

SENATE, No. 1472

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

SYNOPSIS

“Fort Monmouth Economic Revitalization Authority Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT creating the Fort Monmouth Economic Revitalization
2 Authority and supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the “Fort
8 Monmouth Economic Revitalization Authority Act.”

9
10 2. The Legislature hereby finds and declares that the closure and
11 revitalization of Fort Monmouth is a matter of great concern for the
12 host communities of Eatontown, Oceanport, and Tinton Falls; for
13 Monmouth County; and for the entire State of New Jersey.

14 The Legislature further finds and declares that the economies,
15 environment, and quality of life of the affected communities and the
16 State will depend on the efficient and proper revitalization of Fort
17 Monmouth. It is therefore in the public interest and the interest of
18 the State to create a revitalization authority to implement a
19 comprehensive conversion and revitalization plan for Fort
20 Monmouth that will enhance the creation of employment and other
21 business opportunities for the benefit of the host communities and
22 the entire State.

23 The Legislature has determined that to provide for the proper
24 planning, implementation, and oversight of the revitalization of Fort
25 Monmouth, a corporate agency of the State shall be created with the
26 necessary powers to accomplish these purposes.

27
28 3. The following words or terms as used in this act shall have
29 the following meaning unless a different meaning clearly appears
30 from the context:

31 "Act" means the “Fort Monmouth Economic Revitalization
32 Authority Act.”

33 "Authority" means the Fort Monmouth Economic Revitalization
34 Authority created by section 4 of this act.

35 "Bond" means any bond or note issued by the authority pursuant
36 to this act.

37 “Comprehensive conversion and revitalization plan” means the
38 plan prepared and adopted by the authority pursuant to section 12 of
39 this act.

40 “Federal government” means the United States of America, and
41 any officer, department, board, commission, bureau, division,
42 corporation, agency or instrumentality thereof.

43 “Fort Monmouth” means the federally owned or operated
44 military installation located in the municipalities of Eatontown,
45 Oceanport, and Tinton Falls in Monmouth County that, as of May
46 13, 2005, was functioning, but was scheduled for closure by
47 recommendation of the federal Base Realignment and Closure
48 Commission issued on that date, including any facilities or real or

1 personal property, as conveyed, or to be conveyed, in one or more
2 parcels, by the federal government to the authority.

3 "Project" means (1) the acquisition, construction, reconstruction,
4 redevelopment, historic restoration, preservation, repair, alteration,
5 improvement or extension of any building, structure or facility,
6 public area or open space, or (2) the acquisition and improvement
7 of real estate and the extension or provision of utilities, access roads
8 and other appurtenant facilities in connection therewith, provided
9 that the work undertaken is consistent with the comprehensive
10 conversion and revitalization plan adopted pursuant to section 12 of
11 this act; a project may also include planning, designing, acquiring,
12 constructing, reconstructing or otherwise improving a building,
13 structure, or facility and extension or provision of utilities, access
14 roads, and other appurtenant facilities in connection therewith, or
15 any revitalization undertaken by any person pursuant to this act.

16 "Revitalization" means a program of renewal through planning,
17 conservation, rehabilitation, clearance, development and
18 redevelopment, preservation, and historic restoration; the
19 construction and rehabilitation of commercial, industrial, public, or
20 other structures; and the grant, dedication, or rededication of land as
21 may be appropriate or necessary in the interest of the general
22 welfare for streets, parks, playgrounds, open space or other public
23 purposes, including recreational and other facilities appurtenant
24 thereto.

25

26 4. There is hereby established in the Department of the Treasury
27 a public body corporate and politic, with corporate succession, to be
28 known as the "Fort Monmouth Economic Revitalization Authority."
29 The authority is hereby constituted as an instrumentality of the State
30 exercising public and essential government functions to provide for
31 the public safety, convenience, benefit, and welfare. The exercise
32 by the authority of the powers conferred by this act shall be deemed
33 and held to be an essential government function of the State. For
34 the purpose of complying with the provisions of Article V, Section
35 IV, paragraph 1 of the New Jersey Constitution, the authority is
36 allocated within the Department of the Treasury, but
37 notwithstanding that allocation, the authority shall be independent
38 of any supervision or control by the department or any board or
39 officer thereof, except as may be provided in this act.

