

**TO:** Members of the Board

**FROM:** Bruce Steadman  
Executive Director and Secretary

**DATE:** January 20, 2021

**SUBJECT:** Agenda for Board Meeting of the Authority

1. **Call to Order – Dr. Robert Lucky, Vice-Chairman**
2. **Pledge of Allegiance**
3. **Notice of Public Meeting - Roll Call – Bruce Steadman, Secretary**
4. **Approval of Previous Month's Board Meeting Minutes**
5. **Welcome – Dr. Robert Lucky, Vice-Chairman**
6. **Secretary's Report**
7. **Treasurer's Report**
8. **Public Comment Regarding Board Action Items**
9. **Executive Director's Report:**
  - Update on Utilities and Infrastructure
  - Update on Fort Monmouth Redevelopment & Marketing
  - Action Items for Next Month
10. **Committee Reports**
  - Audit Committee – Robert Lucky, Chairman
  - Real Estate Committee – Robert Lucky, Interim Chairman
  - Environmental Staff Advisory Committee – Kenneth J. Kloo, Chairman
  - Historical Preservation Staff Advisory Committee – Jay Coffey, Chairman
  - Housing Staff Advisory Committee – Sean Thompson, Chairman
  - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman

11. **Board Actions**

1. Consideration of Approval of the Second Amendment to the Purchase and Sale & Redevelopment Agreement and Ground Lease with Parker Creek Partners, LLC for the Bowling Center Parcel in Eatontown
2. Consideration of Approval of the Fourth Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel.
3. Consideration of Approval of a Purchase and Sale & Redevelopment Agreement with New Jersey American Water for a Water Tower at Howard Commons in Eatontown.

12. **Other Items**

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

- Responses to questions submitted online or in writing

14. **Adjournment**

**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 Drahushak, 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 21<sup>st</sup> 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 8<sup>th</sup> 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 through 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](http://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 8<sup>th</sup> 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 8<sup>th</sup> 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 RFOTF
  - 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 14<sup>th</sup> 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](http://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 28<sup>th</sup> 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 29<sup>th</sup> 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 30<sup>th</sup>.
- 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

2. 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

3. 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 5<sup>th</sup>, 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**

**ADOPTED**  
**December 15, 2020**

**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**

**MEMORANDUM**

TO: Members of the Board

FROM: Bruce Steadman  
Executive Director

DATE: January 20, 2021

SUBJECT: Monthly Status Report

**Summary**

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) staff's monthly activities which include Treasurer's Report, Update on Utilities and Infrastructure; Update on the Fort Monmouth Redevelopment; Update on Marketing; and Action Items for Next Month.

**Treasurer's Report**

FMERA staff is beginning to prepare the Authority's 2020 Annual Report and financial statements for presentation to the Audit Committee, which serve as FMERA's Comprehensive Annual Report to meet the requirements of Executive Order No. 37 (2006). It is expected that a draft report and statements will be available for review in mid-March, and finals presented to the Board in April.

The Authority's independent auditors, CliftonLarsonAllen, LLP, will begin work on their audit of the Authority's operations in early February. The auditors will report on the Authority's financial statements and accompanying notes, as well as report on the Authority's internal controls and compliance with Government Auditing Standards. Field work is scheduled to begin virtually the last week of February.

**Executive Director's Report**

- Update on Utilities and Infrastructure

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.
- The Group 4 deed is with the Army Corp. of Engineers for signature.

Other projects in process include:

- 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 in the coming weeks. This main will serve the Denholtz 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.



- 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. Grading is underway ahead of the caps being placed.

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

## 2. Update on the Fort's Redevelopment

The following is a town-by-town summary of the status of our redevelopment projects.

In **Oceanport**, FMERA has closed on the following fourteen properties:

- Former Patterson Army Hospital on December 13, 2013 with AcuteCare Systems.
- Officer Housing Parcels on January 13, 2017 with RPM Development, LLC. The company renovated the 116 historic housing units, creating 68 market-rate for sale units, and 48 rental units; twenty percent of the total units are available to low- and moderate-income households.
- Main Post Chapel on February 27, 2017 with Triumphant Life Assembly of God Church who purchased the approximately 16,372 sq. ft. building for use as a house of worship.
- Russel Hall on June 23, 2017 with TetherView Property Management, LLC, a private cloud computing services company who occupies the 40,000 sq. ft. building. Russel Hall currently houses a variety of businesses including tech companies, medical offices, and an architecture firm.
- 13-acre parcel on Murphy Drive on August 16, 2017, where the Borough of Oceanport purchased the property for their new municipal complex.
- Fitness Center on September 26, 2017 enabling Fort Partners Group, LLC, to renovate and expand the facility to emphasize basketball and medically based fitness and wellness programs, and individualized group training and classes.
- Dance Hall parcel on April 4, 2018 to The Loft Partnership, LLC. The developer plans to renovate the Dance Hall as a microbrewery, coffee house, and banquet facility.
- Building 501, on April 24, 2019 with Family Promise of Monmouth County, an approximately 1.7-acre site, via a Legally Binding Agreement (LBA).
- Telecommunications Tower and Land on October 25, 2019 with Global Signal Acquisitions, LLC for an approximately 0.58 parcel of land containing the Telecommunications Tower and adjacent land.
- Squier Hall Complex, on December 18, 2019 with KKF University Enterprises, LLC, an approximately 31-acre site. The developer has secured a commitment from New Jersey City University for use of the site as a satellite campus and anticipates opening in Fall 2020.
- Commissary, Post Exchange (PX) complex, Warehouse District and a 1000 Area Parking parcel, on October 16, 2020 with OPort Partners, LLC. The Commissary/PX parcel shall permit, Food Service, Flex space, Office, R&D and Instructional Schools and Studios. The Warehouse District will permit Flex Space, Medical Office, Office, and Research & Development.

