

**Fort Monmouth Economic Revitalization Authority  
In-Person & Telephonic Board Meeting  
502 Brewer Avenue, Oceanport, N.J. 07757  
Dial In: 888-431-3598 Access Code: 1123026  
Agenda – June 21, 2023**

1. **Call to Order**
2. **Notice of Public Meeting**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **Welcome – Mayor Anthony Talerico, Jr., Vice-Chairman**
6. **Approval of Previous Month’s Board Meeting Minutes**
7. **Public Comment Regarding Board Action Items**
8. **Executive Director/Secretary Report & Update**
9. **Committee Reports**
  - Audit Committee – Anthony Talerico, Jr., Chairman
  - Real Estate Committee – Anthony Talerico, Jr., Chairman
  - Environmental Staff Advisory Committee – Elizabeth Dragon, Chairwoman
  - Historical Preservation Staff Advisory Committee – Jay Coffey, Chairman
  - Housing Staff Advisory Committee – Robert Long, Chairman
  - Veterans Staff Advisory Committee – Lillian Burry, Chairwoman
10. **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.
  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.
  3. Consideration of Approval of the Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services.
11. **Other Items**
12. **Public Comment Regarding any FMERA Business**
13. **Adjournment**



**Fort Monmouth Economic Revitalization Authority  
Board Meeting  
May 17, 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**
- Lillian Burry – Monmouth County Commissioner – **V**
- Stephen Gallo – Public Member – **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 (joined at 5:02p.m.)**
- Elizabeth Dragon – Assistant Commissioner Community Investment and Economic Revitalization - Designee
- Robert Long – Deputy Commissioner, NJ Department of Community Affairs – Designee
- William Riviere – Principal Planner, NJ Department of Transportation – Designee

V – Denotes Voting Member

**Members of the Authority and/or Designees not present:**

- Wayne Smith – State Veterans Program Coordinator, NJ Department of Labor & Workforce Development – Designee

**Also present:**

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

The meeting was called to order by Mayor Anthony Talerico, Jr. at 5:00p.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 April 19<sup>th</sup> regular meeting minutes. A motion was made to approve the minutes by Lillian Burry and seconded by Jamera Sirmans.

Kara Kopach conducted a roll call vote.

<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
Anthony Talerico	X		
Lillian Burry	X		
Jay Coffey	X		

Steve Gallo			X
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Steve Gallo abstained from voting stating he was not at the April 19<sup>th</sup> meeting.

Motion to Approve: LILLIAN BURRY

Second: JAMERA SIRMANS

Ayes: 6

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

There was no public comment.

**EXECUTIVE DIRECTOR/SECRETARY’S REPORT & UPDATE**

The Executive Director’s report is included in the Board package and provides a detailed update on FMERA’s Treasurer’s report, Utilities and Infrastructure, the Fort’s redevelopment status and a marketing update.

**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 10<sup>th</sup> and discussed the following:

- Discussion regarding MOU between the FMERA and the Eatontown Sewerage Authority for the funding and construction of the necessary New Wilson Avenue Gravity Sanitary Sewer Lines to provide sewer service for the portions of the Fort in Eatontown and granting delegated authority to the Executive Director to increase Project Costs by an amount not to exceed 10% for unforeseen costs. The Committee reached a consensus and agreed to recommend to the Board for approval.
- Discussion regarding the First Amendment to the PSARA with Netflix, Inc. for the Mega Parcel to extend the Due Diligence Extension Periods and granting delegated authority to the Executive Director to approve the Due Diligence requests. The Committee reached a consensus and agreed to recommend to the Board for approval.
- Discussion regarding the Sixth Amendment to the PSARA with Lennar Corporation for the Howard Commons Parcel to permit an increase in the amount of contaminated soil to be relocated from 36 inches to 60 inches above the adjacent Pinebrook Road top of curb grade. The Borough of Eatontown has approved the request. The Committee reached a consensus and agreed to recommend to the Board for approval.
- On May 15<sup>th</sup>, the Committee reviewed the 9<sup>th</sup> Amendment to the PSARA in which Eatontown requested a seven-month extension to the Approval Period until December 31, 2023, to further evaluate the Project’s viability as a DPW site and to investigate potential grant funding for the Project. The Committee reached a consensus and agreed to recommend to the Board for approval.

**Other Items:**

1. JCP&L Distribution Agreement

Mayor Talerico left the meeting at 4:20 and the Committee discussed and approved the following:

- Third Amendment to the PSARA with RWJ Barnabas Health, Inc. for the Tinton Falls Commercial Parcel in Tinton Falls.

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

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

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. stated that the Committee did not meet this month.

**BOARD ACTIONS**

- 1) Consideration of Approval of a Memorandum of Understanding between FMERA and the Eatontown Sewerage Authority regarding an interagency agreement for funding and construction.

Laura Draushak 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
Anthony Talerico	X		
Lillian Burry	X		
Jay Coffey	X		
Steve Gallo	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Jorge Santos	X		

Motion to Approve: JAMERA SIRMANS Second: JAY COFFEY

Ayes: 7

- 2) Consideration of Approval of the First Amendment to the Purchase and Sale and Redevelopment Agreement with Netflix, Inc. for the Mega Parcel in Eatontown and Oceanport.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

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

Kara Kopach conducted a roll call vote.

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

Motion to Approve: STEVE GALLO Second: JAY COFFEY

Ayes: 7

- 3) Consideration of Approval of the Sixth Amendment to the Purchase and Sale and Redevelopment Agreement with US Home LLC, a wholly owned subsidiary of Lennar Corporation for the Howard Commons Parcel in Eatontown.

Laura Drahushak 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 Lillian Burry.

Kara Kopach conducted a roll call vote.

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

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

- 4) Consideration of Approval of the Ninth Amendment to the Purchase and Sale and Redevelopment Agreement with the Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel.

Laura Drahushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 4.

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

Kara Kopach conducted a roll call vote.

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

Motion to Approve: LILLIAN BURRY Second: ANTHONY TALERICO  
Ayes: 7

- 5) Consideration of Approval of the Reinstatement and Third Amendment to the Purchase and Sale and Redevelopment Agreement with RWJ Barnabas Health, Inc. for the Tinton Falls Commercial Parcel in Tinton Falls.

Laura Drahushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 5.

A motion was made by Tracy Buckley and was seconded by Steve Gallo.

Kara Kopach conducted a roll call vote.

