

**Fort Monmouth Economic Revitalization Authority  
Board Meeting  
April 27, 2022  
Public Meeting and Teleconference**

**MINUTES OF THE MEETING**

**Members of the Authority and/or Designees present via teleconference:**

- Anthony Talerico, Jr. – Mayor of Eatontown – V (Serving as Chair of the Meeting)
- Lillian Burry – Monmouth County Commissioner – V
- Stephen Gallo – Public Member – V
- Jay Coffey – Mayor of Oceanport – V
- Tracy Buckley – Tinton Falls Borough Council President – V - Designee
- Jamera Sirmans – Associate Counsel, Governor’s Authorities Unit – V – Designee
- Paul Ceppi – Managing Director of Business Development, NJEDA – V - Designee
- Elizabeth Dragon – Director, Site Remediation Program, NJ Department of Environmental Protection – Designee
- Robert Long – Deputy Commissioner, NJ Department of Community Affairs – Designee
- William Riviere – Principal Planner, NJ Department of Transportation – Designee
- Wayne Smith – State Veterans Program Coordinator, NJ Department of Labor & Workforce Development – Designee

V – Denotes Voting Member

**Also present:**

- Bruce Steadman, FMERA Executive Director and Secretary
- Matt Reagan, Deputy Attorney General (DAG)
- FMERA staff:
  - Regina McGrade – Administrative Manager
  - Kara Kopach – Deputy Executive Director/Director of Real Estate Development
  - Sarah Giberson – Manager of Marketing & Development
  - Kristy Dantes – Director of Facilities & Infrastructure
  - Joe Fallon – Senior Environmental Officer
  - Jennifer Lepore – Accounting Manager
  - Laura Drahushak – Director of Legal Affairs

The meeting was called to order by Mayor Talerico at 5:00p.m. who led the meeting in the Pledge of Allegiance and a moment of silence in honor of Dr. Robert Lucky. Mayor Talerico stated that Dr. Lucky’s seat at the table would remain empty in his honor for all of his years of dedication to FMERA.

Bruce Steadman explained that the meeting was being held in public and via teleconference with regards to the Board and public’s participation. 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.

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.

**WELCOME**

Mayor Talerico welcomed attendees to the Authority’s teleconference meeting. Mayor Talerico 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. Mayor Talerico 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.



**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:

- Update on Utilities and Infrastructure

The facilities, environmental, and site-maintenance team continues to operate to maintain the utility infrastructure to serve our developers, residences, and businesses.

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

- The Group 5 Deed is in draft form at the Army level awaiting the Record of Decision from the Army Corps. of Engineers.

Other projects in process include:

- FMERA & JCP&L have begun discussions regarding the buildout of the downstream 35KVA distribution station.
- The NJDCA funded \$159,325 for the Professional Engineering Services with the Eatontown Sewerage Authority has been transferred for the sewer improvement projects within the Eatontown section of the Fort.

The last three weeks have seen several events involving wildlife and its influence on the fort electrical system.

On, April 7<sup>th</sup>, electrical power to the entire Fort was interrupted at approximately 7:15a.m. when a nesting osprey caused a short on a utility pole, causing the main high-voltage breaker in our substation to trip. Power was restored to most of the fort by 8:00a.m. The remainder, including power to the Monmouth County Highway District 6 motor pool, was restored by 12:30p.m. Due to wet ground conditions around the subject utility pole, a temporary bypass is now in place until after the nesting season.

On April 13<sup>th</sup>, sparks originating from an osprey nest on a JCP&L high-voltage pole started a brush fire along Anson Avenue at Oceanport Way. Oceanport and Eatontown Fire Departments responded, and the brush fire was extinguished. JCP&L was notified regarding the incident and there was minor damage to the power pole.

On, April 15<sup>th</sup>, FMERA was notified by JCP&L's substation group that communications to their switching station, located adjacent to our main substation, were interrupted. JCP&L technicians subsequently discovered that a racoon had made contact with electric components and damaged a transformer. All JCP&L power feeding the switching station and Fort Monmouth had to be de-energized the following morning to make repairs to their system. The outage lasted from 9:30a.m. to 4:00p.m. on Saturday, April 16<sup>th</sup>.

