

**Fort Monmouth Economic Revitalization Authority  
Board Meeting  
April 15, 2020  
Via Teleconference**

**MINUTES OF THE MEETING**

**Members of the Authority present via teleconference via a roll call vote:**

- Robert W. Lucky – Vice-Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) – V
- Jay Coffey – Mayor of Oceanport – V
- Anthony Talerico – Mayor of Eatontown – V
- Tracy Buckley – Tinton Falls Borough Council President – V
- Lillian Burry – Monmouth County Freeholder – V
- Stephanie Brown – Associate Counsel, Authorities Unit, Office of the Governor – V
- Dave Nuse – Executive VP, Real Estate & Community Development, NJ Economic Development Authority – V
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection
- Sean Thompson, Director, Division of Local Planning Services, NJ Department of Community Affairs
- William Riviere, Principal Planner, NJ Department of Transportation

V – Denotes Voting Member

**Members of the Authority not present:**

- Baden Almonor, Central Regional Chief, NJ Department of Labor & Workforce Development

**Also present:**

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

The meeting was called to order by Vice-Chairman Robert Lucky at 7:00p.m. who asked for a moment of silence for unity and safety in lieu of the Pledge of Allegiance to the Flag of the United States of America.

Bruce Steadman explained the teleconference meeting protocol with regards to the Board and public's participation. He stated that due to the current worldwide health situation, and the need to curtail or eliminate in-person meetings, the FMERA Board meeting for April would be held remotely, with Board, staff, and the public participating via telephone. He stated that all Board votes would be roll-call votes, for the purpose of verifying the Board members' votes, including acceptance of the Minutes from the previous meeting. He noted that at the beginning of the Public Comment periods, he would ask members of the public who wished to make a comment or ask a question to state their name, and that he would call on each of them to make their comment or ask their question.

Mr. Steadman thanked the staff, Board members, and the public for their cooperation in accepting and following these modifications to the normal public meeting routine and noted that otherwise it was FMERA's intention to adhere to a normal meeting agenda.

Bruce Steadman announced that in accordance with the Open Public Meetings Act, notice of the meeting and notice of the change in the meeting to a teleconference was sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, and that the meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA website.

The first item of business was the approval of the March 18<sup>th</sup> regular meeting minutes. A motion as made to approve the minutes by Lillian Burry and seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY  
AYes: 7

**WELCOME**

Vice-Chairman Robert Lucky welcomed attendees to the Authority’s teleconference meeting. Dr. Lucky stated that a copy of the Board package was posted to the FMERA website to give the public the opportunity to review the information in advance of the meeting. Dr. Lucky stated that the Board would consider five board actions.

Dr. Lucky noted the protocol regarding the two opportunities for the public to address the Board, with the 3-minute limit for agenda items, and the 5-minute limit for all other FMERA business.

The Vice-Chairman continued by stating that in his role he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Vice-Chairman continued by stating that FMERA continues to welcome the public’s constructive comments and ideas.

**SECRETARY’S REPORT**

Bruce Steadman stated that this would be remote teleconference meeting, similar to March’s board meeting, due to the response to the pandemic. He thanked all the participants and noted that it was likely that the May board meeting would also be a remote teleconference meeting. Mr. Steadman remarked that FMERA has worked closely over the last month with a number of the state agencies, including the EDA, the GAU, the DOL, the DEP, the DCA, the DOT, the NJSP, and others, and the 3 Boroughs, and the County, and he was moved by the tremendous energy, enthusiasm, responsiveness, and desire to help and support the people of New Jersey that has been exhibited by all personnel. He said he was proud that FMERA could play and small role, and he thanked everyone for their outstanding efforts. He further noted that FMERA continues to work on a daily basis, albeit remotely, to advance all of FMERA’s initiatives and responsibilities. He thanked the FMERA staff for their continued excellent work and diligence.

**TREASURER’S REPORT**

Jennifer Lepore, Accounting Manager stated that FMERA staff is preparing the first quarter financial and operational summary for 2020. Staff will review the quarter and assess the quarter’s performance against the 2020 organization goals and budget. The Authority’s independent auditors, CliftonLarsonAllen, have completed the 2019 audit and will report their findings to the Audit Committee at the Committee’s next meeting in May. Staff will also present the Annual Report to the Committee. The Annual Report and audited financial statements serve as FMERA’s Comprehensive Annual Report to meet the requirements of Executive Order No. 37 (2006). Subject to the Audit Committee’s recommendation, the 2019 Comprehensive Annual Report including the audited financial statements will be forwarded to the Board for their review and approval at the May meeting.

