

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

**March 11, 2016**

**MINUTES OF THE MEETING**

Members of the Authority present: Al Koepp, Chairman; Peter Simon representing Acting State Treasurer Ford M. Scudder; Jeffrey Stoller representing Commissioner Hal Wirths of the Department of Labor and Workforce Development; Public Members: Charles Sarlo, David Huber, Fred B. Dumont; Massiel Medina Ferrara, and Harold Imperatore, Third Alternate Public Member.

Members Present via conference call: Colleen Kokas representing the Commissioner of the Department of Environmental Protection; and Public Member Philip B. Alagia.

Absent: Commissioner Richard Badolato of the Department of Banking and Insurance; Public Members Joseph McNamara, Vice Chairman; Larry Downes, Patrick Delle Cava, First Alternate Public Member; William J. Albanese, Sr., Second Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Also present: Melissa Orsen, Chief Executive Officer of the Authority; Timothy Lizura, President and Chief Operating Officer; Bette Renaud, Deputy Attorney General; Michael Collins, Governor's Authorities' Unit; and staff.

Chairman Koepp called the meeting to order at 10 a.m.

Pursuant to the Internal Revenue Code of 1986, Ms. Orsen announced that this was a public hearing and comments are invited on any Private Activity bond projects presented today.

In accordance with the Open Public Meetings Act, Ms. Orsen announced that notice of this meeting has been sent to the *Star Ledger* and the *Trenton Times* at least 48 hours prior to the meeting, and that a meeting notice has been duly posted on the Secretary of State's bulletin board at the State House.

**MINUTES OF AUTHORITY MEETING**

The next item of business was the approval of the February 9, 2016 meeting minutes. A motion was made to approve the minutes by Mr. Stoller and seconded by Mr. Huber, and was approved by the 10 voting members present.

**FOR INFORMATION ONLY:** The next item was the presentation of the Chief Executive Officer's Monthly Report to the Board.

**CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT TO THE BOARD**

**INCENTIVE PROGRAMS**

**Grow New Jersey Assistance Program**

**ITEM:** Conifer Asset Solutions, LLC APPL.#42216  
**REQUEST:** To approve the application of Conifer Asset Solutions, LLC, for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Jersey City, NJ. Project location of Jersey City, in Hudson County qualifies as an Urban Transit HUB Municipality under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Transit Oriented Development, Jobs with Salary in Excess of County Average and Targeted Industry of Finance. The estimated annual award is \$440,000 for a 10-year term.  
**MOTION TO APPROVE:** Mr. Stoller **SECOND:** Mr. Huber **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 1**

**ITEM:** Symrise, Inc. APPL.#41647  
**REQUEST:** To approve the finding of jobs at risk.  
**MOTION TO APPROVE:** Mr. Dumont **SECOND:** Mr. Huber **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 2**

**ITEM:** Symrise, Inc. APPL.#41647  
**REQUEST:** To approve the application of Symrise Inc., for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Branchburg Twp. and Teterboro Borough, NJ. Project location of Branchburg Twp., in Somerset County qualifies as a Priority Area under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Capital Investment in Excess of Minimum (non-Mega), Large Number of New/Retained F/T Jobs and Targeted Industry of Manufacturing. The estimated annual award is \$255,437 for a 10-year term. In addition, the project location of Teterboro Borough, in Bergen County qualifies as a Priority Area under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Transit Oriented Development, Jobs with Salary in Excess of County Average, Large Number of New/Retained F/T Jobs and Targeted Industry of Manufacturing. The estimated annual award is \$769,993 for a 10-year term.  
**MOTION TO APPROVE:** Mr. Stoller **SECOND:** Mr. Imperatore **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 3**

**ITEM:** Tangoe, Inc. APPL.#42129  
**REQUEST:** To approve the finding of jobs at risk.  
**MOTION TO APPROVE:** Mr. Huber **SECOND:** Mr. Stoller **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 4**

**ITEM:** Tangoe, Inc.

APPL.#42129

**REQUEST:** To approve the application of Tangoe, Inc., for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Parsippany-Troy Hills, NJ. Project location of Parsippany-Troy Hills, in Morris County qualifies as a Priority Area under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Large Number of New/Retained F/T Jobs and Targeted Industry of Technology. The estimated annual award is \$504,381 for a 10-year term.

