

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

**November 9, 2011**

**MINUTES OF THE MEETING**

Members of the Authority present: Al Koepp, Chairman; Matt McDermott representing the Executive Branch; Wayne Staub representing the Commissioner of the Department of Environment Protection; Public Members: Joseph McNamara, Vice Chairman; Marjorie Perry, Brian Nelson, Laurence Downes, Rich Tolson, Elliot M. Kosoffsky, Second Alternate Public Member; Harold Imperatore, Third Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Members of the Authority present via conference call: Kate Whitman; Charles Sarlo, and Ray Burke, First Alternate Public Member.

Absent from the meeting: Steve Petrecca representing the State Treasurer; Dr. Aaron Fichtner representing the Department of Labor and Workforce Development; and Nancy Graves representing the Commissioner of the Department of Banking and Insurance.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Bette Renaud, Deputy Attorney General; and Brandon Minde, Governor's Authorities' Unit and staff.

Chairman Koepp called the meeting to order at 10 a.m. He welcomed Harold Imperatore to the Board and acknowledged the work of departing Board Member Kevin Brown.

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 October 11, 2011 regular and executive session meeting minutes. A motion was made to approve the minutes by Mr. Staub, seconded by Ms. Perry, and was approved by the 11 voting members present.

**Mr. Tolson abstained because he was absent from the October meeting.**

The next item was the presentation of the Chief Executive Officer's Monthly Report to the Board. **(For Informational Purposes Only)**

**Mr. McDermott entered the meeting at this time.**

**BOND RESOLUTIONS**

**PROJECT:** RBH-TRB Newark Holdings, Limited Liability Company **APPL.#35260**  
**LOCATION:** Newark City/Essex County  
**PROCEEDS FOR:** Redevelopment  
**FINANCING:** \$5,265,000 Redevelopment Area Bond and up to \$22,750,000 Qualified School Construction Bond  
**APPROVE:** Mr. Downes **SECOND:** Mr. McNamara **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 1**  
*Mr. Sarlo abstained because his firm is engaged in discussions with the project developer.*  
*Ms. Perry abstained because her firm is engaged in discussions with the project developer.*

**COMBINATION PRELIMINARY AND BOND RESOLUTIONS**

**PROJECT:** McAuley School, Inc. **APPL.#36947**  
**LOCATION:** North Plainfield/Somerset County  
**PROCEEDS FOR:** Refinancing  
**FINANCING:** \$2,752,705 Tax-Exempt Bond  
**APPROVE:** Ms. Perry **SECOND:** Mr. McDermott **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 2**  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**PROJECT:** Springpoint at the Atrium, Inc. **APPL.#36991**  
**LOCATION:** Red Bank/Monmouth County  
**PROCEEDS FOR:** Refinancing  
**FINANCING:** \$10,000,000 Tax-Exempt Series A Bond and up to \$10,000,000 Tax-Exempt Series B Bond  
**APPROVE:** Mr. Tolson **SECOND:** Mr. Kosoffsky **AYES:13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 3**  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**PROJECT:** Springpoint Senior Living, Inc. **APPL.#10254**  
**LOCATION:** Various Counties  
**MODIFICATION REQUEST:** Approval of a supplemental loan and trust agreement to allocate the sale proceeds of a project facility financed with the proceeds of a tax exempt bond.  
**APPROVE:** Mr. Downes **SECOND:** Mr. Nelson **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 4**

**BOND RESOLUTIONS WITH AUTHORITY EXPOSURE**

**PROJECT:** 7777 Realty LLC **APPL.#36073**  
**LOCATION:** North Bergen Township/Hudson County  
**PROCEEDS FOR:** Acquisition and renovation  
**FINANCING:** \$6,200,000 Tax Exempt Bond  
**APPROVE:** Mr. Downes **SECOND:** Mr. Kosoffsky **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 5**  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**PROJECT:** 7777 Realty LLC **APPL.#36968**  
**LOCATION:** North Bergen Township/Hudson County  
**PROCEEDS FOR:** Acquisition and renovation  
**FINANCING:** \$1,600,000, Local Development Financing Fund Program  
**APPROVE:** Mr. Tolson **SECOND:** Mr. McNamara **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 6**

