



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: August 12, 2008
SUBJECT: Agenda for Board Meeting of the Authority August 12, 2008

1. **Notice of Public Meeting**
2. **Roll Call**
3. **Approval of Previous Month's Minutes**
4. **Chief Executive Officer's Monthly Report to the Board**
5. **Authority Matters**
6. **Bond Projects**
7. **Loans/Grants/Guarantees**
8. **Edison Innovation Fund**
9. **BEIP**
10. **Board Memorandums**
11. **Urban & Site Development/Real Estate**
12. **Commerce Division**
13. **Public Comment**
14. **Adjournment**

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

July 8, 2008

MINUTES OF THE MEETING

Members of the Authority present: Carl Van Horn, Chairman; James Kelly, representing the State Treasurer; Frank LaDolce representing the Commissioner of Education; Michael Sheridan representing the Commissioner of the Department of Banking and Insurance; Marilyn Davis representing the Commissioner of the Department of Labor and Workforce Development; Kevin Drennan representing the NJ Commerce Commission; and Public Members: Steve Plofker, Philip Kirschner, Thomas Manning, Rich Tolson, Charles Sarlo, Raymond Burke, First Alternate Public Member; Elliot M. Kosoffsky, Second Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Present via phone: Tim Carden, Public Member.

Absent from the meeting: Joseph McNamara, Vice Chairman.

Also present: Caren Franzini, Chief Executive Officer of the Authority; bond counsel for the Authority; Bette Renaud, Deputy Attorney General, and guests.

Chairman Van Horn 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 June 10, 2008 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Tolson, and seconded by Mr. Plofker and was approved by the 12 voting members present.

Ms. Davis and Mr. Sadler joined the meeting at this time.

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

BOND RESOLUTIONS

PROJECT: Center for Family Services, Inc. **APPL.#22188**
LOCATION: Various **BUSINESS:** not-for-profit human services
PROCEEDS FOR: refinance existing debt
FINANCING: \$2,766,000 Tax Exempt Bond
MOTION TO APPROVE: Mr. Sheridan **SECOND:** Ms. Davis **AYES:13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:1
PUBLIC HEARING: Yes
PUBLIC COMMENT:None
Mr. Sarlo joined the meeting at this time.

PROJECT: Count Basie Theatre **APPL.#21924**
LOCATION: Red Bank/Monmouth Cty. **BUSINESS:** not-for-profit theatre
PROCEEDS FOR: renovations and refinancing existing debt
FINANCING: \$8,000,000 Tax Exempt Bond
MOTION TO APPROVE: Mr. LaDolce **SECOND:** Mr. Manning **AYES:14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:2
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

AMENDED BOND RESOLUTIONS

PROJECT: South Jersey Gas Company **APPL.#16688**
LOCATION: Various **BUSINESS:** public utility
MODIFICATION: Remarket the 2006 Bonds to the public with a letter of credit to secure the payment of the 2006 Bonds.
MOTION TO APPROVE: Mr. Manning **SECOND:** Mr. Tolson **AYES:13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:3

Mr. Kirschner abstained because his CEO sits on the board of South Jersey Gas Co.

COMBINATION PRELIMINARY AND BOND RESOLUTIONS

PROJECT: Chapin School **APPL.#22588**
LOCATION: Lawrence/Mercer Cty. **BUSINESS:** not-for-profit school
PROCEEDS FOR: building purchase
FINANCING: \$1,625,000 Tax-Exempt Bond
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: Chapin School **APPL.#22592**
LOCATION: Lawrence/Mercer Cty. **BUSINESS:** not-for-profit school
PROCEEDS FOR: refinancing existing debt
FINANCING: \$1,975,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Kirschner **SECOND:** Ms. Davis **AYES:14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:4

PUBLIC HEARING: Yes
PUBLIC COMMENT:None
PROJECT: Foundation for Educational Administration, Inc. **APPL.#22322**
LOCATION: Monroe/Middlesex Cty. **BUSINESS:** not-for-profit professional training
PROCEEDS FOR: refinancing existing debt
FINANCING: \$3,165,000 Tax-Exempt Bond
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: Foundation for Educational Administration, Inc. **APPL.#22636**
LOCATION: Monroe/Middlesex Cty. **BUSINESS:** not-for-profit professional training
PROCEEDS FOR: refinancing existing debt
FINANCING: \$835,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Kirschner **SECOND:** Mr. Manning **AYES:14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:10
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: Princeton Charter School **APPL.#22638**
LOCATION: Princeton/Mercer Cty. **BUSINESS:** not-for-profit charter school
PROCEEDS FOR: building purchase, renovations, and refinancing existing debt
FINANCING: \$5,100,000 Tax-Exempt Bond
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: Princeton Charter School **APPL.#22684**
LOCATION: Princeton/Mercer Cty. **BUSINESS:** not-for-profit charter school
PROCEEDS FOR: refinancing existing debt
FINANCING: \$3,320,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Manning **SECOND:** Mr. Drennan **AYES:14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:5
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: Torah Institute of Lakewood, Inc. **APPL.#22357**
LOCATION: Lakewood/Ocean **BUSINESS:** manufacturing
PROCEEDS FOR: refinancing existing debt
FINANCING: \$3,000,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Sheridan **AYES: 14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:7
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PRELIMINARY RESOLUTIONS

PROJECT: Buona Vita, Inc. **APPL.#22484**
LOCATION: Bridgeton/Cumberland Cty. **BUSINESS:** food processing
PROCEEDS FOR: machinery and equipment purchase
MOTION TO APPROVE: Mr. Sarlo **SECOND:** Mr. Manning **AYES:**14
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

PROJECT: Children's Choice of New Jersey, Inc. **APPL.#22553**
LOCATION: Bellmawr/Camden Cty. **BUSINESS:** nonprofit child welfare
PROCEEDS FOR: building acquisition and renovation
MOTION TO APPROVE: Ms. Davis **SECOND:** Mr. Manning **AYES:**14
RESOLUTION ATTACHED AND MARKED EXHIBIT:9

PROJECT: Newco Associates LLC **APPL.#22733**
& National Electric Wire Company Inc.
LOCATION: Plumsted/Ocean Cty. **BUSINESS:** manufacturing
PROCEEDS FOR: building acquisition and renovation
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Carden **AYES:**14
RESOLUTION ATTACHED AND MARKED EXHIBIT:11

PROJECT: The Peddie School **APPL.#22637**
LOCATION: Hightstown/Mercer Cty. **BUSINESS:** not-for-profit school
PROCEEDS FOR: building renovation
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Manning **AYES:**14
RESOLUTION ATTACHED AND MARKED EXHIBIT:12

PROJECT: Tompkins Point Industrial Park, L.L.C. **APPL.#22351**
LOCATION: Newark/Essex Cty. **BUSINESS:** manufacturing
PROCEEDS FOR: building repair
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: Tompkins Point Industrial Park, L.L.C. **APPL.#22346**
LOCATION: Newark/Essex Cty. **BUSINESS:** manufacturing
PROCEEDS FOR: refinancing existing debt
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Sheridan **AYES:**14
RESOLUTION ATTACHED AND MARKED EXHIBIT:6
PUBLIC HEARING: Yes
PUBLIC COMMENT: No

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

The following residential and commercial projects were presented under the Petroleum Underground Storage Tank Grant Program.

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

PROJECT: Rick's Service Center, Inc. **APPL.#21932**
LOCATION: Middlesex/Middlesex Cty.
PROCEEDS FOR: soil and groundwater remediation
FINANCING: \$183,500 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: Westmoor Gardens, Inc. (Site A) **APPL.#22001**
LOCATION: Englewood/Bergen Cty.
PROCEEDS FOR: site remediation
FINANCING: \$131,243 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: Westmoor Gardens, Inc. (Site E) **APPL.#22003**
LOCATION: Englewood/Bergen Cty.
PROCEEDS FOR: site remediation
FINANCING: \$156,695 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: Arthur Nichols and Felice Nichols **APPL.#21937**
LOCATION: North Caldwell/Essex Cty.
PROCEEDS FOR: site remediation
FINANCING: \$14,132 Petroleum UST Remediation, Upgrade, & Closure Fund loan

The next item was a summary of all Petroleum Underground Storage Tank Program Delegated Authority Approvals for the month of June 2008. **(For Informational Purposes Only)**

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

The following projects presented under the Hazardous Discharge Site Remediation Fund Program (residential and commercial grants and loans).

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Drennan AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:14

PROJECT: City of Aberdeen (South River Metal Products) **APPL.#22126**
LOCATION: Aberdeen/Monmouth Cty.
PROCEEDS FOR: remedial investigation
FINANCING: \$402,259 Hazardous Discharge Site Remediation Fund

PROJECT: Township of Haddon (Lahn Property) **APPL.#22326**
LOCATION: Haddon Twp./Camden Cty.
PROCEEDS FOR: preliminary assessment, remedial and site investigation
FINANCING: \$259,636 Hazardous Discharge Site Remediation Fund

PROJECT: Township of Haddon (Media Property) **APPL.#22332**
LOCATION: Haddon Twp./Camden Cty.
PROCEEDS FOR: preliminary assessment, remedial and site investigation
FINANCING: \$195,914 Hazardous Discharge Site Remediation Fund

PROJECT: Eileen Magullian **APPL.#22308**
LOCATION: Kearny Twp./Hudson Cty.
PROCEEDS FOR: remedial action
FINANCING: \$450,372 Hazardous Discharge Site Remediation Fund

PROJECT: Patricia Wolfer **APPL.#22324**
LOCATION: Upper Freehold/Monmouth Cty.
PROCEEDS FOR: remedial action
FINANCING: \$70,504 Hazardous Discharge Site Remediation Fund

The next item was a summary of the Hazardous Discharge Site Remediation Fund Program Delegated Authority Approvals for the month of June 2008. (For Informational Purposes Only)

EDISON INNOVATION FUND

PROJECT: LiveLOOK Inc. **APPL.#21733**
LOCATION: Newark/Essex Cty. **BUSINESS:** online sales and customer service
PROCEEDS FOR: research & development and new staff salaries
FINANCING: \$1,000,000 Edison Innovation Fund investment
MOTION TO APPROVE: Mr. Sheridan **SECOND:** Ms. Davis **AYES:13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:15
Mr. Drennan abstained.

BUSINESS INCENTIVE EMPLOYMENT PROGRAM

PROJECT: Lehman Brothers, Inc. **APPL.#22802**
LOCATION: Jersey City/Hudson Cty. **BUSINESS:** financial services
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker **SECOND:** Ms. Davis **AYES:14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:16

AUTHORITY MATTERS

The next item was to approve the process for administering the new Edison Innovation Digital Media Tax Credit Program in coordination with the Division of Taxation

MOTION TO APPROVE: Mr. Manning **SECOND:** Ms. Davis **AYES:14**
RESOLUTION ATTACHED AND MARKED EXHIBIT:17

The next item was to approve a contract to provide technical assistance services statewide to start-up and existing small businesses, minorities', and women's enterprises.
This matter was held from consideration.

The next item was to approve the request to make a \$1,000,000 limited partnership investment in Omni as a component of the Edison Innovation Fund to assist technology companies with funding from the Economic Recovery Fund.

MOTION TO APPROVE: Mr. Manning SECOND: Mr. Sheridan AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:18

BOARD MEMORANDUMS

PROJECT: Medical Missions for Children, Inc. **APPL.#18993**
LOCATION: Paterson/Passaic Cty. **BUSINESS:** non-profit medical services
MODIFICATION: Modify the Authority's approval to (1) increase our loan amount from a \$200,000 LDFF loan to a \$400,000 LDFF loan and (2) change the interest rate floor from 3.00% to the revised 2.00%.
MOTION TO APPROVE: Mr. Sheridan SECOND: Ms. Davis AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:19

The next item was to approve the addition of Roma Bank as a Preferred Lender.
MOTION TO APPROVE: Mr. Plofker SECOND: Ms. Davis AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:20

PROJECT: Paterson Community Health Center **APPL.#11324**
LOCATION: Paterson/Passaic Cty. **BUSINESS:** not-for-profit medical services
REQUEST: Extend the interest only construction period in the tax exempt bond from October 1, 2007 to July 15, 2008.
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Kirschner AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:21

The next item was a summary of projects approved under Delegated Authority for June 2008 (for informational purposes only).

New Jersey Business Growth Fund: Byram Laboratories Corporation, International Welding Technologies, Inc., J and P Farmhouse LLC, MSG Financial Group, Inc. & U.S. Taxes, Inc., MW Collins Enterprises, LLC, R. Fanelle & Sons, Inc., Rutler Screen Printing, Inc., Soleil Realty LLC, Ventnor Veterinary Office, LLC

Preferred Lender Program: ABCO Die Casting Inc., Dandrea Produce, Inc. or Nominee, Formation, Inc., Yurteri Properties, LLC

Community Economic Development Programs: Borough of Woodbine

The next item was a summary of the Delegated Authority approvals prepared by Portfolio Services Division for May and June 2008 (for informational purposes only).

REAL ESTATE

The next item was to approve the request to grant Drexel University, a tenant at the Waterfront Technology Center in Camden ("WTCC"), a license to place antenna and camera system at the WTCC.

MOTION TO APPROVE: Mr. Sarlo SECOND: Mr. Carden AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:22

The next item was to approve the request to execute a Site License Agreement with the Parking Authority of the City of Camden ("PACC") related to utilizing a portion of the Waterfront Technology Center parking lot for patrons of the Susquehanna Bank Center ("SBC"), formerly known as the Tweeter Center.

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Tolson AYES:14
RESOLUTION ATTACHED AND MARKED EXHIBIT:23

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Kirschner, and seconded by Mr. Tolson, the meeting was adjourned at 10:50 a.m.

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

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

August 1, 2008

MINUTES OF THE SPECIAL MEETING

Members of the Authority present: Michael Sheridan representing the Commissioner of the Department of Banking and Insurance.

Present via phone: Carl Van Horn, Chairman; Joseph McNamara, Vice Chairman; Hannah Shostack, representing the State Treasurer; Marilyn Davis representing the Commissioner of the Department of Labor and Workforce Development; Charles Sarlo, and Thomas Manning, Public Members; Raymond Burke, First Alternate Public Member; Elliot M. Kosoffsky; Second Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Also present via phone: Bette Renaud, Deputy Attorney General; and Rob Shane, Counsel; Governor's Authorities Unit.

Absent from the meeting, Public Members: Steve Plofker, Richard Tolson, Philip Kirschner, and Timothy Carden.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Kevin Drennan, Office of Economic Growth; and guests.

Vice Chairman McNamara called the meeting to order at 10:05 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.

Ms. Franzini announced that the next two bond projects were previously approved by the Board at its July meeting. She stated that subsequent to the approval, we have been asked by each project's bond counsel to have the Board reapprove the project under its new Board composition that became effective July 1st and which eliminated the Department of Education and Commerce Commission's seat on the Board and added the Department of Environmental Protection and a member of the Executive branch appointed by the Governor. This additional step applies only to bond projects that must meet certain IRS requirements and for which a designee of the Department of Education either motioned or seconded the vote. After reaching out to all bond counsels involved in the July meeting agenda, these two projects requested a reapproval.

BOARD MEMORANDUMS

The next item was to approve the Energy Sales and Use Tax Exemption Program Renewal Application of E. I. Dupont de Nemours, which continues the exemption through August 3, 2009, pursuant to P.L. 2005, c. 374.

MOTION TO APPROVE: Mr. Sheridan **SECOND:** Mr. Burke **AYES: 9**
RESOLUTION ATTACHED AND MARKED EXHIBIT:1

BOND RESOLUTIONS

PROJECT: Count Basie Theatre **APPL.#21924**
LOCATION: Red Bank/Monmouth Cty. **BUSINESS:** not-for-profit theatre
PROCEEDS FOR: renovations and refinancing existing debt
FINANCING: \$8,000,000 Tax Exempt Bond
MOTION TO APPROVE: Mr. Manning **SECOND:** Ms. Davis **AYES:9**
RESOLUTION ATTACHED AND MARKED EXHIBIT:2

COMBINATION PRELIMINARY AND BOND RESOLUTIONS

PROJECT: Princeton Charter School **APPL.#22684**
LOCATION: Princeton/Mercer Cty. **BUSINESS:** not-for-profit charter school
PROCEEDS FOR: refinancing existing debt
FINANCING: \$3,320,000 Tax-Exempt Bond

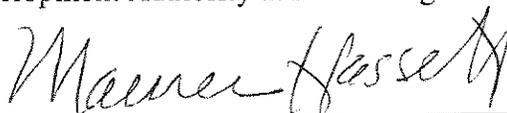
PROJECT: Princeton Charter School **APPL.#22638**
LOCATION: Princeton/Mercer Cty. **BUSINESS:** not-for-profit charter school
PROCEEDS FOR: building purchase, renovations, and refinancing existing debt
FINANCING: \$5,100,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Manning **SECOND** Mr. Sheridan **AYES: 9**
RESOLUTION ATTACHED AND MARKED EXHIBIT:3

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Ms. Davis, and seconded by Mr. Sheridan, the meeting was adjourned at 10:15 a.m.

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

MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

RE: Chief Executive Officer's Report to the Board

EDISON INNOVATION FUND

The EDA closed financing on 16 Edison Innovation Fund projects through the end of July totaling more than \$8.1 million. This assistance is expected to result in total project investments of just over \$36 million in New Jersey, as well as the creation of an estimated 466 new jobs and support for 387 existing jobs. Five of the projects involve direct, equity-like investments totaling \$2.6 million.

The first two low-interest \$100,000 loans under the Edison Innovation R&D Fund Wraparound Program are expected to close in August with Aestus Therapeutics, Inc. of North Brunswick and TreadStone Technologies, Inc. of Princeton. This supplemental financing for companies that have received Edison R&D Fund grants from the New Jersey Commission on Science and Technology enhances the state's commitment to grow technology and life sciences companies in New Jersey and can be used for non-research and development costs such as rent, construction and utilities.

In July, NB Ventures, Inc. of Clark, a developer of procurement software and consulting services, executed a Business Employment Incentive Program grant worth nearly \$196,000 over seven years based on its plans to create 25 new jobs. The company had also considered sites in New York and Pennsylvania for its expansion.

Venture Capitalists Boost Investments in New Jersey Companies

Venture capitalists invested \$125.2 million in 19 New Jersey companies during the second quarter of 2008, up 11.8 percent from the \$112 million that 16 New Jersey companies received during the first quarter, according to the latest MoneyTree Report by PricewaterhouseCoopers and the National Venture Capital Association. Four of the

businesses receiving venture funds in the second quarter – Elanti Systems of Princeton, GlobalPrint Systems of Marlton, Switch2Health of North Brunswick and Vaccinate of Cranbury – have also received state financing support through the Edison Innovation Fund. LiveLOOK, a fifth company included in the latest report, was approved by the EDA for Edison Innovation Fund financing just last month, which has not yet closed.

NEW JERSEY URBAN FUND

Through July 31, the EDA closed a total of 32 financings in the urban centers of Camden, Elizabeth, Jersey City, Newark and Paterson under the New Jersey Urban Fund, which provided financing and business incentives of more than \$50 million in these cities to projects planning to invest nearly \$107 million and create 1,758 new jobs.

The EDA provided a loan of almost \$400,000 in July that is being used with financing from North Fork Bank to help Impact Design, Inc. acquire a building in Elizabeth and move its wholesale goods business from Brooklyn. The 40-year-old company will bring 20 new jobs to Elizabeth.

Insurance Business will Relocate Nearly 300 Jobs to Jersey City

Arch Insurance Group Inc. plans to invest nearly \$13 million in a new Jersey City facility and relocate almost 300 operations employees from New York City. The company, which provides a wide range of property, casualty and specialty insurance products for corporations, professional firms and financial institutions across the United States and Canada, has leased nearly 107,000 square feet of space in the 725,000-square-foot Harborside Financial Center Plaza 3 Building. The company was approved for a Business Employment Incentive Program grant in May worth an estimated \$9.6 million over 10 years in connection with its plans to relocate to New Jersey.

OTHER URBAN ACTIVITY

Through the first seven months of the year, the EDA closed 42 projects in other Urban Aid cities, providing nearly \$36 million in bonds, loans, loan guarantees and environmental assistance grants for borrowers investing almost \$95 million in the state's economy. This support is expected to result in the creation of 616 jobs and the maintenance of 930 existing jobs.

Included in this activity, was a 25-percent EDA guarantee of a \$425,000 PNC Bank loan through the New Jersey Business Growth Fund to enable Airpower International, Inc. to acquire a building it already occupies in Pennsauken where operates its 25-year-old high-pressure air and air breathing systems distribution business.

CORE ACTIVITY

Through July 31, core financing totaling almost \$65 million was finalized with 66 other projects that plan to make total investments of nearly \$103 million, create 414 new jobs and maintain 1,456 jobs.

Core projects closing in July included a \$375,000 EDA participation in a \$750,000 Sovereign Bank loan enabling Formation, Inc. a design, engineering and manufacturing firm serving the aviation, data communications, defense and transportation industries, to upgrade its equipment. The Moorestown company expects to create 10 new jobs.

Omni Baking's Job Growth, Supported by EDA, Featured in Philadelphia Inquirer

Omni Baking Company, a Vineland-based contract bakery manufacturer that produces fresh and frozen bakery products and has grown significantly since its creation in 1996 with the help of state business incentives and EDA financing, was featured prominently in the Philadelphia Inquirer on July 27. Omni's Vineland plant has grown from 180 workers to 350 employees in the last year, due largely to a contract with Wawa, for which it provides 28,000 hoagie rolls per day to meet the demands of the convenience store's customers. The EDA and Omni Baking finalized tax-exempt bond financing totaling \$9.1 million in March to enable the company to build a 26,000-square-foot addition to its Vineland plant and acquire new production equipment so it can meet new production goals resulting from the new contract. In 2000, Omni Baking executed a 10-year BEIP grant with the EDA under which it has so far received \$124,000.

OTHER NEWS

New Greystone Park Psychiatric Hospital Opens

The new, state-of-the-art 450-bed Greystone Park Psychiatric Hospital, whose design and construction was managed by the EDA, opened to patients on July 16. The development and completion of this truly remarkable facility, which replaces five aging treatment buildings and a 130-year-old administration building with a single, self-contained structure that offers improved treatment to patients, was made possible under the strong leadership of Governor Corzine and a tremendous amount of teamwork and coordination among state agencies, contractors and hospital staff. The \$200-million project was a four-way partnership involving the EDA, the Department of Human Services, Treasury and the New Jersey Health Care Facilities Financing Authority.

Speaking Engagements:

Throughout the month of July, EDA representatives participated as attendees, exhibitors or speakers at three events, including the New Jersey Technology Council's annual meeting and a strategy session hosted by the Edison Chamber of Commerce.



AUTHORITY MATTERS



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: New Program Approval – Edison Innovation Clean Energy Manufacturing Fund

Request:

The Members are requested to approve the Edison Innovation Clean Energy Manufacturing Fund (“CEMF”), a new Clean Energy program offering funded by the New Jersey Board of Public Utilities Office of Clean Energy and to be administered by the New Jersey Economic Development Authority; and the enabling Memorandum of Understanding. This initiative was reviewed by the EDA Policy Committee at the meeting of July 24, 2008, and approved by the BPU Board at their July 30th 2008 board meeting.

Background:

In accordance with the New Jersey Energy Master Plan and Governor Corzine’s New Jersey Economic Growth Strategy, The New Jersey Economic Development Authority (EDA) in collaboration with the New Jersey Board of Public Utilities Office of Clean Energy (OCE), designed a new product program entitled the “Edison Innovation Clean Energy Manufacturing Fund (CEMF).” Over the course of the last year, the Office of Economic Growth (OEG) and EDA staff has reviewed comparable programs in other states to develop a competitive product offering that addresses the goal of building the Clean Technology industry in New Jersey and particularly incenting manufacturers of Clean Technology products to locate and grow in New Jersey.

As background to this new program, the EDA will utilize the funding previously budgeted for the Manufacturing Incentive Program with the Edison Innovation Clean Energy Manufacturing Fund (CEMF). The BPU and the EDA entered into a Memorandum of Understanding dated October 22, 2003, outlining their respective duties regarding OCE’s energy efficiency and renewable energy programs. Under the 2003 MOU, the BPU transferred a portion of its funding

for the New Jersey Clean Energy Program to the EDA to provide financing to businesses to develop and use renewable energy and energy efficiency products, technologies and business development and the EDA rendered administrative services for the financial assistance initiatives offered by the BPU under its energy savings programs. The new CEMF program MOU will void the 2003 MOU, except with respect to any projects approved under the 2003 MOU, and replace it with the new MOU.

Funded by the BPU and administered by the EDA, this new CEMF program will offer assistance in the form of zero-interest loans and non-recoverable grants to companies manufacturing renewable energy, clean and energy-efficiency products in New Jersey. Products and services under this program will ultimately benefit the New Jersey consumer by providing long-term energy needs in an environmentally sound manner and by facilitating competitive and diverse electricity supply for New Jersey.

Program Description:

The New Jersey Board of Public Utilities Office of Clean Energy (OCE) and the New Jersey Economic Development Authority have been administering New Jersey's Clean Energy Programs including Renewable Energy Programs, which are designed to promote the development and installation of renewable energy and energy efficiency projects statewide. Through this new Edison Innovation Clean Energy Manufacturing Fund program, the OCE will be able to leverage the financial assistance of the EDA that provides funding for manufacturers in New Jersey and to early stage technology companies specializing in clean technologies via its Edison Innovation Fund Programs. This program has been designed in direct accordance with Governor Corzine's Energy Master Plan.

The BPU will make an initial transfer, as approved in its 2008 budget, of \$12 million to the CEMF to be held by the EDA to finance this new program to support renewable energy and energy efficiency companies entering or expanding within the manufacturing stage of commercial development of renewable energy technology products in New Jersey. The BPU may make additional transfers of funds to the EDA for the CEMF Program or other programs for the purpose of providing financing assistance to support renewable energy and energy efficiency companies and projects and further grow the clean energy technology sector in New Jersey. A MOU will be entered into between BPU and EDA to this intent, upon satisfactory review by the DAG and Board consent, for the years 2008 through 2012. Draft MOU attached in substantially final form (Appendix 1).

Total funds to be awarded under this program are subject to a maximum of \$3,300,000 per each company project with funds advanced under two tranches. The program will offer grants – up to 10% of total CEMF funds requested not to exceed \$300,000 – as well as zero interest loans not to exceed \$3,000,000 of which conversion to performance grants are not to exceed \$1,000,000. The latter will be structured according to the applicant meeting pre-determined employment and production or sales milestones during the disbursement period subsequent to the closing of the CEMF funding.

The recipients of the CEMF will be companies manufacturing renewable energy, clean and energy-efficiency products in New Jersey with their target markets including investor-owned utilities, municipalities, co-operatives, system integrators, installers and private-label customers/original equipment manufacturers. Products under the CEMF must contribute to the cost-competitiveness of renewable energy in New Jersey, and other tangible ratepayer benefits such as economic development, environmental benefits, etc. from either the production or the direct use of the applicant's products.

Tranche I - Project Assessment and Design (A&D)

These funds are to be advanced to identify and secure a site (either a lease or purchase), complete initial project facility design, and/or to obtain the necessary permits and regulatory approvals to operate the facility as required. Funds are to be allocated up to \$300,000 per each company project with a minimum of a 50% cash match of total project costs from other financial sources. Up to 10% of the total CEMF funds requested – not to exceed \$300,000 - will be funded under this specific A&D tranche. At closing of the grant, twenty (20%) percent of the approved funds will be advanced for upfront seed money with the remainder paid after work has been completed upon submission of invoices.

Tranche II - Project Construction and Operation (C&O) Zero Interest Loan with Performance Grant

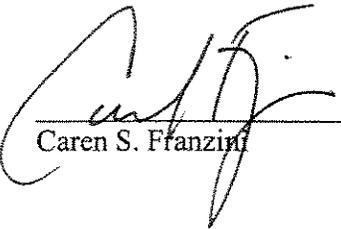
These funds are to support site improvements, equipment procurement and facility construction and completion. A preference will be given to those projects that demonstrate a greater percentage of the project being designed, manufactured, processed, assembled or made ready for commercial sale at the applicant's facilities within New Jersey. The total amount awarded under this tranche is up to a maximum \$3 million zero interest loan per each company project with a minimum 50% match of these total project costs from firmly committed, non-state-derived matching support. One-third of the zero interest loan may be converted into performance grants. No more than 50% of funds requested may be advanced prior to commercial production.

Further program specifics are provided in the Program Compliance Filing submitted to BPU for their Board Review and attached in Appendix 2. The equivalent EDA Program Guidelines documentation is provided in Appendix 3.

Appendix 4 outlines the fees to be charged by EDA for this program. For the administration services enumerated in the MOU for the CEMF Program, the EDA will be paid \$10,000 per month from the BPU Clean Energy Manufacturing Fund. EDA will also charge the applicant to the CEMF Program its normal application, commitment and closing fees, which fees the EDA shall be permitted to retain. This fee structure will be monitored throughout the first year to ensure alignment with the market and to assess staff allocation of resources. Competitive research has also been undertaken that validates that this fee structure is appropriate given the size and features of this program offering.

This new Edison Innovation Clean Energy Manufacturing Fund is designed to address the need for manufacturing funding assisting the advancement of Class I renewable energy and energy efficiency technologies. This program will allow New Jersey to act as a leader in the Clean Technology arena by promoting new jobs and growth within the state while addressing the goals of the New Jersey Energy Master Plan and the Economic Growth Strategy. It will be jointly marketed by the EDA and BPU with program launch anticipated in the Fall of 2008.

The members are asked to approve the enabling MOU for creation of this program and the Program Guidelines as provided in this memo and in the attached Program Compliance Filing memo.



Caren S. Franzini

Prepared by: Sandy Zeglarski and Paula Durand

APPENDIX 1

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

AND

NEW JERSEY BOARD OF PUBLIC UTILITIES

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
AND
NEW JERSEY BOARD OF PUBLIC UTILITIES

This **Memorandum of Understanding** (“MOU”), made as of this ____ day of _____ 2008 (the Effective Date), is by and between the NEW JERSEY BOARD OF PUBLIC UTILITIES (“BPU” or “Board”) through its Office of Clean Energy (“OCE”) and the NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (“EDA” or “Authority”), both instrumentalities of the State of New Jersey (collectively, the “Parties”).

WHEREAS, the State’s Economic Growth Strategy calls for meeting the New Jersey’s energy needs through energy efficiency improvements and conservation gains and, as stated in the Governor’s draft Energy Master Plan, it is desirable to fund innovative renewable energy and energy efficiency technologies that will decrease costs, improve reliability and maximize economic and environmental benefits to New Jersey’s ratepayers; and

WHEREAS, in accordance with the Governor’s draft Energy Master Plan, the expansion of the Edison Innovation Fund is to include the Clean Energy Manufacturing Fund, to be known as the Edison Innovation Clean Energy Manufacturing Fund (“CEMF”), which will provide incentives for innovative clean energy technologies, including both energy efficiency and renewably energy manufacturing businesses intended to stimulate the clean energy industry in New Jersey; and

WHEREAS, the Office of the Governor, EDA and BPU staff are currently developing a clean energy strategy and programs encouraging growth in the clean energy technology sector in New Jersey; and

WHEREAS, as set forth under N.J.S.A. 34:1B-1 et seq., the EDA is authorized to provide financial assistance to encourage construction and improvement projects that create jobs and benefit the public, and more specifically, to promote energy saving improvement projects in the State of New Jersey; and

WHEREAS, as set forth at N.J.S.A. 48:3-49 et seq., the Electric Discount and Energy Competition Act (“EDECA” or “Act”), the BPU is directed to establish, pursuant to a comprehensive resource analysis of energy programs, funding levels and programs that promote and advance energy efficiency and Class I renewable energy programs; and

WHEREAS, the BPU has conducted a Comprehensive Resource Analysis (now called the New Jersey Clean Energy Program) as set forth in its Order dated March 9, 2001 and subsequent Orders which determined the funding level for energy efficiency and Class I renewable energy, the RE technologies to be funded and has directed the BPU staff and the OCE to establish programs to encourage the development of renewable electric generation and enhance energy efficiency technologies; and

WHEREAS, the BPU has established Energy Efficiency and Renewable energy programs,

including the Clean Energy Technology Fund and Edison Fund, now known as CEMF, and approved funding levels for such programs in the 2008 Programs and Budget Compliance Filings Order, dated March 31, 2008 (“March 31, 2008 Order”); and

WHEREAS, the BPU and the EDA entered into a Memorandum of Understanding dated October 22, 2003 (“2003 MOU”), outlining their respective duties regarding OCE’s energy efficiency and renewable energy programs; and

WHEREAS, pursuant to the 2003 MOU, the BPU transferred a portion of its funding for the New Jersey Clean Energy Program to the EDA to provide financing to businesses to develop and use renewable energy and energy efficiency products, technologies and business development and the EDA rendered administrative services for the financial assistance initiatives offered by the BPU under its energy savings programs; and

WHEREAS, as reflected in the Clean Energy Budget the BPU approved for 2008, it is the intent of the BPU to transfer funding for the CEMF to the EDA to provide financing to businesses for such energy and energy efficiency initiatives, and for the EDA to continue to render administrative and related financial services for such initiatives; and

WHEREAS, the Parties contemplate that the EDA will assume an expanded role in marketing and administering a new program, the CEMF Program, and wish to update their roles and responsibilities in general with regard to administering other clean energy technology related programs to be developed in the future; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed by the Parties to restate and supersede the 2003 MOU, except with respect to any projects approved under the 2003 MOU, and replace it with a new MOU as follows:

1. **TRANSFER OF FUNDS**. The BPU will make an initial transfer, as approved in its March 31, 2008 Order, of \$12 million to the CEMF to be held by the EDA to finance non-interest bearing loans and grants. The loans and grants are to support renewable energy and energy efficiency companies entering or expanding within the manufacturing stage of commercial development of renewable energy technology products in New Jersey.

The BPU has authorized funds for EDA programs as set forth in its Clean energy programs and Budgets Order for 2008 dated March 31, 2008. The BPU may authorize additional funds to the EDA for the CEMF Program or other programs for the purpose of providing financing assistance to support renewable energy and energy efficiency companies and projects and further grow the clean energy technology sector in New Jersey as approved by the BPU in their Comprehensive Resource Analysis funding level for 2009 through 2012 and as approved by the Board in the NJ Clean Energy annual programs and budget.

2. **PROGRAM CRITERIA**. The BPU and the EDA will apply technical and business criteria in determining whether an applicant meets the requirements as set forth in the CEMF program solicitation and solicitations for other clean energy technology programs administered in the future on behalf of the BPU by the EDA. The specific requirements for each program will be set forth in individual program guidelines, to be developed jointly by the BPU and the EDA.

3. BPU/OCE DUTIES. The BPU, through the OCE, will have the exclusive responsibility of ensuring that all clean energy initiatives to be funded pursuant to this MOU satisfy Clean Energy Program requirements under EDECA and Board orders issued thereunder. The BPU, through the OCE, shall carry out the following administrative duties:
 - A. Jointly publicize and market with the EDA, the CEMF Program, and other future clean energy technology programs administered on behalf of BPU by EDA (such publicity shall include but not be limited to public notices of grant and or loan availability);
 - B. Determine the technical criteria, consistent with EDECA, Board orders issued thereunder, and other authority, including but not limited to applicable Treasury requirements, that will need to be met by applicants to the CEMF Program and other clean energy technology programs;
 - C. Screen the pre-applications regarding technical eligibility, notifying both the applicant and the EDA the results of the screening;
 - D. Once the EDA has reviewed the full application for completeness and forwarded it to OCE, review full applications to determine if they meet technical criteria for eligibility;
 - E. Participate in meetings of Clean Technology Evaluation Committees or subcommittees to assist in determining which applications should be recommended for funding, based on the ability of the applicant to promote and satisfy BPU program eligibility criteria and the amount of financial assistance requested;
 - F. After receiving the due diligence underwriting analysis and recommendations from the EDA, promptly prepare and submit application packages for BPU Board review and approval at its earliest practicable regularly scheduled Board meeting and;
 - G. Approve or reject applications (BPU Board action), notifying the EDA of the BPU determination before the EDA proceeds to closing on loans or grants;
 - H. Notify applicants, jointly with EDA, if their applications have been accepted or rejected;
 - I. Support EDA in drafting press release and any other public announcements relating to applications;
 - J. For approved applications, develop with the EDA milestones to be met, monitor milestone activity and advise applicants and the EDA of changes that impact recovery of loan and/or grant funds;
 - K. Work cooperatively with EDA staff and the project applicant to complete funding agreements promptly, making best efforts to complete the review of draft funding agreements within 30 days of receipt from the EDA;
 - L. Work in collaboration with the EDA to facilitate all aspects of the program delivery, including annual review of all financial reporting by applicants receiving funding.

