

**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 – August 16, 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 the First Amendment to the Memorandum of Understanding between FMERA and the Eatontown Sewerage Authority.
 2. Consideration of Approval of a Purchase and Sale Agreement with the County of Monmouth for a Wetlands Preservation Area on the Woodlands Parcel.
11. **Other Items**
12. **Public Comment Regarding any FMERA Business**
13. **Adjournment**



**Fort Monmouth Economic Revitalization Authority
Board Meeting
July 19, 2023
Public Meeting and Teleconference**

MINUTES OF THE MEETING

Members of the Authority and/or Designees present:

- Anthony Talerico, Jr. – Mayor of Eatontown – V (Serving as Vice-Chairperson)
- Lillian Burry – Monmouth County Commissioner – V
- Stephen Gallo – Public Member – V
- Jay Coffey – Mayor of Oceanport – V
- Tracy Buckley – Tinton Falls Councilwoman – V – Designee
- Jamera Sirmans – Associate Counsel, Governor’s Authorities Unit – V – Designee
- Jorge Santos – Chief Real Estate Development Officer, NJEDA – V – Designee
- Elizabeth Dragon – Assistant Commissioner Community Investment and Economic Revitalization - Designee
- Robert Long – Deputy Commissioner, NJ Department of Community Affairs – Designee
- Wayne Smith – State Veterans Program Coordinator, NJ Department of Labor & Workforce Development – Designee
- William Riviere – Principal Planner, NJ Department of Transportation – Designee

V – Denotes Voting Member

Members of the Authority and/or Designees not present:

Also present:

- Kara Kopach, Executive Director
- FMERA staff:
 - Regina McGrade – Administrative Manager
 - Jennifer Lepore – Accounting Manager
 - Sarah Giberson – Senior Marketing & Real Estate Development Officer
 - 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 5:01 p.m. and followed by the Pledge of Allegiance.

Kara Kopach announced that in accordance with the Open Public Meetings Act, notice of the meeting was sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, and that the meeting notice has been duly posted on the Secretary of State’s bulletin board at the State House, and the FMERA website.

WELCOME

Anthony Talerico, Jr. welcomed attendees to the Authority’s meeting. Mr. Talerico stated that a copy of the Board package was posted to the FMERA website to give the public the opportunity to review the information in advance of the meeting. Mr. Talerico stated that there are 2 public comment periods, the first being public comment regarding any of the Board actions and the second being any FMERA business.

The first item of business was the approval of the June 21st regular meeting minutes. A motion was made to approve the minutes by Steve Gallo and seconded by Jay Coffey.

Kara Kopach conducted a roll call vote.

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

Kara Kopach conducted a roll call vote.

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

Motion to Approve: LILLIAN BURRY Second: JAY COFFEY

Ayes: 7

- 3) Consideration of Approval of an Agreement between FMERA and JCP&L for Installation of Electric Distribution Facilities on the Main Post of Fort Monmouth in Eatontown and Oceanport.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Steve Gallo and was seconded by Lillian Burry.

Kara Kopach conducted a roll call vote.

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

Motion to Approve: STEVE GALLO Second: LILLIAN BURRY

Ayes: 7

OTHER ITEMS

There were no other items before the Board.

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

There was no public comment.

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

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

Kara Kopach
Kara Kopach - Secretary

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

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

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

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

WHEREAS, TRWRA, by that certain Participant Agreement dated June 20, 1967, is the duly designated sanitation sewer service provider for the Borough of Oceanport. FMERA and TRWRA intend to work together to replace the Local Sewer System in the Boroughs of Oceanport and Eatontown sections of the former Fort Monmouth US Army military post in order to prepare that area for redevelopment and reuse. The Parcels and a portion of the Gravity Sanitary Sewer Extension Lines, located within the Borough of Eatontown or intended to be located in Eatontown after a proposed municipal boundary change, will be served by Gravity Sanitary Lines located in Oceanport and under the jurisdiction of TRWRA; and

