

**Fort Monmouth Economic Revitalization Authority
Board Meeting
June 15, 2022
Public Meeting and Teleconference**

MINUTES OF THE MEETING

Members of the Authority and/or Designees present:

- Anthony Talerico, Jr. – Mayor of Eatontown – **V (Serving as Chair of the Meeting)**
- 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**
- Juan Burgos – Director of Real Estate Development & Finance 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 (arrived at 5:08p.m.)**
- 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

Members of the Authority and/or Designees not present:

- Lillian Burry – Monmouth County Commissioner – **V**

Also present:

- Kara Kopach, Executive Director
- FMERA staff:
 - Regina McGrade – Administrative Manager
 - Sarah Giberson – Manager of Marketing & Development
 - Upendra Sapkota – Senior Project Office, Planning & Development
 - Kristy Dantes – Director of Facilities & Infrastructure
 - Joe Fallon – Senior Environmental Officer
 - Jennifer Lepore – Accounting Manager
 - Laura Draushak – Director of Legal Affairs
- Matt Reagan, Deputy Attorney General (DAG)

The meeting was called to order by Mayor Talerico at 5:00p.m. who led the meeting in the Pledge of Allegiance.

Kara Kopach announced that in accordance with the Open Public Meetings Act, notice of the meeting 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 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.

Mayor Talerico stated that in his role he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period and that FMERA continues to welcome the public’s constructive comments and ideas.

The next item of business was the approval of the May regular meeting minutes. A motion as made to approve the minutes by Steve Gallo and seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: STEVE GALLO Second: JAY COFFEY
Ayes: 6

SECRETARY'S REPORT

Kara Kopach, Executive Director, stated that the Fort's successful development has continued through construction and demolition projects and the team expects new developments to open in the coming months. While the FMERA team is always appreciative of all the stakeholder support, we are particularly thankful to the Borough of Oceanport and Two Rivers Water Reclamation Authority for this month's MOUs which will foster continued redevelopment through demolition and utility projects.

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 2022. Staff will be meeting to assess the first six months of 2022 and assess the performance against the 2022 organization goals. FMERA's 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)

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT

1. Kristy Dantes, Director of Facilities & Infrastructure gave the following update:
 - FMERA is currently relocating an overhead power line on the south end of the Allison Hall parcel. The relocation is necessary to ensure continued electrical service to the adjacent RPM homes. The old overhead infrastructure will be eliminated in order to make way for the new redevelopment. The project is expected to be completed by June 30th.
 - The MCR team reviewed and provided comments on T&M Associates on RWJ Barnabas's site plans for the Myer Center parcel. A significant portion of T&M's comments have already been addressed by RWJ Barnabas's consultant to the satisfaction of T&M. The remaining comments are minor and should be resolved shortly by RWJ Barnabas.
 - The Facilities team contributed to the draft of a Memorandum of Understanding (MOU) between FMERA and the Borough of Oceanport to secure design and engineering services.
 - The Facilities team continues to work with JCP&L staff to prepare the proposed electrical substation parcel for redevelopment. JCP&L continues to complete their due diligence at the site and hopes to further characterize any remaining environmental issues in the Army carveout.
 - Within the next month, work will commence on the construction of a new sanitary pump station, east interceptor and force main along Oceanport Avenue. TRWRA awarded a contract to Earle Asfalt in March. The completed project will initially accept sanitary outfall from the Lodging, the Allison Hall parcel, and the 400 Area. Plans and specifications are being prepared for the Phase II leg of the project which includes the South Interceptor and the Barker Circle lines. The Phase II project will provide sanitary outfall to all development along Oceanport Way and will also connect Barker Circle and Liberty Walk.

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 33 parcels, and another 4 parcels are under contract or have Board-approved contracts. Since our last meeting, FMERA closed on the Allison Hall property. Site work and demolition are already underway. An official groundbreaking ceremony is expected over the summer. The remainder of FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. We look forward to the integration of additional businesses and amenities into the Fort community.

