

**Fort Monmouth Economic Revitalization Authority
Board Meeting
December 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
- Lillian Burry – Monmouth County Freeholder – V
- Jay Coffey – Mayor of Oceanport – V
- Anthony Talerico – Mayor of Eatontown – V
- Tracy Buckley – Tinton Falls Borough Council President – 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

V – Denotes Voting Member

Members of the Authority not present:

- Baden Almonor – Central Regional Chief, NJ Department of Labor & Workforce Development
- William Riviere, Principal Planner, NJ Department of Transportation

Also present:

- Bruce Steadman, FMERA Executive Director and Secretary
- Laura Draushak, Deputy Attorney General (DAG)
- FMERA staff:
 - Kara Kopach – Deputy Executive Director/Director of Real Estate Development
 - Sarah Giberson – Manager of Marketing & Development
 - Upendra Sapkota – Senior Planning & Development Officer
 - Kristy Dantes – Director of Facilities & Infrastructure
 - Joe Fallon – Senior Environmental Officer
 - Jennifer Lepore – Accounting Manager

The meeting was called to order by Vice-Chairman Robert Lucky at 3:00p.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, given that the meeting was remote.

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 December was being 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 October 21st regular meeting minutes. A motion as made to approve the minutes by Lillian Burry and seconded by Tracy Buckley.

Bruce Steadman conducted a roll call vote.

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

Lillian Burry abstained from voting stating that she was not at the October meeting.

Motion to Approve: LILLIAN BURRY Second: TRACY BUCKLEY
AYes: 6

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 four board actions this evening.

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 it was likely that the January board meeting would also be a remote teleconference meeting. Mr. Steadman stated that the FMERA staff continues to work daily on FMERA business, albeit remotely, and are working on several projects which are still moving forward through reviews, negotiations, approvals, and other tasks.

TREASURER’S REPORT

Jennifer Lepore, Accounting Manager stated that FMERA staff presented the 2021 Budget to the Audit Committee at their December 8th meeting. Based on their review, the Audit Committee recommended that the 2021 FMERA Budget be submitted to the Board for its approval at today’s meeting.

The Monmouth County Improvement Authority issued \$22,185,000 in subsequent notes related to the financing of FMERA’s 2016 purchase of the Phase 2 EDC properties from the Army. The Notes were issued in one series, with a term of one year, and bearing an interest rate of 2%. The Notes are backed by a Monmouth County guaranty which resulted in the Notes receiving the highest credit rating from the three rating agencies.

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 site-maintenance teams continue to maintain the fort through the Covid-19 pandemic utilizing safe practices and health guidelines. Increased security, police patrols and building inspections continue.

FMERA is currently working on completing the following FOSTs and deeds with the Army:

- The Group 4 FOST is closed, signed and approved by the BRAC office. FMERA is awaiting the final FOST.

Other projects in process include:

- The 2100-foot Phase 2 8" water main extension from College Avenue in Eatontown, to Wilson Avenue, to Avenue of Memories is complete. This extension supplies water to the Artists Barracks parcel, Eatontown DPW Parcel, the County Motor Pool, and the Bowling Center.
- NJAW will be starting the installation of the 2000-foot Phase 3A 8" water main from Anson Avenue at Murphy Drive westward to Todd Avenue, then north to Avenue of Memories by year-end. This main will serve the OPort Partners parcels and tie the NJAW system in Main street to the Phase 1 water main in Avenue of Memories, which was completed in 2018.
- The installation of a 5600-foot 24" water main extension along Avenue of Memories by New Jersey American Water is still scheduled to begin in April of 2021.
- The sanitary easement documents for the Sherrill Avenue interceptor are complete, as is the easement for the old army North sanitary main trough landfill 8.
- A sanitary main extension tying to an Eatontown Sewerage Authority main along Mill creek at North Drive at Wilson Avenue, to serve the Bowling Center and development between Wilson Avenue and Rt. 35, is scheduled following the closing for the Bowling Center.
- Regarding the Army Corp landfill capping project, the Corp's contractor is working on landfills 2, 3, 4, 5, and 25 where clearing is complete, and grading is underway ahead of the caps being placed.