4. EDA'S DUTIES. The EDA will use funding from the CEMF Program and other future clean energy technology programs established within the EDA to leverage private sector capital and financial tools to fund clean energy projects in collaboration with the BPU. The EDA shall carry out the following administrative duties:
 - A. Jointly publicize and market with the BPU the CEMF Program and other future clean energy technology programs administered on behalf of the BPU by the EDA (such publicity shall include but not be limited to public notices of grant and or loan availability);
 - B. Develop, with advice from BPU Staff, standard application forms, such as pre-application forms and full technical and business applications forms and disseminate to applicants;
 - C. Develop standard funding agreements;

- D. Serve as the point of contact for applicant inquiries;
- E. Receive pre-applications and applications, review for administrative completeness (including compliance with political contribution disclosure requirements), and submit to BPU for screening for technical eligibility;
- F. Participate in meetings of Clean Technology Evaluation Committees or subcommittees to assist in determining which applications should be recommended for funding, based on the ability of the applicant to promote and satisfy BPU program eligibility criteria and the amount of financial assistance requested;
- G. Prepare due diligence underwriting analysis and determine, consistent with EDA operating authority, whether the application is financially feasible or not;
- H. Submit due diligence underwriting analysis of projects and provide recommendations for BPU Board review;
- I. After the BPU Board determination on application, notify applicant, jointly with BPU, if the application has been accepted or rejected;
- J. Send draft funding agreements to the BPU for comment and review;
- K. Send fully executed funding agreements to applicants, with a copy to the BPU;
- L. Close and disburse funds to grant recipient upon prior written instruction from the BPU or designee as to the amount of each disbursement;
- M. Draft press releases and any other public announcements relating to applications in consultation with BPU;
- N. For approved applicants, develop with the BPU the milestones to be met, monitor milestone activity and advise applicants and the BPU of changes that impact recovery of loan and/or grant funds;
- O. Work in collaboration with the BPU to facilitate all aspects of the program delivery, including annual review of all financial reporting by applicants receiving funding.
- P. In addition to the foregoing, the EDA shall use its best efforts to complete each closing within 60 days of OCE's completion of its duties listed in Section 3 or 60 days from the time the recipient meets EDA closing conditions, whichever is later. The Parties acknowledge that certain activities related to the EDA's obligations are not within the EDA's control and that the EDA shall not be responsible for any delays or postponements related to such activities.

5. FURTHER EDA ADMINISTRATIVE SERVICES

A. Use of EDA Information Technology Services

- 1. Process all project information;
- 2. Process all loan and grant disbursement requests;
- 3. Maintain a lockbox to receive loan repayments;
- 4. Process all projects related repayments received;
- 5. Generate standard monthly reports (e.g., balance statements and interest receivable);
- 6. Generate monthly payment and receipt reports;
- 7. Comply with BPU IMS accounting and reporting requirements

B. Controller

- 1. Prepare and account for check and wire disbursements;
- 2. Account for all receipts;
- 3. Submit a note balance and accrued interest receivable report;

4. Respond to state auditor inquiries as necessary;
5. Assist in the audit process;
6. Maintain CEMF and such other New Jersey Clean Energy Program Funds as may be authorized in the future, including repayment proceeds, in an interest bearing account.
7. Repayment proceeds shall revolve to the CEMF, or other such New Jersey Clean Energy Fund as may be approved in the future, and shall only be utilized for projects that meet the requirement of the individual Clean Energy programs and shall be accounted for in any future budget requests program filings.

C. Special Loan Management

Oversee all funds that are problem/non performing until final collection and/or change-off.

D. Evaluation Committee

Form a Clean Technology Evaluation Committee or other such evaluation committee as jointly defined by BPU and EDA, whose membership may include EDA, OCE project managers, and/or marketing managers.

E. Deputy Attorney General

Provide the use of an EDA-assigned Deputy Attorney General to assist in document review, closing, and Special Loan Management in the legal aspects of the collection and restructure efforts.

6. COOPERATION BETWEEN EDA AND BPU/OCE. The Parties hereto acknowledge that the successful completion of each Party's duties and the purposes of EDECA will require cooperation, especially to the extent the determination set forth in Section 2 relates to Section 4. The Parties agree to work cooperatively to achieve the purposes of this MOU.

7. COMPENSATION.

A. CEMF Program

For the administration services enumerated above for the CEMF Program, the EDA will be paid \$10,000 per month from the CEMF. EDA may charge the applicant to the CEMF Program its normal application, commitment and closing fees, which fees the EDA shall be permitted to retain. BPU's contract market managers are to carry out milestone development and monitoring services subject to appropriate contract provisions.

B. Other Clean Energy Programs Renewable Energy Development Initiative (REDI) and Off-Shore Wind Renewable Energy Facilities Programs, Future Programs

For administrative services in support of other Clean Energy Programs, such as the REDI and the Off-Shore Wind Renewable Energy Facilities Program or other future programs, the EDA shall be paid from relevant BPU program funds in amounts jointly established and agreed upon by the BPU and the EDA.

8. PROGRAMS ADMINISTERED UNDER THE MOU. This MOU governs the terms and

conditions of the funding and administration of the CEMF Program. It may be amended, pursuant to Section 10F herein, to address the new BPU programs for which the EDA administrative function will be more limited (e.g., document closing, accounting, and the services listed in Section 5A. through C, and E of this MOU), such as the Renewable Energy Development Initiative and the Off-Shore Wind Renewable Energy Facilities Program.

9. PROGRAM GUIDELINES. The Program Guidelines for the CEMF Program are attached hereto as Appendix A and made a part hereof.

10. MISCELLANEOUS

- A. This MOU is being entered into for the sole purpose of evidencing the mutual understanding and intention of the Parties. There are no third-party beneficiaries of the MOU.
- B. This MOU shall be effective as of the date of final execution by the Parties and, unless terminated sooner as set forth herein, shall continue until all post-closing activities are completed. It is the intention of the Parties to enter into this MOU for the years 2008 through 2012.
- C. This MOU shall replace the 2003 MOU. However, any projects currently in process under the 2003 MOU will be governed by the terms and conditions of the 2003 MOU.
- D. Each Party shall have the right to terminate this MOU upon 30 days prior written notice to the other Party. In the event of such termination, all responsibilities for administering and enforcing the terms and conditions of the BPU grant and or loan shall be with the BPU, and all responsibilities for administering and enforcing the terms and conditions of the EDA investment shall be with the EDA.
- F. The Parties may modify or amend this MOU or extend the term of this MOU only by a writing signed by both of the Parties. The staff of the Parties may modify the CEMF Program Guidelines for specific programs, consistent with their delegated authority, only upon a writing signed by the authorized staff from each Party.
- G. The recitals appearing before Section 1 are made part of this MOU and are specifically incorporated herein by reference.
- H. BPU and EDA shall provide to each other any and all documents requested by the other party in connection with the specific awards made under this MOU, subject to claims of attorney-client and/or deliberative privilege.
- I. The BPU and the EDA shall administer their responsibilities under this MOU consistent with New Jersey Department of Treasury requirements, to the extent applicable.

IN WITNESS HEREOF, the Parties have executed this MOU:

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

By: _____
Caren Franzini
Chief Executive Officer

Dated: _____

NEW JERSEY BOARD OF PUBLIC UTILITIES

By: _____
Jeanne M. Fox
President

Dated: _____

APPENDIX 2

Program and Procedural Guidelines

Edison Innovation Clean Energy Manufacturing Fund

Program Guidelines

July 23, 2008

Edison Innovation Clean Energy Manufacturing Fund

The Edison Innovation Clean Energy Manufacturing Fund (CEMF), to be administered by the NJ Economic Development Authority (“EDA”), will offer assistance in the form of grants and zero interest loans to support renewable energy and energy efficiency companies entering or expanding within the manufacturing stage of commercial development. Applicants must be a legally organized, for-profit company that currently, or plans to, manufacture eligible renewable energy and energy efficient products in New Jersey. The award of grants and no interest loans from the Edison Innovation Clean Energy Manufacturing Fund shall include: advertisement inviting qualified applicants to submit proposals, a defined process for receiving such proposals and an evaluation process based on established criteria by an objective and disinterested review team.

1. Products and services under this program will ultimately benefit the New Jersey consumer by providing long-term energy needs in an environmentally sound manner and by facilitating competitive and diverse electricity supply for New Jersey in accordance with the Governor’s Energy Master Plan and New Jersey’s implementation of the Regional Greenhouse Gas Initiative (RGGI), P.L. 2007, c.340, and the “Global Warming Response Act”, P.L. 2007, c.112, which sets long-term goals for reducing greenhouse gas emissions in New Jersey. The program provides support for manufacturing of energy efficient and renewable energy products that will assist Class I renewable energy and energy efficiency technologies in becoming competitive with traditional sources of electric generation.
2. Expected benefits of the CEMF are to include: increasing the number of renewable energy and energy efficiency manufacturing jobs in New Jersey by encouraging expansion of current manufacturers and to provide sufficient incentive to other manufacturers to locate in New Jersey; stimulating economic development in the New Jersey renewable energy and energy efficiency sector through demand for goods and services by manufacturers; and increasing the volume of renewable energy and energy efficient products manufactured in New Jersey to New Jersey consumers.
3. Eligible technologies include energy efficiency technologies, solar, photovoltaic technologies, wind energy, renewably fueled fuel cells, wave, tidal, renewably generated hydrogen, sustainable harvested biomass, methane gas from landfills, geothermal and other technologies that can demonstrate their integral nature to the development of Class I renewable energy and energy efficiency technologies that produce or support the production of renewable or clean electricity generation.
4. A recommended project submission deadline is no later than September 30, 2008 - to coincide with the NJ Board of Public Utilities (BPU) Clean Energy Conference “Investing in a CleanTech Economy”- with grants awarded no later than the first quarter of 2009.
5. Proposals to manufacture products that are not beyond the prototype stage are not eligible. Modifications to existing manufacturing lines will not be considered. Non-project costs such as interest expense on loans are not eligible.
6. All projects must be in compliance with all applicable laws. Applicants may not have any unresolved environmental violations, past due unresolved financial obligations to the State of New Jersey, and must be current in all payment of all state and local taxes. Construction projects will be subject to regulations promulgated by the New Jersey Department of Labor pursuant to P.L. 1963 c. 150 as amended requiring payment of the prevailing wage rate and the Authority's rules and regulations regarding Affirmative Action. The EDA shall receive, prior to closing, a Tax Clearance Certificate issued by the New Jersey Division of Taxation not more than 90 days old at the date of closing.

Edison Innovation Clean Energy Manufacturing Fund (CEMF) Program Summary

Total funds awarded are subject to a maximum of \$3,300,000 per each company project with funds advanced in two tranches. The applicant must be organized as a C Corporation or an LLC with a unit structure for all CEMF funding requests. Up to a maximum of \$1,300,000 may be allocated as grants with repayment terms for the zero interest loan specified below under Tranche II.

I. Tranche I - Project Assessment and Design (A&D) Grant

Purpose: These funds are to be advanced to identify and secure a site (either a lease or purchase), complete initial project facility design, and to obtain the necessary permits and regulatory approvals to operate the facility.

Amounts: Up to 10% of total CEMF funds requested not to exceed \$300,000 per project will be funded under this grant, which has no terms of repayment. At closing of the grant, twenty (20%) percent of the approved funds will be advanced for upfront seed money with the remainder paid after work has been completed upon submission of invoices.

Requirements: Required is a minimum 50% cash match of total project costs from firmly committed, non-state-derived matching support including grants, debt or equity. Funding commitment under CEMF may be approved prior to a commitment from other funding sources, but will be contingent, prior to closing, on the borrower demonstrating the required 50% cash match funding from other financial sources. The Company shall perform the following:

- complete an assessment of potential sites and evaluate the potential sites against their physical requirements,
- complete an economic development assessment of financial incentives and business factors contributing to the success of the manufacturing plant,
- submit engineering and facility design plans
- submit a schedule for obtaining necessary permits
- Invoices and requests for disbursement shall be submitted to the EDA for professional services for disbursement for payment of this grant against work completed and deliverables, which is to include an executed lease or purchase agreement and evidence of permits and regulatory approvals. The applicant must outline the above requirements in a schedule noting the proposed timing, costs, and cost-sharing associated with each activity and naming parties responsible for their accomplishment
- Equipment testing and procurement and site construction and improvement costs are not included for payment under this tranche.

Applicants must submit progress reports to the EDA by the 15th of the month following the reporting period covered. Quarterly reports must summarize progress, difficulties, planned solutions and funds spent to date. Financial reports to be submitted include the company's interim quarterly financial statement and updated annual financial projections for the fiscal year with an explanation of variances from planned.

II. Tranche II - Project Construction and Operation (C&O) Zero Interest Loan with Performance Grant

Purpose: These funds are to support site improvements, equipment procurement and facility construction and completion. A preference will be given to those projects that demonstrate a greater percentage of the project being designed, manufactured, processed, assembled or made ready for commercial sale at the applicant's facilities within New Jersey.

Total Amount: Up to \$3 million maximum request per each company project with a minimum 50% match of these project costs from firmly committed, non-state-derived matching support including grants, debt or equity.

Zero Interest Loan Amount: Up to a maximum \$3 million zero interest loan as evidenced by a loan note shall be repaid with repayment starting on the first month of the fourth year (month 37) on the anniversary date of the closing of the funding. One-third or 33.33% of the C&O zero interest loan not exceeding \$1 million may be converted to a performance grant with no terms of repayment. This condition is subject to the applicant meeting all pre-determined milestones during the 36-month disbursement period subsequent to the closing of the CEMF funding. These milestones will be deemed satisfactorily completed, in their sole discretion by the BPU or designated project managers monitoring the project.

Requirements:

1. Applicant shall provide evidence of sufficient funding to complete the project with a minimum 50% match from other sources of capital including non-state grants, debt or equity. Funding commitment under CEMF may be approved prior to a commitment from other funding sources, but will be contingent, prior to closing, on the borrower demonstrating the required 50% cash match funding from other financial sources.
 - No more than 50% of total funds requested may be advanced prior to commercial production. Funding will be disbursed based on technical and business milestones achieved as evidenced by key deliverables that the applicant will be requested to outline in their application. These milestones may include but are not limited to the following:
 - number of jobs created and maintained
 - key hires
 - equipment and supplies purchases
 - construction and improvement costs
 - key production of units and sales achieved (as evidenced by purchase orders or bills of sale)
 - new distribution channel partners

The applicant must outline the above requirements in a schedule noting the proposed timing, costs and cost sharing associated with each activity and naming parties responsible for their accomplishment.

2. Technical monitoring and project milestones will be set in collaboration with senior creditors who provide the match funding and/or a designated market manager, with the latter to be hired in consultation with the BPU. EDA will reserve the use of technical project or market managers to assist with prescreening of the applications.
3. The blanket lien position of the EDA on assets is subordinate in all respects to the co-lender or co-investor interests for the CEMF.
4. The use of NJ contractors, suppliers, labor and products are preferred.
5. The company will have up to the fourth year without any principal repayments on the zero-interest loan. Principal repayments will schedule to begin on the first month of the fourth year (month 37) on the anniversary date of the closing of the funding and will fully amortize in equal monthly payments over the remaining seven years or eighty-four months of the zero interest loan repayment period. Any unpaid balance will be due at the 10-year anniversary if not previously paid in the course of amortization.

At the time of application, a financial projection including an income statement, balance sheet, and cash flow with detailed supporting assumptions must be submitted for the first three years on a

quarterly basis and on an annual basis for the remaining seven-year term inclusive of a projected debt repayment schedule. Applicants must submit progress reports to the designated project manager by the 15th of the month following the reporting period covered. Quarterly reports must summarize progress, difficulties; planned solutions and funds spent to date. Financial reports to be submitted include the company's interim quarterly financial statement and an updated annual financial projection for the fiscal year with an explanation of variances from planned.

6. In addition to the allowance for current indebtedness, the documents shall allow for the applicant to secure additional senior indebtedness of up to 25% of the CEMF funding commitment to be senior in collateral position, with no current payment restrictions and without any prior consent from the EDA, BPU or the designated market managers. Approval for additional indebtedness beyond this amount will require approval of the designated market managers and members of the EDA.
7. Applications will be subject to an extensive financial and technical due diligence process. Moving the subject facility or substantial jobs out of state, as defined under guidelines, will be considered a condition of default and will trigger repayment for the life of the CEMF grant and loan under guidelines developed by the Authority.

Procedural Guidelines

Edison Innovation Clean Energy Manufacturing Fund

1. Funds allocated from the BPU to support this grant program are to be allocated for manufacturing to support specific eligible technologies as outlined in the program guidelines and are to be transferred to the EDA for disbursement. Additional funds may be transferred as they are approved by the BPU and will be separately deposited and earmarked for this fund to be held by the EDA.
2. A non-refundable online application fee, consistent with the fee administered for the Edison Innovation Growth Fund, will be submitted to the EDA.
3. All applications must be complete and meet the program eligibility guidelines. The OCE and/or its designated market manager with expertise in renewable energy and energy efficiency technologies will prescreen the applications for meeting the definition of renewable energy and energy efficiency and will have the authority to reject all applications that do not meet the technical eligibility guidelines for technologies promoting energy efficiency and renewable energy programs as set forth at N.J.S.A., 48:3-49 et seq, the Electric Discount and Energy Competition Act.
4. The EDA will provide a business review of the full applications and the OCE and/or designated market managers will also review for meeting technical criteria.
5. The EDA will extend an invitation to members of the OCE and/or designated market manager to join a Clean Technology Evaluation Committee who will review applications submitted based on assigned criteria including technical merit of technology, the soundness of the business plan and model and the extent to which the proposal meets the mission of the CEMF.
6. If a company proposal moves forward for due diligence subsequently, the credit underwriting will be performed by the EDA.
7. Should the EDA require additional expertise for establishing technical milestones and for project compliance, inspection and monitoring, the BPU will be consulted and costs for market managers will be undertaken from the funding provided by BPU.
8. Final approval of the project grant and zero interest loans will be by BPU's Board. The EDA in conjunction with the BPU will advise all applicants if their applications have been approved and/or rejected. This should be a jointly issued letter from the EDA and BPU relative to announcements of rewards or declines.
9. The EDA will perform the document closing of all CEMF zero interest loans and grants and provide copies of all documentation to the BPU.
10. All disbursements of funds by the EDA will be approved by the BPU or its designated market managers with approved documentation of amounts to be disbursed forwarded to the EDA.
11. EDA will handle the accounting for the grants and apply payment as they are received.
12. The companies will provide quarterly progress reports and all financial reports to the BPU and the EDA.
13. The EDA with the BPU shall jointly market the Edison Innovation Clean Energy Manufacturing Fund Program (CEMF) and draft any press releases and any other public announcements in joint consultation with BPU.
14. A fee will be charged for administration of the program. Refer to Memorandum of Understanding between the EDA and BPU for further details.

APPENDIX 3

Compliance Filing

**EDA Program
Edison Innovation Clean Energy Manufacturing Fund**

July 28, 2008

EDA Program

Edison Innovation Clean Energy Manufacturing Fund

Program Description

The New Jersey Economic Development Agency (EDA) is proposing to replace the funding previously budgeted for the Manufacturing Incentive Program with the Edison Innovation Clean Energy Manufacturing Fund (CEMF). This program will offer assistance in the form of zero-interest loans and non-recoverable grants to companies manufacturing renewable energy, clean and energy-efficiency products in New Jersey. The CEMF will ultimately provide New Jersey consumers with greater access to these products by developing manufacturing facilities in New Jersey.

Products and services under this program will ultimately benefit the New Jersey consumer by providing long-term energy needs in an environmentally sound manner and by facilitating competitive and diverse electricity supply for New Jersey. The program provides support for manufacturing of energy efficient and renewable energy products that will assist Class I renewable energy and energy efficiency technologies in becoming competitive with traditional sources of electric generation.

Background

The New Jersey Board of Public Utilities Office of Clean Energy (OCE) and the New Jersey Economic Development Authority have been administering New Jersey's Clean Energy Programs including Renewable Energy Programs, which are designed to promote the development and installation of renewable energy projects statewide. The OCE will be able to leverage the financial expertise of the EDA that provides funding for manufacturers in New Jersey and to early stage technology companies specializing in clean technologies via its Edison Innovation Fund Programs.

Target Market/Eligibility

The recipients of the CEMF are companies manufacturing renewable energy, clean and energy-efficiency products in New Jersey with their target markets including investor-owned utilities, municipalities, co-operatives, system integrators, installers and private-label customers/original equipment manufacturers. Products under the CEMF must contribute to the cost-competitiveness of renewable energy in New Jersey, and other tangible ratepayer benefits such as economic development, environmental benefits, etc. from either the production or the direct use of the applicant's products.

Eligible technologies for funding under the CEMF include energy efficiency technologies, photovoltaic technologies, wind energy, renewably fueled fuel cells, wave, tidal, renewably generated hydrogen, sustainable harvested biomass and other technologies that can demonstrate their integral nature to the development of Class I renewable energy technologies that produce or support the production of renewable or clean electricity generation.

For the CEMF, applicants must be legally organized as a C Corporation or an LLC with a unit structure, for-profit company that currently, or plans to, manufacture eligible renewable energy or energy efficient technology products in New Jersey and is entering or expanding with the manufacturing stage of commercial development. Modifications to existing manufacturing lines

will not be considered. Funds will be used for identifying and securing a site and to obtain the necessary permits and regulatory approvals, and for capital equipment, leasehold improvements, and engineering and construction services related to such equipment and improvements, and, potentially, increase in inventory. The use of NJ contractors, suppliers, labor and products are preferred. Non-project costs – such as interest expense on loans - are not considered to be eligible under this program. All projects must be in compliance with all applicable laws.

This program requires a firm commitment of a 50% cash match of total project costs from other third party sources of funding for cost sharing, either from grants, loans, or equity, for meeting the total renewable energy/energy efficiency project expenditures. This policy is intended to encourage applicants to seek collaborators that can provide additional resources and expertise that will increase the likelihood of commercial success.

Program Offering and Incentives

Total funds awarded are subject to a maximum of \$3,300,000 per each company project with funds advanced under two tranches. This program offers traditional grants – up to 10% of total CEMF funds requested not to exceed \$300,000 – as well as performance grants up to \$1 million or one-third of a zero interest loan with zero interest loans up to a maximum \$3 million per project. The latter is funded according to the applicant meeting pre-determined employment and production or sales milestones during the disbursement period subsequent to the closing of the CEMF funding.

Tranche I - Project Assessment and Design (A&D)

These funds are to be advanced to identify and secure a site (either a lease or purchase), complete initial project facility design, and to obtain the necessary permits and regulatory approvals to operate the facility. Funds are to be allocated up to \$300,000 per each company project with a minimum of a 50% cash match of total project costs from other financial sources. Up to 10% of the total CEMF funds requested – not to exceed \$300,000 - will be funded under this specific A&D tranche. At closing of the grant, twenty (20%) percent of the approved funds will be advanced for upfront seed money with the remainder paid after work has been completed upon submission of invoices.

Tranche II - Project Construction and Operation (C&O) Zero Interest Loan with Performance Grant

These funds are to support site improvements, equipment procurement and facility construction and completion. A preference will be given to those projects that demonstrate a greater percentage of the project being designed, manufactured, processed, assembled or made ready for commercial sale at the applicant's facilities within New Jersey. The total amount awarded under this tranche is up to a maximum \$3 million per each company project with a minimum 50% match of these total project costs from firmly committed, non-state-derived matching support. No more than 50% of funds requested may be advanced prior to commercial production.

Up to a maximum \$3 million zero interest loan as evidenced by a loan note shall be repaid with repayment starting on the first month of the fourth year (month 37) on the anniversary date of the closing of the funding and will fully amortize in equal monthly payments over the remaining seven years or eighty-four months of the zero interest loan repayment period. Any unpaid balance will be due at the 10-year anniversary if not previously paid in the course of

amortization. One-third or 33.33% of the C&O zero interest loan not exceeding \$1 million may be converted to a performance grant with no terms of repayment. This condition is subject to the applicant meeting all pre-determined milestones during the 36-month disbursement period subsequent to the closing of the CEMF funding. These milestones will be deemed satisfactorily completed, in their sole discretion, by the BPU or designated market managers monitoring the project.

Program Delivery

The award of grants and no interest loans from the Edison Innovation Clean Energy Manufacturing Fund shall include: advertisement inviting qualified applicants to submit proposals, a defined process for receiving such proposals and an evaluation process based on established criteria by an objective and disinterested review team.

The EDA will accept the program applications with a solicitation deadline to be posted during the calendar year. There will be a pre-application solicitation for technical screening followed by a full application for those successful pre-applicants. When the full applications are received, a dual review scoring process will be conducted by the EDA for evaluating business viability and by the BPU for technical criteria. Subsequently, each final applicant will have the ability to make a project presentation to a Clean Technology Evaluation Committee comprised of EDA, BPU, and other industry representatives. The Clean Technology Evaluation Committee will subsequently determine the successful award recipients for Board approval.

After the CEMF award recipients are selected, then the application with underwriting proposal prepared by the EDA will be submitted to the BPU Board for approval. Both the EDA and the BPU will jointly notify all applicants.

CEMF Proposals must document the approach, plans and strategies intended to meet project goals including:

- Technical project information and benefits
- Business plan including financial projections
- Proposing team and qualifications
- Project procedural steps to accomplish the project milestones
- Project Budget including schedule of matching funds

Technical monitoring and project milestones will be set in collaboration with a senior creditor or a designated market manager, with the latter to be hired in consultation with the OCE and paid out of the program proceeds.

Applications will be subject to an extensive financial and technical due diligence. Final approval of the project grants and zero interest loans will be by BPU's Board. EDA will arrange for the issuance of all zero interest loans and grants to award recipients and will perform the documentation closing of all CEMF zero interest loans and grants.

Planned Program Implementation Activities for 2008

The following program implementation activities will be undertaken in 2008:

- Develop guidelines, procedures and scoring criteria, and manage all aspects of a competitive online solicitation with 2008 program funding, that may include 2009

funding when approved. The competitive solicitation is expected to be a 6- month process until award recipients are announced, and the target date for a joint announcement of this program is early Fall 2008 prior to the annual NJ Board of Public Utilities Clean Energy Conference.

- Develop and distribute educational and marketing promotion materials with the BPU.
- Develop standard grant and other funding agreements for the BPU for closing the CEMF recipient awards.
- Draft press releases and any other public announcements with the BPU.
- Extend invitations to BPU, EDA and industry members for developing a Clean Technology Evaluation Committee.
- Implement system enhancements for processing applications, project information and quarterly reporting to the BPU in compliance with BPU IMS accounting and reporting requirements.

Quality Control Provisions

The OCE and/or its market managers with expertise in renewable energy and energy efficiency technologies will assist in prescreening the applications and have the authority to reject all applications that do not meet the technical eligibility guidelines for technologies promoting energy efficiency and renewable energy programs as set forth at N.J.S.A., 48:3-49 et seq, the Electric Discount and Energy Competition Act.

As part of the final evaluation committee, the OCE and/or its market managers will conduct a full application review of meeting requirements of technical criteria. Subsequent to this technical review, a Clean Technology Evaluation Committee comprised of EDA, BPU, and industry representatives will attend individual presentations by the chosen applicants and submit their final recommendations of award recipients for EDA underwriting and BPU Board approval.

The OCE and/or its designated market managers will be consulted to conduct field inspections and monitor the project and its milestone deliverables for compliance with program technical requirements.

Program Budget

Funds of \$12 million for the CEMF project approved as the “Clean Energy Technology Fund” are allocated from the NJCEP “Other EE Programs” line item within the OCE Energy Efficiency Program Budget for \$9 million and from the NJCEP “EDA Programs” line item within the Renewable Energy Program Budget for \$3 million. EDA is to comply with BPU IMS accounting and reporting requirements. A budget breakdown for this program is attached, in accordance with BPU IMS requirements.

Marketing Plans

- The EDA jointly with the BPU will develop marketing materials for distribution and update websites, including industry databases, for announcement of the solicitation.
- Promote the solicitation at educational and networking events with potential participants and industry stakeholders.

Program Goals and Performance Indicators

The goals of this program includes leveraging public and private resources for advancing the technologies and services necessary to support a vibrant renewable energy industry in New Jersey in accordance with the NJ Governor's Energy Master Plan and New Jersey's implementation of the Regional Greenhouse Gas Initiative (RGGI), P.L. 2007, c.340, and the "Global Warming Response Act", P.L. 2007, c.112, which sets long-term goals for reducing greenhouse gas emissions in New Jersey. The State of New Jersey Energy Master Plan aims to meet 20% of its energy needs through Class I renewable energy by 2020 and reduce electricity and heating consumption 20% by 2020. It is therefore the mission of the Clean Energy Manufacturing Fund to decrease electricity and heating costs, improve electric reliability and maximize economic and environmental benefit to New Jersey's ratepayers by driving down the cost of key market-transforming efficiency and renewable energy technologies.

Achieving this mission includes:

- Providing a range of tools to integrate policies across programs for research and development support, gap funding, equity investments, and stimulating market demand
- Developing a balanced clean energy industry cluster
- Supporting technologies that will provide the most benefit to New Jersey ratepayers
- Building upon consumer choice

Expected benefits of the CEMF are to include: increasing the number of renewable energy and energy efficiency manufacturing jobs in New Jersey by encouraging expansion of current manufacturers and to provide sufficient incentive to other manufacturers to locate in New Jersey; stimulating economic development in the New Jersey renewable energy and energy efficiency sector through demand for goods and services by manufacturers; and increasing the volume of renewable energy and energy efficient products manufactured in New Jersey to New Jersey consumers.

Performance Indicators

- Number of jobs created in the renewable energy and energy efficiency sector in NJ
- Number of new renewable energy and energy efficiency manufacturers that locate and/or expand in New Jersey
- Amount of renewable energy and energy efficient products manufactured in New Jersey
- Contribution to lowering the cost of renewable energy and energy efficiency systems

Goals for the program include the following:

- Solicit at least 10 applications for a first round Fall 2008 solicitation and target 3 awards. Focus will be to provide seed funding and financial incentives from a broad range of eligible renewable energy and energy efficiency technologies.
- Provide program information in order to attract qualified applicants at state, regional and national renewable energy and energy efficiency forums, publications and/ or websites.
- Launch the initiative and transition market managers to assist OCE and EDA with technical review and milestone setting and monitoring.

Detailed Expense Data for Reporting Year 2008 - Total
Renewable Energy Programs

Program Manager: Office of Clean Energy
Reporting Period: YTD thru 1st Quarter 2008
(All Numbers = 000s)

Program	Total Actual NJCEP Expenditures	Administration & Program Development	Sales, Call Centers, Marketing and Website	Training	Rebates, Grants, and Other Direct Incentives	Rebate Processing, Inspections, and Other Quality Control	Performance Incentives
RENEWABLE PROGRAMS							
Customer On-Site Renewable Energy (CORE)	\$0						
CleanPower Choice	\$0						
RE Market Manager Transition Costs	\$0						
RE Certificates/SPEC Pilot	\$0						
DEP Ecological Baseline Study	\$0						
Sub-Total: Renewable Programs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EDA PROGRAMS							
RE Project Grants and Financing (Incl. NJBPU Grid)	\$0						
Renewable Energy Business Venture	\$0						
Clean Energy Technology Fund	\$120,000	\$93,600	\$24,000	\$2,400	\$0	\$0	\$0
Edison Fund	\$0						
Sub-Total: EDA Programs	\$120,000	\$93,600	\$24,000	\$2,400	\$0	\$0	\$0
TOTAL Renewable Energy Programs	\$120,000	\$93,600	\$24,000	\$2,400	\$0	\$0	\$0

APPENDIX 4

Program Fees

Edison Innovation Clean Energy Manufacturing Fund

BPU:

For the administration services enumerated in the MOU for the CEMF Program, the EDA will be paid \$10,000 per month from the BPU Clean Energy Manufacturing Fund.

Applicant:

EDA will charge the applicant to the CEMF Program its normal application, commitment and closing fees, which fees the EDA shall be permitted to retain.

Application Fee: 0.25% with \$2500 cap

Commitment Fee: 0.75% with \$1500 of application fee applied towards commitment fee if pursuing

Closing Fee: 0.75%

Extensions: \$750

Modifications: \$1000



MEMORANDUM

To: Members of the Authority

From: Caren Franzini
Chief Executive Officer

Date: August 12, 2008

Subject: New Jersey Economic Development Authority Participation in NJ State
Employees Deferred Compensation Plan

The Members are asked to approve the New Jersey Economic Development Authority's participation in the New Jersey State Employees Deferred Compensation Plan.

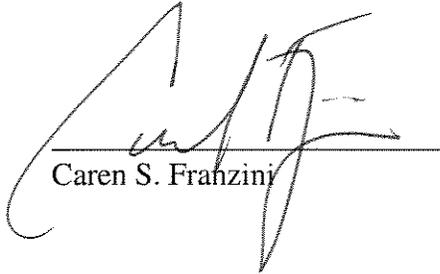
As the Members are aware, our Human Resources Department continually assesses best practices and performs periodic competitive analysis of salary and benefits in order to support our efforts to attract and retain the talent needed by the EDA to successfully execute its business objectives and strategic plan.

The Authority currently extends to employees a deferred compensations plan (adopted July 13, 1983), which has been administered by ING. After a thorough analysis of investment vehicles and the returns on same, it is our recommendation that the NJ Economic Development Authority adopt the NJ State Employees Deferred Compensation Plan, an eligible 457(b) plan under the Internal Revenue Code. This will provide New Jersey Economic Development Authority employees with a plan that offers lower fees and higher investment returns.

Similar to our current ING plan, 457(b) Plan Members can make tax deferred contributions directly from their paychecks to a variety of investment options. With the NJ State Employees Deferred Compensation Plan, Plan Members may contribute as little as 1 percent of their pay (up to \$15,500 for 2008), 457(b) Plan Members age 50 or older may contribute an additional \$5,000, and there is a "catch-up provision" that permits 457(b) Plan Members who have under-deferred during participation to contribute catch-up deferrals as the Member approaches normal retirement age.

Recommendation:

The Members are asked to approve the New Jersey Economic Development Authority's participation in the NJ State Employees Deferred Compensation Plan as 457(b) Members and to adopt the attached resolution reflecting this matter.



Caren S. Franzini

Prepared By: Lenore Dileo

RESOLUTION REGARDING

SUPPLEMENTAL RETIREMENT SAVINGS PLAN NJ State Employees Deferred Compensation Plan

WHEREAS, the New Jersey Economic Development Authority (“Authority”) is a legally established public entity operating in the State of New Jersey; and

WHEREAS, the Authority receives public funds and has employees that carryout the day to day operations; and

WHEREAS, these employees participate in New Jersey Public Employees’ Retirement System and/or the New Jersey Defined Contribution Retirement Program; and

WHEREAS, these employees desire to adopt the New Jersey State Employees Deferred Compensation Plan, an eligible 457(b) plan under the Internal Revenue Code; and

WHEREAS, the Members of the Authority have had the opportunity to review the information which allows the 457(b) Plan Member to make tax deferred contributions directly from their paychecks to a variety of investment options, including that a 457 Plan Member may contribute as little as 1 percent of their pay (up to \$15,500 for 2008), that a 457(b) Plan Member age 50 or older may contribute an additional \$5,000, and that there is a “catch-up provision” that permits 457(b) Plan Members who have under-deferred during participation to contribute catch-up deferrals as the Member approaches normal retirement age; and

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority have adopted the 457(b) Plan and thereby elect to participate in the New Jersey State Employees Deferred Compensation Plan as 457(b) Plan Members.



MEMORANDUM

To: Members of the Board

From: Caren Franzini
Chief Executive Officer

Date: August 12, 2008

Subject: Appointment of Records Custodian

Request:

The Members are asked to designate Marcus Saldutti, Legislative Officer in the Governance and Communications Division, as the Authority's "Records Custodian".

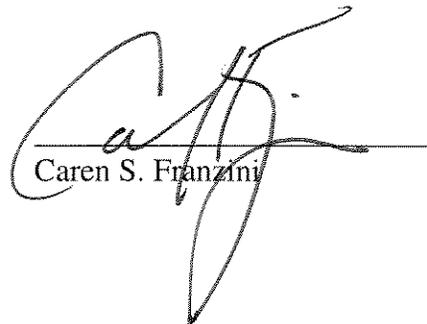
Background:

Pursuant to New Jersey's Open Public Records Act (N.J.S.A. 47:1A-1, et seq.), requests by members of the public for public documents are to be handled by a public agency's "Records Custodian" who is "designated by formal action of that agency's director or governing body."