Despite expensive efforts to strengthen and harden our electrical system to protect it from animal and bird encounters, the intrusions frequently result in unavoidable power outages and harm to wildlife.

To date in 2022, protecting our electric system and repairing damage due to osprey activity cost FMERA 180-man hours and \$9,252 in materials, for a total of \$24,345. In 2021 the same cost FMERA \$58,330 and included three osprey related utility pole fires that resulted in approximately 20 hours of power outages.

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

FMERA continues to make good progress on the Fort's redevelopment, with about 86 percent of the Fort's 1,126 acres sold, under contract, in negotiations, or entering the request for proposals process. To date, FMERA has sold 32 parcels, and another 5 parcels are under contract or have Board-approved contracts.

As demolition and rehabilitation continue Fort-wide, projects are also beginning to transform from the demolition stage to the construction & completion phases. To name just a few highlights, in Tinton Falls, the Patriots Square development is nearing completion on the residential portion of the project. In Eatontown at the Sun Eagles Golf Course, historic Gibbs Hall is in the middle of a full-scale renovation, while new construction of luxury townhomes continues to make incredible progress. In Oceanport, the Park Loft event space is slated for completion this summer and the office building at Barker Circle is now open for business. FMERA is also planning a closing on the Allison Hall parcel in the coming weeks. The Allison Hall project will bring both retail and commercial uses to the property near Oceanport Avenue.

While FMERA remains focused on the continued movement and progress of on-going projects, we are also excited to highlight our progress to-date with the release of our 2021 Annual Report. The report features extensive visual highlights of the Fort's projects, from construction through completion. Following the Board's review and approval at the May meeting, the report will be available to the public. With the highest and best use of the property and job creation in mind, FMERA re-released its Mega RFOTP on March 8, which staff believes will further our redevelopment initiatives and support the economic vitality of the region.

At present, FMERA is advertising the Mega Parcel and is seeking proposals for the redevelopment of an approximately 292-acre property spanning the Boroughs of Eatontown and Oceanport. FMERA has a strong interest in bolstering the innovation economy to create more and better jobs locally, as well as throughout the state, and to further revitalize Fort Monmouth. Proposals are due by noon on June 6, 2022. Please note that the RFOTP process remains open and competitive to all interested parties. Now that the proposal process has begun, any questions must be submitted through our formal Q&A process, as detailed in Section 6.0 of the RFOTP. Once proposals are received, a formal evaluation process will be conducted, and all proposals will be evaluated against the included evaluation criteria.

FMERA staff is presently working a hybrid schedule with our offices open daily. 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 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.

Mr. Steadman noted that with regard to Kristy Dantes' summary report re the Ospreys, that in the last 12 months FMERA has spent some \$85,000 to repair damages and fires caused by the Ospreys, in addition to managing the associated electric power outages; and with some 42 nests on site as the homes for some 80+ birds, the math works out to FMERA averaging an expenditure annually of \$1,000 per bird to support and clean up after the Ospreys.

Mr. Steadman noted that this would be his final FMERA board meeting as Executive Director and Secretary, as he will be retiring next month. Kara Kopach will be assuming those duties as of May 1. He prepared earlier remarks which were included in the Executive Director's report but added that he thanked all parties involved with the redevelopment of Fort Monmouth for their help, diligence, counsel, patience, responsiveness, in support of the redevelopment mission of 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 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 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

Bruce Steadman stated that the Committee did not meet this month but will be meeting in May to review the 2021 Financials and Annual report.

### 2. REAL ESTATE COMMITTEE

Bruce Steadman stated that the Committee met on March 8<sup>th</sup> and discussed the 4 Board actions:

- Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the New Jersey Economic Development Authority for the Use and Occupancy of Building 502.
- Second Amendment to the Purchase & Sale and Redevelopment Agreement for the Nurses Quarters in Oceanport.
- Fourth Amendment to the Purchase & Sale and Redevelopment Agreement for Howard Commons in Eatontown.
- Sixth Amendment to the Purchase & Sale and Redevelopment Agreement for the Dance Hall (Building 552) in Oceanport

The Committee reviewed each of the Board actions and recommended them to the Board for approval.

