



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: October 13, 2009
SUBJECT: Agenda for Board Meeting of the Authority October 13, 2009

Notice of Public Meeting

Roll Call

Approval of Previous Month's Minutes

Chief Executive Officer's Monthly Report to the Board

Authority Matters

Bond Projects

Loans/Grants/Guarantees

Clean Energy Solutions

Incentive Programs

Board Memorandums

Real Estate

Executive Session

Public Comment

Adjournment

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

September 8, 2009

MINUTES OF THE MEETING

Members of the Authority present: Carl Van Horn, Chairman; James Kelly, representing the State Treasurer; Dan Ryan representing the Commissioner of the Department of Environment Protection; Richard Poliner representing the Commissioner of the Department of Banking and Insurance; James Moore representing the Commissioner of the Department of Labor and Workforce Development; Jerold Zaro representing the Governor's Office; Public Members: Steve Plofker, Philip Kirschner, Charles Sarlo, Thomas Manning, Richard Tolson; and Rodney Sadler, Non-Voting Member.

Present via Phone: Raymond Burke, First Alternate Public Member

Absent from the meeting: Public Members: Joseph McNamara, Vice Chairman; Timothy Carden, Elliot M. Kosoffsky, Second Alternate Public Member.

Also present: Caren Franzini, Chief Executive Officer of 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 August 11, 2009 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Kirschner, seconded by Mr. Sarlo and was approved by the 11 voting members present.

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

Jerold Zaro entered the meeting at this time.

AUTHORITY MATTERS

The next item was to approve the committee appointments, appointment of the assistant secretaries, election of a vice chair and treasurer, and adopt a schedule for monthly Board meetings through September 2010.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Poliner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:1**

The next item was to authorize the Chief Executive Officer to execute a grant agreement with Rutgers, The State University of New Jersey, to provide financial support for the New Jersey Small Business Development Centers (SBDCs) as approved in the FY2010 Appropriations Act in an amount not to exceed \$250,000.

**MOTION TO APPROVE: Mr. Kirschner SECOND: Mr. Tolson AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:2**

Dr. Van Horn abstained due to the fact that he is a Rutgers University staff member.

The next item was a performance update of the Technical Assistance contract with UCEDC which was approved by the EDA Board in August 2008 as well as to inform the Board of the first renewal of the contract.

The next item was to approve proposed amendments to the rules implementing the Urban Transit Hub Tax Credit Program based on recent statutory revisions to the "Urban Transit Hub Tax Credit Act," P.L. 2007, c.346. Ms. Franzini also announced two additional revisions subject to Governor's Office approval: a provision that allows the EDA to administer a competitive award of tax credits at its discretion, and clarification that a tenant would not be charged a fiscal impact analysis fee if the owner of the building has been assessed this fee.

**MOTION TO APPROVE: Mr. Zaro SECOND: Mr. Manning AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:3**

The next item was an announcement by Ms. Franzini that the Technology Transfer Tax Credit Net Operating Loss Program action would be the subject of an upcoming Special Board Meeting with a date to be determined.

PRELIMINARY RESOLUTIONS

PROJECT: ADJ Realty NJ, LLC & E&T Plastic
Manufacturing Co. Inc. **APPL.#28139**
LOCATION: Teterboro/Bergen Cty.
PROCEEDS FOR: building acquisition & renovation
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Poliner **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:4

PUBLIC HEARING ONLY

PROJECT: Greater Brunswick Regional Charter School
or related entity **APPL.#26660**
LOCATION: New Brunswick/Middlesex Cty.
PROCEEDS FOR: building renovation
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

FAST START DIRECT LOAN PROGRAM

PROJECT: Crown Veterinary Specialists, LLC **APPL.#27373**
LOCATION: Lebanon/Hunterdon Cty.
PROCEEDS FOR: equipment acquisition
FINANCING: \$300,000 Fast Start Direct Loan
MOTION TO APPROVE: Mr. Manning **SECOND:** Mr. Poliner **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:5

MAIN STREET BUSINESS ASSISTANCE PROGRAM

PROJECT: Grinnell Recycling, Inc. **APPL.#27660**
LOCATION: Sparta/Sussex Cty.
PROCEEDS FOR: refinancing existing debt
FINANCING: \$1.3 million Authority guarantee of a \$2.6 million TD Bank term loan
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Sarlo **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:6

CAMDEN ECONOMIC RECOVERY BOARD

PROJECT: Camden Area Health Education Center **APPL.#202341**
LOCATION: Camden/Camden Cty.
FINANCING: \$26,630 ERB Recoverable Predevelopment Grant
MODIFICATION: approve funding authorization for a \$26,630 Recoverable Predevelopment Grant to Camden Area Health Education Center to help fund predevelopment activities for the renovation and restoration of their facility in Camden.
MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Manning AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:7

PROJECT: Camden Redevelopment Agency **APPL.#18198**
LOCATION: Camden/Camden Cty.
FINANCING: \$2,300,000 ERB Non-Recoverable Grant
MODIFICATION: approve the funding authorization for a modification to the \$2,300,000 non-recoverable infrastructure grant to the Camden Redevelopment Agency to amend the scope of work to include additional infrastructure improvements necessary to support the development of a modern office and research complex.
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Kirschner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

PROJECT: Heart of Camden **APPL.#16954**
LOCATION: Camden/Camden Cty.
FINANCING: \$1,150,000 ERB Non-Recoverable Grant
MODIFICATION: approve a modification to extend the grant term to December 31, 2009 for the \$1,150,000 non-recoverable infrastructure grant to the Heart of Camden to fund Phase I of the Environmental Mitigation and Landscape Master Plan for the Waterfront South neighborhood of Camden.
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Poliner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:9

PROJECT: Oasis Housing, LLC **APPL.#20890**
LOCATION: Camden/Camden Cty.
FINANCING: \$360,000 ERB Recoverable Grant
MODIFICATION: approve a modification to the scope of the project and to extend the term of the \$360,000 soft loan commitment to Oasis Housing, LLC until October 31, 2010. The ERB soft loan will be used for permanent financing of the six market rate units of the Sycamore Street Housing Project in the Gateway Neighborhood.
MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Ryan AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:10

PROJECT: Puerto Rican Unity for Progress (PRUP) **APPL.#18785**
LOCATION: Camden/Camden Cty.
FINANCING: \$1 million ERB Public Purpose Grant
MODIFICATION: approve the funding authorization of PRUP's request for the \$705,000 balance of their \$1,000,000 Public Purpose Grant to fund the permanent financing on their new facility once the project is completed.
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Ryan AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:11

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

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

MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Ryan AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:12

PROJECT: Prevost Enterprises, LTD **APPL.#25293**
LOCATION: Newark/Essex Cty.
PROCEEDS FOR: upgrade, closure and site remediation
FINANCING: \$102,440 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

The next item was a summary of all Petroleum Underground Storage Tank Program Delegated Authority Approvals for the month of August 2009. **(For Informational Purposes Only)**

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

The following municipal projects were presented under the Hazardous Discharge Site Remediation Fund Program. Ms. Franzini noted that a recent legal interpretation of an amendment to Art. VIII, section II, paragraph 6 of the New Jersey Constitution, effective Dec. 2003, has impacted how DEP oversight fees are funded. The program fund will no longer be used for these fees and applicants will be responsible for this cost.

MOTION TO APPROVE: Mr. Manning SECOND: Mr. Tolson AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:13

PROJECT: City of Gloucester City (Gloucester Titanium Site) **APPL.#26358**
LOCATION: Gloucester Twp/Camden Cty.
PROCEEDS FOR: remedial investigation
FINANCING: \$434,025 Hazardous Discharge Site Remediation Fund

PROJECT: Borough of Somerville (Somerville Landfill) **APPL.#28140**
LOCATION: Somerville/Somerset Cty.
PROCEEDS FOR: remedial investigation
FINANCING: \$2,138,292 Hazardous Discharge Site Remediation Fund

PROJECT: Frank Graafsma **APPL.#26726**
LOCATION: Hawthorne/Passaic Cty.
PROCEEDS FOR: remedial action
FINANCING: \$88,555 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 August 2009. **(For Informational Purposes Only)**

EDISON INNOVATION FUND

PROJECT: The Talk Market **APPL.#27917**
LOCATION: Newark/Essex Cty.
PROCEEDS FOR: growth capital
FINANCING: \$750,000 Edison Innovation Fund investment
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Ryan **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:14

INCENTIVE PROGRAMS

BUSINESS INCENTIVE EMPLOYMENT PROGRAM

PROJECT: ACE American Insurance Company and affiliates **APPL.#28056**
LOCATION: TBD **BUSINESS:** finance/insurance/ real estate
GRANT AWARD: 45% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Zaro **SECOND:** Mr. Manning **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Asurion Insurance Services, Inc. **APPL.#28043**
LOCATION: TBD **BUSINESS:** financial services
GRANT AWARD: 40% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Ryan **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Aurobindo Pharma U.S.A., Inc. **APPL.#28142**
LOCATION: TBD **BUSINESS:** pharmaceuticals
GRANT AWARD: 40% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Moore AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Logical Logistics LLC **APPL.#28073**
LOCATION: TBD **BUSINESS:** transportation & logistics
GRANT AWARD: 30% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Tolson AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Maplewood Beverage Packers, LLC **APPL.#27753**
LOCATION: Edison/Middlesex Cty. **BUSINESS:** food products
GRANT AWARD: 55% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Ryan AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Maplewood Beverage Packers, LLC **APPL.#27753**
LOCATION: Edison/Middlesex Cty. **BUSINESS:** food products
GRANT AWARD: \$205,400 (estimate), 5 years Business Retention and Relocation Assistance Grant
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Tolson AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Princeton Information Ltd. **APPL.#28094**
LOCATION: TBD **BUSINESS:** professional services
GRANT AWARD: 35% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: Proximo Spirits, Inc. & Jose Cuervo International, Inc. **APPL.#28046**
LOCATION: Jersey City/Hudson Cty. **BUSINESS:** wholesaler
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Sarlo SECOND: Mr. Poliner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

PROJECT: SCS Commodities Corp. and SCS OTC Corp. **APPL.#28001**
LOCATION: TBD **BUSINESS:** financial services
GRANT AWARD: 40% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Manning AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:15

BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT

PROJECT: Maplewood Beverage Packers, LLC **APPL.#27753**
LOCATION: Edison/Middlesex Cty. **BUSINESS:** food products
GRANT AWARD: \$205,400 (estimate), 5 years Business Retention and Relocation Assistance Grant
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Tolson AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:17

PROJECT: Aerco International, Inc.
LOCATION: Mahwah/Bergen Cty. **BUSINESS:** manufacturing
GRANT AWARD: \$183,300 (estimate), 5 years
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Poliner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:16

BOARD MEMORANDUMS

PROJECT: DPP Cirus, Inc. **APPL.# 10894**
LOCATION: Mt. Olive/Morris Cty.
FINANCING: \$362,260 Business Employment Incentive Program Grant
REQUEST: approval of: (1) sale of parent company, Diagnostic Products Corporation, to Siemens Medical Solutions (2) name change from Siemens Medical Solutions Diagnostics to Siemens Healthcare Diagnostics Inc. (3) continuation of BEIP grant notwithstanding legal issues reviewed by staff, in consultation with the Attorney General's Office.
This item was held from consideration.

PROJECT: Reldata, Inc. **APPL.#19795**
LOCATION: Parsippany/Morris Cty.
FINANCING: \$1,032,346 Edison Innovation Fund Loan
REQUEST: consent to a second 6-month moratorium through Feb 28, 2010 which will allow the company to receive an additional equity investment from lead investor Grazia Equity.
MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Poliner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:18

PROJECT: Tris Pharma, Inc.

APPL.#18997 & 14809

LOCATION: South Brunswick/Middlesex Cty.

FINANCING: \$878,881 (20.41%) guarantee of a \$4,306,133 bond and \$738,934 guarantee (50%) of a \$1,477,869

REQUEST: Consent to a \$2 million line of credit from Provident Bank and approve the subordination of Authority's lien on business assets to support anticipated sales growth.

**MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Tolson AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:19**

Mr. Zaro abstained due to the fact that he is a landlord of the facility.

The next item was a summary of projects approved under Delegated Authority in August 2009. **(For Informational Purposes Only)**

New Jersey Business Growth Fund: Deli on the Go Realty, LLC and Deli on the Go, Inc.; Four Star Reproductions, Inc.; Lippincott Communications Inc. or Nominee; S Russomano & P Welding PTRS and Technitool, Inc.; Trost, Joseph A. & Pedano, Thomas J. or Nominee & Aures and Galey HVAC

Fast Start Direct Loan Program: Petrol Pump, LLC

NJ Main Street Program: 2 South Main, LLC; Absolutely Energized Solar Electric, Inc.; Preferred Children's Services, Inc.

Preferred Lender Program: Destination ImagiNation, Inc.; Prestige Hospitality Services, LLC and Prestige First Avenue Cleaning Corp. and 81 Saxon Avenue Corporation

Community Economic Development Program: The Newark Museum Association

REAL ESTATE

The next item was to enter into a License Agreement with Cablevision Systems, Corporation, a service provider to tenants at the Tech IV Building that is owned and operated by the Authority at the Technology Centre of New Jersey.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Zaro AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:20**

Dr. Van Horn abstained due to the fact that he knows members of Cablevision's senior management and has discussed business items (unrelated to this item) with them.

The next item was to award the demolition and related services contract to Brandenburg Industrial Service Company of Bethlehem, Pennsylvania and to establish a demolition budget for the Riverfront State Prison Demolition Project.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Moore AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:21**

Ms. Franzini noted that a bid protest had been received and a review process will be initiated with the appointment of a Hearing Officer. Staff will report back to the Board on the resolution of the matter. Dave Nuse and Donna Sullivan of the EDA Real Estate Division responded to Members inquiries on the selection process, specifically that it was a qualified low bid process; that site inspection was allowed; and the selected party would be responsible for any costs not approved under the budget; and that the bid protest was by the 4th ranked bidder and was centered on administrative items.