40

41 5. It shall be the purpose of the authority created under this act
42 to develop and implement a comprehensive conversion and
43 revitalization plan for the territory encompassed by Fort Monmouth
44 in a manner that will promote, develop, encourage, and maintain
45 employment, commerce, economic development, and the public
46 welfare; conserve the natural resources of the State; and advance
47 the general prosperity and economic welfare of the people in the
48 affected communities and the entire State by:

1 a. Administering in a manner consistent with the purpose of the
2 authority the assets transferred to the authority by the federal
3 government, including facilities and other real or personal property,
4 located at Fort Monmouth;

5 b. Entering into necessary agreements with the federal
6 government for the operation of the facilities comprising Fort
7 Monmouth;

8 c. Operating or contracting with others to operate enterprises and
9 other facilities located at Fort Monmouth; and

10 d. Cooperating and acting in conjunction with other
11 organizations, public and private, to promote and advance the
12 economic use of the facilities located at Fort Monmouth.

13

14 6. a. The authority shall consist of ten members to be appointed
15 and qualified as follows:

16 (1) Four members appointed by the Governor with the advice
17 and consent of the Senate, for terms of four years, two of whom
18 shall be representatives of the private sector with relevant business
19 experience or background; one of whom shall be an individual who
20 is knowledgeable in environmental protection, conservation and
21 land use issues and one of whom shall be a labor representative
22 with appropriate experience in workforce development and job
23 training. At least two of the members shall be residents of
24 Monmouth County. Not more than two of the members appointed
25 by the Governor shall be members of the same political party;

26 (2) The Chief Executive Officer and Secretary of the New
27 Jersey Commerce, Economic Growth, and Tourism Commission, ex
28 officio and voting;

29 (3) One member, who shall be a resident of Monmouth County,
30 to be appointed by the Monmouth County Board of Chosen
31 Freeholders for a term of four years, who shall be either:

32 (a) a member of the board, or

33 (b) a qualified person, who shall be nominated by the board,
34 with relevant business experience or background;

35 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
36 officio and voting; and

37 (5) A representative of Fort Monmouth, to be appointed by the
38 Secretary of the United States Department of Defense, who shall be
39 a non-voting member.

40 Each member appointed by the Governor and the member
41 appointed by the Board of Chosen Freeholders shall hold office for
42 the term of that member's appointment and until a successor shall
43 have been appointed and qualified. A member shall be eligible for
44 reappointment. Any vacancy in the membership occurring other
45 than by expiration of term shall be filled in the same manner as the
46 original appointment but for the unexpired term only.

47 In the appointment of members of the authority, consideration
48 should be given to achieving a membership of high quality and

1 varied experience, with special emphasis on the fields of economic
2 development, finance, high technology, and land use.

3 b. Each ex officio member of the authority may designate an
4 employee of the member's department or office to represent the
5 member at meetings of the authority. The designee of an ex officio
6 member may act on behalf of the member. The designation shall be
7 in writing and shall be delivered to the authority and shall be
8 effective until revoked or amended by a writing to the authority.

9 c. Each appointed member may be removed from office by the
10 Governor for cause, after a public hearing, and may be suspended
11 by the Governor pending the completion of that hearing. Each such
12 member, before entering the duties of membership, shall take and
13 subscribe an oath to perform those duties faithfully, impartially, and
14 justly to the best of the person's ability. A record of those oaths
15 shall be filed in the office of the Secretary of State.

16 d. The members of the authority shall elect a chairperson and
17 vice-chairperson from among their members. The chairperson shall
18 appoint a secretary and treasurer. The powers of the authority shall
19 be vested in the voting members thereof in office from time to time;
20 five voting members of the authority shall constitute a quorum, and
21 the affirmative vote of five members shall be necessary for any
22 action taken by the authority, except as provided under subsection
23 e. of this section and section 12 of this act, or unless the bylaws of
24 the authority shall require a larger number. No vacancy in the
25 membership of the authority shall impair the right of a quorum to
26 exercise all the rights and perform all the duties of the authority.

27 e. The affirmative vote of six members shall be required for the
28 following actions taken by the authority:

29 (1) actions taken under subsections a., e., i. and l. of section 7 of
30 this act;

31 (2) actions taken under subsection f., j. and k. of section 7 of this
32 act when real or personal property acquired or disposed of has a
33 value in excess of \$100,000 or the property is leased or rented for a
34 rent or payment in excess of \$20,000 annually or when projects are
35 undertaken with a value in excess of \$20,000;

36 (3) expenditures by the authority, including the annualized value
37 of any actions taken pursuant to subsection e. of section 7 of this
38 act, in excess of \$20,000;

39 (4) the election of a chairperson and vice-chairperson of the
40 authority; and

41 (5) initiation of suit or other legal action by the authority.

