

**Fort Monmouth Economic Revitalization Authority
Board Meeting
October 18, 2023
Public Meeting and Teleconference**

MINUTES OF THE MEETING

Members of the Authority and/or Designees present:

- McKenzie Wilson – FMERA Chairperson – V
- Anthony Talerico, Jr. – Mayor of Eatontown – FMERA Vice-Chairman – 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
- Mary Maples – Senior Advisor to the CEO • Chief of Staff, NJEDA – V – Designee
- Robert Long – Deputy Commissioner, NJ Department of Community Affairs – Designee
- William Riviere – Principal Planner, NJ Department of Transportation – Designee

V – Denotes Voting Member

Members of the Authority and/or Designees not present:

- Lillian Burry – Monmouth County Commissioner – V
- Elizabeth Dragon – Assistant Commissioner Community Investment and Economic Revitalization - Designee
- Wayne Smith – State Veterans Program Coordinator, NJ Department of Labor & Workforce Development – Designee

Also present:

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

The meeting was called to order by Chairperson McKenzie Wilson at 5:00p.m.

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.

Chairperson McKenzie Wilson lead the Pledge of Allegiance.

WELCOME

Chairperson McKenzie Wilson welcomed attendees to the Authority’s meeting. Ms. Wilson 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. Ms. Wilson stated that there are 2 public comment periods, the first being a 3-minute public comment period regarding any of the Board actions and the second being a 5-minute public comment period on any FMERA business.

The first item of business was the approval of the September 20th regular meeting minutes. A motion was made to approve the minutes by Jay Coffey and seconded by Steve Gallo.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
McKenzie Wilson	X		
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Mary Maples			X

Mary Maples abstained from voting stating she was not at the September meeting.

Motion to Approve: JAY COFFEY Second: STEVE GALLO
 Ayes: 6

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

There was no public comment.

EXECUTIVE DIRECTOR/SECRETARY’S REPORT & UPDATE

Kara Kopach stated that Mary Maples, the Senior Advisor to Tim Sullivan, the NJEDA CEO now joins us on the FMERA Board as the NJEDA Chairman’s designee. She has extensive public service experience and will bring a wealth of knowledge to this position. Jorge Santos previously served in this role. We appreciate Jorge’s service and look forward to having Mary serve on the Board.

A mural has been commissioned at Russel Hall as a commemorative tribute to the rich history and technological contributions made by veterans at Fort Monmouth. The owner of Russel Hall is hosting an event on November 10th, 2023 to show the mural to the public. To RSVP, please reply by registering at: <https://tetherview.com/russelhallmural.com> We will also post this information on our Instagram page if you are interested in seeing this commemorative tribute.

The FMERA team has continued to work on the reuse plan amendment for the Mega Parcel and alternate locations for Affordable Housing, we anticipate bringing Reuse Plan Amendment #20 to a special FMERA Board meeting on October 25th at 5:00pm to approve the transfer of the Reuse Plan Amendment to the three host municipalities for a 45-day public comment period.

COMMITTEE REPORTS

1. AUDIT COMMITTEE

The Committee did not meet this month.

2. REAL ESTATE COMMITTEE

McKenzie Wilson stated that the Real Estate Committee met on October 10th and discussed the following:

- Discussion regarding the approval of an Interagency Agreement between FMERA and the Borough of Oceanport for contract and project oversight for the installation of water service lines to the 600 Area Buildings located in the Oceanport; 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. The Committee reviewed the request and recommended it to the Board for approval.

- Discussion regarding the Second Amendment to the PSARA with the Borough of Eatontown for a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel to amend the Redevelopment Project to permit the buildout of the additional amenities and extend the Completion date until December 7, 2024. The Committee reviewed the request and recommended it to the Board for approval.

