

**Fort Monmouth Economic Revitalization Authority
Board Meeting
August 16, 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)**
- Lillian Burry – Monmouth County Commissioner – **V**
- Stephen Gallo – Public Member – **V**
- 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**
- Wayne Smith – State Veterans Program Coordinator, NJ Department of Labor & Workforce Development – **Designee**
- William Riviere – Principal Planner, NJ Department of Transportation – **Designee**

V – Denotes Voting Member

Members of the Authority and/or Designees not present:

Also present:

- Kara Kopach, Executive Director
- FMERA staff:
 - Regina McGrade – Administrative Manager
 - Sarah Giberson – Senior Marketing & Real Estate Development Officer
 - Upendra Sapkota – Senior Project Officer
 - 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 5:01 p.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.

Mayor Talerico asked for a moment of silence in remembrance of Lieutenant Governor Sheila Oliver.

The first item of business was the approval of the July 19th regular meeting minutes. A motion was made to approve the minutes by Lillian Burry and seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY

Ayes: 7

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

There was no public comment.

EXECUTIVE DIRECTOR/SECRETARY’S REPORT & UPDATE

Just a friendly reminder that the September FMERA Board meeting will be our annual reorganization meeting.

The FMERA team has continued to deploy both Federal and State funds toward our infrastructure improvements. A total of \$22.5 million dollars has been allocated or identified for pending projects with another \$30 million dollars forecasted for projects over the next 12-24 months for an additional 24 infrastructure projects. Over the last few years FMERA has replaced 23,300 LF of sanitary sewer mains (equivalent of 4.4 miles) and abandoned 4 pump stations. Our team has also replaced approximately 18,331 LF of Army installed water mains (equivalent of 3.5) to ensure the water is potable. We are now under contract with JCP&L for both a new substation to support the Main Post and for a wholesale replacement of the distribution system on the Main Post too.

None of this would have been possible without the Federal and State funds and the support of the Governor’s office, the County and the three host municipalities. They have continued to champion the development on Fort Monmouth and arm us with the tools to complete this wholesale utility replacement. In turn, the individual developments are getting new utilities at their frontage and are encouraged to accelerate their projects.

Our staff has worked nonstop to replace the left behind Army systems. There is no way that we accomplish this without their diligence in creating the legal docs, organizing the stakeholder conversations, expediting board actions, coordinating and completing the surveys, maps, and the design and engineering work to bring forth the installation and construction. The redevelopment of this property is exponentially accelerated by these infrastructure funds, and we are very thankful to have received same.

COMMITTEE REPORTS

1. AUDIT COMMITTEE

The Committee did not meet this month.

2. REAL ESTATE COMMITTEE

Anthony Talerico, Jr. stated that the Real Estate Committee met on August 8th and discussed the following:

- Discussion regarding the First Amendment to the Wilson Avenue MOU between FMERA and the Eatontown Sewerage Authority to modify the Project Costs to provide adequate funds to complete the Project. The increased Project Costs will be replaced with the new Construction Cost Estimation and ESA will engage with the second lowest qualified bidder to complete the project. The Committee reviewed the request and recommended it to the Board for approval.

- Discussion regarding a Purchase and Sale Agreement with the County of Monmouth for a Wetlands Preservation Area on the Woodlands Parcel. The County will pay \$63,000.00 for the property for county open space preservation, as a publicly accessible Monmouth County park for passive open space/recreation uses. The Committee reviewed the request and recommended it to the Board for approval.

Other Items:

- 1) Mega Parcel Reuse Plan Amendment
- 2) Request for Proposals (Property Mgmt. / Auditor / Surveyor / Engineering)
3. ENVIRONMENTAL STAFF ADVISORY COMMITTEE (ELIZABETH DRAGON, CHAIRWOMAN)

The Committee did not meet this month.

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

The Committee did not meet this month.

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

The Committee did not meet this month.

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

The Committee did not meet this month.

