

**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 – April 17, 2024**

1. **Call to Order**
2. **Notice of Public Meeting**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **Welcome**
6. **Approval of Previous Month’s Board Meeting Minutes**
7. **Executive Director/Secretary Report & Update**
8. **Public Comment Regarding Board Action Items**
9. **Committee Reports**
  - Audit Committee – Anthony Talerico, Jr., Chairman
  - Real Estate Committee – McKenzie Wilson, Chairwoman
  - Environmental Staff Advisory Committee – Elizabeth Dragon, Chairwoman
  - Historical Preservation Staff Advisory Committee – Tom Tvrdik, Chairman
  - Housing Staff Advisory Committee – Vacant, Chairperson
  - Veterans Staff Advisory Committee – Vacant, Chairperson
10. **Board Actions**
  1. Consideration of Approval of the Reinstatement and First Amendment to the Purchase and Sale Agreement with the County of Monmouth for the Wetlands Preservation Area on the Woodlands Parcel.
  2. Consideration of Approval of the Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault Tinton Falls Urban Renewal, LLC for the Charles Wood Fire Station Parcel in Tinton Falls.
  3. Consideration of Approval of the Interagency Agreement between FMERA and the Borough of Eatontown to contract for engineering services.
11. **Other Items**
12. **Public Comment Regarding any FMERA Business**
13. **Adjournment**



**MEMORANDUM**

**To:** Members of the Board

**From:** Kara Kopach  
Executive Director

**Date:** April 17, 2024

**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**

FMERA staff is preparing the first quarter financial and operational summary for 2024. Staff will review and assess the quarter's performance against the 2024 organizational goals and budget.

The Authority's independent auditors, CliftonLarsonAllen, LLP, have completed their fieldwork and continue their audit of the Authority's 2023 operations. The auditors will report their findings to the Audit Committee at the Committee's May meeting. Subject to the Audit Committee's recommendation, the 2023 Comprehensive Annual Report including the audited financial statements will be forwarded to the Board for their review and approval at the May meeting.

**Executive Director's Report**

- **Update on Utilities and Infrastructure**
  - FMERA expects to close-out the East Interceptor, South Interceptor, and Malterer Avenue sanitary main contracts in Oceanport, and the Wilson Avenue sanitary main contract in Eatontown during the 2<sup>nd</sup> quarter of 2024. The sewer contractor for the South Interceptor will complete final paving on Oceanport Way south of the Oceanport Borough Hall in the coming weeks.
  - FMERA has obtained asbestos surveys for the remaining out-of-service sanitary pump stations, with abatement and demolition of the structures to follow. Only one of the eleven main post pump stations left by the Army remain active and that one will be de-energized in the next 60 days.
  - The 600 Area water service line project has commenced. Work is expected to be completed by the end of May.
  - FMERA staff continues to work with Jersey Central, Power & Light toward the construction of a new 22-megawatt electrical substation and 15KVA distribution system on the main post. This new infrastructure will replace the existing 4160V electrical system and make JCP&L the primary power provider, eventually taking FMERA out of the power supply business. FMERA continues to repair, replace, and maintain aged electrical infrastructure on the fort pending the commissioning of the new substation and distribution system.
  - The abatement of Buildings 550 and 551 has commenced, with demolition to follow. Project completion is expected by the end of May 2024.
  - Through a Board approved MOU with Oceanport, FMERA is utilizing Colliers Engineering to investigate/evaluate the current condition of stormwater infrastructure located on the Main Post of Fort Monmouth. The project also involves identifying and recording necessary repairs and/or replacements to pipes, manholes, catch basins and outfall structures.

The goal of the project is to convey ownership of stormwater infrastructure to the Boroughs of Eatontown and Oceanport once the stormwater infrastructure study is completed and all necessary repairs are made.

- The Facilities and On-site Maintenance Teams continues to maintain and repair heat systems and fire suppressions systems of buildings to be reused by the 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 and medical offices.
- Oceanport Municipal Complex on August 16, 2017, where the Borough of Oceanport purchased the property for their new Oceanport Borough Hall, Police Department, Department of Public Works and Office of Emergency Management.
- 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.
- 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 200 weddings and events since opening.
- 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 in 2022, Baseline Social, a full-service state of the art bar and restaurant opened this summer and Mr. Green Tea, the specialty mochi and ice cream distributor is also open.
- 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, being 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, who has upgraded the existing Golf Course and renovated the historic Gibbs Hall. Martelli Signature Homes 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 property:

- Howard Commons, with Lennar Corporation for the construction of 275 Housing Units along Pinebrook Road, together with a retail component consisting of a maximum building square footage of 40,000 fronting on Hope Road and the paved and parking areas located within the property. Lennar has an obligation to provide twenty units of supportive housing on the property.

