

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

June 11, 2013

Waterfront Technology Center, Camden, NJ

MINUTES OF THE MEETING

Members of the Authority present: Al Koepp, Chairman; State Treasurer Andrew Sidamon-Eristoff; Commissioner Kenneth Kobylowski of Banking and Insurance; Fred Zavaglia representing the Commissioner of the Department of Labor and Workforce Development; Colleen Kokas representing the Commissioner of the Department of Environmental Protection; Public Members: Joseph McNamara, Vice Chairman; Larry Downes, Brian Nelson, Richard Tolson, Ray Burke, First Alternate Public Member; Elliot M. Kosoffsky, Second Alternate Public Member; Harold Imperatore, Third Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Present via conference call: Melissa Orsen representing the Executive Branch.

Also present: Michele Brown, Chief Executive Officer of the Authority; Timothy Lizura, President and Chief Operating Officer; Deputy Attorney General Bette Renaud; Dana Redd, Mayor of Camden; and staff.

Also present via conference call: Amy Herbold, Governor's Authorities' Unit.

Absent: Public Members: Charles Sarlo, Jerry Langer, and Marjorie Perry.

MINUTES OF AUTHORITY MEETING

The next item of business was the approval of the May 16, 2013 Executive Session and the April 9, 2013 regular meeting minutes. A motion was made to approve the minutes by Mr. McNamara, seconded by Mr. Tolson, and was approved by the 13 voting members present.

Chairman Koepp welcomed Dana Redd, Mayor of Camden to the meeting.

FOR INFORMATION ONLY: Margie Piliere, Director, of Community Development & Business Banking; and Donna Sullivan, Director, Real Estate Development gave a presentation which highlighted the 10-year recovery effort in Camden, as well the City's potential for the future.

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

BOND PROJECTS

COMBINATION PRELIMINARY AND BOND RESOLUTIONS

PROJECT: Ashland School, Inc. **APPL.#38307**
LOCATION: Newark City/Essex
PROCEEDS FOR: Acquisition and renovation of existing building, land
FINANCING: Up to \$18,000,000 Tax-Exempt
MOTION TO APPROVE: Mr. Tolson **SECOND:** Mr. Nelson **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

LOANS/GRANTS/GUARANTEES

CAMDEN ECONOMIC RECOVERY BOARD

FOR INFORMATION ONLY: Annual Qualified Municipality Capital and Economic Recovery Program Report.

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

INFORMATION ONLY: The next item was a summary of Funding Status for the Petroleum Underground Storage Tank and Hazardous Discharge Site Remediation Fund Programs.

The following projects were presented under the Petroleum Underground Storage Tank Program:

PROJECT: Jeffrey Clayton **APPL.#38107**
LOCATION: Barnegat Township/Ocean
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$169,006 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

PROJECT: Jose R. Cruz **APPL.#38091**
LOCATION: Paterson City/Passaic
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$129,755 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

PROJECT: Rakesh Gupta **APPL.#38090**
LOCATION: Berlin Borough/Camden
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$123,052 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Mr. Kosoffsky **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

PROJECT: Estate of Robert Caswell Sr. **APPL.#36961**
LOCATION: Barnegat Township/Ocean
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$149,922 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

FOR INFORMATION ONLY: Petroleum Underground Storage Tank Program Legal Review - Frank Lanziano (Applicant).

PROJECT: Frank Lanziano **APPL.#37973**
LOCATION: Westfield Town/Union
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$199,495 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Mr. Kosoffsky **SECOND:** Mr. Downes **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

PROJECT: T&J Service Center Inc. **APPL.#38121**
LOCATION: Madison Borough/Morris
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$180,709 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

PROJECT: Charles Walker **APPL.#37993**
LOCATION: Newark City/Essex
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$437,531 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

FOR INFORMATION ONLY: Summary of Petroleum Underground Storage Tank Program projects approved by the Delegated Authority.

HAZARDOUS DISCHARGE SITE REMEDIATION FUND

PROJECT: Borough of Red Bank (Former Incinerator) **APPL.#37798**
LOCATION: Red Bank Borough/Monmouth
PROCEEDS FOR: Remedial Investigation
FINANCING: \$222,682 Hazardous Discharge Site Remediation Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

FOR INFORMATION ONLY: Summary of Hazardous Discharge Site Remediation Fund projects approved by the Delegated Authority.