Buildings slated for sale or reuse are regularly checked. Sanitary lift stations and generators are inspected weekly, the fort's electrical power system is monitored. The facilities team continues to assist developers and support the real estate development team.

2. Sarah Giberson, Marketing and Development Manager 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 26 parcels, and another 11 parcels are under contract or have Board-approved contracts.

FMERA has transmitted a draft term sheet to the developer of the Tinton Falls Commercial Parcel and a draft PSARA to the Expo Theater property developer. The Expo Theater property is slated for recreational use. FMERA is also reviewing a draft PSARA of the Howard Commons site which is slated for mixed use. FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. With both developers and approving entities having adapted to new ways of working, FMERA is pleased to report that our projects continue to make excellent progress. FMERA recently sold District A & Warehouse Parcels and anticipates closing on Suneagles Golf Course before year end. As a result of COVID related delays, several other property closings have been delays until the new year, and FMERA anticipates closing on the Marina and the Bowling Center in the first quarter.

FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. Our team is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract.

FMERA has prepared its final draft of the Parcel B RFOTP and expects to release it for proposals in January 2021. After several virtual meetings with developers and industry professionals regarding the Parcel B property, slated as a mixed-use development in Eatontown, FMERA has re-envisioned the project in way that leverages new and unique approaches to mixed-use development and maximizes the economic impact to the surrounding communities. By targeting a broader mix of commercial uses and small-scale, complementary retail amenities, the project is poised for success as a hub for business and community engagement. Our team continues to work remotely and is available during normal business hours via email and cell phone. Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

3. Additional Comments by the Executive Director

Mr. Steadman thanked the Monmouth County Improvement Authority (MCIA) for their continued support. Mr. Steadman thanked Freehold Lillian Burry as the County's representative on the FMERA Board, and Freeholder Director Tom Arnone for their continued support, which has allowed FMERA to continue to work on closings and the Fort's redevelopment.

Mr. Steadman thanked the FMERA staff for their outstanding work this year as they continue to operate remotely. Mr. Steadman stated that the staff's dedication is a remarkable testament to their resilience and commitment to the mission.

Mr. Steadman thanked the Boroughs of Eatontown, Tinton Falls, and Oceanport, and the County of Monmouth for their continued support and help on various day-to-day operating issues while working remotely; and noted the outstanding support and help received from our key state stakeholders: the Governor's Authority Unit, Attorney General Office, NJEDA, DEP, the DOT, the DOL, the DCA, and many others.

Lillian Burry and Dr. Lucky thanked Mr. Steadman for his leadership at FMERA.

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 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 met on December 8th and discussed the following:

- The Committee was given a presentation by the Authority's Auditor, CliftonLarsonAllen regarding the 2020 audit.
- Discussion regarding the Draft 2021 Budget. The Draft 2021 Budget Summary illustrates the Budget based on the 2021 projected parcel sales. Ten parcels are projected to be sold. The Land Costs for the parcel sales consists of payments on Notes Payable due to Monmouth County, the Working Capital Loans due to the NJEDA, the Army, and the Homeless Fund under the terms of the EDC Agreement. The Committee reached a consensus and agreed to recommend to the Board for approval.

2. REAL ESTATE COMMITTEE (ROBERT LUCKY)

Robert Lucky stated that the Committee met on December 8th and discussed the following:

- Discussion regarding the Fourth Amendment to the Fitness Center PSARA. The Amendment will extend the Project Completion Date to June 30, 2021. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the Seventh Amendment to the Chapel PSA. The Amendment will extend the construction of the parking lot to June 30, 2021. The Committee reached a consensus and agreed to recommend to the Board for approval.
- Discussion regarding the approval of Plan Amendment #16 for the Barker Circle Parcel in Oceanport. Plan Amendment #16. Originally, Plan Amendment #16 included an alternative development scenario on the Barker Circle and the Nurses Quarters Parcels. Based on the Borough of Oceanport's feedback on the Nurses Quarters Parcel, FMERA has decided to include only the Barker Circle parcel in Amendment #16 and Nurses Quarters Parcel will be addressed in a separate amendment. The Committee reached a consensus and agreed to recommend to the Board for approval.
- Other Issues
 - Bowling Center Closing
 - Suneagles Closing
 - Marina Closing
 - Howard Commons
 - NJAW 4-acre Parcel at Howard Commons
 - Expo Theater PSARA
 - Parcel B RFOTP
 - Tinton Falls Commercial Parcel
 - Plan Amendment #16 – Nurses Quarters
 - Sidewalks
 - Anson Avenue