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 7 parcels are under contract or have Board-approved contracts for a first-generation project.

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 has begun construction of its new facilities, new homes continue to populate the Parkers Creek development by Pulte, and Baseline Social is now open, offering dining and interactive experiences, like golf caves and live music, at the former Commissary. Mr. Green Tea, the specialty mochi and ice cream distributor is also open, alongside Baseline and Birdsmouth Brewery. In Eatontown, the historic rehabilitation and renovation of Gibbs Hall is now complete and construction of new housing on the course is on-going. Lennar's professionals have started work on-site at the Howard Commons property. Martelli Development continues to make excellent progress on the residential component of Suneagles Golf Course, The Ridge, and is also nearing completion on its affordable housing units. In Tinton Falls, most of the Charles Wood area is already developed. However, construction of RWJBarnabas Health's medical campus has begun with the 100,000 sf Cancer Center. Trinity Hall's Redevelopment Agreement for a third phase of development was recently approved and FMERA recently issued a final Mandatory Conceptual Review letter for Trinity Hall's third-generation project.

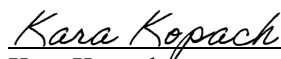
The remainder of FMERA's projects are in various stages of development, many of which are still in the due diligence, design, and approvals phases. Continuous demolition and construction can otherwise be seen Fort-wide. As for the Mega Parcel, FMERA's Board adopted Plan Amendment #20 at its February meeting, paving the way for Netflix to move into its approvals process. At present, Netflix is finalizing their Phase 1a site plans to be submitted to FMERA for Mandatory Conceptual Review and ultimately to the municipalities and the County for review and consideration. While the developer continues to move forward ahead of schedule, the approval period is 36 months and substantial administrative work needs to be completed before the public can expect to see any visible changes to the site. FMERA staff will begin the process of drafting its next Request for Offers to Purchase for an affordable housing development on the Eatontown Housing Parcel, which is also subject to Plan Amendment # 20.

FMERA is actively working to promote the services and opportunities now available at the Fort through media, meetings, and additional speaking engagements. FMERA is scheduled to speak at the Monmouth County chapter of Alliance for Action's May meeting as well as at Monmouth Ocean Development Council's State of the Jersey Shore on May 30th.

FMERA staff has begun work on its 2023 Annual Report, which will be presented to FMERA's Board in the spring. Following its approval, the report will be made available to the public.

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 is currently in the process of organizing its next blood drive in partnership with the Fort Athletic Club. Our team will continue to provide updates to the public regarding on-going activities at the Fort that our stakeholders may participate in.

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

  
Kara Kopach

Prepared by: Regina McGrade

**Resolution Regarding  
Reinstatement and First Amendment to the Purchase and Sale Agreement with the County of Monmouth  
for the Wetlands Preservation Area on the Woodlands Parcel**

**WHEREAS**, The County of Monmouth requested that the Woodlands Parcel conveyance (the “Property”) be administered as a Local Beneficial Use (“LBU”) transaction. On May 18, 2016, the Board approved Evaluation Scoring for Local Beneficial Use Requests. Accordingly, the County’s proposed use of the Property was reviewed and scored by FMERA staff utilizing the Board approved LBU criteria. This scoring criteria was 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 and the scoring of the County's proposed use of the Property was 633, which entitled the Borough to a discount of 30%, resulting in a purchase price of \$63,000.00; and

**WHEREAS**, pursuant to the terms of the PSA approved by the Board in July 2023, and executed December 6, 2023, 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, as 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 (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 of title may occur within thirty (30) days after the 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**, by email correspondence dated November 7, 2023, the County requested that FMERA deliver the Property in two quitclaim deeds; one deed to permit a right of way outside the Green Acres restricted portion of the Property that would be funded through the County’s general funds (the “ROW Parcel”) and the second deed to allow for a transfer of the portion of the Property that is not subject to the open space deed restriction (the “Open Space Parcel”); and