Proposals for the Mega Parcel RFOTP were due on June 6, 2022 at 12:00pm. All proposals were publicly opened in the FMERA offices beginning at 12:30pm, in accordance with Section 5.0 of the RFOTP. FMERA received four proposals from the following proposers, listed in alphabetical order:

1. Extell Acquisitions LLC
2. Mega Parcel Development LLC
3. Netflix, Inc.
4. RDR Partners, LLC (Russo Development, LLC; Dinallo Development, LLC; River Development Equities, LLC)

Please be advised that no additional information will be provided at this time. Pursuant to FMERA's sales rules, N.J.A.C. 19:31C-2.19, offer documents are not public until the execution of the contract. In keeping with FMERA's standard evaluation process and its sales rules, FMERA's Evaluation Committee will begin its review of all submitted proposals for compliance and proposals will subsequently be scored based on the evaluation criteria outlined in Section 8.0 and Attachment #3 of the RFOTP. FMERA will make no representations relative to the highest scoring proposal until such time as the staff is prepared to recommend the approval of a Purchase and Sale Agreement and Redevelopment Agreement to the FMERA Board. Please be advised that this process may take several months.

While FMERA remains focused on the continued movement and progress of on-going projects, we're also excited to highlight our progress to-date with the release of our 2021 Annual Report. You may now view our Annual Report on our website. Yesterday, FMERA's annual Flag Day celebration returned to Cowan Park in celebration of the Army's 247th birthday. Thank you to the community leaders, elected officials, and local stakeholders for joining us for this tradition.

FMERA recently participated in an Urban Land Institute panel, titled Navigating the P3's: Fort Monmouth Redevelopment Redefined, featuring speakers from Somerset Development, the Pulte Group, the Loft Partnership & RPM development. Thank you to all of our developers who took the time to discuss their experience with FMERA and highlight their project progress. Presently, several of our team members are also participating in the New Jersey Redevelopment Forum conference, engaging with industry leaders, elevating the profile of the Fort's redevelopment, and enhancing our redevelopment knowledge to support the furtherance of our mission.

Our wayfinding efforts continue, with design and fabrication work underway.

Please visit our website, www.fortmonmouthnj.com and follow us on Instagram at [@fortmonmouthnj](https://www.instagram.com/fortmonmouthnj) for our latest updates.

COMMITTEE REPORTS

1. AUDIT COMMITTEE

Kara Kopach stated that the Committee received an email on June 14th regarding the following:

- The Committee received an email on June 14th regarding the approval of a MOU and Grant Agreement between the Two Rivers Water Reclamation Authority and FMERA for construction and installation of the Phase Two New Gravity Sanitary Sewer Lines serving the Oceanport section of the Fort. FMERA shall pay 100% of the costs of the

Project in an amount not to exceed \$3,985,908.00 including but not limited to consulting fees, design fees, permit costs, and all construction costs associated with or arising from the Project. The Committee agreed to recommend to the Board for approval.

2. REAL ESTATE COMMITTEE

Kara Kopach stated that the Committee met on May 12th and discussed the following:

- Seventh Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center Parcel. The Amendment will extend the project completion date to November 15, 2022. Fort Partners will remit \$1,500 which will be held in escrow until an itemized bill can be generated for the costs associated. The Committee agreed to recommend to the Board for approval.
- Tenth Amendment to Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport. The Amendment will extend the project completion date to June 30, 2023. The Committee agreed to recommend to the Board for approval.
- Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services for demolition plans and specifications including abatement, demolition and site improvements, for 4 buildings in Oceanport. The Committee agreed to recommend to the Board for approval.

Other Items:

- Grant Agreement and Memorandum of Understanding with TRWRA for construction and installation of the Phase Two Gravity Sanitary Sewer Lines serving the Oceanport Fort property.
- Plan Amendments #18 and #19
 - Plan Amendment #18 is under staff review.
 - Plan Amendment #19 is out for the 45-day comment period. Comments are due on July 21st.
- JCP&L Amendment

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

Elizabeth Dragon stated that the Committee met on June 6th.