The Board is taking this action today to reflect the Commerce reorganization and to acknowledge that Mr. Saldutti's duties will extend to the Division of Business Assistance, Marketing and International Trade and include the additional programs transferred to the Authority.

Recommendation:

Based on the above, it is recommended that Marcus Saldutti be designated as the Authority's Records Custodian.


Caren S. Franzini

Prepared By: Maureen Hassett



TO: Members of the Board

FROM: Caren S. Franzini, Chief Executive Officer

DATE: August 12, 2008

RE: Approval of NJ Commerce Commission Operating Authorities on Interim Basis

Request

The Members are requested to adopt the operating authorities for administrative, fiscal and programmatic functions previously approved by the NJ Commerce Commission to provide business continuity during this organizational transition period.

Background

As you are aware, the Commerce/EDA re-organization legislation, P.L. 2008, c. 27, transferred many of the functions and programs of the Commerce Commission to the new Division of Business Assistance, Marketing and International Trade in the Economic Development Authority. As of July 1, 2008, the Commerce Board ceased to exist and Division actions normally requiring that Board's approval are referred to the Authority Board for action, as detailed in the statute. Under the guidance of the Executive Steering Team, staff has been identifying the various steps necessary to transition staff and programs to the Authority with in the 90-day transition period permitted by the legislation.

Staff is currently reviewing Commerce's existing operating authorities in order to recommend eventual inclusion in the Authority's operating authorities. Until this review is complete, and to prevent unnecessary delays in processing or decision making, staff recommends the adoption of the attached Commerce Operating Authorities on an interim basis, with changes of staff authorized for various approval levels as noted below to reflect existing Authority and Division titles that would be vested with like responsibilities. It is our expectation that we will return to the Board in early Fall to recommend a revised Authority operating authority grid inclusive of the Commerce programs and responsibilities.

Level 1 - EDA Board

Level 2 - Chief Executive Officer Caren Franzini

Level 3 - Interim Deputy Director Carol McPhillips

Level 4 - Interim Chief Financial Officer Carol McPhillips

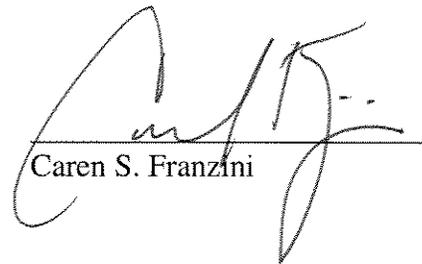
Level 5 - SVP Kathie Stucy, Senior Director Cathy Scangarella, Director Business
Advocacy and Economic Development Services, Lauren Moore

Level 6 - Director of the Office of Urban Programs Kathleen Kube
Director Business Advocacy and Economic Development Services,
Lauren Moore

Also note that actions authorized under section G – Business Service Operations, no longer apply as these activities have been transferred to the Department of Treasury.

Recommendation

The Members are requested to adopt the attached operating authorities for administrative, fiscal and programmatic functions previously approved by the NJ Commerce Commission on an interim basis with noted changes to specific staff authorized to approve activities as detailed above.



Caren S. Franzini

Attachment

Prepared by: Maureen Hassett

New Jersey Commerce Commission

OPERATING AUTHORITY

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
A.	General Operations						
A.1	Approve Annual Budget	Board approval required	Recommends approval		Recommends approval		
A.2	Approve Auditor for Annual Audit	Board approval required	Recommends approval		Recommends approval		
A.3	Approve Annually the Economic Development Master Plan	Board approval required	Annually develops and recommends Master Plan				
A.4	Approve Employee Handbook	Board approval required		Develops Employee Handbook			
A.5	Establish Job Titles, Descriptions, Hire Employees, Fix Salaries (within budget)		Approves	Recommends for approval	Recommends for approval (funds available)		
A.6	Appoint Custodian of Records	Board approval required					

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
A.7	<i>Approve APA Rulemaking Actions (e.g., Proposal, Adaption, Amendment)</i>	Board approval required	Recommends approval, after recommendation of Level 5 or 6				
A.8	<i>Approve Agreements with Governmental Entities</i>	Board approval required	Recommends approval; Executes, after Board approval		Recommends approval (funds available)		
A.9	<i>Approve Entry into Joint Ventures</i>	Board approval required. Commission expenditures also subject to A.12, A.13, or A.14, as applicable	Recommends approval; Executes, after Board approval		Recommends approval (if fiscal impact)		
A.10	<i>Approve organization or participation in 501(c)(3) org</i>	Board approval required	Executes, after Board approval, organizational documents				
A.11	<i>Solicitation of bids for Goods or Services</i>		May singularly approve, upon recommendation of Level 4		Recommends for approval		
A.12	<i>(a) Except as in B.4, approve all contracts, leases, agreements, and purchases when contract price exceeds \$31,700(N.J.S.A.</i>	Board approval required	Either Level 2, or Level 4 must recommend for approval May singularly execute				

	52:27C-76) <i>(b) Except as in B.4, execute all contracts, leases, agreements, purchases, after Board approval, when contract price exceeds \$31,700</i>						
A.13	<i>(a) Except as in B.4, approve all Contracts, Leases, Agreements, and Purchases when Contract Price Does Not Exceed \$31,700</i> <i>(b) Except as in B.4, execute all Contracts, Leases, Agreements, and Purchases when Contract Price Does Not Exceed \$31,700</i>	Board approval required	(a) May singularly approve (b) May singularly execute		(a) Recommends for approval (b) Recommends for approval		
A.14	<i>Approval of Waivers from Public Advertising</i>	Board approval required	Either Level 2 or Level 4 must recommend for approval		Either Level 2 or Level 4 must recommend for approval		

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
B.	FISCAL, PLANT MANAGEMENT, & MIS OPERATIONS						
B.1	Approval & Execution of fiscal transactions (a) budget documents, funding requests, other communications to Treasury regarding Commission's finances. Central Motor Pool Vehicle Requests, mileage reimbursement rates (b) Accounting transactions, checks, banking & cash management transactions		(a) May singularly approve, upon recommendation of Level 4 (b) May singularly execute		(a) May recommend (b) May singularly execute		
B.2	(a) Approval of plant management transactions (e.g. telephone service requests, building access cards,		(a) May singularly approve (b) Upon recommendation of Level 6, may	(a) May singularly approve (b) Upon recommendation of Level 6, may	(a) May singularly approve (b) Upon recommendation of Level 6, may		Recommends approval

	<i>vehicle accident requests for motor pool, etc.)</i>		singularly execute	singularly execute	singularly execute		
B.3	<p>(a) Execution of Information Technology Acquisitions of Hardware, Software or Services if over \$31,700</p> <p>(b) Execution of Information Technology Acquisitions of Hardware, Software or Services if over \$31,700</p>	(a) Board approval required	<p>(a) Level 2 or 4 must recommend for approval</p> <p>(b) May singularly execute</p>	singularly execute	(a) Level 2 or 4 must recommend for approval		Recommends approval
B.4	<p>(a) Approval of Information Technology Acquisitions of Hardware, Software or Services if under \$31,700</p> <p>(b) Execution of Information Technology Acquisitions of Hardware, Software or Services contracts if under \$31,700</p>		<p>(a) May singularly approve</p> <p>(b) May singularly execute</p>	singularly execute	(a) Recommends approval		Recommends approval to Level 2 or 4

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
C. BRRAG PROGRAM OPERATIONS							
C.1	Approve BRRAG Project Application (tax credit, sales tax exemption, Salem County energy sales tax exemption, BRRAG tax credit transfer)	Board approval required	Recommends approval			Either Program Unit SD or Level 6 Program Director must verify that application qualifies	Either Program Director or Level 5 Program Unit SD must verify that application qualifies
C.2	(a) Approve Application or Project Agreement Amendment if greater than a 20% delta in the retained jobs for a tax credit project or greater than a 20% increase in eligible capital investment for sales tax exemption projects. (b) Approve all other Application or	(a) Board approval required	(b) Singularity approves upon recommendation of Level 5 or 6			Either Program Unit SD or Level 6 Program Director must recommend approval	Either Program Director or Level 5 Program Unit SD must recommend approval

	<i>Program Agreement Amendments</i>								
C.3	(a) Execute Project Agreement or other approval document with BRRAG Applicant (b) Execute Project Agreement amendment		(a) Singularity executes (b) Singularity executes						
C.4	Administers the BRRAG tax benefit	Approve Salem County Program Rescissions	Singularity approves default, recapture, rescission actions for all other BRRAG programs				Either Program Unit SD or Level 6 Program Director must recommend action	Either Program Director or Level 5 Program Unit SD must recommend action	

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
D. MARKETING OPERATIONS							
D.1	<i>Approval of Marketing Agreement</i>	Board approval required when contract price exceeds \$31,700	May approve when contract price does not exceed \$31,700		Recommend approval	SD for Marketing recommends approval	
D.2	<i>Execution of Marketing Agreements</i>		Singularity executes if contract price exceeds \$31,700		May execute if contract price below \$31,700		

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
E. BROWNFIELDS PROGRAM OPERATIONS							
E.1	<p>(a) <i>Approval of Applications for Brownfields Redevelopment Agreements</i></p> <p>(b) <i>Amendments to Redevelopment Agreements</i></p>	<p>(a) Singularly approves for Commission; State Treas. must also approve</p> <p>(b) Increase greater than 25% of benefit value.</p>	<p>(b) Increase equal to or less than 25% of benefit value, as determined by DEP. (Board will be notified monthly on amendments made the prior month.)</p>			<p>Either Program Unit SD or Level 6 Program Director must verify that application qualifies</p>	<p>Either Program Director or Level 5 Program Unit SD must verify that application qualifies</p>
E.2	<p>(a) <i>Execution of Brownfields Redevelopment Agreements</i></p> <p>(b) <i>Execution of Amendments to Redevelopment Agreements</i></p>		<p>(a) After Board approval, must execute by co-signing with State Treasurer</p> <p>(b) Same as (a) above.</p>				

E.3	(a) <i>Applications for Municipal Landfill Redevelopment Agreements</i> (b) <i>Amendments to Municipal Landfill Agreements</i>	(a) Board approval required (b) Increase greater than 25% of benefit value.	(b) Increase equal to or less than 25% of benefit value, as determined by DEP. (Board will be notified monthly on amendments made the prior month.)			Either Program Unit SD or Level 6 Program Director must verify that application qualifies	Either Program Director or Level 5 Program Unit SD must verify that application qualifies
E.4	(a) <i>Execution of Municipal Landfill Redevelopment Agreements</i> (b) <i>Execution of amendments to Redevelopment Agreement</i>		(a) After Board approval, may singularly execute (b) Same as (a) above			Either Program Unit SD or Level 6 Program Director must verify that agreement acceptable	Either Program Director or Level 5 Program Unit SD must verify that agreement acceptable

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
F. ECONOMIC DEVELOPMENT SITE FUND OPERATIONS							
F.1	<i>Approval of: (a) Economic Development Site</i>	(a) Board approval required	(a) Recommends approval			Either Program Unit SD or Level 6	Either Program Director or Level 5

	<i>Fund Applications (b) Amendments to Economic Development Site Fund Applications and Agreements</i>	(b) Board approval required	(b) Recommends approval			Program Director must verify that application qualifies	Program Unit SD must verify that application qualifies
F.2	<i>Execution of: (a) Economic Development Site Fund Agreements (b) Amendments to Economic Development Site Fund Agreements</i>		(a) May singularly execute (b) May singularly execute			Either Program Unit SD or Level 6 Program Director must verify that application qualifies	Either Program Director or Level 5 Program Unit SD must verify that application qualifies

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
G. BUSINESS SERVICES OPERATIONS							
G.1	<i>Approval of Applications for: (a) Small Business Enterprise Registration (b) Women/Minority-Owned Business Enterprise Certification</i>						Director of the Office of Small Business Assistance approves or denies application; per recommendation of program auditor
G.2	<i>Execution of: (a) Small Business Enterprise Registration</i>						Auditor reporting to Director of the Office of Small Business

	<i>Approvals & Denials (b) Women/Minority-Owned Business Enterprise Certification Approvals & Denials</i>						Assistance may singularly execute
G.3	<i>Designation of hearing officer on challenges or final level appeals</i>	Designates hearing officer					
G.4	<i>Final agency decision on challenges or final level appeals</i>	Board approval required					Hearing officer recommends final decision to Board

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
H	OFFICE OF INTERNATIONAL TRADE AND PROTOCOL OPERATIONS						
H.1	<i>Approve Foreign Trade Representative Agreements, Applications for Gen'l Purpose Foreign Trade Zones Board,</i>	Board approval required	Recommends for approval		Recommends for approval/funding	SD for International Trade must recommend appointment of Representative	

	Agreement for Operating/admin. of FTZ # 44								
H.2	Execution of Foreign Trade Representative Agreements, application for General-Purpose Foreign Trade Zones, Agreement for Operating/admin of FTZ # 44			Executes					

	OPERATING SCOPE	Level 1 Board	Level 2 Exec. Director	Level 3 Deputy Director	Level 4 CFO	Level 5 Senior Director	Level 6 Director
I. URBAN ENTERPRISE ZONE PROGRAM: ADMINISTRATIVE SERVICES FOR THE UEZ AUTHORITY							
I.1	UEZ Business Energy Sales Tax Exemption Approvals & Denial	Board approval required	May execute approval/denial decisions, upon recommendation of Level 6				Director of the Office of Urban Programs recommends approval/denial
I.2	UEZ Business Energy Sales Tax Rescissions	Board approval required	Executes rescission notices				Makes rescission recommendations



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Technical Assistance for Small Businesses

DATE: August 12, 2008

Request:

The Members are requested to approve entering into a contract with UCEDC to provide technical assistance (“TA”) services on a statewide basis to start-up and existing small businesses, as well as minority- and women-owned business enterprises. This initiative allows EDA to continue delivering on its commitment to provide access to quality technical assistance services to small businesses growing in New Jersey.

The cost of the proposed contract is \$300,000 annually and may be extended for two years (at the sole discretion of the EDA) for a total expense of \$900,000. These resources were part of the approved 2008 budget. The benefits to EDA using this approach to deliver technical assistance include: efficiencies in delivery, enhanced services for small businesses and overall program savings for EDA.

Background:

From 1992 through 2007, the Entrepreneurial Training Institute (ETI) offered a full menu of services to assist small businesses to start and grow in New Jersey. ETI was a program of the New Jersey Development Authority for Small Businesses, Minorities’ and Women’s Enterprises (NJDA), managed by the EDA. As the Members are aware, the NJDA was eliminated by the Commerce legislation effective July 1, 2008 and the small business focus of the NJDA is now integrated into the EDA business assistance platform.

During the past two years, the EDA has been assessing the way it delivers technical assistance services while also participating in the Governor’s Office on Economic Growth’s ACE Subcommittee for Small Business efforts to align technical assistance services statewide to meet the objectives of the Economic Growth Strategy.

The result of the work within EDA, informed by the ACE Subcommittee, is a decision to modify its technical assistance model to both ensure the availability of services and maximize the use of strategic partnerships for service delivery. This approach aligns with EDA's Strategic Business Plan and Key Business Objectives to broaden NJ's economic base and enhance the fiscal strength of the EDA by identifying a knowledgeable and capable provider to provide direct assistance to entrepreneurs through localized outreach while retaining signature elements of the ETI model, such as training classes held in several locations throughout the state and one-on-one mentoring to business owners.

RFQ/P for technical assistance services:

EDA issued an RFQ/P in May 2008 for the delivery of TA services statewide. The EDA's objective is to support a customer-focused approach through various but integrated delivery methods to different business sectors and lifecycle stages, including but not limited to women and minority enterprises. In response, seven proposals were received. Working with the Attorney General's Office, it was determined that six proposals were responsive. One proposal was rejected for material non-conformance.

An evaluation committee comprised of Authority staff, reviewed, scored and ranked the six proposals. Based on a thorough review, the evaluation committee recommends the selection of UCEDC. Key qualifications of this organization include, but are not limited to:

- 30-year history of providing technical assistance services to small businesses in all life cycles.
- Extensive experience in providing direct lending and financial packaging for all business needs.
- Demonstrated ability to measure defined results over time
- History of partnership with EDA as well as broad-based collaborations and affiliations
- Sound and proven technical assistance model
- Statewide coverage
- Ability to deliver services targeted to minority/women/multi-cultural entrepreneurs
 - Minority/Women/Multi-Cultural populations (services will be delivered in English and Spanish)
 - Statewide including nine targeted cities

The following key deliverables were outlined in UCEDC's proposal for the first year of the contract:

- Develop relationships with 140 organizations (100 statewide and 40 in 9 urban centers)
- 90 networking events (40 in 9 urban centers)
- 1,000 inquiry intakes, 500 follow-up contacts
- 50 individual client meetings
- 45 loans per year
- 24 business financial literacy workshops in Spanish and English
- 5 ETI Programs, 1 Spanish speaking
- Online and personal assessments of 200 entrepreneurs per year, personal assessments for 100 existing businesses per year
- 1,000 of one-on-one client mentoring

The evaluation form, as well as the form of contract in substantially final form is attached. The terms of the contract may be subject to revision, although the basic terms and conditions will remain consistent with those in the attachment. The final contract will be subject to approval of the Chief Executive Officer and the Attorney General's Office.

Recommendation:

The Members' approval is requested to enter into a contract with UCEDC for delivery of technical assistance to support the growth and expansion of small businesses throughout New Jersey. The contract is \$300,000 per year and can be extended for two years (at the sole discretion of the EDA) for a total expense of \$900,000.


Caren S. Franzini

Prepared by Lori Matheus

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

TECHNICAL ASSISTANCE EVALUATION CRITERIA

Criteria	Percentage Weight
Submittal of a RESPONSIVE PROPOSAL	2.5
EXPERIENCE & KNOWLEDGE in adult education / business operation in NJ / lifecycles of businesses / business sectors / assessment & growth dynamics / financing	18
RESULTS: Experience and knowledge (with defined results) in collaborative implementation and measurement	18
AFFILIATION with and participation in entrepreneurial and business technical assistance organizations	10
QUALIFICATIONS: Program approach / history of bidder / administration / staff qualifications	15
Complete & signed COMPLIANCE DOCS	2.5
MODEL: Sound Technical Assistance and quality resources, proven & acceptance within the business financing community	18
Ability to address MULTI - CULTURAL entrepreneurs / franchisees and technical & life science entrepreneurs	11
GEOGRAPHIC location of the regions of NJ in which offering TA Services (i.e. statewide or 1 or 2 regions)	5
TOTAL PERCENTAGE	100

1 - Poor 2 - Fair 3 - Good 4 - Very Good 5 - Excellent

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY		
2008-RFQ/P-001	Technical Assistance for Small Businesses	
PROPOSERS	Weighted Scores	Total Points (out of possible 135 points)
UCEDC	4.66	125
New Jersey Small Business Developemnt Centers (NJ SBDC)	3.93	113
Basecamp Business	3.91	112
NJAWBO	3.68	108
Regional Business Assistance Corporation	2.67	85
Regional Alliance Small Contractors (RASC)	2.66	84

CONTRACT FOR PROFESSIONAL SERVICES

_____ SERVICES

AGREEMENT made this _____ day of _____, 2008, by and between the NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (the "Authority or NJEDA"), having its address at 36 West State Street, P.O. Box 990, Trenton, New Jersey 08625-0990, and _____, (the "Vendor"), having its address at _____.

The Authority and the Vendor agree as follows:

1. **The Work.** The Vendor shall perform or shall provide the services as specifically detailed in the Vendor's Proposal, dated _____ 08 (and as amended in the Vendor's revised Proposal dated _____ 08) and the Authority's Request for Proposal ("RFP"), dated _____ 2008, which are attached hereto and made a part of this Contract.

2. **Time.** The Vendor shall render the services described in the Vendor's Proposal and RFP as requested by the Authority and generally pursuant to the Fee Schedule included therein. To the extent that the Authority's written approval of cost estimate for a project specific Scope of Services includes a time for completing Work for the particular project, the Vendor shall render the services for the particular project in accordance with the Authority's written approval of the cost estimate.

The initial term of this Contract is _____() year(s). The Authority, in its sole discretion, may extend the terms of this Contract for _____ (___) additional one (1) year terms, at the same prices, terms and conditions. No adjustment shall be made to the Vendor's Fee Schedule throughout the term of the contract or extensions thereto.

Notwithstanding the expiration or termination of this agreement, the Authority reserves the right in its sole discretion to extend this agreement on a month-to-month basis beyond expiration or termination until a replacement contract for Services is entered into by the Authority.

3. **Contract Price.** The Authority shall pay the Vendor for the performance of the Work on a time and expense basis as per the Fee Schedule set forth in the Vendor's Proposal and in accordance with the Authority's written approval of a cost estimate for a project specific Scope of Services. The total, annual Contract Price shall not exceed _____ Thousand Dollars (\$000,000) per year unless an increase is approved in writing by the Authority. The Authority may require services in addition to those agreed to in the RFP and the Proposal. Compensation to the Vendor for additional services shall be an agreed maximum not-to-exceed, lump sum fee in accordance with the Fee Schedule set forth in Vendor's Proposal; or if not specified in Vendor's Proposal, then reasonable and customary amounts as negotiated by the Authority.

4. **Ownership and Use of Documents.** All reports, surveys, drawings and other information produced or generated by Vendor pursuant to this Contract shall become the sole property of the Authority and may be used in its entirety or in part at

the sole discretion of the Authority without additional compensation to or approval from the Vendor. Whenever such information is used, credit shall be given as to the author/source of the information.

5. **Manner of Payment.** The Vendor shall submit one invoice package per month to the Authority no later than the tenth working day of each month for all charges for the preceding month. The invoice package shall consist of an Invoice Package cover page and substantiating documentation consisting of weekly time sheets from the Vendor's employees, original invoices for direct disbursement, or any documentation or information requested by the Authority. No project multipliers shall be used in billings submitted under this Contract. The Vendor must submit a Monthly Status Report to the Authority. Invoices will not be processed unless accompanied by the Monthly Status Report.

6. **Indemnification.** The Vendor shall defend, indemnify, protect and hold harmless the Authority, and its officers, agents, servants and employees from and against any and all suits, claims, demands, losses or damages of any kind arising out of or claimed to arise out of any act, error, or omission on the part of the Vendor, its officers, agents, servants, employees and subcontractors in the performance of services under this Contract. The Vendor shall, at its own expense, appear, defend and pay all charges for attorneys and all costs and other expenses arising from such suit or claim or incurred in connection therewith. If any judgment shall be rendered against the Authority or its officers, agents, servants, and employees for which indemnification is provided under this Section 6, the Vendor shall, at its own expense, satisfy and

discharge the same.

The Vendor shall be liable to the Authority for any reasonable costs incurred by the Authority to correct, modify, or redesign any technical information, reports, findings, analyses, surveys or drawings generated or produced by Vendor or any Work performed by the Vendor or its subcontractor(s) that is found to be defective or not in accordance with the provisions of the Contract as a result of any negligent act, error, or omission on the part of the Vendor, its officers, agents, servants, employees and subcontractors. The Vendor shall be given a reasonable opportunity to correct any deficiency.

The indemnification obligation set forth in Section 6 is not limited in any way by the insurance coverage required pursuant to Section 7 of this Contract and shall survive the terms of this contract.

7. **Insurance.** The Vendor shall procure and maintain, at its own expense, liability insurance for damages of the kinds and in the amounts hereinafter provided, from insurance companies licensed, admitted and approved to do business in the State of New Jersey. The Vendor shall obtain this coverage from A VII or better - rated companies as determined by A.M. Best Company. All liability insurance policies shall afford coverage on an occurrence rather than claims made basis with the exception of the professional liability coverage. The types and minimum amounts of insurance required are as follows:

(a) **Commercial General Liability Insurance.**

The minimum limits of liability for this insurance shall be \$1,000,000 per

occurrence and \$2,000,000 in the aggregate and cover liability based on property damage, death and bodily injury.

The Commercial General Liability Insurance policy shall name the Authority and as additional insured. The coverage to be provided under this policy shall be at least as broad as the standard, basic, unamended and unendorsed commercial general liability policy and shall include contractual liability coverage.

(b) Workers' Compensation and Employers' Liability.

Workers' Compensation Insurance shall be provided in accordance with the requirements of the laws of this State and shall include an endorsement to extend coverage to any State, which may be interpreted to have legal jurisdiction. Employers' Liability Insurance shall also be provided in an amount acceptable to the Authority.

(c) Professional Liability Insurance.

The Vendor shall carry Errors and Omissions and/or Professional Liability Insurance sufficient to protect the Vendor from liability arising out of professional obligations performed pursuant to this Contract. The insurance shall be in the amount of \$1,000,000 each claim and in such policy form as shall be approved by the Authority.

ACORD Certificates of Insurance acceptable to the Authority in respect to each of the aforementioned policies shall be filed with the Authority prior to commencement of Work. These Certificates shall contain a provision that coverages afforded under the policies shall not be reduced or canceled unless at least thirty (30) days prior written notice has been given to the Authority.

8. **Conflict of Interest.** Vendor, its officers, employees or principal shareholders ("Interested Parties") shall not hold any ownership interest in any real estate development project that is included within the Work of this Contract; and shall not be under contract (other than this Contract) to perform work or services on any real estate development project that it included within the Work of this Contract. Furthermore, Interested Parties shall not hold any interest in or right to acquire any interest in any of the real estate that is the subject of a project specific Scope of Services. The Authority reserves the right to limit or restrict the scope of the Work to be performed by Vendor in the event that the Authority determines in its discretion that a project specific Scope of Services would create a potential conflict of interest. Any limitation or restriction on the scope of Work by the Authority because of a potential conflict of interest, shall not reduce or interfere with payment of compensation to the Vendor for Work that does not create a potential conflict of interest.

Subcontractor(s) hired by Vendor to perform Work under this Contract, including the officers, employees or principal shareholders of such Vendor's subcontractor(s) ("Subcontractor Interested Parties") shall not hold any ownership interest in any real estate development project that is the subject of a project specific Scope of Services that the subcontractor is engaged in; and shall not be under contract (other than such subcontract) to perform work or services on any real estate development project that is the subject of a project specific Scope of Services that the subcontractor is engaged in. Furthermore, Subcontractor Interested Parties shall not hold any interest in or right to acquire any interest in the real estate that is the subject of a project specific Scope of

Services that the subcontractor is engaged in. The Authority reserves the right to limit or restrict the scope of the Work to be performed by Vendor in the event that the Authority determines in its discretion that a subcontractor of Vendor would create a potential conflict of interest. Any limitation or restriction on the scope of Work by the Authority because of a potential conflict of interest by a subcontractor, shall not reduce or interfere with payment of compensation to the Vendor for Work that does not create a potential conflict of interest or the appearance of a conflict of interest.

Before beginning Work on any project specific Scope of Services, Vendor shall provide to the Authority its written certification that: (i) Interested Parties and Subcontractor Interested Parties do not hold any ownership interest in the real estate development project that is the subject of the project specific Scope of Services; (ii) Interested Parties and Subcontractor Interested Parties are not under any contract (other than this Contract or such subcontract) to perform work or services related to the particular project that is the subject of the project specific Scope of Services; and (iii) Interested Parties and Subcontractor Interested Parties do not hold any interest in or a right to acquire any interest in any of the real estate that is the subject of the project specific Scope of Services. Vendor shall have an on-going obligation to notify the Authority in writing of any change in circumstances, including obtaining additional information, that would make such Vendor Certification less than completely accurate. Said on-going obligation to notify the Authority shall remain in effect for as long as Work is being performed on the project specific Scope of Services.

Interested Parties and Subcontractor Interested Parties are barred from earning

any brokerage or other commissions from or in connection with any transaction that arises from or out of any projects that is included within the Work of this Contract. Said bar from earning brokerage or other commissions shall remain in effect for the Term of this Contract including any extension thereof.

9. **Termination.** The Authority shall have the right without cause and in its complete discretion to terminate the Contract at any time upon seven (7) days' advance written notice to the Vendor. In such event, absent a default on the part of the Vendor, the Vendor shall be entitled to compensation for all services properly provided to the Authority pursuant to the Contract prior to such termination.

In addition to other remedies available under law to the non-defaulting party, this Contract may be terminated by either party upon seven (7) days' advance written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination.

10. **Confidential Information of the Authority.** In connection with performing the Work, the Vendor and its employees may receive, review and become aware of proprietary, personnel, commercial, marketing and financial information of the Authority, its employees, members borrowers or business associates that is confidential and/or proprietary in nature ("Confidential Information"). The Vendor agrees that the use and handling of Confidential Information by the Vendor and its employees shall be done in a responsible manner and solely for furtherance of the Work. Other than to its employees who have a need to know Confidential Information in connection with performance of

the Work, the Vendor agrees not to disclose any Confidential Information, without the prior written consent of the Authority. The Vendor shall be responsible to assure that its employees do not disclose any Confidential Information without the prior written consent of the Authority. The Vendor shall inform each of its employees that receives any Confidential Information of the requirements of this Section 10 of the Contract and shall require each such employees to comply with such requirements.

Notwithstanding the foregoing, the term Confidential Information shall not include information which: (i) is already known to the Vendor or its employees from sources other than the Authority; (ii) is or becomes generally available to the public other than as a result of a disclosure by the Vendor or its employees; or (iii) is required to be disclosed by law or by regulatory or judicial process.

Pursuant to *Section 6 Indemnification* of the Contract, the Vendor shall indemnify and hold the Authority, its employees and members harmless for any breach of *Section 10 "Confidential Information of the Authority"*, by the Vendor or its employees.

11. **Debarment Liability.** The Vendor acknowledges that it shall be rendered liable to debarment in the public interest, pursuant to procedures established by Executive Order No. 34 (1976), and updated by Executive Order No. 189 (1988), and pursuant to N.J.A.C. 19:30-2, for violating any of the following provisions:

- a. No Vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Authority officer or employee or special Authority officer or employee, as

defined by N.J.S.A. 52:13D-13(b) and (e), with which such Vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13(i), of any such officer or employee, or any partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13(g).

- b. The solicitation of any fee, commission, compensation, gift, gratuity, or other thing of value by any Authority officer or employee or special Authority officer or employee from any Authority Vendor shall be reported in writing forthwith by the Vendor to the Attorney General of New Jersey and the Executive Commission on Ethical Standards.
- c. No Vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such Vendor to, any Authority officer or employee or special Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Authority, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13(g). Any relationships subject to this subsection shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the Authority officer or employee or special

Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

- d. No Vendor shall influence, or attempt to influence or cause to be influenced, any Authority officer or employee or special Authority officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- e. No Vendor shall cause or influence, or attempt to cause or influence, any Authority officer or employee or special Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the Vendor or any other person.

12. **Time for Completion and Damages.** The time for beginning and the time for completion of the Work are essential conditions of the Contract, and the Work embraced shall be commenced on the date specified in the Notice to Proceed.

The Vendor shall proceed with the Work at such rate of progress to insure full completion within the Contract time. It is expressly understood and agreed by and between the Vendor and the Authority that the Contract time for the completion of the Work described herein is a reasonable time, taking into consideration the average climatic and economic conditions and other factors prevailing in the locality of the Work.

For reasons within the Vendor's control, if the Vendor shall fail to complete the Work, or shall be responsible for a delay which results in the failure to complete the Work within the Contract time, or extension of time granted by the Authority, then the

Vendor will pay the Authority an amount sufficient to compensate the Authority for its damages incurred as a result of such failure to complete.

13. **Contractual Liability Act.** Notwithstanding any provision in this Contract or in the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1 et seq., to the contrary, the parties hereto agree that any and all claims made by the Vendor against the State of New Jersey and/or the Authority for damages, including, but not limited to costs and expenses, shall be governed by and subject to the provisions of the New Jersey Contractual Liability Act.

14. **Political Campaign Contributions.**

14.1 For the purpose of this Section 14, the following shall be defined as follows:

a) Contribution – means a contribution reportable by a recipient under “The New Jersey Campaign Contributions and Expenditures Reporting Act.” P.L. 1973, c. 83 (C.10:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Currently, contributions in excess of \$300 during a reporting period are deemed “reportable” under these laws.

b) Business Entity – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity

that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing in the same household.

c) P.L. 2005, c. 51 – means Public Law 2005, chapter 51 (C. 19:44A-20.13 through C. 19:44A-20.25, inclusive).

14.2 The terms, restrictions, requirements and prohibitions set forth in P.L. 2005, c. 51 are incorporated into this Agreement by reference as material terms of this Agreement with the same force and effect as if P.L. 2005, c. 51 were stated herein its entirety. Compliance with P.L. 2005, c. 51 by Vendor shall be a material term of this Agreement.

14.3 Vendor hereby certifies to the Authority that commencing on and after October 15, 2004, Vendor (and each of its principals, subsidiaries and political organizations included within the definition of Business Entity) has not solicited or made any Contribution of money, pledge of Contribution, including in-kind Contributions, that would bar a contract agreement between Vendor and the Authority pursuant to P.L. 2005, c. 51. Vendor hereby further certifies to the Authority that any and all certifications and disclosures delivered to the Authority by Vendor (and each of its principals, subsidiaries and political organizations included within the definition of Business Entity) are accurate, complete and reliable. The certifications made herein are intended to and shall be a material term of this Agreement and if the Treasurer of

the State of New Jersey determines that any Contribution has been made in violation of P.L. 2005, c. 51, the Authority shall have the right to declare this Agreement to be in default.

14.4 Vendor hereby covenants that Vendor (and each of its principals, subsidiaries and political organizations included within the definition of Business Entity) shall not knowingly solicit or make any contributions of money, or pledge of a contribution, including in-kind contributions, to a candidate committee or election fund of any candidate or holder of the public office of Governor of New Jersey or to any New Jersey state or county political party committee prior to the expiration or earlier termination of this Agreement. The provisions of this Paragraph 14.4 are intended to and shall be a material term of this Agreement and if the Treasurer of the State of New Jersey determines that any Contribution has been made by Vendor (and each of its principals, subsidiaries and political organizations included within the definition of Business Entity) in violation of P.L. 2005, c. 51, the Authority shall have the right to declare this Agreement to be in default.

14.5 In addition to any other Event of Default specified in the Contract Documents, the Authority shall have the right to declare an event of default under this Agreement if: (i) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) makes or solicits a Contribution in violation of P.L. 2005, c. 51, (ii) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) knowingly conceals or misrepresents a Contribution given or received; (iii) Vendor (or any of its principals,

subsidiaries and political organizations included within the definition of Business Entity) makes or solicits Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) makes or solicits any Contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) engages or employs a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) directly would violate the restrictions of P.L. 2005, c. 51; (vi) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) funds Contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) engages in any exchange of Contributions to circumvent the intent of P.L. 2005, c. 51; (viii) Vendor (or any of its principals, subsidiaries and political organizations included within the definition of Business Entity) directly or indirectly through or by any other person or means, does any act which would violate the restrictions of P.L. 2005, c. 51; or (ix) any material misrepresentation exists in any

Political Campaign Contribution Certification and Disclosure which was delivered by Vendor to the Authority in connection with this Agreement.

14.6 Vendor hereby acknowledges and agrees that pursuant to P.L. 2005, c. 51, Vendor shall have a continuing obligation to report to the Office of the State Treasurer, Political Campaign Contribution Review Unit of any Contributions it makes during the term of this Agreement. If after the effective date of this Agreement and before the entire Contract Price is paid by the Authority, any Contribution is made by Vendor and the Treasurer of the State of New Jersey determines such Contribution to be a conflict of interest in violation of P.L. 2005, c. 51, the Authority shall have the right to declare this Agreement to be in default.

15. **General Conditions.**

A. The Work shall be performed in a professional manner, in accordance with the standards generally expected or required within the profession and the Work shall also be performed in accordance with all applicable state, federal and local laws, rules, regulations and ordinances.

B. The Vendor shall provide such reports, certificates, and documents as the Authority may reasonably require.

C. The Vendor shall provide to the Authority, at Vendor's expense, copies of all drawings, plans, cost estimates, design analyses, reports, and/or other documents required for the Project.

D. If the Authority or Vendor observes or otherwise becomes aware of any fault or defect in the Project or nonconformance with any of the Contract Documents, prompt written notice thereof shall be given by the party discovering the defect to the other.

E. The Authority shall furnish all information available to the Authority, and reasonably required for the performance of the Work and shall render approvals and decisions as expeditiously as possible for the orderly progress of the Vendor's services and of the Work.

F. The Vendor shall comply with the affirmative action requirements set forth in the Law Against Discrimination, N.J.S.A. 10:5-31 et seq., and the regulations promulgated thereunder by the State Department of Treasury.