BOARD ACTIONS

- 1) Consideration of Approval of the First Amendment to the Memorandum of Understanding between FMERA and the Eatontown Sewerage Authority.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

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

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: STEVE GALLO Second: JAY COFFEY
Ayes: 7

- 2) Consideration of Approval of a Purchase and Sale Agreement with the County of Monmouth for a Wetlands Preservation Area on the Woodlands Parcel.

Laura Draushak 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 Jay Coffey.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
Anthony Talerico	X		
Lillian Burry	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY
Ayes: 7

OTHER ITEMS

There were no other items before the Board.

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

There was no public comment.

There being no further business, on a motion by Lillian Burry and seconded by Jay Coffey and unanimously approved by all voting members present, the meeting was adjourned at 5:12p.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
First Amendment to the Memorandum of Understanding between the Fort Monmouth Economic
Revitalization Authority and the Eatontown Sewerage Authority

WHEREAS, the Eatontown Sewerage Authority (“ESA”), by a certain ordinance dated February 9, 1955, is the duly designated sewerage authority for the Borough of Eatontown. On November 17, 2016, FMERA acquired ownership of the Main Post of the former Fort Monmouth US Army military post including lands and improvements located in the Borough of Eatontown (“Borough”). The existing Army gravity sanitary lines fronting on Wilson and Nicodemus Avenues currently services the ESA service area but drain into a Two Rivers Water Reclamation Authority (“TRWRA”) meter located in Oceanport; and

WHEREAS, on October 28, 2022, FMERA and TRWRA entered into a memorandum of understanding for the design and engineering of a replacement gravity sanitary sewer lines along Wilson and Nicodemus Avenue in the Eatontown Section of Fort Monmouth to untangle the comingled Army gravity sanitary lines (“Design MOU”). The Design MOU intended to provide the final form for a design plan for Construction and Installation Work that is to be bid, constructed and owned by ESA. FMERA received the plans on April 12, 2022, which were prepared by Collier’s Engineering & Design (“Colliers”) on behalf of TRWRA and FMERA. The ESA and the Borough’s engineer firm T&M Associates (“T&M”) have since reviewed the Plans; and

WHEREAS, on June 6, 2023, FMERA and TRWRA entered into the Wilson Avenue MOU to reflect the mutual understanding of the Parties that ESA is to construct and install a new gravity sewer line servicing Wilson Avenue, the Monmouth County Department of Public Works site, and the Tech Campus A & B portions of the Eatontown Section of the former Fort Monmouth US Army military base, as more fully described in the Wilson Avenue MOU. The Wilson Avenue MOU provided an estimate cost for the Project representing an amount not to exceed Seven Hundred and Thirty Thousand Six Hundred and Sixteen Dollars and Sixty Cents (\$730,616.60); and

WHEREAS the Parties agreed that the statements contained in the Colliers Engineering & Design, Engineering Plans and Specifications for the Project entitled “Wilson Avenue Sanitary Sewer Extension” dated February 14, 2023, and any amendments thereafter be and are hereby incorporated into the Wilson Avenue MOU; and

WHEREAS, FMERA will grant to ESA such sanitary sewer easements across its lands as the final approved design for the Project as may be required. FMERA shall issue a non-exclusive easement, without charge, to ESA for construction and maintenance of the new gravity sewer lines; and

WHEREAS, in addition, the Board approved delegated authority to FMERA’s Executive Director to increase the Project Costs by an amount not to exceed 10% of the Project Costs for unforeseen costs associated with this Project. Any increase in costs beyond this amount is subject to FMERA’s Board approval; and

WHEREAS, on July 19, 2023, in accordance with the Local Public Contracts Law, ESA received bids for the Project resulting in one bid within the costs provided by the Wilson Avenue MOU Estimate and the remaining four bidders submitting costs in excess of the Wilson Avenue MOU Estimate. The bidder who submitted costs below the Wilson Avenue MOU Estimate subsequently withdrew their bid due to computational errors in pricing. The four remaining bids received exceeded the Wilson Avenue Estimate due to higher-than-expected costs for site clearance, installation of pipes and manholes, material costs and dewatering; and