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

Mayor Talerico abstained from voting stating that he is an employee of RWJ Barnabas.

Motion to Approve: TRACY BUCKLEY Second: STEVE GALLO

Ayes: 6

**OTHER ITEMS**

There were no other items before the Board.

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

Mary Jo Balvo of East Gate, Oceanport asked for the status of Signal Avenue opening, which is located through the Allison Hall parcel. Ms. Balvo stated that due to the three redevelopment projects occurring in that area, Barton Avenue is the only street open for construction vehicles causing a lot of congestion.

Kara Kopach stated that Signal Avenue is privately owned by the Allison Hall developer, and they are under no obligation to open Signal Avenue to through traffic. The timing of the opening of Signal Avenue will be dependent on the completion of the Allison Hall development, but Signal Avenue will not serve as a through street and will remain private.

Ms. Kopach stated that the traffic studies were completed and reviewed by the Oceanport Borough engineer for the Allison Hall and Somerset Development projects and presented at an Oceanport Planning Board meeting. Ms. Kopach stated that FMERA has provided access easements, but the traffic is evaluated by the Borough engineer.

Ms. Kopach stated that FMERA still owns Barton and Carty Avenues. Ms. Kopach stated that Carty Avenue recently had utilities installed and was repaved and the same will be done on Barton Avenue. Upon completion of both roads, FMERA will work with the Borough engineer to confirm that Carty and Barton Avenues meet the municipal road standards in order for the Borough to take title of the roads.

Ms. Balvo asked if FMERA owns Allen and Bennett Avenues. Ms. Kopach stated that some of Allen and Bennett Avenues are owned by both RPM Development and Somerset Development and both developers would have had separate discussions with the Borough of Oceanport to determine if Oceanport would be taking title of these roads.

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 5:23p.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

**ADOPTED**  
**May 17, 2023**

**Resolution Regarding**  
**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**, the Parties enter into this MOU to reflect the mutual understanding of the Parties relative to the Construction and Installation Work of the necessary New Wilson Avenue Gravity Sanitary Sewer Lines serving Wilson Avenue, the Monmouth County Department of Public Works (District 6), the Eatontown Parks Parcel, the proposed Eatontown Department of Public Works site, and the Tech Campus A & B portions of the Eatontown section of Fort Monmouth. The Parties intend this Project to be only the installation of the New Wilson Avenue Gravity Lines needed to service the areas in the Eatontown section of the former Fort Monmouth military post. All future ties shall be the responsibility of any developer(s) of adjacent properties; and

**WHEREAS** the Parties agree 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 this MOU; and

**WHEREAS**, FMERA shall pay 100% of the costs of the Project not to exceed Seven Hundred and Thirty Thousand Six Hundred and Sixteen Dollars and Sixty Cents (“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 reserve the right to reject all bids should the costs for construction and construction observation engineering services exceed the Project Costs. 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 is not expended for the Project; 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, staff requests 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**, the attached 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 a 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 and the grant of delegated authority to the Executive Director to increase Project Costs 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: May 17, 2023**

**EXHIBIT 1**



**Resolution Regarding  
1<sup>st</sup> Amendment to the Purchase and Sale & Redevelopment Agreement with Netflix, Inc. for the  
Mega Parcel in Eatontown and Oceanport**

**WHEREAS**, on January 13, 2023 FMERA and Netflix executed a PSARA for the Mega Parcel, an approximately 292± acre parcel) of land containing former residential, administrative and R&D buildings, warehouses, workshops and additional general-purpose facilities in the Boroughs of Eatontown and Oceanport, within the Main Post section of Fort Monmouth. The Mega Parcel is conveniently located adjacent to State Route 35, providing easy access to the Garden State Parkway, Route 18, NJ Transit Bus Lines & adjacent to County Route 11 (Oceanport Avenue), which provides direct access to the Little Silver NJ Transit Train Station. The westernmost 51.1 acres of the Mega Parcel lie within the Phase 1 area of Fort Monmouth, which requires profit sharing with the U.S. Department of the Army. The remaining Mega Parcel acreage lies within the Phase 2 area of Fort Monmouth; and

**WHEREAS**, pursuant to the terms of the PSARA, Netflix will pay Forty-Seven Million Dollars for the Mega Parcel. Additionally, Netflix has agreed to pay a utility contribution of Five Million Dollars, and the FMERA office relocation fee of Three Million Dollars. The Total Amount due at Closing shall be Fifty-Five Million Dollars, subject to any adjustment relative to the Environmental Carve-Out Holdback. Netflix's total Capital Investment is estimated at Eight Hundred and Forty-Eight Million Dollars which shall be allocated between Phase 1 representing Eight Hundred Six Million Dollars of investment and Phase 2 representing Forty-Two Million Dollars of investment in furtherance of the Redevelopment Project; and

**WHEREAS**, the Due Diligence Period will run for ninety days from the PSARA execution date and may be extended under the Executive Director's delegated authority for two additional thirty day periods to complete the due diligence tests, inspections, and reviews; and

**WHEREAS**,; on March 29, 2023, Netflix requested permission to exercise the first thirty day Due Diligence Extension Period until May 15, 2023, which FMERA's Executive Director granted on April 5, 2023. Subsequently, on April 25, 2023, Netflix sent a letter requesting: 1) permission to exercise the second thirty day Due Diligence Extension Period provided via the original terms of the PSARA until June 14, 2023 subject to approval of FMERA's Executive Director; 2) requesting a new, additional forty-five day extension of the Due Diligence Period from June 14, 2023 until July 31, 2023, and 3) requesting a new, additional forty-five day extension of the Due Diligence Period from July 31, 2023 until September 14, 2023 which may be requested by Netflix prior to the expiration of the Third Due Diligence Extension Period and may be granted by FMERA's Executive Director; and

**WHEREAS**, FMERA granted the request for the Second Due Diligence Period Extension on April 28, 2023, and the Due Diligence Period is currently scheduled to expire on June 14, 2023 at 5:00p.m.; and

**WHEREAS**, Netflix's letter cited the size of the transaction contemplated in the Agreement and the complex nature of the Mega Parcel as reasons for the extension request and stated that, among other things, Netflix required additional time to perform and finalize aspects of its due diligence related to: (i) title, survey and traffic mitigation issues, (ii) environmental testing and reports, and (iii) energy and power, and (iv) emergency services arrangements. As Netflix has been proceeding in good faith, staff recommends that the Board approve two additional forty-five day extensions, the second of which may be granted under the Executive Director's delegated authority; and

**WHEREAS**, subject to the terms of the PSARA, Netflix's first deposit shall become non-refundable upon the conclusion of the Second Due Diligence Extension Period at 5:00pm on June 14, 2023; and

**WHEREAS**, the attached First Amendment to the PSARA between FMERA and Netflix is in substantially final form. The final terms of the First Amendment to the PSARA are subject to the approval of FMERA's Executive Director, Netflix, Inc., 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 First Amendment to the Purchase and Sale & Redevelopment Agreement with Netflix, Inc. for the Mega Parcel in Eatontown and Oceanport to extend the Due Diligence Extension Periods and grant Delegated Authority to the Executive Director to approve the Due Diligence requests on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Amendment.