An ESAC Committee took a tour of Fort Monmouth to explore key sites of environmental interest including:

- Howard Commons parcel: Lennar is currently engaged in due diligence work. Pesticides, primarily in the form of chlordane, have been detected in soils. In addition, petroleum contamination has been detected at a portion of the site targeted for commercial development. FMERA is optimistic that solutions will be found for referenced environmental challenges and the redevelopment project will proceed as planned.
- Tinton Falls Commercial Parcel. RWJ is currently performing their environmental due diligence work. The parcel contains the Army's M25 landfill (2.1 acres) which was recently capped.
- Myer Center Parcel. The Myer Center parcel includes the "lime pit" site which is a carve-out parcel. The Army is pursuing monitored natural attenuation (MNA) for site groundwater to include a Classification Exception Area (CEA) component.
- Main Post: Environmental carve-out sites located within the boundaries of the Main Post parcel include the 4 Army owned landfills, the former Army/Air Force gas station, the former dry-cleaning site, and a former coal storage located in the 400 Area.
- Resident ospreys: Numerous ospreys were observed during the tour. During the 2021 breeding season, from April 1st – August 31st, 42 pairs of ospreys were recorded as nesting on the Main Post property. Nesting ospreys are afforded a 500-foot buffer zone around their nests.
- Bald eagles. A pair of bald eagles have been nesting on a radio tower located on the county's highway district parcel. Bald eagles are afforded protections under both federal and state regulations. Breeding bald eagles are listed as an endangered species in NJ and are afforded certain protections primarily during their breeding season between January 1st - July 31st. Nesting bald eagles are afforded a 1000-foot buffer zone around their nests.
- FMERA staff continues to have ongoing discussions with NJDEP staff concerning the fort's resident ospreys and bald eagle. The ultimate goal of these discussions is to develop and implement a management strategy that is

protective of both avian species while at the same time allows redevelopment work to continue at the fort in a manner that is both timely and economically feasible.

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

Jay Coffey stated that the Committee met on May 25th and discuss the following:

The Committee reviewed the following applications:

1. 22 Russel Ave

The Committee approved:

- Modification to front stairs, front walkway and existing sidewalk to front stairs and a colonial style garage door replacement.

2. 13 Allen Ave

The Committee approved:

- Walkway connecting the front driveway and patio.

3. Installation of Screen Doors

The Committee approved:

- The proposed installation of screen doors with white frame and oil-rubbed bronze handle.

The Committee asked staff to further review those applications that did not meet the Historical Preservation guidelines and to provide a recommendation on each. Staff will provide the Committee with an email recommendation on these applications.

5. HOUSING STAFF ADVISORY COMMITTEE (ROBERT LONG, CHAIRMAN)

Robert Long stated that the Committee did not meet this month.

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

Kara Kopach, on behalf of Lillian Burry stated that the Committee did not meet this month.

BOARD ACTIONS

- 1) Consideration of Approval of the Seventh Amendment to Purchase and Sale and Redevelopment Agreement with Fort Partners Group, LLC for the Fitness Center Parcel.

Laura Drahushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Jamera Sirmans and was seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: JAMERA SIRMANS Second: JAY COFFEY
Ayes: 6

2. Consideration of Approval of the Tenth Amendment to the Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Jay Coffey and was seconded by Steve Gallo.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: JAY COFFEY Second: STEVE GALLO
Ayes: 6

3. Consideration of Approval of an Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Jay Coffey and was seconded by Jamera Sirmans.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: JAY COFFEY Second: JAMERA SIRMANS
Ayes: 6

4. Consideration of Approval of a Memorandum of Understanding and Grant Agreement between FMERA and the Two River Water Reclamation Authority.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 4.

A motion was made by Steve Gallo and was seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Juan Burgos	X		

Motion to Approve: STEVE GALLO Second: JAY COFFEY
Ayes: 6

OTHER ITEMS

There were no other items before the Board.

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

Al Baginsky of Eatontown asked if there are still plans for a run/bike/walking path at the Fort. Mr. Baginsky also asked what materials will make up the pathways. He noted that some pathways that are already constructed are either asphalt or made of quarry dust.