The next item was to approve a Funding and Reimbursement Agreement with the Delaware River Port Authority (DRPA) for the Authority's demolition, remediation, and site improvement of Riverfront State Prison in Camden.

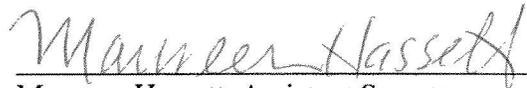
**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kirschner AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT:22**

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Tolson, and seconded by Mr. Manning, the meeting was adjourned at 11:25 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

September 18, 2009

MINUTES OF THE SPECIAL MEETING

Members of the Authority present: James Kelly, representing the State Treasurer; Jason Varano representing the Commissioner of the Department of Environment Protection; and Joe Latoof representing the Commissioner of the Department of Labor and Workforce Development.

Present via phone: Carl Van Horn, Chairman; Joseph McNamara, Vice Chairman; Public Members Timothy Carden, Phil Kirschner, Charles Sarlo, Steve Plofker; First Alternate Public Member Raymond Burke; and Second Alternate Public Member Elliot M. Kosoffsky.

Absent from the meeting: Jerry Zaro representing the Governor's Office; Public Members: Richard Tolson, Thomas Manning and Rodney Sadler, Non-Voting Member.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Bette Renaud, Barbara Mickle, and Ed Pillsbury, Deputies Attorney General, and staff.

Chairman Van Horn called the meeting to order at 11 a.m.

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.

TECHNOLOGY BUSINESS TAX CERTIFICATE TRANSFER PROGRAM

The next item was to approve a total of 100 benefit requests which have been evaluated according to the criteria established by the Members of the Board and met the criteria for approval. Disapproval is recommended for 36 benefit requests that failed any of the threshold criteria. These companies have not met the criteria for approval as described in the Project Score sheets. Ms. Franzini summarized the review and approval process, including how recent changes in the law were addressed in legislation signed on July 27, 2009.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. Latoof AYES: 11

RESOLUTION ATTACHED AND MARKED EXHIBIT:1

CAMDEN RIVERFRONT PRISON DEMOLITION

The next item was to approve the recommendation of Fred Cole, Hearing Officer, as it relates to the bid protest by the Site Contractors, Inc. concerning the award of a contract to Brandenburg Industrial Services, Inc. (Brandenburg) for the demolition of and site improvement services for the Riverfront State Prison, located in Camden. The subject

contract was approved by the Authority's Board at the September 8, 2009 EDA board meeting.

**MOTION TO APPROVE: Mr. Sarlo SECOND: Mr. Varano AYES: 11
RESOLUTION ATTACHED AND MARKED EXHIBIT:2**

EXECUTIVE SESSION

The next item was to adjourn the public session of the meeting and to enter Executive Session to discuss member comments regarding the bid protest for the Camden Riverfront Prison Demolition Vendor Selection.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Kirschner AYES:11
RESOLUTION ATTACHED AND MARKED EXHIBIT:3**

The next item was to approve Mr. Coles's recommendation that the award stand and that the bid protest regarding the prison was without merit.

**MOTION TO APPROVE: Mr. Sarlo SECOND: Mr. Varano AYES: 11
RESOLUTION ATTACHED AND MARKED EXHIBIT:4**

The next item was to deem the previous action regarding the Camden Riverfront Prison Demolition Vendor Selection as final agency determination and the matter is now closed.

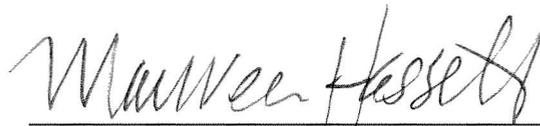
**MOTION TO APPROVE: Mr. Latoof SECOND: Mr. Burke AYES:11
RESOLUTION ATTACHED AND MARKED EXHIBIT:5**

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Latoof, and seconded by Mr. Carden, the meeting was adjourned at 11:25 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: October 13, 2009

RE: Chief Executive Officer's Report to the Board

EDA Closes 14th Main Street Financing; Another Nine Projects Await Finalization

Absolutely Energized Solar Electric, Inc. of Millstone Township is the latest company to finalize financing through the Main Street Business Assistance Program. The company, which sells and installs solar panels for residential and commercial use, closed an \$800,000 line of credit with The Bank that includes a \$250,000 EDA one-year guarantee. The line of credit will be used to bridge working capital needs until recently contracted work with major commercial clients can be completed. This was the seventh line of credit guarantee arranged under the Main Street program.

Overall, the EDA has closed 14 of the 23 financings approved under Main Street. These projects represent \$4.2 million in assistance, 482 retained jobs and the expected creation of 89 new jobs. Additionally, 1,292 applications have been submitted under the InvestNJ Program, representing requests for \$73.7 million in job creation grants and \$118 million in capital investment grants. More than 32,500 new jobs would be established if grant applicants create all the jobs specified in their applications. Both programs were established in January as part of Governor Corzine's Economic Assistance and Recovery Plan.

NEW JERSEY URBAN FUND

Through the first nine months of 2009, the EDA closed 39 financings totaling almost \$44 million in the urban centers of Atlantic City, Camden, Elizabeth, Jersey City, Newark, Paterson and Trenton under the New Jersey Urban Fund. These projects involve over \$180 million in total investment and are expected to create 1,132 new full-time jobs and more than 2,050 construction jobs. Our Strategic Business Plan goal for 2009 is to commit \$100 million to the nine targeted New Jersey Urban Fund cities, which also include East Orange and New Brunswick.

OTHER URBAN ACTIVITY

Through the end of September, the EDA closed 42 projects in other Urban Aid cities, providing nearly \$23 million in bonds, loans, loan guarantees and environmental assistance grants for borrowers investing more than \$65 million in the state's economy. This support is expected to result in the creation of nearly 270 jobs. Our strategic goal is to deploy \$100 million to Urban Aid cities other than New Jersey Fund cities in 2009.

A 50-percent EDA participation in a \$2.1-million TD Bank loan closed in September that will enable a real estate holding company for Sign Spec, Inc. of Pennsauken to purchase the building in which the manufacturer of signs, displays and kiosks operates. The 15-year-old company plans to add five new jobs as a result of the purchase.

EDISON INNOVATION FUND

The EDA closed equity-like financing totaling \$6.1 million with 10 Edison Innovation Fund projects in the first nine months of 2009, putting it two-thirds of the way to its Strategic Business Plan goal of making direct investments in 15 companies in 2009. Overall, the EDA has closed 21 Edison projects totaling more than \$56 million that are expected to result in total project investments of about \$250 million in New Jersey and the creation of more than 2,080 new jobs.

CORE ACTIVITY

Core financing totaling nearly \$315 million was finalized in the January-through-September period with 112 other projects that plan to make total investments of more than \$820 million and create over 2,000 new jobs. We have nearly tripled our 2009 goal of providing \$110 million financing assistance to core projects.

Destination ImagiNation, Inc., a nonprofit organization established a decade ago to provide educational services to students, borrowed \$990,000 from The Bank with a 50-percent EDA participation under the Preferred Lender Program. The organization is using the funding to purchase property in Cherry Hill to facilitate expansion. It expects to create 11 new jobs over the next two years.

Events/Speaking Engagements/Proactive Outreach:

EDA representatives participated as attendees, exhibitors or speakers at 35 events in September. These included an Industrial/Commercial Real Estate Women's information workshop in Iselin, a Federal Laboratory Consortium regional meeting in Plainsboro, a New Jersey Business and Industry Association Energy Expo in Edison, and a Green Jobs Forum in New Brunswick.

The month's proactive outreach activities included participation in three New Jersey Economic Stimulus Act of 2009 road shows in Camden, Newark and North Brunswick and special events associated with three New Jersey businesses that have finalized financing or incentive agreements with the EDA – Black Bear Distribution, LLC in Delanco, Eva Tees, Inc. in Piscataway, and inVentiv Health in Franklin Township.

During the month, the State of New Jersey welcomed a delegation of Israeli cleantech companies that presented their technologies to an audience of New Jersey businesses and investors at the U.S.-Israel Cleantech Conference in Lyndhurst. The conference included panel discussions with high-level state government officials and representatives from Israel, and provided opportunities for New Jersey companies in the clean energy field to set up meetings with their Israeli counterparts to explore potential partnerships. Officials from various Vietnamese port cities also visited New Jersey in September for briefings on port management topics and meetings with manufacturing representatives of equipment related to seaport activities. International trade involvement also included attendance at a meeting to discuss trade opportunities with Korean government officials, a Jiangsu, China life sciences mission at the Technology Centre of New Jersey in North Brunswick, and a Peru Investment Forum in New York City.



AUTHORITY MATTERS



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Edison Innovation Clean Energy Manufacturing Fund – Request to approve Amended MOU with the New Jersey Board of Public Utilities (BPU)

DATE: October 13, 2009

Request:

The Authority is requested to approve an Amendment to the Amended and Restated MOU with the New Jersey Board of Public Utilities (BPU) for the Edison Innovation Clean Energy Manufacturing Fund (CEMF) program to provide Delegated Authority to EDA for all specific changes which would not materially impact the grant/note collateral and terms, while allowing a greater level of responsiveness to the NJ Clean Energy business community. In addition, the MOU acknowledges a program process change from a competitive CEMF application and review process to an open, rolling process.

Background:

The Edison Innovation Clean Energy Manufacturing Fund (CEMF) program was designed to address the need for manufacturing funding to assist the advancement of Class I renewable energy and energy efficiency technologies in the State of New Jersey. This program allows 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.

The CEMF program has been very successful in receiving wide interest and acceptance among clean energy manufacturers. The first solicitation round in January 2009 had strong interest and resulted in a funding award in the amount of \$3.3 Million to Petra Solar, Inc, a clean energy technology company that provides solar and smart grid solutions for utility, commercial and residential applications.

The second solicitation which closed in July 2009 resulted in even stronger program interest. In September 2009, a Clean Technology Evaluation Committee reviewed finalists selected under the second solicitation round and those projects are currently under review by the EDA's credit underwriting department. Those project proposals receiving a positive credit review will be brought to the BPU Board for approval.

Throughout the implementation phase of the program, BPU and EDA have been closely monitoring program activity with intent to make further refinements as appropriate to ensure the program is meeting the needs of the NJ Clean Energy business community. In March 2009, an Amended and Restated MOU was entered into between BPU and EDA which provided additional detail around funds transfer mechanics, fine-tuned BPU and EDA duties including giving EDA some flexibility in adjusting applicant milestones, and also provided additional compensation to EDA to reflect CEMF and pre-existing programmatic work effort.

The MOU Amendment presented for consideration today further builds on that ongoing objective and commitment to calibrate the program where and when needed. Specifically, both BPU and EDA recognize the need to further refine respective responsibilities as well as adjust the application and review process for the CEMF program in order to be responsive to the businesses and provide for more effective implementation going forward.

Recommendation:

Based on experience from the initial solicitations for CEMF and in order to help facilitate customer responsiveness and allow for more efficient implementation, both the BPU and EDA are recommending several changes to the joint MOU. The attached MOU was brought to and approved by the BPU board on October 7, 2009.

The substance of the proposed changes, as identified below, will provide Delegated Authority to the EDA to serve as full program administrator. It will allow the EDA to revise and sign off on all required program documentation provided there are no material changes. The EDA shall be responsible for approving, in a timely manner, any proposed change to a CEMF Program project which is not deemed to be a Material Change. BPU shall retain responsibility for approving any proposed change to a CEMF Program project which is deemed to be a Material Change. Such "Material Changes" shall include, but not be limited to, the following: change to the scope and objective of the project; increase in CEMF Program financing; and extension of the availability of CEMF Program monies. The proposed delegation authorities were mirrored after those currently given to EDA staff under EDA programs

It is expected the EDA will consult and request approval from the BPU for all "material changes". The scope of the EDA's role will focus on financial and business amendments, while the technical changes requested will require BPU approval.

BPU Board Action will continue to be required for project approvals.

The members are asked to approve the Amended and Restated EDA-BPU MOU in substantially final form as provided in this memo.

A handwritten signature in black ink, appearing to read 'C. Franzini', written over a horizontal line.

Caren S. Franzini

Prepared by: Sandy Zeglarski and Kathleen Coviello

APPENDIX A
AMENDED MOU

AMENDMENT TO AMENDED AND RESTATED MEMORANDUM OF
UNDERSTANDING BETWEEN NEW JERSEY ECONOMIC DEVELOPMENT
AUTHORITY AND NEW JERSEY BOARD OF PUBLIC UTILITIES

This Amendment to Amended and Restated Memorandum
of Understanding between New Jersey Economic
Development Authority and the New Jersey Board of
Public Utilities (the "Amendment") is dated as of
| ~~{DATE}~~ October , 2009.

WHEREAS, the New Jersey Economic Development
Authority (the "Authority") and the New Jersey Board
of Public Utilities (the "BPU") (the "Authority" and
the "BPU" collectively referred to as the "Parties"),
through its Office of Clean Energy, have entered into
an Amended and Restated Memorandum of Understanding
(the "MOU"), dated March 19, 2009, pursuant to which
the Parties have set forth their respective roles and
obligations in connection with marketing and
administering the Clean Energy Manufacturing Fund (the
"CEMF") Program, as well as other clean energy
technology-related programs to be developed in the
future; and

WHEREAS, the Parties pursuant to paragraph 10.F.
of the MOU, desire to further clarify their respective
responsibilities in connection with administering the
CEMF Program in order to provide for its more
efficient implementation and to make certain changes
to the CEMF application and review process in order to
best serve the New Jersey clean energy business
community.