### 3. ENVIRONMENTAL STAFF ADVISORY COMMITTEE (DIANE DOW, CHAIRWOMAN)

Elizabeth Dragon stated that the Committee did not meet this month.

- Update on FMERA's Tidelands claims:
  - Officers Housing parcel: A revised Tidelands grant application was submitted to the Bureau of Tidelands Management ("BTM") in August 2021 and FMERA is currently awaiting a response from BTM as to the status.
  - Fitness Center parcel: Two Tidelands grant applications were submitted to the BTM in June 2021. After additional requests for corrections and revisions from BTM, the applications were forwarded to BTM's appraisal team and FMERA is currently awaiting a response from BTM as to the status.
  - It can take a year or longer to resolve Tidelands disputes; key issue is the appraisal value that BTM may assign to the parcel.
- Update on Howard Commons:
  - Lennar Corporation has engaged GTA contractors to perform environmental due diligence at Howard Commons. GTA collected approximately 500 soil samples from around 13 buildings and will be submitting a full report to FMERA.
- Update on Carve-Out Parcel 96, Former Dry-Cleaning Facility:
  - The Army submitted a Remedial Investigation Feasibility Report to the NJDEP for review. Army plans to submit a workplan to the NJDEP which will include performing a source removal of the area and the installation of permeable active barriers.
- Update on Abandoned Heating Oil USTs Found at the Barkers Circle Parcel & the Thrift Shop Parcel:
  - Barkers Circle – A site investigation, to include the advancement of 13 soil borings, was performed around the abandoned UST. The water was pumped out, containerized and shipped off site for treatment. Approximately 5-6 cubic yards of petroleum impacted soil was excavated. 5 soil samples were collected from tank excavation and tested. A monitoring well was placed at the site and two rounds of ground water sampling will be performed as part of the process to close-out the UST site with the NJDEP. A No Further Action ("NFA") was issued by the NJDEP.
  - Thrift Shop – A discharge of heating oil to soil and ground water was observed from the UST. The petroleum contamination has since been delineated. A monitoring well was placed at the site and two rounds of ground water sampling were conducted. Army will provide the test results report to the NJDEP when completed.
- Former Kerosene UST, Myer Center Parcel:
  - The Army has removed the tank and contaminated soils have been excavated and disposed. Eight monitoring wells were installed on the site; and will be sampled this spring.

- Update on the Army’s Landfill Capping Project:
  - Work associated with the Army’s landfill capping project has been completed.
- FMERA staff provided 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 (ROBERT LONG, CHAIRMAN)

Robert Long stated that the Committee met on March 30<sup>th</sup> and discussed the following:

- A general overview of the housing obligations under the Reuse Plan, e.g., 20% affordable of new housing units; 20 permanent supportive units in Tinton Falls, 20 permanent supportive units in Eatontown; support for 180 Turning Lives Around; support for Monmouth County Homeless Shelter; support for Family Promise; support for HabCore.

6. VETERANS STAFF ADVISORY COMMITTEE (LILLIAN BURRY, CHAIRWOMAN)

Lillian Burry stated that the Committee did not meet this month. Ms. Burry stated that the Soldier On Veterans project in Tinton Falls is complete and that there are seventy male and ten female Veterans who have moved in to the facility. Ms. Burry stated that she has received letters of appreciation that the residents love having a place to call home that gives them a sense of security and family.

**BOARD ACTIONS**

1. The first item before the Board was a Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the New Jersey Economic Development Authority for the Use and Occupancy of Building 502.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

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

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Recuse
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Paul Ceppi			X

Paul Ceppi as the NJEDA designee recused himself from voting.

Motion to Approve: JAY COFFEY                      Second: LILLIAN BURRY  
 Ayes: 6

2. The second item before the Board was the Second Amendment to the Purchase & Sale and Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters in Oceanport.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Lillian Burry and was seconded by Paul Ceppi.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Paul Ceppi	X		

Motion to Approve: LILLIAN BURRY Second: PAUL CEPPI  
Ayes: 7

3. The third item before the Board was the Fourth Amendment to the Purchase & Sale and Redevelopment Agreement for Howard Commons in Eatontown.

