

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

August 13, 2013

MINUTES OF THE MEETING

Members of the Authority present: Al Koepp, Chairman; State Treasurer Andrew Sidamon-Eristoff; Fred Zavaglia representing the Commissioner of the Department of Labor and Workforce Development; Christopher Hughes representing the Commissioner of the Department of Banking and Insurance; Public Members: Joseph McNamara, Vice Chairman; Larry Downes, Brian Nelson, Ray Burke, First Alternate Public Member; Elliot M. Kosoffsky, Second Alternate Public Member, and Harold Imperatore, Third Alternate Public Member.

Present via conference call: Colleen Kokas representing the Commissioner of the Department of Environmental Protection; Public Members Marjorie Perry, Charles Sarlo, and Rodney Sadler, Non-Voting Member.

Also present: Michele Brown, Chief Executive Officer of the Authority; Timothy Lizura, President and Chief Operating Officer; Deputy Attorney General Ed Pillsbury; Amy Herbold, Governor's Authorities' Unit; and staff.

Absent: Melissa Orsen representing the Executive Branch; Public Members Richard Tolson and Jerry Langer.

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

Pursuant to the Internal Revenue Code of 1986, Ms. Brown 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. Brown 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 July 11, 2013 meeting minutes. A motion was made to approve the minutes by Mr. Nelson, seconded by Mr. McNamara, and was approved by the 13 voting members present.

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

BOND PROJECTS

BOND RESOLUTIONS

PROJECT: Portuguese Baking Company, LP **APPL.#38235**
LOCATION: Newark City/Essex
PROCEEDS FOR: Purchase of equipment and machinery
AMOUNT: \$6,000,000 Tax-exempt bond
MOTION TO APPROVE: Mr. Nelson **SECOND:** Mr. Downes **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

AMENDED BOND RESOLUTIONS

PROJECT: Ashland School **APPL.#38307**
LOCATION: Newark City/Essex
PROCEEDS FOR: Purchase of land, acquisition and renovation of existing building
AMOUNT: \$23,000,000 Tax-exempt bond
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

PRELIMINARY BOND RESOLUTIONS

FOR INFORMATION ONLY: Qualified School Construction Bond
Notice of Funding Availability in the amount of \$125 Million for Charter Schools in New Jersey summary.

PROJECT: CA Newark 66-78 MA Urban Renewal LLC **APPL.#38387**
LOCATION: Newark City/Essex
PROCEEDS FOR: Construction of new building or addition, acquisition and renovation of existing building
MOTION TO APPROVE: Mr. Nelson **SECOND:** Mr. Downes **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

Ms. Perry recused herself because her firm has been approached by several of the projects.

PROJECT: Kingston Educational Holdings 1, Inc. **APPL.#38412**
LOCATION: Newark City/Essex
PROCEEDS FOR: Construction of new building or addition, acquisition of existing building, purchase of equipment and machinery
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. Imperatore **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

Ms. Perry recused herself because her firm has been approached by several of the projects.

PROJECT: NSA 559 Broad Street, LLC **APPL.#38413**
LOCATION: Newark City/Essex
PROCEEDS FOR: Renovation of existing building
MOTION TO APPROVE: Mr. Zavaglia **SECOND:** Mr. Downes **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

Ms. Perry recused herself because her firm has been approached by several of the projects.

PROJECT: Uncommon Properties II, LLC **APPL.#38414**
LOCATION: Newark City/Essex
PROCEEDS FOR: Acquisition and renovation of existing building
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. Burke **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

Ms. Perry recused herself because her firm has been approached by several of the projects.

PROJECT: Uncommon Properties II, LLC **APPL.#38415**
LOCATION: Newark City/Essex
PROCEEDS FOR: Acquisition and renovation of existing building, purchase of equipment and machinery
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Imperatore **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

Ms. Perry recused herself because her firm has been approached by several of the projects.

LOANS/GRANTS/GUARANTEES

FUND FOR COMMUNITY ECONOMIC DEVELOPMENT

PROJECT: Housing and Neighborhood Development Services, Inc. **APPL.#38478**
LOCATION: Orange City/Essex
PROCEEDS FOR: Refinancing
FINANCING: \$581,250 Fund for Community Economic Development loan
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

FOR INFORMATION ONLY: Summary of Funding Status for the Petroleum Underground Storage Tank Program and Hazardous Discharge Site Remediation Fund Programs.

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

PROJECT: Roseanne Johnson **APPL.#38070**
LOCATION: Middletown Township/Monmouth
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$201,688 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Mr. McNamara **SECOND:** Ms. Kokas **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: Gaetano Pagnozzi **APPL.#38312**
LOCATION: North Bergen Township/Hudson
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$722,817 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: Anthony Perrelly **APPL.#38287**
LOCATION: Edgewater Borough/Bergen
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$141,469 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: Solowill Enterprises, Inc. **APPL.#38326**
LOCATION: UnionTownship/Union
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$34,749 Petroleum UST Remediation, Upgrade and Closure Fund Grant
MOTION TO APPROVE: Ms. Kokas **SECOND:** Mr. Kosoffsky **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

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

INCENTIVE PROGRAMS

BUSINESS EMPLOYMENT INCENTIVE PROGRAM

PROJECT: CLS Bank International **APPL.#38429**
LOCATION: Woodbridge Township/Middlesex **BUSINESS:** Financial Services
GRANT AWARD: 60% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. Nelson **AYES:** 13 **RESOLUTION**
ATTACHED AND MARKED EXHIBIT: 10

GROW NEW JERSEY ASSISTANCE PROGRAM

PROJECT: Medco Health Solutions of Willingboro, LLC **APPL.#38382**
and Express Scripts Pharmacy, Inc.