Also in **Oceanport**, FMERA has executed or approved contracts on the following five properties:

- Allison Hall, with Fort Monmouth Business Center, LLC, a 13-acre parcel which includes the reuse of the historic building, as well as retail, office/research & development and open space/recreation uses.
- Barker Circle, with Barker Circle Partnership, LLC, an approximately 19.5-acre parcel in the historic district which includes the repurposing of buildings 205-208, and 287, as well as the Main Post Firehouse and Kaplan Hall, for residential, office and other commercial uses.
- Lodging Area, with Somerset Development, LLC, a 15-acre site located on Parkers Creek, to be developed with up to 185 new and renovated housing units.
- Marina, with AP Development Partners, LLC, currently operating as a marina/public boat ramp and restaurant.

- Nurses Quarters, with RPM Development, LLC for the 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

FMERA intends to issue RFOTPs for the following Oceanport properties in 2021:

- McAfee Center, a 90,000± sf R&D building with several related support buildings on a 47-acre site
- 400 Area, an 80± acre site east of Oceanport Avenue, zoned for housing and commercial uses.

In **Eatontown**, FMERA has closed on the following property:

- Suneagles Golf Course, with Martelli Development, LLC, to maintain and upgrade the existing Golf Course, renovate historic Gibbs Hall, and construct 75 new housing units. Martelli continues to operate the course in the interim so it remains open to the public as the redevelopment progresses.

Also in **Eatontown**, FMERA has executed or approved contracts on the following four parcels:

- Building 1123, a former general office building at Avenue of Memories and Wilson Avenue with an executed PSARA with the Borough of Eatontown for the reuse by the Borough's Department of Public Works.
- Bowling Center, an approximately 2.8-acre parcel including Building 689, a 20-lane bowling alley and Building 682, a wood frame building to be demolished, where FMERA executed a PSARA with Parker Creek Partners, LLC.
- Eatontown Barracks, 6 buildings on Semaphore Avenue on an approximately 4.4-acre parcel, where FMERA entered into a PSARA with Kenneth Schwartz for the development of a commercial arts-related project, including studio, performance and gallery space, as well as short-term residential units for artists.
- Eatontown Parks Parcel, a 3.82-acre tract known as the Nicodemus Avenue Park Parcel located on Nicodemus Avenue with the Borough of Eatontown for active recreation uses.

Also in **Eatontown**, FMERA is in negotiations for the sale and redevelopment of the following property:

- Expo Theater, an entertainment facility, previously used as a live theater and cinema; and adjacent properties, including Dean Field and portions of the M3, M5, and M4 landfills, as optional sub-parcels.

FMERA intends to issue the following RFOTPs in Eatontown:

- Vail Hall, a 36,000± sf building on Avenue of Memories planned for office and/or commercial use
- Mallette Hall, a 57,000± sf office building across from Vail Hall slated for reuse or replacement

In **Tinton Falls**, FMERA has closed on the following eight properties:

- Parcel E, on January 13, 2013 with Commvault for the headquarters.
- Building 2525, on February 5, 2016 with Aaski Technologies who leases the building to other tenants for technology and office uses.
- Child Development Center, on March 18, 2016 with Trinity Hall, for the all-girl high school.
- Fort Monmouth Recreation Center and Swimming Pool, on January 6, 2017 with the Monmouth County Park System and being used for programs which include arts & crafts, sports, exercise classes and a variety of amenities including classrooms, gymnasium and a game room.
- Parcel F-3 on February 23, 2017 with the Monmouth County Park System in conjunction with the adjacent Recreation Center and Swimming Pool. Located along Hope Road, the County has expanded its services and public open space amenities currently offered at the Recreation Center.
- Charles Wood Fire Station, on May 22, 2018 transferring the property to Commvault Systems, Inc. for use as corporate office and training space.
- Parcel C1 with Lennar Corporation, on August 2, 2018 planned for 45 new single-family homes.
- Parcel C with Lennar Corporation, on August 2, 2018 approved for 243 residential units and up to 58,000 sq. ft. of retail development.

FMERA has approved or executed a contract on two properties in Tinton Falls:

- Fabrications Shops (Pinebrook Road Commerce Center), 45,000 sq. ft. of light industrial and flex office space buildings along Pinebrook Road for sale to Pinebrook Commerce Center, LLC, which is slated to close imminently.

