

**Fort Monmouth Economic Revitalization Authority
Board Meeting
June 21, 2023
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 Vice-Chairperson)**
- Jay Coffey – Mayor of Oceanport – **V**
- Tracy Buckley – Tinton Falls Councilwoman – **V – Designee**
- Jamera Sirmans – Associate Counsel, Governor’s Authorities Unit – **V – Designee**
- Jorge Santos – Chief Real Estate Development Officer, NJEDA – **V – Designee**
- Elizabeth Dragon – Assistant Commissioner Community Investment and Economic Revitalization - **Designee**
- Robert Long – Deputy Commissioner, NJ Department of Community Affairs – **Designee (arrived at 5:03p.m.)**
- 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**
- Stephen Gallo – Public Member – **V**
- William Riviere – Principal Planner, NJ Department of Transportation – **Designee**

Also present:

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

The meeting was called to order by Mayor Anthony Talerico, Jr. at 5:01p.m. and followed by 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

Anthony Talerico, Jr. welcomed attendees to the Authority’s meeting. Mr. 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. Mr. Talerico stated that there are 2 public comment periods, the first being public comment regarding any of the Board actions and the second being any FMERA business.

The first item of business was the approval of the May 17th regular meeting minutes. A motion was made to approve the minutes by Jay Coffey and seconded by Jamera Sirmans.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: JAY COFFEY Second: JAMERA SIRMANS
Ayes: 5

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

There was no public comment.

EXECUTIVE DIRECTOR/SECRETARY’S REPORT & UPDATE

Over the next several years, FMERA will continue to work diligently to design and install all new infrastructure, improve existing roadways, and decommission all of the Fort’s existing utility systems. Bringing these projects to fruition requires a highly coordinated effort between FMERA and upwards of four or more additional parties, from the party responsible for managing the project, to their team of professionals, and the entity awarded the contract for the scope of work -- which requires a competitive, public bidding process. Each of these stages require contract negotiations, planning, and implementation, as well as preparing for unexpected challenges with site conditions and materials.

Over the next 12-24 months, FMERA plans on investing over \$30 million in more than two dozen infrastructure projects, supported by funds from its property sales as well as those awarded by both the State and Federal government. These critical improvements will result in a new electrical grid operated by JCP&L, a brand new sanitary sewer pump station and system, improved stormwater systems, brand new water service, the rehabilitation and dedication of miles of roadways for public use, safety and signage upgrades, and so much more. As you drive through the Fort, you will continue to see construction activity in the months to come.

COMMITTEE REPORTS

1. AUDIT COMMITTEE

Anthony Talerico, Jr. stated that the Committee did not meet this month.

2. REAL ESTATE COMMITTEE

Anthony Talerico, Jr. stated that the Real Estate Committee met on May 10th and discussed the following:

- Discussion regarding the 4th Amendment to the PSARA for the Nurses Quarters. RPM requested an extension to the Approval Period by 90 days as they are scheduled for the June 27th Oceanport Planning Board meeting for preliminary and final site plan approval. FMERA staff also requested for the Executive Director to further extend the approval period by an additional 90 days if Purchaser is proceeding in good faith. The Committee reviewed the request and recommended it to the Board for approval.
- Discussion regarding the 11th Amendment to the PSA for the Chapel Parcel. Triumphant Life requested an extension to complete the parking lot, as its construction plans for the parking lot are currently being reviewed by the Borough of Oceanport. FMERA supports a 6-month extension with no additional extensions to the short-term license for off-site parking will be granted after December 30, 2023. The Committee reviewed the request and recommended it to the Board for approval.
- Discussion regarding the approve the interagency agreement between FMERA and the Borough of Oceanport for funding, asbestos abatement, demolition, and site restoration activities for Building 555, which is located in the Oceanport. FMERA staff also requested the grant of delegated authority to the Executive Director to increase Project Funding by an amount not to exceed 10% for unforeseen costs associated with the Project. The Committee reviewed the request and recommended it to the Board for approval.