NOW THEREFORE, in consideration of the promises
set forth herein and for other good and valuable
consideration, the receipt and sufficiency of which
are hereby acknowledged, the Parties agree to amend
the MOU as follows:

I. BPU hereby agrees that Authority staff may
approve, in a timely manner, the following proposed changes
to a BPU Board approved CEMF Program project, for which
approval the Authority shall not be entitled to receive any
additional compensation other than as set forth in
paragraph 7.A. of the MOU. The Authority shall give the
BPU timely notice of any approvals its renders in

connection with this Amendment and shall provide documents related to such approvals as requested by BPU staff.

a) change in key financial personnel, provided that the replacement personnel has equivalent experience as the personnel who is being replaced and is otherwise qualified for the position;

b) amendment to project milestones, provided that the milestones involve the satisfaction of business and/or financial criteria;

c) deviation from the approved budget and adjustments between cost categories, provided that they do not result in an increase in CEMF financing or increase or decrease the overall budget by more than 25%;

d) additional indebtedness from third parties, provided that the additional indebtedness does not affect the priority of the CEMF lien and is not greater than 10% of the overall cost of the project;

e) commitment letter extensions not to exceed three months;

f) payment moratoriums not to exceed six months;

g) collateral releases provided that the value of such collateral does not exceed more than 10% of the current outstanding loan value;

h) collateral substitutions provided that the value of the substitute collateral is equal to or greater than the value of the collateral to be substituted;

i) review and approval of invoices, provided that they involve payment for business and/or financial-related expenses;

j) review and approval of recipient's financial management system;

k) review and approval of recipient's request to use Tranche II funds for Tranche I purposes;

l) review and approval of recipient cost-sharing requirements;

m) determination of commencement of commercial operations;

n) receipt of amendments and/or supplements to project proposals, with copy sent by Authority to BPU;

o) review and approval of amendments and/or supplements to project proposals if they involve business and/or financial-related changes;

p) review and approval of recipient requests to issue additional stock, declare company dividends and transfer excess cash;

q) upon a determination by BPU to call an event of default or to exercise any rights and/or remedies set forth in the financing documents, preparation and transmittal of appropriate notice(s) to recipient; and

r) routine business/financial decisions involving no risk of loss.

II. The Parties agree that the following decisions shall be considered by the BPU, upon recommendation by the Authority:

a) if there is damage to or destruction of the project, whether insurance proceeds should be used to repair the project or pay down the loan;

b) whether to approve a recipient request to move collateral from the project site out of the ordinary course of business;

c) whether to approve a recipient request to assign its interest in the project facility to a third party;

d) whether to approve a recipient request to merge with another entity or dispose of most of its assets; and

e) whether to approve a recipient request to change the operating control or ownership of the company.

III. Except as otherwise stated hereinabove or in the MOU, BPU shall be responsible for approving any proposed

change to a CEMF Program project. The Authority shall make all necessary changes to the CEMF Program financing documents for any approvals either it renders or BPU renders in connection with this Amendment or the MOU.

IV. The Parties agree to further amend the MOU by replacing Appendix A, referred to in paragraph 9 of the MOU and attached to the MOU and incorporated therein, with Revised Appendix A, which is attached hereto and incorporated herein in this Amendment. Revised Appendix A provides for the change from a competitive CEMF application and review process to an open, rolling process, as well as certain other changes.

V. The Parties agree to add the following additional subsection 8 to paragraph 5.A. of the MOU: "Generate quarterly CEMF Program projections."

This Amendment may be executed in duplicate parts, each of which shall be an original, but all of which shall together constitute one (1) and the same instrument.

The Parties hereto agree that, except as set forth hereinabove, the terms and conditions set forth in the MOU shall remain in full force and effect.

NEW JERSEY ECONOMIC
DEVELOPMENT AUTHORITY

By: _____
Caren Franzini
Chief Executive Officer

NEW JERSEY BOARD OF
PUBLIC UTILITIES

By: _____
Jeanne M. Fox
President



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Economic Redevelopment and Growth Grant (ERG) Program - Memorandum of Understanding between Depository Trust & Clearing Corporation, JP Morgan Chase Bank, Newport Office Center VI, LLC and the New Jersey Economic Development Authority

DATE: October 13, 2009

Request

The Members are asked to approve the attached Memorandum of Understanding (MOU) between Depository Trust & Clearing Corporation (DTCC), JP Morgan Chase Bank (Chase), Newport Office Center VI, LLC (Newport) and the New Jersey Economic Development Authority on behalf of the Authority. The MOU advances the State's efforts to attract a significant economic development project to New Jersey, consisting of 1,600 high wage jobs, in the financial services industry. The MOU contemplates the use of the newly authorized economic stimulus program, the Economic Redevelopment and Growth (ERG) Grant Program, to incent DTCC to move to New Jersey and requests the EDA to utilize its best efforts to bring the ERG application to the EDA Board of Directors for approval in a timely manner.

Background

The Economic Redevelopment and Growth Grant (ERG) program (P.L. 2009, c.90) establishes a grant program for entities undertaking a project which has demonstrated a project financing gap and has demonstrated it will create new incremental public revenues. In order to be eligible for this program, the Authority must find the following:

- 1) That there is in fact a project financing gap;
- 2) That, after the application of all state and local public assistance (including any ERG

grants) that the project provides a net benefit to the State;

3) That the project is a planning area 1 or 2, a designated center, a transit village or federally owned land approved for closure under a federal Base Realignment Closing Commission action;

4) That the State revenues to be realized from the redevelopment grant will be in excess of the amount needed to reimburse the developer for the financing gap. In addition, in deciding whether to enter into a grant, the Authority also must consider the seven criteria the Authority customarily considers for a Brownfields grant, such as the feasibility of the project and whether the project is consistent with the State Plan.

An ERG grant cannot exceed 20 percent of the project costs or 75% of the incremental new taxes. In addition, a developer is required to contribute 20 percent of the project costs as developer capital and the grant term cannot exceed 20 years. No payments under the grant agreement are made by the State until the State has received the incremental new tax revenue. Various state taxes are allowable under a State ERG grant as eligible to be reimbursed to the developer including State Sales Taxes and Corporate Business Taxes.

Authority staff has been working with the parties to the MOU in order to attract DTCC to New Jersey. The Members have already approved DTCC for a Business Employment Incentive Grant. The attached MOU indicates that Newport Office Center VI, LLC is planning on submitting an application for the Members consideration requesting an ERG grant to fill a project financing gap currently estimated to be \$11,864,387, exclusive of interest carry, which would be satisfied by approximately \$14.6 million in aggregate reimbursement payments over 6 years (estimate based on estimated annual corporate business tax), but in no event more than 20 years, which is within the allowable ERG cap of 20 percent of eligible project costs. The transaction entails DTCC locating to a building owned by Newport, which is in part leased to Chase. Newport and Chase will lease to DTCC approximately 415,000 square feet, which will house 1,600 relocated jobs. Together, the parties will contribute approximately \$81 million to retrofit the building to DTCC's specialized needs.

Staff has reviewed the projected financial and legal structure of the projected transaction and believes that it demonstrates a project financing gap as contemplated under the statute. In addition, staff has also performed a preliminary review of the project economics utilizing a working economic impact model developed by EDA consultants Jones Lang LaSalle, the results of which indicate that the project will have a net positive economic impact as required by the statute. DTCC's rent obligation and amortization of fit out over the lease term indicates that DTCC's rent is at a market rate. The overall costs of retrofitting the building to meet DTCC's specialized needs is consistent with other financial companies' Class A office space in Jersey City. However, since the rules are not completed at this time and since the applicant has not submitted an application (it has not yet been made available by the Authority); a full review of project eligibility cannot be completed. The attached MOU is contemplated in order to continue

to advance this transaction forward with the goal of presenting a full project recommendation to the Board of Directors at the November meeting, in addition to action by the Board of Directors to adopt rules implementing the program.

Recommendation

To approve the Authority entering into the attached Memorandum of Understanding (MOU), in substantially final form, between Depository Trust & Clearing Corporation (DTCC), JP Morgan Chase Bank (Chase), Newport Office Center VI, LLC (Newport) and the New Jersey Economic Development Authority, subject to the review of the Office of the Attorney General.

Caren S. Franzini

Attachment
Prepared by: Tim Lizura

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into as of this ___ day of _____, 2009 ("Effective Date"), by and among The Depository Trust & Clearing Corporation, having a place of business at 55 Water Street, New York, NY 10041 (“DTCC”), JP Morgan Chase Bank, National Association, having a place of business at 270 Park Avenue, New York, NY 10017 (“Chase”), Newport Office Center VI LLC, having a place of business at 100 Town Square Place, Jersey City, New Jersey 07310 (“Newport”) and the New Jersey Economic Development Authority, a body corporate and politic organized and existing under the authority of N.J.S.A. 34:1B-1 et seq., having its offices at 36 West State Street, PO Box 990, Trenton, New Jersey 08625 (“EDA”). DTCC, Chase and Newport shall hereinafter be collectively referred to as the “Private Parties.” DTCC, Chase, Newport and EDA shall hereinafter be collectively referred to as the “Parties.”

Recitals

- A. DTCC is considering relocation of certain operations, consisting of approximately 1,600 employees, to leased premises located at the Newport Office Center VI, located at 570 Washington Blvd., Jersey City, NJ (“Premises”), requiring certain costs to be incurred to upgrade the Premises and to install and up grade equipment to DTCC's specifications (“Project”). The costs of the Project are estimated to be \$81,326,054 (“Total Project Redevelopment Costs”).
- B. Chase currently leases a portion of the Premises, consisting of 331,686 square feet, (“Chase Premises”) from Newport, pursuant to a certain Agreement of Lease dated June 16, 2000, as amended, between Chase, Newport and certain affiliates of Newport (“Chase Lease”).
- C. Newport owns a leasehold interest in the Premises, including two floors of the garage portions of the Premises which would be converted to storage and office space (“Garage Space”).
- D. The implementation of the Project is subject to: (i) DTCC and Chase entering into a sublease agreement for the Chase Premises on terms and conditions mutually acceptable to DTCC and Chase (“Chase Sublease”); (ii) DTCC and Newport entering into a lease agreement for the Premises on terms and conditions mutually acceptable to DTCC and Newport (“Newport Lease”); (iii) Chase and Newport entering into a lease amendment to the Chase Lease in order to facilitate the Chase Sublease and the Newport Lease on terms and conditions mutually acceptable to Chase and Newport (“Chase Lease Amendment”); (iv) DTCC, Chase and Newport entering into a proposed Tri Party Agreement (“Proposed Tri Party Agreement”); (v) certain investments in real and personal property being made by the Private Parties in the Project, referred to in more detail and defined below as the Capital Investment; and (vi) a grant to be provided by the State of New Jersey (“State”), as set forth below.
- E. The Capital Investment is less than the total amount required to fund the Total Project Redevelopment Costs, such that the funds available from the Private Parties are insufficient to fully improve and equip the Premises to DTCC’s specifications.

F. Based on the foregoing, it is material to DTCC's determination as to whether to proceed with such relocation that certain incentives be made available, including a "state incentive grant" by the EDA ("Grant"), pursuant to the Economic Redevelopment and Growth ("ERG") Grant program set forth in N.J.S.A. 52:27D-489c through n ("Act").

G. The Private Parties desire to enter into this MOU to articulate and confirm certain of the rights and obligations of the Parties with respect to the Project, including the investments to be made in furtherance thereof by each Party. The Private Parties also seek clarification of the ERG program and its applicability to this Project and a timetable by which the Grant will be considered by the EDA.

H. Terms not separately defined in this MOU, shall have the meanings set forth in the Act.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth below, the Parties hereby agree as follows:

1. **Chase Investment and Chase Sublease.**

(a) Chase and DTCC agree to use good faith, reasonable business efforts to enter into the Chase Sublease for the Chase Premises for the remaining initial term under the Chase Lease. The terms and conditions of the Chase Sublease shall be mutually acceptable to Chase and DTCC and shall include a provision that in consideration of the rent and other payments to be made by DTCC under the Chase Sublease, Chase shall make a capital investment, as more particularly described in Subparagraph 1(b) below, in an amount estimated to be and not to exceed, \$20,809,980 ("Chase Investment") toward the funding of a portion of the Total Project Redevelopment Costs.

(b) The Chase Investment shall consist of two parts.

(i) The first part of the Chase Investment shall be a \$12,769,911 work allowance ("Work Allowance") to be provided to DTCC by Chase pursuant to the Chase Sublease to be used to cover a portion of certain of the costs of the real and personal property improvements comprising part of the Project, including, without limitation, interior fit-out, technology, energy systems and other equipment. Chase shall provide the Work Allowance as and to the extent set forth in the Chase Sublease. The timing of Chase's provision of the Work Allowance shall be as set forth in the Chase Sublease.

(ii) The second part of the Chase Investment shall consist of Chase's direct soft costs in connection with the Project, including A & E costs, legal costs, leasing costs and the like, collectively "Chase Soft Costs." The amount of the Chase Soft Costs is estimated to be and in no event shall be less than \$8,040,069. Chase shall expend the Chase Soft Costs when and to the extent it incurs same in connection with the Project.

2. **Newport Investment and Newport Lease.** Newport and DTCC agree to use good faith, reasonable business efforts to enter into the Newport Lease for the Garage Space and the Chase Premises, which shall provide, inter alia, for DTCC's occupancy of the Garage Space concurrently with DTCC's occupancy of the Chase Premises under the Chase Sublease and for

DTCC's continued occupancy of the Chase Premises upon the expiration of the Chase Sublease. The terms and conditions of the Newport Lease shall be mutually acceptable to Newport and DTCC, and shall include a provision that in consideration of the rent and other payments to be made by DTCC under the Newport Lease, Newport shall make certain improvements to the Premises which, together with other costs incidental to such improvements and the lease transaction, shall be not less than approximately \$19,627,566 ("Newport Investment"). Such amount shall constitute a portion of the funding of the Total Project Redevelopment Costs.

3. **Chase Lease Amendment.** Newport and Chase agree to use good faith, reasonable business efforts to enter into the Chase Lease Amendment to facilitate the Chase Sublease and the Newport Lease. The terms and conditions of the Chase Lease Amendment shall be mutually acceptable to Newport and Chase.

4. **DTCC Investment and Capital Investment.** DTCC has agreed to contribute an amount not to exceed \$29,024,121 ("DTCC Investment") toward the funding of the Total Project Redevelopment Costs. The Chase Investment, Newport Investment and the DTCC Investment are referred to collectively in this MOU as the "Capital Investment."