**PUBLIC COMMENT REGARDING BOARD AGENDA ITEMS (3 minutes re: Agenda Items)**

There was no public comment.

## EXECUTIVE DIRECTOR'S REPORT

1. Kristy Dantes, Director of Facilities & Infrastructure gave the following update:

The facilities, environmental, and maintenance teams continue to maintain the Fort. Our on-site maintenance team is now working on a modified schedule to ensure social distancing and health guidelines. Since working remotely Facilities has had no major issues or infrastructure problems.

Facilities team projects currently include:

- Working with New Jersey American Water on the planning and design of a water main extension along Route 537 and the installation of a new water main extension on Wilson Avenue.
- Coordination with the Two Rivers Water Reclamation Authority on confirming a clean sanitary corridor through the 400 area and Barker Circle, which will allow the elimination of a force main running through two parcels scheduled for development.
- The relocation of over-head electric lines on the Allison Hall parcel.
- The sanitary force-main extension on North Drive.
- Jersey Central Power and Light and the future build-out of the electrical power grid.

Facilities continues to work with the Army Corp of Engineers on the cleanup of carve-outs, and the landfill capping project. Buildings slated for sale or reuse are regularly checked, sanitary lift stations are inspected weekly, and Facilities monitors the electrical power system to provide our customers the best possible service. Facilities continues to assist developers with utility and environmental issues, and support the real estate development team with RFOTP's, MCR's, and development plans.

2. Sarah Giberson, Manager of Marketing & Development gave an overview on property sales and RFOTPs:

FMERA continues to make good progress on the Fort's redevelopment, with about three-quarters of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 20 properties, and another 16 parcels are under contract or have Board-approved contracts.

FMERA's four most recent sales include:

- Squier Hall, slated for reuse as a satellite college campus for New Jersey City University;
- Parcel C in Tinton Falls, to Lennar Corporation. Lennar began site work last spring for 243 homes and about 58,000 sf of commercial space on the 40-acre site.
- Building 501 in Oceanport, which we conveyed to a non-profit, Family Promise, which is now operating a daytime counselling and assistance center for families in need at that location;
- Telecommunications Tower and Land in Oceanport sold in October to Global Signal Acquisitions, LLC.

FMERA staff is currently in contract negotiations over the sale of 2 additional parcels located in Eatontown and anticipates receiving proposals for the Tinton Falls Commercial Parcel by May 11<sup>th</sup>.

Sarah Giberson stated FMERA continues to engage with leads and prospective purchasers via teleconference as the team navigates the challenges of COVID-19. FMERA remains focused on its mission and will continue to market its two largest remaining parcels, the 400 Area, planned as Oceanport's town center project, and the McAfee Center, the centerpiece of a future tech and innovation campus; however, the release of the associated Requests For Offers to Purchase may be delayed. FMERA is closely monitors on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract.

As noted previously, the Tinton Falls Commercial Parcel RFOTP is currently open for proposals and available for review on our website. The parcel is approximately 31 acres and is targeted for commercial development. The proposal deadline has been extended from April 27<sup>th</sup> to May 11<sup>th</sup>.

FMERA is also in the process of drafting its 2019 Annual Report and looks forward to sharing its year in review later this spring.

Our team continues to work remotely and is available during normal business hours via email and cell phone. Please sign-up for our email list and visit our website, [www.fortmonmouthnj.com](http://www.fortmonmouthnj.com), for the latest updates regarding our operations.

3. Bruce Steadman thanked all of the designees and their respective organizations for all of their work and cooperation over the past few weeks during the COVID-19 pandemic.

Bruce Steadman gave an update on FMERA action items:

Action Items for Next Month.

