

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

December 10, 2013, 10:00 a.m.

EDA Board Room – 36 West State Street, Trenton

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**

ITEM: Approval of the 2014 Strategic Business Plan

ITEM: Approval of the 2014 Financial Plan

6. **BOND PROJECTS**

Combination Preliminary and Bond Resolutions

PROJECT: Yeshiva Orchos Chaim, Inc.* **APPL.#38738**
LOCATION: Lakewood/Ocean
PROCEEDS FOR: Refinancing
FINANCING: \$2,800,000 Tax-Exempt Bond and \$2,200,000 Tax-Exempt Bond

7. **LOANS/GRANTS/GUARANTEES**

Stronger NJ Business Loan Program

PROJECT: Atlantic Realty Associates, LLC **APPL.#38581**
LOCATION: Brick/Ocean
PROCEEDS FOR: Construction and purchase of equipment & machinery
FINANCING: \$2,390,000 Stronger NJ Business Loan

PROJECT: Shrewsbury River, Inc. **APPL.#38636**
LOCATION: Sea Bright/Monmouth
PROCEEDS FOR: Construction and working capital
FINANCING: \$3,000,000 Stronger NJ Business Loan

Direct Loans

PROJECT: Vish LLC **APPL.#38581**
LOCATION: North Brunswick/Middlesex
PROCEEDS FOR: Refinancing, purchase of equipment & machinery
FINANCING: \$700,000

Main Street Assistance Program

PROJECT: Eastern Nursing Services I, Inc. **APPL.#38699**
and Eastern Nursing Services II
LOCATION: Newark/Essex
PROCEEDS FOR: Working Capital, refinancing
FINANCING: 50% line of credit guarantee not to exceed \$200,000

Petroleum Underground Storage Tank Program

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

PROJECT: William Connington and Barbara Connington **APPL.#38594**
LOCATION: Bergenfield /Bergen
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$128,938 Petroleum UST Remediation, Upgrade and Closure Fund Grant

PROJECT: Reza Shahrokh **APPL.#38653**
LOCATION: Wayne/Passaic
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$93,955 Petroleum UST Remediation, Upgrade and Closure Fund Grant

PROJECT: Sabino Guanci **APPL.#38381**
LOCATION: Bloomfield /Essex
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$142,646 Petroleum UST Remediation, Upgrade and Closure Fund Grant

PROJECT: David Leininger **APPL.#38515**
LOCATION: Lower/Cape May
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$301,181 Petroleum UST Remediation, Upgrade and Closure Fund Grant

PROJECT: Skyway Vehicle **APPL.#38358**
LOCATION: Newark /Essex
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$115,895 Petroleum UST Remediation, Upgrade and Closure Fund Grant

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

Hazardous Discharge Site Remediation Fund Program

PROJECT: Camden Redevelopment Agency (Former RCA Bldg 8) **APPL.#38780**
LOCATION: Camden /Camden
PROCEEDS FOR: Remedial action, remedial investigation
FINANCING: \$865,243 Hazardous Discharge Site Remediation Fund Grant

PROJECT: Borough of Somerville (BDA-Somerville Landfill) **APPL.#38794**
LOCATION: Somerville /Somerset
PROCEEDS FOR: Remedial action
FINANCING: \$4,164,000 Hazardous Discharge Site Remediation Fund Grant

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

8. INCENTIVE PROGRAMS

Urban Transit Hub Tax Credit Program

ITEM: MMC-DB Group LLC P#37746
REQUEST: To approve the Urban Transit Hub Tax Credit program application of MMC-DB Group, LLC for an amount not to exceed \$105,559,214 or \$10,555,921 annually for 10 years.

ITEM: PHMII Associates, L.L.C. P#37909
REQUEST: To approve the Urban Transit Hub Tax Credit program application for PHMII Associates, L.L.C. for an amount not to exceed \$19,776,911 or \$1,977,691 annually for 10 years.

Legacy Grow New Jersey Assistance Program

PROJECT: United Parcel Service General Services Co. **APPL.#38394**
LOCATION: Parsippany-Troy Hills/Morris
TOTAL AWARD: \$40,000,000, 10 year term

Grow New Jersey Assistance Program

PROJECT: IDT Corporation **APPL.#38726**
LOCATION: Newark/Essex
TOTAL AWARD: \$24,320,000, 10 year term

PROJECT: Marathon Data Operating Co., LLC **APPL.#38712**
LOCATION: Neptune/Monmouth
TOTAL AWARD: \$3,240,000, 10 year term

PROJECT: Union of Orthodox Jewish Congregations of America **APPL.#38702**
LOCATION: Jersey City/Hudson
TOTAL AWARD: \$20,325,000, 10 year term

PROJECT: VF Sportswear, Inc. and Subsidiaries **APPL.#38763**
LOCATION: Jersey City/Hudson
TOTAL AWARD: \$13,125,000, 10 year term