Kara Kopach stated that the Fort’s redevelopment plan does envision a run/bike/walking path, however there are some areas that will be only accessible to walking. The River Front walkway will also accommodate dining and biking would therefore not be compatible in that area. Ms. Kopach stated that staff is working with the developers to provide connectivity through the developments, whether it be sidewalks or trails. She further stated that there are some projects that will not have pathways in the exact location as indicated in the Reuse Plan and instead staff is working with those developers to incorporate sidewalks and other pedestrian friendly portions of their site to connect the paths. As connectivity is important to the site and within the Reuse Plan, FMERA will continue to work with developers on building a connective loop throughout the property and will evaluate FMERA’s current or future coffers to determine how FMERA can also directly invest in improving this connectivity.

Mr. Baginsky stated that at the Howard Commons parcel, under the existing PSARA, the developer has the option of moving the remediated soil to an open space site in Eatontown and questioned why the soil is not being moved to an offsite disposal location. Mr. Baginsky asked if this onsite capping process has ever been done at another site at Fort Monmouth.

Kara Kopach told Mr. Baginsky that FMERA was not aware of another project on the property where remediated soil was relocated and then capped in place.

Mayor Talerico stated that the Borough has had numerous discussions regarding the soil being moved to this site in Eatontown and Eatontown has also discussed this in Executive Session with the Borough’s attorney. The Borough has also publicly indicated their willingness to move forward with this transfer. However, Mayor Talerico did indicate that if the Borough does seek to transfer the property, then the property will have to meet the recreational standards for the Borough Engineer, will have to comply with NJDEP standards and pass a Borough inspection. Mayor Talerico stated that Plan Amendment #19 is currently out for the 45-day comment period and Mr. Baginsky can submit his comments and concerns to the Borough. He also provided Mr. Baginsky with the upcoming dates for the Eatontown Borough Council meeting and Planning Board so that he can share additional thoughts with Borough officials on this subject.

Mr. Baginsky asked if the supportive housing that will be built at Howard Commons will be affordable housing.

Kara Kopach stated that each residential project is required to have a 20% affordable set aside and there are other affordable standards that were mandated by HUD which included supportive housing. At Howard Commons the 20% affordable set aside will include 20 supportive units that will be managed by the Affordable Housing Alliance.

Mr. Baginsky stated that both Greely Field and Cowan Park are included in the Mega Parcel and will they be preserved as historical.

Kara Kopach stated that Greely Field and Cowan Park will have to be preserved per the Historical Guidelines and the Programmatic Agreement.

There being no further business, on a motion by Steve Gallo and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 5:40p.m.

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



Kara Kopach - Secretary

**Resolution Regarding
Seventh 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; and

WHEREAS, on September 19, 2017, FM Partners, LLC assigned all rights, title and interest in the PSARA, 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 June 16, 2021, the Board approved the Fifth Amendment to the PSARA to extend the Project Completion date until September 1, 2021; the Fifth Amendment was executed on July 8, 2021; and

WHEREAS, on September 15, 2021, via email correspondence, Fort Partners Group requested an extension to the Project Completion date of the water tower citing that they had obtained three (3) quotes from contractors, all of which withdrew their proposals stating labor shortages and difficulty in procuring materials; Fort Partners stated that it engaged with additional contractors; however, all had advised that based upon their workloads and a continued delay in procuring the specified materials, they would be unable to execute the work until the second quarter of 2022; and

WHEREAS, additionally, the paint product to be used requires temperatures above 40 degrees for successful application. Therefore, the selected contractor would have to wait until March for milder temperatures. FMERA staff reviewed Fort Partners Group request and recommended the extension of the Project Completion Date for an additional eight (8) months until June 30, 2022. In addition, if Fort Partners requested additional extensions beyond June 30, 2022, it agreed to pay a \$1,500 administrative cost associated with the request. The Sixth Amendment was executed on November 18, 2021; and

WHEREAS, on May 4, 2022, via letter, Fort Partners advised FMERA that an Osprey nest had been found on the Water Tower. Due to the New Jersey Department of Environmental Protection (“NJDEP”) restrictions, Fort Partners will need to apply for and receive a “Depredation Control” permit from the NJDEP in order to remove the active raptor nest located atop the water tower. Once the Depredation Control permit is secured, Fort Partners may proceed to remove the raptor nest after August 31, 2022; and

