

**Fort Monmouth Economic Revitalization Authority
Board Meeting
June 16, 2021
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
- Stephen Gallo – Public Member – 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
- Jamera Sirmans – Associate Counsel; Governor’s Authorities Unit – V
- Juan Burgos – Director, Real Estate Development & Finance, NJ Economic Development Authority – V
- Baden Almonor – Central Regional Chief, NJ Department of Labor & Workforce Development
- Sean Thompson – Director, Division of Local Planning Services, NJ Department of Community Affairs
- William Riviere – Principal Planner, NJ Department of Transportation

V – Denotes Voting Member

Members of the Authority not present:

- Kenneth J. Kloo – Director, Site Remediation Program, NJ Department of Environmental Protection

Also present:

- Bruce Steadman, FMERA Executive Director and Secretary
- Laura Drahushak, Deputy Attorney General (DAG)
- David Nuse; Executive VP, Real Estate & Community Development, NJ Economic Development Authority
- FMERA staff:
 - Regina McGrade – Administrative Manager
 - Kara Kopach – Deputy Executive Director/Director of Real Estate Development
 - Sarah Giberson – Manager of Marketing & Development
 - Upendra Sapkota – Senior Project Officer – Planning & Development
 - 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 5:00p.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 being held remotely by telephone.

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 June 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 May 19th regular meeting minutes. A motion as made to approve the minutes by Lillian Burry and seconded by Steve Gallo.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Steve Gallo	X		
Lillian Burry	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: LILLIAN BURRY

Second: STEVE GALLO

Ayes: 8

WELCOME

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

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

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

SECRETARY'S REPORT

Bruce Steadman stated that it was likely that the July 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 with the close of the second quarter on June 30th, FMERA staff will begin preparing the financial and operational summary for the first half of 2021. Staff will be meeting to assess the first six months of 2021 and assess the performance against the 2021 organization goals. FMERA's 2020 Comprehensive Annual Report, approved by the Board at the May meeting, has been issued, distributed and posted to the Authority's website in accordance with Executive Order No. 37.

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

Bradley Latino, Esq. of Kelly Law PC in Tinton Falls, representing Sand Pit Volleyball, the Expo Theater Parcel challenger, stated that while his client appreciates the Hearing Officer's efforts in consideration of Sand Pit Volleyball's

challenge, they respectfully disagree with the conclusion and rather than discuss the challenge at the meeting, they will continue to follow the scouting process.

EXECUTIVE DIRECTOR'S REPORT

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

With the onset of summer, the facilities and site-maintenance teams have turned their focus to grounds clean-up and related activities and projects.

FMERA is currently working on completing the following Deeds with the Army:

- The Group 5 Deed is in draft form at the Army level. FMERA is expecting a copy for review in early August.
- The Army BRAC Office shared with FMERA a draft copy of the Finding of Suitability to Lease (FOSL) for carve-out parcel 16 at the Myer Center. FMERA staff completed its review and returned written comments to the Army. The FOSL is out for public comment ending June 21st. We have requested a copy of the draft lease.

Other projects in process include:

- The 5,600-foot 24" water main extension project by New Jersey American Water along Avenue of Memories is underway. Installation will begin on Monday, June 21st at Irwin Avenue and head west toward Route 35. Traffic on Avenue of Memories will be detoured along Malterer, Sherrill, and Wilson Avenues. Completion of the project is expected in October of this year.
- The installation of the 2100-foot Phase 3A 8" water main from Avenue of Memoires to Main Street is 50% complete and will primarily serve the OPort Partners parcel.
- Work associated with the Army's landfill capping project resumed June 1st after a temporary suspension due to some migratory bird issues. Work will resume June 1st. Landfills 3, 18 and 25 are complete. The Army Corp. still anticipates field-work completion by year-end 2021.
- The DCA Bureau of Fire Code Enforcement is currently performing inspections of all FMERA owned buildings on Fort Monmouth. Over fifty-eight buildings have been inspected thus far. FMERA staff is preparing a management plan that addresses identified fire safety concerns. FMERA staff will share the management plan with DCA upon its completion.