5. **Basis of Project Financing Gap.**

(a) Chase and Newport have each determined and hereby affirm that the amount of capital investment each, respectively, has agreed to provide pursuant to Paragraphs 1 and 2 above, is, the maximum amount of capital investment each is prepared to commit to the Project, based on market conditions, in consideration for the rent payments that DTCC has conditionally agreed to make under the Chase Sublease and the Newport Lease. DTCC hereby affirms and will certify in connection with the application for the ERG Grant to be submitted by Newport that: (a) based on market conditions, the condition of the Premises and its mission to reduce operating expenses and minimize the cost of its services to the securities industry, the rent and additional rent payments negotiated with Chase and Newport represent the maximum amount of rent and additional rent it is prepared to pay under the Chase Sublease and Newport Lease, respectively; and (b) that the proposed improvements to the Premises are consistent with the market for modern Class A office facilities serving large financial services firms. Newport affirms that as part of the application for the Grant it will submit as Developer, it will provide a certification that: (a) that rent and additional rent to be paid by DTCC is consistent with the market and the maximum that DTCC is prepared to pay in connection with the amounts being invested to improve the Premises; and (b) after making all good faith efforts to raise additional capital based on the rent payment and other payments to be made by DTCC, additional capital cannot be raised from other sources. For purposes of this Project, the following shall satisfy the conditions of such certification as to financing: (i) the fact that the Premises already are subject to an existing mortgage which is fully disbursed and does not permit additional funding, and which prohibits secondary financing and prepayment; and (b) the developer has concluded that it is unable to borrow additional funds on a non-recourse basis secured solely by the DTCC rent and other DTCC payments upon commercially reasonable terms at this time. The amount of developer equity is determined at the time of EDA Board approval based on estimated Total Project Redevelopment Costs and the existing mortgage financing available at that time, as certified by the developer. In the event the developer completes a refinancing of the existing mortgage loan to obtain increased funding secured by the entirety of the Premises, including the

real property and assignment of all leases, subsequent to completion of the Project, such event shall not be deemed to reduce the developers's equity for purposes of the determining the amount of the Grant.

(b) Based on the foregoing, there remains a gap between the Capital Investment and the Total Project Redevelopment Costs in the amount of \$11,864,387, which neither Chase nor Newport is prepared to cover based on the pending rental arrangements, and which DTCC is not prepared to cover without assistance from the State. Accordingly, upon review of the foregoing, and based on the representations in this Paragraph 5, and assuming that Newport's application ("Application") to the EDA for the Grant is consistent with such representations, the EDA hereby acknowledges and agrees that the market-based limitations on funding described above furnish sufficient basis for determining that a "project financing gap" exists which is not covered by other funding sources. If Newport's Application (as prescribed by EDA) setting forth a project in conformance with the Project described herein is in conformance with the other requirements under the Act and regulations that will be promulgated thereunder, EDA will use good faith, reasonable business efforts to bring the application to the Board of the EDA ("EDA Board") for approval, which approval will be in the EDA Board's discretion, by the date set forth in Paragraph 10 of this MOU. Such approval would be subject to the regulations to be promulgated by EDA pursuant to the Act, approval by the State Treasurer, the customary veto period of the Governor relating to the EDA Board's minutes and an ordinance of approval from the City of Jersey City, all in accordance with the procedures set forth in the Act.

6. **Grant Agreement.** In connection with the application for the Grant, Newport will be deemed the "developer" for the purposes of the Grant, and as such, will be the applicant for the Grant, enter into the "redevelopment incentive grant agreement" ("Grant Agreement") and provide such other documents and information as may reasonably be required of the "developer" under the Act. Notwithstanding the foregoing, the EDA and DTCC understand that Newport is acting as a conduit for DTCC in connection with the Grant.

7. **ERGG Tri Party Agreement.** It shall be a condition of Newport's and Chase's obligations under this MOU that Newport, DTCC and Chase enter into the ERGG Tri Party Agreement contemporaneously with the EDA Board approval provided for in Paragraph 5 of this MOU. The ERGG Tri Party Agreement shall set forth the respective rights and obligations of Newport, DTCC and Chase regarding the Grant, including, but not limited to:

(a) an assignment by Newport of all its right in, title to and interest in the Grant payments to DTCC;

(b) an assumption by DTCC of all of Newport's responsibilities for complying with all substantive and procedural requirements of the EDA, the State Treasurer and the City of Jersey City in any way pertaining to the Grant;

(c) a provision in which DTCC indemnifies, releases and holds Newport harmless from and against any and all claims and liabilities which it may incur by reason of the Grant, including, but not limited to, claims arising out of the Grant Agreement and any obligations pursuant thereto;

(d) a provision that DTCC is responsible, at its sole cost and expense, for performing all of the obligations of Newport as the "developer" under the Grant and the Grant Agreement, including, but not limited to, its responsibilities for the administrative and financial obligations associated with the Grant other than Newport's obligations to make or to have made the Newport Investment; and

(e) a provision that Chase's sole obligations in connection with the Grant and this MOU are limited to:

(i) providing the Work Allowance as and to the extent set forth in the Chase Sublease;

(ii) expending the Chase Soft Costs when and to the extent it incurs same in connection with the Project;

(iii) providing reasonable financial information concerning the amount, provision and timing of the provision of the Work Allowance; and

(iv) providing reasonable financial information concerning the amount, expenditure and timing of the expenditure of the Chase Soft Costs; and

(f) Subject to the limitations set forth in Paragraph 8 below, a provision that DTCC shall indemnify, defend, save and hold harmless Chase from and against any and all liabilities of any kind, damages of any kind, fines of any kind, penalties of any kind, notices of violation of any kind, enforcement actions of any kind, orders of any kind, monetary liabilities of any kind, costs of any kind, including, but not limited to court costs and reasonable attorneys fees, including, but, not limited to court costs and reasonable attorneys fees incurred in enforcing said indemnification and hold harmless provision, arising at any time and from time to, in whole or in part by reason of the Grant, or in connection with Chase's obligations under this MOU

8. **Cooperation.** Newport and DTCC agree to cooperate and proceed expeditiously and in good faith to take the steps specified herein to obtain the Grant, including providing and completing all documentation and information reasonably required to complete the application for the Grant to be considered at the EDA Board meeting on November 10, 2009. DTCC agrees to be responsible for all reasonable costs, including, but not limited to, outside counsel and accountant fees that Newport incurs in its role as developer in connection with the Grant and that Chase incurs in complying with its obligations under this MOU and the ERGG Tri Party Agreement (as defined below), collectively "Costs." However, Chase and Newport shall remain responsible for the expenses they incur in connection with the negotiation and preparation of the Chase Sublease, the Chase Lease Amendment, the Proposed Tri Party Agreement and the Newport Lease, respectively, which are not Costs. However, notwithstanding the immediately preceding sentence, DTCC agrees to be responsible for all reasonable costs, including, but not limited to, outside counsel and accountant fees, that Chase and Newport incur in connection with preparation and negotiation of the ERGG Tri Party Agreement, which shall be considered Costs. Chase and Newport shall provide DTCC with documentation of all Costs which shall include sufficient detail for DTCC to determine that the Costs for which reimbursement are sought comply with the requirements of this Paragraph 8.

9. **Other Chase Incentives.** The EDA acknowledges and agrees that Chase's entering into this MOU and performing its obligations hereunder, in order for Newport to obtain the Grant in accordance with the program embodied in this MOU, does not in any way diminish the availability of any other State incentives ("Incentives") to Chase or diminish Chase's rights to obtain same nor does it diminish the availability of State participation in any local or county incentive programs to Chase or diminish Chase's rights to obtain same. As used in this Paragraph 9, the term Incentives, includes, but is not limited to, any other "incentive grants" made pursuant to the Act for "project areas" other than the Chase Premises.

10. **Regulations and Presentation of Grant.** The Parties acknowledge that the EDA Board needs to adopt the regulations under the Act prior to or contemporaneously with the approval of the Grant. EDA hereby acknowledges and agrees to provide reasonable assistance to DTCC and/or Newport to expedite the review and approval of the Grant application, and EDA agrees, to the extent feasible, to present the Grant at the EDA Board meeting on November 10, 2009, but in no event prior to the presentation of the regulations to the Board.

11. **Conditions of Parties Obligations.** The Parties acknowledge that the agreements set forth in this MOU are intended to advance the Project and the Parties' mutual interests therein by clarifying the rights and obligations of the Parties, but understand that the specific terms and conditions of these rights and obligations will be set forth in the various agreements, as applicable, among the Parties, including the Chase Sublease, the Chase Lease Amendment, the Proposed Tri Party Agreement, the Newport Lease, the ERGG Tri Party Agreement and the Grant Agreement. However, even if the foregoing do not occur, Chase and Newport still have the right to the reimbursement of their Costs pursuant to and as set forth in Paragraph 8 of this MOU. The Parties further acknowledge that the role of the EDA is set forth in Paragraphs 5, 9 and 10, and that by executing this MOU, EDA is not participating in or giving approval to the provisions relating to the Private Parties in other paragraphs. EDA reserves the right to review the ERGG Tri-Party Agreement once it is in final form to confirm its conformance to the requirements of the Act.

12. **Termination of MOU.** In the event that, on or before November 25, 2009:

- (a) DTCC and Chase do not enter into and are not bound by the Chase Sublease,
- (b) DTCC and Newport do not enter into and are not bound by the Newport Lease,
- (c) Newport and Chase do not enter into and are not bound by the Chase Lease Amendment,
- (d) DTCC, Chase and Newport do not enter into and are not bound by the Proposed Tri Party Agreement; or
- (e) DTCC, Chase and Newport do not enter into and are not bound by the ERGG Tri Party Agreement;

then this MOU shall terminate, and Newport, DTCC and Chase shall have no obligations hereunder. However, in the event of such a termination, Paragraph 8 of this MOU survives such

termination until Chase and Newport receive the reimbursement of their Costs pursuant to and as set forth in Paragraph 8 of this MOU.

13. Miscellaneous.

(f) *Incorporation of Recitals.* The Recitals set forth at the head of this MOU are incorporated into and made a part of this MOU by reference as if set forth at length herein.

(g) *Choice of Law.* This MOU shall be governed and construed in accordance with the laws of the State of New Jersey.

(h) *Waiver of Jury Trial.* The Parties hereby waive their rights to a trial by jury in any action, proceeding or counterclaim brought by any Party against the other(s) as to any matter arising out of or in connection with this MOU.

(i) *Jurisdiction and Venue.* The Parties hereby consent to the jurisdiction of the Superior Court of New Jersey, Mercer County in connection with any dispute arising under this MOU.

(j) *Entire Agreement.* This MOU, the Chase Lease, the Chase Sublease to be entered into, the Chase Lease Amendment to be entered into, the Newport Lease to be entered into, the Proposed Tri Party Agreement, the ERGG Tri Party Agreement to be entered into and the Grant Agreement to be entered into, collectively the "Documents," represent the entire agreement among the Parties concerning the subject matter of this MOU and there are no other written or oral agreements, representations or understandings among the Parties concerning the subject matter hereof and thereof. This MOU can only be amended by a writing signed by all of the Parties.

(k) *Singular, Plural and Gender.* In this Agreement, as the context requires, words used in the singular form shall include the plural and words used in the plural shall include the singular; the masculine shall include the feminine and the neuter, the feminine shall include the masculine and the neuter, and the neuter shall include the masculine and the feminine.

(l) *Assignment.* No Party can assign this MOU, other than to an affiliate of said Party, without the written consent of all of the other Parties. For the purposes of this Subparagraph 13(g), a person or an entity shall be an affiliate of a Party if that person or entity shall control the Party, be controlled by the Party or be under common control with the Party. For the purposes of this Subparagraph 13(g), "control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of the management policies of such person or entity, whether through the ownership of voting securities, by contract or otherwise.

(m) *Counterparts.* This MOU may be executed in two (2) or more counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

(n) *Captions.* The marginal captions preceding the respective paragraphs and subparagraphs of this MOU are for convenience of reference purposes only and shall not be used in interpreting this MOU.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the Effective Date.

The Depository Trust & Clearing Corporation

By: _____
Title: _____
Date: _____

JP Morgan Chase Bank, National Association

By: _____
Title: _____
Date: _____

Newport Office Center VI LLC

By: _____
Title: _____
Date: _____

New Jersey Economic Development Authority

By: _____
Title: _____
Date: _____



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: New Jersey UrbanAmerica Advantage Fund, L.P.
30 Broad Street, 35th Floor
New York, NY 10004

Request:

Approval is requested to make up to a \$5 million limited partnership investment in the New Jersey UrbanAmerica Advantage Fund, L.P.

Background:

Formed in 1998, UrbanAmerica (“UA”) is a registered investment advisor specializing in the urban real estate investment market. UA created two prior funds raising a total \$521 million and executed over \$2 billion in transactions creating 6,100 jobs through its ten-year investment history.

Investors of UA include large public and private pension funds, banks, and insurance companies. UA’s portfolio consists of anchored retail, office, industrial, multifamily and hospitality assets. The office portfolio is characterized by strong credit institutional tenants, including government services, academic institutions and health care providers. In addition, UA received three allocations for a total of \$152 million of New Market Tax Credits for investments in its target markets. Finally, UA is managed by a team of professionals who collectively have over 80 years of real estate experience.

Formed in 1915, Fisher Brothers is a commercial real estate management company located in New York City. Fisher Brothers offers comprehensive management services in construction, management, leasing, garage, and cleaning through its various subsidiaries. Fisher Brothers has over \$3 billion in assets under management, including 5.1 million square feet of Class A office space in New York City and 1.5 million square feet in Washington D.C. Other holdings include a multi-brand hotel business, with 25 properties and over 4,700 rooms in 11 States, and a 50% interest in one of the largest hotel companies in Mexico.

During the firm’s lifetime, it has constructed over 20 million square feet of Class A office space. In 2004, Fisher Brothers and Morgan Stanley’s Real Estate Fund IV cosponsored the City Investment Fund, a \$900 million private equity fund created exclusively to pursue real estate investments within New York City’s five boroughs. Investors included pension funds of New York State and New York City. In 1986, Fisher

Brothers created as a wholly owned subsidiary, Plaza Construction Corporation, a provider of construction management and general contracting services. Plaza Construction Corporation is headquartered in New York City and has annual revenues of \$500 million.