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

Kenneth J. Kloo stated that the Committee met on September 14th and discussed the following:

The Public portion of the meeting was called to order at 4:35 to discuss the Mandatory Conceptual Reviews for the Eatontown DPW and Barker Circle Parcels. Committee members were reminded that per FMERA's statute, the Authority's Environmental Staff Advisory Committee shall be the exclusive environmental commission for all land use matters and approvals within the Fort Monmouth Project Area, therefore, a public meeting is required for all Mandatory Conceptual Reviews, or MCRs.

The following environmental requirements were identified in the MCR for the Eatontown DPW Parcel:

- A Soil Erosion and Sediment Control Plan is required due to the disturbance of more than 5,000 square feet of soil. Work may not commence until such time as the Freehold Soil Conservation District certifies the Soil Erosion and Sediment Control Plan as approved.
- An Authorization to Discharge 5G3 Construction Activity Stormwater General permit will need to be obtained from the DEP after the Soil Erosion and Sediment Control Plan is approved.
- The proposed area of disturbance is greater than one acre and the amount of impervious cover is being increased by more than a ¼ acre under the proposed redevelopment plan. As a result, the project is considered a "major development" and is subject to the DEP's Stormwater Management requirements.
- A new stormwater outfall structure (i.e., headwall) is proposed at the site and will convey stormwater to Wampum Brook. Construction of the outfall structure will require the completion and submission of a Freshwater Wetlands General Permit # 11, Outfalls and Intake Structures, to the DEP.
- The developer is proposing to disturb 0.49 acres within the freshwater wetland transition area and should confirm with the DEP whether a "transition area waiver" is required for the proposed disturbance.
- The developer will be submitting a Flood Hazard Permit application and plans on making a formal request for a Letter of Interpretation (LOI) from the DEP to verify the flood hazard area limit.

The following environmental requirements were identified in the MCR for the Barker Circle Parcel:

- A Soil Erosion and Sediment Control Plan is required due to the disturbance of more than 5,000 square feet of soil. Work may not commence until such time as the Freehold Soil Conservation District certifies the Soil Erosion and Sediment Control Plan as approved.
- An Authorization to Discharge 5G3 Construction Activity Stormwater General permit will need to be obtained from the DEP after the Soil Erosion and Sediment Control Plan is approved.
- The proposed project is considered a “major development” project and is subject to the completion of a Stormwater Maintenance Plan.
- A CAFRA application is required for the project as the proposed redevelopment calls for the construction of 5 or more parking spaces between the mean high-water line of Oceanport Creek and a point 150 feet landward of the mean high-water line.
- The developer is currently waiting for the DEP to confirm the boundaries of the delineated freshwater wetlands and also to assign the wetlands a resource value which, in turn, will decide the size of the buffer zone.
- The developer should evaluate the need to perform a Flood Hazard Assessment in accordance with DEP regulations.

The public portion of the meeting was closed at 5:05 PM.