**WHEREAS**, FMERA has no objection to this request but noted that: 1) an updated survey is required to delineate the acreage, and 2) upon receipt of this acreage, the purchase price will need to be apportioned to reflect the pro rata cost per acre between the two parcels (a) Open Space Parcel and (b) ROW Parcel, which shall not be less than \$53,550 in the aggregate. The First Amendment requests that staff have delegated authority to issue the two requested deeds, subject to receipt of an ALTA survey from the County; and

**WHEREAS**, further, the County requested via a letter dated February 23, 2024, a 30-day extension to the Due Diligence Period as permitted under Section 1(m) of the Agreement, and FMERA granted the request subject to the Executive Director’s delegated authority. The Due Diligence Period was set to expire on April 5, 2024, and the County conditionally terminated the PSA and requested ninety days to solicit a new surveyor and further investigate three areas of concern identified on the Property during the Due Diligence Period, pursuant to a letter dated March 21, 2024; and

**WHEREAS**, attached in substantially final form is the Reinstatement and First Amendment to the PSA between FMERA and the County of Monmouth. The final terms of the Reinstatement and First Amendment to the PSA are subject

to the approval of FMERA's Executive Director, the County of Monmouth and by the Attorney General's Office as to form. 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 execution of the Reinstatement and First Amendment to the Purchase and Sale Agreement with the County of Monmouth for the Woodlands Parcel in Tinton Falls.

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: April 17, 2024**

**EXHIBIT 1**

Draft

**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Kara Kopach  
Executive Director

**RE:** Reinstatement and First Amendment to the Purchase and Sale Agreement with the County of Monmouth for the Wetlands Preservation Area on the Woodlands Parcel

**DATE:** April 17, 2024

**Request**

I am requesting that the Board approve the Reinstatement and First Amendment to the 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 Borough requested that this conveyance be administered as a Local Beneficial Use (“LBU”) transaction. Accordingly, the Borough’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 was 633, which entitles the Borough to a discount of 30%, resulting in a purchase price of \$63,000.00.

**Purchase and Sale Agreement**

Pursuant to the terms of the PSA approved by the Board in July 2023, and executed December 6, 2023, 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, as long as only minor site plan or approval would be necessary and subject to review and approval by FMERA. Per the PSA, Purchaser had 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.



**First Amendment to the Purchase and Sale Agreement**

By email correspondence dated November 7, 2023, the County requested that FMERA deliver the Property in two quitclaim deeds; one deed to permit a right of way outside the Green Acres restricted portion of the Property that would be funded through the County’s general funds (the “ROW Parcel”) and the second deed to allow for a transfer of the portion of the Property that is not subject to the open space deed restriction (the “Open Space Parcel”).

FMERA has no objection to this request but noted that: 1) an updated survey is required to delineate the acreage, and 2) upon receipt of this acreage, the purchase price will need to be apportioned to reflect the pro rata cost per acre between the two parcels (a) Open Space Parcel and (b) ROW Parcel, which shall not be less than \$53,550 in the aggregate. The First Amendment requests that staff have delegated authority to issue the two requested deeds, subject to receipt of an ALTA survey from the County.

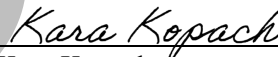
Further, the County requested via a letter dated February 23, 2024, a 30-day extension of the Due Diligence Period as permitted under Section 1(m) of the Agreement, and FMERA granted the request subject to the Executive Director’s delegated authority. The Due Diligence Period was set to expire on April 5, 2024, and the County conditionally terminated the PSA and requested ninety (90) days to solicit a new surveyor and further investigate three areas of concern identified on the Property during the Due Diligence Period, pursuant to a letter dated March 21, 2024.

As the County is moving forward in good faith, FMERA staff supports the reinstatement of the PSA and a ninety (90) day extension to the Due Diligence Period.

Attached in substantially final form is the Reinstatement and First Amendment to the PSA between FMERA and the County of Monmouth. The final terms of the Reinstatement and First Amendment to the PSA are subject to the approval of FMERA’s Executive Director, the County of Monmouth 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.

**Recommendation**

In summary, I am requesting that the Board authorize the execution of the Reinstatement and First Amendment to the Purchase and Sale Agreement with the County of Monmouth for the Woodlands Parcel in Tinton Falls.