WHEREAS, to further the intention of working together to replace the Local Sewer System, the Parties now intend to enter into an MOU for the Design and Engineering Work providing sanitary sewer service for the Parcels located in Eatontown. The Parties intend to enter into a subsequent MOU to address the construction and installation of improvements for the Gravity Sanitary Sewer Extension Lines of the former Fort Monmouth US Army military base to Parcels 7 and 8; and

WHEREAS, the Project consists of the Design and Engineering Work of Gravity Sanitary Sewer Lines to be prepared by Colliers Engineering & Design. The Parcels will be served by an extension of the sanitary sewer in Oceanport Way, which is currently under construction. The gravity sewer extension to serve the Parcels will allow for the future connection of the Parcels, with the actual improvements on the Parcels to be designed and constructed by future developers; and

WHEREAS, the Parties intend this Project to be only the design and engineering of an extension of the Oceanport Way Gravity Lines needed to service the Parcels in the Eatontown section of the Fort. The Project does not include any actual design on the Parcels, but the design will identify those areas that can be serviced by the Oceanport Way extension. The Project includes the preparation of Plans and Specifications to publicly bid the project. This Project does not include installation of new service lines. All future tie-ins shall be the responsibility of any developer(s) of adjacent properties; and

WHEREAS, the Project Site is known as Parcel 7 and Parcel 8 in the FMERA redevelopment plan as shown on the attached map as Exhibit A. The Design and Engineering Work consists of the following tasks, as more fully set forth in Exhibit B; 1) design and engineer all sewer infrastructure needed to extend the sanitary sewer under construction in Oceanport Way to serve the Parcels; and 2) prepare a Scope of Services for the Construction and Installation Work to prepare the same for public bidding. It is understood that TRWRA will oversee the Construction and Installation Work; and

WHEREAS, FMERA shall pay 100% of the costs of the Project not to exceed Ninety-Five Thousand Five Hundred Dollars (\$95,500.00), including but not limited to consulting fees, design fees, permit costs, and all design and engineering costs associated with or arising from the Project. The cost of the actual permits is not included in the \$95,500.00 fee. TRWRA will return to FMERA upon completion of the Project any amount of the Project Costs that is not expended for the Project; and

WHEREAS, the Parties understand and agree that FMERA may utilize federal funding available under the American Rescue Plan Act of 2021 ("Federal Funds") to pay for the Project Costs. Notwithstanding the above, FMERA may choose to utilize other funds for the Project Costs either to supplement or in lieu of Federal Funds; and

WHEREAS, the Parties acknowledge that TRWRA will develop the Engineering and Designs which will be used by TRWRA to enter into a contract(s) with the lowest responsible bidder for the construction and installation work as required by the Local Public Contracts Law. TRWRA, in consultation with FMERA, will develop the Scope of Service for the bid package for the construction and installation contract and TRWRA, in consultation with Colliers Engineering and Design, will prepare and issue the Plans and Specifications for the Bid Package for the Construction and Installation Contract(s); and

WHEREAS, contemporaneously with the MOU, FMERA is entering into a Grant Agreement with TRWRA in order to permit FMERA to disburse \$95,500.00 from the Appropriated Funds to TRWRA for the costs of the Project. TRWRA may propose to amend Project Costs by providing written notice of the proposed amendment to FMERA, which shall be subject to FMERA's approval.; and

WHEREAS, TRWRA shall hold the Grant Funds in escrow and shall use Grant Funds solely as necessary for Project Costs. Upon execution of this Agreement and commencement of the Project, and until Project completion, TRWRA agrees to submit to FMERA monthly financial reports. The monthly reports should be sufficiently detailed to allow FMERA's staff to review; and