Other Items:

1. JCP&L Distribution Agreement
2. Roadway Signage
3. Commvault Sale

3. ENVIRONMENTAL STAFF ADVISORY COMMITTEE (ELIZABETH DRAGON, CHAIRWOMAN)

Elizabeth Dragon stated that the Committee met on June 5th and discussed the following:

- Expansion of Boundaries at the M2, M4, M5, M8, M12, M14 & M25 Landfills:
 - All 9 Army landfills have been capped and the Army is monitoring any erosion issues.
 - To date, 7 of the 9 landfill boundaries have expanded into areas that were not defined as a Carveout.
 - FMERA has asked the Army to remove the waste deposits on the landfill properties, dispose of the materials off-site, collect soil samples to confirm that the areas that are impacted do not exceed any of the NJDEP soil remediation standards. FMERA has also asked the Army to work with the NJDEP in order that the expansion areas do not have a deed restriction.
- Carve-Out Parcel 96, Site FTMM-68: Former Dry-Cleaning Facility:
 - The Army received the Remedial Investigative Feasibility study in November 2020 and completed the Remediation plan in January 2023.
 - The Army will perform a source removal of the soils in the area and will install a series of permeable reactive barriers. The Army will also utilize Monitored Natural Attenuation and Land Use Controls.
 - The Army is preparing the Record of Decision to send to the NJDEP and is drafting the Remedial Action workplan.
- Myer Center Parcel:
 - Carve-Out Parcel 16, Site FTMM-22: Former Lime Pit
 - The Army is pursuing Monitored Natural Attenuation with a Classification Exception Area component. The Army has completed 5 of the 8 rounds of ground watering monitoring to prepare the Classification Exception Area.
 - Former Kerosene Underground Storage Tank
 - The Army removed the tank, and the contaminated soils were excavated and disposed of. Eight ground water monitoring wells were installed on the site.
- Howard Commons Parcel:
 - The Developer's contractor submitted a letter of Interpretation for Freshwater Wetlands to the NJDEP. The NJDEP classified the area as an intermediate resource value which will allow the developer to build without any impact to the wetlands on the parcel.
- Stormwater Infrastructure Study Project
 - FMERA will enter into an MOU with the Borough of Eatontown's engineer to perform a stormwater infrastructure study.
- Demolition of Building 886
 - FMERA has entered into an MOU with the Borough of Oceanport's engineer to provide demolition oversight and to bid the demolition of the building to make way for the new JCP&L substation.

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 did not meet this month.

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

Anthony Talerico, Jr., on behalf of Lillian Burry, stated that the Committee did not meet this month.

BOARD ACTIONS

- 1) Consideration of Approval of a Fourth Amendment to the Purchase & Sale and Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters in Oceanport.

Laura Draushak 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 Jorge Santos.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: JAY COFFEY Second: JORGE SANTOS

Ayes: 5

- 2) Consideration of Approval of the Eleventh Amendment to 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 Jamera Sirmans.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: JAY COFFEY Second: JAMERA SIRMANS

Ayes: 5

- 3) Consideration of Approval of the 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 Jorge Santos.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: JAY COFFEY Second: JORGE SANTOS
 Ayes: 5

OTHER ITEMS

There were no other items before the Board.

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

There was no public comment.

There being no further business, on a motion by Jamera Sirmans and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 5:15p.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

 Kara Kopach – Secretary

**Resolution Regarding
Fourth 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 for the property and shall have a total Capital Investment, net of the Purchase price, of Six Million Six Hundred Ninety Thousand Dollars; 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 ended on May 18, 2022; and

WHEREAS, at its April 2022 meeting, the FMERA Board approved the Second Amendment to the Agreement, which retroactively extended the Approval Period for six months until January 14, 2023. The Second Amendment was executed on August 15, 2022; and

WHEREAS, following the adoption of Reuse Plan Amendment #18 in July 2022, RPM notified FMERA via email on August 15, 2022, that it wished to modify the Project as defined, citing a change in market conditions that indicate that demand for a small for-sale community would not be economically profitable given the site constrictions requiring a shared driveway for the townhouses. As such, RPM requested that the ten owner-occupied townhouses targeted in the Project be converted to rental units with a reduced footprint of 1850 square feet with no Homeowners Association; and