**MOTION TO APPROVE:** Mr. Simon      **SECOND:** Mr. Huber **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 5**

**ITEM:** United States Fire Insurance Company

APPL.#42217

**REQUEST:** To approve the application of United States Fire Insurance Company, for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Jersey City, NJ. Project location of Jersey City, in Hudson County qualifies as an Urban Transit HUB Municipality under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Transit Oriented Development, Jobs with Salary in Excess of County Average and Targeted Industry of Finance. The estimated annual award is \$800,000 for a 10-year term.

**MOTION TO APPROVE:** Mr. Huber      **SECOND:** Ms. Ferrara **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 6**

### Grow New Jersey Assistance Program Modifications

**ITEM:** EMR Eastern, LLC

APPL.#41233

**REQUEST:** To approve the modification request for deadline extension.

**MOTION TO APPROVE:** Mr. Stoller      **SECOND:** Mr. Huber **AYES:** 13

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 7**

### BOND PROJECTS

#### Combination Preliminary and Bond Resolutions

**ITEM:** Yeshiva Shagas Aryeh, Inc.

APPL.#41030

**LOCATION:** Lakewood Twp., Ocean County

**PROCEEDS FOR:** Refinancing

**FINANCING:** \$3,600,000 Tax-exempt bond

**MOTION TO APPROVE:** Mr. Huber      **SECOND:** Mr. Stoller **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 8**

**PUBLIC HEARING:** Yes

**PUBLIC COMMENT:** None

**Preliminary Bond Resolutions**

ITEM: MSC Vine Street LLC  
LOCATION: Camden City, Camden County  
PROCEEDS FOR: Renovation of existing building  
FINANCING: \$38,980,000  
MOTION TO APPROVE: Mr. Stoller      SECOND: Mr. Imperatore AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

APPL.#42262

ITEM: Uncommon CP Properties II, LLC  
LOCATION: Camden City, Camden County  
PROCEEDS FOR: Renovation of Existing Building  
FINANCING: \$35,795,000  
MOTION TO APPROVE: Mr. Huber      SECOND: Ms. Ferrara AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

APPL.#42263

**LOANS/GRANTS/GUARANTEES**

**New Markets Loan Program**

ITEM: Goodmill, LLC  
REQUEST: Six month maturity extension.  
MOTION TO APPROVE: Mr. Huber      SECOND: Mr. Ferrara AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

**Camden Economic Recovery Board**

ITEM: Camden Economic Recovery Board  
REQUEST: To approve modifications for previously approved projects and suspension of Business Lease and Improvement Incentive Grant programs.  
MOTION TO APPROVE: Mr. Stoller      SECOND: Mr. Huber AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

**Petroleum Underground Storage Tank Program**

FOR INFORMATION ONLY: PUST and HDSRF Program Funding Status

ITEM: Summary of NJDEP Petroleum UST Remediation, Upgrade & Closure Fund Program projects approved by the Department of Environmental Protection.  
MOTION TO APPROVE: Mr. Stoller      SECOND: Mr. Huber AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

PROJECT: Estate of Conrad Vuocolo, Jr.  
LOCATION: Point Pleasant Beach Borough, Ocean County  
PROCEEDS FOR: Remediation  
FINANCING: \$236,953

APPL.#41266

**PROJECT:** Ness, Inc.  
**LOCATION:** Chatham Borough, Morris County  
**PROCEEDS FOR:** Remediation  
**FINANCING:** \$115,015

APPL.#40632

**PROJECT:** James Thoma  
**LOCATION:** East Rutherford Borough, Bergen County  
**PROCEEDS FOR:** Remediation  
**FINANCING:** \$59,084

APPL.#41060

**PROJECT:** Clementina Carrero  
**LOCATION:** Gloucester City, Camden County  
**PROCEEDS FOR:** Remediation  
**FINANCING:** \$154,360

APPL.#41836

**Hazardous Discharge Site Remediation Fund Program**

**ITEM:** Summary of NJDEP Hazardous Discharge Site Remediation Fund Program projects approved by the Department of Environmental Protection.