WHEREAS, in addition, staff requests 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 and Grant Agreement between FMERA and TRWRA are in substantially final form. The final terms of the MOU and Grant Agreement will be subject to the approval of FMERA's Executive Director and a review as to the form by the Attorney General's Office. The 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 1) a Memorandum of Understanding and Grant Agreement between the Fort Monmouth Economic Revitalization Authority and the Two Rivers Water Reclamation Authority for the funding and

design (including preparation of all applications and associated, prerequisite environmental, engineering services), and survey for the Gravity Sanitary Sewer Extension Lines to serve Parcels 7 and 8; and (2) the grant of delegated authority to the Executive Director to increase Project Costs by an amount not to exceed 10% of the Project Costs for unforeseen costs associated with the Project.

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: July 19, 2023

EXHIBIT 1

Resolution Regarding
Second Amendment to the Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the Two Rivers Water Reclamation Authority

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

WHEREAS, on July 8, 2022, FMERA and TRWRA entered into a MOU and Grant Agreement to commission the installation and construction of the replacement sewer mains for the Oceanport section of the Fort Monmouth US Army military post in an amount not to exceed \$3,985,908 (collectively “July 2022 MOU and Grant Agreement”). The July 2022 MOU and Grant Agreement included the installation and construction of the necessary Phase Two New Gravity Sanitary Sewer Lines to service the portions of the Oceanport section of the former Fort which includes Barker Circle, the Oceanport Municipal Complex, the Homeless Shelter, the Baseline, AcuteCare and the South Post; and

WHEREAS, FMERA paid 100% of the costs of the Project in an amount not to exceed Three Million Nine Hundred Eighty-Five Thousand Nine Hundred and Eight (\$3,985,908.00) Dollars (“Project Costs”), including but not limited to consulting fees, design fees, permit costs, and all construction costs associated with or arising from the Project. FMERA’s Executive Director was granted delegated authority to increase Project Costs in an amount not to exceed 10% of the Project Costs. The Parties reserved the right to reject all bids should the costs for construction and construction observation engineering services exceed the Project Costs. FMERA paid the Project Cost associated with the Construction and Installation Work that resulted from the award of a contract by TRWRA pursuant to the Bid Specifications agreed to by the Parties. The Parties understand and agree that FMERA may utilize federal funding available under the American Rescue Plan Act of 2021 (“Federal Funds”) to pay for the Project Costs or utilize other funds for the Project Costs either to supplement or in lieu of Federal Funds; and

WHEREAS in accordance with Section 6(a), of the MOU, FMERA provided 100% of the Project Costs to TRWRA to be kept in escrow and utilized as necessary to complete the Project; and

WHEREAS, since the execution of the July 2022 MOU and Grant Agreement, TRWRA publicly bid and awarded the construction contract to PM Construction Corporation. PM Construction’s base bid was for \$2,115,110. In addition to the base bid, TRWRA sought and received bids for an additional segment of the sewer line on Malterer Avenue. PM Construction’s Alternative Bid was for \$878,012.1 and

WHEREAS, additionally, FMERA requested that the sewer line be extended from the Malterer Avenue sewer in order to connect the FMERA office (Building 502) and the Fort Athletic Club. PM Construction submitted a proposal in the amount of \$256,503.98 to construct said Malterer Avenue Extension. These two extensions will help to facilitate the replacement of the old Army sewer system in the Oceanport Area of the Fort and expedite future development; and

WHEREAS, on March 31, 2023, FMERA and TRWRA entered into the First Amendment to the MOU concerning the Construction of the Phase Two New Gravity Sanitary Sewer Lines to amend the Construction and Installation Work identified in the July 8, 2022 Phase 2 MOU to include: (i) an additional sewer line on Malterer Avenue and (ii) an extension to the Malterer Avenue line to connect the Fort Athletic Club and the FMERA office (Building 502) to the new Malterer Avenue line; and