UA has entered into a joint venture with Fisher Brothers to create UrbanAmerica Advantage GP, LLC, a newly formed limited liability company. UrbanAmerica Advantage GP, LLC will serve as General Partner to the New Jersey UrbanAmerica Advantage Fund, L.P. ("NJUA" or the "Fund"), a planned \$200 million commingled closed-end real estate private equity fund. The Fund is seeking the Authority to make an equity investment equal to 5% the total capital raised capped at \$5 million. The proceeds of our investment will be derived from the Authority's operating account and/or the Economic Recovery Fund. It is anticipated that UA will have a minimum raise requirement of \$40 million. If total commitments are less than the targeted \$200 million, then disbursements from the EDA will be on a pro-rata basis. Disbursements post Fund closing will be based on capital calls.

The Fund's investment objective will be to focus on investing in value-added real estate in distressed areas in the State of New Jersey with an emphasis on nine New Jersey targeted cities including Atlantic City, Camden, East Orange, Elizabeth, Jersey City, New Brunswick, Newark, Paterson and Trenton. The Fund intends to invest in office, retail, mixed use, industrial, hospitality, distribution, special-purpose and other commercial real estate properties.

The Fund will acquire, manage, hold, finance and dispose of a portfolio of both stabilized assets and assets requiring development, redevelopment and/or repositioning. Investments may take the form of equity investments, preferred equity or mezzanine debt or debt-related interests either in combination with or as a means to obtaining a controlling equity investment. The size of each investment will range between \$5 million and \$50 million.

Conditions of Closing

- Starting from the date of final Authority Board approval, UA will have six months to complete its initial closing.
- Minimum total capital raise of \$40 million must be achieved prior to closing.

Recommendation

This investment provides the Authority the opportunity to support economic development projects in distressed areas of the State. Based on a \$5 million commitment, this funding arrangement may result in up to \$600.6 million of equity and loan proceeds invested and a significant number of jobs created in NJ cities which include Atlantic City, Camden, East Orange, Elizabeth, Jersey City, New Brunswick, Newark, Paterson, and Trenton. Equally as important, the redevelopment or creation of commercial real estate assets in these areas will produce new or increased income tax revenues for the local municipalities as the assessed values of the real properties affected by the Fund are likely to increase.

Based on the above, the approval of a venture fund investment up to \$5 million in the Fund is recommended.



Prepared by: David A. Lawyer, Senior Credit Underwriter



MEMORANDUM

TO: Members of the Board

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

RE: Higher Education Public-Private Partnership Program

Summary

The Members of the Board are provided with program guidelines establishing the Higher Education Public-Private Partnership Program enabled by the “New Jersey Economic Stimulus Act of 2009”, P.L. 2009, c. 90. The Authority has developed these guidelines in partnership with the NJ Commission on Higher Education. In addition, the Members are requested to approve a new application fee for the program.

Background

On July 28, 2009, Governor Corzine signed into law the “New Jersey Economic Stimulus Act of 2009,” which now permits state and county colleges to enter into public-private- partnerships “that permit [a] private entity to assume full financial and administrative responsibility for the on-campus construction, reconstruction, repair, alteration, improvement or extension of a building, structure, or facility” of the college so long as the college retains ownership of the land, and the project is 100% privately financed. The Act charges the Authority with the review and approval of projects under the program.

The law is intended to improve financing opportunities of higher education facilities in New Jersey. Under the Higher Education Public-Private Partnership Program, State colleges and universities may partner directly with the private sector to build new campus infrastructure that would be paid-for through revenue generated by the facility. By allowing State and county colleges to enter into public-private partnerships for on-campus construction projects, the program would eliminate the need for higher education institutions to rely on borrowing and tuition hikes to keep up with the needs of rapidly growing student populations, resulting in the establishment of modern campuses in a more financially sound way.

To develop a project that includes a private-public partnership, a college must file an application with the Authority that includes:

- a public-private partnership agreement between the State or county college and the private developer;
- a full description of the project;
- the estimated costs and financial documentation for the project;
- a timetable for completion of the project extending no more than five years after consideration and approval;
- a long range maintenance plan for the project;
- a project labor agreement for the construction phase of the project; and
- any other requirements that the Authority deems appropriate or necessary to assist in the review of the application.

The Authority shall “review all completed applications, and request additional information as is needed to make a complete assessment of the project.” Complete applications must be submitted within 18 months after the Act became law, and the projects must be completed within five years of the Authority’s approval. Colleges will be strongly encouraged to consult the Authority early during project’s initial feasibility stages (i.e., while the college is developing the project concept and request for proposals) to ensure that the project will meet the Act’s requirements.

The Authority will review and approve the application and require the applicant to file quarterly reports until the project receives a final certificate of occupancy. The Authority’s review of the application will include, but not be limited to: the feasibility and design of the project; the experience and qualification of the development partner; soundness of the financial plan; long term maintenance plan for the facility; and adequacy of the required exhibits (e.g., land lease, partnership agreement). Under the statute, the Commission on Higher Education is responsible for reviewing the applicant’s long range facility plan.

The Real Estate Committee of the Authority’s Board will review Staff’s recommendations prior to referring the application to the full Board for review and approval.

The statute authorizes the Authority to establish fees to cover the Authority’s administrative costs for approval and subsequent monitoring of the proposed projects. Accordingly, a new application fee is proposed in the amount of .125% of total project cost, or \$15,000 whichever is greater.

Attached is a copy of proposed rule amendments establishing the new fee for the Higher Education Public-Private Partnership Program for the Members’ approval. Also attached is a copy of the draft guidelines for the program, for information purposes only.

Recommendation

The Members of the Board approve the proposed amendments establishing a Higher Education Public-Private Partnership Program fee of .125% of total project cost or \$15,000, whichever is greater; and, authorize staff to submit the proposed amendments for publication in the New Jersey Register, subject to final review and approval by the Office of the Attorney General and the New Jersey Office of Administrative Law (OAL). The new fees will be incorporated at adoption.

A handwritten signature in black ink, appearing to read 'Caren S. Franzini', with a circled 'MH' to the right. The signature is positioned above a horizontal line.

Caren S. Franzini
Chief Executive Officer

Attachment
Prepared by: Juan Burgos

DRAFT

OTHER AGENCIES NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Administrative Rules

Fees

Proposed Amendment: N.J.A.C. 19:30-6.1

Authorized By: New Jersey Economic Development Authority, Caren S. Franzini,
Chief Executive Officer.

Authority: P.L. 2009, c. 90.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-

Submit written comments by February 5, 2009:

Maureen Hassett, SVP Governance & Communications
New Jersey Economic Development Authority
PO Box 990
Trenton, NJ 08625-0990

The agency proposal follows:

Summary

The New Jersey Economic Development Authority (“EDA” or “Authority”) is proposing to amend its rules to establish a fee to cover the administrative costs for the review and approval of proposed projects and long-range maintenance plans submitted by institutions of higher education pursuant to P.L. 2009, c. 90.

The “New Jersey Economic Stimulus Act of 2009,” P.L. 2009, c. 90 authorizes State colleges and county colleges to enter into public-private partnership agreements for the on-campus construction, reconstruction, repair, alteration, improvement or extension of a building, structure, or facility of the institution.

Within eighteen months following the enactment of P.L. 2009, c. 90, all proposed projects shall be submitted to the EDA for its review and approval. As part of the required estimated costs and financial documentation for the project the application shall contain a long-range maintenance plan and shall specify the expenditures that qualify as an appropriate investment in maintenance. The long-range maintenance plans also shall be approved by the

EDA pursuant to regulations promulgated by the authority that reflect national building maintenance standards and other appropriate building maintenance benchmarks.

Finally, P.L. 2009, c. 90 authorizes the EDA to promulgate any rules and regulations necessary to implement the required review and approval of public-private partnership projects, including provisions for fees to cover administrative costs.

As the Authority has provided a 60-day comment period in this notice proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The EDA is an independent, self-supporting State entity which does not receive or rely on General Fund support for administrative or program costs and the proposed fee is intended to enable the Authority to effectively carry out its responsibilities to review and approve projects proposed under higher education public-private partnerships.

Economic Impact

The proposed amendment, intended to establish a percentage fee based on the total costs of a proposed facilities project under a public-private partnership agreement, would ensure that the costs are commensurate with the size and scope of the project.

Federal Standards Statement

The proposed rule amendment is not subject to any Federal standards or requirements; therefore, a Federal standards analysis is not required.

Jobs Impact

The public-private partnership projects authorized under the “New Jersey Economic Stimulus Act of 2009” will result in numerous full-time construction and facilities management jobs throughout the State and the proposed amendment will not impact these numbers.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small business, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because the proposed fee only applies to State colleges and county colleges. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Impact

The proposed amendments have no impact on smart growth and implementation of the New Jersey State Development and Redevelopment Act.

Housing Affordability Impact

The new rules will not impact the amount or cost of housing units, including multi-family rental housing and for-sale housing, in the State.

Smart Growth Development Impact

The new rules will not impact the number of housing units or result in any increase or decrease in the average cost of housing in Planning Area 1 of the State Development and Redevelopment Plan.

Full text of the amendment follows:

SUBCHAPTER 6. FEES

19:30-6.1 Application fee

(a) Except as set forth in (b) and (c) below, a non-refundable fee of \$1,000 shall accompany every application for Authority assistance, except for an application under the Edison Innovation Growth Fund, for which the fee is .25 percent of the loan amount, not to exceed \$ 2,500 **and except for an application submitted by a higher education institution pursuant to P.L. 2009, c. 90 for which the fee is .125 percent of the total project cost or \$15,000, whichever is greater.** The non-refundable application fee of \$1,000 for a guarantee of a bond issued by the Authority is in addition to the bond application fee.

(b) – (c) (No change.)

**NEW JERSEY ECONOMIC STIMULUS ACT OF 2009
HIGHER EDUCATION INSTITUTION
PRIVATE-PUBLIC PARTNERSHIPS**

PROGRAM GUIDELINES

BACKGROUND

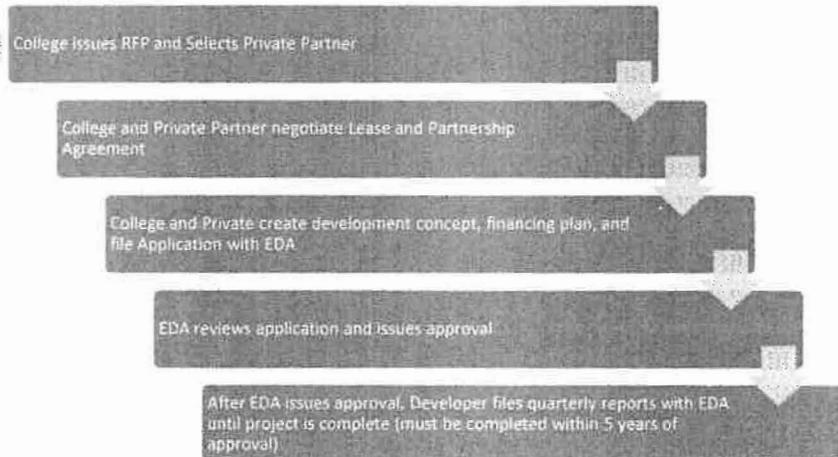
On July 28, 2009, Governor Corzine signed into law the New Jersey Economic Stimulus Act of 2009, which now permits a state or county college (hereinafter “college”) to enter into a private-public partnership “that permits [a] private entity to assume full financial and administrative responsibility for the on-campus construction, reconstruction, repair, alteration, improvement or extension of a building, structure, or facility of the institution” so long as the college retains ownership of the land, and the project is 100% privately financed. N.J. Stat. 18A:64-85.a.

The Act requires that the Authority “review all completed applications, and request additional information as is needed to make a complete assessment of the project.” N.J. Stat. 18A:64-85.f(3). A complete application must be submitted for approval within 18 months after the Act became law, and the projects must be completed within five years of the Authority’s approval. N.J. Stat. 18A:64-85.f(1) and (2)(a)(iv).

THE PROCESS

Under the Act, the college will be responsible for procuring a private development partner, entering into a lease and partnership agreement, which should include negotiating all the relevant use, occupancy, financial, liability, and legal terms of the transaction. Included as Appendix 1 to this guide is a chart which summarizes the Act’s requirements that should be considered when the college issues an RFP for a partner. **Colleges are strongly encouraged to consult the Authority early during project’s initial feasibility stages (i.e., while the college is developing the project concept and request for proposals) to ensure that the project will meet the Act’s requirements.**

After the college and private partner negotiate the lease and partnership agreements, develop the project concept, and the development partner secures financing commitments, an application may be filed with the Authority. The Authority will review the application, request for additional information if necessary, and issue an approval. The following chart summarizes the process:



THE APPLICATION

To obtain approval, the Authority will require the college and the private partner to submit the following items:

- a copy of the draft public-private partnership agreement between the college and the private developer (a fully negotiated agreement between the parties subject to comments)
- the copy of the draft land lease or land agreement between the college and the private developer (a fully negotiated agreement between the parties subject to comments)
- a project narrative that includes, but is not limited to the following:
 - a description and experience of the private developer and its team members
 - a full description of the project
 - a description of how the project will implement the Department of Community Affairs green building manual practices
 - a description of how the long term maintenance plan was developed and the assumptions used to create the plan
 - project schematics (site plan, floor plan and elevations)
- financial information, which shall include, but not be limited to the following:
 - a sources and uses statement
 - operating proforma coterminous with the financing of the project (i.e., debt and/or equity fully repaid)
 - evidence of legally binding financing commitments
 - evidence of the private developer's bonding capacity for the development and operation of the project as required by the Act, and
 - a long range maintenance plan
- a detailed project schedule, including all predevelopment, development, and place-in-service tasks and milestones (schedule cannot extend 5 years beyond the Authority's approval date)
- DPMC classifications as required
- evidence of how the partnership will fulfill the following obligations under the Act:
 - obtaining project labor agreements for the development and operation of the project
 - payment of the prevailing wage during the development and operation of the project

The Authority will make a sources and uses statement and operating proforma templates available that shall be included in the application.