G. The Vendor is required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27, which are expressly included within the terms of this Contract, refer to *Exhibit A* annexed hereto and made a part hereof.

H. In accordance with Public Law 2004, Chapter 57, a subcontractor shall provide a copy of its business registration to any Vendor who shall forward it to the NJEDA. No contract with a subconsultant shall be entered into by any Vendor unless the subconsultant first provides proof of valid business registrations. The Vendor shall provide written notice to all subconsultants that they are required to submit a copy of their business registration to the Vendor. The Vendor shall maintain a list of the names of any subconsultants and their current addresses, updated as necessary during the course of the contract performance. The Vendor shall submit to the NJEDA a copy of

the list of subconsultants, updated as necessary during the course of performance of the contract. The Vendor shall submit a complete and accurate list of the subconsultants to the NJEDA before a request for final payment is made to the NJEDA. The Vendor and any subconsultant providing goods or performing services under this contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act", P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State, refer to *Exhibit B*.

I. In accordance with the requirements of N.J.S.A. 52:32-17 et seq., N.J.A.C. 12A:10-1.2 et seq., N.J.A.C. 12A:10A-1.2 et seq., N.J.A.C. 17:13-1.2 et seq., and N.J.A.C. 17:14-1.2 et seq., as amended, the Authority is required to develop a set-aside plan for Small Businesses. The Vendor agrees that, if awarded a contract based on this plan, it shall comply with all requirements of these provisions. If the Vendor fails to comply with the requirements of these provisions, the Authority may declare this Contract void.

J. Pursuant to N.J.S.A. 52:34-13.2, all Work and all subcontractor services performed in connection with or as part of the Work shall be performed within the United States.

K. The Vendor shall not disclose to any third party the contents of the information, reports, findings, analysis, surveys and drawings generated or produced in performance of this Contract, or provide copies of same, without the prior written

consent of the Authority, except where such information, reports, etc. are legally required by order of court or administrative agency, state or federal.

L. The Authority and the Vendor, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party of this Contract and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Contract. Neither the Authority nor the Vendor shall assign, sublet, or transfer any interest in this Contract without the prior written consent of the other party.

M. Any notices required to be given under this Contract shall be mailed to:

New Jersey Economic Development Authority

P.O. Box 990

Trenton, New Jersey 08625-0990

Attn: _____, Senior Vice President _____

N. To the extent that there is any conflict between the terms and conditions of the Vendor's Proposal and the terms and conditions of the Contract and the Authority's RFP, the Contract and RFP shall control.

O. This Contract shall be construed under the laws of the State of New Jersey.

P. The headings of the various paragraphs of this Contract are inserted for the convenience of reference only, and in no way define, describe or limit the scope or intent of this Contract or any of the provisions hereof, and shall not affect the interpretation of this Contract or any of the provisions hereof.

Q. This Contract shall be construed without any presumptions against the drafter and shall be considered as though it were drafted cooperatively by both parties.

R. In the event that any portion of this Contract is found to be contrary to law and unenforceable; the validity of remaining covenants, agreements, terms and provisions contained in this Contract, shall be in no way affected, prejudiced or disturbed thereby.

S. This Contract constitutes the entire agreement between the parties. Any changes or amendments to the Contract must be in writing and signed by the Vendor and an authorized representative of the Authority.

T. The parties hereto represent that they have the proper authority to sign on behalf of the entities entering this Contract and they fully intend for the Authority and Vendor to be legally bound.

This Contract for Professional Services – Services is entered into as of the day and year first written above.

ATTEST:

NEW JERSEY ECONOMIC
DEVELOPMENT AUTHORITY

Senior Vice President

By: _____

Caren S. Franzini
Chief Executive Officer

ATTEST:

By: _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq. as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

EXHIBIT A (Cont)

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval
Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant **to Subchapter 10 of the Administrative Code at N.J.A.C.17:27.**

EXHIBIT B

Business Registration Notice

All New Jersey and out of State business organizations must obtain a Business Registration Certificate (BRC) from the Department of the Treasury, Division of Revenue, prior to conducting business with the New Jersey Economic Development Authority ("NJEDA"). Proof of valid business registration must be submitted by a bidder with its bid proposal. Failure to submit such valid business registration with a bid will render the bid materially non-responsive. The business registration form (Form NJ-REG) can be found online at <http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>.

Definitions

"Affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. An entity controls another entity if it owns, directly or individually, more than 50% of the ownership in that entity.

"Business organization" means an individual, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof.

"Business registration" means a business registration certificate issued by the Department of the Treasury or such other form or verification that a contractor or subcontractor is registered with the Department of Treasury.

"Contracting agency" means the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, or any independent State authority, commission, instrumentality or agency, or any State college or university, any county college, or any local unit.

"Contractor" means a business organization that seeks to enter, or has entered into, a contract to provide goods or services with the NJEDA.

"Subcontractor" means any business organization that is not a contractor that knowingly provides goods or performs services for a contractor or another subcontractor in the fulfillment of a contract.

Requirements Regarding Business Registration Form

A contractor shall submit a copy of its business registration at the time of submission of its bid proposal in response to an RFP.

A subcontractor shall provide a copy of its business registration to any contractor who shall forward it to the NJEDA. No contract with a subcontractor shall be entered into by any contractor unless the subcontractor first provides proof of valid business registration.

The contractor shall provide written notice to all subcontractors that they are required to submit a copy of their business registration to the contractor. The contractor shall maintain a list of the names of any subcontractors and their current addresses, updated as necessary during the course of the contract performance. The contractor shall submit to the NJEDA a copy of the list of subcontractors, updated as necessary during the course of performance of the contract. The contractor shall submit a complete and accurate list of the subcontractors to the NJEDA before a request for final payment is made to the NJEDA.

The contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act, P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State.

BOND RESOLUTIONS



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

SUBJECT: NJEDA State Appropriation Bonds Portfolio
Auction Rate Bonds Update

DATE: August 12, 2008

Previously this year, the Board Members authorized several actions and delegation of actions to an authorized officer of the Authority in order to adjust the Authority's portfolio of auction rate bonds, including the Business Employment Incentive Program Bonds and the NJ Transit Light Rail Transit System Project. Attached please find a memorandum from the Office of Public Finance providing an update of the restructuring of these auction rate securities.

Members of the Office of Public Finance will be present at the meeting to answer any questions you may have on this matter.

Caren S. Franzini

Prepared by: Teresa Wells



State of New Jersey

DEPARTMENT OF THE TREASURY

OFFICE OF PUBLIC FINANCE

PO Box 005

TRENTON NJ 08625-0005

JON S. CORZINE
Governor

R. DAVID ROUSSEAU
State Treasurer

TO: Caren Franzini, Chief Executive Officer
John Rosenfeld, Director, Program Services
New Jersey Economic Development Authority (the "Authority")

FROM: Nancy B. Feldman, Director *NBF*
James Petrino, Deputy Director *JP*
Matthew Donahue, Manager
New Jersey Office of Public Finance

SUBJECT: Update on Auction Rate Bond Restructuring Program

DATE: August 8, 2008

Update on Auction Rate Bond Restructuring Program

Prior to the collapse of the auction rate bond market in February 2008, the New Jersey Economic Development Authority had issued \$305,445,000 bonds for the Business Employment Incentive Program ("BEIP") and \$360,875,000 Transportation Project Sublease Revenue Bonds (New Jersey Transit Corporation Light Rail Transit System Project South Jersey Light Rail project) 2003 Series A and B, ("SJLR"). \$89,255,000 of the BEIP Series 2004 Series A and Series B Bonds and all of the \$360,875,000 of the SJLR bonds were issued with interest rates that were set in a periodic auction rate mode. As of April 30, 2008, \$62,700,000 million of BEIP and \$345,700,000 million of SJLR bonds were outstanding.

BEIP: During the period 10/29/04 to 1/1/08, while the 2004 Series A and B auction rate bonds were outstanding, the debt service paid on the auction rate bonds was approximately \$1,240,000 more than it would have been, had fixed rate bonds been initially issued in their place. The bonds were converted to fixed rate on May 15 and May 22. In conjunction with the fixed rate conversion the related interest rate swaps were terminated.

SJLR: During the period 10/9/03 to 1/1/08, while the 2003 Series A and B auction rate bonds were outstanding, the debt service paid on the auction rate bonds was approximately \$13,278,000 less than it would have been, had fixed rate bonds been initially issued in their place. Refunding bonds were priced on August 6 and are scheduled to close on August 14, 2008. In conjunction with the fixed rate refunding, the interest rate swaps were terminated, effective August 14, 2008.

Update on Auction Rate Bond Restructuring Program
August 8, 2008

1

Upon the completion of the SJLR bond closing on August 14, all of the auction rate bonds issued by the Authority will have either been converted to fixed rates or refunded with variable rate demand bonds.



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

SUBJECT: NJEDA State Appropriation Bonds Portfolio
Debt Defeasance/Retirement Program

DATE: August 12, 2008

Attached please find a memorandum from the Office of Public Finance requesting approval of several supplemental bond resolutions for debt defeasance with funds from the "Long Term Funding Obligation and Capital Expenditure Fund" established under P.L. 2008, ch.22.

The EDA State Appropriation/Contract Bonds subject to defeasance under this program are:

- Liberty State Park Project, Series 1996
- Green Lights Energy Conservation Project, Series 1995
- Department of Human Services Pooled Financing Program Series 1999 and Series 2002
- School Facilities Construction Bonds, various Series
- Business Employment Incentive Program, Series 2003, Series 2004 and Series 2005
- Designated Industries Economic Growth & Development Program, Series 2004

Any and all actions approved under the supplemental bond resolutions are subject to final review and approval of the documentation by the Attorney General's Office and Bond Counsel.

Members of the Office of Public Finance and Bond Counsel will be present at the meeting to answer any questions you may have on this matter.

Prepared by: Teresa Wells



State of New Jersey

DEPARTMENT OF THE TREASURY

OFFICE OF PUBLIC FINANCE

PO Box 005

TRENTON NJ 08625-0005

JON S. CORZINE
Governor

R. DAVID ROUSSEAU
State Treasurer

TO: Caren Franzini, Chief Executive Officer
John Rosenfeld, Director, Program Services
New Jersey Economic Development Authority (the "Authority")

FROM: Nancy B. Feldman, Director 
James Petrino, Deputy Director
Matthew Donahue, Manager
New Jersey Office of Public Finance

SUBJECT: Request for approval of supplemental bond resolutions for
debt defeasance with funds from the Long Term
Obligations and Capital Expenditure Fund

DATE: August 8, 2008

Request for approval of supplemental bond resolutions for debt defeasance from the Long Term Obligation and Capital Expenditure Fund

Approval is being requested on several supplemental bond resolutions and associated documents, relating to the defeasance of Authority issued bonds whose debt service is paid from the general fund, pursuant to a lease or contract, subject to annual appropriation.

Background:

In June 2008 the State Legislature enacted P.L. 2008, c. 22. This statute established the Long Term Obligation and Capital Expenditure Fund, (the "Fund"), within the State's General Fund. Moneys appropriated to the Fund are required to be used for the purposes of paying for the costs of capital improvements and retiring and defeasing debt, as well as other purposes spelled out in the statute. The legislature appropriated \$684,069,000 to the Fund, of which \$650 million was appropriated for the purpose of defeasing and retiring debt for Fiscal Year 2009. In order to meet the requirement in the statute to reduce annual debt service paid from the general fund by approximately \$130mm per year for fiscal years 2009 through 2013, a portion of several series of bonds issued by the New Jersey Economic Development Authority, issued under six separate bond resolutions, are candidates to be defeased or redeemed, from a portion of the \$650 million appropriation. The various resolutions will authorize the actions necessary to implement the defeasance.

New Jersey Economic Development Authority
Summary of requested actions
8/8/2008

1

The supplemental bond resolutions which you are being asked to approve today, relate to the following bond programs:

New Jersey Economic Development Authority (School Facilities Construction Bonds)
New Jersey Economic Development Authority (Business Employment Incentive Program)
New Jersey Economic Development Authority (Designated Industries Economic Growth & Development Program)
New Jersey Economic Development Authority, State Lease Revenue Bonds (Green Lights Conservation Project)
New Jersey Economic Development Authority, Pooled Financing Program Bonds (Department of Human Services Pooled Financing Program)
New Jersey Economic Development Authority, Lease Rental Bonds (Liberty State Park Project)

In accordance with a directive to be issued by the State Treasurer, the Authority will pay retire or defease such bonds as are selected by the Treasurer in such manner and at such times as the State Treasurer will direct.

Summary:

Each supplemental bond resolution authorizes the application of certain available funds in the Fund for the purpose of paying and defeasing certain outstanding bonds issued by the Authority whose debt service is paid from the general fund pursuant to a lease or contract, subject to annual appropriation, (the "Bonds"), and other necessary and related actions including:

- (i) authorizing an Authorized Authority Officer to defease the outstanding Bonds selected by the State Treasurer;
- (ii) authorizing the appointment of an Escrow Agent;
- (iii) authorizing the entering into of an Escrow Agreement between the Authority and the Escrow Agent and approving the form of said Escrow Agreement;
- (iv) approving the selection of a Verification Agent to perform certain mathematical calculations related to the defeasance of the Bonds, which verification agent was selected pursuant to a competitive process of the State Treasurer;
- (v) approving the selection of Public Financial Management, Inc., who was selected pursuant to a competitive process of the State Treasurer, to act as Financial Advisor;
- (vi) delegating to an Authorized Authority Official the selection of a bidding agent from the pool of bidding agents established by the State Treasurer;
- (vii) authorizing the purchase of United States Treasury Securities-State and Local Government Series or Open Market United States Treasury Obligations for deposit in the escrow fund to be used to defease the Bonds at their respective maturities and certain other float investments;
- (viii) authorizing the execution of documents and certificates related to the defeasance of the Bonds and

- (ix) authorizing the filing of Material Event Notices for the Bonds to be defeased

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STAND-ALONE BOND PROGRAM**

APPLICANT: Mark Rea Real Estate LLC

P20351

PROJECT USER(S): Advanced Recovery Inc. *

* - indicates relation to applicant

PROJECT LOCATION: 50-52 Grafton Avenue

Newark City (T/UA)

Essex

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

Advanced Recovery Inc. was founded in 1991 to offer the recycling and recovery of metals as well as the collection, re-manufacturing and sale of various electronic components. The Company operates recycling facilities or programs in Port Jervis, New York; Pennsylvania; Illinois; and Newark, New Jersey. They are pioneers in the recycling and reclamation of CRTs and electronic equipment.

Mark Rea Real Estate LLC, an affiliated real estate holding company, will hold the title to the real property, and will lease the property to Advanced Recovery Inc., the operating company. Advanced Recovery Inc. is relocating from its present owned location in Port Jervis, New York and also consolidating from its present 18,000 sf leased space in Newark, New Jersey.

In January 2008, a \$687,550 LDFF loan, P20350, was approved along with the inducement approval for this bond.

This project qualifies as an Exempt Public Facility - Solid Waste Disposal under Section 142(a)(6) of the Internal Revenue Code of 1986, as amended, and therefore is not subject to the \$20,000,000 capital expenditure limitation under Section 144 of the Code.

APPROVAL REQUEST:

Authority assistance will enable the Applicant to acquire and renovate an existing 40,000 sf building on a 1.71 acre parcel for use in recycling and re-claiming operations in the Targeted/Urban Aid Community of Newark. The difference between the project costs and the bond & LDFF amounts will be funded by the Applicant's equity.

FINANCING SUMMARY:

BOND PURCHASER: TD Bank, N.A. (Direct Purchase)

AMOUNT OF BOND: \$1,717,950 (maximum) Tax-Exempt Bond (to be funded from 2006 carryforward)

TERMS OF BOND: 25 year term; Fixed rate at tax-exempt equivalent of 110% of the Five Year U.S. Treasury Note Yield with a floor of 4.49% (indicative t/e bond fixed rate as of 08/07/2008 is 4.49%); call options and rate resets at the same formula every 5 years.

ENHANCEMENT: N/A

PROJECT COSTS:

Acquisition of existing building	\$2,375,000
Renovation of existing building	\$268,000
Cost of Issuance	\$60,000
Used Equipment	\$60,000
TOTAL COSTS	\$2,763,000

JOBS: At Application	<u>0</u>	Within 2 years	<u>0</u>	Maintained	<u>0</u>	Construction	<u>0</u>
Jobs on Related 20350	<u>18</u>		<u>22</u>		<u>0</u>		<u>8</u>

PUBLIC HEARING: 05/13/08 (Published 04/29/08) **BOND COUNSEL:** Wolff & Samson

DEVELOPMENT OFFICER: R. Gomez **APPROVAL OFFICER:** D. Sucsuz

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STAND-ALONE BOND PROGRAM**

APPLICANT: The Peddie School

P22637

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: Etra Road

Hightstown Borough (N)

Mercer

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

The Peddie School (Peddie), founded in 1864, is a not-for-profit independent college preparatory high school with 530 students enrolled in grades 9-12, including 15 postgraduate students. The student body represents 23 states and the District of Columbia, as well as 23 foreign countries. Average class size is 12 students, with a 6:1 student-to-faculty ratio. The campus includes 55 buildings that overlook approximately 230 acres. Peddie students earn admission into the most selective schools, ranging from the Ivy League to U.S. military academies. The applicant is accredited by the Commission on Secondary Schools.

The Authority has provided assistance to the Peddie School with tax-exempt bond financing on a number of occasions. Currently outstanding are the following bonds:

	CLOSED	AMOUNT	PURPOSE
P 15551	3/31/2004	\$ 4,000,000	Refunding 1994 Bond Issue
P 15392	3/31/2004	\$15,865,000	Construct 41,000 s.f. science building
P 10840	8/21/1999	\$ 8,700,000	Renovations to the student center & athletic facility
P 08750	3/07/1996	\$ 4,350,000	Construct new building
P 07553	6/27/1994	\$ 7,000,000	Renovations to the student center & athletic facility

The applicant is a not-for-profit 501(c)(3) entity for which the Authority may issue tax-exempt bonds as permitted under Section 103 and Section 145 of the 1986 Internal Revenue as amended, and is not subject to the State Volume Cap limitation, pursuant to Section 146(g) of the Code.

APPROVAL REQUEST:

Authority assistance will enable the applicant to renovate its existing 80,000 s.f. athletic complex and add a new 29,500 s.f. pool, turf playing surface and parking lot.

FINANCING SUMMARY:

BOND PURCHASER: Morgan Stanley & Co, Inc (Underwriter)

AMOUNT OF BOND: Not to exceed \$27,000,000 Tax-Exempt Bond

TERMS OF BOND: 30 years; fixed rate not to exceed 7%, to be determined at time of closing; subject to a call option on the 10th anniversary.

ENHANCEMENT: N/A

PROJECT COSTS:

Construction of new building or addition	\$14,500,000
Renovation of existing building	\$12,500,000
Engineering & architectural fees	\$6,600,000
Construction of roads, utilities, etc.	\$3,800,000
Legal fees	\$100,000
Finance fees	\$100,000
Accounting fees	\$50,000

TOTAL COSTS

\$37,650,000

JOBS: At Application 210 Within 2 years 2 Maintained 0 Construction 924

PUBLIC HEARING: 08/12/08 (Published 07/28/08) **BOND COUNSEL:** McManimon & Scotland

DEVELOPMENT OFFICER: P. Ceppi **APPROVAL OFFICER:** M. Krug

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STAND-ALONE BOND PROGRAM**

APPLICANT: Tompkins Point Industrial Park, L.L.C.

P22351

PROJECT USER(S): ABCO Die Casters, Inc *

* - indicates relation to applicant

PROJECT LOCATION: 37-45 Tompkins Point Rd

Newark City (T/UA)

Essex

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

Tompkins Point Industrial Park, L.L.C. (Tompkins) is the real estate holding company for the operating company, ABCO Die Casters, Inc (ABCO). ABCO, formed in 1971, manufactures zinc alloy die casting and powder coatings. Tompkins and ABCO continue to be owned and managed by the founder's three sons. The castings are supplied to a varied group of industries, and range from architectural hardware to automotive lighting and fuel systems, display items, and window hardware. ABCO has been ISO 9001:2000 certified, since May 2002.

The Authority approved a \$700,000 LDFP loan (P8572), which closed on November 5, 1999, to fill a funding gap to acquire its current facility. The LDFP loan will be subordinated to a \$375,000 (27%) participation on a \$1,375,000 equipment loan that was approved June 25, 2008 by the Authority on a delegated basis ((P22346 - Preferred Lender Program - Commerce Bank). Commerce loan proceeds will be used to refinance \$1,175,000 existing debt and acquire a new milling machine (\$200,000).

APPROVAL REQUEST:

Authority assistance will enable the applicant to make repairs to the roof of its facility and the parking lots.

The applicant is also requesting at the August 2008 Board meeting the Authority's approval (P22346) to current refund \$1,200,000 of a Tax-Exempt bond issue (P8526) which closed on May 30, 1997, originally issued for \$1,857,000. The bond proceeds were used to acquire the 107,800 s.f. manufacturing facility situated on 6.1 acres of land.

FINANCING SUMMARY:

BOND PURCHASER: Commerce Bank (Direct Purchase)

AMOUNT OF BOND: \$150,000 Tax-Exempt Bond

Part of a \$1,375,000 Bond issue to include \$1,225,000 Refunding Bond (P22346)

TERMS OF BOND: 15 years; 8 year call option; variable interest rate equal to the tax-exempt equivalent of one month Libor plus 200 basis points. On the closing date, the Borrower will enter into a 8 year swap agreement to a fixed rate. (As of June 24, 2008 the indicative rate is 4.8%)

ENHANCEMENT: N/A

PROJECT COSTS:

Renovation of existing building	\$150,000
Legal fees	\$2,500
Finance fees	\$1,500
Accounting fees	\$1,000
TOTAL COSTS	\$155,000

JOBS: At Application 95 Within 2 years 20 Maintained 0 Construction 5

PUBLIC HEARING: 07/08/08 (Published 06/23/08) **BOND COUNSEL:** McManimon & Scotland

DEVELOPMENT OFFICER: R. Gomez

APPROVAL OFFICER: M. Krug

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - REFUNDING BOND PROGRAM**

APPLICANT: Tompkins Point Industrial Park, L.L.C.

P22346

PROJECT USER(S): ABCO Die Casters, Inc

* - indicates relation to applicant

PROJECT LOCATION: 37-45 Tompkins Point Rd

Newark City (T/UA)

Essex

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

Tompkins Point Industrial Park, L.L.C. (Tompkins) is the real estate holding company for the operating company, ABCO Die Casters, Inc (ABCO). ABCO, formed in 1971, manufactures zinc alloy die casting and powder coatings. Tompkins and ABCO continue to be owned and managed by the founder's three sons. The castings are supplied to a varied group of industries, and range from architectural hardware, to automotive lighting and fuel systems, display items, and window hardware. ABCO has been ISO 9001:2000 certified, since May 2002.

The Authority approved a \$700,000 LDFP loan (P8572), which closed on November 5, 1999, to fill a funding gap to acquire its current facility. The LDFP loan will be subordinated to a \$375,000 (27%) participation on a \$1,375,000 equipment loan that was approved June 25, 2008 by the Authority on a delegated basis ((P22346 - Preferred Lender Program - Commerce Bank). Commerce loan proceeds will be used to refinance \$1,175,000 existing debt and acquire a new milling machine (\$200,000).

REFUNDING REQUEST:

Authority assistance will enable Tompkins to current refund Tax-Exempt bonds (P8526) which closed on May 30, 1997, originally issued for \$1,857,000, with approximately \$1,200,000 outstanding. The bond proceeds were used to acquire a 107,800 s.f. manufacturing facility situated on 6.1 acres of land. ABCO currently occupies 66,000 s.f., with the balance of space rented out to an unrelated manufacturing company.

Tompkins is also requesting at the August 2008 Board meeting the Authority approve a \$150,000 new money bond (P22351) for improvements to the roof and parking lots.

FINANCING SUMMARY:

BOND PURCHASER: Commerce Bank (Direct Purchase)

AMOUNT OF BOND: \$1,225,000 (Direct Purchase) Part of a \$1,375,000 Bond issue to include \$150,000 new money under 22351.

TERMS OF BOND: 15 years; 8 year call option; variable interest rate equal to the tax-exempt equivalent of one month Libor plus 200 basis points. On the closing date, the Borrower will enter into a 8 year swap agreement to a fixed rate. (As of June 24, 2008 the indicative rate is 4.8%)

ENHANCEMENT: N/A

PROJECT COSTS:

Refinancing	\$1,200,000
Finance fees	\$25,000
Legal fees	\$20,000
Accounting fees	\$10,000
TOTAL COSTS	\$1,255,000

Within 2 years

PUBLIC HEARING: 07/08/08 (Published 06/23/08) **BOND COUNSEL:** McManimon & Scotland
DEVELOPMENT OFFICER: R. Gomez **APPROVAL OFFICER:** M. Krug

COMBINATION PRELIMINARY AND BOND RESOLUTIONS

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STAND-ALONE BOND PROGRAM**

APPLICANT: NewPoint Behavioral Health Care, Inc.

P22085

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 200 Hollydell Drive

Washington Township (N)

Gloucester

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

NewPoint Behavioral Healthcare, Inc., formerly known as Community Mental Health Center for Gloucester County, is a 501(c)(3) not-for-profit organization, established in 1958, which administers programs funded primarily by the NJ Department of Human Services. NewPoint, operating in Southern New Jersey, serves approximately 5,000 psychiatric clients a year. The organization provides outpatient individual, family and marital psychotherapy through numerous mental health services, including adult partial care, emergency services, consultation and education. NewPoint has a staff of approximately 180 employees at various locations including four group homes in Gloucester County.

The Applicant, under the name of Community Mental Health Center for Gloucester County, received Authority assistance in 1998 in the amount of \$720,000 to pay a portion of the costs to construct an 8,600 sf building for use as an outpatient facility located Sewell, Mantua Twp., and to refinance a conventional loan used to purchase a group home located in Deptford, NJ. The 1998 Bond was purchased by Bank of America for 20 years at fixed rate of 5.63% for first 10 years.

The applicant is a non-profit, 501(c)(3) entity for which the Authority may issue tax-exempt bonds as permitted under Section 103 and Section 145 of the 1986 Internal Revenue Code as amended, and is not subject to the State Volume Cap limitation, pursuant to Section 146(g) of the Code.

APPROVAL REQUEST:

Authority assistance will enable the Applicant to refinance prior conventional debt which was used by the Applicant to purchase an 8,000 sq. ft. building on 1.2 acres for several outpatient programs, including a supportive housing program, intensive family support program and administrative offices.

This application is being presented in conjunction with Appl. P22483 for the refunding of outstanding balance of the prior bonds for a total bond issue of \$1,990,000.

FINANCING SUMMARY:

BOND PURCHASER: The Bank (Direct Purchase)

AMOUNT OF BOND: \$1,450,000 (Tax-exempt bond)

TERMS OF BOND: 20 years; Fixed interest rate of 4.9% for 10 years; thereafter variable interest rate based on the Wall Street Journal Prime Rate for remaining 10 years subject to call option on 10th anniversary.

ENHANCEMENT: N/A

PROJECT COSTS:

Refinancing	\$1,450,000
Closing Costs	\$30,000
TOTAL COSTS	\$1,480,000

JOBS: At Application 30 Within 2 years 10 Maintained 0 Construction 0

PUBLIC HEARING: 08/12/08 (Published 07/28/08) **BOND COUNSEL:** Velahos & Pastor, LLC

DEVELOPMENT OFFICER: J. Kenyon **APPROVAL OFFICER:** T. Wells

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - REFUNDING BOND PROGRAM**

APPLICANT: NewPoint Behavioral Health Care, Inc.

P22483

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: Various

Single County - Multi City (N)

Gloucester

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

NewPoint Behavioral Healthcare, Inc., formerly known as Community Mental Health Center for Gloucester County, is a 501(c)(3) not-for-profit organization, established in 1958, which administers programs funded primarily by the NJ Department of Human Services. NewPoint, operating in Southern New Jersey, serves approximately 5,000 psychiatric clients a year. The organization provides outpatient individual, family and marital psychotherapy through numerous mental health services, including adult partial care, emergency services, consultation and education. NewPoint has a staff of approximately 180 employees at various locations including four group homes in Gloucester County.

The Applicant, under the name of Community Mental Health Center for Gloucester County, received Authority assistance in 1998 in the amount of \$720,000 to pay a portion of the costs to construct an 8,600 sf building for use as an outpatient facility located Sewell, Mantua Twp., and to refinance a conventional loan used to purchase a group home located in Deptford, NJ. The 1998 Bond was purchased by Bank of America for 20 years at fixed rate of 5.63% for first 10 years.

The applicant is a non-profit, 501(c)(3) entity for which the Authority may issue tax-exempt bonds as permitted under Section 103 and Section 145 of the 1986 Internal Revenue Code as amended, and is not subject to the State Volume Cap limitation, pursuant to Section 146(g) of the Code.

REFUNDING REQUEST:

Authority assistance will enable the Applicant to refund the outstanding balance of the 1998 bond financing.

This Application is being presented in conjunction with Appl. P22085 to refinance conventional debt, for a total tax-exempt bond financing of \$1,990,000.

FINANCING SUMMARY:

BOND PURCHASER: The Bank (Direct Purchase)

AMOUNT OF BOND: \$540,000 (Tax-exempt bond)

TERMS OF BOND: 10 years; Fixed interest rate of 4.8%.

ENHANCEMENT: N/A

PROJECT COSTS:

Principal amount of bond to be refunded	\$540,000
Closing Costs	\$10,000
TOTAL COSTS	\$550,000

Within 2 years

PUBLIC HEARING: 08/12/08 (Published 07/28/08) **BOND COUNSEL:** Velahos & Pastor, LLC
DEVELOPMENT OFFICER: J. Kenyon **APPROVAL OFFICER:** T. Wells

PRELIMINARY RESOLUTIONS

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STAND-ALONE BOND PROGRAM**

APPLICANT: The Atlantic City Sewerage Company

P22952

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: Various

Atlantic City (T)

Atlantic

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

The Atlantic City Sewerage Company (ACSC) is an investor-owned public utility company that manages and operates a wastewater collection and pumping system servicing the franchised area of and within the city boundaries of Atlantic City. The actual sewerage treatment is provided by the Atlantic County Utilities Authority (ACUA). The company was founded in 1888 and presently has approximately 100 miles of sewers and seven pumping stations with a combined capacity of 40,000 gallons a day and serving 7,460 customers.

ACSC has prior outstanding tax-exempt bonds with the EDA:

1) \$6 million bond issued in 1998 for infrastructure improvements of various sections of the older sanitary sewer system. The 1998 Bond has a principal balance of \$5.3 million, rate of 5.45% and matures in April 2028; and 2) \$5.695 million tax-exempt bond issued in 2002, utilized for the construction of a waste water pumping station and infrastructure sewer system improvements and to refund prior tax-exempt bond from 1991. The 2002 bond issue, comprised of a Series A Bond in the amount of \$3.655 million and a Series B Bond in the amount of \$2.040 million, are at a variable interest rate based on 73% of 30-day LIBOR plus 75 basis pts. with final terms of 10 years and 20 years respectively. As of 12/31/07, the principal balance on the 2002 bonds was \$3.65 million. The prior bonds are in compliance.

This project qualifies as an Exempt Public Facility - Sewage project under Section 142(a)(5) of the IRS Code and therefore is exempt from the \$20 million capital expenditure limitation under Section 144 of the Code.

APPROVAL REQUEST:

Authority assistance will enable the Applicant to implement the Southeast Inlet Sewer Improvement Project which includes replacing approximately 4,100 feet of existing sanitary sewer pipe on over 150 acres in Atlantic City. The most imminent development within the Southeast Inlet Sewer Improvement Project is the proposed Revel Hotel and Casino, which, when completed, will include over 3,800 hotel rooms and associated facilities, scheduled to open in June of 2010. ACSC is currently in the permitting phase of the Southeast Inlet Sewer Improvement Project and anticipates initiation of construction during the fall/winter of 2008.

FINANCING SUMMARY:

BOND PURCHASER:

AMOUNT OF BOND:

TERMS OF BOND:

ENHANCEMENT: N/A

PROJECT COSTS:

Construction of roads, utilities, etc.	\$6,000,000
Engineering & architectural fees	\$210,500
Legal fees	\$100,000
Finance fees	\$74,500

TOTAL COSTS

\$6,385,000

JOBS: At Application 38 Within 2 years 1 Maintained 0 Construction 180

PUBLIC HEARING:

BOND COUNSEL: Wolff & Samson

DEVELOPMENT OFFICER: J. Kenyon

APPROVAL OFFICER: T. Wells

BOND RESOLUTIONS WITH AUTHORITY EXPOSURE

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STAND-ALONE BOND PROGRAM**

APPLICANT: 633 Nassau Realty, LLC

P23047

PROJECT USER(S): Dream Well Collections, Inc.*

* - indicates relation to applicant

PROJECT LOCATION: 633 Nassau Street

North Brunswick Township (N)

Middlesex

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

633 Nassau Realty, LLC. (633 Nassau), a newly formed real estate holding company, was created to acquire a manufacturing facility in North Brunswick, for use by Dream Well Collections, Inc. (Dream Well). Dream Well was started in 2001, in Brooklyn, N.Y., to manufacture and distribute mattresses, futons and bedsprings, to approximately 500 small furniture stores in the tri state area. The applicant and Dream Well are wholly owned by Edna Srour. Dream Well relocated from Brooklyn to the new facility as a tenant in March 2008, under a lease agreement with an option to purchase.

APPROVAL REQUEST:

Authority assistance will enable the applicant to acquire an 83,000 s.f. building in North Brunswick, on 6.59 acres. The difference between bond amount and the project costs will be funded by the applicant investing \$768,000, and requesting at the August Board meeting a \$742,000 direct loan (P23037) to support the acquisition of the building, purchase equipment and do minor renovations.

FINANCING SUMMARY:

BOND PURCHASER: Capital One, N.A. (Direct Purchase)

AMOUNT OF BOND: \$2,225,000 Tax-Exempt Bond

TERMS OF BOND: 20 years; 10 year call option; variable interest rate equal to the tax-exempt equivalent of the one month Libor rate plus 200 basis points. On the closing date, the Borrower will enter into a 10 year swap agreement to a fixed rate. (As of July 16, 2008 the indicative rate is 4.45%)

ENHANCEMENT: N/A

PROJECT COSTS:

Acquisition of existing building	\$3,225,000
Renovation of existing building	\$300,000
Purchase of equipment & machinery	\$150,000
Legal fees	\$20,000
Finance fees	\$20,000
Accounting fees	\$20,000
TOTAL COSTS	\$3,735,000

JOBS: At Application 25 Within 2 years 25 Maintained 0 Construction 9

PUBLIC HEARING: 08/12/08 (Published 07/28/08) **BOND COUNSEL:** McManimon & Scotland

DEVELOPMENT OFFICER: R. Gomez

APPROVAL OFFICER: M. Krug

STATEWIDE LOAN POOL PROGRAM

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STATEWIDE LOAN POOL PROGRAM**

APPLICANT: Green Horse Media, LLC and Green Horse Properties, LLC P21636

PROJECT USER(S): Same as applicant * - indicates relation to applicant

PROJECT LOCATION: 101 Haag Avenue Bellmawr Borough (T) Camden

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

Formed in 1955, Evergreen Printing & Publishing, Inc. ("Evergreen" or the "Company") is a full service printer specializing in the printing and distribution of daily, weekly, and monthly newspapers, trade publications, brochures, and catalogs. This project involves the purchase of all business assets and real estate of Evergreen. Green Horse Media, LLC., has been formed for the sole purpose of purchasing and owning the business assets. Green Horse Properties, LLC., a separate holding company has been formed to purchase and own the real estate.

APPROVAL REQUEST:

A \$1,250,000 loan under the Statewide Loan Pool Program is requested.

FINANCING SUMMARY:

LENDER: Continental Bank

AMOUNT OF LOAN: \$4,250,000 bank loan with a \$1,250,000 (29%) Authority participation and a \$3,000,000 First Savings Bank of Perkasio (71%) participation.

TERMS OF LOAN: Permanent financing fixed at 6.75% for five years. Ten-year term with a rate reset at each five-year anniversary at 2.50% above the prevailing 5 year US Treasury rate.

TERMS OF PARTICIPATION: SLP: Fixed for five years at the time of closing at the five-year US Treasury with a floor of 3.00%. Ten-year term with one rate reset after the first five years at the same index.