WHEREAS, Fort Partners has therefore requested an extension to the Project Completion date until November 15, 2022. Fort Partners has completed all aspects of the Project, with the exception of renovation and painting of the water tower. Fort Partners agrees that should it request any additional extensions for any reason it shall pay any and all costs associated with such a request. At the time of the request, Fort Partners shall remit to FMERA \$1,500, which shall be held in escrow until an itemized bill can be generated for costs associated with this amendment; and

WHEREAS, all other material terms of the PSARA as presented to the Board will remain unchanged. The attached Seventh 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.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Seventh Amendment of the PSARA 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 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 15, 2022

EXHIBIT 1

**Resolution Regarding
Tenth 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 (6) 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 (75) 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 (75) 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 (12) 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 to 1) an extension of the construction timeline until December 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 December 31, 2020 completion date; and 3) an extension of the short-term license to park vehicles off-site until December 31, 2020. 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 Triumphant Life notified FMERA that they would not be able to complete the parking lot by December 31, 2020 and requested an additional six (6) 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 June 30, 2022, 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 expected attendance and contributions to normalize in the upcoming months; and FMERA reviewed the request and agreed to extend the Project Completion date to June 30, 2022. The 8th Amendment was executed on August 9, 2021; and

WHEREAS, on November 10, 2021, Triumphant Life requested via email correspondence an extension to the Project Completion to June 30, 2022, 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. FMERA reviewed the request and agreed to extend the Project Completion date to June 30, 2022. The Ninth Amendment was executed on January 11, 2021; and

WHEREAS, on April 20, 2022, via a meeting between FMERA's former Executive Director and Purchaser, Purchaser requested an extension to the Project Completion, indicating it was applying for a grant to assist in financing the parking lot. FMERA reviewed the request and recommends extending the Project Completion date to June 30, 2023; and

WHEREAS, the attached Tenth Amendment to the PSA contains the following revisions to material terms: 1) an extension of the construction timeline until June 30, 2023 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA; and 2) an amended promissory note to guarantee completion of the parking lot within the June 30, 2023 completion date; and 3) an extension of the short-term license to park 115 vehicles off-site until June 30, 2023.

WHEREAS, all other material terms of the PSA as presented to the Board will remain unchanged and the attached Tenth Amendment to the PSA is in substantially final form. The final terms of the Tenth Amendment will be subject to the approval of FMERA's Executive Director and as to form by 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 Tenth 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 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 15, 2022

EXHIBIT 2

**ADOPTED
June 15, 2022**

**Resolution Regarding
Approval of an Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil
and environmental engineering services**

WHEREAS, the identified buildings on the Main Post of Fort Monmouth are outdated and not suitable for future use. All four buildings are in locations targeted for utility and infrastructure improvements and/or blight removal. This interagency agreement will enable FMERA to move forward with the blight removal and improvements to the Main Post infrastructure, which will serve both sold properties and future redevelopment projects on the Main Post; and

WHEREAS, in particular, FMERA is obligated to demolish Building 885 under its current agreement with Jersey Center Power & Light for buildout of a new substation, while Buildings 550 and 551, and 555 are located near current development and the Project Site containing Buildings 550 and 551 may be used for future public parking. Therefore, demolition will support redevelopment at the Fort including current and future property owners; and

WHEREAS, FMERA will make \$19,000 in funding available to the Borough of Oceanport through a Memorandum of Understanding (“MOU”) to pay for all costs associated the Project (“Project Funding”). These funds are allocated for this expenditure in the 2022 FMERA budget; and

WHEREAS, the Borough selected Colliers Engineering and Design (“Colliers”) as the Borough’s engineering firm via a formal RFQ process for the calendar year. Accordingly, the Borough will retain Colliers to prepare plans and a scope of work (the “Plans”) for the Project, which will include one set of demolition plans for all three Project Sites and additional demolition plans and specification for each of the three (3) Project Sites; and

WHEREAS, the Plans may also include surveying services and field/building reconnaissance. The Plans will be used by FMERA to bid out environmental abatement and demolition contracts for portions of the Main Post, and FMERA may choose to bid out each of the three identified Project Site either together or separately. The consideration for this interagency agreement is expediting the environmental abatement and demolition design and engineering services for the eventual blight removal and improvements to the Main Post infrastructure which will serve current and future property owners; and