Kara Kopach read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Jamera Sirmans and was seconded by Steve Gallo.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Paul Ceppi	X		

Motion to Approve: JAMERA SIRMANS Second: STEVE GALLO  
Ayes: 7

4. The second item before the Board was the Sixth Amendment to the Purchase & Sale and Redevelopment Agreement for the Dance Hall (Building 552) 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 Jamera Sirmans.

Bruce Steadman conducted a roll call vote.

NAME	Yes	No	Abstain
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Anthony Talerico	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Paul Ceppi	X		

Motion to Approve: LILLIAN BURRY Second: JAMERA SIRMANS

Ayes: 7

### **OTHER ITEMS**

There were no other items before the Board.

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

Stuart Briskey of Oceanport recalled an incident that occurred in October 2017 regarding the Oceanport Fire Department's unauthorized use of a fire hydrant for training purposes that caused a water main break on Hazen Drive. Mr. Briskey asked why FMERA charged Oceanport for the water main break and how the settlement amount was determined. Mr. Briskey asked how often the fire hydrants on the Fort are inspected. Mr. Briskey asked why FMERA would charge the Borough of Oceanport for a faulty fire hydrant when they provide free police, fire and First aid services.

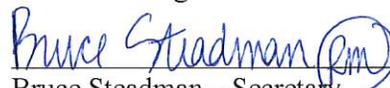
Mayor Coffey stated that the Oceanport Police Department was located at the former Main Post Firehouse with no charge for leasing a building to house the OPD for several years, and similarly was the case for the Oceanport DPW. Mayor Coffey also stated that FMERA provided services to Oceanport Borough for the relocation of electrical poles and wires and an Area in Need of Redevelopment study for Oceanport in return for the Borough agreeing to pay 1/2 of the total cost that FMERA incurred to repair the broken water main caused by the FD's use of the hydrant.

Mr. Steadman stated that FMERA identified to the three boroughs which fire hydrants were operable and could be used in the event of an emergency. Mr. Steadman stated that the Oceanport Fire Department used the fire hydrant for training purposes without FMERA's knowledge, permission or cooperation and the hydrant was not carefully shut off causing a water hammer effect that resulted in the water main break. Several thousand gallons of water was discharged as a result of the leak until such time as FMERA staff and contractor were able to repair the broken pipe.

Kristy Dantes stated that FMERA inherited approximately 142 fire hydrants from the former Army water system, and that to date and they have abandoned all but one. Ms. Dantes stated that there are approximately three dozen brand new fire hydrants on the Fort that are currently connected to the new New Jersey American Water mains, spaced and sized accordingly, and owned by NJAW, and the Boroughs have an agreement with NJAW to use the hydrants for fire purposes.

There being no further business, on a motion by Lillian Burry and seconded by Paul Ceppi and unanimously approved by all voting members present, the meeting was adjourned at 5:45p.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

**Resolution Regarding**

**Approval of a Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the New Jersey Economic Development Authority for Use & Occupancy of a portion of Building 502**

**WHEREAS**, the NJEDA is a state authority whose mission is to grow the state's economy and increase equitable access to opportunity by supporting high-quality job creation, catalyzing investment, and fostering vibrant, inclusive community development; the NJEDA is headquartered in Trenton, New Jersey, with additional offices in Newark and Camden; and

**WHEREAS**, in order to facilitate NJEDA's presence in this part of the state, NJEDA is seeking to enter into an MOU with FMERA to use approximately 2,000 square feet of delineated office space within the FMERA's headquarters, Building 502, located at 502 Brewer Avenue (aka Caren Franzini Way) (the "Property") along with access rights to the Property's lobby, kitchen, parking and common areas for use as an ancillary office; and

**WHEREAS**, the MOU would be effective from March 1, 2022, until the earlier of February 29, 2028, or until such time as FMERA relocates its headquarters; NJEDA is aware that the Property is included for sale within FMERA Request for Offers to Purchase for the Mega Parcel; and