- a) Continued work with the N.J. Department of Environmental Protection and U.S. Army to identify and resolve environmental issues of concern
- b) Continued meetings and tours with interested prospective employers and investors
- c) Continued outreach to our stakeholders in the 3 host municipalities, the County and others
- d) Continued collaboration with the NJEDA Trenton Office on marketing and business development opportunities
- e) Continued work on the water, sewer, and electric system improvements.
- f) Continued drafting and revisions of documents for the 30+ projects underway

**COMMITTEE REPORTS**

1. AUDIT COMMITTEE (ROBERT LUCKY, CHAIRMAN)

Robert Lucky stated that the Committee did not meet this month but will be meeting in May.

2. REAL ESTATE COMMITTEE (ROBERT LUCKY)

Robert Lucky stated that the Committee met on March 10<sup>th</sup> and discussed the following:

- Discussion regarding the Delegation to support Development Projects impacted by the COVID-19 Pandemic. The Executive Director will have the authority to extend Due Diligence, Approval and Post-Closing timelines by a maximum of 5-months and will have authority to grant extensions to developers who request and identify in writing the COVID-19 related events. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the Fifth Amendment to the Chapel PSA. The Amendment will extend the construction of the parking lot to July 31, 2020. The Committee reached a consensus and agreed to recommend to the Board for approval.
- Discussion regarding the Second Amendment to the Dance Hall PSARA. The Amendment will provide for an additional extension of the completion date to May 19, 2020. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the First Amendment to the Barker Circle PSARA. The developer is currently in Due Diligence and the Amendment will provide for an extension of 60 days from April 5<sup>th</sup> to continue and conclude the due diligence. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the First Amendment to the CW Firehouse PSARA. Purchaser closed on the Property in May 22, 2018 and due to project delays, the developer has requested an extension of the Project completion timeline to December 31, 2020. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Other Issues
  - Parcel B
  - Eatontown Liquor Licenses
  - Expo Theater
  - Lodging Area
  - Borough and County Review Board meetings
  - Affordable Housing
  - Tinton Falls Commercial Parcel RFOTP
  - 400 Area RFOTP

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

Kenneth J. Kloo stated that the Committee did not meet this month but will be meeting on May 4<sup>th</sup>.

4. HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (JAY COFFEY, CHAIRMAN)

Jay Coffey stated that the Committee did not meet this month.

5. HOUSING STAFF ADVISORY COMMITTEE (SEAN THOMPSON, CHAIRPERSON)

Sean Thompson stated that the Committee did not meet this month.

6. VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER DIRECTOR LILLIAN BURRY, CHAIRPERSON)

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

**BOARD ACTIONS**

1. The first item before the Board was Consideration of Approval of Delegation to support Development Projects impacted by the COVID-19 Pandemic.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Dave Nuse and was seconded by Jay Coffey.

Lillian Burry asked what construction is prohibited per Executive Order 122 during the COVID-19 pandemic. Ms. Burry asked if it pertains to construction that is currently under contract.

Jay Coffey stated that projects already underway involving individual single-family homes are permitted as long as a construction crew of five or fewer individuals is on site. Mr. Coffey stated that, residential projects involving a residential unit that has already entered into a legally binding agreement to occupy the unit by a certain date, and construction is necessary to ensure the unit's availability by that date is allowed.

Dr. Lucky asked if any of the Fort development projects have been impacted.

Bruce Steadman stated that essentially all the developmental projects have been impacted. Mr. Steadman stated that the Lennar project may have made operating adjustments based on the new construction restrictions and noted that all known construction projects at the Fort were being conducted by the new owners of the individual parcels and therefore were the responsibility of the new owners with regard to compliance with the Governor's order.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: DAVE NUSE

Second: JAY COFFEY

AYes: 7

- 2. The second item before the Board was Consideration of Approval of the Fifth Amendment to the Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Lillian Burry and was seconded by Dave Nuse

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY

Second: DAVE NUSE

AYes: 7

- 3. The third item before the Board was Consideration of Approval of the Second Amendment to the Purchase and Sale & Redevelopment Agreement with Regional Development Group for the Dance Hall (Building 552).

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Lillian Burry and was seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY

Second: JAY COFFEY

AYes: 7

- 4. The fourth item before the Board was Consideration of Approval of the First Amendment to the Purchase and Sale & Redevelopment Agreement with Barker Circle Partnership, LLC for the Barker Circle Complex.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 4.