**CAMDEN ECONOMIC RECOVERY BOARD**

**PROJECT:** Cooper's Ferry Development Association dba Cooper's Ferry Partnership  
**LOCATION:** Camden/Camden Cty **APPL.#36969**  
**PROCEEDS FOR:** Infrastructure upgrades  
**FINANCING:** \$500,000 Non-recoverable Infrastructure Grant  
**APPROVE:** Ms. Perry **SECOND:** Mr. Staub **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 7**

**ITEM:** ERB Business Incentive Grant Programs  
**REQUEST:** Approve the extension for the ERB Business Incentive Grant Programs an additional 12 months through September 30, 2012.  
**MOTION TO APPROVE:** Mr. Downes **SECOND:** Mr. Staub **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 8**

**PETROLEUM UNDERGROUND STORAGE TANK PROGRAM**

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

**APPROVE: Ms. Perry      SECOND: Mr. McNamara      AYES: 13**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 9**

**PROJECT:** C. Torsiello & Sons, Inc. **APPL.#30577**

**LOCATION:** Edison Township/Middlesex

**PROCEEDS FOR:** Upgrade, closure, remediation

**FINANCING:** \$329,926, Petroleum UST remediation, upgrade and closure fund grant

**PROJECT:** Crystal Jones **APPL.#36808**

**LOCATION:** East Orange City/Essex County

**PROCEEDS FOR:** Upgrade, closure, remediation

**FINANCING:** \$149,563, Petroleum UST remediation, upgrade and closure fund grant

**FOR INFORMATION ONLY:** The next item is a summary of the Petroleum Underground Storage Tank Program projects approved by the Delegated Authority.

**INCENTIVE PROGRAMS**

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

**ITEM:** Allergan, Inc. application for Business Employment Incentive Program (BEIP)

**REQUEST:** Discussion and action on staff's recommendation not to disqualify Allergan, Inc for the BEIP application after the review of legal matters.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 10**

**PROJECT:** Allergan, Inc. **APPL.#36963**

**LOCATION:** TBD **BUSINESS:** Health Care

**GRANT AWARD:** 70% Business Employment Incentive grant, 10 years

**APPROVE: Ms. Perry      SECOND: Mr. McDermott      AYES: 13**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**PROJECT:** Cibao Meat Products, Inc. **APPL.#36952**  
**LOCATION:** Paterson City/Passaic County **BUSINESS:** Manufacturing  
**GRANT AWARD:** 80% Business Employment Incentive grant, 10 years  
**APPROVE:** Ms. Perry **SECOND:** Mr. Kosoffsky **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**PROJECT:** Durand Glass Manufacturing Company **APPL.#36962**  
**LOCATION:** Millville City/Cumberland County **BUSINESS:** Manufacturing  
**GRANT AWARD:** 80% Business Employment Incentive grant, 10 years  
**APPROVE:** Mr. Staub **SECOND:** Ms. Perry **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**PROJECT:** Durand Glass Manufacturing Company **APPL.#36962**  
**LOCATION:** Millville City/Cumberland County **BUSINESS:** Manufacturing  
**GRANT AWARD:** Business Retention and Relocation Assistance grant, 5 years  
**APPROVE:** Ms. Perry **SECOND:** Mr. Nelson **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 12**

**PROJECT:** Raritan Americas, Inc. **APPL.#36946**  
**LOCATION:** TBD **BUSINESS:** Technology  
**GRANT AWARD:** 30% Business Employment Incentive grant, 10 years  
**APPROVE:** Mr. Downes **SECOND:** Ms. Perry **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**PROJECT:** Thales & Affiliates **APPL.#36970**  
**LOCATION:** TBD **BUSINESS:** Technology  
**GRANT AWARD:** 45% Business Employment Incentive grant, 10 years  
**APPROVE:** Mr. Downes **SECOND:** Mr. McDermott **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**PROJECT:** Thales & Affiliates **APPL.#36970**  
**LOCATION:** TBD **BUSINESS:** Technology  
**GRANT AWARD:** Business Retention and Relocation Assistance grant, 1 year  
**APPROVE:** Mr. Staub **SECOND:** Ms. Perry **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 13**

