later this month with officials from Monmouth County and the county improvement authority to discuss the possibility of the purchase, said Freeholder Director Lillian Burry, a member of the authority. Burry said the authority is proposing buying from the Department of Defense the remaining 560+ acres not sold or not under contract at the 1,128-acre former military base spanning Eatontown, Tinton Falls and Oceanport” and asked if the public can be updated on the status of this information.

Mr. English asked if the State could possibly front the money for the demolition of Howard Commons and the Army reimburse the State for the demolition when the property is sold.

Mr. English stated that while the area between the curb and the fence at Howard Commons will be maintained, could the deplorable area between the fence and the houses be maintained.

Linda Zucaro of Tinton Falls asked for the status of the Veterans Project, Parcel V-1.

Tom Mahedy asserted that CommVault should not be getting the million dollars they are receiving from State incentives. Mr. Mahedy stated that there was no mention about the huge plan for Monmouth County to purchase the remaining acres on the Fort and he is opposed to it because the Army is the #1 polluter in the world. Mr. Mahedy stated that it should not be a secret from the public that the County is purchasing the remaining property. Mr. Mahedy asserted that the Army is acting in a criminal way and the Environmental Staff Advisory Committee (ESAC) and FMERA are covering up for them. Mr. Mahedy asserted that former Mayor Michael Skudera abstained from voting on any CommVault issues because he was seeking employment at CommVault. Mr. Mahedy asserted that it is criminal that the teen center is open because it is contaminated. Mr. Mahedy asserted that there has been no testing at the NJ State Police (NJSP) barracks for contamination so if the Army is not going to test the NJSP site, they will certainly not test the remaining portion of the Fort for the



public. Mr. Mahedy suggested that the members of the Board resign because they are all acting in a criminal way.

Dave Nuse responded to Mr. English's question on Suneagles and the Megill Housing by stating that the Reuse Plan states that the specified use is for hotel/conference center and therefore the RFOTP will call for that use. The RFOTP will also allow for the proposer to submit an alternate use of the property.

Bruce Steadman responded to the comments regarding the discussions with the Monmouth County Improvement Authority (MCIA) on the purchase of the remaining Fort property by stating that FMERA has been in discussions with the Army regarding the Phase 2 EDC purchase of the property and there are several ways for FMERA to bond or borrow money. The MCIA is one possible avenue in order to complete the transaction with the Army. Mr. Steadman stated that there is nothing further to discuss at this time due to continuing discussions and that no secret deals have been made; and this is not a secret plan that the County is buying the land from the Army.

Bruce Steadman responded to the question regarding the State fronting the money for the demolition of Howard Commons by stating that there are ongoing discussions with Eatontown, and the Army and there are a number of options that are being discussed with input from the AG's office. Mr. Steadman further stated that the BRAC law states that the Army may not participate in any activity that improves the property.

Bruce Steadman responded to Ms. Zucaro's question by stating that the Veterans project is still an active project and FMERA hopes to make a recommendation to the Board at an upcoming meeting regarding the relocation of the project.

Bruce Steadman responded to Mr. Mahedy's assertions by stating that he previously responded to the question regarding the County purchasing the remaining portion of the Fort. He reiterated that the County is not proposing to purchase the former Fort from the Army. Mr. Steadman stated that he is unclear why Mr. Mahedy refers to previous Board and staff members such as Mayor Skudera and Frank Cosentino, in such negative ways.


Bruce Steadman stated that the NJSP building is not a barracks where the NJSP live, and that there are no known environmental issues with the building or the surrounding area that impact its use as a police building. Mr. Steadman noted that Mr. Mahedy's other assertions and accusations have been discussed on numerous occasions at previous Board meetings.

Mayor Tarantolo asked what Commvault's obligations were regarding jobs created and total investment in the project.

Dave Nuse responded that these were contained in the Redevelopment Agreement and that he would provide that information to the Mayor.

There being no further business, on a motion by Robert Ades seconded by Gerald Tarantolo and unanimously approved by all voting members present, the meeting was adjourned at 8:30 pm.

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

  
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Bruce Steadman –Secretary

**ADOPTED**  
**August 20, 2014**

Resolution Regarding  
**Approval to Terminate the Offer to Purchase Process for Howard Commons and Approval  
to Issue a New Request for Offers to Purchase for Howard Commons**

**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 issued a Request for Offers to Purchase (RFOTP) for the Howard Commons site in Eatontown on December 14, 2012, and received proposals from six development entities, with the highest scoring compliant proposal coming from HovWest Land Acquisition, LLC (HovWest); and

**WHEREAS**, the Board of Directors authorized FMERA staff to enter into exclusive negotiations with HovWest at its July 2013 meeting, and to extend the exclusive negotiations period at the November 2013 meeting; and

**WHEREAS**, following Board approval of a Purchase and Sale & Redevelopment Agreement (PSARA) at the January 2014 meeting, FMERA and HovWest executed the PSARA on May 19, 2014; and