A motion was made by Lillian Burry and was seconded by Anthony Talerico

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY Second: ANTHONY TALERICO

AYes: 7

5. The fifth item before the Board was Consideration of Approval of the First Amendment to the Purchase and Sale & Redevelopment Agreement with Commvault Tinton Falls Urban Renewal, LLC for the CW Firehouse.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 4.

A motion was made by Lillian Burry and was seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Lillian Burry	X		
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY

AYes: 6

### **OTHER ITEMS**

There were no other items before the Board

### **PUBLIC COMMENT REGARDING ANY FMERA BUSINESS (5 minutes re: any FMERA business)**

There was no public comment.

There being no further business, on a motion by Lillian Burry and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 7:40p.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.



\_\_\_\_\_  
Bruce Steadman – Secretary



**ADOPTED**  
**April 15, 2020**

**Resolution Regarding**  
**Delegations to support development projects impacted by the COVID-19 pandemic.**

**WHEREAS**, on March 9, 2020, as part of the State's coordinated response to address the COVID-19 outbreak, Governor Phil Murphy issued Executive Order 103, declaring a State of Emergency and a Public Health Emergency, to contain the spread of COVID-19; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order 107 ("EO 107"), generally announcing a statewide stay at home order and closure of all non-essential retail businesses, requiring all employers to offer work-from-home wherever practicable, and directing all residents to abide by social distancing practices. Of note, while EO 107 lists construction workers as essential workers that need to be physically present at their worksite, EO 107 requires employers of construction workers to "make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue."; and

**WHEREAS**, on April 8, 2020, Governor Murphy issued Executive Order 122 requiring all "physical operations of all non-essential construction projects" to cease and defining essential construction projects to include utility projects and "[a]ny project that is ordered or contracted for by Federal, State, county, or municipal government;" and

**WHEREAS**, the Authority's development project portfolio currently consists of approximately 38 projects in various facets of negotiation, due diligence, approvals and post-closing timeline totaling approximately \$1.53 billion in capital investment, and the various industries which encompass this development include but are not limited to residential units, commercial and retail uses, a golf course, a marina, a bowling alley, proposed restaurants, light industrial manufacturers, wholesalers, arts facilities, entertainment and cultural components; and

**WHEREAS**, each of these industries are now being impacted to various extents by the economic disruption caused by the COVID-19 pandemic. Additionally, each development requires approvals from the Boroughs, Monmouth County, NJDEP, NJDOT, NJDCA, utility companies, etc. and

**WHEREAS**, some of the required approvals from these approving entities are experiencing delays as the entities have transitioned to working from home, organize electronic or telephonic public meetings and coordinate receipt of documents pertinent to review; consequently, some developers within their approval period have reported anticipated delays despite good faith efforts to pursue their approvals, some developers and their design professionals have also already experienced delays during due diligence due to their inability to coordinate site visits to perform due diligence actions and to design all required plans in a timely manner and it is further anticipated that developers within the construction period may experience shutdowns or slowdowns due to EO 122 and the social distancing protocols required; and

**WHEREAS**, as the Authority's staff has already received requests from some developers asking FMERA for assistance regarding PSARA timeline extensions and it is anticipated that businesses will continue to experience delays for the coming months and will need extensions to allow for additional time to complete the project; and

**WHEREAS**, in the past, the Board has delegated authority to FMERA's Executive Director on an individual project basis to grant extensions for identified timelines within Purchase and Sale and Redevelopment Agreements (PSARAs) when such extensions were anticipated, and the potential purchaser was acting in good faith. When unanticipated extensions for good cause have been requested, Board approval has been required to approve an amendment to the PSARA to further extend the timeline; and

**WHEREAS**, to help developers cope with the adjustments required by EO 107 and with the widespread economic impact of the COVID-19 pandemic containment measures, and to ensure that developers do not irrevocably terminate PSARAs solely in an attempt to obtain immediate relief of their obligations, we are recommending expanded delegations to allow the Authority's Executive Director to extend due diligence, approval and post-closing PSARA timelines to provide milestone relief and to facilitate development and continue to fulfill Fort Monmouth's mission, providing capital investment in the community and producing employment opportunities in New Jersey; and