**WHEREAS**, under the terms of the MOU, NJEDA would agree to contribute Forty Thousand Dollars (\$40,000) per year for its use of the Property, which will be paid to FMERA on the first day of each quarter in quarterly installments of Ten Thousand Dollars (\$10,000.00). Either Party may terminate the MOU effective thirty (30) days after providing written notice to the other, but to the extent possible, FMERA will provide nine (9) months advance notice of termination unless there is a specific reason for an earlier termination period; and

**WHEREAS**, the NJEDA shall be responsible for its own administrative tasks, including but not limited to: scheduling meetings, mailings, answering phones, greeting visitors, and/or maintaining organized file systems for the organization; NJEDA shall also be responsible for the maintenance and upkeep of its improvements, furniture and equipment; and

**WHEREAS**, in the event NJEDA seeks to make improvement to the premises, NJEDA will receive FMERA's prior written approval to its plans and undertake the construction in a good and workmanlike manner in accordance with all requirements of applicable federal, state, and local ordinances and with the rules, regulations and requirements of all departments, boards, bureaus, officials and authorities having jurisdiction; and

**WHEREAS**, the attached MOU is in substantially final form. The final document will be subject to the approval of FMERA's Executive Director and as to form by 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. For the reasons expressed in the attached memorandum, the Board authorizes the execution of a Memorandum of Understanding that will confirm the mutual understanding and intention between the Fort Monmouth Economic Revitalization Authority and New Jersey Economic Development Authority regarding the interagency agreement for the use and occupancy of a portion of FMERA's headquarters, located at 502 Brewer Avenue (aka Caren Franzini Way) in Oceanport, New Jersey.

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

**ATTACHMENT**

**Dated: April 27, 2022**

**EXHIBIT 1**

**ADOPTED**  
**April 27, 2022**

**Resolution Regarding  
Second Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC  
for the Nurses Quarters in Oceanport**

**WHEREAS**, on November 13, 2019, the Board authorized the execution of the PSARA between FMERA and RPM Development Group for the Nurses Quarters Property, an approximately 3.75± acre parcel of land containing two buildings (Buildings 1077 and 1078) totaling approximately 18,655 gsf located on Main Street and Stephenson Avenue in the Main Post Area of Fort Monmouth; the PSARA was executed on January 14, 2020; and

**WHEREAS**, RPM's proposal for the Nurses Quarters calls for residential uses consisting of thirty-four residential units broken down into a mix of ten three to four-bedroom owner-occupied townhomes and the reuse of twenty-four one- and two-bedroom apartments as rentals, and seven of the apartments will be designated affordable housing flats and the seven affordable housing flats are subject to confirmation that they satisfy Purchaser's obligation to set aside twenty (20%) percent of the total residential units on this Parcel as housing that is affordable to low- and moderate-income households; and

**WHEREAS**, RPM will pay Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) for the property and shall have a total Capital Investment, net of the Purchase price, of Six Million Six Hundred Ninety Thousand Dollars (\$6,690,000); and

**WHEREAS**, under the terms of the PSARA, Seller was to deliver to Purchaser a survey to be used during Due Diligence for Title review, but due to a delay in the delivery of the survey for the site, RPM requested a Due Diligence extension of sixty days to complete its investigation of the suitability of the Property for redevelopment therefore FMERA staff requested and the Board approved a Due Diligence extension until May 14, 2020; the First Amendment was executed on March 12, 2020; and

**WHEREAS**, on September 25, 2020, the FMERA Board approved transmittal to the host municipalities Reuse Plan Amendment #16, which included an alternative development scenario for the Borough of Oceanport for both the Nurses Quarters Property and the Barker Circle parcel. After the 45-day comment period, FMERA decided to move forward with only an alternative development scenario for the Barker Circle parcel and to address the Nurses Quarters Property in a separate Reuse Plan Amendment; and

**WHEREAS**, since that time, the Purchaser has been in discussions with the Borough of Oceanport regarding the configuration of the site, and in particular the location of the driveway servicing the parcel along with the setbacks from Main Street; and