The team continues to maintain buildings slated for sale or reuse. Sanitary lift stations and generators are inspected weekly, and we closely monitor the fort's electrical power system. The facilities team continues to assist our 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 80% of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 29 parcels, and another 9 parcels are under contract or have Board-approved contracts. FMERA's 2021 closings include the Marina in Oceanport, and the Bowling Center and NJAW Tank parcel in Eatontown. FMERA has various contracts under review at this time and anticipates presenting these PSARAs to the Board over the course of the next several meetings. These properties include the Tinton Falls Commercial parcel, the Myer Center, and the Howard Commons parcel.

FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. Our team is working toward summer closings for several properties on the Main Post and looks forward to the integration of additional businesses and amenities into the Fort community.

FMERA is focused on the continued movement and progress of on-going projects at this time, while evaluating the real estate and redevelopment landscape in a post-COVID environment as the pandemic begins to wind down. With the highest and best use of the property and job creation in mind, FMERA continues to make plans for future RFOTPs that will further our redevelopment initiatives and support the economic vitality of the region. Although, the pandemic has caused several unanticipated delays, all of FMERA's projects continue to make excellent progress and our team

encourages the public and our many stakeholders to take a look at our Annual Report to review some exciting project highlights.

As we continue to work remotely, our team remains available during normal business hours via email and cell phone. Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at @fortmonmouthnj for our latest updates.

3. Additional Comments by the Executive Director:

Mr. Steadman thanked the 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 FMERA continues working remotely; and noted the outstanding support and help received from our key state stakeholders: the Governor's Authorities Unit, Attorney General Office, NJEDA, DEP, the DOT, the DOL, the DCA, and many others.

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 did not meet this month but will be meeting in July.

2. REAL ESTATE COMMITTEE (ROBERT LUCKY)

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

- Discussion regarding the 8th Amendment to the PSA for the Chapel to provide an extension of the construction timeline until December 31, 2021 to complete a 115-space paved parking lot on the Property. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the 5th Amendment to the PSARA for the Fitness Center. Fort Partners anticipates a grand opening by September 1, 2021 but has requested an extension of the Project Completion Date until October 30, 2021. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the 1st Amendment to the PSARA with the Borough of Eatontown for a Parks & Recreation Complex. The Borough would like an additional 0.9 acres of land to expand the usable recreation area. The Amendment would now allow for the transfer of approximately 4.72 acres for an amended purchase price of \$157,895.34, consisting of one cash payment of \$119,139 and services in-kind of \$38,756.34. The Committee reached a consensus and agreed to recommend it to the Board for approval. On June 16th, the Committee received an amended Amendment and agreed to recommend it to the Board for approval.
- Discussion regarding the 3rd Amendment to the PSARA for the Allison Hall Parcel. The Amendment would allow for an extension to the Approval Period due to delays in planning board approval and final site plan approval. The approvals should be completed mid-August, but the developer is seeking additional time in case all Approvals are not received. The Committee reached a consensus and agreed to recommend it to the Board for approval.
- Discussion regarding the Hearing Officer's Bid Challenge to the Expo Theater RFOTP. The Hearing Officer upheld the Board's March 24, 2021 approval of the execution of a PSARA with Academy Sports Fields stating that the Challenge submitted by Sand Pit Volleyball is without merit. The Committee reached a consensus and agree to

recommend to it to the Board for approval.

- Other Issues
 1. Closings:
 - a. Lodging (Somerset)
 - b. Barker Circle
 - c. Artist Barracks
 2. Eatontown DPW
 3. Liquor Licenses
 4. NJAW Route 35 Crossing
 5. Howard Commons
 6. Eatontown / Oceanport Municipal Boundaries
 7. Myer Center Redevelopment Agreement

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

Bruce Steadman, on behalf of Kenneth J. Kloo stated that the Committee met on June 7th and discussed the following:

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 Public portion of the meeting was called to order at 4:35 to discuss the Mandatory Conceptual Review for the Eatontown Parks Parcel.