**WHEREAS**, this delegation would allow Authority staff to execute PSARA amendments that would provide for up to five months extensions for due diligence, approval and post-closing timelines, in the aggregate. The extensions would be limited to COVID-19 related delays and would be granted on an individual basis as described below. The Board's delegation of authority is to remain in place while the EO 107 Restrictions are in effect. Additional extension timelines would require Board approval; and

**WHEREAS**, Staff is requesting Members' approval for the Executive Director to extend any pre-closing or post-closing timelines, including Due Diligence, Approval and Post-Closing Timelines by a maximum of five-months for each project which is operating in good faith. If approved, the Executive Director will have authority to grant extensions memorialized in a PSARA amendment to developers who request and identify in writing the COVID-19 related events or event occurrences resulting in the failure or delay of performance. Staff may require further documentation to evidence the identified reasons; and

**WHEREAS** currently, the Executive Director does not have the delegated authority to approve any extensions that are not incorporated in the terms of the Board approved PSARA. To meet the anticipated needs of development impacted by the economic disruption caused by COVID-19 pandemic, FMERA is requesting the Board approve an expanded delegation to the Executive Director for approving Due Diligence, Approval and Post-Closing Timelines by a maximum of five-months when the Developer is acting in good faith, identifies a COVID-19 related reason for the need for the extension a date of the event(s) occurrence, and provides documentation Staff deems necessary to evidence the need for the extension; and

**WHEREAS**, On April 8th, the FMERA Real Estate Committee approved the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves delegated Authority to the Executive Director to extend due diligence, approval and post-closing PSARA timeline delegations to support development project impacted by the COVID-19 pandemic. All actions taken under delegated Authority will continue to be reported to the Members at each Board meeting.

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: April 15, 2020**

**EXHIBIT 1**

**ADOPTED**  
**April 15, 2020**

**Resolution Regarding  
Fifth Amendment to Purchase and Sale Agreement with Triumphant Life Church Assembly of God for  
the Chapel Parcel in Oceanport**

**WHEREAS**, on December 14, 2016, the Board authorized the execution of the PSA between FMERA and Triumphant Life for the Chapel Parcel, an approximately 5.0-acre parcel that contains Building 500 and is located on Malterer Avenue in the Main Post Area of Fort Monmouth ("Property"); the building was used as a general house of worship for the Fort and the Property is in the Oceanport Horseneck Center land use district and the Fort's Historic District although the structure itself is non-contributing and not considered historic; and

**WHEREAS**, Triumphant Life is a registered 501c3 non-profit corporation that has acquired the Property and utilizes this location for its house of worship and community outreach center; and

**WHEREAS**, FMERA and Triumphant Life entered into a Purchase and Sale Agreement dated as of January 6, 2017 ("PSA") whereby FMERA agreed to sell and Purchaser agreed to purchase the Property; and

**WHEREAS**, closing occurred on February 27, 2017; pursuant to the terms of the PSA, Triumphant Life paid \$1,000,000.00 for the Property, reflecting its proposal; and

**WHEREAS**, FMERA conveyed the property to Triumphant Life in as-is condition, but with clear title and subject to the Army's on-going obligations under CERCLA to address any pre-existing contamination that may exist on the property; and

**WHEREAS**, the Project consisted of the renovation of the existing structure as a house of worship and community outreach center and Triumphant Life obtained its Certificate of Occupancy within the required twelve months of closing and has used and occupied the existing structure as a Chapel since receipt of that certificate; and

**WHEREAS**, under the terms of the Project, the Purchaser had the option to construct a 115-space parking lot on the Property within twelve months of Closing, subject to review by the State Historic Preservation Officer ("SHPO") and in complement to the architecture and design styles of the adjacent National Register Historic District; and

**WHEREAS**, under the Executive Director's discretion to administer the Board-approved PSA and under section 6 of the PSA which provides for an additional six months to complete the Project, the time period for construction of the parking lot was extended until August 27, 2018; and

**WHEREAS**, Purchaser engaged in the design process for the parking lot and indicated to FMERA that it would require an additional seventy-five days to complete construction of the parking lot; and