WHEREAS, additionally, on October 12, 2022, RPM requested via email, a six-month extension to the Approval Period, set to expire January 14, 2023. As RPM had been awaiting confirmation that changes to the Project would be acceptable to FMERA and the Borough of Oceanport, it has been proceeding in good faith towards obtaining all approvals to the extent possible, was delayed in finalizing all applications. The FMERA Board reviewed and approved these requests at its October 2022 meeting. The Third Amendment was executed on November 30, 2022; and

WHEREAS, on May 22, 2023, RPM requested via letter, an extension to the Approval Period, set to expire June 14, 2023. RPM represented that although the project had been delayed due to a variety of COVID-19 related issues, it was now on track to move through the approval process and was on the agenda for the Oceanport Planning Board June 27, 2023 meeting for preliminary and final site plan approval. As the Approval Period would expire before RPM is scheduled for the Oceanport Planning Board and would require additional time to obtain the remainder of its approvals, RPM requested to extend the Approval Period by ninety days with the option for FMERA's Executive Director to further extend by an additional ninety days if Purchaser is proceeding in good faith; and

WHEREAS, FMERA staff has reviewed this request and recommends that the Board extend the Approval Period by ninety days and grant FMERA's Executive Director delegated authority to extend the Approval Period by an additional ninety days if the Purchaser is proceeding in good faith; and

WHEREAS, all other terms of the PSARA will remain unchanged. The attached Fourth Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director 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 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: June 21, 2023

EXHIBIT 1

**Resolution Regarding
Eleventh 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 Church Assembly of God (“Triumphant Life” or “Purchaser”) 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. The FMERA Board reviewed and at its June 2022 meeting approved the request to extend the Project Completion date to June 30, 2023. The Tenth Amendment, executed on July 7, 2022, also further extended the Chapel's short-term parking license and included an amended promissory note to guarantee completion of the parking lot; and

WHEREAS, purchaser requested an extension to complete the parking lot, as its construction plans for the parking lot are currently being reviewed by the Borough of Oceanport. FMERA acknowledges that construction cannot commence until the plans are approved by the Borough and therefore supports a six-month extension to complete the Project. However, FMERA is currently seeking to transfer ownership of Malterer Avenue to Monmouth County; therefore, no additional extensions to the short-term license for off-site parking will be granted after December 30, 2023; and

WHEREAS, FMERA staff has reviewed this request and recommends that the Board approve an extension to the project completion timeline by six months or until December 30, 2023, along with an amended promissory note; and

WHEREAS, all other material terms of the PSA will remain unchanged. The attached Eleventh Amendment to the PSA is in substantially final form. The final terms of the Eleventh 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 Eleventh 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 21, 2023

EXHIBIT 2

**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, the site containing Building 555 may be utilized for an expansion and dedication of Brewer Lane, while the site containing Buildings 550 and 551 may be used for future public parking. Buildings 550 and 551, and 555 are located near current and future development. Under the terms of the June 2022 Memorandum of Understanding (“MOU”), Colliers Engineering and Design (“Colliers”) has prepared a scope of work for the abatement and demolition of Building 886, Building 555, and the completion of scopes of work for Buildings 550 and 551, are forthcoming

WHEREAS, at its June 2022 meeting, the Board approved a Memorandum of Understanding (“MOU”) with the Borough of Oceanport (“Borough”) to contract for civil and environmental engineering services for demolition plans and specification including abatement, demolition and site improvements. The Borough selected Colliers as its engineering firm via a formal RFQ process for the calendar year. Accordingly, the Borough retained Colliers to prepare plans and a scope of work (the “Plans”) for the Project; and

WHEREAS, the Project scope included one set of demolition plans for the three Project Sites and three additional demolition plans and specification for each of the three Project Sites. The Plans also included surveying services and field/building reconnaissance. Under the terms of MOU, the Plans were to 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; and