WHEREAS, by using the Borough of Oceanport’s engineers for this work, FMERA will minimize lead time and reduce expenses associated with initiating its own RFQ process. Also, utilizing the Borough engineers will also ensure that the winning bidder to FMERA’s subsequent public procurement will be aware of all permitting requirements and improvements required to meet the Borough’s standards; and

WHEREAS, staff requests that the Board enter into this interagency agreement utilizing the attached draft MOU between FMERA and the Borough of Oceanport for environmental abatement and demolition design and engineering services. In addition, staff requests the Board grant the Executive Director delegated authority to increase the Project Funding by an amount not to exceed 10% for unforeseen design costs for demolition or environmental abatement.

WHEREAS, the attached MOU is in substantially final form. The final terms of the MOU will be subject to the approval of the Executive Director, the Borough of Oceanport 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. The Authority approves the interagency agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services with final terms acceptable to the Executive Director

and a review as to form by 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 15, 2022

EXHIBIT 3

Resolution Regarding
Memorandum of Understanding and Grant Agreement between the Two Rivers Water Reclamation
Authority and the Fort Monmouth Economic Revitalization

WHEREAS, on March 11, 2021, the President signed the “American Rescue Plan Act of 2021” P.L. 117-2 (the “ARP Act”) into law; and, as part of the ARP Act, Congress at subtitle M of the ARP Act, amended Title VI of the Social Security Act (42 U.S.C. 801 et seq.) by adding Sections 602 and 603 to create the “Coronavirus State Fiscal Recovery Fund” (“CSFRF”). Monies in the CSFRF are to be used, generally: (a) to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; (b) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State of New Jersey (“State”) who are performing such essential work, or by providing grants to eligible workers who perform essential work; (c) for the provision of government services to the extent of the reduction in revenue of the State due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State prior to the emergency; or (d) to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the State Treasurer has entered into a Memorandum of Understanding (“MOU”) dated as of July 22, 2021, with New Jersey Department of Community Affairs (“DCA MOU”), as Grants Manager for the State CSFRF funds, to provide those grant management functions and processes for the State that are necessary to administer and manage and disburse funds accordingly; and

WHEREAS, pursuant to the Fiscal Year 2022 Appropriations Act, L. 2021, c. 133, as may be amended from time to time, FMERA received a line-item appropriation of \$10,500,000 of CSFRF funds entitled “Fort Monmouth Water and Sewer,” (“Appropriated Funds”). Following the Board’s October 2021 approval, FMERA and the DCA entered into a MOU dated as of November 15, 2021, distributing to FMERA the Appropriated Funds for planning, survey, design, engineering, construction/installation and replacement of the former Army owned sewer system on the former Fort Monmouth military base, and planning, survey, design, engineering and construction/installation of water mains to replace the Army owned water system and connect development to other newly replaced water mains on the former the Fort; and

WHEREAS, on February 16, 2017, FMERA and TRWRA entered into a MOU (“2017 MOU”) to commission the design of the replacement sewer mains for the Oceanport section of the Fort Monmouth US Army military post. The Parties entered into this MOU to reflect the mutual understanding of the Parties relative to the design of the necessary Phase Two New Gravity Sanitary Sewer Lines to service the portions of the Oceanport section of the former Fort which includes Barker Circle, the Oceanport Municipal Complex, the Homeless Shelter, the Baseline, AcuteCare and the South Post (the “Project”). The design of Phase II was completed on February 26, 2018; and

WHEREAS, presently, FMERA and TRWRA are entering into an MOU to commission the installation and construction of the replacement sewer mains for the Oceanport section of the Fort Monmouth US Army military post. The Parties are proposing to enter into this MOU to reflect the mutual understanding of the Parties relative to the installation and construction of the necessary Phase Two New Gravity Sanitary Sewer Lines to service the portions of the Oceanport section of the former Fort which includes Barker Circle, the Oceanport Municipal Complex, the Homeless Shelter, the Baseline, AcuteCare and the South Post; and