**WHEREAS**, on August 15, 2018, the FMERA Board approved the First Amendment to the PSA to allow for Triumphant Life to have 1) a seventy-five day extension of the construction timeline to complete a 115-space paved parking lot on the Property, whereby Triumphant Life would provide a promissory note to guarantee completion of the parking lot within that timeline and FMERA would provide a short-term license to park 115 vehicles off-site during that timeline; and 2) a twelve month extension of the job creation timeline, as referenced in Section 6(c) of the PSA; and

**WHEREAS**, on October 17, 2018, the FMERA Board approved the Second Amendment to the PSA to allow for: 1) an extension of the construction timeline until May 15, 2019 to complete a 115-space paved parking lot on the Property; and 2) a promissory note to guarantee completion of the parking lot within the May 15, 2019 completion date; and

**WHEREAS**, on May 23, 2019, the FMERA Board approved the Third Amendment to the PSA to allow for 1) an extension of the construction timeline until September 12, 2019 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; and 2) an amended promissory note to guarantee completion of the parking lot within the September 12, 2019 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until September 12, 2019; and

**WHEREAS**, on September 18, 2019 the FMERA Board approved the Fourth Amendment to the PSARA to allow for: 1) an extension of the construction timeline until April 30, 2020 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the April 30, 2020 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until April 30, 2020; and

**WHEREAS**, Triumphant Life has continued to work with FMERA but requires additional time to obtain approvals, and complete construction of the parking lot; and

**WHEREAS**, these continued efforts have led to the attached Fifth Amendment to the PSA with the following revisions to material terms: 1) an extension of the construction timeline until July 31, 2020 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; 2) an amended promissory note to guarantee completion of the parking lot within the July 31, 2020 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until July 31, 2020; and

**WHEREAS**, all other material terms of the PSA as presented to the Board will remain unchanged. The attached Fifth Amendment to the PSA is in substantially final form. The final terms of the Fifth Amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office; and

**WHEREAS**, the Real Estate Committee has reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Fifth Amendment with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport, on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

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: April 15, 2020**

**EXHIBIT 2**

**ADOPTED**  
**April 15, 2020**

**Resolution Regarding  
Second Amendment to Purchase and Sale & Redevelopment Agreement for the Dance Hall (Building 552)  
Parcel in the Oceanport Reuse Area**

**WHEREAS**, on August 17, 2016 the Members authorized the execution of the PSARA between FMERA and APDP subsequently assigned to its affiliate, RDG, and then to LP, for the Property that contains the Dance Hall (Building 552), Van Kirk Park and an associated parking area located on the Main Post, along Saltzman Avenue and Caren Franzini Way (a.k.a. Brewer Avenue). The Dance Hall is approximately 16,420 sf and occupies a 4.2± acre parcel of land within Fort Monmouth, Oceanport, New Jersey. The PSARA was executed on December 20, 2016; and

**WHEREAS**, pursuant to the terms of the PSARA, LP opted to waive all approvals and closed on the Property on April 4, 2018. From closing, LP was to begin construction within forty-five days and complete the project within twelve months, on or by May 19, 2019. Because LP was proceeding in good faith toward completion of the project, LP was entitled to a six-month extension of the completion date until November 19, 2019; and

**WHEREAS** on January 5, 2018, LP submitted an application in support of FMERA's Mandatory Conceptual Review ("MCR") for a Minor Site Plan; review of that application was completed on February 13, 2018. Following this review, the Purchaser opted to revise the site plan and expand the scope of the Project to include an approximately ±5,905-square-foot addition, triggering a need for a new MCR application for Major Site Plan approval. The expanded Project increases both the usable space in the facility, as well as the capital investment from approximately \$1,500,000 to approximately \$4,600,000. A new MCR application for Major Site Plan was submitted on December 20, 2018. LP received a preliminary review letter addressing outstanding items as of February 26, 2019; and

**WHEREAS**, FMERA's review of a new MCR application for a Major Site Plan, as well as the expanded scope of the project, impacted Purchaser's ability to complete the project on or before November 19, 2019. Therefore, on March 20, 2019, FMERA staff requested and the Board approved the First Amendment to the PSARA and provided an additional six-month extension until May 19, 2020 for Purchaser to complete the Project; and

**WHEREAS**, Purchaser is still proceeding in good faith toward the completion of the project; however, the approvals process has taken longer than anticipated due to third-party delays, including but not limited to numerous requests from approval entities for supplemental information in conjunction with LP's site plan application, that adversely impact Purchaser's timeline. Therefore, FMERA staff requests an additional six-month extension until November 19, 2020 for Purchaser to complete the Project.