The following environmental requirements were identified in the MCR for the Eatontown Parks 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 project is considered a major development project and therefore the developer will need to submit a stormwater maintenance plan to FMERA for review. The developer must also maintain the existing stormwater infrastructure found on the subject parcel so that it continues to drain as it currently does through the property. Due to the flow of the stormwater, and easement needs to be established.
- There is an active bald eagle nest located on a radio tower near the proposed demolition zone. Because the active nest is located within 1,000 feet of the site, the timing restriction of performing work within the osprey nesting season may be triggered. FMERA staff recommends the Borough work with their consultant as to any potential timing restrictions concerning any proposed demolition work.
- There is an active osprey nest located less than 300 meters from the proposed demolition zone. FMERA staff recommends that the Borough work with their consultant as to any potential timing restrictions concerning any proposed demolition work.
- Carve-out Parcel 98 is found at the parcel. The NJDEP issued an unrestricted use, NFA determination for carve-out parcel 98 in a letter dated May 21, 2018. The U.S. Army published a Final Finding of Suitability to Transfer (FOST) report, that included carve-out parcel 98, on May 4, 2020. Parcel 98 was transferred to FMERA ownership as part of the Group 3 deed on December 22, 2020.

The public portion of the meeting was closed at 4:51 PM.

- FMERA staff reported that the Group 5 Deed is in draft form at the Army level. FMERA is expecting a copy for review in early August.
- FMERA staff provided an update on the Osprey & Bald Eagles:
 - There are currently 42 active nesting sites / 3 out of service osprey nesting platforms / 1 inactive osprey nesting sites.

- FMERA is currently working with the NJDEP regarding the impact of the osprey and eagle nests located on the redevelopment parcels.
- FMERA staff provided an update on Riparian (i.e., Tidelands) Grant Application Update:
 - The Tidelands Grant Application for the Lodging and Allison Hall Parcels was resolved in July 2020.
 - FMERA staff submitted a Tidelands Grant Application for the Fitness Center and is working with the NJDEP to resolve the claim.
 - FMERA staff is completing a Tidelands Grant Application for the Officers Housing Parcel to submit to the NJDEP.
- FMERA staff provided an update on the Carve-Out Parcels:
 - Former AAFES Gas Station – The Army submitted a proposed plan to the NJDEP 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 ground water monitoring which demonstrate a reduction in contamination before submitting a final plan to the NJDEP.
 - Former Dry-Cleaning Facility – The Army has completed two rounds of chemical injections and has submitted a Remedial Investigation / Feasibility Study Report to the NJDEP. The Army is proposing Monitored Natural Attenuation with a CEA component for the site. The NJDEP is recommending alternative uses including the use of electrical heating resistance, electrical heating resistance with advanced anaerobic remediation, the installation of a permeable active barrier or combining source area removal on the site. The new Army contractor has reviewed and agrees to the NJDEP's recommendations.
 - Former Myers Center, Neutralization Pit – The Army submitted a pilot test report of the chemical injections to the NJDEP. 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 NJDEP issued a permit equivalent for the 9 Army-owned landfills. The vegetative clearing at 8 landfills has been completed. The work at Landfills M3, M18 and M25 is complete. The capping at M4 and M5 has started. The M8 landfill has been removed subject to ongoing discussion between the NJDEP, FMERA, and the Army.
- FMERA staff gave an RFOTP update.

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

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

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

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

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

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

BOARD ACTIONS

1. The first item before the Board was the Eighth Amendment to the Purchase and Sale Agreement with Triumphant Life for the Chapel in Oceanport.

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		
Steve Gallo	X		
Lillian Burry	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY
 Ayes: 8

2. The second item before the Board was the Fifth Amendment to the Purchase and Sale & Redevelopment Agreement with Fort Partners Group 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 Steve Gallo and was seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Steve Gallo	X		
Lillian Burry	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: STEVE GALLO Second: JAY COFFEY
 Ayes: 8

3. The third item before the Board was the First Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for a Parks & Recreation Complex on Nicodemus Avenue Park Parcel.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

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

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Steve Gallo	X		
Lillian Burry	X		

Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: ANTHONY TALERICO Second: LILLIAN BURRY
 Ayes: 8

4. The fourth item before the Board was the Third Amendment to the Purchase and Sale & Redevelopment Agreement with Fort Monmouth Business Center, LLC for the Allison Hall 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 Lillian Burry and was seconded by Jay Coffey.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Robert Lucky	X		
Steve Gallo	X		
Lillian Burry	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY
 Ayes: 8

5. The fifth item before the Board was the Hearing Officer's Bid Challenge to the June 17, 2019 Request for Offers to Purchase for the Expo Theater – 7.8 Acre Commercial Arts, Entertainment & Recreation Site and 26.9 Acres of Open Space in Eatontown.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 5.

