

# **NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

**September 13, 2012**

## **MINUTES OF THE MEETING**

Members of the Authority present: Al Koepp, Chairman; Matt McDermott representing the Executive Branch; Steve Petrecca representing the State Treasurer; Colleen Kokas representing the Commissioner of the Department of Environment Protection; Fred Zavaglia representing the Department of Labor and Workforce Development; Nancy Graves representing the Commissioner of the Department of Banking and Insurance; Public Members: Joseph McNamara, Vice Chairman; Larry Downes, Marjorie Perry, Charles Sarlo, Harold Imperatore, Ray Burke, First Alternate Public Member; Elliot M. Kosoffsky, Second Alternate Public Member; and Brian Nelson, Third Alternate Public Member.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Bette Renaud, Deputy Attorney General; Michele Brown, Governor's Appointments Office; Brett Tanzman, Governor's Authorities' Unit and staff.

Absent from the meeting: Public Member Richard Tolson, and Rodney Sadler, Non-Voting Member.

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

Pursuant to the Internal Revenue Code of 1986, Ms. Franzini 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. Franzini 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 August 14, 2012 regular meeting minutes, the August 21, 2012 strategic planning meeting minutes, and the August 22, 2012 special meeting minutes. A motion was made to approve the minutes by Ms. Perry, seconded by Ms. Graves, and was approved by the 14 voting members present.

The next item was a proclamation presented to Caren Franzini by Chairman Koepp commemorating her 21 years of service at the EDA and her dedicated service to the Board. Chairman Koepp read the proclamation aloud which noted that Ms. Franzini's diplomatic and affirmative leadership and innovative ideas have resulted in numerous award-winning economic development projects and programs that have attracted national acclaim. The proclamation also noted that she has led the Authority as the State's primary economic engine without parallel nationally, influenced hundreds of her colleagues, created and nurtured an unshakable culture of professionalism and fiscal responsibility at the Authority, anchored in her respect for the people she leads and the State she serves.

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

**AUTHORITY MATTERS**

**ITEM:** EDA By-Law Changes

**REQUEST:** To approve amendments to the Authority's by-laws.

**MOTION TO APPROVE:** Mr. McNamara **SECOND:** Ms. Perry **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 1**

**ITEM:** Annual Meeting

**REQUEST:** To approve the recommendations associated with the annual reorganization meeting.

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McDermott **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 2**

**FOR INFORMATION ONLY:** The next item is a summary of the resolved executive session items.

**BOND PROJECTS**

**COMBINATION PRELIMINARY AND BOND RESOLUTIONS**

**PROJECT:** Bet Yaakov of the Jersey Shore, Inc.

**APPL.#37632**

**LOCATION:** West Long Branch Borough/Monmouth

**PROCEEDS FOR:** Building Acquisition

**FINANCING:** \$2,900,000 Tax-Exempt Bond

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McNamara **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 3**

**PUBLIC HEARING:** Yes

**PUBLIC COMMENT:** None

**PROJECT:** Hudson Community Enterprises Inc. **APPL.#37666**  
**LOCATION:** Jersey City/Hudson  
**PROCEEDS FOR:** Equipment and Machinery Purchase  
**FINANCING:** \$760,000 est. (*Part of a \$1,520,000 Tax-Exempt Bond with P37700*)  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**PROJECT:** Hudson Community Enterprises Inc. **APPL.#37700**  
**LOCATION:** Jersey City/Hudson  
**PROCEEDS FOR:** Refund  
**FINANCING:** \$760,000 est. (*Part of a \$1,520,000 Tax-Exempt Bond with P37666*)  
**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. Nelson **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 4**  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**PROJECT:** Pingry Corporation **APPL.#37686**  
**LOCATION:** Bernards Township/Somerset  
**PROCEEDS FOR:** Refinancing  
**FINANCING:** \$2,800,000 Tax-Exempt Bond (*Part of a \$8,320,000 bond issue with P37688*)  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**PROJECT:** Pingry Corporation **APPL.#37688**  
**LOCATION:** Bernards Township/Somerset  
**PROCEEDS FOR:** Refund  
**FINANCING:** \$5,520,000 Tax-Exempt Bond (*Part of a \$8,320,000 bond issue with P37686*)  
**MOTION TO APPROVE:** Mr. McNamara **SECOND:** Mr. Nelson **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 5**  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