- FMERA staff reported that the Group 4 Finding of Suitability to Transfer, or FOST, which contains Parcel 57, is complete and the Army is preparing the Group 4 Deed. The Group 5 FOST is currently being prepared by the Army.
- FMERA staff provided an update on the Carve-Out Parcels:
 - Former AAFES Gas Station – The Army submitted a proposed plan to the DEP to pursue Monitored Natural Attenuation with a Classification Exception Area (CEA) and a Deed Restriction. The Army will be required to complete 8 rounds of chemical injections before submitting a final plan to the DEP.
 - Former Dry-Cleaning Facility – The Army has completed two rounds of chemical injections and has submitted a Remedial Investigation / Feasibility Study Report to the DEP. The Army will be proposing Monitored Natural Attenuation with a CEA for the site.
 - Former Myers Center, Neutralization Pit – The Army submitted a pilot test report of the chemical injections to the DEP. The Army is proposing to install additional monitoring wells and pursuing Monitored Natural Attenuation with a Classification Exception Area as the final remedy.
 - Landfill Capping Project – The DEP issued a permit equivalent for the nine Army-owned landfills. The M12 and 14 landfills are still under review with the NJDEP. The M8 Landfill has been removed subject to ongoing discussion between the DEP, FMERA, and the Army. The vegetation has been cleared and grading work has begun.
- The Freshwater Wetland Permits were issued by the DEP to expand the water feature (hole #10 pond) on the Golf Course Parcel to serve as a storm water collection basin for the new housing. The DEP also approved a Redevelopment Transition Waiver for the wetlands.
- Committee members offered high praise for the Army Corps of Engineers new website which contains all of the Army Corps issued documents. The website can be found at www.fortmonmouthrecords.com.
- FMERA staff provided an update on the ongoing water line projects as well as RFOTPs.

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

Jay Coffey stated that the Committee met on October 28th and discussed the following:

- Discussion regarding Liberty Walk Historic Guidelines for the rear yards including the following:
 - Landscaping should be appropriate to the historic character of the neighborhood and enhance the overall surrounding environment and should not block views of the historic buildings.
 - Fences and screenings higher than 6 feet should not be permitted. Fencing and screenings should not significantly obstruct the view of historic architectural features of any buildings or of the view of the Parade Grounds.
 - Trash receptacles should be properly screened and should not obstruct the view of historic architectural features of any buildings or of the view of the Parade Ground.
 - Temporary structures should not be structurally attached to the building or permanently attached to the ground.

- Permanent structures are not permitted without prior approval. Permission to add a permanent structure must be requested by the owner of the property and not the tenant.
- FMERA staff will work with the RPM Liberty Walk HOA to incorporate the guidelines into the current by-laws.
- Other Items:
 - Update on Allison Hall
 - Update on Barker Circle
 - Update on Suneagles Golf Course

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

Sean Thompson stated that the Committee met on October 29th and discussed the following:

- Discussion regarding Parcels C & C1. FMERA has closed on both Parcels with Lennar Corporation.
 - Parcel C1 – The parcel is being developed with up to 49 residential units.
 - Parcel C is being developed to accommodate up to 239 residential units and up to 58,000 sq. ft. of retail development. 20% affordable housing results in 57 units on Parcel C which includes the affordable units for Parcel C1 as well.
- Discussion regarding Permanent Supportive Housing and FMERA’s obligation to provide funds for 20 units in Tinton Falls and 20 units in Eatontown. FMERA, the Affordable Housing Alliance and Lennar closed on the 20 affordable units at Parcel C in Tinton Falls on October 30th.
- Discussion regarding Howard Commons status. FMERA is currently in negotiations with the developer and the parcel will be developed for up to 275 homes with 20% affordable.
- Discussion regarding Suneagles Golf Course. Martelli Signature Homes’ proposed redevelopment includes the reuse of the Golf Course; construction of up to 60 residential units within the 10-acre former Megill Housing, and 15 units affordable immediately adjacent.
- Discussion regarding Parcel B. Parcel B will include retail and/or commercial development on the parcel with the number of housing units at 302, with 20% affordable (60 units).
- Discussion regarding the Nurses Quarters in Oceanport. FMERA has signed a PSARA with RPM Development. The buildings will be developed as 24 to 34 one and two-bedroom apartments with 20% affordable.
- Discussion regarding the Lodging Area in Oceanport. FMERA has signed a PSARA with Somerset Development. The Lodging Area will be redeveloped with 185 townhomes. Historical Buildings 270 & 271 will be redeveloped for the 20% affordable.
- Discussion regarding Barker Circle. FMERA has signed a PSARA with Barker Circle Partners. Barker Circle will include the development of 75 housing units with 20% affordable units.