- Parcel F-1 – Myer Center and Building 2705, an approximately 36-acre parcel in Tinton Falls where RWJ Barnabas Health (RWJBH) plans to create a health campus. On September 20, 2017, the Board approved a Purchase and Sale Agreement (PSA) with EDA for the parcel. On June 12, 2018, the EDA Board authorized the execution of an Agreement to Assign of the PSA among EDA, FMERA and RWJBH. At the Authority's June 2018 meeting, the Board approved the execution of an Agreement to Assign among FMERA, EDA and RWJBH providing for the assignment of a PSA between FMERA and EDA for the property.

Also in **Tinton Falls**, FMERA is in negotiations for the sale and redevelopment of the Tinton Falls Commercial Parcel, which includes the following.

- Pulse Power, a special purpose facility consisting of 15,690 sf of administrative offices and 10,786 sf of dry lab and testing space.
- Building 2719, consisting of 6,574 sf of administrative space and a 2,448 high-bay garage constructed in 2006.
- Pistol Range, consisting of Building 2627, situated on approximately 1 acre; the Fire and Police Training Area, including Building 2628, situated on approximately 2.3 acres; and the Satellite Road Parcel, an approximately 1.5-acre tract of land.

### 3. Marketing Update

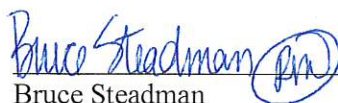
FMERA continues to engage with leads and prospective purchasers via teleconference while operating remotely. Our team is closely monitoring on-going projects and providing additional support to its developers to ensure the successful redevelopment of properties currently under contract. The on-going pandemic has caused several unanticipated delays, however, all of FMERA's projects continue to make excellent progress and several other projects are planned to come online in the coming months.

In the new year, FMERA will be focused on marketing several of its large parcels for redevelopment, beginning with the Parcel B property in Eatontown. The property is targeted as a mixed-use development. 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. The development will call for 302 residential units and a highly diverse mix of commercial components and site amenities. Several other highly desirable parcels, including the 400 Area and the McAfee Center Campus, are targeted for release in the future. Interested parties may sign up for our RFOTP alerts on our website under the Developer Information tab.

As we continue to work remotely, FMERA will be exploring opportunities to participate in and attend a variety of industry panels and conferences to continue to engage with prospective developers and other related professionals. Our team remains available during normal business hours via email and cell phone. Please visit our website, [www.fortmonmouthnj.com](http://www.fortmonmouthnj.com) and follow us on Instagram at @fortmonmouthnj for our latest updates.

### 4. Action Items for Next Month.

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

  
Bruce Steadman

**Resolution Regarding  
Second Amendment to the Purchase and Sale & Redevelopment Agreement and Ground Lease with Parker  
Creek Partners, LLC for the Bowling Center Parcel in Eatontown**

**WHEREAS**, FMERA issued a Request for Offers to Purchase (“RFOTP”) on June 22, 2018 in connection with the sale of the 2.8-acre Bowling Center Parcel in Eatontown (the “Property”); the Bowling Center, also known as Building 689, is an approximately 17,599 sf structure located at the corner of Saltzman and Wilson Avenues. The 2.8-acre parcel also includes Building 682, a 4,720-sf wood frame building constructed in 1941 slated for demolition; and

**WHEREAS**, the Seller and Parker Creek Partners, LLC (“PCP”) entered into a certain Purchase and Sale Agreement and Redevelopment Agreement dated as of July 2, 2019, in which PCP committed to develop the Property in one or more phases for commercial, recreational, entertainment and retail uses and which will consist of the renovation and expansion of the existing Bowling Center and upgrades to the kitchen, and adding a bar, bocce courts, pool tables, shuffleboard tables and a stage. The Purchaser will also be obligated to demolish Building 682 and install necessary site improvements at its sole cost and expense; and

**WHEREAS**, under the terms of the PSARA, Purchaser was entitled to an Approval Period of up to ninety days following the completion of Due Diligence to obtain all necessary approvals (the “Approval Period”), and if proceeding in good faith, an additional ninety day extension (the “Approval Extension Period”), and the Approval Extension Period expired on May 1, 2020; and

**WHEREAS**, due to COVID -19 related delays and shutdowns, Purchaser was not able to obtain all approvals in the designated timeframe and requested additional time to obtain the necessary approvals; and

**WHEREAS**, utilizing the Board Approved Delegated Authority provided to the Executive Director at the April 15, 2020 FMERA Board meeting, the FMERA Executive Director granted an additional five-month Approval Period extension, executed July 15, 2020, which was retroactively applied from May 1, 2020 via the First Amendment to the PSARA; and

**WHEREAS**, under the terms of the PSARA, Purchaser is obligated to close within one hundred and twenty (120) days following the satisfaction or waiver of the Conditions Precedent to Closing, which occurred on October 1, 2020; and

**WHEREAS**, Purchaser has requested a two-month extension to close by March 30, 2021 via correspondence dated January 5, 2021, citing changes in the bank underwriting process and delays with the County approvals process; and

**WHEREAS**, FMERA staff has reviewed this request and recommends the Real Estate Committee review and recommend the Board approve an extension to close; and