### **PRELIMINARY RESOLUTIONS**

**PROJECT:** BWP School Partners LLC **APPL.#37648**  
**LOCATION:** Newark City/Essex  
**PROCEEDS FOR:** Building or Addition Construction  
**MOTION TO APPROVE:** Mr. Nelson **SECOND:** Mr. McNamara **AYES:** 13  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 6**

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

**PUBLIC HEARING ONLY**

**PROJECT:** Dakota Properties, Inc.  
**LOCATION:** Statewide/Multi County  
**PROCEEDS FOR:** Refinancing

**APPL.#37676**

**PROJECT:** Twin Oaks Community Services, Inc.  
**LOCATION:** Statewide/Multi County  
**PROCEEDS FOR:** Refinancing

**APPL.#37675**

**LOANS/GRANTS/GUARANTEES**

**HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM**

The following municipal projects were presented under the Hazardous Discharge Site Remediation Fund Program

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Ms. Graves **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 7**

**PROJECT:** Pastor Enterprises  
**LOCATION:** Middlesex Borough/Middlesex  
**PROCEEDS FOR:** Remedial Investigation  
**FINANCING:** \$164,730 Hazardous Discharge Site Remediation Fund Grant

**APPL.#37431**

**PROJECT:** Township of Bridgewater (Dept Public Works Muni Garage)  
**LOCATION:** Bridgewater Township/Somerset  
**PROCEEDS FOR:** Remedial Action  
**FINANCING:** \$115,526 Hazardous Discharge Site Remediation Fund Grant

**APPL.#37684**

**PROJECT:** Township of Haddon (Dy Dee Redevelopment Project)  
**LOCATION:** Haddon Township/Camden  
**PROCEEDS FOR:** Remedial Action  
**FINANCING:** \$677,814 Hazardous Discharge Site Remediation Fund Grant

**APPL.#37542**

**EDISON INNOVATION FUND**

**ITEM:** Edison Innovation Venture Capital Growth Fund- Product Enhancement  
**REQUEST:** To approve amendments to the rules implementing the Edison Innovation Venture Capital Growth Fund program to raise the funding limit from \$500,000 to \$1 million.  
**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. Nelson **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 8**

**PROJECT:** Phone.com, Inc. **APPL.#37701**  
**LOCATION:** Livingston Township/Essex  
**FINANCING:** \$600,000 Venture Capital Growth Fund Loan  
**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McDermott **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 9

**INCENTIVE PROGRAMS**

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

**PROJECT:** Celldex Therapeutics, Inc./Celldex Research Corp. (Celldex) **APPL.#37665**  
**LOCATION:** Clinton Township/Hunterdon **BUSINESS:** Biotechnology  
**GRANT AWARD:** 65% **Business Employment Incentive grant**, 10 years  
**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. Downes **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 10

**PROJECT:** Everite Machine Products Co and Affiliates **APPL.#37673**  
**LOCATION:** To be determined **BUSINESS:** Industrial/Electrical Equipment  
**GRANT AWARD:** 35% **Business Employment Incentive grant**; 10 years  
**MOTION TO APPROVE:** Mr. Kosoffsky **SECOND:** Mr. Nelson **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 10

**PROJECT:** Real Estate Mortgage Network, Inc. **APPL.#37668**  
**LOCATION:** To be determined **BUSINESS:** Financial Services  
**GRANT AWARD:** 45% **Business Employment Incentive grant**, 10 years  
**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McDermott **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 10