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

**Attachment**

**Dated: May 17, 2023**

**EXHIBIT 2**

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

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

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

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

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

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

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

**WHEREAS**, the Fourth Amendment to the PSARA, executed on May 17, 2022 reinstated the PSARA and extended the Due Diligence Period by an additional ninety days until June 30, 2022; and

**WHEREAS**, the Fifth Amendment to the PSARA, executed on June 10, 2022, modified the definition of the Retail Phase of the Redevelopment Project to permit a retail component of up to 40,000 square feet of retail space with a limit of two-stories, 35 feet in height, maximum permitted lot coverage of seventy-five percent, and a maximum floor area ratio of 0.25; and

**WHEREAS**, by email dated January 19, 2023, Purchaser requested to modify the Redevelopment Project to permit an increase in the amount of contaminated soil to be relocated to the Receiving Parcel from 36 inches above adjacent Pinebrook Road top of curb grade to 60 inches above the adjacent Pinebrook Road top of curb grade. Purchaser found that after completion of environmental Due Diligence, which expired on June 30, 2022, the amount of soil with pesticide exceedances was larger than expected and, therefore, required the additional height to cap all the soil and the expansion of Receiving Parcel to approximately 7.4 acres.; and

**WHEREAS**, the PSARA permits Purchaser, upon New Jersey Department of Environmental Protection's (NJDEP) concurrence, to convey the Receiving Parcel to the Borough of Eatontown. Eatontown was informed of the request on January 20, 2023, and by way of email dated February 7, 2023 approved of the height increase, which shall be compliant with all necessary requirements for ADA accessibility, relevant NJDEP approvals, FMERA's Mandatory Conceptual Review and Eatontown's planning board review; and

**WHEREAS**, staff requests that the Board approve the following modifications to the PSARA as described in the attached memorandum; and

**WHEREAS**, all other terms of the PSARA will remain unchanged. Attached in substantially final form is the Sixth Amendment to the PSARA between FMERA and Lennar. The final terms of the Sixth Amendment are subject to the approval of FMERA's Executive Director and a review as to form by the Attorney General's office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Sixth Amendment to the Purchase and Sale & Redevelopment Agreement with U.S. Home, LLC a wholly owned subsidiary of Lennar Corporation, for the Howard Commons Parcel in Eatontown on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the Amendment.

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

**Attachment**

**Dated: May 17, 2023**

**EXHIBIT 3**

**ADOPTED**  
**May 17, 2023**

**Resolution Regarding**  
**Ninth Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with the Borough of Eatontown for a Department of Public Works Complex on the 1123 Parcel**

**WHEREAS**, on May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests for the Borough's request to purchase a 7.2-acre tract known as the 1123 Parcel ("the Property") including Buildings 1123, 1124, 1108, 1109 and 1110 located on Echo Avenue, in Eatontown, New Jersey for municipal uses including the relocation of Eatontown's Department of Public Works; and accordingly, the Borough's proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria, resulting in a 40% price reduction and sale price of \$886,461.00; and

**WHEREAS**, on January 16, 2019, the Board authorized the execution of the PSARA between FMERA and the Borough for the Property, and the PSARA was executed on May 8, 2019; and

**WHEREAS**, pursuant to the terms of the PSARA, the Borough was provided a ninety-day Due Diligence Period commencing on the Effective Date of the PSARA; an Initial Approval Period of twelve months commencing at the end of the Due Diligence period; and a six-month Approval Extension Period, subject to FMERA approval, with Closing to occur within thirty days of satisfaction or waiver of the Conditions Precedent to Closing; and

**WHEREAS**, under the terms of the First Amendment, executed September 2, 2019, Purchaser agreed to: i) amend the Approval Period to run for a total period not to exceed six months, beginning at the expiration of the Due Diligence Period; and ii) Close within thirty days of the expiration of the amended six month Approval Period, subject to receipt of a NFA letter from the NJDEP for the two environmental carve-out parcels located within the Property and regardless of whether other Conditions Precedent to Closing have been waived or satisfied; and

**WHEREAS**, under the terms of the Second Amendment to the PSARA, the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020; the Second Amendment was executed on July 30, 2020; and

**WHEREAS**, under the terms of the Third Amendment to the PSARA, an additional five-month extension to the Approval Period, or until April 1, 2021 was approved and the PSARA reinstated; Third Amendment was executed November 29, 2020; and

**WHEREAS**, under the terms of the Fourth Amendment to the PSARA, the Project as set forth in the PSARA was amended to permit the demolition of Building 1124; the Fourth Amendment was executed April 8, 2021; and

**WHEREAS**, on March 30, 2021, via letter correspondence, the Borough requested an additional extension to the Approval Period, set to expire on April 1, 2021, indicating that the Borough needed additional time to respond to its incomplete Mandatory Conceptual Review (MCR) letter and resubmit a revised MCR package for FMERA's review; the Borough was granted an additional four month extension to the Approval Period at the FMERA Board's April 2021 meeting and the Fifth Amendment was executed June 7, 2021; and

**WHEREAS**, on July 8, 2021, via letter correspondence, the Borough requested a one year or twelve-month extension to the Approval Period, set to expire on August 1, 2021, citing outstanding environmental approvals from the NJDEP; the Borough indicated that any potential environmental issues that may arise and/or require additional funding to investigate or resolve would pose financial concerns for the approved 2021 budget and would be considered in the next fiscal year; and

**WHEREAS**, at FMERA's July 2021 Board meeting, the Borough requested and was granted an additional one year or twelve month extension to the Approval Period and the Sixth Amendment was executed on October 14, 2021; and