PROJECT COSTS:

Purchase of equipment & machinery	\$6,500,000
Acquisition of existing building	\$4,000,000
Soft Costs	\$73,750
TOTAL COSTS	\$10,573,750

JOBS: At Application 174 Within 2 years 0 Maintained 145 Construction 0

DEVELOPMENT OFFICER: H. Friedberg

APPROVAL OFFICER: D. Lawyer

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - STATEWIDE LOAN POOL PROGRAM**

APPLICANT: Total Turf Experience, LLC

P21915

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 614 Lambs Road

Pitman Borough (N)

Gloucester

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

TTE is seeking funding to construct a 45,000 square foot sports arena and a 27,000 square foot operations area. They will be the only dedicated indoor soccer, baseball/softball, arena football, lacrosse and field hockey facility in the Gloucester County area.

APPROVAL REQUEST:

Request to approve of a \$1,250,000(22%) Authority participation in a \$5,645,000 loan from The Bank.

FINANCING SUMMARY:

LENDER: The Bank

AMOUNT OF LOAN: \$5,645,000 Term Loan with a \$1,250,000 (22%) Authority participation.

TERMS OF LOAN: Fixed interest rate of 6.5%.
20-Year Term/20-Year Amortization
5-Year call provision and rate reset.

TERMS OF PARTICIPATION: Fixed interest rate of 5-Year Treasury + 0.5%, with a floor of 3%.
10-Year term/20-Year amortization.
5-Year call provision and rate reset at the same index.

PROJECT COSTS:

Construction of new building or addition	\$3,294,682
Construction of roads, utilities, etc.	\$1,575,000
Land	\$1,500,000
Miscellaneous Costs	\$552,318
Interest during construction	\$345,000
TOTAL COSTS	<u><u>\$7,267,000</u></u>

JOBS: At Application 0 Within 2 years 73 Maintained 0 Construction 146

DEVELOPMENT OFFICER: J. Kenyon

APPROVAL OFFICER: J. Wentzel

NEW MARKETS LOAN PROGRAM

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - NEW MARKETS TAX CREDITS PROGRAM**

APPLICANT: Landis Theater Properties, LLC

P22125

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 830 Landis Avenue

Vineland City (T/UA)

Cumberland

GOVERNOR'S INITIATIVES:

() Urban Fund (X) Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

This project involves the rehabilitation of the historic Landis Theater and Mori Brothers Building complex located in the City of Vineland, NJ. The renovation of the Theater will involve an expanded foyer and lobby, a complete renovation of the seating areas, an expanded stage area and the creation of backstage support space, which will include dressing rooms and restrooms. The Mori building will be renovated into an upscale restaurant and banquet facility.

Landis Theater Properties, LLC ("Landis") is a newly formed entity that currently owns the land and real estate at the project location. Landis is owned 100% by Hans Lampart.

APPROVAL REQUEST:

Approval is requested for an \$8,000,000 New Market Tax Credit Allocation.

FINANCING SUMMARY:

LENDER: NJCDE-5

AMOUNT OF LOAN: \$8,000,000

TERMS OF LOAN: New Market Tax Credit Allocation

PROJECT COSTS:

Renovation of existing building	\$5,625,000
Soft Costs	\$1,025,000
Developer Fee	\$750,000
General Contr. Fee	\$700,000
Interest during construction	\$300,000
TOTAL COSTS	\$8,400,000

JOBS: At Application 0 Within 2 years 30 Maintained 0 Construction 169

DEVELOPMENT OFFICER: J. Kenyon

APPROVAL OFFICER: D. Lawyer

CAMDEN ECONOMIC RECOVERY BOARD



TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

RE: M & M Development, LLC
Coopers Hill Housing Development
\$3,584,260 ERB Soft Loan - P20891

The Members of the Authority are asked to approve the request of M & M Development, LLC ("M & M") to modify the scope of the project, increase the ERB soft loan by \$611,428 to a total of \$3,584,260 to M & M Development, LLC, and allow the exception to exceed the \$60,000 per unit maximum by \$7,628 pursuant to Section 7 of the ERB Guide to Program Funds.

Background

At the March 25, 2008 ERB Board Meeting, the Members approved a \$2,972,832 soft loan to M & M for financing on the Coopers Hill Housing Development Project (Coopers Hill). The 94-unit housing project consisted of seventy-nine (79) market rate and fifteen (15) affordable home-ownership units. The ERB soft loan was earmarked to subsidize all of the market rate units.

The project costs included ERB funds being used for infrastructure line items, with prevailing wages paid exclusively for these expenses. Upon further review of the project budget, staff determined that prevailing wages for certain other costs should be factored into the costs of the project. By factoring in these costs for Phases IA and IB as well as adding 6 housing units, the project budget has increased.

Project Update

Coopers Hill will continue to have three phases, Phase IA, Phase IB and Phase II, with an overall increase of 6 units, for a total of 100 units. The project has been redesigned to include 84 market rate units and 16 affordable units. Phase IA will now produce 36 townhomes (32 new and 4 historic rehabs) instead of 27 units. Phase IB will include the construction of a 27-unit condominium building versus an 18-unit condominium building and 12 townhomes. Phases IA and IB will contain 53 market rate units and 10 affordable units, which includes the 6 additional units. Of the 6 additional units, 5 will be market rate and 1 will be affordable. Phase II will remain unchanged with the development of 37 new townhomes (31 market rate units and 6 affordable units). The project remains bounded by Broadway to the West, Haddon Avenue to the East, Martin Luther King Boulevard to the North and Clinton Street to the South.

The timeline of the project has changed and will commence with the construction of Phase IB in October 2008, with an estimated completion date of September 2009. Phase IA will begin in March 2009 and be completed in October 2010. Lastly, Phase II is expected to begin in March 2010 and be completed by December 2011. All units in each phase will be marketed and sold as that phase is completed. The affordable units are now estimated at \$65,000 to \$145,000. The previous price ranges were \$75,000 to \$145,000. The market rate unit prices would now range from \$113,000 (1-BR condo in Phase IB) to \$169,000 (new townhome in Phase IA) instead of \$85,000 to \$154,739.

The original project cost for the 94-unit project was \$25,176,832. The total cost for the 100-unit project has increased to \$28,347,799 (comprised of \$18,417,260 for Phases IA & IB, and \$9,930,539 for Phase II). The original costs for Phase IA and IB totaled \$15,246,293. The \$3,171,000 increase in the budget for Phases IA and IB includes approximately \$1,722,000 for the six additional units and approximately \$1,449,000 for the additional costs to pay the prevailing wages. The original average cost per unit was \$269,000. With prevailing wages factored in, the average cost per unit is \$292,000. M & M is requesting the ERB soft loan for Phases IA and IB only and to increase the soft loan to \$3,584,260, which represents a \$67,628 subsidy per market rate unit and 19% of the total project costs.

Pursuant to Section 7 of the ERB Guide to Program Funds (Guide), ERB may provide gap financing for housing projects in the form of a soft loan of up to 40% of the total development cost. Housing projects may receive loans for up to \$60,000 per unit not to exceed \$5,000,000. ERB funding for housing projects may exceed these limits if it can be demonstrated that the project has exceptional circumstances, e.g. unusually high development costs, can leverage significant other investment, will help create significant social, economic and other benefits and will establish the viability of the project as a whole. Further, the applicant for this exceptional funding must demonstrate that other sources of funding are insufficient or unavailable for the project to proceed.

Based on the additional costs required for prevailing wages, the leverage of other investment from the HMFA, and the social and economic impact this development will have on the Cooper Plaza neighborhood, M & M has demonstrated that it meets all of these criteria. As such, staff recommends that the exception to the Guide be allowed so that M & M can receive a soft loan for \$67,628 per market rate unit. This \$3,584,260 soft loan would represent 19% of the total budget.

The revised sources and uses of funds for Phases IA and IB of Coopers Hill are indicated below:

Uses of Funds (Phases IA and IB)

Acquisition		\$305,883
Construction and Site Preparation		
Residential Structures	\$10,506,753	
Demolition	175,000	
Building Permits	130,500	
Environmental	225,000	
Site Improvements	1,359,110	
Surety & Bonding	400,000	
Utility Connections & Permits	336,000	
Contractor Fee	1,023,000	\$14,155,363
Construction Contingency		707,768
Developer Fee		1,176,000
Professional Fees and Other Soft Costs		
Appraiser	\$15,000	
Architect	275,000	
Attorney	205,259	
Construction Cost Certificate/Audit	24,000	
Engineer	30,000	
Environmental Consultant	18,000	
Historical Consultant	5,000	
Soil Investigation	15,000	
Surveyor	71,500	
Marketing Expenses/Advertising	313,900	
HAS Fee of \$500/affordable unit	5,000	
Security	65,000	\$1,042,659
Carrying and Financing Costs		
Inspections	\$10,000	
Interest Costs	692,000	
Points & Bank Fees	178,587	
Property Insurance	40,000	
Real Estate Taxes	47,000	
Title Insurance and Recording	62,000	<u>\$1,029,587</u>
TOTAL		\$18,417,260

Sources of Funds – Construction (Phases IA & IB)

HMFA CHOICE Subsidy	\$5,670,000
Equity	630,000
Construction Loan – Lender	3,678,500
Construction Loan – CHOICE	3,678,500
Developer Fee	1,176,000
Construction Loan - HMFA (Bridge of ERB Soft Loan)	<u>3,584,260</u>
TOTAL	\$18,417,260

Sources of Funds – Permanent (Phases IA & IB)

Sale Proceeds	\$8,533,000
HMFA CHOICE Permanent Subsidy	6,300,000
ERB Soft Loan	<u>3,584,260</u>
TOTAL	\$18,417,260

Security and Repayment

The ERB will file a third mortgage on the ERB funded properties behind the homebuyer's first purchase money mortgage with a lender and the second mortgage with HMFA, all of which will or may be executed simultaneously. For units sold within the first year of the purchase, ERB will receive 100% of the net sales proceeds. This amount declines annually by 10% for units sold after the first year through the end of Year Ten. After Year Eleven, ERB will not receive any of the net sale proceeds. The ERB will not be utilizing the same formula as HMFA because it is on a 15-year schedule.

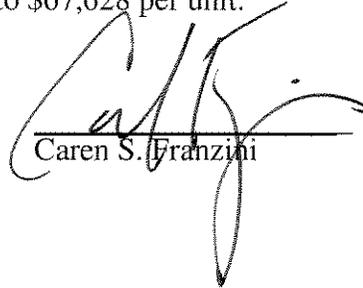
Disbursement of Funds

The ERB funds will be disbursed to M & M Development, LLC after the completion of the construction of each phase of the project and upon issuance of all of the permanent Certificates of Occupancies.

Recommendation

Staff has reviewed the modifications for consistency with the Act and the Strategic Revitalization Plan adopted by the Board at its June 20, 2003 meeting. The project meets the eligibility and statutory requirements and will enhance the overall revitalization of Camden.

The Members of the ERB approved the modification at it's meeting on July 29, 2008. Accordingly the Members of the Authority are asked to approve the funding authorization for the modification to the scope of the project, increase the ERB soft loan by \$611,428 to \$3,584,260 to M & M Development, LLC, and allow the exception to exceed the per unit maximum of \$60,000 to \$67,628 per unit.



Caren S. Franzini

Prepared By: Mujiba Salaam Parker

**PETROLEUM UNDERGROUND STORAGE TANK
PROGRAM**



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: August 12, 2008
SUBJECT: NJDEP Petroleum UST Remediation, Upgrade & Closure Fund Program

The following grant and loan projects, have been approved by the Department of Environmental Protection for a loan to perform upgrade, closure and site remediation. The scope of work is described on the attached project summaries:

Private Grant:

Lucy Johnson \$120,390

Private Loan:

Estate of Jeannette Brain \$80,038

Municipal Loan:

West Milford Board of Education.. \$45,585

Total UST funding for August 2008 \$246,013

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - UNDERGROUND STORAGE TANK GRANT**

APPLICANT: Lucy Johnson

P22404

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 168 Belshaw Ave.

Shrewsbury Township (N)

Monmouth

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

Lucy Johnson is a homeowner seeking to remove a leaking 550-gallon residential #2 heating underground storage tank (UST) and perform extensive remediation. The tank will be decommissioned and removed in accordance with NJDEP requirements. The NJDEP has determined that the project costs are technically eligible.

Financial statements provided by the applicant demonstrate that the applicant's financial condition conforms to the financial hardship test for a conditional hardship grant.

APPROVAL REQUEST:

The applicant is requesting grant funding in the amount of \$120,390 to perform the approved scope of work at the project site.

The NJDEP oversight fee of \$12,039 is the customary 10% of the grant amount. This assumes that the work will not require a high level of NJDEP involvement and that reports of an acceptable quality will be submitted to the NJDEP.

FINANCING SUMMARY:

GRANTOR: Petroleum UST Remediation, Upgrade & Closure Fund

AMOUNT OF GRANT \$120,390

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Upgrade, Closure, Remediation	\$120,390
NJDEP oversight cost	\$12,039
EDA administrative cost	\$250
TOTAL COSTS	\$132,679

APPROVAL OFFICER: L. Petrizzi

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - UNDERGROUND STORAGE TANK PROGRAM**

APPLICANT: Estate of Jeannette Brain

P23014

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 323 Ruth Avenue

Maple Shade Borough (N)

Burlington

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

The Estate of Jeanette Brain owns the property located at 323 Ruth Avenue in Maple Shade. The property is in need of remediation due to a leaking underground storage tank. The project has a total cost of \$93,799. DEP reviewed the project and determined that the eligible costs total \$87,119. The Estate was approved for a \$7,081 grant under P#22100 and is seeking a loan for the remaining balance of \$80,038.

The Estate intends to sell the property upon completion of the remediation.

APPROVAL REQUEST:

Approval is requested for a \$80,038 PUST loan as proposed.

FINANCING SUMMARY:

LENDER: Petroleum UST Remediation, Upgrade & Closure Fund

AMOUNT OF LOAN: \$80,038

TERMS OF LOAN: Rate fixed at 5%. Two year term and amortization. No payments required; interest is to be capitalized. Full payment is due upon sale of the property or maturity.

PROJECT COSTS:

Remediation	\$93,799
TOTAL COSTS	\$93,799 *

* - Indicates that there are project costs reported on a related application.

APPROVAL OFFICER: S. Brady

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - UNDERGROUND STORAGE TANK - MUNICIPALS PROGRAM**

APPLICANT: West Milford Board of Education

P22735

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 51 Highlander Dr.

West Milford Township (N)

Passaic

GOVERNOR'S INITIATIVES:

Urban Fund Other Urban Edison Core RFG

APPLICANT BACKGROUND:

West Milford Board of Education received a loan in March 2000 under P10940 in the amount of \$210,147 for the removal and installation of five underground storage tanks (USTs) throughout the Township schools and performed the required remediation. The loan payments are current. The tanks were decommissioned in accordance with NJDEP requirements. The NJDEP has determined that the supplemental project costs are technically eligible, to perform additional remedial activities.

According to the Legislation, a public entity may receive a loan for these activities with no financial review.

APPROVAL REQUEST:

The applicant is requesting supplemental loan funding in the amount of \$45,585 to perform the approved scope of work at the project site, for a total funding to date of \$255,732.

FINANCING SUMMARY:

LENDER: Petroleum UST Remediation, Upgrade & Closure Fund

AMOUNT OF LOAN: \$45,585

TERMS OF LOAN: 0%; 10 years

PROJECT COSTS:

Remediation	\$45,585
EDA administrative cost	\$1,500
TOTAL COSTS	\$47,085

APPROVAL OFFICER: L. Petrizzi



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Petroleum Underground Storage Tank Program - Delegated Authority Approvals
(For Informational Purposes Only)

Pursuant to the Boards approval on May 9, 2006, the Chief Executive Officer ("CEO") and Sr. Vice-President ("SVP") of Operations have been given the authority to approve initial grants under the Hazardous Discharge Site Remediation Fund and Petroleum Storage Tank programs up to \$100,000 and supplemental grants up to an aggregate of \$100,000.

In August 2006, the Petroleum Underground Storage Tank Program legislation was amended to allow funding for the removal/closure and replacement of non-leaking residential underground storage tanks. The limits allowed under the amended legislation are \$1,200 for the removal/closure and \$3,000 for the removal/closure and replacement of a non-leaking residential underground storage tank.

Below is a summary of the Delegated Authority approvals processed by Program Services for the period July 01, 2008 to July 31, 2008

Summary:	# of Grants	\$ Amount
Leaking tank grants awarded	98	\$1,342,249
Non-leaking tank grants awarded	267	\$681,640

Applicant	Description	Grant Amount	Awarded to Date
Albanese, Michael and Aileen (P21999)	Initial grant for upgrade, closure and remediation	\$16,052	\$16,052
Andino, Felix and Maria (P21852)	Initial grant for upgrade, closure and remediation	\$9,508	\$9,508
Ayerdis, Santos (P21826)	Initial grant for upgrade, closure and remediation	\$16,810	\$16,810
Azimi, Babak (P22683)	Initial grant for upgrade, closure and remediation	\$10,928	\$10,928
Barrett, Mary Ann (P22689)	Initial grant for upgrade, closure and remediation	\$14,575	\$14,575
Bellomo, Domenico and Leonilda (P22616)	Initial grant for upgrade, closure and remediation	\$14,830	\$14,830
Bengivengo, Mildred C. (P21732)	Initial grant for upgrade, closure and remediation	\$10,182	\$10,182
Biondo, Michael and Sue Ann (P22541)	Initial grant for upgrade, closure and remediation	\$7,200	\$7,200
Blythe, Ilse (P22666)	Initial grant for upgrade, closure and remediation	\$5,275	\$5,275
Boblenz, Margaret (P22337)	Initial grant for upgrade, closure and remediation	\$3,149	\$3,149

Applicant	Description	Grant Amount	Awarded to Date
Bossong, Lucile C. (P22439)	Initial grant for upgrade, closure and remediation	\$43,453	\$43,453
Brindopke, Fred (P22608)	Initial grant for upgrade, closure and remediation	\$10,652	\$10,652
Buchheim, Charles (P22598)	50% Initial grant for upgrade, closure and remediation	\$29,965	\$29,965
Calderone, Rose and Ann Gebhardt (P22421)	Initial grant for upgrade, closure and remediation	\$9,768	\$9,768
Cantalupo, Anthony (P22792)	Initial grant for upgrade, closure and remediation	\$7,364	\$7,364
Canzanella, Diane (P22277)	Initial grant for upgrade, closure and remediation	\$35,345	\$35,345
Carbery, Eileen (P22286)	Initial grant for upgrade, closure and remediation	\$3,432	\$3,432
Chocoj, Yanet (P22390)	Initial grant for upgrade, closure and remediation	\$10,147	\$10,147
Clemente, Judith J. (P22109)	Initial grant for upgrade, closure and remediation	\$18,681	\$18,681
Conover, William S. (P22334)	Initial grant for upgrade, closure and remediation	\$2,200	\$2,200
Crawford, Patricia C. (P22395)	Initial grant for upgrade, closure and remediation	\$7,425	\$7,425
Croft, George (P22633)	Supplemental grant for upgrade, closure and remediation	\$3,500	\$15,198
Crooks, Doreen (P22392)	Initial grant for upgrade, closure and remediation	\$11,921	\$11,921
Cuza, Maritza (P22055)	Initial grant for site remediation	\$5,474	\$5,474
DeRose, Rhonda (P21738)	Initial grant for upgrade, closure and remediation	\$8,937	\$8,937
Degley, Ida (P22394)	Initial grant for upgrade, closure and remediation	\$25,411	\$25,411
Delaney, Robert H. (P22888)	Initial grant for upgrade, closure and remediation	\$3,940	\$3,940
Dunnege, Elena (P22701)	Supplemental grant for upgrade, closure and remediation	\$20,284	\$31,539
Elbrus, Benhur (P21865)	Supplemental grant for upgrade, closure and remediation	\$22,116	\$289,397*
Emmanuel Auto Service (P22119)	Initial grant for upgrade, closure and remediation	\$36,187	\$36,187
Eng, Lois (P21734)	Supplemental grant for upgrade, closure and remediation	\$36,330	\$283,241*
Farris, Ippolita (P22603)	Initial grant for upgrade, closure and remediation	\$4,030	\$4,030
Fessler, Ella (P22613)	Initial grant for upgrade,	\$11,100	\$11,100

Applicant	Description	Grant Amount	Awarded to Date
	closure and remediation		
Finkelstein, Bruce and Hillary (P22548)	Initial grant for upgrade, closure and remediation	\$4,472	\$4,472
Glasser, Fredrick and Marcia (P22111)	Initial grant for upgrade, closure and remediation	\$25,277	\$25,277
Gonzalez, Basilio (P22711)	Initial grant for upgrade, closure and remediation	\$3,813	\$3,813
Gorski, Helen (P22785)	Initial grant for upgrade, closure and remediation	\$15,332	\$15,332
Gougeon, James and Mary Lou (P22596)	Initial grant for upgrade, closure and remediation	\$9,251	\$9,251
Gremminger, George L. (P21934)	Initial grant for upgrade, closure and remediation	\$4,578	\$4,578
Gunther, Bruce and Elizabeth (P22707)	Initial grant for upgrade, closure and remediation	\$5,966	\$5,966
Hemphill, Thomas (P22657)	Initial grant for upgrade, closure and remediation	\$3,278	\$3,278
Herring, Harry (P22436)	Initial grant for upgrade, closure and remediation	\$18,091	\$18,091
Higham, Mary Ann (P22667)	Initial grant for upgrade, closure and remediation	\$5,670	\$5,670
Hinton, Roger (P22435)	Initial grant for upgrade, closure and remediation	\$77,682	\$77,682
Hirschberg, Isaac (P22279)	Initial grant for upgrade, closure and remediation	\$4,135	\$4,135
Hudak, David (P22611)	Initial grant for upgrade, closure and remediation	\$35,448	\$35,448
Hunker, Jeffrey and Cynthia (P22430)	Initial grant for upgrade, closure and remediation	\$10,396	\$10,396
Hunter, Willie and Lucy (P22679)	Initial grant for upgrade, closure and remediation	\$6,034	\$6,034
Inglis, Dawn (P22376)	Initial grant for upgrade, closure and remediation	\$8,102	\$8,102
Kotcho, James P. (P22489)	Supplemental grant for upgrade, closure and remediation	\$1,008	\$19,680
Kozakiewicz, Joseph (P22697)	Initial grant for upgrade, closure and remediation	\$22,779	\$22,779
Kriney, William (P22432)	Initial grant for upgrade, closure and remediation	\$12,802	\$12,802
Ku, Yun-Yao (P22413)	Supplemental grant for upgrade, closure and remediation	\$48,611	\$74,179
Kugler, Vincent and Alison (P22542)	Initial grant for upgrade, closure and remediation	\$19,265	\$19,265
Lapinski, Christina and Edward (P22494)	Initial grant for upgrade, closure and remediation	\$10,515	\$10,515

Applicant	Description	Grant Amount	Awarded to Date
Lattanzio, Patricia (P22377)	Initial grant for upgrade, closure and remediation	\$93,691	\$93,691
Lewitt, Jason (P22424)	Initial grant for upgrade, closure and remediation	\$3,652	\$3,652
Lex, Woodrow and Carol (P22703)	Initial grant for upgrade, closure and remediation	\$21,699	\$21,699
Liddawi, Abdunur and Laila (P22057)	Initial grant for upgrade, closure and remediation	\$17,066	\$17,066
Long, Lester (P22654)	Initial grant for upgrade, closure and remediation	\$2,843	\$2,843
Madarro, Jose and Patricia (P22042)	Initial grant for upgrade, closure and remediation	\$2,300	\$2,300
Marengo, Michael (P22400)	Initial grant for upgrade, closure and remediation	\$2,081	\$2,081
Martens, John and Patricia (P22407)	Initial grant for upgrade, closure and remediation	\$17,855	\$17,855
Martucci, Francesca (P22099)	Initial grant for upgrade, closure and remediation	\$9,750	\$9,750
Marzullo, Alfred and Catherine (P22681)	Initial grant for upgrade, closure and remediation	\$3,651	\$3,651
McAnena, Charles (P22117)	Initial grant for upgrade, closure and remediation	\$5,138	\$5,138
McShane, Joseph (P22405)	Initial grant for upgrade, closure and remediation	\$2,934	\$2,934
Miller, Orlando and Margaret (P22634)	Initial grant for upgrade, closure and remediation	\$25,950	\$25,950
Minogue, William (P22669)	Initial grant for upgrade, closure and remediation	\$2,425	\$2,425
Miranda, Luis E. (P22409)	Initial grant for upgrade, closure and remediation	\$14,170	\$14,170
Morales, Juan and Lillian (P22600)	Initial grant for upgrade, closure and remediation	\$9,914	\$9,914
Morales-Horowitz, Deborah (P22546)	Initial grant for upgrade, closure and remediation	\$6,286	\$6,286
Nash, Robert (P22396)	50% Initial grant for upgrade, closure and remediation	\$6,500	\$6,500
Norman, Laurie (P22497)	Initial grant for upgrade, closure and remediation	\$7,380	\$7,380
O'Scanlon, Sean (P22347)	Initial grant for upgrade, closure and remediation	\$3,652	\$3,652
Ogata, Hatsumi (P22495)	Initial grant for upgrade, closure and remediation	\$13,685	\$13,685
Panarello, John (P22380)	Initial grant for upgrade, closure and remediation	\$3,442	\$3,442
Parrillo, Arline and	Initial grant for upgrade,	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
Richard (P22221)	closure and remediation		
Pisco, Peggy (P22610)	Initial grant for upgrade, closure and remediation	\$8,675	\$8,675
Plaisance, Robert L. and Kathleen (P22397)	Initial grant for upgrade, closure and remediation	\$7,712	\$7,712
Quirk, Dennis (P22617)	Initial grant for upgrade, closure and remediation	\$8,204	\$8,204
Rich, Donald (P22115)	Initial grant for site remediation	\$12,078	\$12,078
Roberts, Joseph (P22543)	Initial grant for upgrade, closure and remediation	\$2,470	\$2,470
Rocheny, Janet (P22420)	Initial grant for upgrade, closure and remediation	\$11,734	\$11,734
Roseto, Rebecca (P22333)	Initial grant for upgrade, closure and remediation	\$6,073	\$6,073
Rounds, Douglas (P22746)	Initial grant for upgrade, closure and remediation	\$15,545	\$15,545
Sanders, Jerry (P21727)	Initial grant for upgrade, closure and remediation	\$5,457	\$5,457
Saunders, Delores (P22699)	Initial grant for upgrade, closure and remediation	\$6,334	\$6,334
Schlamowitz, Sherry (P22708)	Initial grant for upgrade, closure and remediation	\$21,850	\$21,850
Seymour, Tiffany (P22336)	Initial grant for upgrade, closure and remediation	\$11,197	\$11,197
Shapiro, Elad (P22281)	Initial grant for upgrade, closure and remediation	\$10,776	\$10,776
Sharo, Charles and Roseann (P22848)	Initial grant for upgrade, closure and remediation	\$11,999	\$11,999
Stewart, Norah (P22790)	Initial grant for upgrade, closure and remediation	\$13,930	\$13,930
Torres, Sara (P22047)	Initial grant for upgrade, closure and remediation	\$37,074	\$37,074
Valderrama, Klidy (P22973)	Initial grant for upgrade, closure and remediation	\$8,537	\$8,537
Venezia, Anne Marie (P22283)	Initial grant for upgrade, closure and remediation	\$24,158	\$24,158
Waldron, Kathleen (P22498)	Initial grant for upgrade, closure and remediation	\$4,224	\$4,224
Wallock, Michael (P22287)	Initial grant for upgrade, closure and remediation	\$6,482	\$6,482

98 Grants

**Total Delegated Authority
funding for Leaking
applications.**

\$1,342,249

Applicant	Description	Grant Amount	Awarded to Date
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Abrahams, Earl R. and Maureen P. (P22945)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Abukoff, Abraham and Turkel, Barbara (P22449)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ahnquist, M. Suzanne (P21760)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Alfano, Frank Jr. and Tracy A. (P23096)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ammerman, Robert E. (P22768)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Anselmo, Salvatore and Joan (P22861)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,826	\$2,826
Argenziano, Christopher J. and Jamie L. (P22730)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Armstrong, Janice (P22799)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Armus, Nadine (P23024)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ashton, Jeffrey S. (P22609)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Babinsky, Joe (P22166)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,650	\$2,650
Bakay, Thomas and Kristine (P22250)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Bakley, Frederick R. and Patricia (P22874)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ballester, Alan and Carol (P22268)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Banks, Susan and Dale (P22551)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Barth, Suzanne and Richard	Grant to remove an underground	\$2,830	\$2,830

Applicant	Description	Grant Amount	Awarded to Date
(P23022)	storage tank and install an above ground storage tank		
Batson, Dolores (P22988)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,700	\$2,700
Beatty, Gary Steven and Luann H. (P22664)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,775	\$2,775
Bennett, Ronald J. and Valerie M. (P22986)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Benson, John B. III and Kimberly A. (P22833)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,987	\$2,987
Berkowitz, George J. and Mary J. (P22898)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Bird, Thomas E. and Nancy (P22274)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,992	\$2,992
Black, Henry and Theresa (P22917)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Blatherwick, Jeff W. and Evelyn H. (P22918)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Blau, Barton and Donna (P22951)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Bolan, John (P22720)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Bottoni, Andrew R. and Corrine E. Flammer (P22190)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,791	\$2,791
Boyle, Dawn and James (P22580)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,860	\$2,860
Brennan, Edward and Doreen (P22220)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,953	\$2,953
Brigito, Doug and Darlene (P22067)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Brown, Daniel T. Sr. and Jill (P22814)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,982	\$2,982
Bubnick, Edward (P22899)	Grant to remove an underground	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
	storage tank and install an above ground storage tank		
Budraski, Suzanne (P22895)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,901	\$2,901
Bujtas, Geza and Julie (P22162)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Calabrese, Michael and Bernice (P22903)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,635	\$2,635
Calore, Morena (P22213)	Grant to remove an underground storage tank	\$1,200	\$1,200
Cannie, Jay F. and Donna F. (P22944)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Capaldi, Mary A. (P22559)	Grant to remove an underground storage tank	\$1,200	\$1,200
Capezzuto, David and Debra (P22273)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Carlson, Keith B. and Barbara S. (P23093)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Carlstadt Christian Assembly (P21974)	Grant to remove an underground storage tank	\$1,200	\$1,200
Casamassima, John J. (P22722)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,684	\$2,684
Casbarro, Bruce (P22442)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Cass, Richard R. and Kathleen M. (P22729)	Grant to remove an underground storage tank	\$1,200	\$1,200
Castner, James and Elise (P22321)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Cervo, Daniel D. and Rita L. (P23004)	Grant to remove an underground storage tank	\$910	\$910
Chimento, Frank (P22844)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Chiravaloti, Guido and Josephine (P22556)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Choudhury, Nazia and Ghalib (P22876)	Grant to remove an underground storage tank and install an above	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
	ground storage tank		
Christie, Andrew and Mary S. (P23103)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Christie, Ray and Beverly (P22481)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Christopher, Shirley (P23098)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,261	\$2,261
Coburger, Jason and Nicole (P22570)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,572	\$2,572
Codispoti, Daniel and Margaret Deirdre (P22518)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Collura, Joseph and Jeanne (P22567)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,836	\$2,836
Connor, Florence E. R. and Daniel S. (P22270)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Cook, Leroy R. (P22258)	Grant to remove an underground storage tank	\$1,200	\$1,200
Cordaso, Robert and Donna (P23076)	Grant to remove an underground storage tank	\$1,200	\$1,200
Cornish, Joyce (P22558)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,613	\$2,613
Costagliola, Antonio and Susan (P22717)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Courtney III, James P. (P22086)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Courtney, Jr., James P. and Elizabeth A. (P22569)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,750	\$2,750
Coyle, Edward and Diane (P22375)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Crnosija, Gojko A. and Gabriella (P22223) Tank A	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Cucinotta, Arthur F. and Susan B. (P22928)	Grant to remove an underground storage tank	\$1,200	\$1,200
Cucurello, Nancy Jo	Grant to remove an underground	\$1,200	\$1,200

Applicant	Description	Grant Amount	Awarded to Date
(P22593)	storage tank		
Cullen, Michael (P22574)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,672	\$2,672
Daley, Russ and Donna (P22362)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Danzi, Daniel Anthony and Angela (P22731)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Dattolo, Michael (P22695)	Grant to remove an underground storage tank	\$1,200	\$1,200
DeCuollo, Lynn (P22947)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
DeFranco, Francis L. and Anne M. (P23083)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,870	\$2,870
DeNardo, Joseph and Kathryn (P22990)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
DelRocco, Sharon and Charlene Betz (P23000)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
DiMartino, Anthony and Nina (P22468)	Grant to install an above ground storage tank	\$1,800	\$1,800
Dimitriou, Georgios and Vicki (P22810)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Dingerdissen, Charles and Nora (P22871)	Grant to remove an underground storage tank	\$1,200	\$1,200
Disette, Theodore and Rosemary (P23059) Tank B	Grant to install an above ground storage tank	\$1,800	\$1,800
Doyle, Alice (P22469)	Grant to remove an underground storage tank	\$1,200	\$1,200
Dudsak, John J. and Carol A. (P23057)	Grant to remove an underground storage tank	\$1,200	\$1,200
Dunigan, Vivian (P22207)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Dutta, Bhaskar and Hema (P22748)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Earp, Benzina (P22776) Tank A	Grant to remove an underground storage tank	\$1,125	\$1,125
Earp, Benzina (P22778)	Grant to remove an underground	\$1,125	\$1,125

Applicant	Description	Grant Amount	Awarded to Date
Tank B	storage tank		
Edwards, Douglas J. (P22934)	Grant to remove an underground storage tank	\$1,200	\$1,200
Enright, Shannon (P22021)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,967	\$2,967
Ernyey, Stephen A. and JoAnn (P22564)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Falleni, Walter and Elise (P22756)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Fama, Carmen D. and Inez (P22446)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Faucett, Chris (P22236)	Grant to remove an underground storage tank	\$1,200	\$1,200
Fine, Harold and Elizabeth (P22842)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Fisher, Matthew E. and Jennifer Lee (P22363)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Fokshey, Roman (P22198)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ford, James A. and Bernadette (P22560)	Grant to remove an underground storage tank	\$1,100	\$1,100
French, Sandra (P22577)	Grant to remove an underground storage tank	\$1,200	\$1,200
Fuentes, Ralph B. and Julia R. (P22521)	Grant to remove an underground storage tank	\$1,200	\$1,200
Fuhrman, Dorothy L. (P22571)	Grant to remove an underground storage tank	\$1,200	\$1,200
Gabree, Patricia (P22896)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gardner, Robert H. (P22252)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gendi, Magdi and Suzan (P22194)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gilfillan, Lisa (P22868)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gionattasio, Gerald	Grant to remove an underground	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
(P22719)	storage tank and install an above ground storage tank		
Gjelsvik, Brian and Shana (P22578)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gomez, Ruben and Lenidia Camacho (P22674)	Grant to remove an underground storage tank	\$1,200	\$1,200
Gottlieb, Brandon (P22830)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Graber, Dennis G. and Maria A. (P22678)	Grant to remove an underground storage tank and install an above ground storage tank	\$1,624	\$1,624
Graham, Louis S. Jr. (P22815)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,702	\$2,702
Grau, John W. and Susan E. (P22725)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hafke, Walter J. (P22927)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Halpern, Henry and Geraldine (P22606)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hamilton, David and Grace (P22913)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Harnik, Ben and Ceryl (P23028)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Harrison, JoAnn and Randy (P22957)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hartwig, Daniel and Sharon (P22902)	Grant to remove an underground storage tank	\$3,000	\$3,000
Harzmovitz, Carole (P22955)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,899	\$2,899
Hayes, Amelia (P23082)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,769	\$2,769
Hemschot, Ernest III (P22941)	Grant to remove an underground storage tank	\$1,200	\$1,200
Heres, Ralph and Lisa J. (P22912)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
Hills, Diane and Thomas E. Jr. (P22872)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,438	\$2,438
Hoechst, Donna (P22897)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,897	\$2,897
Hogelin, Jane (P22242)	Grant to remove an underground storage tank	\$1,002	\$1,002
Homer, Wayne R. (P20277)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hopp, Frank (P22836)	Grant to remove an underground storage tank	\$1,200	\$1,200
Hosking, Fred and Sharon (P22984)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hosonitz, Luke III and Lauren Lee (P22780)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Howard, Richard P. and Virginia K. (P22694)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hoyer, Linda (P22728)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hoyt, Gary E. and Kathleen S. (P22989)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,947	\$2,947
Italiano, Cheryl (P22956)	Grant to remove an underground storage tank	\$1,200	\$1,200
Jackson, Daniel and Judith (P22765)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,585	\$2,585
Jenne, Karl (P22200)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,435	\$2,435
Johnston, Dale R. and Christine A. (P23054)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,900	\$2,900
Kalb, Sanford and Roslyn (P22959)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Kaplan, Keith P. (P21925)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,966	\$2,966
Kasten, Sarah Annagrace (P22751)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
Katz, Shlomo (P22943)	Grant to remove an underground storage tank	\$1,200	\$1,200
Kelly, Patrick and Ethel (P22997)	Grant to remove an underground storage tank	\$1,200	\$1,200
Kerestan, Deborah (P22779)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Kimbrough, Kevin (P23090)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Kloss, Stanley J. and Eileen M. (P22873)	50 % grant to remove an underground storage tank	\$600	\$600
Koch, Fred and Carmela (P22520)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Kocot, Edward J. and Kathleen M. (P23012)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,300	\$2,300
Kolakowski, Robert and Barbara (P22750) Tank A	Grant to remove an underground storage tank and install an above ground storage tank	\$2,405	\$2,405
Kopp, Christopher and Joanne (P22726)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Kossup, Linda and Dwight Graham (P22670)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Labato, Rocco A. and Jane B. (P22942)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Lara, Claurice (P22982)	Grant to remove an underground storage tank	\$1,200	\$1,200
Lazorwitz, Mark Leigh and Peggy Ann (P22649)	Grant to remove an underground storage tank	\$1,200	\$1,200
Lee, Steven and Linda L. (P23048)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,782	\$2,782
Locker, Bernice (P23032)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,878	\$2,878
Lomuscio, Joseph and Carol (P22727)	Grant to remove an underground storage tank	\$1,200	\$1,200
Lopez, Erwin E. and Hilda Pineda-Lopez (P22921)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Lopez, Jessica (P22755)	Grant to remove an underground storage tank and install an above	\$2,959	\$2,959