PROJECT: WebiMax LLC
LOCATION: Camden/Camden
TOTAL AWARD: \$12,750,000, 10 year term

APPL.#38627

PROJECT: Biovail Americas Corporation and subsidiaries
LOCATION: Bridgewater/Somerset
TOTAL AWARD: \$26,100,000

APPL.#38809

Angel Investor Tax Credit Program

INVESTOR: Robert M. Kargman & Marjie Kargman
APPL.#38496
TECHNOLOGY BUSINESS: Edge Therapeutics, Inc.
LOCATION: New Providence/Union **BUSINESS:** Biotechnology
QUALIFIED INVESTMENT: \$1,455,685

9. BOARD MEMORANDUMS

- ITEM:** Bausch and Lomb Incorporated – P23720
Madison, New Jersey
Business Employment Incentive Program Grant
- REQUEST:** To wind up the BEIP by recapturing part of the grant in advance of the company's parent, Biovail, executing a new GROW NJ application which will be considered by the members under a separate action for Biovail, making a minimum new capital investment in the approximate amount of \$16 million in New Jersey and the creation or retention of jobs as required by the GROW NJ program.
- ITEM:** Valeant Pharmaceuticals North America, LLC and Biovail Americas Corp.
P14984
Bridgewater Township, New Jersey
Business Employment Incentive Program Grant
- REQUEST:** To wind up the BEIP by recapturing part of the grant in advance of the company's parent company, Biovail, executing a new GROW NJ application which will be considered by the members under a separate action, in consideration of Biovail making a minimum new capital investment in an approximate amount of \$16 million in New Jersey and the creation or retention of jobs as required under the GROW NJ program.
- ITEM:** Terracycle, Inc.
\$351,851 Edison Innovation Loan with Warrants (P29096)
- REQUEST:** To approve a Line of Credit facility provided by Merrill Lynch, Pierce, Fenner & Smith Incorporated.
- ITEM:** Accounting for Defaulted Loans
- REQUEST:** Consent to writing off defaulted loans from the financial statements of the Authority.

ITEM: Credit Delegations for Loan and Guarantee Programs
REQUEST: 1) Create new delegations to staff to remove from the financial statements of the Authority defaulted loans for the purposes of accounting treatment under Generally Accepted Accounting Principles when loans are fully reserved and EDA retains its legal rights against the borrower and guarantors. Staff and the Attorney General's office will continue to pursue collection and recovery of these loans;
2) Amend existing delegations previously granted by the Members to streamline the loan approval, closing and servicing process and improve customer service and create efficiencies for staff with these routine matters that pose limited financial risk to the Authority; and
3) Amend existing delegations to increase staff's authority to enter into settlements or compromises of EDA's legal rights against the borrower, guarantors and/or collateral to \$500,000 when there exists little to no chance for further recovery, with concurrence from the Attorney General's Office.

ITEM: Incentives Delegations
REQUEST: 1) Create new delegations for New Jersey Angel Investor Tax Credit;
2) Establish guidelines and delegations for certain debarment matters;
3) Increase the existing delegation and amend the approval level for commitment extensions for the Business Retention & Relocation Assistance, Urban Transit Hub, the Economic Redevelopment and Growth and GROW NJ Assistance from the one six month extension to successive six month extensions up to a maximum of two years provided the project scope and cost remain unchanged and the project evidences forward progress; and
4) Expand current delegation to staff to approve the assignment of reimbursements under ERG when used to monetize financing for the project provided no amendments to the ERG agreement are required.

ITEM: PNC Business Growth Fund
REQUEST: To extend the New Jersey Business Growth Fund program for one year.

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

Stronger NJ Loan Program: Purpuri Shoes, Inc. (P38545 & P38657);
Twin City Pharmacy, Inc. (38605)

ITEM: Retail Fuel Station – Energy Resiliency Program – MOU
REQUEST: To approve the MOU between the Authority and the New Jersey Officer of Emergency Management for the Retail Fuel Station- Energy Resiliency Program

ITEM: NJEDA Office of Recovery – Hurricane Sandy
Appointment of Accountability Officer and Contract Manager – Business
Process Outsourcing

REQUEST: To designate Herbert Orand as the Authority’s “Accountability Officer”
and Frederick Cole as the Contract Manager for the Business Process
Outsourcing Services Contract

10. REAL ESTATE

ITEM: 2014 Operating Budget for the Technology Centre of New Jersey, L.L.C.

REQUEST: To approve the 2014 operating budget for the Technology Centre of New
Jersey, L.L.C.

ITEM: Brokerage Services Contracts

Technology Centre of New Jersey & Tech Expansion Site

REQUEST: To approve the award of brokerage services contracts for the sale of the
Technology Centre of New Jersey and the Tech Expansion Site in North
Brunswick, New Jersey.

11. EXECUTIVE SESSION

12. PUBLIC COMMENT

13. ADJOURNMENT