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

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Recuse/Abstain
Robert Lucky	X		
Steve Gallo	X		
Lillian Burry	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		

**Resolution Regarding
Eighth 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, 2020, 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 requested an additional six months or until June 30, 2021 to complete the project; and

WHEREAS, on December 15, 2020, the FMERA Board approved the Seventh Amendment to the PSA to allow for: 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; 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 30, 2021. The Seventh Amendment was executed on January 21, 2021; and

WHEREAS, on May 27, 2021, Triumphant Life requested via email correspondence an extension to the Project Completion to December 31, 2021, citing the need to use financial reserves as contributions from the members have decreased during the pandemic and the temporary suspension of partnerships that had been aiding in the completion of the parking lot due to Covid-19; Triumphant Life stated that these partners' offices are just now reopening and it expects attendance and contributions to normalize in the upcoming months; and

WHEREAS, FMERA reviewed the request and agreed to extend the Project Completion date to December 31, 2021; and

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

WHEREAS, all other material terms of the PSA as presented to the Board will remain unchanged. The attached Eighth Amendment to the PSA is in substantially final form. The final terms of the Eighth 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 Eighth 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: June 16, 2021

EXHIBIT 1

**Resolution Regarding
Fifth Amendment to Purchase and Sale and Redevelopment Agreement (“PSARA”) 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 permitting the retention of the water tower to display Fort Partner’s logo, and to clarify that project would be completed by June 31, 2020; the Second Amendment was executed on December 19, 2019; and

WHEREAS, under the Delegated Authority granted per the Board’s action on April 15, 2020, the Executive Director agreed to retroactively extend the Project Completion Date under his Delegated Authority via the Third Amendment to the PSARA for five months or until December 31, 2020 for delays caused by COVID-19 restrictions; the Third Amendment was executed on October 27, 2020; and

WHEREAS, on December 20, 2020, the Board approved the Fourth Amendment to the PSARA to extend the Project Completion date until June 30, 2021; the Fourth Amendment was executed on January 21, 2021; and

WHEREAS, on May 24, 2021, via email correspondence, Fort Partners Group requested an extension to the Project Completion date citing delays in the commencement of site work and with the delivery of construction materials for the interior of the facility; further, Fort Partners represented that it anticipates a grand opening by September 1, 2021; and

WHEREAS, FMERA staff reviewed Fort Partners Group request and agrees to recommend the extension of the Project Completion Date for an additional four months until October 30, 2021; in addition, should Fort Partners’ request additional extensions beyond October 30, 2021 it agrees to pay for any and all administrative costs associated with the request; and

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

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

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Fifth Amendment with 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: June 16, 2021

EXHIBIT 2

**Resolution Regarding
First Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for
a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel**

WHEREAS, at its September 2020 meeting the Board approved a Purchase and Sale Agreement and Redevelopment Agreement (“PSARA”), executed November 30, 2020, between FMERA and the Borough of Eatontown (“Borough”) for the purchase an approximately 3.82-acre property (the “Parks Parcel”) for recreation uses associated with Eatontown’s Recreation Department; the Board approved the conveyance of this property using its approved Evaluation Scoring for Local Beneficial Use Requests and the Borough’s score of 807 entitled it to receive the maximum discount of 40% for a purchase price of \$119,139.00; and

WHEREAS, as part of its redevelopment efforts, FMERA collaborates with the local municipalities & County to reactivate or remove existing roadways that were previously established by the Army, and although many of these roadways are slated to be dedicated as public rights of way, several serve individual properties and the highest and best use of these roadways is to either a) transfer the roadway to the property owner for private use/direct access to the site or b) to remove the roadway and reintegrate the existing lands into the larger parcel; and

WHEREAS, the Park Parcel is situated immediately to the south of a roadway known as Van Guard Avenue, along with significant green space that abuts the Park Parcel boundary, and Van Guard Avenue is currently closed to the public and does not serve as an access point for any other properties; and

WHEREAS, after further discussion with the Borough of Eatontown, FMERA and the Borough agreed that incorporating the additional 0.79 acres of land (“Van Guard Parcel”) into the larger Parks Parcel would expand the usable recreation area and provide convenient access to the Property, further increasing its benefit to the public; and