Applicant	Description	Grant Amount	Awarded to Date
	ground storage tank		
MacGillivray, Donald J. and Kathleen A. (P22480)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mackinnon, Donald and Patricia (P22761)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,775	\$2,775
Madger, Cynthia A. (P22958)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,980	\$2,980
Magyar, Gerhard and Judith (P22837)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,935	\$2,935
Mahoney, Michael and Patricia (P22555)	Grant to remove an underground storage tank	\$970	\$970
Major, Rene and John (P22472)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,830	\$2,830
Mallin, Nancy S. (P23066)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,750	\$2,750
Manassy, Ladislaus J. and Eileen A. (P22201)	50 % grant to remove an underground storage tank and install an above ground storage tank	\$1,500	\$1,500
Mancino, Joseph and Diane (P22764)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mantilla, Kevin (P22517)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Marchitto, Nicholas and Georgette (P22999)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Marone, Louis N. Jr. and Anna Marie (P23011)	Grant to remove an underground storage tank	\$1,200	\$1,200
Martin, George S. and Ida H. (P22372)	Grant to remove an underground storage tank	\$1,200	\$1,200
Martino, Vincent R. and Rose (P22259)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,743	\$2,743
Mason, Scott and Stacey (P22766)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,991	\$2,991
Mayer, John and Jennifer (P23075)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,836	\$2,836

Applicant	Description	Grant Amount	Awarded to Date
McCarthy, Rose Marie (P22882)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
McCauley, Kevin and Denise (P22753)	Grant to remove an underground storage tank	\$1,200	\$1,200
McClave, Betty K. (P22304)	Grant to remove an underground storage tank	\$1,200	\$1,200
McElroy, Andrew and Michele Noble (P23034)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
McFadden, Harold and Joan (P22723)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,637	\$2,637
Meegan, Brian and Melissa (P21480)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,887	\$2,887
Meza, Roxanne and Mario (P22826)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,836	\$2,836
Mezger, Linda L. (P22904)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mezzino, Dan and Lucy (P22675)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Michaud, Thomas and Dina (P22869)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,875	\$2,875
Miller, Frances (P22930)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,898	\$2,898
Miller, Yehudah and Rivka (P23031)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Minervini, Isabella (P22206)	Grant to remove an underground storage tank	\$1,200	\$1,200
Miskovich, Thomas and Carol (P23009)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mitchell, David and Kiera Horutz (P22724)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Monaghan, Michael F. and Christi L. (P22662)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,991	\$2,991
Monahan, Walter (P22317)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
Moore, Rose C. H. (P23041)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Moricz, Margaret (P22692)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Morris, James T. and Marie E. M (P22968)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Morse, Carol (P22586)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,985	\$2,985
Mullen, Kathleen (P22878)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,465	\$2,465
Murphy, Mark (P23052)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,954	\$2,954
Nardini, Thomas (P22981)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Newkirk, Timothy M. and Mary Beth (P22584)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Nolan, Edward and Bonnie (P22563)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
O'Rourke, Barbara (P22526)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Olsen, Michael and Nadine (P22843)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Opperman, Dennis and MaryAnne (P23020)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,902	\$2,902
Ordino, Lisa (P21979)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,221	\$2,221
Pagano, Thomas P. and Catherine T. (P23006)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Palagano, James Joseph and Lucille J. (P22929)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,990	\$2,990
Palait, Eric A. Sr. and Judith A. (P22760)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,228	\$2,228

Applicant	Description	Grant Amount	Awarded to Date
Pallitto, Sr., Anthony and Irene (P22478)	Grant to remove an underground storage tank	\$1,200	\$1,200
Panicucci, Jeffrey S. and Denise L. (P22797)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Patricola, Carmelita (P22819)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,975	\$2,975
Payton, Michael A. and Mary F. (P22508)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Peroncik, William and Kelly (P22752)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,937	\$2,937
Peschel, Dawn and Richard L. (P22905)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,355	\$2,355
Pesquera, Dominick and Jeanette (P22987)	Grant to remove an underground storage tank	\$965	\$965
Piazza, Joseph and Francine (P22366)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,925	\$2,925
Pollicove, Helen (P22590)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,250	\$2,250
Poloniak, Debra (P23044)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,300	\$2,300
Pomante, Jean (P22355)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,400	\$2,400
Pusey, William and Virginia (P22644)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,595	\$2,595
Ragazzo, Michael (P22522)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Reindeau, Robert (P23008)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Reiner, Gremma (P22474)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,822	\$2,822
Reuter, John and Tara (P22925)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,500	\$2,500
Rinn, Christopher and Anna Nowinowska (P23049)	Grant to remove an underground storage tank	\$1,200	\$1,200

Applicant	Description	Grant Amount	Awarded to Date
Robb, William D. II (P22867)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Robinson, Randy L. and Sally Jean (P22368)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rosenblum, Marc and Dina (P21898)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rosenthal, Devorah and Avraham (P23027)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Salvatore, Robert and Betty Lou (P22948)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,650	\$2,650
Sanchez, Juan C. (P22923)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Sanders, Jerry and Marilyn (P22887)	Grant to remove an underground storage tank	\$1,106	\$1,106
Santasiero, Grace and John (P21987)	Grant to remove an underground storage tank	\$1,200	\$1,200
Savary, Clemit L. and Claribel Cimillo (P22643)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Scanga, Mia (P22749)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Schappel, Mark W. and Kathy L. (P22828)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Schatzman, Ione (P23060)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,878	\$2,878
Schmidt-Brown, Josephine and Edward Brown (P22922)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Schwartz, James C. and Patti J. (P22641)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Seal, Arati (P22513)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Shapiro, Bruce L. and Elizabeth C. (P22884)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Sich, Frank and Lillian (P22732)	Grant to remove an underground storage tank	\$1,200	\$1,200

Applicant	Description	Grant Amount	Awarded to Date
Sierveld, Anthony and Anita (P22954)	Grant to remove an underground storage tank	\$1,200	\$1,200
Skibo, George (P22862)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Snyder, Michael E. and Beverly A. (P22639)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,825	\$2,825
Spalt, Douglas and Amy (P22993)	Grant to remove an underground storage tank	\$1,200	\$1,200
Sutton, IV, John L. and Heather L. (P22557)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,750	\$2,750
Swain, Kenneth L. and Anne P. (P22860)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,950	\$2,950
Taddeo, Alfred and Patricia (P22813)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,625	\$2,625
Tate, James and Lisa (P22911)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,700	\$2,700
Tatel, Carmilla E. and Merwin A. (P22796)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Taylor, Frank and Barbara (P22870)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,550	\$2,550
Tenebaum, Samuel and Giti (P22938)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Tenore, Louis and Jennifer (P22781)	Grant to remove an underground storage tank	\$1,200	\$1,200
Tercek, Marie (P22647)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,850	\$2,850
Tindall, Carl and Sheila (P22936)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Todd, Bertha R. (P22767)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Toleno, Charles A. (P22906)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Trapani, Norene and Richard (P22992)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000

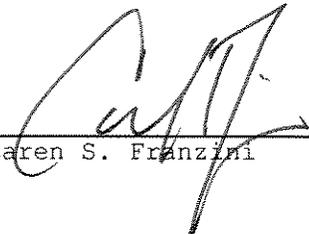
Applicant	Description	Grant Amount	Awarded to Date
Trimble, Samuel and Sandra (P22864)	Grant to remove an underground storage tank	\$1,200	\$1,200
Tuhly, Susan (P22369)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Vomero, Angela (P22690)	Grant to remove an underground storage tank	\$1,200	\$1,200
Wallach, Mary (P22246)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Wallgren, Melvin and Lucille (P22817)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Wang, Zhifu and Jin, Jin (P22863)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Weintraub, Miriam and David (P22682)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,871	\$2,871
Westcott, Frank (P22660)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,750	\$2,750
Wildrick, Ellen and Russell (P22566)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Wittlinger, Markus E. and Allison M. (P22450)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,477	\$2,477
Wood, Donald H. (P22217)	Grant to remove an underground storage tank	\$1,200	\$1,200
Wood, Evnica (P22479)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Zanko, George (P23095)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Zayas, Christine and Nelson (P22471)	Grant to remove an underground storage tank	\$1,200	\$1,200

267 Grants

**Total Delegated Authority
funding for Non-Leaking
applications.**

\$681,640

*This amount includes grants approved previously by the Board and this award does not exceed the supplemental aggregate limit.



Caren S. Franzini

Prepared by: Lisa Petrizzi, Finance Officer

**HAZARDOUS DISCHARGE SITE REMEDIATION FUND
PROGRAM**



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: August 12, 2008
SUBJECT: Hazardous Discharge Site Remediation Fund Program

The following municipal projects have been approved by the Department of Environmental Protection for grants to perform preliminary assessment site, site investigation, remedial investigation, and remedial action activities. The scope of work is described on the attached project summaries.

Municipal Grants:

Camden Redevelopment Agency (Sycamore Street Housing)	\$186,753
Township of Haddon (Spadea Manufacturing Property)	\$225,650
Township of Montgomery (North Princeton Development).	\$1,517,521
City of Paterson (Columbia Textile Mill)	\$168,142
Sayreville Economic Redevelopment Agency	\$1,242,103
South Amboy Redevelopment Agency (Conrail Property).	\$215,677

Total HDSRF funding for August 2008 \$3,555,846

Prepared by: Lisa Petrizzi

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - HAZARDOUS SITE REMEDIATION - MUNICIPAL GRANT**

APPLICANT: Camden Redevelopment Agency (Sycamore Street Housing) P23306

PROJECT USER(S): Same as applicant * - indicates relation to applicant

PROJECT LOCATION: 1158-1166 and 1172-1182 Camden City (T/UA) Camden

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

The project site, identified as Block 1312, Lots 35-38 and 40-45 is a residential area consisting of 10 existing lots which has potential environmental areas of concern (AOC's). The Camden Redevelopment Agency ("CRA") owns the project site and has satisfied Proof of Site Control. It is the CRA's intent, upon completion of the environmental investigation activities, to redevelop the project site for affordable housing.

According to amended legislation, a grant can be awarded to a municipality, county or redevelopment entity authorized to exercise redevelopment powers up to 50% of the costs of remedial action for projects involving the redevelopment of contaminated property for affordable housing. The grant has been calculated off 50% of Remedial Action (RA) (\$169,775) and adding the oversight costs (\$16,978).

NJDEP has approved this request for RA grant funding on the above-referenced project site and finds the project technically eligible under the HDSRF program, Category 2, Series A.

APPROVAL REQUEST:

Camden Redevelopment Agency is requesting grant funding to perform RA in the amount of \$186,753 at the Sycamore Street Housing project site.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT: \$186,753 (50% Matching Grant)

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial Action	\$339,550
NJDEP oversight cost	\$16,978
EDA administrative cost	\$500
TOTAL COSTS	\$357,028

APPROVAL OFFICER: L. Petrizzi

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - HAZARDOUS SITE REMEDIATION - MUNICIPAL GRANT**

APPLICANT: Township of Haddon (Spadea Manufacturing Property) P22915
PROJECT USER(S): Same as applicant * - indicates relation to applicant
PROJECT LOCATION: 224 and 230 Highland Avenue Haddon Township (N) Camden

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

The project site, identified as Block 21.06 and Lots 31, 32 and 35 is a vacant property previously used for industrial and commercial activities and most recently by a tool and dye manufacturer which has potential environmental areas of concern (AOC's). The Township of Haddon intends to acquire the project site and has satisfied Proof of Site Control. It is the Township's intent, upon completion of the environmental investigation activities, to redevelop the project site for mixed-use.

NJDEP has approved this request for Site Investigation (SI) and Remedial Investigation (RI) grant funding on the above-referenced project site and finds the project technically eligible under the HDSRF program, Category 2, Series B.

APPROVAL REQUEST:

The Township of Haddon is requesting grant funding to perform SI and RI in the amount of \$225,650 at the Spadea Manufacturing project site.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT \$225,650

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$189,191
NJDEP oversight cost	\$20,514
Site investigation	\$15,945
EDA administrative cost	\$500
TOTAL COSTS	\$226,150

APPROVAL OFFICER: L. Petrizzi

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - HAZARDOUS SITE REMEDIATION - MUNICIPAL GRANT**

APPLICANT: Township of Montgomery (North Princeton Development) P23067

PROJECT USER(S): Same as applicant * - indicates relation to applicant

PROJECT LOCATION: Main Boulevard and Route 601 Montgomery Township (N) Somerset

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

The project site, identified as Block 26001; 27001, Lots 7; 1 consists of 260+ acres historically used by the State of NJ as a self contained village for epileptics (1898-1952) and a psychiatric care facility (1952-1996). The property was principally residential with the necessary support operations as a hospital, a power plant, maintenance areas, wastewater treatment plant, etc. The site became inactive in 1996 when the site was declared surplus property by NJ and there has been soil and groundwater contamination identified. The Township of Montgomery intends to acquire the project site and has satisfied Proof of Site Control. It is the Township's intent, upon completion of the environmental investigation activities, to redevelop the project site for open space, residential and commercial re-use.

NJDEP has approved this request for Remedial Investigation (RI) grant funding on the above-referenced project site and finds the project technically eligible under the HDSRF program, Category 2, Series A.

APPROVAL REQUEST:

The Township of Montgomery is requesting grant funding to perform RI in the amount of \$1,517,521 at the North Princeton Development Center ("NPDC") project site.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT \$1,517,521

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$1,445,258
NJDEP oversight cost	\$72,263
EDA administrative cost	\$500
TOTAL COSTS	\$1,518,021

APPROVAL OFFICER: L. Petrizzi

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - HAZARDOUS SITE REMEDIATION - MUNICIPAL GRANT

APPLICANT: City of Paterson (Columbia Textile Mill)

P22718

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 28-42 Ryle Avenue

Paterson City (T/UA)

Passaic

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND:

City of Paterson received a grant in the amount of \$122,018 in August 2007 under P18080 to perform Site Investigation (SI) and Remedial Investigation (RI) activities and a grant approval in May 2008 in the amount of \$472,120 under P21142 to perform additional RI activities. The project site, identified as Block B0134, Lot 2, is a vacant textile mill which has potential environmental areas of concern (AOC's). The City of Paterson intends to acquire the project site and has satisfied Proof of Site Control. It is the City's intent, upon completion of the environmental investigation activities, to redevelop the project site for mixed-use development.

NJDEP has approved this supplemental request for RI grant funding on the above-referenced project site and finds the project technically eligible under the HDSRF program, Category 2, Series B.

APPROVAL REQUEST:

The City of Paterson is requesting supplemental grant funding to perform RI in the amount of \$168,142 at the Columbia Textile Mill project site, for a total funding to date of \$762,280.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT\$168,142

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$152,856
NJDEP oversight cost	\$15,286
EDA administrative cost	\$500
TOTAL COSTS	\$168,642

APPROVAL OFFICER: L. Petrizzi

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - HAZARDOUS SITE REMEDIATION - MUNICIPAL GRANT**

APPLICANT: Sayreville Economic Redevelopment Agency (Former National P23276

PROJECT USER(S): Same as applicant * - indicates relation to applicant

PROJECT LOCATION: 1000 Chevalier Avenue Sayreville Borough (N) Middlesex

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND:

The project site, consisting of 400 acres over various parcels has no current operations at the site, but historically as been used for industrial production and processing. Soil and groundwater contamination has been identified. The Sayreville Economic Redevelopment Agency ("SERA") owns the project site and has satisfied Proof of Site Control. It is the Agency's intent, upon completion of the environmental investigation activities, to redevelop the project site as a mixed-use community including office, retail and residential space along with various recreational opportunities.

NJDEP has approved this request for Remedial Investigation (RI) grant funding on the above-referenced project site and finds the project technically eligible under the HDSRF program, Category 2, Series B.

APPROVAL REQUEST:

SERA is requesting grant funding to perform RI in the amount of \$1,242,103 at the Former National Lead project site.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT\$1,242,103

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$1,129,185
NJDEP oversight cost	\$112,918
EDA administrative cost	\$500
TOTAL COSTS	\$1,242,603

APPROVAL OFFICER: L. Petrizzi

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - HAZARDOUS SITE REMEDIATION - MUNICIPAL GRANT**

APPLICANT: South Amboy Redevelopment Agency (Conrail Property) P22850
PROJECT USER(S): Same as applicant * - indicates relation to applicant
PROJECT LOCATION: Main Street South Amboy City (N) Middlesex

GOVERNOR'S INITIATIVES:

Urban Fund Other Urban Edison Core RFG

APPLICANT BACKGROUND:

The project site, identified as Block 162, Lots 6 & 25.01 has been used as a rail yard, coal and shipping terminal, fueling and maintenance of diesel and electric locomotives. It is currently operated as a small arms pistol range and concrete and paving company which has potential environmental areas of concern (AOC's). The City of South Amboy currently owns a portion of the project site and intends to acquire the balance of the project site which has satisfied Proof of Site Control. It is the Agency's intent, upon completion of the environmental investigation activities, to redevelop the project site as an intermodal transportation and park and ride facility operated by the City of South Amboy.

NJDEP has approved this request for Remedial Investigation (RI) grant funding on the above-referenced project site and finds the project technically eligible under the HDSRF program, Category 2, Series B.

APPROVAL REQUEST:

The South Amboy Redevelopment Agency is requesting grant funding to perform RI in the amount of \$215,677 at the Conrail Property project site.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT: \$215,677

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$196,070
NJDEP oversight cost	\$19,607
EDA administrative cost	\$500
TOTAL COSTS	\$216,177

APPROVAL OFFICER: L. Petrizzi



TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

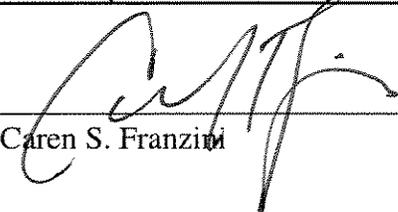
DATE: August 12, 2008

SUBJECT: Hazardous Discharge Site Remediation Fund - Delegated Authority Approvals
(For Informational Purposes Only)

Pursuant to the Board's approval on May 9, 2006, the Chief Executive Officer ("CEO") and Sr. Vice-President of Operations ("SVP") have been given the authority to approve initial grants under the Hazardous Discharge Site Remediation Fund and Petroleum Underground Storage Tank programs up to \$100,000 and supplemental grants up to an aggregate of \$100,000.

Below is a summary of the Delegated Authority approval processed by the Division of Program Services for the month of July, 2008.

Applicant	Description	Grant Amount	Awarded to Date
Township of Jefferson (Former Contex Fuel Company) P21529	Supplemental grant for site investigation to redevelop for mixed-use	\$47,208	\$77,694
Sykes-WNJ, LLC P22715	Initial 25% matching grant for remedial action activities	\$66,160	\$66,160
2 Grants	Approved in July 2008	\$113,368	


Caren S. Franzini

Prepared by: Lisa Petrizzi, Finance Officer

EDISON INNOVATION FUND

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - EDISON INNOVATION FUND PROGRAM**

APPLICANT: WorldExtend, LLC

P22276

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 200 Federal Street

Camden City (T/UA)

Camden

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban (X) Edison () Core () RFG

APPLICANT BACKGROUND:

Formed in 2005, WorldExtend, LLC ("WorldExtend" or the "Company") is a service provider that has developed software allowing corporations to provide secure remote access of corporate data and applications to its employees. WorldExtend has created a complete software-based remote access platform targeting small and medium sized businesses, education, and government markets.

The Authority's investment will be used as growth capital.

APPROVAL REQUEST:

\$1,000,000 investment from the Edison Innovation Fund.

FINANCING SUMMARY:

LENDER: NJEDA

AMOUNT OF LOAN: \$1,000,000

TERMS OF LOAN: The investment will have a five-year term at a fixed interest rate of 6.00%. This rate will be reduced by 1% if the company locates to an Innovation Zone. During the first 12 months, the loan will not require any principal or interest payments. Interest during this period will accrue and will be capitalized. Interest only payments will then commence for the next three months. The remaining 45 months will require equal principal plus interest payments in amounts adequate to fully repay the investment.

PROJECT COSTS:

Growth Capital	\$1,000,000
Finance Fees	\$5,000
TOTAL COSTS	\$1,005,000

JOBS: At Application 7 Within 3 years 34 Maintained 0 Construction 0

DEVELOPMENT OFFICER: K. Coviello

APPROVAL OFFICER: D. Lawyer

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - CAMDEN ERB GRANT**

APPLICANT: WorldExtend, LLC (Business Lease Incentive)

P23156

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 200 Federal Street

Camden City (T/UA)

Camden

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban (X) Edison () Core () RFG

APPLICANT BACKGROUND:

Formed in 2005, WorldExtend, LLC ("WorldExtend" or the "Company") is a service provider that has developed software allowing corporations to provide secure remote access of corporate data and applications to its employees. WorldExtend has created a complete software-based remote access platform targeting small and medium sized businesses, education and government markets.

APPROVAL REQUEST:

Approval is requested for a \$30,795 Business Lease Incentive Grant as proposed.

FINANCING SUMMARY:

GRANTOR: Economic Recovery Board

AMOUNT OF GRANT\$30,795

TERMS OF GRANT: \$10,265 disbursement in year one.
\$8,212 disbursement in year two.
\$6,159 disbursement in year three.
\$4,106 disbursement in year four.
\$2,053 disbursement in year five.

PROJECT COSTS:

Lease Payments	\$220,698
TOTAL COSTS	\$220,698

JOBS: At Application	Within 2 years	Maintained	Construction
Jobs on Related 22276	<u>7</u>	<u>34</u>	<u>0</u>

DEVELOPMENT OFFICER: M. Parker

APPROVAL OFFICER: D. Lawyer

BUSINESS EMPLOYMENT INCENTIVE PROGRAM

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Locations Unknown	N/A
2. Job Creation	26	1
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	14	0
4. Industry:	Pharmaceuticals	2
	Designated : <u> X </u> Non-Designated : _____	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$1,323,000	1
7. Average Wage:	\$ 126,000	4

TOTAL: **10**

Bonus Increases (up to 80%):

Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan	20%	_____
Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan AND creation of 500 or more jobs	30%	_____
Located in a former Urban Coordinating Council or other distressed municipality as defined by Department of Community Affairs	20%	_____
Located in a brownfield site (defined as the first occupants of the site after issuance of a new no-further action letter)	20%	_____
Located in a center designated by the State Planning Commission, or in a municipality with an endorsed plan	15%	_____
10% or more of the employees of the business receive a qualified transportation fringe of \$ 30.00 or greater.	15%	_____
Located in an area designated by the locality as an "area in need of redevelopment"	10%	_____
Jobs-creating development is linked with housing production or renovation (market or affordable) utilizing at least 25% of total buildable area of the site	10%	_____
Company is within 5 miles of and working cooperatively with a public or non-profit university on research and development	10%	_____

Total Bonus Points:

0 %

Total Score :

Total Score per formula:	10 = 35 %
Construction/Renovation :	5 %
Bonus Increases :	0 %
Total Score (not to exceed 80 %):	40 %

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - BUSINESS EMPLOYMENT INCENTIVE PROGRAM**

APPLICANT: Cecilware Corporation and Affiliates

P23035

PROJECT LOCATION: 1 Lladro Drive

Moonachie Borough (N)

Bergen County

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () RFG

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Cecilware Corporation has been manufacturing foodservice equipment since 1911 and has established itself both nationally and internationally. They engineer and build their equipment using the finest materials with superior quality control standards. After analyzing the marketplace and surveying customer needs, their engineering department designs top quality, leading edge equipment to bring to market each year. Approximately 70% of their revenues are generated from beverage dispensing equipment.

Cecilware Corporation is economically viable, and is considering relocating its business (manufacturing plant, design facility and corporate headquarters).

MATERIAL FACTOR:

The Applicant is seeking a BEIP grant to support creating or bringing 150 positions to New Jersey. Cecilware Corporation has represented that a favorable decision by the Authority to award the BEIP grant is a material factor in the Applicant's decision to relocate to New Jersey and therefore to pick New Jersey over New York or Connecticut. The Authority staff recommends the award of the proposed BEIP grant.

APPROVAL REQUEST:

PERCENTAGE: 50%

TERM: 10 years

The Members of the Authority are asked to approve the proposed BEIP grant and award percentage to encourage Cecilware Corporation and Affiliates to increase employment in New Jersey. The recommended award percentage is based on the company meeting the criteria as set forth on the attached Formula Evaluation and is contingent upon receipt by the Authority of evidence that the company has met said criteria to substantiate the recommended award percentage. If the criteria met by the company differs from that shown on the Formula Evaluation, the award percentage will be raised or lowered to reflect the award percentage that corresponds to the actual criteria that have been met.

TOTAL ESTIMATED GRANT AWARD OVER TERM OF GRANT: \$ 621,375
(not to exceed an average of \$50,000 per new employee over the term of the grant)

NJ EMPLOYMENT AT APPLICATION: 0

ELIGIBLE BEIP JOBS: Year 1 140 Year 2 10 Base Years Total = 150

ANTICIPATED AVERAGE WAGES: \$42,000

ESTIMATED PROJECT COSTS: \$1,119,500

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$1,242,750

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$1,242,750

PROJECT IS: () Expansion (X) Relocation Long Island City, NY

CONSTRUCTION: () Yes (X) No

PROJECT OWNERSHIP HEADQUARTERED IN: New York

APPLICANT OWNERSHIP:(X) Domestic () Foreign

DEVELOPMENT OFFICER: K. Durand

APPROVAL OFFICER: D. Sucsuz

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Moonachie Borough	N/A
2. Job Creation	150	3
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	0	0
4. Industry:	industrial/electrical equipment	0
	Designated : _____ Non-Designated : <u> X </u>	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$1,119,500	1
7. Average Wage:	\$ 42,000	2
TOTAL:		8

Bonus Increases (up to 80%):

Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan	20%	<u>20%</u>
Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan AND creation of 500 or more jobs	30%	_____
Located in a former Urban Coordinating Council or other distressed municipality as defined by Department of Community Affairs	20%	_____
Located in a brownfield site (defined as the first occupants of the site after issuance of a new no-further action letter)	20%	_____
Located in a center designated by the State Planning Commission, or in a municipality with an endorsed plan	15%	_____
10% or more of the employees of the business receive a qualified transportation fringe of \$ 30.00 or greater.	15%	_____
Located in an area designated by the locality as an "area in need of redevelopment"	10%	_____
Jobs-creating development is linked with housing production or renovation (market or affordable) utilizing at least 25% of total buildable area of the site	10%	_____
Company is within 5 miles of and working cooperatively with a public or non-profit university on research and development	10%	_____

Total Bonus Points:

20 %

Total Score :

Total Score per formula:	8 = 30 %
Construction/Renovation :	0 %
Bonus Increases :	20 %
Total Score (not to exceed 80 %):	50 %

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - BUSINESS EMPLOYMENT INCENTIVE PROGRAM**

APPLICANT: Integrated Packaging Corporation and Affiliates

P22908

PROJECT LOCATION: 14A Van Dyke Avenue

New Brunswick City (T/UA) Middlesex County

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () RFG

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Founded in 1992 as a distributor of corrugated boxes, Integrated Packaging Corporation has been manufacturing corrugated boxes since 1995. With plants and facilities in New Jersey, Louisiana and Michigan, Integrated Packaging Corporation is the nation's pre-eminent minority-owned corrugated packaging manufacturer. They excel in making and supplying certifiable quality boxes. About 44% of the Company is owned by its employees through an employee stock ownership plan (ESOP).

Integrated Packaging Corporation is economically viable, and is expanding by adding a new corrugated box manufacturing plant.

MATERIAL FACTOR:

The Applicant is seeking a BEIP grant to support creating 40 new positions in New Jersey. England Economic & Industrial Development District has offered incentives to establish the new manufacturing facility in the Alexandria, LA area, where the company has one of its plants. Integrated Packaging Corporation has represented that a favorable decision by the Authority to award the BEIP grant is a material factor in the Applicant's decision to expand in New Jersey and therefore to pick New Jersey over Louisiana. The Authority staff recommends the award of the proposed BEIP grant.

APPROVAL REQUEST:

PERCENTAGE: 80%

TERM: 10 years

The Members of the Authority are asked to approve the proposed BEIP grant and award percentage to encourage Integrated Packaging Corporation and Affiliates to increase employment in New Jersey. The recommended award percentage is based on the company meeting the criteria as set forth on the attached Formula Evaluation and is contingent upon receipt by the Authority of evidence that the company has met said criteria to substantiate the recommended award percentage. If the criteria met by the company differs from that shown on the Formula Evaluation, the award percentage will be raised or lowered to reflect the award percentage that corresponds to the actual criteria that have been met.

TOTAL ESTIMATED GRANT AWARD OVER TERM OF GRANT: \$ 304,000

(not to exceed an average of \$50,000 per new employee over the term of the grant)

NJ EMPLOYMENT AT APPLICATION: 109

ELIGIBLE BEIP JOBS: Year 1 20 Year 2 20 Base Years Total = 40

ANTICIPATED AVERAGE WAGES: \$45,000

ESTIMATED PROJECT COSTS: \$6,532,500

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$380,000

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$266,000

PROJECT IS: (X) Expansion () Relocation

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: New Jersey

APPLICANT OWNERSHIP: (X) Domestic () Foreign

DEVELOPMENT OFFICER: K. Durand

APPROVAL OFFICER: D. Sucsuz

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	New Brunswick City	N/A
2. Job Creation	40	1
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	0	0
4. Industry:	paper/wood	0
	Designated : _____ Non-Designated : <u> X </u>	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$6,532,500	2
7. Average Wage:	\$ 45,000	2

TOTAL: 7

Bonus Increases (up to 80%):

Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan	20%	<u>20%</u>
Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan AND creation of 500 or more jobs	30%	_____
Located in a former Urban Coordinating Council or other distressed municipality as defined by Department of Community Affairs	20%	<u>20%</u>
Located in a brownfield site (defined as the first occupants of the site after issuance of a new no-further action letter)	20%	_____
Located in a center designated by the State Planning Commission, or in a municipality with an endorsed plan	15%	<u>15%</u>
10% or more of the employees of the business receive a qualified transportation fringe of \$ 30.00 or greater.	15%	_____
Located in an area designated by the locality as an "area in need of redevelopment"	10%	_____
Jobs-creating development is linked with housing production or renovation (market or affordable) utilizing at least 25% of total buildable area of the site	10%	_____
Company is within 5 miles of and working cooperatively with a public or non-profit university on research and development	10%	_____
Innovation Zone	5%	<u>5%</u>
Total Bonus Points:		60 %

Total Score :

Total Score per formula:	7 = 25 %
Construction/Renovation :	5 %
Bonus Increases :	60 %
Total Score (not to exceed 80 %):	80 %

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - BUSINESS EMPLOYMENT INCENTIVE PROGRAM**

APPLICANT: NUCRYST Pharmaceuticals Inc.

P22635

PROJECT LOCATION: To be determined

Locations Unknown (N)

Unknown County

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban (X) Edison () Core () RFG

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

NUCRYST Pharmaceuticals Inc. is a wholly owned subsidiary of NUCRYST Pharmaceuticals Corp., a Canadian company which develops, manufactures and commercializes medical products that fight infection and inflammation based on its patented atomically disordered nanocrystalline silver technology. NUCRYST Pharmaceuticals has commercial and clinical success developing and manufacturing Acticoat™ dressings with SILCRYST™ nanocrystals for Smith & Nephew plc, a wound care company. These products are used by hospitals, clinics, burn centers, doctors offices, home healthcare agencies and nursing homes around the world to combat infection in a wide variety of wounds, including life-threatening burns and chronic wounds. The Company is economically viable.

MATERIAL FACTOR:

NUCRYST Pharmaceuticals Inc. is seeking a BEIP grant to support relocating its US headquarters from Massachusetts to New Jersey. The alternative is to relocate to Pennsylvania. A favorable decision by the Authority to award the BEIP grant is a material factor in the applicant's decision to expand in New Jersey.

APPROVAL REQUEST:

PERCENTAGE: 35%

TERM: 10 years

The Members of the Authority are asked to approve the proposed BEIP grant and award percentage to encourage NUCRYST Pharmaceuticals Inc. to increase employment in New Jersey. The recommended award percentage is based on the company meeting the criteria as set forth on the attached Formula Evaluation and is contingent upon receipt by the Authority of evidence that the company has met said criteria to substantiate the recommended award percentage. If the criteria met by the company differs from that shown on the Formula Evaluation, the award percentage will be raised or lowered to reflect the award percentage that corresponds to the actual criteria that have been met.

TOTAL ESTIMATED GRANT AWARD OVER TERM OF GRANT: \$ 543,900
(not to exceed an average of \$50,000 per new employee over the term of the grant)

NJ EMPLOYMENT AT APPLICATION: 0

ELIGIBLE BEIP JOBS: Year 1 10 Year 2 15 Base Years Total = 25

ANTICIPATED AVERAGE WAGES: \$159,000

ESTIMATED PROJECT COSTS: \$90,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$1,554,000

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$1,787,100

PROJECT IS: () Expansion (X) Relocation Wakefield MA

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: Massachusetts

APPLICANT OWNERSHIP: () Domestic (X) Foreign Canada

DEVELOPMENT OFFICER: K. Hashmi

APPROVAL OFFICER: T. Wells

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Locations Unknown	N/A
2. Job Creation	25	1
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	0	0
4. Industry:	Pharmaceuticals	2
	Designated : <u> X </u> Non-Designated : _____	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$90,000	0
7. Average Wage:	\$ 159,000	4
TOTAL:		9

Bonus Increases (up to 80%):

Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan	20%	_____
Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan AND creation of 500 or more jobs	30%	_____
Located in a former Urban Coordinating Council or other distressed municipality as defined by Department of Community Affairs	20%	_____
Located in a brownfield site (defined as the first occupants of the site after issuance of a new no-further action letter)	20%	_____
Located in a center designated by the State Planning Commission, or in a municipality with an endorsed plan	15%	_____
10% or more of the employees of the business receive a qualified transportation fringe of \$ 30.00 or greater.	15%	_____
Located in an area designated by the locality as an "area in need of redevelopment"	10%	_____
Jobs-creating development is linked with housing production or renovation (market or affordable) utilizing at least 25% of total buildable area of the site	10%	_____
Company is within 5 miles of and working cooperatively with a public or non-profit university on research and development	10%	_____

Total Bonus Points: 0 %

Total Score :

Total Score per formula: 9 = 30 %

Construction/Renovation : 5 %

Bonus Increases : 0 %

Total Score (not to exceed 80 %): 35 %

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - BUSINESS EMPLOYMENT INCENTIVE PROGRAM**

APPLICANT: Soft Tissue Regeneration, LLC

P23070

PROJECT LOCATION: 211 Warren Street

Newark City (T/UA)

Essex County

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban (X) Edison () Core () RFG

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Soft Tissue Regeneration, LLC is a Virginia-based development stage biomedical device technology company. The company was founded in January 2008 and is the exclusive licensee of a patented/proprietary synthetic scaffold biotechnology device that uses an existing FDA approved degradable polymer fiber, called polyL-lactide ("PPLA"), to accelerate soft tissue regeneration in the surgical reconstruction of the anterior cruciate ligament (the "ACL") of the knee. The core of this breakthrough biotechnology was initially developed at Drexel University, and has been preliminarily tested by the company founder, Dr. Cato T. Laurencin, an orthopedic surgeon, and his associates.