Sean Thompson thanked the FMERA staff for the tremendous effort that is put forth on every parcel. Mr. Thompson stated that the staff looks for the best opportunities in every redevelopment project and is representing the interests of the people of New Jersey very well.

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 FMERA’s Draft 2021 Budget.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

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		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Stephanie Brown	X		
Dave Nuse	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY

AYes: 7

- The second item before the Board was the Fourth Amendment to the Purchase and Sale & Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center 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 Jay Coffey and was seconded by Lillian Burry.

Bruce Steadman conducted a roll call vote.

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

Motion to Approve: JAY COFFEY Second: LILLIAN BURRY

AYes: 7

- The third item before the Board was the Seventh Amendment to the Purchase and Sale & Redevelopment Agreement with Triumphant Life Church for the Main Post Chapel in Oceanport.

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		
Jay Coffey	X		

Anthony Talerico	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 the Approval of Plan Amendment #16 Permitting an Alternative Development Scenario with respect to the Barker Circle Parcel in Oceanport.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 4.

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

Bruce Steadman conducted a roll call vote.

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

Motion to Approve: DAVE NUSE Second: LILLIAN BURRY
 AYes: 7

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 Tracy Buckley and unanimously approved by all voting members present, the meeting was adjourned at 4:00p.m.

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


 Bruce Steadman – Secretary

ADOPTED
December 15, 2020

**Resolution Regarding
Draft 2021 Budget**

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

WHEREAS, the Draft 2021 Budget illustrates the Authority's progress in implementing the approved Phase 1 and Phase 2 Economic Development Conveyance (EDC) Agreements and embarking on the economic redevelopment of the former Fort property. This year's budget represents the projected 2021 financial activity under the approved Phase 1 and Phase 2 EDC Agreements; and

WHEREAS, the Draft 2021 Budget Summary illustrates the Budget based on the 2021 projected parcel sales to be sold with ten parcels projected to be sold with net earnings from parcel sales. The Land Costs for the parcel sales include payments on Notes due to Monmouth County, the Working Capital Loans due to the NJ Economic Development Authority, and payments due to the Army and the Homeless Accommodation under the terms of the EDC Agreement; and

WHEREAS, the Audit Committee has reviewed the draft 2021 Budget and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the draft 2021 Budget, as described in the attached memorandum.
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: December 15, 2020

EXHIBIT 1

ADOPTED
December 15, 2020

Resolution Regarding
Fourth Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC
for the Fitness Center Parcel

WHEREAS, the Fitness Center parcel consists of 7.174 acres of land and Building 114, the 32,250 sf Fitness Center (the "Property"); and

WHEREAS, at the Authority's June 17, 2015 meeting, the Board authorized FMERA staff to enter into a PSARA with FM Partners, LLC and the PSARA was executed on August 11, 2015; and

WHEREAS, at the Authority's April 20, 2016 meeting, the Board approved the First Amendment to the PSARA with the following revisions to material terms in the PSARA: (1) termination of the due diligence period and acceptance of the property in as-is condition; (2) reduction of the purchase price to \$2,300,000; and (3) agreement by FMERA to clear or cause to be cleared the State's Tidelands claim on the property, which may occur before or after closing. All other material terms of the PSARA remained unchanged; and

WHEREAS, on September 19, 2017, FM Partners, LLC assigned all rights, title and interest in the Agreement, as amended, to Fort Partners, LLC by way of the Agreement to Assign between FM Partners, LLC and Fort Partners Group, LLC ("Fort Partners"); and

WHEREAS, on September 21, 2017, Fort Partners Group, LLC closed on the Property; and

WHEREAS, on November 13, 2019, the Board approved the Second Amendment to the PSARA; the Second Amendment was executed on December 19, 2019; and

WHEREAS, on July 13, 2020, via email correspondence, Fort Partners Group requested an extension to the Project Completion date due to restrictions imposed from COVID-19 including limitations on various forms of personal and commercial construction activity; and