WHEREAS, using the same seven (7) LBU scoring criteria outlined above, the FMERA staff evaluators determined that each of their LBU scores remained unchanged, and therefore determined the value of the additional acreage with the maximum discount of 40% to be equal to \$33,991.01 and proposes to collect services in-kind of an equal value from the Borough of Eatontown in exchange for the additional 0.79 +/- acres; the services in-kind, which may include but are not limited to, landscaping, engineering services, maintenance, etc., will be utilized for the betterment and furtherance of the Fort’s redevelopment; and

WHEREAS, the parties will facilitate a secondary closing for the additional acreage after the completion of one sixty (60) day Due Diligence Period, with an option to extend Due Diligence for one (1) additional thirty (30) day period, subject to FMERA’s approval.; however, the Approval Period has not been extended and is set to expire on January 29, 2022, with the Additional Approval Extension Period that may be granted at FMERA’s discretion; and

WHEREAS, pursuant to the terms of the First Amendment, the transfer of approximately 4.61 acres of land om total to the Borough of Eatontown will be for \$119,139 and services in-kind of 3\$3,991.01; and

WHEREAS, all other terms of the PSARA will remain unchanged. The attached First Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA’s Executive Director, 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 First Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown for the Nicodemus Avenue Park Parcel in Eatontown 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: June 16, 2021

EXHIBIT 3

**Resolution Regarding
Third Amendment to Purchase and Sale & Redevelopment Agreement Fort Monmouth Business Center for
the Allison Hall Parcel in Oceanport**

WHEREAS, at the June 2015 meeting, the Board authorized staff to offer the Allison Hall Complex for sale through the Offer to Purchase process; and TetherView's proposal called for the renovation of Allison Hall and Building 210 for office, retail and/or commercial uses and the reuse of Building 210's ground floor as a restaurant and the second floor as office or retail use; the demolition of Building 196, Building 359 and Building 210's annex; the development of either 100,000± sf of office space in one building to accommodate one user, or up to 60,000± sf of business lofts and up to 30,000± sf of retail space along Oceanport Avenue; the reuse of Building 199 for office, retail and/or commercial uses; and the construction of a 12-foot wide promenade along Parkers Creek linking the development to the west with Oceanport Avenue; and

WHEREAS, the Purchase and Sale Agreement and Redevelopment Agreement ("PSARA") for Allison Hall was approved by the Board at its October 2018 meeting and executed by FMERA and TetherView Property Management, LLC on November 26, 2018; and

WHEREAS, the PSARA was amended on July 26, 2019 in the First Amendment to the PSARA to allow Purchaser an additional sixty days to complete due diligence for the limited purpose of assessing its site once the sewer design plan was received from FMERA; and

WHEREAS, on January 26, 2021, by way of written correspondence, FMBC requested FMERA grant the final six-month extension of its Approval Period until June 7, 2021, which FMERA approved; FMBC cited additional delays based on COVID and demonstrated that it was moving through approvals on a good faith basis; and

WHEREAS, TetherView Property Management, LLC assigned the rights to the Project to an affiliate on April 8, 2020, Fort Monmouth Business Center, LLC of which Michael Abboud remains in majority control; and

WHEREAS, on July 15, 2020, the Board approved in the Second Amendment to the PSARA FMBC's request for the release of its 10% deposit, citing economic hardships attributable to the COVID-19 pandemic and governmental delays that have impeded FMBC's ability to acquire necessary approvals for the Project; and

WHEREAS, on June 4, 2021, FMBC submitted a request to FMERA via letter, requesting an extension to the Developer's Approval Period citing delays in planning board approval and final site plan approval; and

WHEREAS, FMERA staff is requesting a 120-day extension to the PSARA Approval Period based on the good faith efforts that the Purchaser has shown regarding its pursuit of approvals. As the Approval Period expired on June 7, 2021, this Amendment would retroactively grant Purchaser an extension to the Approval Period until October 8, 2021; and

WHEREAS, the attached amendment to the PSARA includes the following revisions to material terms: the Redevelopment Project, Project Schedule; Approvals; Capital Investment. Subsection 4(b) is hereby modified and amended to permit a third Approval Extension Period of 120 days that shall expire on October 8, 2021.