**WHEREAS**, the attached amendment to the PSARA includes the following revision to material terms: an extension to close no later than March 30, 2021; and

**WHEREAS**, all other material terms of the PSARA as presented to the Committee and the Board will remain unchanged. The attached Second Amendment to 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. 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 and Ground Lease with Parker Creek Partners, LLC for the Bowling Center Parcel in Eatontown for an extension of the Approval Period 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: January 20, 2021**

**EXHIBIT 1**



**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Bruce Steadman  
Executive Director

**RE:** Second Amendment to the Purchase and Sale & Redevelopment Agreement and Ground Lease with Parker Creek Partners, LLC for the Bowling Center Parcel in Eatontown

**DATE:** January 20, 2021

**Request**

I am requesting that the Board approve the Second Amendment to the Purchase and Sale & Redevelopment Agreement ("PSARA") with Parker Creek Partners, LLC ("PCP") for the sale, renovation and expansion of the Bowling Center (the "Project") in the Eatontown Reuse Area.

**Background**

FMERA issued a Request for Offers to Purchase ("RFOTP") on June 22, 2018 in connection with the sale of the 2.8-acre Bowling Center Parcel in Eatontown (the "Property"). The Bowling Center, also known as Building 689, is an approximately 17,599 sf structure located at the corner of Saltzman and Wilson Avenues. The 2.8-acre parcel also includes Building 682, a 4,720-sf wood frame building constructed in 1941, which must be demolished by PCP.

PCP intends to develop the Property in one or more phases for commercial, recreational, entertainment and retail uses. The Project will consist of the renovation and expansion of the existing Bowling Center and upgrades to the kitchen, and adding a bar, bocce courts, pool tables, shuffleboard tables and a stage. The Purchaser will be obligated to demolish Building 682 and install necessary site improvements at its sole cost and expense.

Pursuant to the terms of the PSARA, PCP will pay \$1,350,000 for the Property, which exceeds the \$1,000,000 minimum bid specified in the RFOTP, and has the option to ground lease a portion of the 2.8-acre Bowling Center Parcel for ninety-nine (99) years for \$1 per year. Closing will occur within one-hundred twenty (120) days after satisfaction of all conditions precedent to closing, including: completion of due diligence; receipt of Mandatory Conceptual Review approval from FMERA; submission of Purchaser's site plan application to the Borough of Eatontown; and FMERA's receipt of title to Parcel 102D, an environmental carve-out, from the Army.

**First Amendment Due Diligence Extension & Delegated Authority**

Under the terms of the PSARA, Purchaser was entitled to an Approval Period of up to ninety (90) days following the completion of Due Diligence to obtain all necessary approvals (the "Approval Period"), and if proceeding in good faith, an additional ninety (90) day extension (the "Approval Extension Period"). The Approval Extension Period expired on May 1, 2020.

Due to COVID -19 related delays and shutdowns, Purchaser was not able to obtain all approvals in the designated timeframe and required additional time to obtain the necessary approvals. FMERA granted an additional five-

month (5) month Approval extension to the Approval Extension Period by utilizing the Board Approved Delegated Authority provided to the Executive Director at the April 15, 2020 FMERA Board meeting. That Board Approval provided the Executive Director delegated authority to authorize timeline extensions for projects impacted by COVID-19, without Board approval.

The FMERA Executive Director granted an additional five (5) month Approval Period extension, executed July 15, 2020, which was retroactively applied from May 1, 2020 via the First Amendment to the PSARA.

**Second Amendment to the PSARA: Extension to the Closing Timeline**


Under the terms of the PSARA, Purchaser is obligated to close within one hundred and twenty (120) days following the satisfaction or waiver of the Conditions Precedent to Closing, which occurred on October 1, 2020. Based on this timeframe, Purchaser was expected to close on or before February 1, 2021. Purchaser has requested an extension to close by March 30, 2021 via correspondence dated January 5, 2021, citing changes in the bank underwriting process and delays with the County approvals process. FMERA staff has reviewed this request and recommends the Real Estate Committee review and recommend the Board approve an extension to close.

The attached amendment to the PSARA includes the following revisions to material terms: an extension to close no later than March 30, 2021.

All other material terms of the PSARA as presented to the Committee and the Board will remain unchanged. The attached Second Amendment to 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. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

**Recommendation**

In summary, I am requesting that the Board approve the Second Amendment to the Purchase and Sale & Redevelopment Agreement with Parker Creek Partners, LLC for the Bowling Center Parcel in Eatontown.