**ITEM:** Business Employment Incentive Program (BEIP) Scoring Policy

**REQUEST:** Approval of a change in the current scoring criteria utilized in determining the grant award under the Business Employment Incentive Program (BEIP) as relates to companies that are working cooperatively with public or non-profit universities on research and development.

**MOTION TO APPROVE:** Ms. Perry **SECOND:** Mr. McDermott **AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**ECONOMIC REDEVELOPMENT AND GROWTH PROGRAM**

**PROJECT:** Eatontown Monmouth Mall, LLC

**LOCATION:** Eatontown/Monmouth County

**REIMBURSEMENT GRANT:** Up to \$4,109,172

**APPROVE:** Ms. Perry      **SECOND:** Mr. McNamara      **AYES: 13**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 15**

**PROJECT:** Harrison Hotel 1, L.L.C. or Affiliate

**LOCATION:** Harrison/Hudson County

**REIMBURSEMENT GRANT:** Up to \$7,250,987

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 16**

*The following project was held from consideration:*

**PROJECT:** MSST Fidelco Properties LLC

**LOCATION:** Newark/Essex County

**URBAN TRANSIT HUB TAX CREDIT PROGRAM**

**ITEM:** Urban Transit Hub Tax Credit Program Policy

**REQUEST:** To consider the adoption of a policy regarding the methodology used in determining the amount of the UTHTC award when fewer than 200 new full time jobs are created at a qualified business and when such project's award is limited by the Net Benefits Test.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 17**

**ITEM:** Transit Village Associates LLC (P34633)

**REQUEST:** Modify the existing approval of the HUB credit to increase the nominal award amount over ten years from \$55.1 million to \$76.6 million.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 18**

**ITEM:** Prudential Financial, Inc.'s Urban Transit Hub Tax Credit Program application

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

**MOTION TO APPROVE:** Mr. Staub      **SECOND:** Mr. Nelson      **AYES: 10**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 19**

*Chairman Koeppe abstained because the Newark Alliance, an entity that he is Chief Executive Officer of, and Prudential are engaged with workforce development training in Newark through the Workforce Investment Board (WIB).*

*Ms. Perry abstained because she sits on the board of the Workforce Investment Board.*

*Mr. Tolson abstained because he is Chair of a health fund that may be part of litigation against Prudential.*

**ITEM:** Prudential Financial, Inc. and/or Affiliates

**REQUEST:** Approval of the Urban Transit Hub Tax Credit Program application for Prudential Financial and/or Affiliate under P.L. 2007, c.346, P.L. 2008, as amended on July 26, 2011, as the owner in the proposed new office facility on an eligible site in Newark, New Jersey for a tax credit in the amount up to \$25,078,508 annually for 10 years, conditioned on achievement of specified investment and new job creation targets.

**MOTION TO APPROVE: Mr. McNamara      SECOND: Mr. McDermott      AYES: 10**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 20**

*Chairman Koeppe abstained because the Newark Alliance, an entity that he is Chief Executive Officer of, and Prudential are engaged with workforce development training in Newark through the Workforce Investment Board (WIB).*

*Ms. Perry abstained because she sits on the board of the Workforce Investment Board.*

*Mr. Tolson abstained because he is Chair of a health fund that may be part of litigation against Prudential.*

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

**ITEM:** Technology Business Tax Certificate Transfer Program Appeals

**REQUEST:** Affirm the Hearing Officer's recommendation to reverse the declinations for BioLeap, Inc. and ADMA Biologics, Inc., and to confirm the declinations of Software Synergy, Inc., INTRA, Inc., and Elusys, Inc.