WHEREAS, while the original design 2017 MOU included multiple other gravity lines, the Parties intend this MOU to only include the installation of the Phase Two Gravity Lines needed to service the areas in the Oceanport section of the former Fort. This Project does not include installation of new service lines for previously improved projects completed by developers along or within the bounds of Oceanport Way; however, the Project does include connecting to existing service lines previously installed by developers along or within the bounds of Oceanport Way

for connection to the Gravity Lines. All future tie-ins shall be the responsibility of any developer(s) of adjacent properties; and

WHEREAS, FMERA shall pay 100% of the costs of the Project in an amount not to exceed Three Million Nine Hundred Eighty-Five Thousand Nine Hundred and Eight (\$3,985,908.00) Dollars (“Project Costs”), including but not limited to consulting fees, design fees, permit costs, and all construction costs associated with or arising from the Project. The Parties will reserve the right to reject all bids should the costs for construction and construction observation engineering services exceed the Project Costs. FMERA hereby confirms that FMERA will pay the Project Cost associated with the Construction and Installation Work that result from the award of a contract by TRWRA pursuant to the Bid Specifications agreed to by the Parties. The Parties understand and agree that FMERA may utilize federal funding available under the American Rescue Plan Act of 2021 (“Federal Funds”) to pay for the Project Costs. In that case, the Parties will enter into a separate Grant Agreement governing the requirements for receipt of the funds. Notwithstanding the above, FMERA may choose to utilize other funds for the Project Costs either to supplement or in lieu of federal funds; and

WHEREAS, FMERA will grant to TRWRA such sanitary sewer easements across its lands as the final approved design for the Project may require. FMERA shall issue a non-exclusive easement, without charge, to TRWRA for construction and maintenance of the new gravity sewer lines. FMERA shall operate the Local Sewer System until such a time as the entire replacement system has been fully constructed and accepted by TRWRA. Nothing herein shall make TRWRA responsible for the Local Sewer System under any circumstance. However, TRWRA shall assume ownership, operation and maintenance of the Project upon completion and shall be responsible for service to end users to the Project; and

WHEREAS, FMERA and TRWRA have entered into a separate MOU dated May 16, 2019, that governs the terms and conditions for payment of connection fees by subsequent purchasers of property in Oceanport from FMERA. TRWRA will use the Project Costs remitted by FMERA to TRWRA to pay the costs of contractors and consultants hired to complete the Construction and Installation Work. TRWRA shall not be required to utilize any of its own funds to pay costs or expenses of the Construction and Installation Work and associated construction observation engineering services. In accordance with Section 6.a., FMERA shall provide 100% of the Project Costs to TRWRA to be kept in escrow and utilized as necessary to complete the Construction and Installation Work; and

WHEREAS, contemporaneously with the MOU, FMERA is entering into a Grant Agreement with TRWRA, attached as Exhibit B, in order to permit FMERA to disburse \$3,985,908 (“Grant Funds”) from the Appropriated Funds to TRWRA for the costs of the Project (“Project Costs”). TRWRA may propose to amend **Project Costs** by providing written notice of the proposed amendments to FMERA, subject to FMERA’s approval; and

WHEREAS, TRWRA shall hold the Grant Funds in escrow and shall use Grant Funds solely as necessary for Project Costs to construct and install the project, including but not limited to construction costs, ancillary design costs, engineering services during construction, costs to prepare plans and specifications for bidding and permit fees. Upon execution of this Agreement and commencement of the Project, and until Project completion, TRWRA agrees to submit to FMERA monthly financial reports. The monthly reports should be sufficiently detailed to allow FMERA’s staff to review; and

WHEREAS, in addition, staff requests the Board grant the Executive Director delegated authority to increase the Project Costs by an amount not to exceed 10% for unforeseen site conditions or material costs; and

WHEREAS, the attached MOU and Grant Agreement between FMERA and TRWRA are in substantially final form. The final terms of the MOU and Grant Agreement 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 Audit Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Memorandum of Understanding and Grant Agreement between the Two Rivers Water Reclamation Authority and FMERA for construction and installation of the Phase Two Gravity Sanitary Sewer Lines serving the Oceanport Fort property and delegated authority to the Executive Director to approve up to 10% increase in Project Costs, and with final terms acceptable to the Executive Director and a review as to form by 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 15, 2022

EXHIBIT 4