WHEREAS, per the Board's action on April 15, 2020, the Executive Director was granted Delegated Authority to approve any pre-closing or post-closing extensions for up to five months for delays for COVID-19 related reasons so long as the developer has requested such an extension in writing and satisfied FMERA's request for any supporting documentation. The FMERA staff reviewed Fort Partners Group request and the Executive Director agreed to retroactively extend the Project Completion Date under his Delegated Authority for five months or until December 31, 2020. The Third Amendment was executed on October 27, 2020; and

WHEREAS, on December 2, 2020, via email correspondence, Fort Partners requested an extension to the Project Completion date until June 30, 2021 due to the continued COVID-19 restrictions, including, but not limited to the closure of government and private facilities, operational restrictions, prohibitions of "non-essential" construction, and other similar measures; and the FMERA staff reviewed Fort Partners Group request and agrees to recommend the extension of the Project Completion Date for an additional six months until June 30, 2021; and

WHEREAS, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Fourth 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 Fourth Amendment with Fort Partners Group, LLC for the Fitness Center parcel 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: December 15, 2020

EXHIBIT 2

**Resolution Regarding
Seventh 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, on April 15, 2020, the FMERA Board approved the Fifth Amendment to the PSARA to allow for: 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, on August 5th, Triumphant Life requested via letter correspondence and FMERA approved under the Executive Directors delegated authority an extension to the Project Completion to December 31, 2020. The Sixth Amendment was executed on August 31, 2020; and

WHEREAS, on November 10, 2020, Triumphant Life received the Oceanport Planning Board's approval, however notified FMERA that they would not be able to complete the parking lot by December 31, 2020 and has requested an additional six months or until June 30, 2021 to complete the project; and

WHEREAS, these continued efforts have led to the attached Seventh Amendment to the PSA with the following revisions to material terms: 1) an extension of the construction timeline until June 30, 2021 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 June 30, 2021 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until June 31, 2021; 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 Seventh 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: December 15, 2020

EXHIBIT 3

Resolution Regarding
Approval of Plan Amendment #16 Permitting Alternative Development Scenario in Oceanport

WHEREAS, the FMERA Act, P.L. 2010, c.51, in N.J.S.A. 52:27I-26(c), and the Land Use Rules, in N.J.A.C. 19:31C-3.27, authorize FMERA to amend the Reuse Plan from time to time as development progresses; and

WHEREAS, pursuant to the Land Use Rules, FMERA must transmit any proposed Reuse Plan amendment to the governing body of the three municipalities for a 45-day comment period and then consider any comments prior to the Board approving or disapproving the amendment; and

WHEREAS, the proposed Amendment #16, prepared by prepared by Upendra Sapkota, FMERA's Senior Project Officer of Planning and Development envisions the redevelopment of the Oceanport Reuse Area for approximately 1.75 million square feet of non-residential space and 720 residential units which would include a high-tech/green-industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground; and

WHEREAS, in accordance with the FMERA Act and the Land Use Rules, the Board approved transmitting the proposed Reuse Plan Amendment #16 to the host municipalities at its September 25, 2020 meeting; and

WHEREAS, the 45-day comment period commenced on October 14, 2020; and

WHEREAS, the comment period expired on November 27, 2020 and correspondence was received from Eatontown, Oceanport and Tinton Falls; and

WHEREAS, FMERA staff reviewed the correspondence and provided responses to all comments to the Real Estate Committee and recommended that Plan Amendment #16 be modified in response to certain comments from the Borough of Oceanport; and

WHEREAS, the Real Estate Committee has reviewed the responses to the comments from the three host municipalities for the Reuse Plan Amendment #16 and recommends adoption of Amendment #16 to the Board.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority adopts the responses contained in the attached memorandum, to the comments from the Boroughs of Eatontown and Oceanport, Tinton Falls.
2. As expressed in the attached memorandum, the Authority approves Amendment #16 to the Fort Monmouth Reuse and Redevelopment Plan that would permit an alternative development scenario in the Oceanport Reuse Area.
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: December 15, 2020

EXHIBIT 4