**MOTION TO APPROVE:** Mr. Imperatore                      **SECOND:** Mr. Stoller **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 14

**PROJECT:** Foundry Street Development, LLC  
**LOCATION:** Newark, Essex County  
**PROCEEDS FOR:** Remedial Investigation  
**FINANCING:** \$350,000

APPL.#41160

**PROJECT:** Camden Redevelopment Agency  
**LOCATION:** Camden City, Camden County  
**PROCEEDS FOR:** Remedial Investigation  
**FINANCING:** \$42,454

APPL.#41723

**EDISON INNOVATION FUND**

**Edison Venture Capital Growth Funds**

**ITEM:** DealCloud, Inc.  
**REQUEST:** Approval of \$1,000,000 loan from Edison VC Growth Fund.

**MOTION TO APPROVE:** Mr. Stoller                      **SECOND:** Mr. Huber **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 15

**ITEM:** Prazas Learning, Inc.  
**REQUEST:** Approval of \$800,000 loan from Edison VC Growth Fund.

**MOTION TO APPROVE:** Mr. Simon                      **SECOND:** Mr. Huber **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 16

## BOARD MEMORANDUMS

**ITEM:** Sterling National Bank

**REQUEST:** Approve addition of Sterling National Bank as a Premier Lender.

**MOTION TO APPROVE:** Mr. Stoller

**SECOND:** Ms. Ferrara **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 17**

**FOR INFORMATION ONLY:** Projects Approved Under Delegated Authority

**Premier Lender Program:**

CPTC Real Estate Holdings LLC (P41967)

**Small Business Fund Program:**

Jaryi Family Shore Holding, LLC (P42083)

**Camden ERB:**

Dean Taly Properties Inc. (P42058)

**Stronger NJ Business Loan Program:**

Bobbalooch and Fats LLC (P41621)

Cayman Associates LLC (P41643 & P41507)

**New Jersey Business Growth Fund – Modification:**

Clifton-Wallington Medical Group, P.A. and Bartnik Properties LLC (P42099)

## REAL ESTATE

**ITEM:** FMERA Purchase and Sale & Redevelopment Agreement

**REQUEST:** To consent to the Fort Monmouth Economic Revitalization Authority entering into the redevelopment agreement that is contained within FMERA's Purchase and Sale & Redevelopment Agreement with Monmouth County for the sale and renovation of Building 2657 in the Tinton Falls section of the former Fort Monmouth.

**MOTION TO APPROVE:** Mr. Stoller **SECOND:** Mr. Huber **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 18**

**ITEM:** FMERA Purchase and Sale & Redevelopment Agreement

**REQUEST:** To consent to the Fort Monmouth Economic Revitalization Authority entering into the redevelopment agreement that is contained within FMERA's Purchase and Sale & Redevelopment Agreement with Kiely Realty, LLC for the sale and renovation of the Pistol Range, the Fire and Police Training Area and the Satellite Drive Parcel in the Tinton Falls section of the former Fort Monmouth.

**MOTION TO APPROVE:** Mr. Huber **SECOND:** Mr. Dumont **AYES:** 10

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 19**

**ITEM:** Camden Waterfront – Approval of Master Plan  
**REQUEST:** Approval of the proposed master plan, entitled “Camden Waterfront 2016: A Master Plan Vision”.  
**MOTION TO APPROVE:** Mr. Huber      **SECOND:** Ms. Ferrara **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 20**

**PUBLIC COMMENT**

Garret O’Connor, Organizer, Retail, Wholesale, and Department Store Union (RWDSU) thanked the board for allowing him to speak last month regarding his concerns pertaining to Deep Foods, a company allegedly engaging in harsh anti- union tactics against employees who are attempting to unionize. Deep Foods has been approved for financing from the EDA.

Mr. O’Connor introduced Tom Walsh, President Local 262, RWDSU; and Cesar Suarez, former Deep Foods employee who says he was terminated for attempting to unionize. Mr. O’Connor and Mr. Suarez addressed the board and expressed their gratitude for allowing them to speak. Their statements are attached.