**WHEREAS**, on June 22, 2022, via letter correspondence, the Borough requested a six-month extension to the Approval Period, set to expire on August 1, 2022, citing unexpected delays that have significantly impacted the Borough's overall timeline; the Borough indicated that it has experienced numerous delays on the DPW project, beginning with pandemic related challenges that prevented the Borough from adhering to its anticipated timeline; and

**WHEREAS**, although the Borough had proceeded in good faith, delays caused the existing improvements, which are intended for reuse, to deteriorate significantly. The Borough wished to further investigate the condition of the buildings and reevaluate the costs associated with remediation and renovation of these facilities, noting that should those costs exceed the current budget for the Project, the Borough would need additional time to approve such expenses; and

**WHEREAS**, the Borough requested and was granted an additional month extension to the Approval Period at the FMERA Board's July 2022 meeting. The Seventh Amendment was executed August 9, 2022; and

**WHEREAS**, on January 9, 2023, via letter correspondence, the Borough requested a four-month extension to the Approval Period, set to expire on February 1, 2023, citing the continued, compound effect of unexpected delays that have significantly impacted the Borough's overall timeline. At its January 2023 meeting, the Board approved the Eighth Amendment for an extension to the Approval Period to June 1, 2023. The Eighth Amendment was executed on February 23, 2023; and

**WHEREAS**, on May 9, 2023, via letter correspondence, the Borough requested a seven-month extension to the Approval Period until December 31, 2023, to further evaluate the Project's viability as a DPW site and to investigate potential grant funding for the Project. At this time, the application period for the New Jersey Economic Development Authority's Film & Digital Media Studio Infrastructure Grant PILOT program has not yet begun and the Borough requires additional time to apply; and

**WHEREAS**, while FMERA wishes to support the Borough's pursuit of additional grant funding for the project to offset the associated expenses, both parties acknowledge that Closing shall not be contingent upon, or delayed by, the receipt of any grant funding, and that upon expiration of the Approval Period, the Borough may proceed with Closing within thirty days or terminate the Agreement. Further, the Borough has represented that this will be final request for an extension to the Approval Period; and

**WHEREAS**, all other terms of the PSARA will remain unchanged. The attached Ninth Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director, the Borough of Eatontown, and as to form by the Attorney General's Office. On May 15, 2023, via email, the Real Estate Committee reviewed the request and recommends it to the Board for approval.

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Ninth Amendment to the PSARA with the Borough of Eatontown for the 1123 Parcel for an extension of the Approval Period 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: May 17, 2023**

**EXHIBIT 4**

**Resolution Regarding  
Third Amendment to the Purchase and Sale & Redevelopment Agreement with RWJ Barnabas Health,  
Inc. for the Tinton Falls Commercial Parcel in Tinton Falls**

**WHEREAS**, the Tinton Falls Commercial Development Parcel is an approximately 31.25± acre parcel of land containing twelve structures located at Pearl Harbor Avenue and Pinebrook Road in the Tinton Falls Reuse Area of the Charles Wood Area of the Fort (the “Property”), and on August 27, 2021, the Members authorized the execution of the PSARA between FMERA and RWJ Barnabas for the Property. The PSARA was executed on October 25, 2021; and

**WHEREAS**, pursuant to the terms of the PSARA, RWJ Barnabas will pay Five Million One Hundred Thousand (\$5,100,000) Dollars for the Parcel and Purchaser’s total Capital Investment is estimated at One Hundred Million Dollars (\$100,000,000); and

**WHEREAS**, the Project shall consist of the demolition of existing improvements and the redevelopment of the parcel as described in the attached memorandum; and

**WHEREAS**, pursuant to the PSARA, the Due Diligence Period was to run for one hundred and twenty days from the later to occur of 1) the PSARA execution date, or 2) the date on which FMERA delivers to Purchaser a Boundary Survey and may be extended for two additional thirty-day periods, if necessary, to complete environmental investigations; and

**WHEREAS**, Purchaser’s initial Due Diligence period expired on February 25, 2022; by way of a letter dated February 21, 2022, Purchaser requested and was granted the first thirty-day extension; and

**WHEREAS**, on March 24, 2022, Purchaser requested and was granted the second additional thirty-day extension until April 27, 2022; and

**WHEREAS**, as environmental testing had not yet been completed and Purchaser’s Due Diligence Period was set to expire, Purchaser issued a letter on April 27, 2022, conditionally terminating the PSARA and requesting that the staff seek Board approval for an extension to the Due Diligence Period; and

**WHEREAS**, on May 18, 2022, the Board approved the reinstatement of the PSARA and an extension to the Due Diligence Period for ninety days or until July 26, 2022, as well as to permit upon written approval of FMERA an additional ninety-day extension if the Purchaser was proceeding diligently and in good faith. The First Amendment was executed on July 20, 2022. Staff approved the additional ninety-day extension via letter dated July 11, 2022; and

**WHEREAS**, the Purchaser’s Due Diligence was set to expire on October 24, 2022. On September 2, 2022, via letter, the Purchaser requested a six-month extension to the Due Diligence Period. Purchaser stated that it had undertaken additional environmental testing at the Property related to contamination in the groundwater and soils, and that the findings from these studies required additional time to analyze and finalize; and

**WHEREAS**, on September 21, 2022, the FMERA Board granted an extension of the Due Diligence Period for an additional ninety days until January 22, 2023 with the option to extend for an additional ninety days if Purchaser was proceeding diligently and in good faith. Purchaser requested via letter dated January 18, 2023 and FMERA granted, the additional ninety day extension until April 21, 2023, as permitted under the Second Amendment. The Second Amendment was executed on November 14, 2022; and

**WHEREAS**, purchaser's analysis of its environmental investigations detected the presence of Per- and Polyfluoroalkyl Substances (PFAS), which is an emerging contaminate with developing remediation standards. As the U.S. Army was the prior owner of the Property, the Army may potentially be responsible for any contamination, therefore the Army has agreed to perform a Preliminary Assessment (PA) and Remedial Investigation (RI). The Army has awarded a contract for the PA and anticipates a draft of the PA report will be delivered by June of 2023 and further represented that it will seek to retain a contractor for the RI by October; and

**WHEREAS**, Army investigations will substantially delay due diligence and Purchaser's progress on the Property. As Purchaser's Due Diligence Period was set to expire, Purchaser submitted a letter dated April 21, 2023, requesting the conditional termination of the Agreement and an extension of the Due Diligence Period to allow the Army additional time to perform its investigations and determine a course forward; and