**WHEREAS**, a special development committee formed by the Oceanport Planning Board indicated a willingness to accommodate the project if the ingress and egress were modified and if the setback was held at the proposed depth; the Planning Board will have an additional opportunity to provide comment during the 45-day public comment period; and

**WHEREAS**, the Approval Period expired on May 14, 2021 and an Amendment to the Reuse Plan to accommodate the Project is a condition precedent to closing; and

**WHEREAS**, on March 16, 2022, the FMERA Board approved the transmittal to the host municipalities of Reuse Plan Amendment #18 which included an alternative development scenario for the Nurses Quarters Property. Reuse Plan Amendment #18 was transmitted on April 4, 2022, and the 45-day comment period ends on May 18, 2022; and

**WHEREAS**, the Parties now wish to amend the Agreement to retroactively extend the Approval Period until January 14, 2023; and

**WHEREAS**, all other terms of the PSARA will remain unchanged. The attached Second Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director and a review as to form by the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval; and

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Second Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Agreement.

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

**Attachment**

**Dated: April 27, 2022**

**EXHIBIT 2**

**Resolution Regarding**  
**Fourth Amendment to the Purchase and Sale & Redevelopment Agreement with US Home LLC, a wholly owned subsidiary of Lennar Corporation, for the Howard Commons Parcel in Eatontown**

**WHEREAS**, on November 30, 2021, FMERA and Lennar executed a PSARA for Howard Commons, an approximately 59.62-acre parcel of land on Pinebrook Road in the Fort's Charles Wood Area in Eatontown; and

**WHEREAS**, pursuant to the terms of the PSARA, Lennar will pay One Million Eight Hundred Thousand (\$1,800,000) Dollars for the Parcel; FMERA may agree to reduce the Purchase Price to cover the cost of the remediation of any newly discovered environmental issues in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00). The Purchaser's total Capital Investment is estimated at Sixty-Six Million Dollars (\$66,000,000); and

**WHEREAS**, the Redevelopment Project shall include the construction of 275 Housing Units along Pinebrook Road, together with a retail component consisting of a maximum building square footage of 33,800 fronting on Hope Road and the paved and parking areas located within the Property with a capital investment of Sixty-Six Million Dollars (\$66,000,000); the Redevelopment Project shall include the buildout of twenty (20) units of supportive housing ("Supportive Housing Units") in the Borough of Eatontown as set forth in a Legally Binding Agreement ("LBA") with the non-profit organization Affordable Housing Alliance ("AHA"); and

**WHEREAS**, in the First Amendment to the PSARA executed on January 14, 2022, FMERA and Purchaser agreed to amend the PSARA to provide a 150 square foot office with an adjacent bathroom within the permanent supportive housing unit build out; FMERA will contribute up to \$50,000 toward this addition; and

**WHEREAS**, in the Second Amendment executed on January 15, 2022, FMERA executive director, under his delegated authority, agreed to the extension of the due diligence until March 30, 2022 and memorialized the extension via an administrative amendment; and

**WHEREAS**, the Third Amendment to the PSARA, executed on April 20, 2022, memorialized the incorporation of the Second Administrative Letter as Exhibit I and the Supportive Housing PSA as Exhibit J, as an administrative amendment; the Third Amendment also acknowledged that U.S. Home Corporation d/b/a/ Lennar had submitted a certificate of conversion from a corporation into and LLC. U.S. Home, LLC d/b/a/ Lennar retains all of the same rights and responsibilities under the terms of the PSARA; and

**WHEREAS**, during the course of its due diligence investigations, Purchaser identified additional groundwater and soil contamination in the Howard Commons parcel; as the Due Diligence Period was set to expire on March 30, 2022, Purchaser submitted a letter dated March 25, 2022 conditionally terminating the PSARA and requesting that the Board grant an additional ninety (90) days extension so it could conduct additional environmental testing. Purchaser also requested that FMERA review documentation on whether the contamination qualified as a Newly Discovered Environmental Issue as that term is defined in the PSARA; and

**WHEREAS**, as the Purchaser is continuing to work to finalize its site plans and making progress in good faith, FMERA staff recommends granting the extension to the Due Diligence Period until June 30, 2022; and

**WHEREAS**, all other terms of the PSARA will remain unchanged. Attached in substantially final form is the Fourth Amendment to the PSARA between FMERA and Lennar. The final terms of the Fourth Amendment are subject to the approval of FMERA's Executive Director and a review as to form by 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 the Purchase and Sale & Redevelopment Agreement with U.S. Home, LLC a wholly owned subsidiary of Lennar Corporation, for the Howard Commons 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 Amendment.