WHEREAS, the Parties now seek to amend the Wilson Avenue MOU to modify the Project Costs to provide adequate funds to complete the Project. ESA intends to engage with the second lowest qualified bidder to complete the Project contingent upon the approval of the increased Project Costs in the amount of Eight Hundred and Seventy-Eight Thousand Nine Hundred and Five Dollars and Ninety-Eight Cents (\$878,905.98). Construction costs estimates previously attached to the Wilson Avenue MOU will be replaced with the new Construction Cost Estimation. ESA

shall not be required to utilize any of its own funds to pay costs or expenses for the Project and will return to FMERA upon completion of the Project any amount of the Project Costs that are not expended for the Project.

WHEREAS, all other terms of the Wilson Avenue MOU remain unchanged.

WHEREAS, the attached First Amendment to the MOU between FMERA and the ESA is in substantially final form. The final terms of the MOU will be subject to the approval of ESA, FMERA's Executive Director and a review as to the 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 First Amendment to the Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the Eatontown Sewerage Authority forming an interagency agreement for the funding and construction of the necessary New Wilson Avenue Gravity Sanitary Sewer Lines to provide sewer service for the portions of the former Fort Monmouth US Army military post located within the Borough of Eatontown.

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: August 16, 2023

EXHIBIT 1

Resolution Regarding
Authorization to enter into a Purchase and Sale Agreement with the County of Monmouth for a Wetlands
Preservation Area on the Woodlands Parcel

WHEREAS, on May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests. The County of Monmouth requested that this conveyance be administered as a Local Beneficial Use (“LBU”) transaction. Accordingly, the County’s proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria. This scoring is used to determine the discounted purchase price of the Property. Appraiser Robert Gagliano’s fair market value for the land was determined to be \$90,000. The scoring of the County's proposed use of the Property is 633, which entitles the Borough to a discount of 30% and resulting in a purchase price of \$63,000.00; and

WHEREAS, FMERA staff is pleased to report that negotiations with the County have resulted in the following terms: The County will pay \$63,000.00 for the approximately 23.78-acre property for county open space preservation, as a publicly accessible Monmouth County park for passive open space/recreational uses. The County also has the option to include a wetlands boardwalk and/or walking path for public use, so long as only minor site plan or approval would be necessary and subject to review and approval by FMERA; and

WHEREAS, per the PSA, Purchaser will have a ninety-day Due Diligence Period to investigate the “As Is” condition of the Property, including environmental investigations and survey work commencing on the Effective Date of the PSA with an option to extend Due Diligence for one additional thirty-day period. Since the Property will not be redeveloped, an Approval Period is not required. Closing may occur within thirty days after completion of Due Diligence. FMERA will convey the Property to the County 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. As this is a preservation initiative, no jobs will be created at the site and the County will invest approximately \$5,000 to improve the Property; and

WHEREAS, the Property shall be transferred subject to a public open space deed restriction; and

WHEREAS, utilities are not anticipated to be needed at the Property, however, if required, electric service shall be coordinated with JCP&L. The County shall be responsible for replacement, repair, maintenance and/or relocation of utilities within the Property to serve the Project, as applicable, subject to FMERA’s review and approval. FMERA intends to record easements for on-site, existing sanitary sewer mains that provide off-site service; and

WHEREAS, attached is the PSA between FMERA and the County of Monmouth which is in substantially final form. The final terms of the PSA will be subject to the approval of the County of Monmouth, 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 FMERA staff to enter into a Purchase and Sale Agreement with the County of Monmouth for a 23.78-acre tract known as the Woodland Parcel bounded roughly by Hope Road, the Fabrication Shops Parcel, Laboratory Road, and the Anthem Place residential development in the Tinton Falls Section of Fort Monmouth, 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: August 16, 2023

EXHIBIT 2