Other Items:

- 1) Reuse Plan Amendment #20 for the Mega Parcel and alternate locations for Affordable Housing

Mayor Talerico recused himself and left the meeting. Thereafter, the Committee discussed:

- Discussion regarding a MOU between NJEDA and FMERA for Parcel F-1 in Tinton Falls for the required additional environmental remediation and to finalize a Remedial Action Report and Remedial Action Permit for groundwater contamination. The Committee reviewed the request and recommended it to the Board for approval.

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

The Committee did not meet this month.

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

The Committee did not meet this month.

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

The Committee did not meet this month.

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

The Committee did not meet this month.

BOARD ACTIONS

1. Consideration of Approval of the Interagency Agreement between FMERA and the Borough of Oceanport for contract and project oversight.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 1.

A motion was made by Jay Coffey and was seconded by Mary Maples.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
McKenzie Wilson	X		
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Mary Maples	X		

Motion to Approve: JAY COFFEY

Second: MARY MAPLES

Ayes: 7

2. Consideration of Approval of the Second Amendment to the Purchase & Sale and Redevelopment Agreement with the Borough of Eatontown for a Parks & Recreations Complex on the Nicodemus Avenue Park Parcel.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 2.

A motion was made by Anthony Talerico and was seconded by Jamera Sirmans.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN
McKenzie Wilson	X		
Anthony Talerico	X		
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Mary Maples	X		

Motion to Approve: ANTHONY TALERICO Second: JAMERA SIRMANS

Ayes: 7

3. Consideration of Approval of a Memorandum of Understanding between NJEDA and FMERA for Parcel F-1 (Myer Center) in Tinton Falls.

Laura Draushak read a summary of the Board memo.

The resolution is attached hereto and marked Exhibit 3.

A motion was made by Mary Maples and was seconded by Jamera Sirmans.

Kara Kopach conducted a roll call vote.

NAME	YES	NO	ABSTAIN/RECUSE
McKenzie Wilson	X		
Anthony Talerico			X
Steve Gallo	X		
Jay Coffey	X		
Tracy Buckley	X		
Jamera Sirmans	X		
Mary Maples	X		

Anthony Talerico, Jr. recused himself due to his affiliation with RWJBarnabas Health.

Motion to Approve: MARY MAPLES Second: JAMERA SIRMANS

Ayes: 6

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 Tracy Buckley and unanimously approved by all voting members present, the meeting was adjourned at 5:13p.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
Approval of an Interagency Agreement between FMERA and the Borough of Oceanport to contract for civil and environmental engineering services

WHEREAS, the 600 Area Buildings (the “Property”), which are located on the Main Post of Fort Monmouth in Oceanport, are the only active buildings remaining on the outdated Army water system. FMERA seeks the Borough's assistance in planning and carrying out the Project in order to accommodate the final shut down of the former Army water system; and

WHEREAS, the Borough selected Colliers Engineering and Design (“Colliers”) as the Borough’s engineering firm via a formal RFQ process for the calendar year. Accordingly, the Borough will retain Colliers for project oversight (including bidding oversight), for the installation of water service lines to Buildings 600, 601, 602, and 603 (600 Area Buildings); and

WHEREAS, the Project consists of the installation of approximately 1202 L.F. of 8” water service lines, approximately 104 L.F. of 2” water service lines, insulated and heated water and backflow preventer enclosure with concrete pad, and required gate valves, to provide domestic and fire protection to Buildings 600, 601, 602, and 603. The goal of this Project is the preparation of construction documents so work can be competitively bid, commenced and successfully completed in the most cost-effective manner possible; and

WHEREAS, FMERA will pay for the costs of the project not to exceed Six Hundred and Thirty-Six Thousand, Nine Hundred and Six (\$636,906) Dollars (“Project Funds”), which is inclusive of costs for professional engineering, surveys, and construction observation services and the estimate for construction costs; and