42 f. The members of the authority shall serve without
43 compensation, but the authority may, within the limits of funds
44 appropriated or otherwise made available for such purposes,
45 reimburse its members for necessary expenses incurred in the
46 discharge of their official duties.

47 g. No member, officer, employee or agent of the Fort Monmouth
48 Economic Revitalization Authority shall have an interest, either

1 directly or indirectly, in any project, employment agreement or any
2 contract, sale, purchase, lease, or transfer of real or personal
3 property to which the Fort Monmouth Economic Revitalization
4 Authority is a party.

5 h. The authority may be dissolved by act of the Legislature on
6 condition that the authority has no debts or obligations outstanding
7 or provision has been made for the payment, retirement,
8 termination, or assumption of its debts and obligations. Upon
9 dissolution of the authority, all property, funds, and assets thereof
10 shall be vested in the State.

11 i. A true copy of the minutes of every meeting of the authority
12 shall be forthwith delivered by and under the certification of the
13 secretary thereof to the Governor. No action taken at such meeting
14 by the authority shall have force or effect until 10 days, Saturdays,
15 Sundays, and public holidays excepted, after the copy of the
16 minutes shall have been so delivered, unless during such 10-day
17 period the Governor shall approve the same, in which case such
18 action shall become effective upon such approval. If, in that 10-day
19 period, the Governor returns such copy of the minutes with veto of
20 any action taken by the authority or any member thereof at such
21 meeting, such action shall be void. The powers conferred in this
22 subsection upon the Governor shall be exercised with due regard for
23 the rights of the holders of bonds and notes of the authority at any
24 time outstanding, and nothing in, or done pursuant to, this
25 subsection shall in any way limit, restrict or alter the obligation or
26 powers of the authority or any representative or officer of the
27 authority to carry out and perform in every detail any covenant,
28 agreement or contract made or entered into by or on behalf of the
29 authority with respect to its bonds or notes or for the benefit,
30 protection or security of the holders thereof.

31

32 7. The authority shall have the following powers:

33 a. To adopt and from time to time amend and repeal bylaws for
34 the regulation of its affairs and the conduct of its business;

35 b. To adopt and use an official seal and alter it at its pleasure;

36 c. To maintain an office at a place or places within the State as it
37 may designate;

38 d. To sue and be sued in its own name;

39 e. To appoint, retain, and employ, without regard to the
40 provisions of Title 11A of the New Jersey Statutes but within the
41 limits of funds appropriated or otherwise made available for such
42 purposes, such officers, agents, employees, engineers, and experts
43 as it may require, and to determine the qualifications, terms of
44 office, duties, services, and compensation therefor;

45 f. To acquire, construct, maintain, operate, and support projects;

46 g. To assist in the planning and implementation of projects at
47 Fort Monmouth to benefit the surrounding communities and the

- 1 entire State, in conjunction with federal, State, local, and other
2 public entities, as appropriate;
- 3 h. To appoint advisory boards, commissions, councils, or panels
4 to assist in its activities;
- 5 i. To issue bonds or notes of the authority for the purposes of
6 this act and to provide for the rights of the holders thereof as
7 provided in this act;
- 8 j. To set and collect rents, fees, charges, or other payments for
9 the lease, use, occupancy, or disposition of properties owned or
10 leased by the authority. Any revenues collected shall be available
11 to the authority for use in furtherance of any of the purposes of this
12 act;
- 13 k. To acquire, lease as lessee or lessor, own, rent, use, hold, and
14 dispose of real property and personal property or any interest
15 therein, in the exercise of its powers and the performance of its
16 duties under this act;
- 17 l. To apply for, receive, and accept from any federal, State, or
18 other public or private source, grants or loans for, or in aid of, the
19 authority's authorized purposes.
20
- 21 8. a. All purchases, contracts or agreements made pursuant to
22 this act shall be made or awarded directly by the authority, except
23 as otherwise provided in this act, only after public advertisement for
24 bids therefor in the manner provided by the authority and
25 notwithstanding the provisions of any other laws to the contrary.
- 26 b. Any purchase, contract or agreement may be made,
27 negotiated or awarded by the authority without public bid or
28 advertising under the following circumstances:
- 29 (1) When the aggregate amount involved does not exceed the
30 amount set forth in, or the amount calculated by the Governor
31 pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);
- 32 (2) To acquire subject matter which is described in section 4 of
33 P.L.1954, c.48 (C.52:34-9);
- 34 (3) To make a purchase or award or make a contract or
35 agreement under the circumstances described in section 5 of
36 P.L.1954, c.48 (C.52:34-10);
- 37 (4) When the contract to be entered into is for the furnishing or
38 performing of services of a professional or technical nature or for
39 the supplying of any product or the rendering of any service by a
40 public utility;
- 41 (5) When the authority deems it appropriate to have any work
42 performed by its own employees;
- 43 (6) When the authority has advertised for bids on two occasions
44 and has received no bids on both occasions in response to its
45 advertisement, or received no responsive bids. Any purchase,
46 contract or agreement may then be negotiated and may be awarded
47 to any contractor or supplier determined to be responsible provided
48 that the terms, conditions, restrictions and specifications set forth in