**WHEREAS**, FMERA recommends that the Board approve the Reinstatement of the PSARA and an extension to the Due Diligence Period for ninety days or until July 20, 2023. In the event the Army has not completed its investigations or Purchaser is completing its due diligence activities based on the results of the Army's investigation, staff recommends FMERA's Executive Director have authority to extend the Due Diligence period for three additional ninety-day periods. Should the Army complete its investigation prior to the expiration of the Due Diligence Period, Purchaser may request, via written notice, to exercise the remaining due diligence extension periods set forth in this Agreement; and

**WHEREAS**, recognizing that the on-going environmental investigations will substantially delay the redevelopment of the Property, the parties further agree to work together in good faith to satisfy any additional obligations of the PSARA impacting adjacent parcels; and

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

**THEREFORE, BE IT RESOLVED THAT:**

1. The Authority approves the Third Amendment to the Purchase and Sale & Redevelopment Agreement with RWJ Barnabas Health, Inc. for the Tinton Falls Commercial Parcel in Tinton Falls to extend the Due Diligence Period for an additional ninety days with the option to extend for three additional 90-day periods if necessary for the Army to complete environmental investigations.

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: May 17, 2023**

**EXHIBIT 5**



**MEMORANDUM**

**To:** Members of the Board

**From:** Kara Kopach  
Executive Director

**Date:** June 21, 2023

**Subject:** Monthly Status Report

**Summary**

The following are brief descriptions of the Fort Monmouth Economic Revitalization Authority (FMERA) staff's monthly activities which include the Treasurer's Report, and Update on Utilities and Infrastructure, Update on Development & Marketing and Update on the Fort Monmouth Redevelopment

**Treasurer's Report**

With the close of the second quarter on June 30<sup>th</sup>, FMERA staff will begin preparing the financial and operational summary for the first half of 2023. Staff will assess the first six months of 2023 and assess the performance against the 2023 organization goals. FMERA controls spending to the extent possible, until land sales occur and proceeds are received, at which point, we determine which projects in our budget can be completed. It is projected that FMERA will be on or under budget in all categories through year-end.

**Executive Director's Report**

1. Update on Utilities and Infrastructure

- Construction on the new sanitary pump station, east interceptor, and force main along Oceanport Avenue continues with an expected completion by the 3<sup>rd</sup> quarter of 2023. The gravity main along Oceanport Avenue is complete with the remaining sections of the force main in Little Silver being installed. The new pump station is substantially complete and projected to go online in July.
- The Phase II sanitary project, which includes the Barker Circle and South Interceptor lines, and the Malterer Avenue main, has begun with PM Construction installing the first segment across the Barker Circle parcel. The completed project, along with the East Interceptor and Pump Station, will receive sanitary outfall from the majority of the Oceanport portion of the main post, and allow FMERA to decommission five of the six remaining FMERA operated sanitary pump stations on the main post. The last pump station, though not decommissioned, was shut down in September 2022.
- In Eatontown, the design work that will serve the Monmouth County Motor Pool, Tech Campus B, the Eatontown Parks parcel, and Barracks parcel, and the Tech B parcel with sanitary outfall to the Eatontown Sewerage Authority owned main along Mill Creek has been completed and FMERA is now working with the ESA to construct and install the necessary sewer improvements to divert flow into Eatontown.
- FMERA & JCP&L contracted in 2022 for the proposed electrical substation parcel and staff continues to work with JCP&L toward finalizing the plans of the proposed electrical 15KVA distribution system.
- The Facilities and On-site Maintenance Teams continues to maintain and repair heat systems and fire suppressions systems of buildings to be reused by a potential Mega Parcel purchaser.

## 2. Update on the Fort's Redevelopment

The following is a town-by-town summary of the status of our redevelopment projects.

In **Oceanport**, FMERA has closed on the following seventeen properties:

- Former Patterson Army Hospital on December 13, 2013, with AcuteCare Systems.
- Officer Housing Parcels on January 13, 2017, with RPM Development, LLC. RPM Development renovated the 116 historic housing units, creating 68 market-rate for sale units, and 48 rental units; twenty percent of the total units are available to low- and moderate-income households.
- Main Post Chapel on February 27, 2017, with Triumphant Life Assembly of God Church who purchased the approximately 16,372 sq. ft. building for use as a house of worship.
- Russel Hall on June 23, 2017, with TetherView Property Management, LLC, a private cloud computing services company who occupies the 40,000 sq. ft. building. Russel Hall currently houses a variety of businesses including tech companies, medical offices, and an architecture firm.
- Oceanport Municipal Complex on August 16, 2017, where the Borough of Oceanport purchased the property for their new municipal complex.
- Fitness Center on September 26, 2017, enabling Fort Partners Group, LLC, to renovate and expand the facility to emphasize basketball and medically based fitness and wellness programs, and individualized group training and classes. The Fitness Center now boasts over 2,100 members.
- Dance Hall parcel on April 4, 2018, to The Loft Partnership, LLC. The developer renovated the Dance Hall as a wedding banquet facility. They have booked over 172 weddings.
- Building 501, on April 24, 2019, with Family Promise of Monmouth County, an approximately 1.7-acre site, via a Legally Binding Agreement (LBA). Lunch Break has now merged with Family Promise and will expand the services offered on the site.
- Telecommunications Tower and Land on October 25, 2019, with Global Signal Acquisitions, LLC for an approximately 0.58 parcel of land containing the Telecommunications Tower and adjacent land.
- Squier Hall Complex, on December 19, 2019, with KKF University Enterprises, LLC, an approximately 31-acre site. The developer has secured a commitment from New Jersey City University for use of the site as a satellite campus. The campus opened in the Fall 2020 and continues to have both an academic and community events presence.
- Commissary, Post Exchange (PX) complex, Warehouse District and a 1000 Area Parking parcel, on October 16, 2020, with OPort Partners, LLC. The Commissary/PX parcel shall permit, Food Service, Flex space, Office, R&D and Instructional Schools and Studios. The Warehouse District will permit Flex Space, Medical Office, Office, and Research & Development. Birdsmouth, a brewery opened last year and a restaurant and food distributor is planned this summer in the old Commissary space.
- Marina, on March 25, 2021, with AP Development Partners, LLC, which will continue to operate as a marina/public boat ramp and restaurant.
- Barker Circle, with Barker Circle Partnership, LLC, an approximately 19.5-acre parcel in the historic district which includes the repurposing of buildings 205-208, and 287, as well as the Main Post Firehouse and Kaplan Hall, for residential, office and other commercial uses.
- Lodging Area, on November 24, 2021, with Somerset Development, LLC, a 15-acre site located on Parkers Creek, to be developed with up to 185 new and renovated housing units. Townhouses are for sale and some have already been sold and are occupied.
- Allison Hall, on May 20, 2022, with Fort Monmouth Business Center, LLC, a 13-acre parcel which includes the reuse of the historic building, as well as retail, office/research & development and open space/recreation uses.