Chairman Koeppé thanked all for keeping the Board informed, and stated that they would be interested in the outcome of the unfair labor practice complaint which is pending with the National Labor Relations Board.

**EXECUTIVE SESSION**

The next item was to adjourn the public session of the meeting and enter into Executive Session to discuss a real estate matter. The minutes will be made public when the need for confidentiality no longer exists.

**MOTION TO APPROVE:** Mr. Stoller      **SECOND:** Mr. Huber      **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 21**

The Board returned to Public Session.

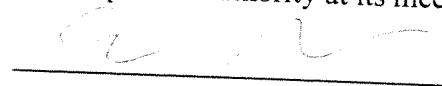
The next item was to approve a real estate matter pertaining to the Camden Waterfront Replacement Parking Improvements.

**MOTION TO APPROVE:** Mr. Dumont      **SECOND:** Mr. Imperatore **AYES:** 10  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 22**

There being no further business, on a motion by Mr. Huber, and seconded by Ms. Ferrara, the meeting was adjourned at 11:25am.

Certification:

The foregoing and attachments represent a true and complete summary of the actions taken by the New Jersey Economic Development Authority at its meeting.

  
Erin Gold, Director, Governance & Communications  
Assistant Secretary

Statement from Tom Walsh, President of Local 262 of the Retail, Wholesale, and Department Store Union (RWDSU) to the New Jersey Economic Development Authority on March 11, 2016.

Good morning Board members and staff. I appreciate you taking a few minutes to hear from me and from prospective members of our union, about a serious issue regarding one of your grantees.

My name is Tom Walsh and I'm the President of Local 262 of the Retail, Wholesale, and Department Store Union, based in Kenilworth. We represent hundreds of workers, mostly in industrial jobs. Right now, about 250 workers at an NJEDA grantee- Deep Foods in Union and Chetak NY in Edison- are organizing to build a better future here in New Jersey for themselves and their families.

At the last NJEDA meeting, my colleagues from the RWDSU and AFL-CIO provided you with the findings of a National Labor Relations Board complaint issued to Deep Foods, the recipient of a \$26.9 million tax abatement. The complaint found that Deep Foods had violated a laundry list of labor laws in response to its employees exercising their right to organize including coercion, intimidation, surveillance, threats, and illegal terminations. I appreciate that the Authority has taken the time to investigate the developing situation at Deep Foods and the information you've shared with us.

If I've understood correctly, Deep Foods has not yet received funding through the NJEDA because it has yet to meet its job creation goals. From what we've observed, Deep Foods may actually have decreased its workforce, and we know for sure that four people have lost their jobs since Deep Foods became a grantee: Cesar Suarez, Antonio Lopez, Manuel Saenz, and Yusdel Caraballo. According to the NLRB charges, all four of these workers were fired by Deep Foods for exercising their right to organize.

I'd like to echo the call that my colleagues made at the last NJEDA meeting: It's time that the Authority ensure that, while creating space for businesses to grow, grants are not awarded to the worst employers. We urge the Economic Development Authority to consider instituting clawback mechanisms for all grants in all cases that grantees violate federal labor law and the rights of their workers. Taxpayer money should be used to create good jobs across our state, and we should ensure that we're expanding opportunities for good employers to create good jobs, rather than allowing businesses like Deep Foods to use the NJEDA as a vehicle to increase their profits while violating their workers' rights. Additionally, I'd like to call on the Authority to study its other grantees to make sure that major workers' rights and human rights violators are not being subsidized through taxpayer money.

I understand that the Board may not have actually disbursed any funds to Deep Foods to date. However, that money is budgeted, and whatever money Deep Foods receives in abatements has to be made up elsewhere in the budget. Our prospective members at Deep Foods pay taxes; so imagine how it would feel to know that your employer may be using your own money to illegally suppress your voice on the job. Considering the National Labor Relations Board's findings regarding Deep Foods' behavior, we're sure that there are more worthy employers out there who would take seriously the goal of creating good jobs in New Jersey, and that such businesses and their workers could really benefit from the \$26.9 million currently budgeted to Deep Foods. We ask that the Authority consider all options available to ensure that current and future grantees respect their workers' rights, respect the law, and respect the mission of the NJEDA itself, and make sure that bad actors like Deep Foods aren't rewarded. I appreciate the opportunity to comment today and look forward to working with the Authority in any way I can to make sure the NJEDA is able to provide opportunities for good businesses, workers, families, and communities to grow and prosper together.