APPLICATION REVIEW, APPROVAL, AND PROJECT MONITORING

Upon receipt of the application, the Authority will initially review the application for completeness; if any items are missing, the Authority will follow up with the applicant to obtain the omitted information.

After receipt of all the required documents, the Authority will perform a substantive review of the application, which will include assessing:

- the feasibility and design of the project
- the experience and qualification of the development partner
- soundness of the financial plan
- adequacy of the required exhibits (e.g., land lease, partnership agreement)
- adequacy of the long range maintenance plan

This review may require follow up with the applicant. After the Authority completes its substantive review, it will either provide a deficiency letter to the applicant to supplement the application, or approve the project.

After approval of the application, the higher education institution and the private developer shall submit quarterly reports until the project receives a final certificate of occupancy. The project must be completed within 5 years of receiving the Authority's approval.

Appendix 2 includes the application checklist and the proforma template.

APPLICATION AND MONITORING FEE

The application fee, due upon filing with the Authority, will be .125% of the total development cost, with a minimum fee of \$15,000.

This fee includes the initial application review, approval and subsequent monitoring until a final certificate of occupancy is obtained at construction completion.

APPENDIX 1: SUMMARY CHART OF THE ACT'S REQUIREMENTS THAT SHOULD BE CONSIDERED WHEN ISSUING A REQUEST FOR PROPOSAL'S FOR DEVELOPMENT PARTNERS



Higher Education Private Public Partnership Request for Proposals Checklist

The following checklist summarizes the requirements of any project developed under the Act. The Partnership between the institution of higher education and the private partner must ensure that these requirements are met for the duration of the project's development and operation. This checklist is provided as guidance to ensure that institutions of higher education solicit proposals that comply with the Act's requirements. These requirements are **IN ADDITION** to any other procurement requirements that the institution of higher education must adhere to when issuing Request for Proposals for the required services. **Colleges are strongly encouraged to consult the Authority early during project's initial feasibility stages (i.e., while the college is developing the project concept and request for proposals) to ensure that the project will meet the Act's requirements.**

Law Sec.	Statutory Language	Explanation
N.J. Stat. 18A:64-85.a.	A State college or county college may enter into a contract with a private entity, subject to subsection f. of this section, to be referred to as a public-private partnership agreement, that permits the private entity to assume full financial and administrative responsibility for the on-campus construction, reconstruction, repair, alteration, improvement or extension of a building, structure, or facility of the institution, provided that the project is financed in whole by the private entity and that the State or institution of higher education, as applicable, retains full ownership of the land upon which the project is completed.	Institution of Higher Education may enter into a private public partnership agreement if (1) the project is privately financed and (2) institution retains ownership of the land.
N.J. Stat. 18A:64-85.b.	A private entity that assumes financial and administrative responsibility for a project is not be subject to the procurement and contracting requirements of all statutes applicable to the institution of higher education at which the project is completed, including, but not limited to, the "State College Contracts Law," and the "County College Contracts Law."	Private partner is not subject to the institution of higher education's procurement and contracting laws/regulations, including, but not limited to State College Contracts Law or County College Contracts Law.
N.J. Stat. 18A:64-85.c.	Each worker employed in the construction, rehabilitation, or building maintenance services of facilities by a private entity that has entered into a public-private partnership agreement with a State or county college shall be paid no less than prevailing wage	Each workers employed in the construction, rehabilitation or building services for the project shall be paid no less than prevailing wage.
N.J. Stat. 18A:64-85.d(1)	All construction projects under a public-private partnership agreement entered into pursuant to this section shall contain a project labor agreement.	Construction of the project must include a project labor agreement.

Higher Education Private Public Partnership Request for Proposals Checklist

The following checklist summarizes the requirements of any project developed under the Act. The Partnership between the institution of higher education and the private partner must ensure that these requirements are met for the duration of the project's development and operation. This checklist is provided as guidance to ensure that institutions of higher education solicit proposals that comply with the Act's requirements. These requirements are **IN ADDITION** to any other procurement requirements that the institution of higher education must adhere to when issuing Request for Proposals for the required services. **Colleges are strongly encouraged to consult the Authority early during project's initial feasibility stages (i.e., while the college is developing the project concept and request for proposals) to ensure that the project will meet the Act's requirements.**

Law Sec.	Statutory Language	Explanation
N.J. Stat. 18A:64-85.d(1)	general contractor, construction manager, design-build team, or subcontractor for a construction project proposed in accordance with this paragraph shall be registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-44 56.48 et seq.), and shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership higher education project	General contractor, construction manager, design-build team, or subcontractor shall be registered with and classified by DPMC to perform work on public-private partnership higher education projects
N.J. Stat. 18A:64-85.d(2)	Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement	Private Partner must post a bond guaranteeing payment to the contractor, subcontractors and all persons supplying labor or materials for the development of the project.
N.J. Stat. 18A:64-85.f(1)	The projects are encouraged, when practicable, to adhere to the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of 27 P.L.2007, c.132 (C.52:27D-130.6).	Partners are encouraged to adhere to the green building manual for the project.
N.J. Stat. 18A:64-85.f(2)(b)	[Projects] shall contain a long-range maintenance plan and shall specify the expenditures that qualify as an appropriate investment in maintenance.	Projects require a long term maintenance plan outlining long term maintenance expense and capital improvements during the project's life under the partnership agreement
N.J. Stat. 18A:64-85.f(2)(b)	All contracts to implement a long-range maintenance plan pursuant to this paragraph shall contain a project labor	Contracts to implement the long-range maintenance plan are subject to prevailing

Higher Education Private Public Partnership Request for Proposals Checklist

The following checklist summarizes the requirements of any project developed under the Act. The Partnership between the institution of higher education and the private partner must ensure that these requirements are met for the duration of the project's development and operation. This checklist is provided as guidance to ensure that institutions of higher education solicit proposals that comply with the Act's requirements. These requirements are **IN ADDITION** to any other procurement requirements that the institution of higher education must adhere to when issuing Request for Proposals for the required services. **Colleges are strongly encouraged to consult the Authority early during project's initial feasibility stages (i.e., while the college is developing the project concept and request for proposals) to ensure that the project will meet the Act's requirements.**

Law Sec.	Statutory Language	Explanation
N.J. Stat. 18A:64-85.f(4)	<p>agreement.</p> <p>Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.</p>	<p>wage</p> <p>Private Partner must post a bond guaranteeing payment to the contractor, subcontractors and all persons supplying labor or materials to implement the long term maintenance plan.</p>

APPENDIX 2: APPLICATION CHECKLIST AND BUDGET TEMPLATES

**Higher Education Private Public Partnership
Application Requirements**
**[One Original, submitted in 3 Ring Binder along with one CD with a copy of
the application in PDF format]**

1. Applicant Information

- a. Institution Name
- b. Primary Business Address
- c. Contact Person Title, Telephone, Email and Fax
- d. Tax ID Number
- e. Proposed Ownership Structure
- f. What, if any, Board of Trustees action is required to proceed with the project
- g. Certification (to be inserted)

2. Private Partner Information

Include a narrative [not to exceed 10 pages, single spaced, 12 point font] that addresses the following items:

- a. Development Experience (for all team members)
- b. Operation and Management Experience
- c. Financial Capacity
 - i. Development
 - ii. Operating
 - iii. Bonding Capacity
 - iv. Financial Controls
- d. List of Prior Similar Projects with Contact Information

3. Project Narrative

Include a narrative [not to exceed 10 pages, single spaced, 12 point font] that addresses the following items:

- a. Project Description
 - i. Describe the Existing Conditions and Project Need (include a market analysis/study when appropriate, i.e., commercial retail, office projects).
 - ii. Describe the Proposed Uses (e.g., residential, commercial, educational, other)

- iii. Describe compliance with NJ DCA green building manual and/or LEED
 - iv. Describe how the project is consistent with the college's long range facilities plan.
- b. Provide Schematics (site plan, elevations, floor plans)
 - c. Provide Draft Specifications
4. Provide a Detailed Project Schedule

Include a narrative [not to exceed 5 pages, single spaced, 12 point font] that addresses the following items:

- a. Narrative
 - i. Describe Current Status
 - ii. Describe Major Milestones
 - iii. Describe Next Steps
 - iv. Describe how the project will meet the 5 year deadline (from date of approval), and any tactics or strategies that will be employed to mitigate schedule slippage
- b. Provided a Detailed Schedule with Tasks and Major Milestones (Gant Chart)

5. Financing

Include a narrative [not to exceed 10 pages, single spaced, 12 point font] that addresses the following items:

- a. Narrative Describing Financing Structure
- b. Financing Commitments
- c. Budgets
 - i. Sources and uses statement with notes
 - ii. Operating proforma with notes
- d. Long term management plan.
 - i. Describe the process and assumptions used to develop the plan.
 - ii. Describe how the plan is consistent with the college's long range facilities plan.



EXHIBITS

- A. Proof of Site Control (e.g., deed to existing land, lease, option or sale agreement for land to be acquired)
- B. Proposed Land Lease and Board of Trustees approval resolution
- C. Proposed Partnership/Development Agreement and Board of Trustees approval resolution
- D. Long Term Maintenance Plan
- E. DPMC Registration
- F. Proposed Project Labor Agreement

[CERTIFICATION AND TEMPLATES TO BE INSERTED]

AMENDED BOND RESOLUTIONS

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

APPLICANT: The Pennington School

P28553

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 112 West Delaware Avenue

Pennington Borough (N)

Mercer

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () Clean Energy

APPLICANT BACKGROUND:

The Pennington School, established in 1838, is a co-educational day and boarding school serving students in grades 6 through 12. The school is open to students of all races, religions, cultures and backgrounds. The Pennington School offers a college preparatory curriculum with honors and advanced placement courses, as well as an English as a Second Language program for international students and a learning center for students with language-based learning disabilities. Currently, the applicant has an enrollment of over 480 students.

In 2005, the Authority closed on a \$7.5 million tax-exempt bond which enabled the applicant to refinance 2 lines of credit related to the campus and faculty housing. The 2005 bonds were underwritten by UBS Financial Services for 30 years as weekly variable rate bonds secured by a letter of credit provided by Citizens Bank of PA for 5 years. The variable interest rate was hedged by three separate interest rate swaps at fixed rates of 3.45%, 4.32% and 4.54%. The 2005 Bonds are in compliance.

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 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 principal amount of the 2005 Bonds to eliminate the letter of credit and thereby reducing the Pennington School's exposure to remarketing and bank credit risks as well as reducing financing costs associated with the letter of credit. Citizens Bank has agreed to purchase the bond at the terms noted below.

FINANCING SUMMARY:

BOND PURCHASER: Citizens Bank of Pennsylvania (Direct Purchase)

AMOUNT OF BOND: \$7,500,000 (Tax-exempt - Bank qualified)

TERMS OF BOND: 26 years; Variable interest rate based on the tax-exempt equivalent of 30-day LIBOR plus 275 basis points (estimated at 2.03% as of 9/29/09). The previous swap agreements entered into by the Borrower will remain in effect with fixed rates of 3.45%, 4.32% and 4.54%.

ENHANCEMENT: N/A

PROJECT COSTS:

Principal amount of bond to be refunded	\$7,500,000
Legal fees	\$75,000
Finance fees	\$28,750
TOTAL COSTS	\$7,603,750

PUBLIC HEARING: 10/13/09 (Published 09/28/09) **BOND COUNSEL:** McManimon & Scotland
DEVELOPMENT OFFICER: K. Durand **APPROVAL OFFICER:** T. Wells

DIRECT LOANS

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - DIRECT LOAN PROGRAM**

APPLICANT: Chelten House Products, Inc.

P27236

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 607 Heron Drive

Logan Township (N)

Gloucester

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () Clean Energy

APPLICANT BACKGROUND:

Chelten House Products, Inc. ("CHP"), established in 1976, is a third generation manufacturer of organic, natural and conventional pasta sauces, salad dressings, salsas, and condiments for retail and food service customers. Most production is under private label made in customers' brand.

Nearly half of revenues are derived from products that are certified organic, and the remaining product base includes all natural, premium, and to a lesser extent, standard quality products. CHP sells their products primarily through supermarkets and grocery stores throughout the United States and Canada.

Proprietary brands, constituting approximately 20% of revenues, include Chelten House, Simply Natural, and Marinade Bay.

APPROVAL REQUEST:

Approval is requested for a \$1,250,000 direct loan which will supplement a \$1,250,000 PNC Bank loan and equity.

FINANCING SUMMARY:

LENDER: NJEDA

AMOUNT OF LOAN: \$1,250,000

TERMS OF LOAN: Borrower will have the option of a fixed rate at the 5-year Treasury with a floor of 3% or a floating rate at Prime minus 400 basis points with a floor of 2%. (Indicative fixed rate as of 9/24/09 is 3.0%)

PROJECT COSTS:

Purchase of equipment & machinery	\$2,604,000
Improvements	\$151,340
Engineering & architectural fees	\$6,850
Finance fees	\$1,825
TOTAL COSTS	\$2,764,015

JOBS: At Application 88 Within 2 years 20 Maintained 88 Construction 0

DEVELOPMENT OFFICER: H. Friedberg

APPROVAL OFFICER: K. Tolly

STATEWIDE LOAN POOL PROGRAM

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

APPLICANT: The Levoy Theatre Preservation Society, Inc.

P27248

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 126 - 130 N. High Street

Millville City (T/UA)

Cumberland

GOVERNOR'S INITIATIVES:

() Urban Fund (X) Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

This project involves the rehabilitation of the Levoy Theatre (built in 1908 and currently dormant) into a multi-faceted, state-of-the-art performing arts center with capabilities of hosting live theatre, music, dance, conferences, speakers, comedians, children's programs and digital cinema. The Levoy has been owned free and clear by the Levoy Preservation Society (a not-for-profit 501 (c) 3 entity) that is governed by a Board of Directors since 1998. The project will take approximately 10 months to complete once all funding sources have been committed and funded. This will also allow the applicant to commence a capital campaign to further support the venture.