WHEREAS, in consultation with Colliers, FMERA will review and approve the Plans as prepared by Colliers under this MOU, and any modification thereof, for public bidding in accordance with Local Public Contracts Law. The Borough shall use the Project Funds disbursed by FMERA to the Borough to pay the costs of contractors and consultants hired to complete the Project. The Borough shall not be required to utilize any of its own funds to pay costs or expenses of the Project. The Borough will return to FMERA upon completion of the Project any amount of the Project Funds that are not expended for the Project; and

WHEREAS, in the event the amount due to the Borough's contractor for the Project Costs is expected to be greater than Six Hundred and Thirty-Six Thousand Nine Hundred and Six (\$636,906) Dollars, the Borough will notify FMERA that additional Project Funds are required; and

WHEREAS, in addition, staff requests the grant of delegated authority to the Executive Director to increase Project Funding by an amount not to exceed ten (10%) for unforeseen costs associated with the Project. Any increase in the cost beyond ten (10%) percent of the Project Funds will be subject to FMERA Board approval; and

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

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the (1) a Memorandum of Understanding between the Fort Monmouth Economic Revitalization Authority and the Borough of Oceanport for contract and project oversight (including bidding oversight), for the installation of water service lines to Buildings 600, 601, 602, and 603 located in the Oceanport section of Fort Monmouth; 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 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: October 18, 2023

EXHIBIT 1

Resolution Regarding
Second Amendment to the Purchase and Sale & Redevelopment Agreement with the Borough of Eatontown
for a Parks & Recreation Complex on the Nicodemus Avenue Park Parcel

WHEREAS, at its September 2020 meeting the Board approved a Purchase and Sale Agreement and Redevelopment Agreement (“PSARA”), executed on November 30, 2020, between FMERA and the Borough of Eatontown (“Borough”) for the purchase an approximately 3.82-acre property (the “Parks Parcel”) for recreation uses associated with Eatontown’s Recreation Department; and

WHEREAS, the Board approved the conveyance of the Parks Parcel using its approved Evaluation Scoring for Local Beneficial Use Requests and the Borough’s score of 807 entitled it to receive the maximum discount of 40% for a purchase price of \$119,139.00; and

WHEREAS, the Park Parcel is situated immediately to the south of a roadway known as Van Guard Avenue, along with significant green space that abuts the Park Parcel boundary, and Van Guard Avenue is currently closed to the public and does not serve as an access point for any other properties; and

WHEREAS, the parties will facilitate a secondary closing for the additional acreage after the completion of one sixty (60) day Due Diligence Period, with an option to extend Due Diligence for one (1) additional thirty (30) day period, subject to FMERA’s approval; however, the Approval Period has not been extended and is set to expire on January 29, 2022, with the Additional Approval Extension Period that may be granted at FMERA’s discretion; and

WHEREAS, the Borough will expend a minimum amount of \$250,000 to complete its reuse and redevelopment project. The project includes the development of an Eatontown Borough park for active recreation uses and will consist of the demolition of Buildings 787, 788 and 789, with the option to either 1) demolish Building 770 or 2) upgrade Building 770 within the timelines set forth under the PSARA as well as upgrading the existing outdoor area to a standard suitable for public use as a municipal park. The Borough will also be responsible for infrastructure and utility improvements, as further detailed in the PSARA; and

WHEREAS, pursuant to the First Amendment to the PSARA, the Parties agreed to include within the sale a portion of land south of Van Guard Avenue (“Van Guard Parcel”) into the larger Property to expand the usable recreation area and provide convenient access and amend the Purchase Price and extend the Due Diligence Period for investigation of the Van Guard Parcel. The First Amendment was executed on July 28, 2021; and

WHEREAS, the Borough closed on the property on March 7, 2022; and

WHEREAS, pursuant to the PSARA, the Borough was to complete the Redevelopment Project by December 7, 2023; and