**PROJECT:** Real Estate Mortgage Network, Inc. **APPL.#37669**  
**LOCATION:** To be determined **BUSINESS:** Financial Services  
**GRANT AWARD:** \$459,000 (est.), **Business Retention and Relocation Assistance grant**, 1 year  
**MOTION TO APPROVE:** Mr. Nelson **SECOND:** Mr. McNamara **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 11

**PROJECT:** Spectrum Laboratory Products, Inc. **APPL.#37678**  
**LOCATION:** New Brunswick City/Middlesex **BUSINESS:** Other Manufacturing  
**GRANT AWARD:** 80% **Business Employment Incentive grant**, 10 years  
**MOTION TO APPROVE:** Mr. McDermott **SECOND:** Ms. Perry **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 10

**ECONOMIC REDEVELOPMENT AND GROWTH PROGRAM**

*Mr. McDermott left the room at this time.*

**PROJECT:** DGMB Casino, LLC

**LOCATION:** Lacey/Ocean

**REIMBURSEMENT GRANT:** Up to \$5,055,556

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McNamara **AYES:** 12

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 12**

*Mr. Imperatore recused himself because a relative was involved with the project.*

**URBAN TRANSIT HUB TAX CREDIT PROGRAM**

*Mr. McDermott reentered the room at this time.*

**ITEM:** Haddon Avenue UTH Limited Liability Company

**REQUEST:** To approve the Urban Transit Hub Tax Credit program application for Haddon Avenue UTH Limited Liability Company under P.L. 2007, c.346, P.L. 2008, as amended on July 26, 2011, for the amount of up to \$50,306,363 or \$5,030,636 annually for 10 years.

**MOTION TO APPROVE:** Mr. Burke **SECOND:** Ms. Perry **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 13**

**ITEM:** Urban Transit Hub Tax Credit Program GROW NJ Program – Report on Activity and Program Recommendations

**REQUEST:** To approve the \$100 million UTHTC competitive residential solicitation and the recommendation to accept UTHTC and GROW NJ applications to exhaust the remaining balance.

**MOTION TO APPROVE:** Mr. Downes **SECOND:** Mr. McNamara **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**ITEM:** Urban Transit Hub Tax Credit Program  
\$100 Million Residential Competitive Solicitation

**REQUEST:** To approve the \$100 million UTHTC competitive residential solicitation, and threshold and scoring criteria.

**MOTION TO APPROVE:** Mr. Kosoffsky **SECOND:** Mr. McDermott **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 15**

**GROW NEW JERSEY ASSISTANCE PROGRAM**

**PROJECT:** .com Distribution

**LOCATION:** Edison Township/Middlesex

**REQUEST:** To agree with the finding that jobs are at risk as represented in the CEO certification

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. Downes **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 16**

**PROJECT:** .com Distribution

**LOCATION:** Edison Township/Middlesex

**REQUEST:** To approve the \$40,000,000 Grow New Jersey award

**MOTION TO APPROVE:** Mr. Nelson **SECOND:** Mr. McNamara **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 17**

**ITEM:** Honeywell International, Inc.

**REQUEST:** Discussion and action on staff's recommendation not disqualify Honeywell International, Inc. after the review of legal matters.

**MOTION TO APPROVE:** Mr. Nelson **SECOND:** Mr. Kosoffsky **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 18**

*Ms. Perry left the room.*

**PROJECT:** Honeywell International, Inc.

**LOCATION:** Morris Township/Morris

**REQUEST:** To agree with the finding that jobs are at risk as represented in the CEO certification

**MOTION TO APPROVE:** Mr. Downes **SECOND:** Ms. Perry **AYES:** 13

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 19**

*Ms. Perry reentered the room*

**PROJECT:** Honeywell International, Inc.

**LOCATION:** Morris Township/Morris

**REQUEST:** To approve the \$40,000,000 Grow New Jersey award

**MOTION TO APPROVE:** Mr. Burke **SECOND:** Mr. Kosoffsky **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 17**

**PROJECT:** Spectra East, Inc.  
**LOCATION:** Roseland Borough/Essex  
**REQUEST:** To agree with the finding that jobs are at risk as represented in the CEO certification  
**MOTION TO APPROVE:** Mr. Downes **SECOND:** Mr. McNamara **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 20