**WHEREAS**, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Second Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office; and

**WHEREAS**, the Real Estate Committee has reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Second Amendment to the Purchase and Sale & Redevelopment Agreement for the Dance Hall (Building 552) Parcel in the Oceanport Reuse Area on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

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: April 15, 2020**

**EXHIBIT 3**

**ADOPTED**  
**April 15, 2020**

**Resolution Regarding  
Reinstatement and First Amendment to Purchase and Sale & Redevelopment Agreement with Regional  
Development Group, LLC, subsequently assigned to Barker Circle Partnership, LLC for Barker Circle in  
Oceanport**

**WHEREAS**, FMERA issued a Request for Offers to Purchase (“RFOTP”) in connection with the planned redevelopment of the Barker Circle Complex in Oceanport on March 8, 2017. The Barker Circle Complex consists of an approximately 19.5± acre parcel of land containing seven buildings and totaling approximately 198,598 gsf located on Oceanport Avenue in the Main Post Area of Fort Monmouth. The Barker Circle Complex is located in the Fort’s National Register Historic District and the buildings are considered contributing historic resources and are therefore subject to historic preservation covenants; and

**WHEREAS**, the PSARA was approved by the Board at its September 2019 meeting and executed on November 7, 2019 by FMERA and Regional Development Group, LLC (“RDG”), RDG subsequently assigned the PSARA to its affiliate, Barker Circle Partnership, LLC (“BCP”) for Barker Circle in the Oceanport section of Fort Monmouth; and

**WHEREAS**, BCP will pay four million eight hundred and fifty thousand dollars (\$4,850,000) for the property and proposes to use the Barker Circle Complex for mixed-uses consisting of 75 residential units broken out as sixty market rate units and fifteen affordable housing units (for sale or for rent, solely at Purchaser’s option), subject to confirmation that the affordable housing units satisfy Purchaser’s obligation to set aside at least twenty percent of the total residential units as housing that is affordable to low- and moderate-income households in accordance with N.J.A.C. 19:31C-3.23; and

**WHEREAS**, Purchaser will use best efforts to target a portion of the affordable housing units for occupancy by veterans and proposes to reuse the remaining buildings for commercial use; Building 206 as office space, Building 275 as a theater, and Building 282 as a restaurant. Purchaser intends to ground lease both of the latter two buildings from FMERA and take title to the balance of the Property. Purchaser’s site plan and subdivision will be subject to FMERA’s Mandatory Conceptual Review and Oceanport’s planning board review; and

**WHEREAS**, the PSARA was executed on November 7, 2019 and included a due diligence period of ninety days, with the option to extend the due diligence period for an additional sixty days; based on the complexity of the site and the historic nature of the property, additional time was required to fully assess and characterize the site. Under the Executive Director’s discretion to administer the Board-approved PSARA, due diligence was extended until April 5, 2020; and

**WHEREAS**, on April 1, 2020, BCP’s counsel issued a letter to FMERA that conditionally terminated the PSARA to prevent due diligence from expiring and requested the Board to provide an additional extension to the due diligence period; and

**WHEREAS**, BCP has been unable to complete its due diligence investigations due to the impacts of the COVID-19 pandemic, including but not limited to: a BCP managing member experiencing the direct impact of the virus precluding his participation in the review and decision making process; operational changes at environmental/design/engineering firms which impacted on-site visits and delivery of work; and unanticipated delays across governmental agencies such as the New Jersey State Historic Preservation Office, among others; and

**WHEREAS**, FMERA staff recommends reinstating the PSARA and extending the due diligence period for approximately sixty days from April 5, 2020 to allow for BCP to continue and conclude its due diligence investigation; and

**WHEREAS**, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Reinstatement and First Amendment to the PSARA is in substantially final form. The final terms of the Amendment will be subject to the approval of FMERA's Executive Director and the Attorney General's Office; and