1 the negotiated contract or agreement are not substantially different
2 from those which were the subject of competitive bidding;

3 (7) When a piece of equipment or part thereof requires
4 diagnostic repairs;

5 (8) The printing of bonds and documents necessary to the
6 issuance and sale thereof;

7 (9) When a purchase is to be made through or by the Director of
8 the Division of Purchase and Property pursuant to section 1 of
9 P.L.1959, c.40 (C.52:27B-56.1), or through a contract made by any
10 of the following: the New Jersey Sports and Exposition Authority
11 established under section 4 of P.L.1971, c.137 (C.5:10-4); the New
12 Jersey Meadowlands Commission established under section 5 of
13 P.L.1968, c.404 (C.13:17-5); the New Jersey Turnpike Authority
14 established under section 3 of P.L.1948, c.454 (C.27:23-3); the New
15 Jersey Water Supply Authority established under section 4 of
16 P.L.1981, c.293 (C.58:1B-4); the Port Authority of New York and
17 New Jersey established under R.S.32:1-4; the Delaware River Port
18 Authority established under R.S.32:3-2; the Higher Education
19 Student Assistance Authority established under N.J.S.18A:71A-3.

20 When the contract to be entered into is for the furnishing or
21 performing of services of a professional or technical nature under
22 paragraph (4) of this subsection, the contract shall be made or
23 awarded directly by the authority after the solicitation of requests
24 for proposals in the manner provided by the authority and
25 notwithstanding any other laws to the contrary.

26 c. With regard to the appointment and employment of
27 employees under subsection e. of section 7 of this act who are to
28 receive an annualized salary or wage in excess of \$10,000, the
29 authority shall solicit applications for employment by public
30 advertisement.

31

32 9. a. In addition to complying with the applicable provisions of
33 the State "Pay-to-Play" law, P.L. 2005, c.51 (C.19:44A-20.13 et
34 seq.), the authority shall not enter into a contract having an
35 anticipated value in excess of \$17,500, as determined in advance
36 and certified in writing by the authority, with a business entity, if,
37 on or after September 1, 2004, or 18 months prior to the
38 dissemination of the request for proposals, the business entity has
39 made a contribution that is reportable by the recipient under
40 P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate committee of
41 any person serving as a member of the authority when the contract
42 is awarded or to the State, county or municipal committee of the
43 political party to which any person serving as a member of the
44 authority belongs when the contract is awarded.

45 A business entity that has entered into a contract, having a value
46 in excess of \$17,500, with the authority, shall not make, during the
47 duration of the contract, a contribution that is reportable by the
48 recipient under P.L.1973, c.83 to the candidate committee of any

1 person serving as a member of the authority or to the State, county
2 or municipal committee of the political party to which any person
3 serving as a member of the authority belongs.

4 b. As used in this section, "business entity" shall have the
5 meaning prescribed by section 5 of P.L.2005, c.51 (C.19:44A-
6 20.17).

7
8 10. The authority shall not enter into an employment
9 relationship with any person if, on or after September 1, 2004, that
10 person has made a contribution that is reportable by the recipient
11 under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate
12 committee of any person serving as a member of the authority or to
13 a State, county or municipal committee of the political party to
14 which any person serving as a member of the authority belongs
15 when the employment relationship is entered into.

16 An employee of the authority shall not make a contribution that
17 is reportable by the recipient under P.L.1973, c.83 to the candidate
18 committee of any person serving as a member of the authority or to
19 a State, county or municipal committee of the political party to
20 which any person serving as a member of the authority belongs.