APPROVAL REQUEST:

Approval is requested for a 50% guarantee (\$800,000 initially) by NJEDA of a \$1.6 million Sun National Bank mortgage loan under the Statewide Loan Pool Program. The other sources in this project include funds from the City of Millville, Cumberland County Improvement Authority and NMTC equity.

FINANCING SUMMARY:

LENDER: Sun National Bank

AMOUNT OF LOAN: \$1.6 million bank loan with a 50% Authority guarantee not to exceed \$800,000(for five years from date of permanent c/o and conversion of loan to permanent).

TERMS OF LOAN: 12 months interest only at Prime + 2% floating (6% floor - indicative rate as of 8/1/09 is 5.25%). Upon conversion rate fixed at FHLB + 300bp (indicative rate as of 8/1/09 is 6.4%) for 5 years with rate reset at year 5 for additional 5 years at same index. Total term 11 years based on a 25 year amortization.

PROJECT COSTS:

Renovation of existing building	\$6,841,650
NMTC Costs and Fees	\$641,995
Engineering & architectural fees	\$525,000
Operating Reserve	\$200,000
Insurance & Permits	\$174,095
Interest during construction	\$121,281
Finance fees	\$115,979
Purchase of equipment & machinery	\$30,000
TOTAL COSTS	\$8,650,000

JOBS: At Application 0 Within 2 years 5 Maintained 0 Construction 205

DEVELOPMENT OFFICER: J. Kenyon

APPROVAL OFFICER: M. Conte

LOCAL DEVELOPMENT FINANCING FUND

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - LOCAL DEVELOPMENT FINANCING FUND PROGRAM**

APPLICANT: BMB PROPERTIES AND MANAGEMENT, LLC

P28103

PROJECT USER(S): GDB International, Inc

* - indicates relation to applicant

PROJECT LOCATION: ONE HOME NEWS ROW

New Brunswick City (T/UA)

Middlesex

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

BMB Properties and Management, LLC ("BMB") is a real estate holding company affiliated with GDB International, Inc. ("GDB").

GDB was established in 1993 by Sanjeev Bagaria (50% owner) and Sunil Bagaria (50% owner.) They are an export company, trading worldwide in plastics, paints, and paper. GDB is one of the largest exporters of overstocks, slow moving, discontinued, and recyclable inventories, shipping over 2500 domestic and overseas containers each year.

The company currently leases space in both Elizabeth, NJ and Edison, NJ. At this time, they have an agreement of sale to purchase the commercial property at One Home News Road, New Brunswick, NJ, which will replace the 2 existing leased locations. This larger facility will accommodate the existing employees, who will transfer from their current locations, as well as support the hiring of an additional 40 employees.

APPROVAL REQUEST:

Approval is requested for a \$2,000,000 direct loan under the LDFF program as proposed. This project is further supported by a \$3,500,000 facility to be provided by PNC Bank, which serves to provide the remainder of the debt necessary for the acquisition and renovation of the property.

FINANCING SUMMARY:

LENDER: LDFF

AMOUNT OF LOAN: \$2,000,000

TERMS OF LOAN: 5 year loan, with repayment based on a 15 year amortization. Interest at a fixed rate of 50% of the Federal Discount Rate, with a 2.0% floor. (Indicative rate as of 9/24/09 is 2.0%)

PROJECT COSTS:

Acquisition of existing building	\$4,607,511
Renovation of existing building	\$1,226,724
Purchase of equipment & machinery	\$192,821
Finance fees	\$36,075
TOTAL COSTS	\$6,063,131

JOBS: At Application 75 Within 2 years 40 Maintained 0 Construction 37

DEVELOPMENT OFFICER: K. Durand

APPROVAL OFFICER: K. Tolly

**PETROLEUM UNDERGROUND STORAGE TANK
PROGRAM**



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: October 13, 2009
SUBJECT: NJDEP Petroleum UST Remediation, Upgrade & Closure Fund Program

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

Private Grants:

Acropolis Service Center.	\$ 99,034
Kurtin's Service Center.	\$101,269
Leon Wieczorek.	\$119,964
Dawn T. Williams.	\$109,707
Total UST funding for October 2009.	\$429,974

Prepared by: Lisa Petrizzi

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

APPLICANT: Acropolis Service Center

P27636

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 441 Broad Ave.

Leonia Borough (N)

Bergen

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

Acropolis Service Center, owned by George Vathianakis, received a grant in the amount of \$14,760 in August 2004 under P15895, a grant in the amount of \$43,930 in October 2006 under P17311 and a grant in the amount of \$93,465 in May 2008 under P21383 to perform soil and groundwater remediation for the closure of former underground storage tanks (UST's) at the project site. The NJDEP has determined that the supplemental project costs are technically eligible to perform additional soil and groundwater investigation.

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 supplemental grant funding in the amount of \$99,034 to perform the approved scope of work at the project site, for a total funding to date of \$251,189.

The NJDEP oversight fee of \$9,903 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 \$99,034

TERMS OF GRANT: No Interest; 5 year repayment provision on a pro-rata basis in accordance with the PUST Act

PROJECT COSTS:

Upgrade, Closure, Remediation	\$99,034
NJDEP oversight cost	\$9,903
EDA administrative cost	\$500
TOTAL COSTS	<hr/> \$109,437 <hr/>

APPROVAL OFFICER: L. Petrizzi

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

APPLICANT: Kurtin's Service Center, Inc.

P27864

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 25-27 Passaic Avenue

Passaic City (T/UA)

Passaic

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

Kurtin's Service Center, Inc. has received a grant in the amount of \$140,070 in August 1999 under P#11068, a grant in the amount of \$53,335 in April 2004 under P11068s, and a grant in the amount of \$34,169 in June 2007 under P17717 to close five underground storage tanks (UST's), install three replacement UST's, to remove and dispose contaminated soil, and to perform soil and groundwater investigation. The NJDEP has determined that the supplemental project costs are technically eligible, to perform remediation activities.

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

APPROVAL REQUEST:

The applicant is now requesting another grant in the amount of \$101,269 to fund these costs, for a total funding to date of \$328,843.

The NJDEP oversight fee of \$10,127 is the customary 10% of the grant amount. This estimate 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: \$101,269

TERMS OF GRANT: No Interest; 5 year repayment provision on a pro-rata basis in accordance with the PUST Act

PROJECT COSTS:

Remediation	\$101,269
NJDEP oversight cost	\$10,127
EDA administrative cost	\$500
TOTAL COSTS	<hr/> \$111,896 <hr/>

APPROVAL OFFICER: L. Petrizzi

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

APPLICANT: Leon Wieczorek

P27817

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 147 Joseph St.

East Brunswick Township (N)

Middlesex

GOVERNOR'S INITIATIVES:

Urban Fund Other Urban Edison Core Clean Energy

APPLICANT BACKGROUND:

Leon Wieczorek is a homeowner seeking to remove a leaking 550 gallon residential #2 heating underground storage tank (UST) and perform the required 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 \$119,964 to perform the approved scope of work at the project site.

The NJDEP oversight fee of \$11,996 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: \$119,964

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Upgrade, Closure, Remediation	\$119,964
NJDEP oversight cost	\$11,996
EDA administrative cost	\$250
TOTAL COSTS	\$132,210

APPROVAL OFFICER: K. Junghans

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

APPLICANT: Dawn T. Williams

P27672

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 227 Archangela Ave.

Woodbridge Township (T/UA)

Middlesex

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

Dawn T. Williams received a grant in October 2008 in the amount of \$47,403 under P23199 to remove a leaking 550-gallon residential #2 heating underground storage tank (UST). The tank was decommissioned and removed in accordance with NJDEP requirements. The NJDEP has determined that the supplemental project costs are technically eligible, to perform additional remedial activities.

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 \$109,707 to perform the approved scope of work at the project site, for a total funding to date of \$157,110.

The NJDEP oversight fee of \$10,971 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: \$109,707

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Upgrade, Closure, Remediation	\$109,707
NJDEP oversight cost	\$10,971
EDA administrative cost	\$250
TOTAL COSTS	\$120,928

APPROVAL OFFICER: R. Doyle



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

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 September 01, 2009 to September 30, 2009

Summary:		# of Grants	\$ Amount
	Leaking tank grants awarded	80	\$1,505,616
	Non-leaking tank grants awarded	224	\$557,733

Applicant	Description	Grant Amount	Awarded to Date
Abatemarco, John (P28156)	Supplemental grant for upgrade, closure and remediation	\$2,768	\$4,768
Alejo, Pedro and Juana (P28035)	Initial grant for upgrade, closure and remediation	\$24,921	\$24,921
Alvarez, Rose (P26946)	Initial grant for upgrade, closure and remediation	\$76,166	\$76,166
Benson, Craig (P27810)	Initial grant for upgrade, closure and remediation	\$17,647	\$17,647
Beyerle, Sr., Gordon K. (P27954)	Supplemental grant for upgrade, closure and remediation	\$49,916	\$69,916
Bialoblocki, Susan (P27507)	Initial grant for upgrade, closure and remediation	\$9,311	\$9,311
Bonilla, Manuel (P27974)	Initial grant for upgrade, closure and remediation	\$34,142	\$34,142
Boucher, Mary Ann (P28030)	Supplemental grant for upgrade, closure and remediation	\$3,038	\$4,238
Boyd, Walter and Dorothy (P27828)	Initial grant for upgrade, closure and remediation	\$14,125	\$14,125
Braccioforte, Anne (P27788)	Initial grant for upgrade, closure and remediation	\$21,321	\$21,321

Applicant	Description	Grant Amount	Awarded to Date
Brennan, James F. (P27813)	Initial grant for upgrade, closure and remediation	\$12,532	\$12,532
Carr, Edward (P27498)	Supplemental grant for upgrade, closure and remediation	\$2,559	\$9,983
Chan, David (P27823)	Initial grant for upgrade, closure and remediation	\$9,565	\$9,565
Cleary, Kenneth and Jennifer (P26612)	Initial grant for upgrade, closure and remediation	\$4,660	\$4,660
Danahy, Catherine and Jason (P27949)	Initial grant for upgrade, closure and remediation	\$17,511	\$17,511
Davison, Ronald (P28098)	Supplemental grant for upgrade, closure and remediation	\$1,601	\$11,401
DeFeo, Carmen (P27482)	Supplemental grant for upgrade, closure and remediation	\$26,802	\$40,547
Deangelo, David (P27795)	Initial grant for upgrade, closure and remediation	\$53,111	\$53,111
Delplato, Charles (P27983)	Initial grant for upgrade, closure and remediation	\$4,030	\$4,030
Desousa, Maria (P27285)	Initial grant for upgrade, closure and remediation	\$36,601	\$36,601
Farag, Shawky (P26686)	Initial grant for upgrade, closure and remediation	\$31,854	\$31,854
Flamos, Maria (P27815)	Initial grant for upgrade, closure and remediation	\$16,946	\$16,946
Gajewski, Arlene (P27940)	Initial grant for upgrade, closure and remediation	\$24,349	\$24,349
Gingold, Scott (P27154)	Initial grant for upgrade, closure and remediation	\$3,885	\$3,885
Granato, James (P26580)	Initial grant for upgrade, closure and remediation	\$91,744	\$91,744
Griffin, Carol (P26720)	Initial grant for upgrade, closure and remediation	\$9,740	\$9,740
Grill, Roger (P26729)	Initial grant for upgrade, closure and remediation	\$63,905	\$63,905
Hagerman, Frances (P27821)	Initial grant for upgrade, closure and remediation	\$3,975	\$3,975
Hansell, Elaine (P27966)	Initial grant for upgrade, closure and remediation	\$6,606	\$6,606
Hardmeyer, Erin (P27999)	Initial grant for upgrade, closure and remediation	\$8,144	\$8,144
Haug, John (P27807)	Initial grant for upgrade, closure and remediation	\$10,792	\$10,792
Helder, James and Catherine (P27871)	Supplemental grant for upgrade, closure and remediation	\$92,377	\$108,882*
Hutton, Glenn (P27499)	Initial grant for upgrade,	\$13,413	\$13,413

Applicant	Description	Grant Amount	Awarded to Date
	closure and remediation		
Iorio, Michael (P28154)	Initial grant for site remediation	\$4,968	\$4,968
Kantor, Mary (P27291)	Initial grant for upgrade, closure and remediation	\$9,404	\$9,404
Karner, Susan (P27783)	Supplemental grant for upgrade, closure and remediation	\$12,004	\$19,523
Kaufman, Elihu and Julia (P27824)	Initial grant for upgrade, closure and remediation	\$9,234	\$9,234
Kaufman, Thomas and Donna (P27673)	Initial grant for upgrade, closure and remediation	\$21,125	\$21,125
Kessler, Scott (P28044)	Initial grant for upgrade, closure and remediation	\$5,301	\$5,301
Kreshak, Daniel (P28135)	Initial grant for upgrade, closure and remediation	\$4,400	\$4,400
Lammy, Jill and William (P27799)	Initial grant for upgrade, closure and remediation	\$4,600	\$4,600
LeBrun, Roseann and Leonard (P27506)	Initial grant for upgrade, closure and remediation	\$53,071	\$53,071
Lenart, John and Debra (P27987)	Initial grant for upgrade, closure and remediation	\$3,649	\$3,649
Lindskog, Michael (P28100)	Initial grant for upgrade, closure and remediation	\$11,184	\$11,184
Long, Deloise (P28102)	Initial grant for upgrade, closure and remediation	\$23,744	\$23,744
Lypowy, William (P27970)	Initial grant for upgrade, closure and remediation	\$6,921	\$6,921
Matthews, Janine (P28168)	Supplemental grant for upgrade, closure and remediation	\$35,543	\$45,443
McClary, Ralph and Lorena (P27818)	Initial grant for upgrade, closure and remediation	\$23,846	\$23,846
McLaughlin, William (P27796)	Initial grant for upgrade, closure and remediation	\$4,512	\$4,512
Megargel, Charles (P27985)	Initial grant for upgrade, closure and remediation	\$5,071	\$5,071
Melick, William and Kathy (P27946)	Supplemental grant for upgrade, closure and remediation	\$721	\$8,791
Mistkowski, Ruth (P28036)	Supplemental grant for upgrade, closure and remediation	\$81,715	\$100,542*
Muller, Betty (P27992)	Initial grant for upgrade, closure and remediation	\$3,700	\$3,700
Murphy, William (P27955)	Supplemental grant for upgrade, closure and remediation	\$600	\$15,346
Newsome, Dora (P27826)	Initial grant for upgrade, closure and remediation	\$5,600	\$5,600