INCENTIVE PROGRAMS

BUSINESS EMPLOYMENT INCENTIVE PROGRAM, BUSINESS RETENTION & RELOCATION ASSISTANCE GRANT PROGRAM

PROJECT: AASKI Technology Inc. **APPL.#38320**
LOCATION: Tinton Falls Borough/Monmouth **BUSINESS:** Professional Services
GRANT AWARD: 70% **Business Employment Incentive grant, 10 years**
MOTION TO APPROVE: Mr. Burke **SECOND:** Mr. Kosoffsky **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4
Mr. Nelson recused himself because his firm represents the municipality.

PROJECT: AASKI Technology Inc. **APPL.#38321**
LOCATION: Tinton Falls Borough/Monmouth **BUSINESS:** Professional Services
GRANT AWARD: \$137,250 **Business Retention & Relocation Assistance grant, 6 years**
MOTION TO APPROVE: Mr. Kosoffsky **SECOND:** Mr. Downes **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5
Mr. Nelson recused himself because his firm represents the municipality.

PROJECT: Gaming Laboratories International, LLC **APPL.#38335**
Project withheld at the applicant's request.

PROJECT: Gaming Laboratories International, LLC **APPL.#38336**
Project withheld at the applicant's request.

PROJECT: The Medicines Company **APPL.#38342**
LOCATION: Parsippany-Troy Hills **BUSINESS:** Biotechnology
GRANT AWARD: 60% **Business Employment Incentive grant, 10 years**
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Tolson **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

GROW NEW JERSEY ASSISTANCE PROGRAM

ITEM: NRG Energy, Inc – P15721
Princeton, New Jersey
Business Employment Incentive Program Grant (BEIP)
REQUEST: To wind up the BEIP to end the grant term on December 31, 2009 and the commitment duration period on December 31, 2012.
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

ITEM: NRG Energy, Inc
Grow New Jersey Assistance Program
REQUEST: To approve the at risk jobs finding
MOTION TO APPROVE: Mr. Nelson **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

PROJECT: NRG Energy, Inc. **APPL.#15721**
LOCATION: West Windsor/Mercer Cty **BUSINESS:** Energy
GRANT AWARD: \$37,250,000 Grown New Jersey Program, 10 years
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Nelson **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

ECONOMIC REDEVELOPMENT AND GROWTH PROGRAM

ITEM: Hanover Ridgedale LLC
Economic Redevelopment and Growth Grant Program
REQUEST: To approve the application of Hanover Ridgedale LLC for reimbursement of certain taxes for a Cedar Knolls, Morris County project under a “state incentive grant” by the EDA pursuant to the Economic Redevelopment and Growth Grant program.
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. Tolson **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

DIGITAL MEDIA TAX CREDIT PROGRAM

ITEM: NBCUniversal Media, LLC

REQUEST: To approve the proposed tax credit allocation of the Digital Media Tax Credit project and its activities and employment in the State Fiscal Year 2013 with a maximum tax credit totaling \$5,000,000 from State Fiscal Year 2013 and \$3,960,000 from State Fiscal Year 2014, subject to the Act, Regulations and further satisfactory review, including but not limited to satisfactory review of the actual expenses, by the staff, Film Commission, and Taxation.

MOTION TO APPROVE: Mr. Zavaglia **SECOND:** Mr. McNamara **AYES:** 12

RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

State Treasurer Sidamon-Eristoff abstained.

BOARD MEMORANDUMS

ITEM: Standard Chartered Bank

PURPOSE: To address the legal matters of the applicant, Standard Chartered Bank and affiliated entities related to the company's previously awarded Business Employment Incentive Program grants.

MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. McNamara **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

ITEM: Vineland Construction Co.

P15471 - \$485,620 LDFP Loan

P15472 - \$431,250 Direct Loan

P15473 - \$287,500 SLP Loan

Total EDA Exposure - \$1,204,370

REQUEST: Consent to the subdivision and partial release of EDA's junior lien on a portion of the real estate property currently leased to Vineland Chicken, LLC to facilitate the future sale of the parcel.

MOTION TO APPROVE: Mr. Burke **SECOND:** Mr. McNamara **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

ITEM: Authorized Signers for Staff Delegations

REQUEST: To extend Staff Delegations previously approved in May, 2011 for real estate incentives programs to all other Incentive, Credit, Bond and Office of Recovery Programs.

MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. Tolson **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

ITEM: Delegated Authority Revisions to Incentive Programs

REQUEST: 1. Revise the delegations previously granted by the Members for BEIP, BRRAG, BRRAG (STX) Brownsfields, ERG, Grow NJ, HDSRF, HUB, PUST, and UEZ programs to streamline the process and improve efficiencies for our customers and staff and

2. Expands the new Delegations for BEIP Incentives to BRRAG, Brownsfields, ERG, Grow NJ, HUB, UEZ, STX, HDSRF and PUST; and

3. Creates new Delegations for Brownsfields to terminate open ended agreements that have not advanced or have not requested additional funding after two years.

MOTION TO APPROVE: Mr. Kosoffsky **SECOND:** Mr. Imperatore **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

ITEM: Delegated Authority for Post Closing Conduit Bond Amendments

REQUEST: To delegate to staff authority to consent to interest rate and bond mode changes for direct purchase bonds, and clarify existing delegations previously granted by the Members for changes in EDA's organization.

MOTION TO APPROVE: Mr. Zavaglia **SECOND:** Mr. McNamara **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

ITEM: Tax Compliance Procedures for Tax Exempt Bonds

REQUEST: 1. Designate EDA's President and Chief Operating Officer as Tax Compliance Officer for conduit bond issues; and

2. Delegate authority to the Tax Compliance Officer, or his/her designee, to modify and amend procedures to conform to IRS requirements, upon recommendation of Bond Counsel and the Attorney General's office

MOTION TO APPROVE: Mr. Tolson **SECOND:** Mr. McNamara **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

FOR INFORMATION ONLY: The next item is a summary of the projects approved under Delegated Authority in April 2013:

New Jersey Business Growth Fund: 5 N Olney LLC (P38319), Worthington Property Management, LLC, (38341)

Small Business Fund Program: Partner Real Estate LLC (38345)

New Jersey Business Growth Fund - Modification: 22A-B Hill Road LLC (37890), Specialized Sales and Service LLC and Specialized Storage Systems Incorporation (P38318)

REAL ESTATE

- ITEM:** Parking Management Agreement between Herschend Family Entertainment, New Jersey Aquarium, LLC and NJEDA
- REQUEST:** To approve to execute a Parking Management Agreement between Herschend Family Entertainment, New Jersey Aquarium, LLC and NJEDA with regard to the Camden Waterfront Project for a one year term, with a one year renewal option
- MOTION TO APPROVE:** Mr. Tolson **SECOND:** Mr. Downes **AYES:** 13
- RESOLUTION ATTACHED AND MARKED EXHIBIT:** 17

OFFICE OF RECOVERY

- ITEM:** Superstorm Sandy New Program Creation: Stronger NJ Business Loans
- REQUEST:** To approve the creation of a new economic recovery program proposed under the New Jersey Department of Community Affairs, Community Development Block Grant Disaster Recover Action Plan approved by the U.S. Department of Housing and Urban Development: Stronger NJ Business Loans and the associated delegated authority to staff to administer the program.
- MOTION TO APPROVE:** Mr. Zavaglia **SECOND:** Mr. McNamara **AYES:** 13
- RESOLUTION ATTACHED AND MARKED EXHIBIT:** 18

AUTHORITY MATTERS

- ITEM:** New Program Approval – New Jersey Angel Investor Tax Credit
- REQUEST:** Approve the implementation of the New Jersey Angel Investor Tax Credit as described herein pursuant to the New Jersey Angel Investor Tax Credit Act, and approve the proposed regulations for submission to the Office of Administrative Law for promulgation and adoption, subject to the review of the Division of Law, Office of the Attorney General.
- MOTION TO APPROVE:** Mr. McNamara **SECOND:** Mr. Tolson **AYES:** 13
- RESOLUTION ATTACHED AND MARKED EXHIBIT:** 19

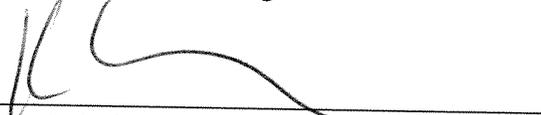
PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion Mr. Imperatore, and seconded by Mr. Tolson, the meeting was adjourned at 11:42 am.

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. <



Kim Ehrlich, Assistant Secretary