Also in **Oceanport**, FMERA has executed or approved contracts on the following property:

- Nurses Quarters, with RPM Development, LLC for the 24-unit residential complex on Main Street adjacent to the former Patterson Army Hospital.

In **Eatontown**, FMERA has closed on the following three properties:

- Suneagles Golf Course, on December 18, 2020, with Martelli Development, LLC, to maintain and upgrade the existing Golf Course, renovate historic Gibbs Hall, and construct 75 new housing units. Martelli continues to operate the course and restaurant in the interim, so it remains open to the public as the redevelopment progresses. The Developer has constructed and sold numerous townhouses in the middle of the course and continues to construct housing units.
- New Jersey American Water Tank Parcel, on April 23, 2021, a parcel located on a 3.945-acre tract on the Howard Commons parcel to install a water tank to serve NJAW's needs by providing approximately four acres of land

surrounded on two sides by undeveloped preserved forest, a municipal road on another and a fourth side that encompasses soon to be built residential units which will be buffered by trees. NJAW has demolished the existing structures on the site and will start construction in the first quarter of 2024.

- Eatontown Parks Parcel, on March 7, 2022, with the Borough of Eatontown, a 3.82-acre tract known as the Nicodemus Avenue Park Parcel located on Nicodemus Avenue for active recreation uses. The Borough has demolished all of the existing structures and is designing the park for a splash pad and accompanying bathrooms.

Also in **Eatontown**, FMERA has executed or approved contracts on the following parcel:

- Building 1123, a former general office building at Avenue of Memories and Wilson Avenue with the Borough of Eatontown for the reuse by the Borough's Department of Public Works.

In **Tinton Falls**, FMERA has closed on the following nine properties:

- Parcel E, on January 13, 2013, with Commvault for the headquarters. Commvault announced in March 2023 that they will be selling this building. The new developer anticipates providing lease backed space to Commvault and will also provide additional tenant space to other end users.
- Building 2525, on February 5, 2016, with Aaski Technologies who leases the building to other tenants for technology and office uses.
- Child Development Center, on March 18, 2016, with Trinity Hall, for the all-girl high school. Trinity Hall completed their second generation project on the site to expand the building's footprint twofold.
- Fort Monmouth Recreation Center and Swimming Pool, on January 6, 2017, with the Monmouth County Park System and being used for programs which include arts & crafts, sports, exercise classes and a variety of amenities including classrooms, gymnasium and a game room.
- Parcel F-3 on February 23, 2017, with the Monmouth County Park System in conjunction with the adjacent Recreation Center and Swimming Pool. Located along Hope Road, the County has expanded its services and public open space amenities currently offered at the Recreation Center.
- Charles Wood Fire Station, on May 22, 2018, transferring the property to Commvault Systems, Inc. for use as corporate office and training space.
- Parcel C with Lennar Corporation, on August 2, 2018, approved for 243 residential units and up to 58,000 sq. ft. of retail development. Lennar has completed the residential portion of this site but the commercial deliverables remain and have been adversely impacted due to the changing market conditions for retail.
- Parcel C1 with Lennar Corporation, on August 2, 2018. Lennar has constructed and sold all 45 single family homes.
- Parcel F-1 – Myer Center and Building 2705, on December 16, 2022, an approximately 36-acre parcel in Tinton Falls where RWJ Barnabas Health (RWJBH) plans to create a health campus to include a cancer center, medical offices, and a future hospital. RWJBH anticipates starting construction on the site this year.

Also in **Tinton Falls**, FMERA has executed contracts on two properties:

- Fabrications Shops (Pinebrook Road Commerce Center), 45,000 sq. ft. of light industrial and flex office space buildings along Pinebrook Road for sale to Pinebrook Commerce Center, LLC.
- Tinton Falls Commercial Parcel (Pulse Power, Building 2719, and the Pistol Range) with RWJBH for 1) construction of a three-story Medical Office Building; 2) installation of a grid-supply solar energy system; 3) construction of active recreational facilities, including two (2) multi-purpose grass or turf athletic fields, one (1) baseball/softball field, up to five (5) tennis courts, and a field house; 4) passive recreation, including a community walking/nature trail that enhances walkability and interconnectedness of the Tinton Falls section of Fort Monmouth; and 5) open space to benefit the surrounding area.

### 3. **Development & Marketing Update**

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 34 parcels, and another 6 parcels are under contract or have Board-approved contracts.

FMERA's redevelopment continues to move forward, with new homes, business, and amenities coming online on a rolling basis. FMERA had the pleasure of joining the groundbreaking ceremony for the Allison Hall parcel planned for retail, restaurant, and business uses. Among the tenant mix are No Limit Ninja – for an “American Ninja Warrior” experience, Nicols Squash, and “to be announced” restaurateurs. In addition, the Marina at Oceanport recently partnered up with the Mystic Lobster Company to offer a renewed dining experience and Baseline Social is planning for a summer opening of

their new restaurant in the former Commissary. Memories continue to be made at the beautiful Park Loft, with over 220 weddings booked.

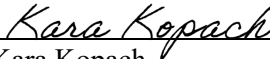
The remainder of FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. Continuous demolition and construction can be seen Fort-wide. As for the Mega Parcel, Netflix received an extension of its due diligence period and is continuing to conduct its due diligence investigations. The FMERA team continues to collaborate with Netflix's professionals on the next steps for a Reuse Plan Amendment for the property.

In conjunction with the Facilities & Infrastructure team, the development team is supporting efforts to have infrastructure updated Fort-wide and for the Mega Parcel, as well as to expend grant funds in support of the same. FMERA has approved numerous MOU's with its municipal and utility partners to expedite the installation of new utility systems that will allow FMERA to decommission all of the former Army systems.