  
Bruce Steadman

Attachments: Second Amendment to the PSARA  
Prepared by: Sarah Giberson

**ATTACHMENT**

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



**Resolution Regarding  
Fourth Amendment to and the Reinstatement of the Purchase and Sale & Redevelopment Agreement with the  
Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel**

**WHEREAS**, on May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests for the Borough's request to purchase a 7.2-acre tract known as the 1123 Parcel ("the Property") including Buildings 1123, 1124, 1108, 1109 and 1110 located on Echo Avenue, in Eatontown, New Jersey for municipal uses including the relocation of Eatontown's Department of Public Works; and accordingly, the Borough's proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria, resulting in a 40% price reduction and sale price of \$886,461.00; and

**WHEREAS**, on January 16, 2019, the Board authorized the execution of the PSARA between FMERA and the Borough for the Property, and the PSARA was executed on May 8, 2019; and

**WHEREAS**, pursuant to the terms of the PSARA, the Borough was provided a ninety-day Due Diligence Period commencing on the Effective Date of the PSARA; an Initial Approval Period of twelve months commencing at the end of the Due Diligence period; and a six-month Approval Extension Period, subject to FMERA approval, with Closing to occur within thirty days of satisfaction or waiver of the Conditions Precedent to Closing; and

**WHEREAS**, under the terms of the First Amendment, executed September 2, 2019, Purchaser agreed to: i) amend the Approval Period to run for a total period not to exceed six months, beginning at the expiration of the Due Diligence Period; and ii) Close within thirty days of the expiration of the amended six month Approval Period, subject to receipt of an NFA from the NJDEP for the two environmental carve-out parcels located within the Property and regardless of whether other Conditions Precedent to Closing have been waived or satisfied; and

**WHEREAS**, following the expiration of the Due Diligence Period, the Borough entered the Approval Period which was set to expire on May 30, 2020; however, on May 15, 2020, via email correspondence, the Borough requested an extension to the Approval Period due to challenges navigating COVID-19 and also turnover in Borough staff; and

**WHEREAS**, the FMERA staff reviewed the Borough's request and the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020; the Second Amendment was executed on July 30, 2020; and

**WHEREAS**, on October 2, 2020, via letter correspondence, the Borough requested an additional extension to the Approval Period, set to expire on October 30, 2020, citing delays in the Borough budget approval process for 2020; the budget approval was required in order for the Borough to authorize funds for the remaining environmental work to be completed by T&M Associates; and

**WHEREAS**, the Borough requested an additional five-month extension to the Approval Period, or April 1, 2021; as the Approval Period was set to expire before the Third Amendment could be adopted, the Borough conditionally terminated and reinstated the PSARA under the Third Amendment, executed November 29, 2020; and

**WHEREAS**, during its review of the Borough's mandatory conceptual review application, FMERA staff identified that Building 1124 was slated for demolition although the Project as set forth in the PSARA identifies 1124 as slated for renovation; and

**WHEREAS**, FMERA notified the Borough of this conflict and the Borough confirmed its position regarding the intended demolition of Building 1124; as amended, the Reuse Plan allows for the demolition of Building 1124; and

**WHEREAS**, FMERA has reviewed the site plan and concurs that the demolition of 1124 is acceptable and supports the highest and best use of the Property; and

**WHEREAS**, all other terms of the PSARA 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, the Borough of Eatontown, and the Attorney General's Office. 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 to and the Reinstatement of the PSARA with the Borough of Eatontown for the 1123 Parcel for an extension of the Approval Period 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: January 20, 2021**

**EXHIBIT 2**



**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Bruce Steadman  
Executive Director

**RE:** Fourth Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel

**DATE:** January 20, 2021

**Request**

I am requesting that the Board approve the execution of the Fourth Amendment to the Purchase and Sale & Redevelopment Agreement ("PSARA") with the Borough of Eatontown ("Borough") providing for an amendment to the Redevelopment Project.

**Background**

On May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests for the Borough of Eatontown's request to purchase a 7.2-acre tract known as the 1123 Parcel ("the Property") including Buildings 1123, 1124, 1108, 1109 and 1110 located on Echo Avenue, in Eatontown, New Jersey for municipal uses including the relocation of Eatontown's Department of Public Works. Accordingly, the Borough's proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria, resulting in a 40% price reduction and sale price of \$886,461.00.

On January 16, 2019, the Members of the Board authorized the execution of the PSARA between FMERA and the Borough of Eatontown for the Property. The PSARA was executed on May 8, 2019.

Pursuant to the terms of the PSARA, Purchaser was provided a ninety (90) day Due Diligence Period commencing on the Effective Date of the PSARA and; an Initial Approval Period of twelve (12) months commencing at the end of the Due Diligence period; and a six (6) month Approval Extension Period, subject to FMERA approval. Closing would occur within thirty (30) days of satisfaction or waiver of the Conditions Precedent to Closing.

**Due Diligence & First Amendment**

Due to the existing constraints of the site and a need to further investigate two (2) Army-owned environmental carve-out parcels known as ECP Parcel 41 and ECP Parcel 43, environmental contractor T&M Associates made a recommendation to the Borough of Eatontown to request an extension of the Due Diligence Period, which expired on August 8, 2019 per the terms of the PSARA. A request to extend the Due Diligence Period to November 29, 2019 was subsequently submitted to the FMERA Board and approved at the July 2019 meeting.

Under the terms of the First Amendment, executed September 2, 2019, Purchaser agreed to: i) amend the Approval Period to run for a total period not to exceed six (6) months, beginning at the expiration of the Due Diligence Period; and ii) Close within thirty (30) days of the expiration of the amended six (6) month Approval Period,

subject to receipt of an NFA from the NJDEP for the two environmental carve-out parcels located within the Property and regardless of whether other Conditions Precedent to Closing have been waived or satisfied.