  
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Kara Kopach

Attachment: Reinstatement and First Amendment to the PSA  
Prepared by: Sarah Giberson

**Resolution Regarding**  
**Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault**  
**Tinton Falls Urban Renewal, LLC for the Charles Wood Fire Station Parcel in Tinton Falls**

**WHEREAS**, at the Authority's February 21, 2018 meeting, the Board authorized FMERA staff to enter into a PSARA with Commvault Systems, Inc. ("Commvault") for the Charles Wood Fire Station Parcel. The Charles Wood Fire Station Parcel is an approximately 2.3-acre parcel that contains the former fire station (Building 2560) plus the adjacent tract to the east of the Charles Wood Fire Station which includes an additional 1.7 acres of unimproved land. This adjacent tract is bound by Heliport Drive, Radiac Way, Guam Lane & Corregidor Road. Building 2560 is a circa 2001 10,070 sf one-story fire station consisting of three high-bays, offices, bedrooms, a day room, kitchen and associated parking which is targeted for reuse in the Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan); and

**WHEREAS**, in further support of the Project, the FMERA Board adopted Amendment #3 to the Reuse Plan which permits Building 2560 to be reused for commercial use rather than for a civic use. In addition, the amendment permits a commercial and/or accessory parking use on the approximately 1.7-acre tract located to the east of the Charles Wood Fire Station; and

**WHEREAS**, with FMERA's prior written consent, Commvault assigned the PSARA to Commvault Tinton Falls Urban Renewal, LLC ("Commvault Urban Renewal") on May 22, 2018. On May 22, 2018, FMERA conveyed the property to Commvault Urban Renewal, 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. Purchaser paid \$1,970,000 for the approximately 4-acre property; and

**WHEREAS**, Purchaser proposes to adaptively reuse the Fire Station as corporate office space and may include swing space for Commvault's existing corporate campus and recreation uses on the open space on the property. Purchaser may, at its sole discretion, improve the Property with additional square footage to accommodate additional office space, contingent on-site constraints including but not limited to floodplain and stream encroachment restrictions, and subject to the Fort's Reuse Plan and Land Use Rules, as amended; and

**WHEREAS**, pursuant to the terms of the PSARA, the Project will consist of the renovation of the existing structure for commercial use, including corporate office uses. Purchaser will complete construction within twenty-four (24) months of closing, as evidenced by a temporary or permanent certificate of occupancy. FMERA will have the right to repurchase the property if construction is not timely commenced or completed;

**WHEREAS**, Purchaser will incur a minimum investment of approximately \$1,000,000 to complete the Project. The Purchaser will also be obligated to create forty permanent, full-time jobs at the property within twenty-four months of obtaining a certificate of occupancy or pay a penalty of up to \$60,000 (\$1,500 per job). Purchaser will repave and/or improve the section of Heliport Drive which runs through the property to standards acceptable to the Borough of Tinton Falls; and

**WHEREAS**, under the PSARA, Purchaser shall be responsible for receiving all Approvals and completing construction within twenty-four (24) months of closing, as evidenced by a temporary or permanent certificate of occupancy. Purchaser closed on the Property on May 22, 2018, therefore, the project should have been completed by May 22, 2020. Citing project delays as a result of corporate changes, Commvault Urban Renewal's requested and the FMERA Board approved at its April 2020 meeting, an extension of the Project completion timeline to December 31, 2020. The First Amendment was executed on June 24, 2020; and

**WHEREAS**, since the execution of the First Amendment, Commvault has discussed with FMERA the adverse delays on its Project due to the impact of COVID on its business model and staffing needs. On January 31, 2023, Commvault officially notified FMERA that Commvault had entered into a purchase and sale agreement for

Commvault's Headquarters property located adjacent to the Charles Wood Fire Station. Subsequently, by letter dated November 7, 2023, Commvault requested a modification to the Agreement's Project, citing the adverse impact of COVID on their office requirements, which included a significant decrease in the number of employees that work at the Commvault Headquarters and the corresponding lack of need to create additional off-site office space to support the existing facilities at 1 Commvault Way; and

**WHEREAS**, the Charles Wood Fire Station is currently unused and is no longer suitable for ancillary corporate office space and Commvault requested that the Project description be modified to permit institutional/civic uses inclusive of regional emergency management services with office space and training facilities that will support the surrounding community. The requested use change is consistent with the Request for Offers to Purchase dated May 6, 2016, and FMERA's Land Use Rules and Reuse Plan, which include civic/institutional uses.