21
22 11. The authority shall establish advisory committees in the
23 following areas and in such other areas as it deems appropriate:
24 infrastructure, housing, education, economic matters and workforce
25 development, historical, and environmental. In addition, an
26 advisory committee shall be established to solicit public comment
27 by holding hearings and public meetings and taking other measures
28 to gauge public opinion on matters under the authority's
29 jurisdiction. The membership of the committees shall be
30 determined by the authority. Each committee shall work with
31 consultants qualified to advise the committee in the committee's
32 area of jurisdiction. Each committee shall submit a report on its
33 activities to the authority. The authority shall consider the reports
34 of the committees in preparing the conversion and revitalization
35 plan required by section 12 of this act.

36
37 12. The authority shall prepare a comprehensive conversion and
38 revitalization plan for the property and facilities located at Fort
39 Monmouth, to be approved by no fewer than six of the nine voting
40 members of the authority. Prior to the adoption of such plan by the
41 authority, the authority shall consult with the planning and zoning
42 boards, as appropriate, of the host communities of Eatontown,
43 Oceanport and Tinton Falls, with respect to those portions of the
44 Fort Monmouth property located within such host communities.
45 Such plan shall be periodically revised and updated, and shall
46 include, but need not be limited to:

47 a. A comprehensive study of all issues related to the closure,
48 conversion, revitalization, and future use of Fort Monmouth. This

1 study shall have as a primary concern the impact of the closure and
2 revitalization of Fort Monmouth on the economies, workforce,
3 environment, and quality of life of the affected communities and the
4 State.

5 b. A review of all options relative to the most appropriate use of
6 Fort Monmouth, including but not limited to:

- 7 (1) High technology and communications;
- 8 (2) Transportation and utilities;
- 9 (3) Housing;
- 10 (4) Recreation and open space conservation;
- 11 (5) Federal, State, or local government uses;
- 12 (6) Commercial and retail development; and
- 13 (7) Other potential economic development and revitalization uses
14 consistent with the stated purpose of the authority.

15 c. An assessment of scenic, aesthetic, cultural, open space, and
16 outdoor recreation resources of the area, together with a
17 determination of how such resources may be enhanced and
18 maintained.

19 d. A revenue source analysis that examines available sources of
20 funding to support reuse and revitalization projects, including but
21 not limited to:

- 22 (1) The issuance of bonds by the authority; and
- 23 (2) Grants, loans, or matching funds from federal, State, or other
24 public or private sources.

25 e. The plan shall not include any proposed State or federal
26 correctional institutions to be located in whole or in part on
27 property and facilities located at Fort Monmouth.

28
29 13. Upon the adoption thereof, the authority shall submit the
30 comprehensive plan for the conversion and revitalization of Fort
31 Monmouth to the appropriate agency or agencies of the federal
32 government. The authority shall also submit the plan to the
33 Governor and, pursuant to section 2 of P.L.1991,c.164 (C.52:14-
34 19.1), to the Legislature.

35
36 14. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill, entitled the "Fort Monmouth Economic Revitalization
42 Authority Act," creates the Fort Monmouth Economic
43 Revitalization Authority to plan and implement the revitalization of
44 Fort Monmouth after its closure by the federal government in the
45 Base Realignment and Closure (BRAC) process.

46 The bill also provides that the authority is to establish advisory
47 committees to make reports to the authority to be considered by the

1 authority in the preparation of the conversion and revitalization
2 plan.

3 The closure and revitalization of Fort Monmouth is a matter of
4 great concern for the host communities of Eatontown, Oceanport,
5 and Tinton Falls. The economies, environment, and quality of life
6 of those communities, as well as the State, therefore depend on the
7 efficient and proper revitalization of Fort Monmouth. The authority
8 will prepare and adopt a comprehensive conversion and
9 revitalization plan in a manner that will promote, develop,
10 encourage, and maintain employment, commerce, economic and
11 workforce development and the public welfare, conserve the natural
12 resources of the State, and advance the general prosperity and
13 economic welfare of the people in the affected communities and the
14 entire State.

15 This plan, to be submitted upon its completion to the federal
16 government, as well as the Governor and the Legislature, will
17 include a study of all issues related to the closure and future use of
18 Fort Monmouth, a review of all options relative to the most
19 appropriate use of Fort Monmouth, and an analysis of possible
20 revenue sources to support revitalization and reuse projects.