WHEREAS, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Third 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 Third Amendment to the Purchase and Sale & Redevelopment Agreement ("PSARA") with Fort Monmouth Business Center ("FMBC" or "Purchaser"), for the Allison Hall Parcel in the Oceanport section of Fort Monmouth, 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: June 16, 2021

EXHIBIT 4

**ADOPTED
June 16, 2021**

**Resolution Regarding the
Consideration of the Bid Challenge to the June 17, 2019 Request for Offers to Purchase for the Sale of
Real Property for the Expo Theater – 7.8 Acre Commercial Arts, Entertainment & Recreation Site and
26.9 Acres of Open Space, Eatontown, N.J.**

WHEREAS, in June 2019, FMERA issued an Request for Offers to Purchase (“RFOTP”) calling for the reuse or demolition of the Expo Theater, an 18,883-sf entertainment facility, and additional optional properties consisting of Dean Field & Carve-out M4 and portions of the M3, M5 and M8 landfills; and

WHEREAS, the minimum bid for the Expo Theater parcel was One Million One Hundred Thirty-Five Thousand (\$1,135,000) Dollars and the minimum bid for the Optional Property was Two Hundred Fifty Thousand (\$250,000) Dollars. The Optional Carve-out Parcel did not have a minimum bid requirement; and

WHEREAS, FMERA issued three addendums to the RFOTP; on July 15, 2019, July 23, 2019, and August 12, 2019, respectively, answering questions on the status of existing surveys, the availability of parking spaces, the requirement to include Chapter 51 submission as part of the bid package, clarification on the requirement for the winning bidder obligation to fund a 1, 250 linear foot water main, and the acceptability of supplemental materials in the form of videos; responses to the RFOTP were due on August 16, 2019 and were publicly opened on August 16, 2019; and

WHEREAS, FMERA received bids from: River Development Equities, LLC; Academy Sports Fields – Eatontown LLC; Fort Monmouth American History Corporation; and Sand Pit Volleyball, LLC; of the bids received, Fort Monmouth American History Corporation bid was deemed non-compliant as an Offer Deposit, pursuant to Section 5.1(c), was not included with its bid; Sand Pit Volleyball, LLC was deemed non-compliant and non-responsive as the bid was solely for the Optional Property and did not include a bid for the Expo Theater; and

WHEREAS, the remaining two bids were independently reviewed and by an Evaluation Committee comprised of three (3) FMERA staff members, who scored as follows: River Development Equities, LLC (2930) and Academy Sports Fields – Eatontown LLC (2075). River Development was the highest scoring proposer; however, after negotiations commenced, River Development ultimately opted to terminate negotiations and withdraw its proposal; and

WHEREAS, the evaluation committee recommended proceeding with negotiations for a PSARA with the second highest scoring bidder, ASF; and

WHEREAS, on March 24, 2021, the FMERA Board authorized the execution of a Purchase and Sale & Redevelopment Agreement with ASF for the Expo Theater and the Optional Property in Eatontown; and

WHEREAS, a Bid Challenge was timely received by letter dated April 28, 2021 from Bradly Latino, Esq. attorney for Sand Pit Volleyball, LLC and assigned to a Hearing Officer for review; and

WHEREAS, the Hearing Officer’s Report found the Bid challenge had no merit and that the award to ASF should be upheld. In response to the three arguments raised by the Bid challenge, the Hearing Officer’s Report found that: (1) “FMERA was justified in rejecting San Pit’s Offer as non-compliant and non-responsive.” (2) “[T]hat FMERA was within its discretion to award the contract to ASF, and [3] “Because the RFOTP expressed the goal of arts, cultural or entertainment uses as a preference rather than a requirement and provided appropriate weighting for that preference . . . FMERA’s decision to award a contract to ASF did not violate the RFOTP’s stated preference for those land uses; and

WHEREAS, FMERA staff recommends accepting the Hearing Officer's report and further recommends that the Board direct the Executive Director to execute a Purchase and Sale & Redevelopment Agreement with Academy Sports Fields – Eatontown, LLC; and

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Hearing Officers recommendation to uphold the award to Academy Sports Fields regarding the Bid Challenge to the June 17, 2019 Request for Offers to Purchase for the Sale of Real Property for the Expo Theater – 7.8 Acre Commercial Arts, Entertainment & Recreation Site and 26.9 Acres of Open Space, Eatontown, N.J and directs the Executive Director to execute a Purchase and Sale & Redevelopment Agreement with Academy Sports Fields – Eatontown, LLC.

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

ATTACHMENT
Dated: June 16, 2021

EXHIBIT 5