**WHEREAS**, while FMERA acknowledges the changes to Commvault's staffing and facility needs, pursuant to Section 7 of the Agreement and as set forth in Section 15 of the Quitclaim Deed, Commvault is not permitted to sell, lease or transfer the Property until it receives a certificate of completion, however, FMERA wishes to encourage the redevelopment of the Property for the benefit of the community and local economy. As such, FMERA supports the modification of the Agreement to amend the Project description and Project Completion Date, as well as to permit Commvault to enter into an agreement with a third party for the use of the Property and for a third party to contribute toward the Capital Investment and Jobs Creation obligations in the Agreement; and

**WHEREAS**, attached in substantially final form is the Second Amendment to the PSARA between FMERA and Commvault Urban Renewal. The final terms of the PSARA are subject to the approval of FMERA's Executive Director 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 Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault Tinton Falls Urban Renewal, LLC for the Charles Wood Fire Station Parcel in Tinton Falls 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: April 17, 2024**

**EXHIBIT 2**

## MEMORANDUM

**TO:** Members of the Board

**FROM:** Kara Kopach  
Executive Director

**RE:** Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault Tinton Falls Urban Renewal, LLC for the Charles Wood Fire Station Parcel in Tinton Falls

**DATE:** April 17, 2024

### Request

I am requesting that the Board approve the Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement (“PSARA”) with Commvault Tinton Falls Urban Renewal, LLC (“Commvault Urban Renewal” or “Purchaser”) for the sale and redevelopment of the Charles Wood Fire Station Parcel in the Tinton Falls Reuse Area.

### Background

At the Authority’s February 21, 2018 meeting, the Board authorized FMERA staff to enter into a PSARA with Commvault Systems, Inc. (“Commvault”) for the Charles Wood Fire Station Parcel. The Charles Wood Fire Station Parcel is an approximately 2.3-acre parcel that contains the former fire station (Building 2560) plus the adjacent tract to the east of the Charles Wood Fire Station which includes an additional 1.7 acres of unimproved land. This adjacent tract is bound by Heliport Drive, Radiac Way, Guam Lane & Corregidor Road. Building 2560 is a circa 2001 10,070 sf one-story fire station consisting of three high-bays, offices, bedrooms, a day room, kitchen and associated parking which is targeted for reuse in the Fort Monmouth Reuse and Redevelopment Plan (“Reuse Plan”).

In further support of the Project, the FMERA Board adopted Amendment #3 to the Reuse Plan which permits Building 2560 to be reused for commercial use rather than for a civic use. In addition, the amendment permits a commercial and/or accessory parking use on the approximately 1.7-acre tract located to the east of the Charles Wood Fire Station.

With FMERA’s prior written consent, Commvault assigned the PSARA to Commvault Tinton Falls Urban Renewal, LLC on May 22, 2018. On May 22, 2018, FMERA conveyed the property to Commvault Urban Renewal, 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. Purchaser paid \$1,970,000 for the approximately 4-acre property.

Purchaser proposes to adaptively reuse the Fire Station as corporate office space and may include swing space for Commvault’s existing corporate campus and recreation uses on the open space on the property. Purchaser may, at its sole discretion, improve the Property with additional square footage to accommodate additional office space, contingent on-site constraints including but not limited to floodplain and stream encroachment restrictions, and subject to the Fort’s Reuse Plan and Land Use Rules, as amended.

### The Purchase and Sale Agreement & Redevelopment Agreement

Pursuant to the terms of the PSARA, the Project will consist of the renovation of the existing structure for commercial use, including corporate office uses. Purchaser will complete construction within twenty-four (24) months of closing, as evidenced by a temporary or permanent certificate of occupancy. FMERA will have the right to repurchase the property if construction is not timely commenced or completed. Purchaser will incur a minimum investment of approximately \$1,000,000 to complete the Project. The Purchaser will also be obligated to create forty (40) permanent, full-time jobs



at the property within twenty-four (24) months of obtaining a certificate of occupancy or pay a penalty of up to \$60,000 (\$1,500 per job). Purchaser will repave and/or improve the section of Heliport Drive which runs through the property to standards acceptable to the Borough of Tinton Falls.

**First Amendment to the Purchase and Sale Agreement & Redevelopment Agreement**

Under the PSARA, Purchaser shall be responsible for receiving all Approvals and completing construction within twenty-four (24) months of closing, as evidenced by a temporary or permanent certificate of occupancy. Purchaser closed on the Property on May 22, 2018, therefore, the project should have been completed by May 22, 2020. Citing project delays as a result of corporate changes, Commvault Urban Renewal's requested and the FMERA Board approved at its April 2020 meeting, an extension of the Project completion timeline to December 31, 2020. The First Amendment was executed on June 24, 2020.

**Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement**

Since the execution of the First Amendment, Commvault has discussed with FMERA the adverse delays on its Project due to the impact of COVID on its business model and staffing needs. On January 31, 2023, Commvault officially notified FMERA that Commvault had entered into a purchase and sale agreement for Commvault's Headquarters property located adjacent to the Charles Wood Fire Station. Subsequently, by letter dated November 7, 2023, Commvault requested a modification to the Agreement's Project, citing the adverse impact of COVID on their office requirements, which included a significant decrease in the number of employees that work at the Commvault Headquarters and the corresponding lack of need to create additional off-site office space to support the existing facilities at 1 Commvault Way.

The Charles Wood Fire Station is currently unused and is no longer suitable for ancillary corporate office space and Commvault requested that the Project description be modified to permit institutional/civic uses inclusive of regional emergency management services with office space and training facilities that will support the surrounding community. The requested use change is consistent with the Request for Offers to Purchase dated May 6, 2016, and FMERA's Land Use Rules and Reuse Plan, which include civic/institutional uses.

While FMERA acknowledges the changes to Commvault's staffing and facility needs, pursuant to Section 7 of the Agreement and as set forth in Section 15 of the Quitclaim Deed, Commvault is not permitted to sell, lease or transfer the Property until it receives a certificate of completion, however, FMERA wishes to encourage the redevelopment of the Property for the benefit of the community and local economy. As such, FMERA supports the modification of the Agreement to amend the Project description and Project Completion Date, as well as to permit Commvault to enter into an agreement with a third party for the use of the Property and for a third party to contribute toward the Capital Investment and Jobs Creation obligations in the Agreement.

Attached in substantially final form is the Second Amendment to the PSARA between FMERA and Commvault Urban Renewal. The final terms of the PSARA are subject to the approval of FMERA's Executive Director 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.

**Recommendation**

In summary, I am requesting that the Board approve the Second Amendment to the Purchase and Sale Agreement & Redevelopment Agreement with Commvault Tinton Falls Urban Renewal, LLC. for the Charles Wood Fire Station Parcel in Tinton Falls.

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

Attachment: Second Amendment to the Purchase & Sale and Redevelopment Agreement.  
Exhibit B

Prepared by: Sarah Giberson

**Resolution Regarding  
Approval of the Interagency Agreement between FMERA and the Borough of Eatontown  
to contract for engineering services**

**WHEREAS**, Nicodemus and Wilson (South) Avenues are located on the Main Post of Fort Monmouth within Eatontown. Wilson (South) and the majority of Nicodemus Avenues are owned by FMERA. However, a portion of Nicodemus Avenue extending from the existing Nicodemus gate to Broad Street is owned by the Borough of Eatontown; and

**WHEREAS**, FMERA wishes to dedicate the portions of Nicodemus and Wilson (South) Avenues to the Borough to improve circulation, permit public traffic, and to provide better access to existing development, including the Gurbisz Park (a.k.a. Eatontown Parks Parcel). To accept these roadways, the Borough has requested that Nicodemus and Wilson (South) be improved to municipal standards and that stormwater infrastructure be studied and repaired, as needed; and

**WHEREAS**, FMERA and the Borough have mutually agreed that the entirety of Nicodemus Avenue extending from the Nicodemus gate to Broad Street should also be improved for continuity and safety and therefore, the portions of the roadway owned by the Borough will be included in the proposed Project. Further, the Borough of Eatontown has requested that as a part of this Project, that the Project be expanded to investigate the practicality of including additional sidewalks and stormwater infrastructure improvements on Borough property that is immediately adjacent to Nicodemus Avenue. The inclusion of the aforementioned improvements in a future Construction MOU shall be subject to the findings/analysis resulting from the proposed MOU and shall be at the Borough's sole cost and expense; and

**WHEREAS**, in furtherance of the roadway transfer, FMERA wishes to enter into the proposed Design MOU to utilize the Borough's conflict engineer to analyze & survey existing roadway & stormwater infrastructure conditions and prepare design and bid specifications that meet the Borough's requirements. FMERA intends to enter into a second Construction MOU, subject to Board approval, to implement these improvements and ultimately transfer the roadways; and