#### **Delegated Authority & Second Amendment**

Following the expiration of the Due Diligence Period, the Borough entered the Approval Period which was set to expire on May 30, 2020. On May 15, 2020, via email correspondence, Purchaser requested an extension to the Approval Period due to challenges navigating COVID-19 at the Borough and also turnover in Borough staff.

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 the Borough's request and the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020. The Second Amendment was executed on July 30, 2020.

#### **Reinstatement & Third Amendment**

On October 2, 2020, via letter correspondence, Purchaser requested an additional extension to the Approval Period, set to expire on October 30, 2020, citing delays in the Borough budget approval process for 2020. The budget approval was required in order for the Borough to authorize funds for the remaining environmental work to be completed by T&M Associates. The Borough requested an additional five (5) month extension to the Approval Period, until April 1, 2021. As the Approval Period was set to expire before the Third Amendment could be adopted, the Borough conditionally terminated and reinstated the PSARA under the Third Amendment, executed November 29, 2020.

#### **Demolition of Building 1124 & Fourth Amendment**

The Borough of Eatontown submitted its initial Mandatory Conceptual Review packet to FMERA on October 28, 2020. During its review, FMERA staff identified that Building 1124 was slated for demolition on the Borough's site plan. The Project as set forth in the PSARA identifies 1124 as slated for renovation. FMERA notified the Borough of this conflict and the Borough confirmed its position regarding the intended demolition of Building 1124. As amended, the Reuse Plan allows for the demolition of Building 1124.

FMERA has reviewed the site plan and concurs that the demolition of 1124 is acceptable and supports the highest and best use of the Property. FMERA staff recommends the Real Estate Committee review and recommend the Board approve the demolition of Building 1124.

All other terms of the PSARA 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, the Borough of Eatontown, and the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

#### **Recommendation**

In summary, I am requesting that the Board approve the proposed Fourth Amendment to the PSARA with the Borough of Eatontown for the 1123 Parcel for an amendment to the Redevelopment Project.

  
Bruce Steadman

Attachment: Fourth Amendment to the Purchase and Sale & Redevelopment Agreement  
Prepared by: Sarah Giberson

**ATTACHMENT**

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



**Resolution Regarding**  
**Authorization to enter into a Purchase and Sale & Redevelopment Agreement with New Jersey**  
**American Water for a water tank on the Water Tank Parcel**

**WHEREAS**, On December 29, 2014, FMERA publicly advertised a Request for Offers to Purchase (“Howard Commons RFOTP”) an approximately 63.67 acre of land and improvements located in the Charles Wood Are of Fort Monmouth known as Howard Commons Parcel (“Howard Commons Parcel”), in accordance with FMERA’s Rules for the Sale of Real and Personal Property, N.J.A.C. 19:31C-2.1 et seq., which included the Water Tank Parcel; and

**WHEREAS**, since the issuance of the Howard Commons RFOTP significant environmental contamination has been found on the Howard Commons Parcel, in the form of historically applied pesticides, which has led to delays in development and the withdrawal of the top scoring bidder to the Howard Commons RFOTP; FMERA remains in negotiations with the only remaining bidder to the Howard Commons RFOTP - US Home Corporation, a wholly owned subsidiary of Lennar Corporation (“Lennar”) a corporation of the State of Delaware, located at 2465 Kuser Road, Floor 3, Hamilton, New Jersey 08690, and expects to enter into a Purchase and Sale Agreement and Redevelopment Agreement during the first Quarter of 2021; and

**WHEREAS**, since the issuance of the Howard Commons RFOTP, NJAW has indicated to FMERA that there is severe shortage of water storage capacity and pressure in the surrounding area of Monmouth County and has indicated it is in need of land to build an approximately two million gallon storage tank to better serve the surrounding community’s needs; and

**WHEREAS**, these issues impact Fort properties that FMERA owns and remains responsible to redevelop and as NJAW serves as the sole source water provider in the Tinton Falls/Eatontown/Oceanport area, FMERA staff responded to NJAW’s request by identifying a 3.945 tract of land located on the Howard Commons Parcel herein identified as the Water Tank Parcel or Property; and

**WHEREAS**, the Water Tank Parcel is uniquely suited to serve NJAW’s needs by providing approximately four acres of land surrounded on two sides by undeveloped preserved forest, a municipal road on another and a fourth side that encompasses soon to be built residential units which will be buffered by trees; and

**WHEREAS**, by correspondence dated January 4, 2021 Lennar has agreed to exclude the Water Tank Parcel from the Howard Commons RFOTP in exchange for foregoing costs associated with demolition and remediation at that site; and

**WHEREAS**, a water storage tank located anywhere near Fort Monmouth would ultimately benefit development projects at Fort Monmouth and others in the surrounding areas, especially large volume water users; and

**WHEREAS**, in addition, as part of the Fort’s overall utility replacement and improvement plan and to connect the western Main Post properties to the eastern Main Post properties on the Fort, FMERA requires that a 24-inch water main extension be built from Route 35 east along Avenue of Memories to the intersection of Avenue of Memories and Irwin Avenue (“Water Main Extension”), totaling approximately 5,500 linear feet. FMERA anticipates that the Water Main Extension would cost FMERA approximately \$1.3 million; and