It's been a busy several weeks since FMERA's last monthly Board meeting and our staff is thrilled to have hosted a number of guests from the public, the EDA, and other state agencies. FMERA would like to thank all those who came out for another successful Flag Day celebration in Cowan Park, as well as all of the EDA Board members for touring the property and learning about FMERA's great work. For those of you interested in participating in community events here at the Fort, the Oceanport Stand Up Paddle Board group (located at The Marina) is hosting a charity paddle and river cleanup on June 24<sup>th</sup> from 9:00a.m to 1:00p.m.

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

Type text here

  
Kara Kopach

Prepared by: Regina McGrade

**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**

**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Kara Kopach  
Executive Director

**RE:** Fourth Amendment to the Purchase and Sale & Redevelopment Agreement with RPM Development, LLC for the Nurses Quarters in Oceanport

**DATE:** June 21, 2023

**Request**

I am requesting that the Board approve the execution of the Fourth Amendment to the Purchase and Sale & Redevelopment Agreement (“PSARA”) with RPM Development, LLC (“RPM” or “Purchaser”) to extend the Approval Period until October 14, 2023 and to grant FMERA’s Executive Director delegated authority to approve an additional extension to the Approval Period.

**Background**

On November 13, 2019, the Board authorized the execution of the PSARA between FMERA and RPM Development, LLC (the “Parties”) 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 Nurses Quarters were built in 1962 and include 24 residential units. The PSARA was executed on January 14, 2020.

RPM’s proposal for the Nurses Quarters calls for residential uses consisting of thirty-four (34) residential units broken down into a mix of ten (10) three to four-bedroom owner-occupied townhomes and the reuse of twenty-four (24) one- and two-bedroom apartments as rentals. Seven (7) of the apartments will be designated affordable housing flats. The seven (7) 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.

Purchaser will pay Two Million One Hundred and Fifty Thousand Dollars (\$2,150,000) for the property and shall have a total Capital Investment, net of the Purchase price, of Six Million Six Hundred Ninety Thousand dollars (\$6,690,000). Pursuant to the terms of the PSARA, RPM was provided a sixty (60) day Due Diligence Period commencing on the Effective Date of the PSARA. Per the terms of the PSARA, Closing will occur within thirty (30) days of satisfaction of the Conditions Precedent to Closing, which include RPM completing due diligence and obtaining all approvals or waiving receipt of one or more approvals; an amendment to the Reuse Plan to accommodate the Project; and the consent of the NJEDA Board. Pursuant to the PSARA, the parties will endeavor to satisfy these contingencies within twelve (12) months of expiration of the Due Diligence Period. The Approval Period shall be twelve (12) months commencing on completion of the Due Diligence Period. The Approval Period expired on May 14, 2021.

RPM will commence construction of the Project forty-five (45) days after the satisfaction of all Conditions Precedent to Closing. Purchaser shall complete construction of the Project no later than twenty-four (24) months from the Commencement of Construction. FMERA will have a right to repurchase the Property if construction is not timely commenced or completed. RPM estimates that it will create a minimum of thirty-eight (38) part- or



full-time, temporary construction related jobs in connection with the Project. Purchaser represents that it will create or cause to be created a minimum of one (1) permanent full or part-time job by Project completion or pay a penalty of \$1,500 for each permanent job not created.

### **First Amendment**

Under the terms of the PSARA, Seller was to deliver to Purchaser a survey to be used during Due Diligence for Title review. Due to a delay in the delivery of the survey for the site, RPM requested a Due Diligence extension of sixty (60) days to complete its investigation of the suitability of the Property for redevelopment. FMERA staff requested and the Board approved a Due Diligence extension until May 14, 2020. The First Amendment was executed on March 12, 2020.

### **Second Amendment**

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.

RPM's Approval Period expired on May 14, 2021 and a Reuse Plan Amendment, which is a condition precedent to closing had not yet been adopted. At its March 2022 meeting, 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. At its April 2022 meeting, the FMERA Board approved the Second Amendment to the Agreement, which retroactively extended the Approval Period for six (6) months until January 14, 2023. The Second Amendment was executed on August 15, 2022.

### **Third Amendment**

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 (10) owner-occupied townhouses targeted in the Project be converted to rental units with a reduced footprint of 1850 square feet with no Home Owners Association.

Additionally, on October 12, 2022, RPM requested via email, a six (6) 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.

### **Fourth Amendment**

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 (90) days with the option for FMERA's Executive Director to further extend by an additional ninety (90) days if Purchaser is proceeding in good faith.

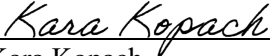
FMERA staff has reviewed this request and recommends that the Board extend the Approval Period by ninety (90) days and grant FMERA's Executive Director delegated authority to extend the Approval Period by an additional ninety (90) days if the Purchaser is proceeding in good faith.



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.

**Recommendation**

In summary, I am requesting that the Board approve the proposed Fourth Amendment to the PSARA with RPM Development, LLC to extend the Approval Period until October 14, 2023 . and to grant FMERA's Executive Director delegated authority to approve an additional extension to the Approval Period.

  
\_\_\_\_\_

Kara Kopach

Attachment: Fourth Amendment to the Purchase and Sale & Redevelopment Agreement  
Prepared by: Sarah Giberson

**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 8<sup>th</sup> 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**

**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Kara Kopach  
Executive Director

**RE:** Eleventh Amendment to Purchase and Sale Agreement with Triumphant Life Church Assembly of God for the Chapel Parcel in Oceanport

**DATE:** June 21, 2023

**Request**

I am requesting that the Board approve the Eleventh Amendment to the Purchase and Sale Agreement (“PSA”) with Triumphant Life Church Assembly of God (“Triumphant Life” or “Purchaser”) for the sale of the Chapel Parcel (the “Project”) in the Oceanport Reuse Area.

**Background**

On December 14, 2016 the Members 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 (approximately 16,372 sf) 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. 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.

Triumphant Life is a registered 501(c)(3) non-profit corporation that has acquired the Property and utilizes this location for its house of worship and community outreach center. Triumphant Life was previously located in Asbury Park, NJ. The Project outlined in the PSA enabled Triumphant Life to relocate staff to this location upon completion of renovations in 2017. The Project was anticipated to result in the creation of an additional ten (10) part-time jobs at Fort Monmouth within eighteen (18) months of completion of initial renovation and receipt of a Certificate of Occupancy.