**WHEREAS**, the Real Estate Committee has reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the First Amendment to the Purchase and Sale & Redevelopment Agreement with Regional Development Group, LLC, subsequently assigned to Barker Circle Partnership, LLC for Barker Circle in Oceanport on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

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: April 15, 2020**

**EXHIBIT 4**



**ADOPTED**  
**April 15, 2020**

**Resolution Regarding**  
**First Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault**  
**Tinton Falls Urban Renewal, LLC for the Charles Wood Fire Station Parcel in Tinton Falls**

**WHEREAS**, at the Authority's February 21, 2018 meeting, the Board authorized FMERA staff to enter into a PSARA with Commvault Systems, Inc. ("Commvault") for the Charles Wood Fire Station Parcel and the Charles Wood Fire Station Parcel is an approximately 2.3-acre parcel that contains the former fire station (Building 2560) plus the adjacent tract to the east of the Charles Wood Fire Station which includes an additional 1.7 acres of unimproved land. This adjacent tract is bound by Heliport Drive, Radiac Way, Guam Lane & Corregidor Road. Building 2560 is a circa 2001 10,070 sf one-story fire station consisting of three high-bays, offices, bedrooms, a day room, kitchen and associated parking which is targeted for reuse in the Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan); and

**WHEREAS**, in further support of the Project, the FMERA Board adopted Amendment #3 to the Reuse Plan which permits Building 2560 to be reused for commercial use rather than for a civic use. In addition, the amendment permits a commercial and/or accessory parking use on the approximately 1.7-acre tract located to the east of the Charles Wood Fire Station; and

**WHEREAS**, with FMERA's prior written consent, Commvault assigned the PSARA to Commvault Tinton Falls Urban Renewal, LLC ("Commvault Urban Renewal") on May 22, 2018. On May 22, 2018, FMERA conveyed the property to Commvault Urban Renewal, in as-is condition, but with clear title and subject to the Army's on-going obligations under CERCLA to address any pre-existing contamination that may exist on the property. Purchaser paid \$1,970,000 for the approximately 4-acre property; and

**WHEREAS**, Purchaser proposes to adaptively reuse the Fire Station as corporate office space and may include swing space for Commvault's existing corporate campus and recreation uses on the open space on the property. Purchaser may, at its sole discretion, improve the Property with additional square footage to accommodate additional office space, contingent on-site constraints including but not limited to floodplain and stream encroachment restrictions, and subject to the Fort's Reuse Plan and Land Use Rules, as amended; and

**WHEREAS**, pursuant to the terms of the PSARA, Purchaser will commence construction after receiving all approvals and completing construction within 24 months of closing, as evidence by a temporary or permanent certificate of occupancy. FMERA will have the right to repurchase the property if construction is not timely commenced or completed and Purchaser will incur a minimum investment of approximately \$1,000,000 to complete the Project; and

**WHEREAS**, the Purchaser will also be obligated to create 40 permanent, full-time jobs at the property within twenty-four months of obtaining a certificate of occupancy or pay a penalty of up to \$60,000 (\$1,500 per job). Purchaser will repave and/or improve the section of Heliport Drive which runs through the property to standards acceptable to the Borough of Tinton Falls; and

**WHEREAS**, under the PSARA, Purchaser shall be responsible for receiving all approvals and completing construction within 24 months of closing, as evidence by a temporary or permanent certificate of occupancy. Purchaser closed on the Property in May 22, 2018, therefore, under the terms of the PSARA, the project should be completed by May 22, 2020. Due to project delays as a result of corporate changes, Commvault Urban Renewal has requested an extension of the Project completion timeline to December 31, 2020; and

**WHEREAS**, FMERA staff proposes the attached contract amendment ("First Amendment") to the PSARA with the following revisions to its material terms: (1) the Project completion timeline be extended from May 22, 2020 to December 31, 2020; and

**WHEREAS**, the attached Amendment between FMERA and Commvault Urban Renewal is in substantially final form. The final terms of the PSARA are subject to the approval of FMERA's Executive Director and the Attorney General's Office; and

**WHEREAS**, the Real Estate Committee has reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the First Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault Tinton Falls Urban Renewal, LLC for the Charles Wood Fire Station Parcel in Tinton Falls on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

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: April 15, 2020**

**EXHIBIT 5**