WHEREAS, FMERA and TRWRA now seek to amend the Construction and Installation work to include an extension to the Russel Hall property (the “Russel Hall Extension”), across a portion of Avenue of Memories (aka Saltzman Avenue) as the defined areas within the Oceanport section of Fort Monmouth. Costs for the extension are estimated to be \$91,233.12. The extension will facilitate the replacement of the Army sewer system; and

WHEREAS, the Phase Two MOU will be amended and supplemented to reflect that the Parties agree that, in addition to those plans identified as Exhibits A, B & C that were attached and incorporated into the Phase Two MOU, the Phase Two MOU is now amended to include Colliers plans, the Sanitary Sewer Plan, attached hereto as Exhibit D. All other terms of the July 2022 MOU, as amended, remain the same; and

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

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the Second Amendment to the Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the Two Rivers Water Reclamation Authority for construction and installation of the Phase Two Gravity Sanitary Sewer Lines serving the Oceanport Fort property located within the Borough of Oceanport and with final terms acceptable to the Executive Director and a review as to form by the Attorney General’s Office and authorizes the Executive Director to execute the Agreement.

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

Attachment

Dated: July 19, 2023

EXHIBIT 2

**Resolution Regarding
Agreement between FMERA and JCP&L for Installation of Electric Distribution Facilities on the Main Post of
Fort Monmouth in Eatontown and Oceanport**

WHEREAS, pursuant to the Fiscal Year 2022 Appropriations Act, L. 2021, c.,191, Twelve Million Five Hundred Thousand dollars (\$12,500,000) of State Funds were appropriated for Fort Monmouth Electrical and Transportation; and

WHEREAS, FMERA's electrical infrastructure on the Main Post is aged and trending toward obsolesce, as a result, FMERA must replace this infrastructure with a new substation and ancillary electrical equipment including a new distribution grid. Based on the aforementioned funds, FMERA initiated conversations with JCP&L to fund new electrical infrastructure on the Main Post; and

WHEREAS, in February 2022, the FMERA Board approved an Agreement for the Installation of Electric Distribution Facilities for installation of a 22MVA substation ("Substation Agreement"). Per the Substation Agreement, JCP&L would provide the Fort Monmouth Main Post located in Oceanport and Eatontown with up to 17,000kVA of capacity to serve development within the FMERA property and JCP&L agreed to install a 22MVA substation. The Substation Agreement was executed on March 15, 2022. On March 23, 2022, FMERA transferred \$3,721,561.00, (the "Deposit") in state funds to JCP&L for the Project; and

WHEREAS, BPU No. 13, Electric, Company's Tariff for Service which is on file with, and approved by, the New Jersey Board of Public Utilities, directs the JCP&L to evaluate customer requests to increase capacity or extend facilities based on the expected return on investment to the Company, taking into account any contribution by the Customer to such costs. FMERA has requested that JCP&L extend electric distribution facilities to the parcels at the Premises. The request by FMERA to extend the electric distribution facilities will connect to the 22MVA substation and will be in conjunction with the Substation Agreement; and

WHEREAS, in compliance with the Tariff, JCP&L has evaluated FMERA's request to extend facilities and/or increase capacity and has determined that JCP&L is agreeable to proceed with the installation of the Extension based upon the terms of the Agreement; and

WHEREAS, for the purposes of the Agreement and the purpose of the Appropriated Funds, the cost to be paid in advance by FMERA for the Extension (in accordance with Company's invoicing and payment instructions) is separated into two components: (a) the non-refundable cost for FMERA requested special service location or installation costs which amounts to \$331,520.86 (the "Contribution"); and (b) the balance of \$5,094,062.14 (the "Deposit"), of which \$5,094,062.14 is subject to refund as described in the Agreement. Both the Contribution and the Deposit shall be subject to a final reconciliation for actual costs as described in the Agreement. FMERA shall have the opportunity for possible refunding of their deposit toward such Extension costs, through the ten (10) year term of the Agreement; and