**WHEREAS**, as part of the purchase price for the Water Tank Parcel, NJAW has agreed to install the Water Main Extension under the terms set forth in the PSARA, expediting the installation of the line by three to five years; and



**WHEREAS**, Purchaser has agreed to make the Homeless Trust payment of \$80,220.00 based on all developable acreage and complete the Water Main Extension at no cost to FMERA by December 31, 2021; and

**WHEREAS**, Purchaser will have a sixty-day Due Diligence Period commencing on the Effective Date of the PSARA; an Initial Approval Period of six months commencing at the end of the Due Diligence period; and a six-month Approval Extension Period, subject to FMERA approval; and

**WHEREAS**, closing will occur within thirty days satisfaction or waiver of the Conditions Precedent to Closing and it is anticipated that a Reuse Plan Amendment will be required to permit the construction of the water tank on the site; and

**WHEREAS**, NJAW's Capital Investment shall be the aggregate of (1) the cost to demolish the existing buildings and construct a two million-gallon water storage tank on the property, and (2) the installation of the Water Main Extension; and

**WHEREAS**, the project includes the development of an 2,000,000 gallon NJAW water tank to resolve water pressure and capacity issues in the surrounding area and will consist of the demolition of Buildings 3034, 3035, 3036 and 3037 within the timelines set forth under the PSARA as well as associated paving, ancillary storage and landscape buffering to support the site for the water tank use; and

**WHEREAS**, NJAW has agreed it is responsible for establishing service and accounts for any utility service required to service the site and the water tank; for replacement, repair, maintenance and/or relocation of utilities within the Property to serve the Project, subject to Seller's review and approval; and for coordinating communication services to the Property through a provider of its choosing; and

**WHEREAS**, the attached PSARA between FMERA and the NJAW 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. On January 19, 2021, via email the Real Estate Committee reviewed and approved the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Authorization to enter into a Purchase and Sale & Redevelopment Agreement with New Jersey American Water for a water tank on the Water Tank 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: January 20, 2021**

**EXHIBIT 3**

**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Bruce Steadman  
Executive Director

**RE:** Authorization to enter into a Purchase and Sale & Redevelopment Agreement with New Jersey American Water for a water tank on the Water Tank Parcel

**DATE:** January 20, 2020

**Request**

I am requesting that the Board authorize FMERA staff to enter into a Purchase and Sale & Redevelopment Agreement (“PSARA”) with New Jersey American Water (“NJAW” or “Purchaser”) for a 3.945-acre tract known as the Water Tank Parcel (“the Property”) including Portions of Building 3034 and Buildings 3035, 3036, and 3039 and land located along Pinebrook Road in the Eatontown Section of Fort Monmouth, New Jersey.

**Background**

On December 29, 2014, FMERA publicly advertised a Request for Offers to Purchase (“Howard Commons RFOTP”) an approximately 63.67 acre of land and improvements located in the Charles Wood Are of Fort Monmouth known as Howard Commons Parcel (“Howard Commons Parcel”), in accordance with FMERA’s Rules for the Sale of Real and Personal Property, N.J.A.C. 19:31C-2.1 et seq., which included the Water Tank Parcel. Since the issuance of the Howard Commons RFOTP significant environmental contamination has been found on the Howard Commons Parcel, in the form of historically applied pesticides, which has led to delays in development and the withdrawal of the top scoring bidder to the Howard Commons RFOTP. FMERA remains in negotiations with the only remaining bidder to the Howard Commons RFOTP - US Home Corporation, a wholly owned subsidiary of Lennar Corporation (“Lennar”) a corporation of the State of Delaware, located at 2465 Kuser Road, Floor 3, Hamilton, New Jersey 08690, and expects to enter into a Purchase and Sale Agreement and Redevelopment Agreement during the first Quarter of 2021.

Since the issuance of the Howard Commons RFOTP, NJAW has indicated to FMERA that there is severe shortage of water storage capacity and pressure in the surrounding area of Monmouth County and has indicated it is in need of land to build an approximately two million gallon storage tank to better serve the surrounding community’s needs. These issues impact Fort properties that FMERA owns and remains responsible to redevelop. As NJAW serves as the sole source water provider in the Tinton Falls/Eatontown/Oceanport area, FMERA staff responded to NJAW’s request by identifying a 3.945 tract of land located on the Howard Commons Parcel herein identified as the Water Tank Parcel or Property. The Water Tank Parcel is uniquely suited to serve NJAW’s needs by providing approximately four acres of land surrounded on two sides by undeveloped preserved forest, a municipal road on another and a fourth side that encompasses soon to be built residential units which will be buffered by trees.

The Water Tank Parcel is also impacted by the environmental contamination identified on the Howard Commons Parcel. The Water Tank Parcel includes portions of Building 3034 and Buildings 3035, 3036 & 3037 which are identified for demolition. The estimated costs for remediation and demolition on the Water Tank Parcel is between \$1,025,000.00 to \$1,275,000.00, which includes demolition costs for the entirety of Building 3034. By way of a Term Sheet dated September 9, 2020 and by correspondence dated January 4, 2021 Lennar has agreed to exclude





the Property from the Howard Commons RFOTP in exchange for foregoing costs associated with demolition and remediation at that site.