**WHEREAS**, the PSARA provided HovWest a seventy-five (75) day period following execution to perform pre-acquisition due diligence investigations at the property; and

**WHEREAS**, by later dated July 15, 2014 HovWest notified FMERA that it would require a purchase price reduction and an extension of the due diligence period, as the developer had encountered higher than anticipated ground water on the site; and

**WHEREAS**, FMERA agreed to extend the due diligence period but withheld comment on the request for a price reduction, calling for HovWest to submit its due diligence findings and any price adjustment requests at the end of the extended due diligence period; and

**WHEREAS**, by letter dated July 22, 2014 HovWest notified FMERA that it was exercising its right under the PSARA to terminate the agreement; and

**WHEREAS**, the Real Estate Committee recommends that the Board of Directors authorize FMERA staff to terminate the RFOTP with respect to Howard Commons and return any remaining deposits with accrued interest and authorize the issuance of a new RFOTP for Howard Commons;

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached memorandum, the Authority approves terminating the Offer to Purchase process with regard to Howard Commons in Fort Monmouth's Charles Wood Area and the issuance of a new Request for Offer to Purchase.

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

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: August 20, 2014

**EXHIBIT 1**

ADOPTED  
August 20, 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 the Marina**

**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 October 25, 2013, FMERA issued and publicly advertised a Request for Offers to Purchase (RFOTP) for the Marina parcel with a response date of January 27, 2014; and

**WHEREAS**, the Marina is a 3.9 acre parcel located at Oceanport and Riverside Avenue in the Oceanport Reuse Area, consisting of a 71-slip marina and boat launch ramp on Oceanport Creek, a 2,600 square foot (sf) boat house, two administrative buildings, and associated off-street parking; and

**WHEREAS**, FMERA received two proposals for the Marina, and one proposal was conditioned on being accepted by February 17, 2014 and therefore expired and the deposit was returned; and

**WHEREAS**, AP Development Partners, LLC (APDP) was the only compliant proposal and the proposal includes the renovation and expansion of the existing boathouse and construction of a new 5,100 sf restaurant/banquet facility, while keeping the Marina’s boat slips accessible; and

**WHEREAS**, APDP proposes a capital investment of up to \$2,601,000 including land purchase; the proposed purchase price will make the Army whole, receiving approximately 60% of the proceeds, fulfill FMERA’s contribution to the Homeless Fund, pay the broker’s commission and leave FMERA with a small amount as Economic Development Conveyance income; and

**WHEREAS**, while staff was reviewing the Marina proposal, FMERA issued a Request for Proposals (RFP) for a marina operator on May 12, 2014 so as not to miss the 2014 boating season and received one proposal from APDP; and

**WHEREAS**, FMERA awarded the operator contract under delegated authority to APDP and the marina opened to boat traffic on June 28, 2014 while APDP continues to renovate the boathouse; 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 APDP will lead to an acceptable sales contract between the parties, and, if exclusive negotiations are approved, APDP will make an additional deposit of 10% of the proposed purchase price that will be credited to APDP 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 APDP for a purchase agreement pursuant to the RFOTP for the Marina.

**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 APDP for a purchase agreement pursuant to the RFOTP for the Marina Parcel. 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: August 20, 2014**  
**ATTACHMENT**

**EXHIBIT 2**



**ADOPTED**  
**August 20, 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**, 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**, the Board authorized a sixty (60) day extension of the exclusive negotiating period at the Authority's June 18, 2014 meeting, which will conclude on or about September 4, 2014; 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 thirty (30) day extension to the full Board.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority authorizes a thirty (30) 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: August 20, 2014

**EXHIBIT 3**

ADOPTED  
August 20, 2014

Resolution Regarding  
**Approval to Make the Parcel F-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 with 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**, Parcel F-1 is approximately a 38 acre parcel in the Tinton Falls area of the former Fort; and

**WHEREAS**, the parcel includes Building 2700, the 673,000 sf Myer Center, and Building 2705, the 47,000 sf former Night Vision Lab, both of which are slated to be renovated for office, data center and/or research & development uses in the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”);and

**WHEREAS**, this parcel is a Phase One property in FMERA’s 2012 Economic Development Conveyance Agreement with the Army, and FMERA took ownership of Parcel F-1 from the Army by deed dated May 29, 2014; and

**WHEREAS**, FMERA staff has received significant interest in the site for redevelopment purposes due to the parcel’s excellent location directly adjacent to the CommVault project, which increases its redevelopment potential for technology uses, due to the planned improvements to the Parkway’s Exit 105 interchange and the new Parkway exit ramp at Wayside Road; additionally, a potential purchaser has expressed interest in the property for an alternative use that would require demolition of the structures; and

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

**WHEREAS**, the Real Estate Committee has reviewed and discussed making the F-1 Parcel available through the offer to purchase process and recommends it to the full Board

of Directors for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves making Parcel F-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: August 20, 2014