WHEREAS, per the terms of the Agreement, at FMERA's sole expense, JCP&L agrees: (a) to use its best efforts to obtain the necessary rights-of-way and consents, and having obtained same, (b) to furnish with reasonable diligence, the necessary labor and materials to construct and complete an Extension to serve the Service Location. The Agreement shall become null and void and the obligations and covenants of the Parties under the Agreement shall cease to be effective in the event that the Company is unable to acquire any necessary rights-of-way and consents; and

WHEREAS, the Agreement shall become effective on the date of execution by the last of the Parties to sign and shall terminate upon the fulfillment of all terms and conditions specified in the Agreement provided, however, that FMERA executes in duplicate and returns the Agreement to the Company and the Company accepts and executes the Agreement within thirty (30) days from the day and year specified at the beginning of the Agreement; and

WHEREAS, JCP&L shall complete the Extension in accordance with the terms of the Agreement and by no later than September 1, 2026. JCP&L agrees that within thirty days of receipt of the payment for the Project, it will order all necessary parts and materials to complete the Extension, and further agrees to store all necessary parts and materials to complete the Project at a JCP&L owned site specifically designated for materials solely for this Extension. JCP&L shall be

responsible for securing said materials. FMERA agrees to pay an additional fee of up to \$250,000 to store the necessary parts and materials separate and apart from the general JCP&L supply. These designated parts, materials, and equipment shall not be used for any other purpose, other than to complete the Extension; and

WHEREAS, in accordance with the FMERA's request, the Extension will not include the installation of any transformation facilities or the connection of any specific distribution service. Distribution service shall be provided to future customers at the parcels shown in Attachment A upon individual request by said customers. The provision of such distribution service shall be subject to the requesting customer's execution of a separate agreement for an extension of electric distribution facilities and service shall be provided in accordance with BPU regulations and the Tariff; and

WHEREAS, JCP&L and FMERA agree to execute Company's Right-of-Way Agreement, which becomes an integral part of the Agreement and includes provisions for applicable environmental covenants of record, application of New Jersey tort law to the agreement, and any applicable indemnification provisions required by law; and

WHEREAS, if upon commencing installation of the line Extension, JCP&L encounters unanticipated conditions such as environmental concerns, digging in conditions requiring additional equipment, or other obstacles that do not allow standard design methods of construction to be employed, then the costs that were developed for this Agreement, which were based upon standard design, shall be deemed null and void. JCP&L will redesign the Extension job based upon actual field conditions and present FMERA with modified costs and/or methods of installation which will constitute an addendum to the Agreement; and

WHEREAS, FMERA has requested and JCP&L has agreed to perform the trenching and installing of conduit in such trench in accordance with JCP&L's specifications at FMERA's expense. The trenching and conduit installation shall be coordinated and performed by JCP&L so as to coincide with the installation schedule of JCP&L and Communications Companies. To the extent and for so long as the trenching and conduit installation is not so performed or does not comply, neither JCP&L nor any Communications Company shall have any obligation to install its facilities therein or otherwise supply service for the Extension; and

WHEREAS, all service installation work to be performed by FMERA at the Premises in order to accommodate the Extension is to be done in accordance with the applicable National Electric Code and the most current edition of the JCP&L's *Customer Guidance for Electric Service* and any changes, revisions or amendments thereto. If applicable, FMERA is also required to furnish and install a JCP&L approved meter-mounting device, as well as the 3" meter riser conduit on the utility side and any necessary service conduit on the load side of the meter-mounting device; and