Soft Tissue Regeneration, LLC has licensed or is about to license other complimentary patents or technologies to assist in the manufacturing of this synthetic scaffold biotechnology device or matrix, called the Laurencin-Cooper Ligament™ or the L-C Ligament™, from Drexel University, where Dr. Laurencin used to work, and a company in North Carolina. Dr. Cato T. Laurencin, who has been a distinguished medical professor at the University of Virginia, has just been appointed to a medical school deanship in Connecticut. The company's initial market focus is expected to be the European Union, then in the United States, followed by the Canadian, Japanese and Australian markets. A Philadelphia-based venture capital firm has just issued a term sheet for a \$3.5 million Series A Round capital financing.

Based on projections and aforementioned capital injection, this early stage development company is economically viable, and is considering a relocation for a faster product and market development and to be closer to its partners and scientists. The Enterprise Development Center at the New Jersey Institute of Technology is one of the sites being considered.

MATERIAL FACTOR:

The Applicant is seeking a BEIP grant to support creating 17 positions in New Jersey. Soft Tissue Regeneration, LLC has represented that a favorable decision by the Authority to award the BEIP grant is a material factor in the Applicant's decision to relocate to New Jersey and therefore to pick New Jersey over Pennsylvania or Connecticut. The Authority staff recommends the award of the proposed BEIP grant.

APPROVAL REQUEST:

PERCENTAGE: 80%
TERM: 10 years

The Members of the Authority are asked to approve the proposed BEIP grant and award percentage to encourage Soft Tissue Regeneration, LLC to increase employment in New Jersey. The recommended award percentage is based on the company meeting the criteria as set forth on the attached Formula Evaluation and is contingent upon receipt by the Authority of evidence that the company has met said criteria to substantiate the recommended award percentage. If the criteria met by the company differs from that shown on the Formula Evaluation, the award percentage will be raised or lowered to reflect the award percentage that corresponds to the actual criteria that have been met.

TOTAL ESTIMATED GRANT AWARD OVER TERM OF GRANT: \$ 415,599
(not to exceed an average of \$50,000 per new employee over the term of the grant)

NJ EMPLOYMENT AT APPLICATION: 0

ELIGIBLE BEIP JOBS: Year 1 3 Year 2 14 Base Years Total = 17

ANTICIPATED AVERAGE WAGES: \$87,647

ESTIMATED PROJECT COSTS: \$90,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$519,499

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$363,650

PROJECT IS: () Expansion (X) Relocation Charlottesville, Virginia

CONSTRUCTION: () Yes (X) No

PROJECT OWNERSHIP HEADQUARTERED IN: Virginia

APPLICANT OWNERSHIP:(X) Domestic () Foreign

DEVELOPMENT OFFICER: S. Royster **APPROVAL OFFICER:** D. Sucsuz

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Newark City	N/A
2. Job Creation	17	1
	Targeted : <input checked="" type="checkbox"/> Non-Targeted : _____	
3. Job at Risk:	0	0
4. Industry:	Medical device technology	2
	Designated : <input checked="" type="checkbox"/> Non-Designated : _____	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$90,000	0
7. Average Wage:	\$ 87,647	4

TOTAL: 9

Bonus Increases (up to 80%):

Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan	20%	<u>20%</u>
Located in Planning Area 1 or 2 of the State's Development and Redevelopment Plan AND creation of 500 or more jobs	30%	_____
Located in a former Urban Coordinating Council or other distressed municipality as defined by Department of Community Affairs	20%	<u>20%</u>
Located in a brownfield site (defined as the first occupants of the site after issuance of a new no-further action letter)	20%	_____
Located in a center designated by the State Planning Commission, or in a municipality with an endorsed plan	15%	<u>15%</u>
10% or more of the employees of the business receive a qualified transportation fringe of \$ 30.00 or greater.	15%	_____
Located in an area designated by the locality as an "area in need of redevelopment"	10%	_____
Jobs-creating development is linked with housing production or renovation (market or affordable) utilizing at least 25% of total buildable area of the site	10%	_____
Company is within 5 miles of and working cooperatively with a public or non-profit university on research and development	10%	_____
Designated industry business, creating jobs within an Innovation Zone	30%	<u>30%</u>

Total Bonus Points:

85 %

Total Score :

Total Score per formula: 9 = 30 %

Construction/Renovation : 0 %

Bonus Increases : 85 %

Total Score (not to exceed 80 %): 80 %

BOARD MEMORANDUMS



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Investment Guidelines Amendment

DATE: August 12, 2008

Summary

The Members are requested to approve the attached Technology Venture Fund and Urban Development Fund Investment Guidelines. The amendments are being made to expand and better define the guidelines to investments in urban development funds. The guidelines for technology venture fund investments contain one minor change.

Background

In 2006 and 2007, the Authority approved Venture Fund Allocation/Investment Guidelines that outlined the criteria that would be used when making investments in technology venture funds and community development funds. The Authority seeks to expand and better define the guidelines to reflect the investing practices in urban development.

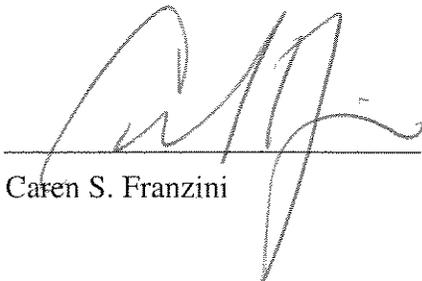
To create a clearer document, we are recommending the technology-oriented guidelines be separated from the community development guidelines and references to community development have been changed to urban development. The urban development guidelines also have been altered to better reflect the urban market for real estate development investing and the norms in that field. Typically, technology fund investments are made in businesses as opposed to urban investing which is oriented to real estate investment. Additionally, in the field of urban investing, fund managers often act as project developers.

Also, given the broader geographic focus of most funds, the track record requirement that ¼ of previous investments must be in New Jersey projects has been removed. The commitment to invest ¼ of a fund's future portfolio in New Jersey projects remains in the guidelines. In addition, cosmetic changes such as title and heading changes also have been made.

The technology venture fund investment guidelines include one minor change to allow investment in funds that do not have a track record of investing $\frac{1}{4}$ of their portfolio in New Jersey based companies. This change is made to encourage interest from funds in emerging fields such as clean technology. However, a fund without sufficient New Jersey track record will be required to open an office in New Jersey with a full-time partner level employee managing the office for the life of the fund.

Recommendation

In summary, the Members are requested to approve the attached Technology Venture Fund and Urban Development Fund Investment Guidelines.



Caren S. Franzini

Attachment

Prepared by: Gina Behnfeldt

New Jersey Economic Development Authority

Technology Venture Fund and Urban Development Fund Investment Guidelines

I. Technology Venture Funds

A. Mission

The mission is to complement EDA's investment in technology businesses by providing guidelines for the allocation of funds to technology venture funds.

B. Objectives

- Facilitate the success of ~~emerging technology~~ companies developing emerging technology
- Maintain a consistent, comprehensive investment approach
- Leverage EDA resources (financial and human)
- Hedge against risk
- Earn a reasonable rate of return

C. Strategy

- **Stage** - Investments will focus on early stage investment funds, to include funds that invest in companies with less than \$3 million in annual revenues. In general, there is more equity available to fund companies who have a proven revenue track record; traditionally, \$3 million is the minimum threshold for equity investments.
- **Industry Focus** - The industry of selected candidates should ~~primarily be~~ technology such as, but not limited to, telecommunications, information technology, micro-electronics, clean energy and/or life sciences. This aligns with the Governor's Economic Growth Strategy.
- **Return** - The return on investment will be measured by both financial return and the growth of jobs, in targeted sectors. Since the approximate rate of return for current Authority direct investments is 4 - 5%, any proposed investments should yield a minimum multiple of 2x the "in house" return, or 8 - 10%. Funds also must be able to measure the creation of jobs in companies it finances.
- **Leveraging** - The track record of the fund under consideration, should demonstrate the managers' ability to leverage EDA's investment with other investment dollars. A minimum leverage factor should be 2:1 for an early stage investment portfolio.

- **Track Record** - Although consideration may be given to a first time fund, the partners in the fund should have an established “track record,” with performance and investment criteria that align with these guidelines.
- **Management** - Any fund under consideration should be managed by a team (management and partners) who have both operating and financial experience. In addition, all ~~technology/life sciences~~ investments should include senior partners, who have a personal investment in the fund.
- **Partnering** - The fund management should be willing to serve as a strategic partner to the Authority. This would be demonstrated by the active promotion of all related EDA initiatives. Fund management would be expected to be available, as needed, for due diligence assistance under the Authority technology initiative. Additionally, the partners should be considered leaders in the New Jersey community and serve as supporters of the membership lead groups that support these industry sectors.
- **Location/New Jersey Focus** - There will be a strong preference for the fund to have a physical presence in New Jersey. Depending on the amount of the investment, relative to the size of the fund, that presence can range from a satellite office, to the commitment of a full time partner in the New Jersey region. Any fund under consideration should have a history of at least 1/4 of their investment portfolio in the State and a commitment to maintain that or a higher level of funding to New Jersey based companies. In the event they do not have a New Jersey track record, they will be required to commit to opening an office in New Jersey with a full-time partner level employee managing the office. New Jersey based companies will include companies with their headquarters and a minimum of 75% of their employees in the State. Higher concentration of New Jersey based portfolio companies could warrant a higher level of EDA investment.

II. Urban Development Funds

A. Mission

The mission is to complement EDA’s investment in ~~community development~~ urban areas by providing guidelines for the allocation of funds to ~~community venture~~ urban investment funds.

B. Objectives

- Facilitate the success of community based real estate projects and small, women-owned and minority-owned companies in urban areas
- Invest in projects that are consistent with the New Jersey State Development and Redevelopment Plan

- Maintain a consistent, comprehensive investment approach
- Leverage EDA resources (financial and human)
- Hedge against risk
- Earn a reasonable rate of return

C. Strategy

- ~~Stage~~— Investments will focus on early stage investment funds, to include funds which invest in companies with less than \$3 million in annual revenues. In general, there is more equity available to fund companies who have a proven revenue track record; traditionally, \$3 million is the minimum threshold for equity investments.
- ~~Industry Focus~~— the industry of selected candidates should primarily be technology and/or life sciences or community development. This aligns with the Governor's Economic Growth Strategy.
- ~~Projects~~ - Investments will focus on real estate projects in urban areas including office, retail, mixed use, industrial, hospitality and other commercial properties. Owners and tenants will range over a variety of industry types. Construction-related and service contracts will assist small, women-owned and minority-owned businesses. Tenants in development projects also may include small, women-owned and minority-owned businesses.
- **Return** - The return on investment will be measured by both financial return and the growth of jobs. Since the approximate rate of return for current Authority direct investments is 4–5%, any proposed investments should yield a minimum multiple of 2x the “in house” return, or 8–10%. Proposed investments should yield an 8 - 10% return. Funds also must be able to measure the creation of jobs in projects it finances.
- **Leveraging** - The track record of the fund under consideration, should demonstrate the managers' ability to leverage EDA's investment with other investment dollars. A minimum leverage factor should be 2:1.
- **Track Record** - Although consideration may be given to a first time fund, the partners in the fund should have an established “track record,” with performance and investment criteria that align with these guidelines.
- **Management** - Any fund under consideration should be managed by a team (management and partners) who have both operating and financial experience. In addition, the fund should provide investment capital along with other investors.
- **Partnering** - The fund management should be willing to serve as a strategic partner to the Authority. This would be demonstrated by the active promotion of all related EDA initiatives. ~~Fund management would be expected to be available, as needed, for due diligence assistance under the Authority urban development initiative.~~

- **Location/New Jersey Focus** - There will be a strong preference for the fund to have a physical presence in New Jersey. Depending on the amount of the investment, relative to the size of the fund, that presence can range from a satellite office, to the commitment of a full time partner in the New Jersey region. Any fund under consideration should have a history of at least 1/3 of their investment portfolio be within the State and a commitment to maintaining that a 1/4 or a higher level of funding to projects in New Jersey-based companies. ~~New Jersey-based companies will include companies with their headquarters and a minimum of 75% of their employees in the state.~~ Higher concentration of New Jersey projects could warrant a higher level of EDA investment.



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Pivotal Utility Holdings, Inc.
Application P8623
Various, Various Counties

BACKGROUND

In 1996, Authority assistance enabled Pivotal Utility Holdings, Inc. (formerly NUI Corporation) to close on a tax-exempt bond issue in the amount of \$39,000,000 to upgrade its natural gas distribution facilities in Union, Middlesex and Sussex counties through the purchase and installation of pipelines, meters, regulators and other related equipment. The 1996 Bonds were underwritten by Morgan Stanley & Co. for a term of 30 years, initially in daily interest rate mode, with an initial interest rate not to exceed 6%, and enhanced by a bond insurance policy issued by Ambac Assurance Corp ("Ambac") with standby liquidity facility provided by the Bank of New York. The project is in compliance.

In May 2008, the Board approved amending bond resolutions for Pivotal Utilities on bond issuances from 2005 and 2007 in order for Pivotal Utility to remarket the Bonds after the collapse of the auction rate securities market. The amendment provided for additional credit enhancement in the form of a direct-pay letter of credit issued by Wells Fargo Bank. With the addition of the direct-pay letters of credit, the 2005 Bonds were successfully remarketed at a weekly variable rate by Wachovia Securities and the 2007 Bonds were remarketed by SunTrust Capital Markets.

As a result of the successful conversion of the 2005 and 2007 Bonds to a weekly variable rate, secured by a letter of credit, Pivotal Utility now wishes to provide for a direct pay letter of credit on the 1996 Bonds and terminate the stand-by bond purchase agreement with the Bank of America, resulting in all of Pivotal Utility's outstanding Bonds with a similar financing structure.

MODIFICATION REQUEST

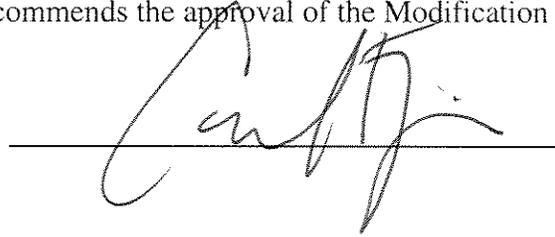
Pivotal Utility requests Board approval to amend the Indenture of Trust to provide for additional credit enhancement for the 1996 Bonds in the form of a direct-pay letter of credit to be issued by Bank of America. With the addition of the letter of credit, the 1996 Bonds will be remarketed at a variable interest rate, initially in the daily mode, by the Banc of America Securities LLC, as the remarketing agent. The

Bank of New York Mellon will also be appointed the successor trustee and paying agent, replacing US Bank, N.A in that capacity.

Ambac has consented to the Modification Request. Bond counsel, McCarter & English, has reviewed the Modification Request.

RECOMMENDATION

As the Modification Request allows the Borrower to remarket the 1996 Bonds with a direct-pay letter of credit, similar to the other series of Bonds, staff recommends the approval of the Modification Request.

A handwritten signature in black ink, appearing to read "Teresa Wells", is written over a solid horizontal line.

Prepared By: Teresa Wells



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: MEPT Journal Square Urban Renewal, LLC
P19569
Journal Square
Jersey City, Hudson County, New Jersey

Modification Request:

On May 13, 2008, the Members of the Board approved a \$15,522,500 loan utilizing New Markets Tax Credits (NMTC) from NJCDE-3 to MEPT Journal Square Urban Renewal, LLC (“MEPT” or the “Company”). In order to comply with the federal mandated timeframes that govern funding NMTC projects, modification to the original approval is required. This request is to modify the Authority’s NMTC loan approval to remove the three closing requirements; a] satisfactory review of the commitment for project sources of funds, namely NewTower, Environmental Infrastructure Trust and PILOT with Jersey City, b] agreement with Merritt Harris regarding escrow and disbursement arrangement for our NMTC loan funds and c] review and receipt of final project budget and construction contracts. Approval is also requested to allow for a change to the project scope, in the event the project as originally approved is deemed not viable.

Background:

MEPT is a recently formed single purpose entity, which will serve as the borrower for a new project in Jersey City. MEPT is owned by three entities; New Tower Trust Company Multi-Employer Property Trust (NewTower) with a 65.625% interest, Journal Square Development Urban Renewal, LLC (JSDUR) with a 21.875% interest and Becker Development, LLC (Becker) with a 12.5% interest. NewTower, JSDUR and Becker collectively are referred to as the development team.

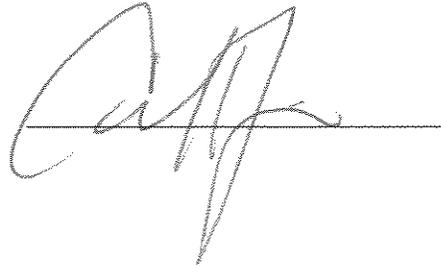
The project entails a 1.5-acre site (adjacent to the PATH station at Journal Square in Jersey City) consisting of new construction over two phases resulting in a parking garage with 783 spaces (available to the public), 156,196 gross square feet of retail and 1,503 units of rental apartments. Phase one will include a five-story parking, two-story retail and sixty-story residential tower (total project costs of \$500 million). Note that the NJEDA NMTC assistance is specifically dedicated for the parking and retail portion of Phase one (project costs of approximately \$107 million) and a specific condominium unit has been formed for this purpose. Phase two will consist of a forty-story residential tower, which will be on top of the retail and parking podium and next to the first residential tower (and will be subject to the economic environment upon completion of Phase one in approximately 18 months).

While the development team continues to forge ahead with the project with the support of Jersey City, the negotiation of the PILOT with the city and the construction contract have taken longer than expected. As a result, it has impacted our ability to close this loan by September 28, 2008 (which was determined by the loan pool closing with our investor, US Bank) so as to avoid significant penalties. Based on the progress on our originally stipulated closing conditions at this juncture, we are confident that ultimately these will be delivered within the next 90 days and hence we seek to proceed to close now as the risk is deemed to be essentially similar as the economic merits and strengths of the project remain sound. After closing if the developer does not proceed with a qualified project, they are obligated to the NJCDE-3 to not only repay this NMTC loan but will be responsible for any financial impact associated with the recapture.

Recommendation:

Approval of the modification is recommended, as the project continues to progress well and the proposed changes do not materially alter the credit risk to the Authority and serve to meet the timing requirements for our NMTC loan pool closing as imposed by our investor.

Prepared by: Michael A. Conte, Senior Credit Underwriter

A handwritten signature in black ink, appearing to read 'M. Conte', is written over a horizontal line. The signature is stylized and cursive.



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Agilence Inc.
\$1,000,000 Edison Innovation Investment with warrants
200 Federal Street
Camden, New Jersey

Modification Request:

Consent to a bridge loan of up to \$400,000 from Next Stage Capital (“NSC”) to be pari passu in collateral with the EDA. The bridge loan will fund the company until it closes a \$4 million equity raise in late August.

Background:

Agilence is a software company that delivers event based video analytics to the retail, transportation, and gaming markets through a series of products marketed as the eVision Office Suite.

In June 2007, the EDA approved a \$1,000,000 convertible subordinated loan with warrants to assist Agilence with working capital and key employee hires. The investment closed August 14, 2007 and is fully disbursed against milestones. NSC was the original investor with equity and subordinated convertible loans funded to date.

On May 13, 2008, the Members approved a request to subordinate our investment to a \$350,000 loan by Vencore Capital, which was intended to bridge Agilence to an equity round projected for July. The planned Series-B round was delayed as the company negotiated with four venture firms.

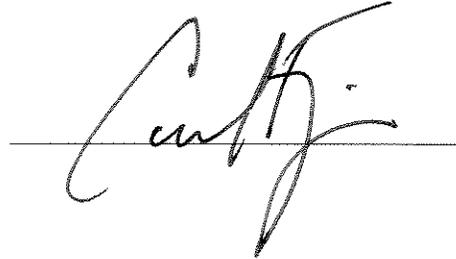
In late July, Agilence accepted a term sheet from Granite Ventures to lead a \$4,000,000 Series-B round which management expects to close in late August. NSC will participate in the round by converting its loans to equity.

NSC has agreed to provide a \$200,000 demand loan at 8% interest; convertible upon closing of the Series-B round, provided it is pari passu with the EDA in collateral. This loan should provide adequate funding to Agilence through August. However, if the equity round were delayed, Agilence would require additional bridge funding. This approval will permit Staff to consent up to \$400,000 in total bridge funding in the event the Series-B round is further delayed.

The risk in permitting NSC to have a parity position in the collateral is a reduction in recovery from the sale of assets; however, the value of our collateral is uncertain. EDA has a second lien on all corporate assets, behind a \$350,000 lien held by Vencore, and a springing lien on intellectual property shared with Vencore. By declining the company's request, NSC may refuse to provide the bridge loan resulting in Agilence's ceasing operations and possible loss of EDA's investment and warrants.

Recommendation:

Approval of the modification is recommended as the NSC financing provides needed support to an early stage technology company with 14 employees in the urban aid city of Camden. EDA's support increases the likelihood that that the company will become successful and EDA's warrants will increase in value.

A handwritten signature in black ink, appearing to be 'C. Anderson', is written over a horizontal line.

Prepared by: Glenn Anderson



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: AT&T Corp.
200 Laurel Avenue, Middletown, New Jersey
BEIP Grant - P9731

Modification Request:

AT&T Corp. is requesting approval of:

1. The acquisition of AT&T Corp. by SBC Communications, Inc. resulting in a subsequent name change to AT&T Inc.
2. The addition of the following entities to the AT&T Corp. BEIP grant:
 - AT&T Enterprise Services, Inc.
 - AT&T Support Services Company, Inc.
 - AT&T Technical Services, Inc. (name changed on 4/17/2006 from AT&T Interim Technical Services, Inc.).
 - AT&T Services, Inc.
 - AT&T Operations, Inc.
 - AT&T Labs, Inc.

Background

AT&T Corp., a premier services communications company in the United States and worldwide, operates globally under the AT&T brand. AT&T is recognized as the leading worldwide provider of IP-based communications services to businesses and the leading U.S. provider of wireless, high speed Internet access, local and long distance voice, and directory publishing and advertising services.

In September 1997, the EDA provided an 80% BEIP Grant for a term of 10 years with a New Employment Commitment ("NEC") of 1,500. The Minimum Eligibility Threshold of 75 was reached in November 1998. To date, a total of \$2.98 million (through grant year 2005) has been disbursed under the grant. As of December 31, 2006, a total of 330 eligible positions have been created. This grant matures in November 2008.

On March 13, 2001, a modification was approved reducing the New Employment Commitment from 1,500 to 305. The grant award percentage was reduced to 60%. This reduction in the employment levels were a result of the following major changes within AT&T:

1. In 1998 AT&T offered an early retirement package that was met with a greater level of retirements than expected.
2. New jobs were being created at AT&T, however there was an increased use of full-time contract employees in addition to the hiring of new employees.

On May 12, 2005, after review by the Division of Taxation of AT&T Corp.'s report, a modification was approved further reducing the New Employment Commitment to 185 with a grant award percentage of 60%.

In 2005, SBC Communications Inc. acquired AT&T Corp. and created the new AT&T Inc., which became the new parent company. SBC later dissolved into the several AT&T Companies that resulted with the reorganization.

AT&T Corp. remains as one of the AT&T companies however many of the employees of AT&T Corp. were reassigned to other AT&T entities during the reorganization. These employees did not change the jobs they were doing or the location of where they worked; rather they were assigned to a new payroll entity based upon the work that they do. As a result of this reorganization, AT&T Corp. is requesting the addition of the six (6) entities listed above.

The acquisition and addition of the six (6) entities to the grant is being addressed now in conjunction with processing the company's 2006 annual report. This change will not have any effect on the grant award percentage or the New Employment Commitment.

Recommendation:

The following is recommended for approval: (i) acquisition of AT&T Corp. by SBC Communications resulting in a subsequent name change to AT&T Inc.; and (ii) addition of AT&T Enterprise Services, Inc., AT&T Support Services Company, Inc., AT&T Technical Services, Inc. (name changed on 4/17/2006 from AT&T Interim Technical Services, Inc.), AT&T Services, Inc., AT&T Operations, Inc. and AT&T Labs, Inc. to the BEIP grant.

Prepared by: Karen Gallagher





MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Daiichi Pharmaceutical Corporation/Daiichi Medical Research, Inc.
3 Giralda Farms, Madison Boro
\$1,330,304.00 BEIP Grant

Modification Request:

The Authority's approval is requested for the following:

- I. Merger of Daiichi Pharmaceutical Corporation ("DPC")/Daiichi Medical Research, Inc. ("DMR") with Sankyo Pharma, Inc.
- II. Resulting name change from Daiichi Pharmaceutical Corporation/Daiichi Medical Research, Inc. to Daiichi Sankyo, Inc.
- III. Resulting location change from 3 Giralda Farms, Madison Boro to Two Hilton Court, Parsippany.

Background:

Daiichi Pharmaceutical Corporation and Daiichi Medical Research, Inc. are wholly owned subsidiaries of Tokyo, Japan based Daiichi Pharmaceutical Co., Ltd ("Daiichi Japan").

In September 2004, the EDA approved an 80% BEIP Grant for a term of 10 years to support the company's consolidation of its 2 existing New Jersey locations into a new headquarters, and the creation of 76 additional jobs. No disbursements have been made to date.

The award percentage was adjusted to 65% prior to execution of the Grant Agreement, as the company did not satisfy the Bonus Increase scoring criteria requirements (not located within ½ mile of rail station/bus hub).

Current Action:

During review of the Grantee's 2006 BEIP Annual Progress Report (submitted in 2007), staff was required to also review an application requesting approval for a merger/name change/location change that took place in 2006. That application indicated that the merged entities had pending legal issues that needed to be further examined before the request could move forward. Staff, in consultation with the Attorney General's Office, has determined these legal issues do not meet the grounds for possible disqualification, and therefore are not detailed herein.

The company has indicated that the merger will not create additional job growth and has requested that the New Employment Commitment (NEC) remain at 76, as was originally approved by the Members.

I. & II. Merger and Name Change

In 2005, Daiichi Sankyo Company Limited was established as joint holding by Sankyo Co., Ltd. ("Sankyo Japan") and Daiichi Pharmaceutical Co., Ltd. As a result, Daiichi Japan's U.S. subsidiaries, Daiichi Pharmaceutical Corporation and Daiichi Medical Research, Inc., were merged with Sankyo Japan's U.S. subsidiary, Sankyo Pharma Inc., resulting in the formation of Daiichi Sankyo, Inc. on April 1, 2006.

III. Location Change

As a result of the merger detailed in I. above, the company did not built the anticipated headquarters in Madison Boro, NJ. Capital improvements were made to Sankyo Pharma's Parsippany location and the Grantee's New Jersey employees were relocated to that site. Evaluation of the new location resulted in no change to the award percentage.

Recommendation:

The Members of the Authority are asked to approve the following:

- I. Merger of Daiichi Pharmaceutical Corporation ("DPC")/Daiichi Medical Research, Inc. ("DMR") with Sankyo Pharma, Inc.
- II. Name change from Daiichi Pharmaceutical Corporation/Daiichi Medical Research, Inc. to Daiichi Sankyo, Inc.
- III. Location change from 3 Giralda Farms, Madison Boro to Two Hilton Court, Parsippany.

Prepared by: Mary Correia





MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini, Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Morgan Stanley & Co./Morgan Stanley Dean Witter Trust/Morgan Stanley Services, Inc./Morgan Stanley Investment Advisors, Inc./Morgan Stanley DW, Inc./Morgan Stanley Management Services II, Inc. (Harborside Plaza II Grant) Jersey City, Hudson County, New Jersey
BEIP Grant - P11321

Modification Request:

Morgan Stanley & Co./Morgan Stanley Dean Witter Trust/Morgan Stanley Services, Inc./Morgan Stanley Investment Advisors, Inc./Morgan Stanley DW, Inc./Morgan Stanley Management Services II, Inc. ("Morgan Stanley") is requesting approval of:

- I. Change of Name from Morgan Stanley Dean Witter Trust to Morgan Stanley Trust.
- II. The addition of the following entities to the Morgan Stanley & Co. Grant Agreement:
 - *Van Kampen Funds Inc.
 - *Morgan Stanley Investment Management Inc.
 - *Morgan Stanley Trust National Association (Morgan Stanley Trust N.A.)
- III. Continuation of the BEIP grant without disqualification.

Background:

Morgan Stanley & Co. offers a wide range of financial and securities services on a global basis and provides credit and transaction services nationally.

In January 2000, the EDA provided a 70% BEIP Grant for a term of 10 years with a New Employment Commitment ("NEC") of 288. The Minimum Eligibility Threshold of 25 was reached in July 2000. To date, a total of \$634,711 (through grant year 2003) has been disbursed under the grant. Certification of grant years 2004 through 2007 in the approximate amount of

\$6.3 million are pending the approval of this modification request. Current employment as of December 2007 was 883.

The original BEIP application was submitted under the names Morgan Stanley & Co. and Morgan Stanley Dean Witter Trust. Over the years, additional entities have since been added to the grant as employees permanently relocated from their New York and other out-of-state locations to the project site located at Harborside II in Jersey City, New Jersey.

I. Name Change:

The grantee has requested a name change from Morgan Stanley Dean Witter Trust to Morgan Stanley Trust. Staff has reviewed said request and has determined that the name change is ministerial in nature and will not affect job growth.

II. Additional Entities:

After reviewing the 2004 annual progress report, it became evident that employees from the three additional related entities had relocated to the project site at Harborside II in Jersey City, New Jersey. As Morgan Stanley meant to but did not include these entities on their initial application, they are now requesting that the following entities be added to their current BEIP grant as additional grantees:

- Van Kampen Funds Inc.
- Morgan Stanley Investment Management Inc.
- Morgan Stanley Trust National Association (Morgan Stanley Trust N.A.)

The above entities are affiliates of Morgan Stanley & Co. and Morgan Stanley Management Services Inc. and are being added to the grant as a result of all three entities relocating employees from their New York and other out-of-state locations to the project site at Harborside II in Jersey City, New Jersey. The addition of these three entities has resulted in an approximate increase of 69 eligible employees in aggregate at the project site from calendar year 2004 through 2007.

The Board has approved policy recommendations regarding the implementation of the 20% cap to pre-cap BEIP companies; however, the 20% cap is not being applied to this modification request because the regulations setting forth that the 20% cap shall apply to the addition of entities other than mergers and consolidations have not yet been adopted.

III. Analysis of Litigation as Grounds for Disqualification:

As part of the Addition/Change of Name application submission, the company disclosed that Morgan Stanley and some of its subsidiaries have been involved in certain legal proceedings detailed below for which the Members could seek to disqualify the company from the BEIP Program. Numerous discussions between company representatives, Staff at the Authority, and the Attorney General's Office have taken place to gather information regarding these legal matters. Morgan Stanley has been given the opportunity to present any information that it would like considered in this matter and has cooperated by providing the details to staff and the Attorney

General's Office. The legal matters which could support disqualification, are summarized as follows:

From 2003-2006, several legal proceedings were filed in Indonesian civil courts against Morgan Stanley and numerous other defendants related to bonds underwritten in 1994-95 by Morgan Stanley on behalf of companies operating in Indonesia. The companies issuing the bonds sued to invalidate the bonds and to stop secured bondholders from challenging a restructuring by the companies. Indonesian courts relied upon Indonesian law but Morgan Stanley insists they are governed by New York law. The courts have issued various rulings in favor of the plaintiffs but as yet no damages have been assessed.

Documentation supplied by the company states the main issue before the courts is that the bonds were improperly issued using an offshore special-purpose vehicle despite the fact that this practice has been in wide use for decades. The documentation also states that if Morgan Stanley and the other defendants lose, financing for Indonesian companies would suffer greatly. Morgan Stanley is appealing the rulings in Indonesia.

Mitigating Factors:

Morgan Stanley does not believe these matters should impact the BEIP grant and has presented the following mitigating factors for the Board's consideration:

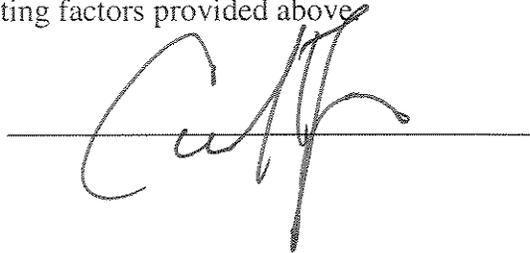
1. The bond issues occurred in 1994 and 1995, and the underwriting agreements at issue in the litigation were explicitly governed by New York law, yet the Indonesian courts agreed to hear actions brought by Indonesian plaintiffs, and applied Indonesian law.
2. The Indonesian plaintiffs had defaulted on its obligations to make repayments due under the bonds.
3. Despite the fact that the litigation was heard in Indonesia, none of the Indonesian courts, including the Supreme Court, have awarded any damages whatsoever against Morgan Stanley.
4. Morgan Stanley has appealed the decisions through the Civil Review process, seeking a separate review by a panel of Indonesian Supreme Court judges, which is still pending.
5. These bonds were issued by Indonesian companies under a process that it is reported had been used for decades.
6. The litigation is limited to the Indonesian transaction and companies.
7. These are not criminal matters and have been brought by private entities rather than any government entity.

Based on the information presented and the mitigating factors, staff recommends not disqualifying the applicant.

Staff also advises that these legal matters do not negatively impact the May 2008 final Board action which approved changes to the 2005 Morgan Stanley Management Services II, Inc. Structured Finance.

Recommendation:

- I. Staff recommends that the Members of the Authority approve the following: (i) change of name from Morgan Stanley Dean Witter Trust to Morgan Stanley Trust. Staff has determined that this name change is ministerial in nature and will not affect job growth.
- II. Staff also recommends that the Members of the Authority approve the addition of the following entities to the grant agreement: (i) Van Kampen Funds Inc.; (ii) Morgan Stanley Investment Management Inc.; and (iii) Morgan Stanley Trust National Association (Morgan Stanley Trust N.A.) to accommodate the relocation of the out-of-state employees to the project site.
- III. Staff's recommends that the Members of the Authority approve the continuation of the BEIP grant and Structured Finance without disqualification based on the information presented and the mitigating factors provided above.

A handwritten signature in black ink, appearing to be 'C. Gallagher', is written over a horizontal line.

Prepared by: K. Gallagher



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

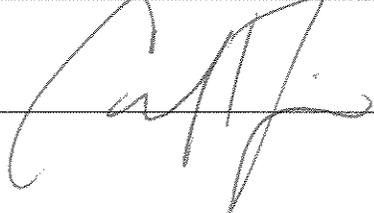
DATE: August 12, 2008

SUBJECT: Business Employment Incentive Program (BEIP) Modifications
(For Informational Purposes Only)

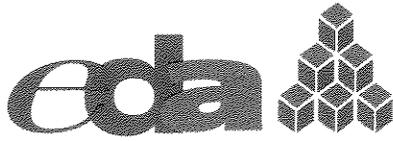
On September 11, 2001 and amended on September 16, 2003, the Members of the Authority approved a delegation of authority to the Chief Executive Officer with the Senior Vice President-Operations and the Director-Portfolio Services to approve certain BEIP modifications. All modifications must be reported to the Members of the Authority on a quarterly basis. Below is a list of all BEIP modifications that were approved in the quarter ending June 30, 2008:

<u>Name</u>	<u>Application #</u>	<u>Modification</u>
Altana, Inc./Altana Pharma US, Inc.	P12977	Name change of Altana, Inc. and Altana Pharma US, Inc. to Nycomed US, Inc. There is no direct change in the corporate structure and no increase or reduction in the number of eligible employees at the project site.
Mercedes-Benz USA, LLC	P14059	Decreased the New Employment Commitment from 150 to 92. The decrease was due to the change in the economy having an adverse effect on the sale of luxury cars. The decrease in the New Employment Commitment also resulted in the grant award percentage being reduced from 55% to 50%.