WHEREAS, on September 20, 2023, via correspondence, the Borough requested an amendment to the Redevelopment Project to construct additional park amenities including: a bathroom pavilion, storage building, splash pad, exercise playground equipment and a dog agility course. The Borough also requested additional time to complete the Redevelopment Project citing limitations on construction related activities on the site as a result of legal protections afforded to bald eagles and ospreys; and

WHEREAS, as the Borough continues to proceed in good faith and the additional amenities will serve to further enhance the community, staff supports these changes to the PSARA. The amended Redevelopment Project will permit the buildout of the additional amenities and extend the Completion date until December 7, 2024. The Borough will be required to seek additional approvals, including an amended Mandatory Conceptual Review (MCR); and

WHEREAS, all other terms of the PSARA will remain unchanged. The attached Second Amendment to the PSARA is in substantially final form. The final terms of the amendment will be subject to the approval of FMERA's Executive Director, the Borough of Eatontown, and 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 & Redevelopment Agreement with the Borough of Eatontown for the Nicodemus Avenue Park Parcel in Eatontown on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and the Attorney General's Office and authorizes the Executive Director to execute the 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: October 18, 2023

EXHIBIT 2

Resolution Regarding
Memorandum of Understanding between NJEDA and the Fort Monmouth Economic Revitalization
Authority for Parcel F-1 (Myer Center) in Tinton Falls

WHEREAS, Parcel F-1, also known as the Myer Center site, was an approximately 36.3-acre parcel of land located in Tinton Falls (“Property”). The Property was encumbered with Buildings 2700 (+/- 673,540 gsf) and 2705 (+/- 43,230) and adjacent support structures. After FMERA encountered limited interest in the property due to the buildings’ size and poor condition, NJEDA and FMERA entered into discussions to facilitate development of the Property by utilizing NJEDA’s expertise to manage the large-scale demolition required to redevelop the Property; and

WHEREAS, in July 2016, FMERA and NJEDA entered into a Memorandum of Understanding for Site Acquisition and Environmental Remediation and Demolition Consulting Services (“2016 MOU”) with respect to the Myer Center site. FMERA and NJEDA subsequently entered into a Purchase and Sale Agreement (the “Purchase Agreement”) dated October 30, 2017, pursuant to which NJEDA agreed to acquire the Property; and

WHEREAS, in October 2016, NJEDA entered into a contract with T&M Associates (“T&M”) for civil and environmental engineering services associated with the demolition, remediation and site improvements for the Property pursuant to the requirements of the New Jersey Department of Environmental Protection (“NJDEP”) (T&M Contract). During the demolition work on the Property, a former underground storage tank (“UST”) and elevated levels of perchloroethylene (“PCE”), requiring soil and groundwater remediation was discovered and additional investigation activities and associated tasks were necessary for the issued Response Action Outcome (“RAO”); and

WHEREAS, the Purchase Agreement was subsequently assigned to RWJ Barnabas Health, Inc. (“RWJBH”) in August 2018 in accordance with its terms, and FMERA and RWJBH entered into a Redevelopment Agreement for the Property on October 25, 2021. Upon consent by FMERA and NJEDA, RWJBH assigned its right, title and interest in the Property to Monmouth Medical Center, Inc. (“MMC”) on December 13, 2022; and

WHEREAS, the title closing and transfer of the Property to MMC occurred December 15, 2022, and at the closing, NJEDA and MMC entered into a License and Right of Entry Agreement (“ROE”) for the purpose of having T&M conduct additional groundwater sampling. The ROE provided for four quarterly rounds of groundwater testing to be performed within a twelve-month period at the Site; and

WHEREAS, T&M performed two rounds of additional groundwater monitoring testing at the installed monitoring wells and in June 2023 trichloroethylene was detected above the NJDEP’s Groundwater Quality Standards (“GWQS”) in one of the monitoring wells, requiring further groundwater monitoring for chlorinated solvents present. T&M has advised that additional testing/monitoring will be required to obtain the Classified Exception Area (“CEA”) for the groundwater plume; and