WHEREAS, the payments by FMERA under the Agreement, totaling \$5,425,583 shall be paid in full prior to JCP&L commencing any construction work on the Extension. Upon completion of the Extension, JCP&L shall provide FMERA with an accounting of the total actual costs for completion of the Extension ("Final Extension Costs"), including a breakdown of the division of costs between the work associated with the Deposit and the Contribution. In the event that Final Extension Costs exceed the total payments made by FMERA under this Agreement, FMERA shall make a final reconciliation payment to JCP&L, which may consist of amounts that will be put toward either the Contribution or the Deposit as appropriate, in the amount of the difference between the Final Extension Costs and the total amount previously paid by the Customer under the Agreement; provided, however, payments by FMERA above ten (10%) percent of the \$5,425,583.00 shall be subject to FMERA's Board's approval; and

WHEREAS, in the event FMERA requests additional modification(s) not contemplated by this Agreement, JCP&L shall be under no obligation to undertake such modification(s) until: (i) Customer submits a detailed written request for any and all additional modification(s); (ii) JCP&L provides a revised cost estimate for the Extension including the requested modification(s); (iii) JCP&L and FMERA determine whether the Revised Cost Estimate would be within the ten percent margin not subject to FMERA's Board Approval; (iv) JCP&L provides written confirmation that they have necessary approvals to incur the Revised Cost Estimate; and (v) no change, amendment or modification to this Agreement to perform FMERA's additional modification(s) will be binding upon JCP&L without JCP&L's written approval; 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 Agreement for Installation of Electric Distribution Facilities between FMERA and JCP&L is in substantially final form. The final terms of the agreement will be subject to the approval of JCP&L, FMERA's Executive Director and a review as to the form of the agreement by the Attorney General's Office; and

WHEREAS, the Audit Committee reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves 1) an Agreement between Jersey Central Power & Light Company and the Fort Monmouth Economic Revitalization Authority for the installation of Electric Distribution Facilities on the Main Post of Fort Monmouth up to an amount not to exceed \$5,425,583; 2) grant delegated authority to FMERA's Executive Director for costs exceeding 10% of the total costs, and 3) approve costs for storage of the project materials up to an amount not to exceed \$250,000 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: July 19, 2023

EXHIBIT 3

MEMORANDUM

To: Members of the Board

From: Kara Kopach
Executive Director

Date: August 16, 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

The budget process for 2024 is about to get underway. In the coming weeks, FMERA staff will hold budget sessions and begin drafting the 2024 FMERA Budget. The draft budget will then be presented to the Audit Committee for their review. The 2024 FMERA Budget is scheduled to be brought to the Board for its consideration and approval at the December meeting.

Executive Director's Report

1. Update on Utilities and Infrastructure

- Construction on the new, east interceptor, and force main along Oceanport Avenue is substantially complete. The new sanitary pump station has an expected completion and TRWRA acceptance of mid-September. The remaining issues include the delivery of the permanent pumps, a control panel component, and the emergency generator.
- The Phase II project, which includes the Barker Circle line, the South Interceptor, and the Malterer Avenue main, continues. PM Construction has installed the first segment across the Barker Circle parcel and are now working on Oceanport Way at Anson Avenue. The completed project, along with the East Interceptor and Pump Station, will receive sanitary outfall from most 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 remaining pump station, though not decommissioned, was shut down last September.
- 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 install the necessary sewer improvements to divert flow into Eatontown.
- FMERA & JCP&L contracted in 2022 for the proposed electrical substation parcel. FMERA and JCP&L have executed the Distribution Agreement and will be working on 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. In the Oceanport section of the Fort, Allison Hall is rehabilitating three structures on the site and site prep for the remaining new construction, new homes continue to populate the Parkers Creek development by Pulte, and Baseline Social nears its opening at the former Commissary. In Eatontown, progress continues on the historic rehabilitation and renovation of Gibbs Hall which is anticipated to be open at the end of August and construction of new housing on the course is ongoing. Lennar's project plans at the Howard Commons property are scheduled for review by the Eatontown Planning Board

within the next month. In Tinton Falls, most of the Charles Wood area is already developed, with second generation projects underway, in addition to the planned construction of RWJBarnabas Health's medical campus.