**PROJECT:** Spectra East, Inc.  
**LOCATION:** Roseland Borough/Essex  
**REQUEST:** To approve the \$18,120,000 Grow New Jersey award  
**MOTION TO APPROVE:** Mr. Nelson **SECOND:** Mr. Burke **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 17

**PROJECT:** Spectra East, Inc.  
**LOCATION:** Roseland Borough/Essex  
**GRANT AWARD:** \$1,864,693, **Sales Tax Exemption Program, 5 years**  
**MOTION TO APPROVE:** Mr. McNamara **SECOND:** Mr. McDermott **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 21

### **TECHNOLOGY BUSINESS TAX CERTIFICATE TRANSFER PROGRAM**

The next item is to approve 63 projects and disapprove 7 projects for the 2012 program cycle which have been evaluated according to the criteria established by the Members of the Board.

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McDermott **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 22

### **BOARD MEMORANDUMS**

**ITEM:** Transfer of Business Retention and Relocation Assistance Grant tax credits from IDL TechniEdge, LLC to GTE Wireless, Inc.

**REQUEST:** To approve the transfer of unused tax credits from IDL TechniEdge, LLC to GTE Wireless, Inc.

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. Kosoffsky **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 23

**ITEM:** ImClone Systems Incorporated/ImClone Systems Corporation

BEIP Grants: P10891, P13670, P21401

**REQUEST:** Discussion and action on staff's recommendation not disqualify ImClone Systems Corporation after the review of legal matters.

**MOTION TO APPROVE:** Mr. Nelson **SECOND:** Mr. McNamara **AYES:** 14  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 24

**ITEM:** ImClone Systems Incorporated/ImClone Systems Corporation

BEIP Grants: P10891, P13670, P21401

Project Locations: Branchburg Campus and Bridgewater Campus

**REQUEST:** Consent to the acquisition of ImClone Systems Incorporated by Eli Lilly and Company and subsequent name change to ImClone Systems Corporation on its three incentive grants, and consent to remove 300 Somerset Corporate Boulevard, Bridgewater as a project location and replace it with 440 Route 22 East, Bridgewater; and approve ImClone LLC as an interim taxpaying entity prior to the newly formed ImClone Systems.

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McNamara **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 25**

**FOR INFORMATION ONLY:** The next item is a summary of the projects approved under Delegated Authority in August 2012:

**New Jersey Main Street Program:** Garton's Rigging Inc.

**PNC Business Growth Fund – Modification:** Northforty, LLC

### REAL ESTATE

**ITEM:** Directors and Officers of Bergen New Jersey, Inc. and

Aegis Camden Partners, Inc.

L-3 Project (formerly known as the Camden Aerospace Center)

**REQUEST:** To approve the designation of Directors and Officers for Bergen of New Jersey, Inc. and Aegis Camden Partners, Inc. to incorporate additional staff and titles effective October 1, 2012.

**MOTION TO APPROVE:** Mr. Downes **SECOND:** Mr. Sarlo **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 26**

**ITEM:** Update to Operating Authority – Real Estate Development Division

**REQUEST:** To approve the modification of the Real Estate Development Operating Authority to delegate authority to staff to select tenants and execute the Authority's standard form of lease agreement for lab and office space up to 8,000 square feet.

**MOTION TO APPROVE:** Mr. Burke **SECOND:** Ms. Perry **AYES:** 14

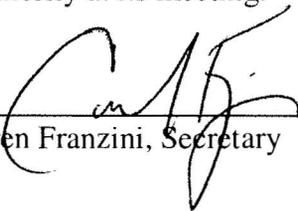
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 27**

**PUBLIC COMMENT**

There was no comment from the public.

There being no further business, on a motion Ms. Perry, and seconded by Mr. McNamara, the meeting was adjourned at 12:10 pm.

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.

  
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Caren Franzini, Secretary