**Purchase and Sale Agreement**

The PSA was executed on January 6, 2017. Triumphant Life closed on the Chapel property on February 27, 2017. The PSA approved by the Board included the following terms, which remain unchanged:

Pursuant to the terms of the PSA, Triumphant Life paid \$1,000,000.00 for the Property, reflecting its proposal purchase price. Closing occurred within thirty (30) days of satisfaction of the conditions precedent to closing, which included Triumphant Life completing due diligence and receipt of a final remediation document. 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.

The Project consisted of the renovation of the existing structure as a house of worship and community outreach center. Triumphant Life obtained its Certificate of Occupancy within the required twelve (12) months of closing and has used and occupied the existing structure as a Chapel since receipt of that certificate. Under the terms of the Project, the Purchaser had the option to construct a 115-space parking lot on the Property within twelve (12) months of closing. This parking lot shall be subject to review by the State Historic Preservation Officer (“SHPO”) and Purchaser agrees any exterior renovation on the Property shall complement the architecture and design styles of the adjacent National Register Historic District.

## Amendments

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. 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. Purchaser also agreed to provide a promissory note to FMERA guaranteeing the completion of the parking lot within that time frame. FMERA staff believed that this time period was reasonable and recommended extending the construction time for approximately seventy-five (75) days to allow for Triumphant Life to complete the construction of its parking lot. Additionally, Purchaser indicated to FMERA that it would be unable to create ten (10) part-time jobs within eighteen (18) months of completing the initial renovation and receipt of certificate of occupancy. FMERA staff recommended extending the job creation timeline by twelve (12) months.

On August 15, 2018, the FMERA Board approved the First Amendment to the PSA to allow for: 1) a seventy-five (75) day extension of the construction timeline, thereby extending the construction timeline to October 5, 2018 to complete a 115-space paved parking lot on the Property, as referenced in Section 54(c) of the PSA, 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. The First Amendment was executed on September 5, 2018.

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, as referenced in Section 54(c) of the PSA; and 2) a promissory note to guarantee completion of the parking lot within the May 15, 2019 completion date. The Second Amendment was executed on November 3, 2018.

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; 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. The Third Amendment was executed on July 3, 2019.

On September 18, 2019 the FMERA Board approved the Fourth Amendment to the PSA 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. The Fourth Amendment was executed on October 14, 2019.

On April 15, 2020, the FMERA Board approved the Fifth Amendment to the PSA 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. The Fifth Amendment was executed on July 15, 2020.

On August 5th, 2020, Triumphant Life requested via letter correspondence and FMERA approved an extension to the Project Completion to December 31, 2020 under the Executive Director Delegated Authority to approve delays for COVID-19 related reasons for up to five (5) months. The Sixth Amendment was executed on August 31, 2020.

On November 10, 2020, Triumphant Life received the Oceanport Planning Board's approval, however it notified FMERA that it 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. 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.

On May 27, 2021, Triumphant Life requested via email correspondence an extension to the Project Completion to December 31, 2021, citing the need to use financial reserves as contributions from the members had 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. FMERA reviewed the request and agreed to extend the Project Completion date to December 31, 2021. The Eighth Amendment was executed on August 9, 2021.

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 expected 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.

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.

#### **Eleventh Amendment**

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 (6) 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. FMERA staff has reviewed this request and recommends that the Board approve an extension to the project completion timeline by six (6) months or until December 30, 2023, along with an amended promissory note.

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.

#### **Recommendation**

In summary, I am requesting that the Board approve the Eleventh Amendment to the Purchase and Sale Agreement with Triumphant Life Church Assembly of God, for the Chapel Parcel in the Oceanport section of Fort Monmouth.

  
\_\_\_\_\_  
Kara Kopach

Attachment: Eleventh Amendment to Purchase and Sale Agreement  
Promissory Note  
Prepared by: Sarah Giberson

**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**

**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Kara Kopach  
Executive Director

**RE:** Approval of the Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services

**DATE:** June 21, 2023

**Request**

I am requesting that the Board (1) approve 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, which is located in the Oceanport section of Fort Monmouth (the “Project”), and (2) 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.

**Background**

Buildings 550, 551, 555 and 886, which are located on the Main Post of Fort Monmouth, are in locations targeted for utility and infrastructure improvements and/or blight removal. All four buildings are outdated and not suitable for future use. Under its current agreement with Jersey Center Power & Light for buildout of a new substation, FMERA is obligated to demolish Building 886. 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”), referenced below, 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.

**Civil & Environmental Engineering Services MOU**

At its June 2022 meeting, the Board approved a Memorandum of Understanding 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.

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 (3) 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 Sites either together or separately.

Draft plans were to be provided within sixty (60) 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 is expected to be greater than \$19,000, the Borough is 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.

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.

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.

#### **Amended MOU**

Upon the Borough 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.

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.

#### **MOU for Abatement, Demolition, and Project Management for Building 886**

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.

#### **MOU for Abatement, Demolition, and Project Management for Building 555**

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.

The purpose of the "Project" consists of the retention of the Borough's engineer, Colliers, for the abatement and demolition of Building 555 located on the Project Site. Colliers' services shall include: bidding services for abatement and demolition contracts and the oversight of the following tasks: removal of all asbestos containing materials (both friable and non-friable materials) from the interior and exterior sections of Building 555, asbestos abatement monitoring and reporting, post asbestos abatement review and the issuance of a final report, the collection, packaging, labeling, and disposal of universal wastes and other hazardous materials found at Building 555 to identified waste management facilities, potential removal of an underground storage tank, proper termination/abandonment (cut and capping)/deenergizing of existing utilities prior to commencement of

demolition activities, all demolition work and the final restoration (i.e. grading, top soiling, and seeding) of the Project site. Colliers shall conduct a public bidding process for abatement and demolition services.

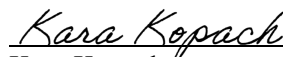
Starting a month after selection of the bidder, Colliers shall prepare and submit weekly summary reporting the status of the Project. The goal of this Project is to facilitate a competitive bidding process for the selection a qualified subcontractor to commence and successfully complete the Project in the most cost-effective manner possible, with oversight from Colliers.

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.

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 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.

### **Recommendation**

In summary, I am requesting that the Board (1) approve 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 (2) 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.

  
\_\_\_\_\_  
Kara Kopach

Attachment: Memorandum of Understanding  
Prepared by: Regina McGrade