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 otherwise 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. FMERA is pleased to take the next step in establishing a new electrical grid on the Main Post, by executing a distribution agreement with JCP&L in the near future.

As businesses and amenities come online, FMERA continues to create visibility for these new assets through our social media as well as through our on-site wayfinding signage initiative. FMERA plans to install an additional two signs in the coming weeks. Our team will continue to provide updates to the public regarding on-going activities at the Fort that our stakeholders may participate in. This fall, we look forward to supporting NJCU's third blood drive at their campus on September 12th. Please visit nybc.org/drive for more information.

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



Kara Kopach

Prepared by: Regina McGrade

Resolution Regarding
First Amendment to the Memorandum of Understanding between the Fort Monmouth Economic
Revitalization Authority and the Eatontown Sewerage Authority

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

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

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

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

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

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

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

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

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

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

WHEREAS, the attached First Amendment to the MOU between FMERA and the ESA is in substantially final form. The final terms of the MOU will be subject to the approval of ESA, FMERA's Executive Director and a review as to the form by the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the First Amendment to the Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the Eatontown Sewerage Authority forming an interagency agreement for the funding and construction of the necessary New Wilson Avenue Gravity Sanitary Sewer Lines to provide sewer service for the portions of the former Fort Monmouth US Army military post located within the Borough of Eatontown.

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

Attachment

Dated: August 16, 2023

EXHIBIT 1

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

RE: First Amendment to the Memorandum of Understanding between FMERA and the Eatontown Sewerage Authority.

DATE: August 16, 2023

Request

I am requesting that the Board approve the First Amendment to the Wilson Avenue Memorandum of Understanding (“Wilson Avenue MOU”) between the Fort Monmouth Economic Revitalization Authority (“FMERA”) and the Eatontown Sewerage Authority (“ESA”) (collectively the “Parties”) amending an interagency agreement for the funding and construction (including preparation of all applications and associated, prerequisite environmental, engineering services and construction permits), of the necessary New Wilson Avenue Gravity Sanitary Sewer Lines (the “Project”) to provide sewer service for the portions of the former Fort Monmouth US Army military post located within the Borough of Eatontown t.

Background

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.

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.

Memorandum of Understanding

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

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

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.

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

First Amendment to the MOU

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

The Parties now seek to amend the Wilson Avenue MOU to modify the Project Costs to provide adequate funds to complete the Project. ESA intends to engage with the second lowest qualified bidder to complete the Project contingent upon the approval of the increased Project Costs in the amount of Eight Hundred and Seventy-Eight Thousand Nine Hundred and Five Dollars and Ninety-Eight Cents (\$878,905.98). Construction costs estimates previously attached to the Wilson Avenue MOU will be replaced with the new Construction Cost Estimation attached as **Exhibit B**. ESA shall not be required to utilize any of its own funds to pay costs or expenses for the Project and will return to FMERA upon completion of the Project any amount of the Project Costs that are not expended for the Project.

All other terms of the Wilson Avenue MOU remain unchanged.

The attached First Amendment to the MOU between FMERA and the ESA is in substantially final form. The final terms of the MOU will be subject to the approval of ESA, FMERA's Executive Director and a review as to the form by the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board approve the First Amendment to the Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the Eatontown Sewerage Authority amending 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.


Kara Kopach

Attachments: First Amendment to the Memorandum of Understanding
Exhibit B

Prepared by: Regina McGrade

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

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

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

WHEREAS, per the PSA, Purchaser will have a ninety-day Due Diligence Period to investigate the “As Is” condition of the Property, including environmental investigations and survey work commencing on the Effective Date of the PSA with an option to extend Due Diligence for one additional thirty-day period. Since the Property will not be redeveloped, an Approval Period is not required. Closing may occur within thirty days after completion of Due Diligence. FMERA will convey the Property to the County in as-is condition, but with clear title and subject to the Army’s on-going obligations under CERCLA to address any pre-existing contamination that may exist on the Property. As this is a preservation initiative, no jobs will be created at the site and the County will invest approximately \$5,000 to improve the Property; and