QRxPharma, Inc.	P20458	<p>Added Employee Resource Administration, a Professional Employer Organization, to the grant as the tax paying entity who will be responsible for paying the withholding for the eligible employees under the grant.</p> <p>There will be no additional job growth as a result of the approval.</p>
Standard Data Corporation d/b/a SDC Data, Inc.	P12547	<p>Added ADP TotalSource, Inc. and ADP TotalSource III, Inc. to the grant, which will serve as the actual tax paying entities.</p> <p>There will be no additional job growth as a result of the approval.</p>



Prepared by: C. Craddock



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini, Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Projects Approved Under Delegated Authority - **For Informational Purposes Only**

The following projects were approved under Delegated Authority in July 2008:

New Jersey Business Growth Fund:

- 1) Eastern Properties, LLC and Eastern Sign Tech, LLC (P23073), are located in Burlington County. Eastern Sign Tech, LLC was established in 2000 as a manufacturer of large-scale electrical signs and scoreboards, and operates out of Southampton. Eastern Properties, LLC is a related real estate holding company. PNC Bank has approved a \$2,000,000 loan with a five-year, 50% guarantee, not to exceed \$1,000,000. Loan proceeds will be used to purchase the project location to facilitate Eastern Sign Tech, LLC's business expansion. Currently, the company has 36 employees, and plans to create an additional 20 new jobs within two years.
- 2) Entity to be formed and Center for Adult Medicine (P22953), located in Marlton, Burlington County, operates as a general medical practice. A real estate holding company will be created and both companies will be co-borrowers. PNC Bank approved a \$385,000 loan with a five-year, 25% guarantee, not to exceed \$96,250. Loan proceeds will be used to purchase property and refinance an existing mortgage. Currently, the company has eight employees and will create three over the next two years.
- 3) Gulton, Incorporation (P22747), located in South Plainfield Borough, Middlesex County, was established in 1982 as a developer and producer of thermal printheads used in gaming and lottery tickets, medical and industrial recording, mass transit tickets, bar code printing, point of sale receipts and others. PNC Bank approved a \$400,000 loan with a five-year, 50% guarantee, not to exceed \$200,000. Loan proceeds will be used to purchase equipment. The company has committed to maintaining 21 jobs.
- 4) Klarr Transport Services, Inc. (P22807), located in Lakewood Township, Ocean County, was established in 2004 as a provider of bus transportation for local school districts and individual charters. PNC Bank approved a \$600,000 loan with a five-year, 25% guarantee, not to exceed \$150,000. Loan proceeds will be used to purchase the project property. The company currently has 34 employees and plans to create 6 new jobs over the next two years.

- 5) Vineland Realty Holdings, LLC (P23030), located in Vineland City, Cumberland County, was established in 2003 as a real estate holding company for the project property. Project user, Plastic & Cosmetic Surgery Institute, Inc. was established in 1996 as a cosmetic and reconstructive surgery center and is solely owned by Dr. David C. Watts. PNC Bank has approved a \$760,000 loan with a five-year, 25% guarantee, not to exceed \$190,000. Loan proceeds will be used to refinance the existing debt. The company currently has seven employees and plans to create four over the next two years.

Preferred Lender Program:

- 1) Harold R. Heinrich, Inc. (P23053), located in Lakewood Township, Ocean County, is a fully integrated, stainless steel fabricator, who produces various customized machinery and equipment for the pharmaceutical, chemical, food and consumer product concerns. TD Commerce Bank has approved a \$327,206 loan with a five-year, 50% participation, not to exceed \$163,603. Loan proceeds will be used to purchase new machinery. Currently the company has 40 employees and plans to create an additional two jobs within the next two years.
- 2) Patham Real Estate Holdings, LLC (P22653), located in Paterson City, Passaic County, is a newly formed real estate holding company that leases the project property to the project user, Kid's Palace. Kid's Palace is a retailer of children's clothing and supplies. Sun National Bank has approved a \$4,800,000 loan with a five-year, 25% participation, not to exceed \$1,200,000. The loan proceeds will be used to refinance an existing mortgage. Currently, the company has 32 employees and plans to create another 30 positions over the next two years.

PNC Business Growth Fund - Modification:

- 1) Nicholson Properties, LLC (P21881) is located in Mantua Township, Gloucester County. In April 2008, a 25% guarantee (not to exceed \$202,500) of an \$810,000 PNC loan was approved to refinance three existing mortgages. PNC has requested an increase in the loan amount to \$852,425 with a 25% guarantee (not to exceed \$213,106) as the payoffs came in slightly higher than expected due to pre-payment penalties. The project remains in compliance with program requirements.

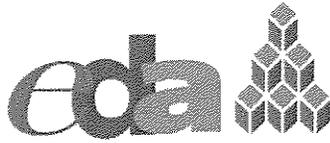
FastStart Direct Loan Program - Modification:

- 1) Uni-Serv Associates, Inc. (P21803), is located in Neptune Township, Monmouth County. The applicant was approved for a \$70,000 FastStart loan on 5/23/08 to refinance existing equipment debt. An approval was subsequently modified to amend collateral position from second lien to third lien and term of loan from 20 years to 10 years. The project remains in compliance with program requirements.

A handwritten signature in black ink, appearing to be 'S. Mania', is written over a horizontal line.

URBAN & SITE DEVELOPMENT

REAL ESTATE



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Development Assistance Agreement for Bayonne Peninsula Project

DATE: August 12, 2008

Summary

The Members' approval is being requested for the Authority's Chief Executive Officer to enter into the Development Assistance Agreement with the Bayonne Local Redevelopment Authority (BLRA) to provide technical assistance for financing and development of the Peninsula at Bayonne Harbor Project. The project involves commercial, residential, entertainment and recreational development of three contiguous areas totaling 130 acres.

Background

The City of Bayonne and BLRA have embarked on the development of the Peninsula at Bayonne Harbor, a multi phase, 400-acre development incorporating commercial, residential, entertainment and recreational uses. Over a period of years, the City and BLRA created a master plan for the site and conducted a variety of analyses that have guided the initial development of three of the six subdivisions of the project. Attached is a map showing the six districts. Realizing a need for a public partner, the City and BLRA approached NJEDA and asked for assistance with structuring financing for the project and help with the execution of the remaining development.

The three districts in process include: 1) Harbor Station – approximately 43 acres being developed for office, residential and entertainment uses; 2) Bayonne Village – approximately 22 acres being developed for residential and park uses; and 3) the Maritime District, also know as Military Ocean Terminal Bayonne (MOTBY) – approximately 150 acres being developed for deep water channel, bulk and container shipping uses. The three remaining areas and subject of the attached agreement include: 1) the Landing – approximately 25 acres designated for retail,

entertainment, leisure and residential uses; 2) the Loft District – approximately 26 acres designated for residential, marina and public open space development; and 3) Bayonne Point – approximately 80 acres designated for office, residential, travel, entertainment, recreational and leisure uses.

The attached agreement outlines the technical assistance that NJEDA will provide to the project. It is intended that BLRA will lead development and NJEDA will provide technical assistance and may provide financing for and/or participate in development of the project. However, future agreements will further define any terms related to financing and/or development.

Initially, the Authority will engage in a 30-day review period to learn about the project. At the end of this period, NJEDA will provide strategy recommendations for the project's financing and development and will identify roles that NJEDA may play in future development. If BLRA wishes to pursue working with the Authority in any of these roles, NJEDA will be reimbursed for its administrative costs for its initial and future work as parcels are developed. NJEDA also will receive a 3% development fee for participating in any of the parcel development.

Recommendation

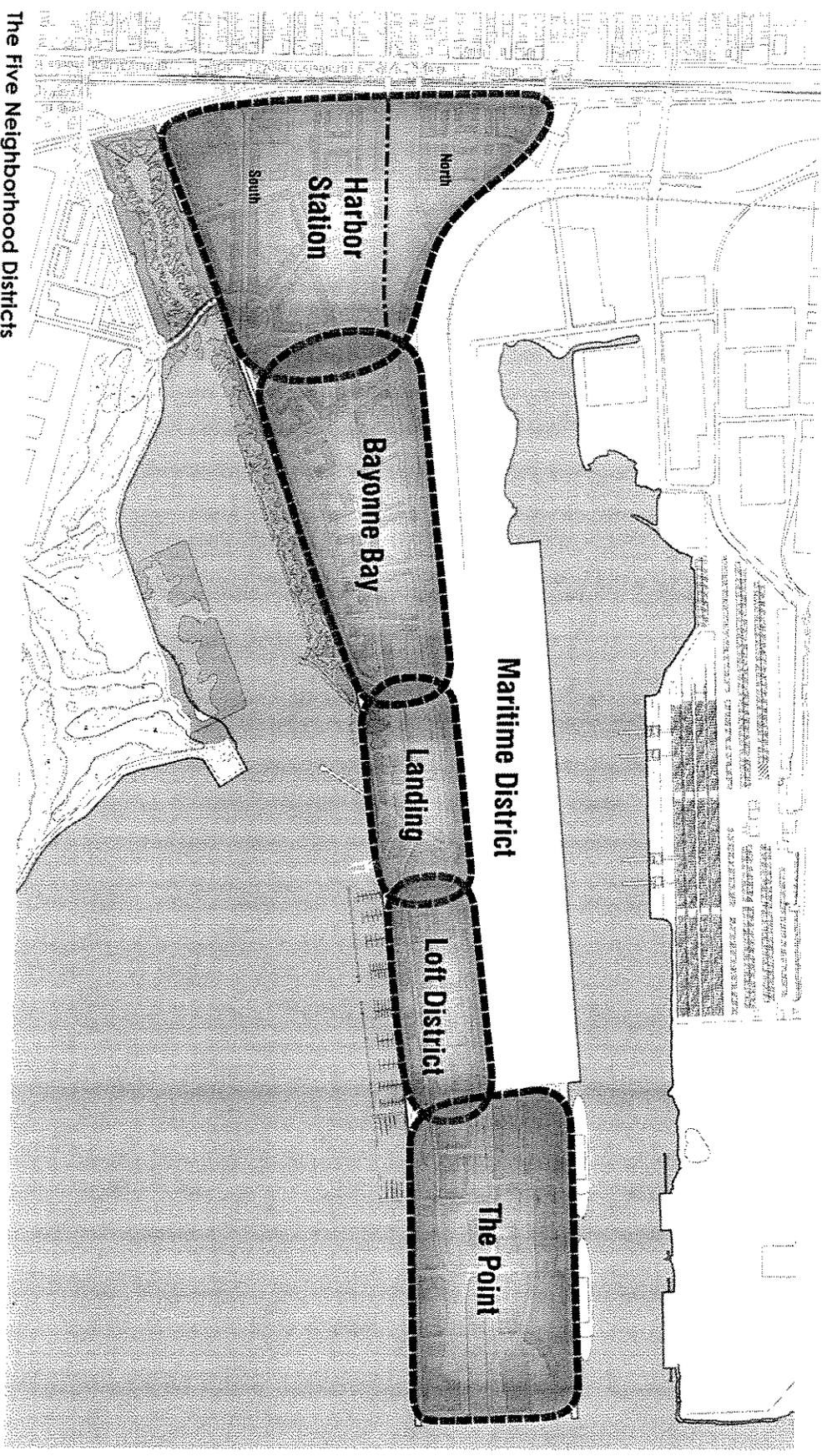
The Members' approval is being requested for the Authority's Chief Executive Officer to enter into the Development Assistance Agreement with the Bayonne Local Redevelopment Authority (BLRA) to provide technical assistance for financing and development of the Peninsula at Bayonne Harbor Project, under the terms substantially set forth in the attached copy of the Development Assistance Agreement. The Members are further requested to authorize the Authority's CEO to approve any changes, additions or omissions thereto which she deems necessary or advisable, in consultation with the New Jersey Attorney General's Office.



Caren S. Franzini

Attachments

Prepared by: Gina Behnfeldt



The Five Neighborhood Districts



**DEVELOPMENT ASSISTANCE AGREEMENT
THE PENINSULA AT BAYONNE HARBOR**

THIS DEVELOPMENT ASSISTANCE AGREEMENT (the "Agreement") is made this _____ day of _____, 2008 between the NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (hereinafter "NJEDA"), having its address at 36 West State Street, P.O. Box 990, Trenton, New Jersey 08625-0990, and the BAYONNE LOCAL REDEVELOPMENT AUTHORITY (hereinafter "BLRA"), having its address at 51 Port Terminal Boulevard, Suite 21, Bayonne, New Jersey 07002-5035, (collectively, the "Parties") regarding the Peninsula at Bayonne Harbor ("the Project") located in Bayonne, New Jersey.

PURPOSE:

It is the goal of the Parties to work cooperatively to facilitate the development of the Project and produce a commercially-viable driver of the City of Bayonne's economy. Given the scale of the Project, BLRA developed a master plan for the Project, is seeking to develop infrastructure improvements and is developing the Project through individual parcel developments at various locations within the Project Site in accordance with the master plan. The Parties chiefly intend to serve in the following roles: BLRA to lead the development of the Project and NJEDA initially to provide technical assistance for financing and development to BLRA and the Project. The Parties agree that the contents of this Agreement shall establish guiding principles for

subsequent agreements between the Parties for more comprehensive financing and development documents related to infrastructure improvements and individual parcel developments for the Project. It is agreed that this Agreement sets forth only the initial agreement between the Parties with the understanding that it may be supplemented by mutually acceptable definitive financing documents or development agreements for either infrastructure improvements or individual parcel developments.

BACKGROUND:

NJEDA is an independent, self-supporting instrumentality of the State of New Jersey dedicated to building vibrant, diverse communities, creating and maintaining jobs, and providing businesses and nonprofits with the necessary financial and technical support to grow and succeed.

BLRA is a [describe BLRA as a public entity related to the City of Bayonne].

BLRA represents that BLRA owns the Project Site (defined below).

PROJECT:

The Project is located on the former Military Ocean Terminal at Bayonne and is designated as Block ____, Lot(s) _____ (the Landing District), Block ____, Lot(s) _____ (the Loft District), and Block ____, Lot(s) _____ (the Bayonne Point District), in the City of Bayonne, New Jersey. The Landing

District, the Loft District and the Bayonne Point District are collectively referred to herein as the "Project Site".

The Project generally consists of the planning, development and financing of three districts of The Peninsula at Bayonne Harbor described as follows:

1. The Landing District, approximately 25 acres located mid-way on the Peninsula. This district has been designated for retail, entertainment, leisure and residential uses, along with a ferry terminal and fishing pier.

2. The Loft District, approximately 26 acres located between the Landing and Bayonne Point Districts. It has views of the New York Harbor, potential for open space, and has been designated for residential uses, a marina facility and public open space.

3. The Bayonne Point District, approximately 80 acres located on the easternmost point of the Peninsula, with views of Lower Manhattan, New York Harbor and the Verrazano Narrows Bridge. This District is currently home to the Cape Liberty Cruise Port, Bayonne Dry Dock, and Harbor View Park. It has been designated for office, residential, travel, entertainment, recreational and leisure uses.

ROLES OF THE PARTIES:

1. BLRA - The BLRA's chief roles are as follows:
 - A. To lead development of the Project;
 - B. To seek NJEDA's technical assistance, financial assistance and other services as BLRA may determine to be

appropriate;

C. To share with NJEDA agreements, contracts, other documents and information that NJEDA may need to clearly understand the Project history, status and future plans; and

D. To reimburse NJEDA for assistance, as described herein.

2. NJEDA - NJEDA's chief roles are as follows:

A. To review existing plans, agreements, site conditions and generally become familiar with the present status and condition of the Project and the Project Site over a thirty (30) day period from the date of this Agreement to gain a clear understanding of the Project history, status and future plans; and

B. To provide to BLRA and the Project technical assistance regarding planning, development concepts and financing concepts for parcel developments at the Project Site as well as other technical assistance and financial assistance as BLRA may request and NJEDA determines to be appropriate.

C. Technical assistance to be provided by NJEDA includes, but is not limited to:

1. Attend meetings;
2. Review and provide feedback on RFP drafts;
3. Review and comment upon RFP responses;
4. Review and comment upon reports by consultants that analyze market, financial, environmental, site conditions, infrastructure, and other conditions related to the Project;

5. Review and provide feedback on contracts and

other documents;

6. Review and assist in the negotiation of redevelopment agreements;

7. Review and provide feedback on architectural and development plans;

8. Review and provide feedback on financing structures and otherwise provide technical assistance regarding financing; and

9. Make suggestions for potential sources of financing, and financing structures and consider financing for infrastructure improvements and individual parcel developments at the Project Site.

D. NJEDA's role under this Agreement shall be limited to giving technical assistance and suggestions regarding the development of and financing for the Project. To no extent whatsoever shall NJEDA be expected to give advice or opinions regarding: (i) BLRA's procedural or legal requirements for contractor or developer selection; (ii) BLRA's procedural or legal requirements for obtaining site plan approval or building permits; (iii) legal advice or opinion regarding any contract, agreement, statute, regulation, ordinance or other law or legal instrument that may impact, restrict or affect the development of the Project; the environmental condition of the Project Site.

DECISION TO PROCEED:

At the end of the thirty (30) day period from the date of this

Agreement, NJEDA will provide to BLRA strategy recommendations for the Project's financing and development. These recommendations also will identify roles that NJEDA may play in the future development of the Project. After the Parties discuss NJEDA's possible roles in providing financing for infrastructure and parcel developments or undertaking parcel development for the Project, BLRA will, within ninety (90) days from the date of this Agreement, identify the roles that BLRA wants NJEDA to pursue further. If the BLRA Board identifies one or more roles for NJEDA to pursue, the fees as defined in the "Fees" section, shall become an obligation of the BLRA following approval by both the NJEDA Board and the BLRA Board of a final, more definitive agreement detailing the parameters of the fees outlined below and the basis on which they shall become payable. If the BLRA Board does not identify any future role for NJEDA by way of subsequent approval of such a final more definitive agreement, this Agreement shall terminate and the BLRA will not have any obligation to pay Fees to NJEDA. NJEDA shall likewise have no obligation to provide financing or undertake development projects unless final forms of more definitive agreement(s) are agreed to and approved by both the NJEDA's Board of members and BLRA's Board.

FEES:

1. NJEDA Administrative Costs. BLRA agrees to reimburse and compensate NJEDA for its direct administrative costs expended or incurred by NJEDA pursuant to this Agreement including, but not

limited to salaries, wages, fringe benefits and overhead for NJEDA's staff members engaged on the Project, and all reasonable out-of-pocket expenses incurred by NJEDA in connection with the Project ("Administrative Costs"). Administrative Costs will accrue on a monthly basis and NJEDA will send to BLRA monthly invoices advising BLRA of the amount of Administrative Costs that have accrued during the previous month. Administrative Costs shall be due and payable within 30 days after each "Capital Event" for the Project occurs. As used in this Agreement, Capital Event refers to either obtaining financing for infrastructure improvements (whether financed by NJEDA or some other source) or a sale or lease by BLRA of a portion of the Project Site to a developer.

2. NJEDA Development Fee. In addition to the Administrative Fee, it is anticipated that NJEDA will earn a development fee ("Development Fee") for any parcel development that NJEDA undertakes to develop. It is expected that the Development Fee will be three (3%) percent of the gross sales price (or total amount of rent in the case of a ground lease) and that it will be due and payable at the time of title closing (or execution of ground lease). The final, more definitive agreement(s) that details NJEDA's role in undertaking construction of building(s) and associated improvements will also detail the payment of the Development Fee. Development Fees will be in addition to any fees that may be set forth in financing documents entered into by NJEDA.

3. BLRA Pre-development Costs. It is anticipated that BLRA also will be compensated for its predevelopment costs out of

proceeds of Capital Events.

LIMITED LIABILITY of NJEDA:

IN NO EVENT SHALL NJEDA BE LIABLE TO BLRA OR ANY THIRD PARTY FOR ANY ACTUAL, DIRECT, SPECIAL, CONSEQUENTIAL, PUNITIVE, INDIRECT, OR INCIDENTAL DAMAGES, ARISING OUT OF ANY ACTION OR INACTION OF NJEDA IN CONNECTION WITH THIS AGREEMENT OR NJEDA'S ROLE UNDER THIS AGREEMENT. SAID DAMAGES INCLUDE, BUT ARE NOT LIMITED TO, LOSS OF PROFITS OR BUSINESS OPPORTUNITY HOWEVER CAUSED, ON ANY THEORY OF LIABILITY AND WHETHER OR NOT SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. The limitation of liability reflects the allocation of risk between the Parties. The limitation specified in this Paragraph will survive regardless whether other remedies are available. NJEDA shall not be liable for any loss or damages caused by delay in furnishing technical assistance or any other performance under or pursuant to this Agreement.

The Parties hereto agree that any and all claims based in contract made by BLRA or any third party against the State of New Jersey and/or NJEDA for damages, including, but not limited to costs and expenses, shall be governed by and subject to the provisions of the New Jersey Contractual Liability Act (N.J.S.A. 59:13-1, et seq.). The Parties further agree that any and all claims based in tort made by BLRA or any third party against the State of New Jersey and/or NJEDA for damages, including, but not limited to costs and expenses, shall be governed by and subject to the provisions of the New Jersey Tort Claims Act (N.J.S.A. 59:1-1,

et seq.).

RESPONSIBILITY FOR ENVIRONMENTAL CONDITIONS:

1. As between the Parties, BLRA shall be solely responsible for the costs of remediating and abating all on-site and off-site environmental conditions associated with the Project and the Project Site including any known or unknown pre-existing environmental conditions at the Project Site. It is expressly agreed and understood that this Agreement shall not obligate NJEDA to incur any liability for known or unknown pre-existing environmental conditions of the Project or at the Project Site.

2. Under this Agreement, NJEDA shall not be asked or required to perform, oversee or evaluate any examination, testing, inspection, audit, sampling, investigation or other evaluation regarding the environmental condition of the Project Site or the soil or groundwater on or beneath the Project Site or to render an opinion regarding any proposed environmental contamination sampling plan or environmental remediation plan for the Project Site.

INDEMNIFICATION:

BLRA shall defend, indemnify and hold harmless NJEDA, as well as, its officers, directors, partners, members, affiliated companies, fiduciaries, managers, employees and representatives (hereinafter the "Indemnities") from and against all liability, fines, damage, loss, claims, actions, judgments, costs and expenses, including

reasonable attorney's fees, and costs of investigation, including but not limited to those incurred by reason of death of bodily injuries to any person or property damage of any kind, or violation of any law or governmental regulation or order, which arise out of, are a consequence of, are related to or in connection with any condition associated with the Project Site or the Project, including but not limited to any on-site or off-site environmental conditions associated with the Project or any known or unknown pre-existing environmental condition at the Project Site.

TERM OF THE AGREEMENT:

This Agreement will commence immediately upon execution by both Parties. Unless terminated by either party, this Agreement shall remain in effect for three (3) years from the date and year first written above.

NOTICES:

All notices required to be served or given hereunder shall be in writing and will be deemed given when received by personal delivery, telefax or by an overnight delivery service which issues a receipt from delivery, or two business days after having been mailed by certified mail, return receipt requested, and addressed as follows:

If to NJEDA New Jersey Economic Development Authority
36 West State Street
P.O. Box 990

Trenton, New Jersey 08625-0990
Attention: Odie Jones, Director
Urban and Site Development
Fax: (609) 292-5722

If to BLRA: Bayonne Local Redevelopment Authority
51 Port Terminal Boulevard
Suite 21
Bayonne, New Jersey 07002-5035
Attention: Joseph G. Nichols, Esq.
Interim Executive Director
Fax: (201) 823-8597

MISCELLANEOUS:

1. BLRA grants NJEDA, its employees, officers, agents, consultants and contractors a license to access the Project Site to perform Project related activities for the term of this Agreement.
2. Each party will obtain all necessary governmental approvals, permits, and authorizations necessary to effectuate their respective responsibilities under this Agreement.
3. If any of the provisions of this Agreement will be invalid or unenforceable, the remainder of this Agreement will not be affected thereby, and every provision of this Agreement will be valid and enforceable to the fullest extent permitted by law.
4. This Agreement shall be governed by and construed under the laws of the State of New Jersey.
5. The terms of this Agreement may be amended, in writing, from time to time with the mutual consent of both Parties.
6. The Parties waive any statutory or common law presumption which would serve to have this document construed in favor and against either party as the drafter.

7. This Agreement may be executed in counterparts, each of which will be deemed to be an original, and such counterparts will constitute one and the same instrument.

8. Either Party may terminate this Agreement in writing by notice to the other Party which termination shall be effective immediately; provided, however, BLRA shall remain liable to pay all accrued but unpaid Administrative Costs and Development Fee promptly when the next Capital Event occurs.

9. Each Party represents to the other Party that it has proper authority to sign on behalf of the entity entering into this Agreement and it fully intends to be legally bound hereby.

10. This is not a proposal or offer by NJEDA to provide financing for infrastructure for the Project, to provide financing for parcel development projects or to undertake development of a parcel development project at the Project Site. This Agreement is not intended to create any binding agreement for NJEDA to provide financing or to undertake development of a project. Agreements to provide financing or undertake development by NJEDA shall not exist unless authorized representatives from both the NJEDA and BLRA (or the particular project developer) have executed and exchanged definitive, final financing documents or development agreements that are mutually acceptable to the parties. Execution and exchange of final financing documents or project development agreements shall be subject to approval of terms by NJEDA's Board of Members in its sole discretion.

IN WITNESS WHEREOF, the Parties have caused this Development Assistance Agreement to be duly executed and delivered as of the date and year first above written and by so executing, represent and warrant they have the authority to do so.

ATTEST:

BAYONNE LOCAL REDEVELOPMENT
AUTHORITY

By: _____
Joseph G. Nichols
Interim Executive Director

ATTEST:

NEW JERSEY ECONOMIC DEVELOPMENT
AUTHORITY

Odis Jones
Director
Urban and Site Development

By: _____
Caren S. Franzini
Chief Executive Officer

10. Applicant's Short-Term Resources:

The NJEDA is required by Statute to make a Determination, on requests for new benefits, that the applicant does not have sufficient resources to operate in the short-term (OR that the applicant has been unable to obtain financial assistance of any kind - see question 8 above). Please provide a detailed explanation demonstrating that your company does not have sufficient resources to operate in the short-term (defined as 12 months or less) and fill in the ratio calculations below.

An example of acceptable supporting information: On our last full year's financial statements, our Quick Ratio was under .75:1 (Max. allowed), and/or our Current Ratio was under 1:1 (Max. allowed), and/or our burn rate (Operating Revenues + Depreciation and Amortization - Operating Expenses) will exhaust our cash resources (Total Current Assets - Total Current Liabilities) within 11 months and we haven't secured additional funding in the interim.

An example of unacceptable supporting information: On our last full year's financial statements, our Quick Ratio was 1:1, our Current Ratio was 2:1, and our cash resources will last approximately 30 months.

Current Ratio:	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$	=	<u>7.22:1</u>
Quick Ratio:	$\frac{\text{Cash} + \text{Marketable Securities} + \text{AR}}{\text{Current Liabilities}}$	=	<u>6.74:1</u>
Burn Rate:	Operating Revenues		<u>1,606,441</u>
	+ Depreciation	+	<u>89,912</u>
	+ Amortization	+	<u> </u>
	- <u>Operating Expenses</u> *	-	<u>9,318,862</u>
	= $\frac{\text{Annual Burn Rate}}{12}$	=	<u>635,209</u> **
			Monthly Burn Rate
Months of Cash Remaining:	$\frac{\text{Total Current Assets} - \text{Total Current Liabilities}}{\text{Monthly Burn Rate}}$	=	<u>12.4</u>

Funding secured since close of financial statements = \$ 0 Date = N/A

Description and Rationale:

We have not been able to raise additional funds in the open market due to our present financial condition and because of the market conditions on Wall Street in general. Accordingly, we have not secured any additional funding since the date of our March 31, 2008 financials. As such, we do not have sufficient funds to continue in business beyond 10 months.

* Operating Expenses must include Cost of Goods Sold if shown separately on Income Statement.

** A positive number for Monthly Burn Rate indicates that the applicant is not "burning" through its assets. Only when Monthly Burn Rate is negative is the company "burning" through its assets.

COMMERCE DIVISION



MEMORANDUM

To: Members of the Authority

From: Caren S. Franzini
Chief Executive Officer

Date: August 12, 2008

Subject: Church & Dwight, Inc. - Urban Enterprise Zone Energy Sales Tax Exemption
Renewal

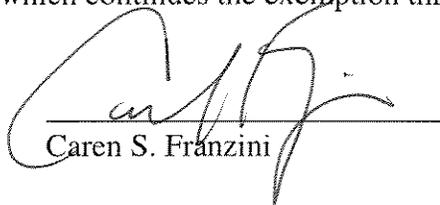
The Commerce Reorganization Bill (P.L. 2008, c. 27) transferred the Urban Enterprise Zone (UEZ) Energy Sales Tax Exemption Program (U-STX) to the NJEDA. To qualify for a U-STX, a company must be a UEZ-certified manufacturer with at least 250 full-time employees, at least 50% of whom are involved in the manufacturing process. In addition, the company must certify that it is not in default under any other State program.

The Members are asked to approve the U-STX Renewal Application of Church & Dwight, Inc., a manufacturer of household products and health & beauty aids in the Lakewood UEZ. The estimated annualized U-STX benefit to Church & Dwight, Inc. is \$145,000. Church & Dwight, Inc. has a large facility in Lakewood, Ocean County, with 262 full-time employees, 100% of whom are involved in the manufacturing process.

In addition, the company has certified that it is not in default under any State program and LWD and the Division of Taxation attest that they are not aware of any defaults. Having met all statutory and regulatory requirements, staff recommends that Church & Dwight, Inc. be granted a renewal which would continue through September 4, 2009.

Recommendation:

The Members are asked to approve Urban Enterprise Zone (UEZ) Energy Sales Tax Exemption Renewal Application of Church & Dwight, Inc., which continues the exemption through September 4, 2009.


Caren S. Franzini

**NEW JERSEY COMMERCE COMMISSION
URBAN ENTERPRISE ZONE ENERGY SALES TAX EXEMPTION PROGRAM
PROJECT SUMMARY**

Company

- Church & Dwight, Inc., 800 Airport Road, Lakewood, NJ 08701.
- Church & Dwight, Inc. is a manufacturer of household products and health & beauty aids.
- Church & Dwight, Inc. was UEZ-Certified on September 4, 1998 and was initially approved for the energy sales tax exemption effective May 26, 2006.

Exemption Eligibility

Church & Dwight, Inc.'s Lakewood operation meets the eligibility requirements as follows:

- Church & Dwight, Inc. has submitted its second Renewal Application for the U-STX to continue through September 4, 2009. Its application for UEZ Re-Certification has been approved.
- Church & Dwight, Inc. has a workforce of 262 (plus a large number of contract employees), 100.0% of whom are involved in the manufacturing process (exceeding the 50% required).
- Church & Dwight, Inc. has certified that it is not in default under any State other program and LWD and Taxation attest that they are not aware of any defaults.

Benefit

The estimated annual value of the U-STX tax exemption is \$145,000, based on an estimated energy consumption of \$682,200 in natural gas and \$1,401,000 in electricity, an increase over the prior year's benefit of \$130,000.



MEMORANDUM

To: Members of the Authority

From: Caren S. Franzini
Chief Executive Officer

Date: August 12, 2008

Subject: Gerresheimer Glass, Inc. - Urban Enterprise Zone Energy Sales Tax Exemption
Renewal

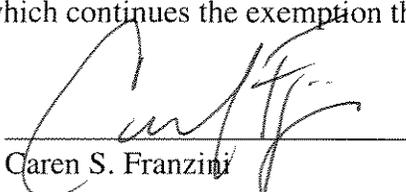
The Commerce Reorganization Bill (P.L. 2008, c. 27) transferred the Urban Enterprise Zone (UEZ) Energy Sales Tax Exemption Program (U-STX) to the NJEDA. To qualify for a U-STX, a company must be a UEZ-certified manufacturer with at least 250 full-time employees, at least 50% of whom are involved in the manufacturing process. In addition, the company must certify that it is not in default under any other State program.

The Members are asked to approve the U-STX Renewal Application of Gerresheimer Glass, Inc., a manufacturer of pharmaceutical and scientific glass tubing and end-products located in the Millville/Vineland UEZ. The estimated annualized U-STX benefit to Gerresheimer Glass, Inc. is \$2,290,000. Gerresheimer Glass, Inc. has a three UEZ-certified facilities in Millville/Vineland, Cumberland County, with 968 full-time employees, 81.2% of whom are involved in the manufacturing process.

In addition, the company has certified that it is not in default under any State program and LWD and the Division of Taxation attest that they are not aware of any defaults. Having met all statutory and regulatory requirements, staff recommends that Gerresheimer Glass, Inc. be granted a renewal which would continue through September 30, 2009.

Recommendation:

The Members are asked to approve Urban Enterprise Zone (UEZ) Energy Sales Tax Exemption Renewal Application of Gerresheimer Glass, Inc., which continues the exemption through September 30, 2009.


Caren S. Franzini

**NEW JERSEY COMMERCE COMMISSION
URBAN ENTERPRISE ZONE ENERGY SALES TAX EXEMPTION PROGRAM
PROJECT SUMMARY**

Company

- Gerresheimer Glass, Inc., 537 Crystal Avenue 101 West Forest Grove Road in Vineland, NJ 08360, and 1300 Wheaton Avenue in Millville, NJ 08332.
- Gerresheimer Glass, Inc. is a manufacturer of pharmaceutical and scientific glass tubing and end-products.
- Gerresheimer Glass, Inc. was UEZ-Certified on September 3, 1999 (Crystal Avenue), July 6, 2007 (West Forest Grove Road) and September 30, 2005 (Wheaton Avenue) and was initially approved for the energy sales tax exemption effective October 31, 2005.
- Gerresheimer Glass has invested \$94.1 million thus far into these three facilities, \$25.7 million in the past year. They plan to invest another \$10.6 million over the next 12 months.

Exemption Eligibility

Gerresheimer Glass, Inc.'s Millville/Vineland operation meets the eligibility requirements as follows:

- Gerresheimer Glass, Inc. has submitted its third Renewal Application for the U-STX to continue through September 30, 2009. Its application for UEZ Re-Certification has been approved.
- Gerresheimer Glass, Inc. has a workforce of 986 (supplemented with contract employees), 81.2% of whom are involved in the manufacturing process (exceeding the 50% required).
- Gerresheimer Glass, Inc. has certified that it is not in default under any State other program and LWD and Taxation attest that they are not aware of any defaults.

Benefit

The estimated annual value of the U-STX tax exemption is \$2,290,000, based on an estimated energy consumption of \$17,780,000 in natural gas and \$14,947,000 in electricity, an increase over the prior year's benefit of \$2,025,000, due largely to projected increases in the cost of gas.



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: August 12, 2008

SUBJECT: Deloitte & Touche BRRAG Application Amendment

BACKGROUND

On July 24, 2006, the Commerce Commission Board of Directors approved an application from Deloitte & Touche to receive a tax credit under the Business Retention and Relocation Assistance Grant (BRRAG) program. Deloitte & Touche is a professional services firm providing audit, tax consulting and financial advisory services through approximately 30,000 employees in more than 90 cities in the United States.

Deloitte applied to the BRRAG program in support of a project to consolidate and relocate 1,082 full-time employees in Parsippany, Summit, and Princeton, New Jersey, to a new facility also in Parsippany. These jobs were at risk of being lost to either New York or Pennsylvania. The estimated value of the original BRRAG tax credit approved by the Commerce Commission Board in 2006 was \$1,623,000, based on 1,082 retained full-time employees multiplied by \$1,500 per job.

As Deloitte proceeded with its consolidation plan, the company modified the scope of the original BRRAG approval, canceling the component that called for the relocation of employees from Princeton to Parsippany. Instead, Deloitte will maintain and expand the head count at the Princeton facility.

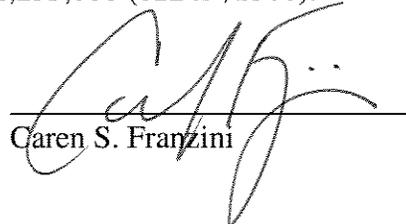
Deloitte is now nearing completion of its new offices in Parsippany and expects to relocate employees from only Summit and Parsippany to the new complex. This amendment will prompt a reduction in the number of eligible retained/relocated employees in the original BRRAG application from 1,082 to 822.

APPLICATION AMENDMENT REQUEST

Amend the Commerce Commission Board's original BRRAG application approval for the Deloitte consolidation/relocation project from 1,082 full-time employees to 822 full-time employees. This application amendment is required before Deloitte can execute a Project Agreement with the Authority.

RECOMMENDATION

Staff recommends approval of the Application Amendment Request, amending the original BRRAG application submitted by Deloitte to the Commerce Commission and approved by the Commission. This amendment will reduce the number of retained employees from 1082 to 822 retained employees and will result in a commensurate reduction in estimated BRRAG tax credit benefit for Deloitte from \$1,623,000 to \$1,233,000 (822 x \$1500).


Caren S. Franzini

Prepared By: Lauren Moore