This project was withheld from board consideration.

ANGEL INVESTOR TAX CREDIT PROGRAM

INVESTOR: Jonathan Perelman **APPL.#38435**
TECHNOLOGY BUSINESS: Edge Therapeutics, Inc.
LOCATION: New Providence Borough/Union **BUSINESS:** Biotechnology
QUALIFIED INVESTMENT: \$17,500
MOTION TO APPROVE: Ms. Perry **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

BOARD MEMORANDUMS

ITEM: ff Rose Venture Capital Fund, L.P.
REQUEST: To make a limited partnership investment in ff Rose Venture Capital Fund,
L.P. up to \$2.5 million.
MOTION TO APPROVE: Mr. Zavaglia **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

ITEM: The MLB Network, LLC
Secaucus, New Jersey
Modification Request - Business Employment Incentive Program Grant
P23521

REQUEST: 1. Add 44 Hartz Way, Secaucus as a project location to the existing BEIP grant agreement; and
2. Waive the 20% new employment cap on the remaining five years of the grant due to the company making additional significant capital investments at the project site.

MOTION TO APPROVE: Mr. Downes **SECOND:** Mr. Kosoffsky **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

ITEM: RBH-TRB Newark Holdings LLC
P37504 – Economic Redevelopment and Growth Grant Program
P34886 – Urban Transit Hub Tax Credit Program

REQUEST: RBH-TRB Newark Holdings LLC has requested a six month extension of time to submit financial commitments required for their Economic Redevelopment and Growth Grant Program, and Urban Transit Hub Tax Credit Program approvals.

MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Nelson **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

Ms. Perry recused herself because she is familiar with the project.

ITEM: Delegated Authority for Technology and Life Sciences

REQUEST: Delegate authority to staff for the approval of post closing modifications in the Technology and Life Sciences portfolio and authorize the Director of Technology and Life Sciences as signatory for financing documents.

MOTION TO APPROVE: Mr. Burke **SECOND:** Ms. Kokas **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

FOR INFORMATION ONLY: Summary of the projects approved under Delegated Authority in August 2013:

Small Business Fund Program: Antoinette Marie Tauk DDS, LLC
(P38386).

Main Street Post-Closing Modification: Daron Realty, LLC (P38479)

REAL ESTATE

ITEM: Cooper's Ferry Partnership, Inc. or Nominee
\$1,250,000 Economic Development Site Fund Grant
REQUEST: To approve a \$1.25 million grant from the Economic Development Site Fund to Cooper's Ferry Partnership, Inc. for the purchase of the property located at 300 North Delaware Avenue in Camden.
MOTION TO APPROVE: Mr. Zavaglia **SECOND:** Mr. Downes **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

Mr. Nelson recused himself because his firm represents one of the parties involved.

ITEM: NJEDA Newark Office Space
REQUEST: Approval to (1) execute a lease with Diversified-Capital Newark LLC for approximately 3,340 square feet of office space at 24 Commerce Street in Newark, (2) execute a parking agreement for seven parking spaces, and (3) to establish a budget and authorization to spend a maximum not to exceed amount of \$75,000 of Authority funds for furniture and moving expenses.
MOTION TO APPROVE: Ms. Perry **SECOND:** Mr. Nelson **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

ITEM: Biotechnology Development Center II
Technology Centre of New Jersey
Lease Agreement with Orthobond Corporation
REQUEST: Approval to (i) enter into a lease for six years and two months with Orthobond Corporation for 7,066 square feet of generic wet lab space in the Tech III building; and (ii) to terminate Orthobond's existing CCIT lease when the graduation space is ready for occupancy.
MOTION TO APPROVE: Mr. Kosoffsky **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

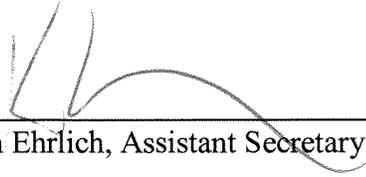
PUBLIC COMMENT

On behalf of Mr. Teixeira, owner of the Portuguese Baking Company in Newark, Mr. Charles Villano thanked the EDA for its assistance, especially Margie Piliere, John Rosenfeld, Teresa Wells, and Paul Ceppi; as well as John Cavalier, bond counsel; and Sovereign Bank, the bond purchaser.

There being no further business, on a motion Mr. Downes, and seconded by Mr. Kosoffsky, the meeting was adjourned at 11am.

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