WHEREAS, draft plans were to be provided within sixty days of receiving notice from FMERA to proceed with the Project with 14 days for FMERA to review and comment, and then 14 days for the Borough’s engineer to finalize and deliver the four sets of Plans. Costs for the work were estimated to be \$19,000, with the Board approving a delegation to FMERA’s Executive Director to increase the cost by an amount not to exceed 10% for unforeseen design costs for demolition or environmental abatement. In the event the amount due to the Borough’s contractor for the work described within the MOU was expected to be greater than \$19,000, the Borough was required to notify FMERA that additional Project Funds are required. Any increase in costs is subject to FMERA’s Board approval. The MOU with the Borough was executed on July 6, 2022; and

WHEREAS, upon initiating work under the original MOU, Colliers concluded that the amount allocated to the Project did not capture the full cost to complete the work under the MOU. In particular, Colliers found that the asbestos and environmental testing performed by the Army that was relied on to form the basis of the initial Project funding costs was insufficient to meet demolition standards and additional testing was required far beyond what was originally anticipated; and

WHEREAS, additionally, FMERA’s original civil engineering cost estimate did not include the necessary manhours to identify each type of construction material (concrete, steel, wood, sheetrock, fiberglass, etc.) found in the four referenced buildings. The scope of work has been amended to indicate the construction material needs to be quantified in terms of the amount of material (linear feet or square feet) and then converted into pounds for each material present and incorporated into the demolition specifications for each building; and

WHEREAS, upon the Borough’s notification to FMERA that the funds under the original MOU would not be sufficient to complete the scope of work, FMERA requested an updated estimate for the scope of the work to include the additional asbestos and environmental testing and surveying work. Under the expanded estimate, the Project funding costs were estimated to be One Hundred and Ninety-Five Thousand Three Hundred and Sixty-Five (\$195,365.00)

Dollars. This increase reflects the inclusion of additional hours for identification of material quantities and required asbestos and environmental testing; and

WHEREAS, at its January meeting, the FMERA Board approved the amendment to the MOU for increased funding, as well as the Executive Director's delegated authority to increase the Project Funding by an amount not to exceed 10% for unforeseen design costs for demolition or environmental abatement. All other terms of the MOU remained the same. The Amended MOU was executed on February 23, 2023; and

WHEREAS, at its March meeting the FMERA Board approved an MOU with Oceanport for the Borough's engineer to oversee the public bidding for the demolition and remediation of Building 886, one of three identified Project Sites. It is FMERA's intention to enter into a separate MOU for abatement and demolition work for Buildings 550 & 551 upon receipt of the additional scopes of work. The MOU was executed on May 12, 2023; and

WHEREAS, on June 9, 2023, FMERA received the demolition plans for the Project Site, as defined in the attached MOU, containing Building 555 from Colliers and wishes to enter into a separate MOU with Oceanport for the Borough's engineer to oversee the public bidding for the demolition and remediation of Building 555

WHEREAS, the purpose of the "Project" consists of the retention of the Borough's engineer, Colliers, for the abatement and demolition of Building 886 located on the Project Site. Colliers services shall include: bidding services for abatement and demolition contracts and the oversight of those tasks as detailed in the attached memorandum; and

WHEREAS, the cost for the Project is estimated to be Five Hundred and Twenty-Three Thousand Two Hundred and Seventy-Five (\$523,275.00) Dollars with the Board approving a delegation to FMERA's Executive Director to increase the cost by an amount not to exceed 10% for unforeseen costs for abatement or demolition. In the event the amount due to the Borough's contractor for the work described within the MOU is expected to be greater than \$523,275.00, the Borough is required to notify FMERA that additional Project Funds are required. Any increase in costs beyond this amount is subject to FMERA's Board approval; and

WHEREAS, the attached amended 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 for funding, asbestos abatement (including removal, monitoring, and associated reporting), demolition, and site restoration activities (including preparation of all applications and associated, prerequisite environmental, engineering services and demolition permits) for Building 555 and grant of delegated authority to the Executive Director to increase Project Funding by an amount not to exceed 10% for unforeseen costs associated with the Project 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 21, 2023

EXHIBIT 3