**WHEREAS**, FMERA seeks the Borough's assistance in planning and carrying out a roadway and stormwater infrastructure improvement project to study, map, repair, and/or replace portions of Nicodemus and Wilson (South) Avenues and associated improvements including roadways, sidewalks, curbing, street lighting, and stormwater infrastructure, including pipes, manholes, catch basins, and outfall structures to support FMERA's redevelopment of the Main Post Property and the transfer of portions of Nicodemus and Wilson (South) Avenues to the Borough. The Borough has agreed to retain ARH Associates, the Borough's conflict engineer, through agreements and contracts to assist with the Project; and

**WHEREAS** the Project scope shall include: (i) coordination with a traffic consultant to provide traffic engineering services and analysis; (ii) performance of necessary survey and field collection; and (iii) preparation of preliminary and final bid plans and design specifications; and

**WHEREAS**, the Project will take place in a minimum of five phases with an optional sixth phase, which will be contingent upon the findings/analysis of the findings in Phases 1 and 2 and as described in detail the attached memorandum; and

**WHEREAS**, the anticipated cost for the Project is Ninety Thousand Nine Hundred Forty (\$90,940.00) Dollars. In the event the amount due to the Borough's conflict engineer for the work described within the MOU is expected to be greater than \$90,940.00, 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**, upon execution of the MOU, FMERA shall furnish the Borough with payment for the Project, to be held in escrow and utilized as necessary to complete Project. Any funds remaining in escrow upon completion shall be promptly returned to FMERA. Additional details and provisions are further described in the attached MOU. In addition, staff requests delegated authority to FMERA's Executive Director to increase the cost by an amount not to exceed 10% for unforeseen costs; 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 Eatontown 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 (1) the interagency agreement between FMERA and the Borough of Eatontown for funding, analysis & survey of existing roadway & stormwater infrastructure conditions, and design for the improvement and eventual transfer of portions of Nicodemus and Wilson (South) Avenues located in Eatontown 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.

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: April 17, 2024**

**EXHIBIT 3**

Draft

**MEMORANDUM**

**TO:** Members of the Board

**FROM:** Kara Kopach  
Executive Director

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

**DATE:** April 17, 2024

**Request**

I am requesting that the Board (1) approve the interagency agreement between FMERA and the Borough of Eatontown (“Borough”) for funding, analysis & survey of existing roadway & stormwater infrastructure conditions, and design for the improvement for eventual transfer of portions of Nicodemus and Wilson (South) Avenues located in Eatontown (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**

Nicodemus and Wilson (South) Avenues are located on the Main Post of Fort Monmouth within Eatontown, as depicted on **Exhibit A** of the attached proposed Memorandum of Understanding (“MOU”). Wilson (South) and the majority of Nicodemus Avenues are owned by FMERA. However, a portion of Nicodemus Avenue extending from the existing Nicodemus gate to Broad Street is owned by the Borough of Eatontown.

FMERA wishes to dedicate the portions of Nicodemus and Wilson (South) Avenues identified in **Exhibit A** to the Borough to improve circulation, permit public traffic, and to provide better access to existing development, including the Gurbisz Park (a.k.a. Eatontown Parks Parcel). To accept these roadways, the Borough has requested that Nicodemus and Wilson (South) be improved to municipal standards and that stormwater infrastructure be studied and repaired, as needed.

FMERA and the Borough have mutually agreed that the entirety of Nicodemus Avenue extending from the Nicodemus gate to Broad Street should also be improved for continuity and safety and therefore, the portions of the roadway owned by the Borough will be included in the proposed Project. Further, the Borough of Eatontown has requested that as a part of this Project, that the Project be expanded to investigate the practicality of including additional sidewalks and stormwater infrastructure improvements on Borough property that is immediately adjacent to Nicodemus Avenue. The inclusion of the aforementioned improvements in a future Construction MOU shall be subject to the findings/analysis resulting from the proposed MOU and shall be at the Borough’s sole cost and expense.

In furtherance of the roadway transfer, FMERA wishes to enter into the proposed Design MOU to utilize the Borough’s conflict engineer to analyze & survey existing roadway & stormwater infrastructure conditions and prepare design and bid specifications that meet the Borough’s requirements. FMERA intends to enter into a second Construction MOU, subject to Board approval, to implement these improvements and ultimately transfer the roadways.