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

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

WHEREAS, attached is the PSA between FMERA and the County of Monmouth which is in substantially final form. The final terms of the PSA will be subject to the approval of the County of Monmouth, FMERA’s Executive Director, and a review as to form by the Attorney General’s Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves FMERA staff to enter into a Purchase and Sale Agreement with the County of Monmouth for a 23.78-acre tract known as the Woodland Parcel bounded roughly by Hope Road, the Fabrication Shops Parcel, Laboratory Road, and the Anthem Place residential development in the Tinton Falls Section of Fort Monmouth, New Jersey.

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

Attachment

Dated: August 16, 2023

EXHIBIT 2

MEMORANDUM

TO: Members of the Board

FROM: Kara Kopach
Executive Director

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

DATE: August 16, 2023

Request

I am requesting that the Board authorize the execution of a Purchase and Sale Agreement (“PSA”) with the County of Monmouth (“County”) for a 23.78-acre tract known as the Woodland Parcel (“the Property”) bounded roughly by Hope Road, the Fabrication Shops Parcel, Laboratory Road, and the Anthem Place residential development in the Tinton Falls Section of Fort Monmouth, New Jersey.

Background

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

Purchase and Sale Agreement

FMERA staff is pleased to report that negotiations with the County have resulted in the following terms: The County will pay \$63,000.00 for the approximately 23.78-acre property for county open space preservation, as a publicly accessible Monmouth County park for passive open space/recreation uses. The County also has the option to include a wetlands boardwalk and/or walking path for public use, so long as only minor site plan or approval would be necessary and subject to review and approval by FMERA. Per the PSA, Purchaser will have a ninety (90) day Due Diligence Period commencing on the Effective Date of the PSA with an option to extend Due Diligence for one (1) additional thirty (30) day period. Since the Property will not be redeveloped, an Approval Period is not required. Closing may occur within thirty (30) days after completion of Due Diligence. FMERA will convey the Property to the County in as-is condition, but with clear title and subject to the Army’s on-going obligations under CERCLA to address any pre-existing contamination that may exist on the Property. As this is a preservation initiative, no jobs will be created at the site and the County will invest approximately \$5,000 to improve the Property.

The Property shall be transferred subject to a public open space deed restriction.

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

Attached is the PSA between FMERA and the County of Monmouth which is substantially final form. The final terms of the PSA will be subject to the approval of the County of Monmouth, FMERA's Executive Director, and a review as to form by the Attorney General's Office. The Real Estate Committee has reviewed the request and recommends it to the Board for approval.

Recommendation

In summary, I am requesting that the Board authorize FMERA staff to enter into a Purchase and Sale Agreement with the County of Monmouth for the Woodlands Parcel in Tinton Falls.

Kara Kopach

Kara Kopach

Attachment: LBU Score Sheet
PSA
Prepared by: Sarah Giberson

Tinton Falls Wetlands

		Eval. 1		Eval. 2		Eval. 3			
	Criteria	Weight	Score (1 - 10)	Total Points	Score (1 - 10)	Total Points	Score (1 - 10)	Total Points	Average
1	Surrounding area (neighborhood) continuity	10	10	100	10	100	10	100	100
2	Sustains or creates jobs for municipality/county	15	1	15	2	30	1	15	20
3	Enhances services to municipality/county	15	10	150	9	135	10	150	145
4	Regional fiscal impact	15	4	60	4	60	1	15	45
5	Use enhances ability to attract jobs to adjacent tracts	10	1	10	5	50	1	10	23
6	Public good, public safety, or public education	20	10	200	10	200	10	200	200
7	Reduces FMERA infrastructure or demolition costs	15	5	75	5	75	10	150	100
TOTAL		100	41	610	45	650	43	640	633