**MOTION TO APPROVE: Ms. Perry      SECOND: Mr. Downes      AYES: 13**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 21**

## **BOARD MEMORANDUMS**

**ITEM:** PNC Business Growth Fund

**REQUEST:** Extend the New Jersey Business Growth Fund program for one year.

**MOTION TO APPROVE:** Mr. Kosoffsky      **SECOND:** Mr. McDermott **AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 22**

*Mr. Staub abstained because he has a personal loan thru PNC Bank.*

*Ms. Perry abstained because her firm is seeking working capital from PNC Bank.*

**FOR INFORMATION ONLY:** The next item is a summary of the projects approved under Delegated Authority in October 2011.

**New Jersey Business Growth Fund:** 100 Syracuse Court LLC; D & D Hay Associates, LLC; Philadelphia Investment Partners, LLC and MGZ Properties, LLC

**Small Business Fund Program:** 201 Luiz Marin Realty LLC and Doggy Care of Jersey City LLC

**Preferred Lender Program:** Amerinox Processing, Inc.; Bergen Shippers Corp.

**New Jersey Business Growth Fund – Modification:** Lafferty Property Holdings, LLC

## **REAL ESTATE**

**ITEM:** Security Services for the NJEDA Headquarters and Barnes Street Parking Lot, Trenton, NJ and Waterfront Technology Center, Camden, NJ (2011-RED-RFQ/P-SEC-015).

**REQUEST:** Approval to execute contract for Bowles Security Group, Inc. for a term of three (3) years with an additional two (2) year renewal term option.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 23**

**Mr. Tolson left the meeting at this time.**

**ITEM:** The Technology Centre of New Jersey Lease Agreement with Watson Pharmaceuticals

**REQUEST:** Approval to 1) execute a Lease Agreement with Watson Pharmaceuticals, Inc. on final terms and 2) make an additional investment in the LLC of up to \$903,000 to fund Watson's Tenant Improvement Allowance, 3) amend existing contracts with Torcon and HDR Architects if Watson elects to have its tenant fit-out performed by the LLC, and 4) to execute any and all other documents to complete this transaction on final terms to the Authority's Chief Executive Officer and the Attorney General's Office.

**MOTION TO APPROVE: Ms. Perry      SECOND: Mr. Nelson      AYES: 12**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 24**

**ITEM:** Waterfront Technology Center Lease Agreement with Montgomery Investment Technology, Inc.

**REQUEST:** Approval for 1) execution of the Authority's standard form of lease with MIT for approximately 1,735 square feet of office space at the Waterfront Technology Center on terms generally consistent with the attached sheet and; 2) a \$5,500 Business Lease Incentive Grant to MIT payable over two years per the approved schedule for office and high tech tenants, contingent on approval of the Camden Economic Recovery Board staff under Delegated Authority; and 3) any and all other documents required to effectuate this transaction, on final terms acceptable to the Attorney General's Office and the Chief Executive Officer.

**MOTION TO APPROVE: Ms. Perry      SECOND: Mr. McDermott AYES: 12**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 25**

## AUTHORITY MATTERS

**ITEM:** Technical Assistance for Small Business

**REQUEST:** Approval to enter a three year contract with Union County Economic Development Corporation (UCEDC) for delivery of technical assistance to support the growth and expansion of small businesses throughout New Jersey.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 26**

## PUBLIC COMMENT

Mr. Adman Farrah, VP, Union County Economic Development Corporation (UCEDC) thanked the Authority for its support in keeping the Entrepreneurial Training program going. He commended EDA staff for its work effort, singling out Marion Zajac. He stated that the program has had a real impact, helping over a thousand businesses over the last three years and that success stories are on their website.

Ms. Rose Oxley, CEO of Software Synergy addressed the board regarding the Technology Business Tax Certificate Transfer Program appeals. She felt there was a misunderstanding and that her company's appeal should have been upheld. Chairman Koeppel advised that the board could not consider her appeal at this time, but that she could meet with the Hearing Officer's Director, Lisa Coane to further discuss.

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

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.

  
Maureen Hassett, Assistant Secretary