## **Design Services MOU**

FMERA seeks the Borough's assistance in planning and carrying out a roadway and stormwater infrastructure improvement project to study, map, repair, and/or replace portions of Nicodemus and Wilson (South) Avenues and associated improvements including roadways, sidewalks, curbing, street lighting, and stormwater infrastructure, including pipes, manholes, catch basins, and outfall structures to support FMERA's redevelopment of the Main Post Property and the transfer of portions of Nicodemus and Wilson (South) Avenues to the Borough. The Borough has agreed to retain ARH Associates, the Borough's conflict engineer, through agreements and contracts to assist with the Project.

The Project scope, attached as **Exhibit B**, shall include: (i) coordination with a traffic consultant to provide traffic engineering services and analysis; (ii) performance of necessary surveying and field collection; (iii) preparation of preliminary bid plans and design specifications (iv.) final engineering design, (v.) final bid plans & specifications, and (vi.) optional survey and engineering services for Borough owned property.

The Project will take place in a minimum of five (5) phases with an optional sixth (6<sup>th</sup>) phase, which will be contingent upon the findings/analysis of the findings in Phases 1 and 2. Upon execution of the MOU, ARH and its subcontractors shall be granted a period of thirty (30) days to complete Phase 1, consisting of traffic engineering services to analyze the potential roadway improvements and cartway reductions. Phase 2 shall run concurrently with Phase 1 for a period of thirty (30) days, at which time ARH shall prepare existing conditions mapping/surveying along the various roads identified in preparation for dedication to the Borough and in support of the JCP&L electric service distribution project on the Main Post. ARH shall also review the stormwater video logs provided by FMERA to identify areas in need of pipe and/or inlet replacement. Phase 3 shall run for thirty (30) days upon completion of Phase 1 & 2 and consist of the preparation of a conceptual/preliminary plan to restore the roadways to municipal standards and incorporate milling/paving on portions of Nicodemus and Wilson (South) Avenues, installation of sidewalk and curb ramps, installation of street lights (as required), relocation of utility poles (as required), replacement of stormwater infrastructure, installation of traffic signage and striping (as required), narrowing of portions of Nicodemus and Wilson (South) Avenues subject to Phase 1 & 2 findings/analysis. Should the Phase 1 and 2 findings/analysis support the narrowing of portions of Nicodemus and Wilson (South) Avenues, ARH will proceed with the scope of services outlined in Phase 6. Phase 4 shall run for thirty (30) days upon completion of Phase 3. Once the preliminary plans have been agreed upon by the Parties, ARH shall develop construction plans to be presented to FMERA at thirty (30) percent and ninety (90) percent completion for review and feedback prior to plan completion. Phase 5 shall run for thirty (30) days upon completion of Phase 4 and final construction bid plans and specifications shall be prepared. If applicable, Phase 6 shall run for sixty (60) days from completion of Phase 3 and shall consist of survey and design services to extend improvements on the property owned by the Borough of Eatontown adjacent to Nicodemus Avenue from the existing gate to Broad Street. Design improvements on the Borough property will be added to the preliminary plan generated in Phase 3 and the final design in Phase 4. In the event any work in Phase 6 triggers a major development under New Jersey Department of Environmental Protection's guidelines, Phase 6 shall be excluded from the Project. The Project shall be completed no later than seven (7) months from execution of the MOU.

The Borough will provide FMERA with three (3) hard copies of the roadway survey and the final bid plan and specifications.

The anticipated cost for the Project is Ninety Thousand Nine Hundred Forty (\$90,940.00) Dollars. In the event the amount due to the Borough's conflict engineer for the work described within the MOU is expected to be greater than \$90,940.00, 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. Upon execution of the MOU, FMERA shall furnish the Borough with payment for the Project, to be held in escrow and utilized as necessary to complete Project. Any funds remaining in escrow upon completion shall be promptly returned to FMERA. Additional details and provisions are further described in the attached MOU. In addition, staff requests delegated authority to FMERA's Executive Director to increase the cost by an amount not to exceed 10% for unforeseen costs.

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 Eatontown 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 Eatontown for funding, analysis & survey of existing roadway & stormwater infrastructure conditions, and design for the improvement and eventual transfer of portions of Nicodemus and Wilson (South) Avenues located in Eatontown 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*  
\_\_\_\_\_  
Kara Kopach

Attachment: Memorandum of Understanding  
Prepared by: Sarah Giberson

Draft