A water storage tank located anywhere near Fort Monmouth would ultimately benefit development projects at Fort Monmouth and others in the surrounding areas, especially large volume water users, such as RWJ Barnabas which has an executed Purchase and Sale Agreement with New Jersey Economic Development Authority (“NJEDA”) and FMERA for the redevelopment of Myer Center parcel as well as several anticipated projects on Parcel B, the Tinton Falls Commercial Area, and the McAfee Center parcels.

In addition, as part of the Fort’s overall utility replacement and improvement plan and to connect the western Main Post properties to the eastern Main Post properties on the Fort, FMERA requires that a 24-inch water main extension be built from Route 35 east along Avenue of Memories to the intersection of Avenue of Memories and Irwin Avenue (“Water Main Extension”), totaling approximately 5,500 linear feet. FMERA anticipates that the Water Main Extension would cost FMERA approximately \$1.3 million. As part of the purchase price for the Water Tank Parcel, NJAW has agreed to install the Water Main Extension under the terms set forth in the PSARA, expediting the installation of the line by three to five years. The Project (as defined in the PSARA) shall resolve a major impediment to redevelopment on Fort Monmouth by allowing FMERA to market properties to developers that require large volumes of water and provide overall improvements to the infrastructure of the Fort.

Using the Fort’s appraisal for the land area in the Main Post, the fair market value of 3.945 acres for open space recreation use, net of the demolition costs, results in an estimated value of \$0 for the Property. Purchaser has agreed to make the Homeless Trust payment of \$80,220.00 based on all developable acreage.

#### **Purchase and Sale & Redevelopment Agreement**

FMERA staff is pleased to report that negotiations with the NJAW have resulted in the following terms: NJAW will pay \$80,220 to the Homeless Trust Fund for the approximately 3.945-acre property for water utility uses related to the NJAW water tank and completed the Water Main Extension at no cost to FMERA by December 31, 2021. Per the PSARA, Purchaser will have a sixty (60) day Due Diligence Period commencing on the Effective Date of the PSARA; an Initial Approval Period of six (6) months commencing at the end of the Due Diligence period; and a six (6) month Approval Extension Period, subject to FMERA approval. Closing will occur within thirty (30) days satisfaction or waiver of the Conditions Precedent to Closing. NJAW has represented that intends to elect to waive All Approvals and Close on the property but has agreed to provide progress updates to FMERA every 6 months on the status of approvals. FMERA will convey the Property to the Borough 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. It is anticipated that a Reuse Plan Amendment will be required to permit the construction of the water tank on the site.

NJAW’s Capital Investment shall be the aggregate of (1) the cost to demolish the existing buildings and construct a two (2) million-gallon water storage tank on the property, and (2) the installation of the Water Main Extension.

The project includes the development of an 2,000,000 gallon NJAW water tank to resolve water pressure and capacity issues in the surrounding area and will consist of the demolition of Buildings 3034, 3035, 3036 and 3037 within the timelines set forth under the PSARA as well associated paving, ancillary storage and landscape buffering to support the site for the water tank use.

The Project will be completed over multiple Phases. Phase I consists of the demolition of the Buildings 3034, 3035, 3036 and 3037, including any all asbestos abatement work; the Purchaser will follow standard demolition procedures and ensure any subsurface spaces are removed and soil is graded after demolition. NJAW will commence demolition of Phase I of Project no later than ninety (90) days after Closing. Purchaser will Complete Phase I of the Project no later than March 31, 2022. Phase II consists of the construction of the two million gallon water tank, of a height not to exceed 35 feet, including any required remediation. The water tank project shall also include other site improvements necessary to operate the tank and support water utility operations (e.g. booster pump station and generator) and a mature foliage buffer and/or berm shall be installed on the western

boundary of the Property. At Purchaser's discretion, Purchaser may seek to create a paved area of approximately 3,250 square feet, and storage facilities for limited utility equipment storage to support Purchaser's water utility operations

Regarding infrastructure and utility improvements, the NJAW has agreed to the following: Purchaser is responsible for establishing service and accounts for any utility service required to service the site and the water tank. Purchaser is also responsible for replacement, repair, maintenance and/or relocation of utilities within the Property to serve the Project, subject to Seller's review and approval. Purchaser is responsible for coordinating communication services to the Property through a provider of its choosing.

The attached PSARA between FMERA and the NJAW 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. On January 19, 2021, via email the Real Estate Committee reviewed and approved the request and recommends it to the Board for approval.

**Recommendation**

In summary, I am requesting that the Board authorize FMERA staff to enter into a Purchase and Sale & Redevelopment Agreement with New Jersey American Water for a water tank on the Water Tank Parcel.

*Bruce Steadman*  
Bruce Steadman

Attachment: Purchase and Sale & Redevelopment Agreement  
Prepared by: Kara Kopach

**ATTACHMENT**

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