**EXHIBIT 4**

ADOPTED  
August 20, 2014

Resolution Regarding  
**Approval to Make the Squier Complex, the Chapel, Building 555 and Building 552  
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 with 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**, the Squier Complex includes Buildings 283, 288, 291, 292, 293, 295, and 296, with a total of 153,835 sf, on a 28 acre parcel in the Oceanport Reuse Area, and is slated for office, research & development or educational use in the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”), with the exception of Building 288 that is targeted for demolition and replacement with a new Monmouth County Shelter; and

**WHEREAS**, the County has opted to build its new shelter at a location off the Fort, so Building 288 is now available for an alternate use; and

**WHEREAS**, the former Chapel, Building 500, is a 16,372 square foot structure containing a 600 seat sanctuary along with administrative and classroom areas on 5 acres located across Sherrill Avenue from the Squier Complex, and is envisioned to remain a chapel in the Reuse Plan; and

**WHEREAS**, the Authority approved the issuance of an RFOTP for the Chapel at the December 2013 meeting, and of the two proposals received, one was deemed not compliant and the other was withdrawn by the proposer, making the property available to be re-offered; and

**WHEREAS**, Building 555 is a semi-permanent administrative and general purpose building and Building 552 is a semi-permanent recreation center, both targeted for demolition in the Reuse Plan, to be replaced by office or high tech industry uses; and

**WHEREAS**, these parcels are Phase Two sub-parcels covered by FMERA’s June 17, 2014 Deal Points letter with the Army and FMERA anticipates closing with the Army on the



Phase 2 properties by the first quarter of 2015; and

**WHEREAS**, Authority staff recommends proceeding with the Request for Offer to Purchase (RFOTP) process for the Squier Complex with the Chapel as an optional component, Building 555, and Building 552 in Oceanport; and

**WHEREAS**, FMERA staff has received specific interest in the Squier Complex for redevelopment purposes for educational use and Building 552 for redevelopment purposes and potential reuse as a small entertainment or recreational use catering to the various uses in development near the site; and

**WHEREAS**, as several of the buildings in the Squier Complex are potential tear-downs, staff believes the RFOTP process may allow greater flexibility for selecting the scenario that would maximize the value and economic impact of the Squier Complex, and Building 500 (the former Chapel) may complement a future educational use at the Squier Complex; and

**WHEREAS**, offering Buildings 555 and 552 with the same proposal due date as the Squier Complex and the Chapel provide the opportunity for a comprehensive redevelopment of the property that potentially incorporates some or all of the parcels, and the RFOTP process will facilitate FMERA's ability to coordinate the terms and timing of FMERA's sale of all buildings with the acquisition of the parcels from the Army; and

**WHEREAS**, changing the use of the Building 288 lot from the envisioned County homeless shelter to office or education use will require an amendment to the Reuse Plan; and

**WHEREAS**, the Real Estate Committee has reviewed and discussed making the Squier Complex, the Chapel, Buildings 555 and 552 available through the offer to purchase process and recommends it to the full Board of Directors for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves making the Squier Complex, the Chapel, Building 555 and Building 552 in Oceanport available through the offer to purchase process, as set forth in the attached memorandum.

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

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

ATTACHMENT

Dated: August 20, 2014

**EXHIBIT 5**

ADOPTED  
August 20, 2014

Resolution Regarding  
Reimbursement to the Borough of Tinton Falls for Infrastructure Improvements

**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 July 10, 2014 the Borough of Tinton Falls conducted a public bid opening in conformance with the Local Public Contracts Law to make road improvements throughout the Borough including Corregidor Road and Pearl Harbor Road on the former Fort property; and

**WHEREAS**, Lucas Construction Group, Inc., was the low bidder and was awarded the contract to perform all work depicted on the Plans for the 2014 Road Improvement Program, dated May 27, 2014; and

**WHEREAS**, the Tinton Falls Borough Engineer will oversee the entire contract, including inspections and payments to the contractor for the Borough, including all associated work on the former Fort property under the contract; and

**WHEREAS**, FMERA staff will review the work and invoicing for work on the former Fort property and all work will be at prevailing wages, as required by law; and

**WHEREAS**, FMERA’s requested reimbursement to the Borough is anticipated not to exceed \$143,923.50, including 20% contingency, for the sanitary sewer and potable water disconnect components and for the additional storm drainage improvements at the intersection of Corregidor/Guam, and this reimbursement is an allowable use of Economic Development Conveyance (EDC) funds under the Phase 1 EDC Agreement and the expenditure was included in the Authority’s 2014 EDC Budget; and

**WHEREAS**, the Real Estate Committee recommends that the Board of Directors authorize the reimbursement to the Borough for infrastructure improvements associated with the sanitary sewer, storm sewer and potable water disconnections;

**THEREFORE, BE IT RESOLVED THAT:**

1. For the reasons expressed in the attached memorandum, the Authority authorizes the FMERA staff to approve the reimbursement to the Borough of Tinton Falls in the amount not to exceed \$143,923.50 for infrastructure improvements associated with the sanitary sewer, storm sewer and potable water disconnections. 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 this action.

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: August 20, 2014

**EXHIBIT 6**