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

**Attachment**

**Dated: April 27, 2022**

**EXHIBIT 3**

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

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

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

**WHEREAS**, in January 2018, Purchaser requested to expand the scope of the Project to include an approximately ±5,905-square-foot addition, triggering a need for a new MCR application for Major Site Plan approval. The expanded Project increased both the usable space in the facility, as well as the capital investment from approximately \$1,380,000 to approximately \$4,600,000; and

**WHEREAS**, on March 20, 2019, FMERA staff requested and the Board approved the First Amendment to the PSARA which expanded the Project definition to include the ±5,905-square-foot addition, increase the capital investment and provide an additional six (6) month extension until May 19, 2020 for Purchaser to complete the Project; the First Amendment to the PSARA was executed on April 12, 2019; and

**WHEREAS**, the approvals process took longer than anticipated due to third-party delays, including but not limited to numerous requests from approval entities for supplemental information in conjunction with LP’s site plan application, that adversely impacted Purchaser’s timeline; therefore, FMERA staff requested and the Board approved an additional six-month extension until November 19, 2020 for Purchaser to complete the Project, via the Second Amendment to the PSARA, executed May 14, 2020; and

**WHEREAS**, the on-going pandemic caused unforeseen delays requiring additional time to complete the Project, and so FMERA granted an additional five (5) month extension to complete the Project by April 19, 2021 via the Third Amendment to the PSARA, executed on November 19, 2020; and

**WHEREAS**, due to changes to construction financing and continued delays in permitting resulting from the pandemic, Purchaser required additional time to complete the Project and requested one (1) eight (8) month extension to complete the Project by December 19, 2021; on March 17, 2021 on the continuous progress and good faith efforts by the developer the Board approved an extension of the Project Completion Date until December 19, 2021 and the Fourth Amendment to the PSARA was executed on May 7, 2021; and

**WHEREAS**, after numerous pre-construction meetings with potential users and industry professionals, LP determined that the proposed addition to the Project originally approved in the First Amendment would prevent the project from being financially viable and that increased costs in construction materials resulting from COVID-19, could not be reasonably offset by revenue generated at the facility. Staff had determined that reverting to Purchaser’s initial proposed Project and revised capital investment would not impact the Purchaser’s score through the Request for Offers to Purchase evaluation process and this modification, along with a request for a one-hundred

twenty-day (120) extension to complete the Project was approved by the Board at its October 2021 meeting. The Fifth Amendment was executed on November 15, 2021; and

**WHEREAS**, on March 29, 2022, FMERA received email correspondence from LP stating that it has faced several stalled attempts to get water service to the building along with extreme material delivery delays. While the interior of the Project is near completion, LP is still waiting for the delivery of critical materials including doors and finish items required to complete construction and obtain its certificate of occupancy. Exterior work including landscaping is on-going but continues to remain subject to weather conditions. Due to the aforementioned delays, LP requested an additional one hundred and twenty (120) days to complete the project; and

**WHEREAS**, LP notified FMERA staff of the need for additional time to complete the Project ahead of the completion deadline; however, due to FMERA's Board schedule this extension will be applied retroactively, subject to Board approval; and

**WHEREAS**, LP has continued to pursue completion of the Project in good faith and staff has observed the progress of the Project first-hand, through its recent tour of the facility on March 29, 2022. Therefore, staff recommends that the Board approve a modification to the Redevelopment Project and an extension to complete the Project.; and

**WHEREAS**, all other material terms of the PSARA will remain unchanged. The attached Sixth 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 a review as to the form by the Attorney General's Office. The Real Estate Committee reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

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

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

**Attachment**

**Dated: April 27, 2022**

**EXHIBIT 4**