WHEREAS, additional investigation is necessary to: (1) address the remaining PCE in the groundwater, (2) demonstrate the optimal remedial option for the low levels of PCE is Monitored Natural Attenuation (“MNA”), and (3) finalize a Remedial Action Report and Remedial Action Permit application for groundwater contamination, including long-term groundwater monitoring consisting of yearly sampling from 2024 to 2029. As T&M’s agreement with NJEDA did not include these additional investigation activities, NJEDA is seeking to amend the contract to complete work at the Property; and

WHEREAS, T&M presented a proposal dated July 14, 2023, (the “T&M Proposal”) for the installation of two new monitoring wells and additional groundwater monitoring and testing required to obtain the CEA, with an estimated cost of Ninety-One Thousand Four Hundred and Seventy (\$91,470.00) Dollars for the additional work to be performed from 2024 through June 2029 to cover the annual sampling events of the groundwater monitoring wells; and

WHEREAS, the present MOU is intended to solely address the roles, responsibilities and reimbursement by FMERA to NJEDA associated with the additional monitoring/testing required to obtain the CEA for the groundwater plume; and

WHEREAS, under the terms of the Amendment to the T&M Contract, NJEDA will enter into an Amendment to the Contract with T&M Associates (the “T&M Contract Amendment”) upon the same terms and conditions outlined in the T&M Proposal, for the continued environmental remediation and monitoring of the Property. NJEDA will authorize the Chief Executive Officer to approve any additional work necessary to obtain the CEA for the groundwater plume and to amend the T&M Contract Amendment, up to One Hundred and Fifty Thousand (\$150,000.00) Dollars. NJEDA will enter into an Amendment to the License and Right of Entry Agreement with MMC to provide access to the Site for the additional testing and remediation required pursuant to the T&M Contract Amendment; and

WHEREAS, FMERA, as the responsible Party for the Site, shall reimburse NJEDA for the costs outlined in the T&M Proposal. FMERA shall deposit with NJEDA the anticipated T&M Contract Amendment costs with a 10% contingency, for a total of One Hundred Thousand Six Hundred and Seventeen (\$100,617.00) Dollars, within 15 days of the execution of this MOU. FMERA agrees to reimburse NJEDA for any additional work required to obtain the CEA, up to One Hundred and Fifty Thousand (\$150,000) Dollars. Within ten (10) days of receiving a written request from NJEDA, FMERA will deposit the additional funds with NJEDA. FMERA shall coordinate the remedial tasks outlined in the T&M Proposal with T&M; and

WHEREAS, NJEDA and FMERA shall be jointly responsible for reviewing and approving the invoices submitted by T&M pursuant to the T&M Contract Amendment. Approved invoices shall simultaneously be sent by T&M for payment to NJEDA, and to FMERA for review and approval. Upon completion or termination of this MOU, NJEDA shall return to FMERA any deposited funds for the T&M Contract Amendment costs that have not been expended. It is expressly understood that this MOU will not obligate NJEDA to incur any liability for any known or unknown environmental conditions that exists or existed at or on the Site. This MOU will commence immediately upon execution by the Parties and unless terminated earlier, this MOU shall remain in effect through June 2029; and

WHEREAS, the attached Memorandum of Understanding is in substantially final form. The MOU has been approved by the NJEDA through delegated authority from its Board. The final terms of the Memorandum of Understanding will be subject to the approval of FMERA’s Executive Director and subject to approval 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 execution of the Memorandum of Understanding between the New Jersey Economic Development Authority and the Fort Monmouth Economic Revitalization Authority for the required additional environmental remediation of Parcel F-1, the former Myer Center site in Tinton Falls, and to finalize a Remedial Action Report and Remedial Action Permit (“RAP”) for groundwater contamination on terms substantially consistent to those set forth in the attached memorandum and with final terms acceptable to the Executive Director and 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.