Statement from Cesar Suarez to the New Jersey Economic Development Authority on March 11, 2016.

Good morning Board members and staff. Thank you for the opportunity to speak to you today about how one of your grantees' behavior has affected my life.

My name is Cesar Suarez and I am one of the workers illegally fired by Deep Foods for my leadership in organizing my coworkers to exercise their right to unionize. Through no fault of my own, I lost my job, as did three of my coworkers, while my employer has been awarded \$26.9 million supposedly to create jobs. I'm here to ask that the NJEDA add clauses to its grants that allow it to end its relationship with bad actors like my former company, Deep Foods.

Like many of my coworkers, I came to New Jersey to work for a better life for myself and my family. When people ask me where I am from I normally tell them Ecuador, but I'm proud to know that my daughter, when asked the same question, will be able to say, "I'm from New Jersey." The work and hours at Deep Foods weren't easy, especially when juggling a second job, but I took comfort in knowing that my hard work would mean a better future and more opportunities for my children, who are now college students. I joined the effort to form a union at my job not just for more money or better benefits, but for my family's future. Although executives at Deep Foods have expanded a small company into a multinational empire for the Amin family, conditions at the plant among workers who make the food have continued to deteriorate. Plant managers and human resource managers' abusive and unprofessional behavior had taken the dignity out of our work, so we decided to form a union to bring fairness and justice into our workplace, and get the simple respect we deserve as people and as workers.

When Deep Foods and the Amin family found out that its workers were exercising their right to form a union they had a choice: they could work with their employees to fix the growing problems at the plant, or they could fight the very people who helped them to grow their business. They seem to have chosen the latter, dedicating their resources to surveillance, intimidation, and to contracting highly-paid unscrupulous union busters to do their dirty work. I was fingered as the leader of the effort to organize, and was first coerced with offers of more money and promotions, and then fired when I refused their attempts to persuade me to join their attack on my coworkers' rights. Their activity is not in keeping with the law, nor with the mission of the NJEDA.

That is why I, as a taxpayer myself, join the call for the NJEDA to include clawbacks in its grant agreements that would allow it to sever ties with companies like Deep Foods that are found to have violated workers' rights. As I mentioned before, I've worked two jobs to support my family. In addition to my work at Deep Foods, I also work as a tax preparer, helping New Jerseyans of all stripes to contribute their share to grow and protect our communities. Many of my clients are low-wage workers who, like me, work more than one job, and do their job well. There is no tax abatement for those honest, responsible workers, and there shouldn't be any abatements for companies like Deep Foods that fail to act honestly and responsibly toward the workers whose sweat creates their wealth.

It is not uncommon for employers to violate the labor law during a union organizing drives, but few violations rise to the level of seriousness as those committed by Deep Foods. This NJEDA grantee, through its actions, is on track to cement its reputation as one of the worst violators of workers' rights in

our state. The NJEDA should work to ensure that it does not affiliate itself with an unscrupulous company like Deep Foods. Provisions should be added to grants that make sure that the NJEDA is only granting money to companies that create good jobs and do not violate workers' rights.

I've been out of a job now for nearly seven months because of Deep Foods' illegal actions. That is a job that has been unnecessarily lost because of the reckless behavior of an NJEDA grantee. Above all else I'm here to try to make sure that honest, hard-working, people do not have to see their tax dollars go to companies that turn around and violate their rights. With clawback mechanisms, money budgeted to Deep Foods could be re-purposed and used to help good companies grow, rather than aiding bad actors' efforts to oppress and intimidate.

I appreciate you providing me the opportunity to share a bit of my story today, and I pledge to help in any way I can to make sure that companies receiving grants be held responsible for their actions. Thank you.