Applicant	Description	Grant Amount	Awarded to Date
O'Neill, Christine (P27670)	Supplemental grant for upgrade, closure and remediation	\$26,486	\$50,164
Palermo, Saverio (P27973)	Initial grant for upgrade, closure and remediation	\$7,450	\$7,450
Patel, Babubhai (P27964)	Initial grant for upgrade, closure and remediation	\$4,523	\$4,523
Ragnetti, David and Colleen (P28157)	Initial grant for upgrade, closure and remediation	\$8,828	\$8,828
Russo, Louise (P27948)	Initial grant for upgrade, closure and remediation	\$16,151	\$16,151
Sanders, Winter (P27167)	Initial grant for upgrade, closure and remediation	\$3,790	\$3,790
Schimpf, Irene (P27639)	Initial grant for upgrade, closure and remediation	\$6,043	\$6,043
Seablom, Janet (P27163)	Initial grant for upgrade, closure and remediation	\$4,485	\$4,485
Shirhall, Pansy (P28167)	Initial grant for upgrade, closure and remediation	\$3,440	\$3,440
Smith, Thomas G. (P27559)	Initial grant for upgrade, closure and remediation	\$18,027	\$18,027
Sodroski, Christopher (P27674)	Initial grant for upgrade, closure and remediation	\$7,600	\$7,600
South Brunswick Family YMCA (P27975)	Initial grant for upgrade, closure and remediation	\$44,286	\$44,286
St. Dunstan's Episcopal Church (P27303)	Initial grant for upgrade, closure and remediation	\$6,486	\$6,486
Stewart, George (P27950)	Initial grant for upgrade, closure and remediation	\$7,587	\$7,587
Sudia, Lynda and Mark (P27825)	Initial grant for upgrade, closure and remediation	\$10,006	\$10,006
Szabo, Gabor (P27798)	Initial grant for upgrade, closure and remediation	\$29,045	\$29,045
Tamburo, Richard (P27782)	Initial grant for upgrade, closure and remediation	\$52,235	\$52,235
Terzino, Lena (P28000)	Initial grant for upgrade, closure and remediation	\$13,698	\$13,698
Tosches, Charles and Frances (P27938)	Supplemental grant for upgrade, closure and remediation	\$30,000	\$49,778
Unity Spiritual Center (P27477)	Supplemental grant for upgrade, closure and remediation	\$33,965	\$72,044
Varadharajan, Gopinath (P27484)	Initial grant for upgrade, closure and remediation	\$5,926	\$5,926
Weightman, Evelyn (P27942)	Initial grant for upgrade, closure and remediation	\$6,721	\$6,721
Willever, Leroy (P27952)	Initial grant for upgrade,	\$5,038	\$5,038

Applicant	Description	Grant Amount	Awarded to Date
	closure and remediation		
Wright, George and Joan (P27074)	Initial grant for upgrade, closure and remediation	\$4,583	\$4,583
Yannarelli, Anthony and Judith (P27172)	Initial grant for upgrade, closure and remediation	\$18,247	\$18,247

80 Grants

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

\$1,505,616

Abbate, Frances (P28249)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Abbate, Samuel A. and Maira (P28214)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Abbott, Michael W. and Dorothy J. (P27565)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Abramczyk, Maurice and Rachel (P27468)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ackerson, Jeryl (P28011)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Akerstrom, Brian Eugene and Debra A (P28275)	Grant to install an above ground storage tank	\$3,000	\$3,000
Alheidt, Richard and Emilia (P28126)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Askew, Jeanne (P28434)	Grant to remove an underground storage tank	\$1,050	\$1,050
Azarinshvili, Georgiy and Nino Miminoshvili (P28186)	Grant to remove an underground storage tank	\$1,075	\$1,075
Beauregard, Donna (P28445)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Bellows, Scott and Donna (P28396)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,697	\$2,697
Beltran, Deborah L. and Jose A. (P28201)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Beltran, Gonzalo (P27462)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Berry, Brian K. (P28010)	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		
Bivona, Linda K. and Allan C (P28085)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,973	\$2,973
Blyler, David N. and Andrea A. (P28121)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,950	\$2,950
Boise, Michael R. and Tricia A. (P27928)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Bono, Joseph J., Jr. and Mary C. (P28068)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Borchardt, Lawrence and Marianne (P28105)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,750	\$2,750
Bostwick, Elbridge I. and Lillian B. (P28112)	Grant to remove an underground storage tank	\$1,200	\$1,200
Braun, Daniel (P28390)	Grant to install an above ground storage tank	\$2,936	\$2,936
Broadwater, Kevin and Andrea (P28427)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Burrows, Michael and Kathleen J. (P28161)	Grant to remove an underground storage tank	\$1,200	\$1,200
Caffrey, John and Susan (P28122)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,970	\$2,970
Caines, Thomas R. and Claire (P28361)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Campbell, David L. and Barbara J. (P28239)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Capawana, Jeffrey and Catherine (P28129)	Grant to remove an underground storage tank	\$1,200	\$1,200
Caramanna, Anna (P27544)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,998	\$2,998
Carrozza, Melanie (P28242)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Carter, Ellen Frank (P26860)	Grant to remove an underground storage tank	\$1,200	\$1,200
Casele, Lawrence (P28076)	Grant to remove an underground storage tank	\$1,200	\$1,200

Applicant	Description	Grant Amount	Awarded to Date
Casler, Lori and Jeffrey (P27893)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Castellano, Richard and Lariane (P28221)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Castelluzzo, Carmella Pullano and Charles (P28110)	Grant to remove an underground storage tank	\$1,200	\$1,200
Castoro, Tina (P28077)	Grant to remove an underground storage tank	\$1,200	\$1,200
Cava, Michael and Nancy (P28283)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,563	\$2,563
Chakounis, Peter and Theresa (P28021)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Chapman, Michael J. and Kristi L. (P27710)	Grant to remove an underground storage tank	\$1,200	\$1,200
Cheng, Ming and Zelig Wong (P28059)	Grant to remove an underground storage tank	\$1,200	\$1,200
Clark, James F. and Andrea J. (P28067)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Clayton, John and Joyce (P28020)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Clegg, William (P28027)	Grant to remove an underground storage tank	\$1,200	\$1,200
Clendenny, Gerald and Mary Jo (P27907)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Coalmon, Michelle (P28225)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Conover, Richard and Nancy (P27460)	Grant to remove an underground storage tank	\$1,200	\$1,200
Conserva, Angela (P28066)	Grant to remove an underground storage tank	\$1,200	\$1,200
Coolack, Paul and Arline (P28281)	Grant to remove an underground storage tank	\$1,200	\$1,200
Craig, Sharon and Maura (P27854)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Crowell, Mary and Richard (P28349)	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
Dai, Zhenfan and Shu Gao (P28408)	Grant to remove an underground storage tank	\$1,200	\$1,200
DeLuca, Joseph and Michele (P28115)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
DeMoss, Walter J. and Annick R. (P28236)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
DeSimone, Gina M. (P28443)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
DiBenedetto, Paul and Andrea (P28125)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Dienes, Gloria Y. and Karl A., Sr. (P28216)	50 % grant to remove an underground storage tank and install an above ground storage tank	\$1,405	\$1,405
Dilks, John H., Sr. and Elizabeth J. (P28218)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,200	\$2,200
Doboy, Gloria (P28111)	Grant to remove an underground storage tank	\$1,200	\$1,200
Dolan, Patrick O. and Tammy L. Windfelder (P27967)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Douglas, Leroy and Harriet (P27918)	Grant to remove an underground storage tank	\$1,200	\$1,200
Dowling, Herbert (P28244)	Grant to remove an underground storage tank	\$1,200	\$1,200
Drake, Christopher and Laurie (P28106)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Duffy, Barbara and George (P28273)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Dunbar, Peter K. and Mary (P28145)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ewart, Robert and Evelyn (P28252)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,998	\$2,998
Fam, George (P27437)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Farina, Maria (P28026)	Grant to remove an underground storage tank	\$1,200	\$1,200

Applicant	Description	Grant Amount	Awarded to Date
Fearn, Clifford K. (P28194)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,723	\$2,723
Fernandez, Lutgardo and Evelyn (P28127)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Flynn, Marilyn (P27809)	50 % grant to remove an underground storage tank and install an above ground storage tank	\$1,500	\$1,500
Framo, Jacqueline J. (P27523)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,704	\$2,704
Franciscus, Marion (P28198)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
French, Thomas and Nancy (P28254)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Furkan, A.B.M. and Sirajun (P27454)	Grant to remove an underground storage tank	\$1,200	\$1,200
Gaj, Anna (P27898)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Garner, Steve and Jennifer (P28472)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Geller, Barry and Lisa M. (P27733)	Grant to install an above ground storage tank	\$3,000	\$3,000
Gerdan, Istvan (P27767)	50 % grant to remove an underground storage tank	\$540	\$540
Gianchandani, Shyamlal D. (P27706) Tank A	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gibbons, Christopher and Robbin (P27717) Tank A	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gibson, II, Charles and Rose Ellen (P28185)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gill, Virginia (P28197)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,980	\$2,980
Gilmore, Michael and Lynn (P28022)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Gomez, Adriana and Diego Escobar (P27924)	Grant to remove an underground storage tank	\$1,200	\$1,200

Applicant	Description	Grant Amount	Awarded to Date
Gonzalez, Paul D. and Heather (P28089)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,700	\$2,700
Grady, Joan (P28074)	50 % grant to remove an underground storage tank and install an above ground storage tank	\$1,490	\$1,490
Grund, John and Amy (P27847)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Guerriero, Joseph L. and Diana M. (P28235)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Haas, William Russell and Alba Catherine (P28200)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hagan, Sr., Jonathan R. and Theresa M. (P27861)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Halle, David and Michelle (P28425)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hernandez, Sylvia (P28212)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Hoffmann, Rainer and Marlies Hoffmann-Hauck (P27977)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Holt, Janice (P28280)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,865	\$2,865
Hoover, Aurora (P27632)	Grant to remove an underground storage tank	\$1,200	\$1,200
Horner, William and Madelyn (P28231)	50 % grant to remove an underground storage tank	\$600	\$600
Hughes, John (P28192)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Jancarek, Stephen and Sharon (P27520)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Jarusiewicz, William and Janice (P28119)	50 % grant to remove an underground storage tank	\$600	\$600
Jervert, Jon C. and Claire W. (P28282)	Grant to remove an underground storage tank	\$1,200	\$1,200
Jester, Rae A. (P28246)	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
Jock, Donald J. (P27931)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,735	\$2,735
Joerg, Elmer and Meredith (P27459)	Grant to remove an underground storage tank	\$1,136	\$1,136
Jones, Cory and Diana J. (P28147)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Kaminskas, Lena (P28123)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,980	\$2,980
Kayne, Martin R. and Cecile (P28339)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,809	\$2,809
Klayton, Ann (P28412)	Grant to remove an underground storage tank	\$1,200	\$1,200
Klein, Doris Gesine (P28259)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Klements, Keith and Tara (P27867)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Knabe, Eileen (P27908)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,988	\$2,988
Kotarski, Arkadia (P28220)	Grant to install an above ground storage tank	\$3,000	\$3,000
Lamovski, Suzana (P27712)	Grant to remove an underground storage tank	\$1,200	\$1,200
Lawrey, Rosemary (P28324)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Lee, Shek Lin and Lai Ching (P28363)	Grant to remove an underground storage tank	\$1,200	\$1,200
Ligato, Tricia and Stephen (P27681)	Grant to remove an underground storage tank	\$1,043	\$1,043
Litwinetz, Raymond J. and Evelyn G. (P28238)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,402	\$2,402
Lopez, Colin and Susan (P28364)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Loscalzo, Lawrence P. (P28187)	Grant to install an above ground storage tank	\$3,000	\$3,000
Ludlow, George and Amy (P28288)	Grant to remove an underground storage tank	\$1,200	\$1,200
Ly, Bek Y. and Sawanee A.	Grant to remove an underground	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
(P28199)	storage tank and install an above ground storage tank		
Lynardakis, Thefania (P28224)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mackenzie, William and Anne Marie (P28326)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Margiotta, Gary (P20563)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Margoli-Burger, Robin (P28322)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Marino, James (P27721)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Marlowe, Alvorice C. and Karen L. (P28108)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mates, Bruce and Carol Anne (P27524)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,941	\$2,941
Matyasovski, Stephen and Jacqueline (P28340)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Mavraganis, Constantine and Kristine (P27802)	Grant to remove an underground storage tank and install an above ground storage tank	\$1,892	\$1,892
May, Michelle and Eugene Kelly, Jr. (P28041)	Grant to remove an underground storage tank	\$1,070	\$1,070
McEntee, Larry and Lynn (P28088)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
McGrath, Mike (P27629)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
McGuire, John and Mary (P28318)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
McKernan, Krista and Rob (P28116)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,591	\$2,591
McMullan, James and Elizabeth (P28215)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,980	\$2,980
Meekins, Patricia (P28143)	Grant to remove an underground storage tank and install an above	\$2,775	\$2,775

Applicant	Description	Grant Amount	Awarded to Date
	ground storage tank		
Mehta, Rochish (P28294)	Grant to remove an underground storage tank	\$1,200	\$1,200
Meloni, A. Albert (P27850)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Metcalfe, Brendon and M. Largo (P28178)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,846	\$2,846
Milcznski, Dennis and Joanne (P28038)	Grant to remove an underground storage tank	\$1,200	\$1,200
Montero, Nelson and Carol (P28124)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Moore, Doris E. (P28307)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Moore, Lawrence and Dawn (P28226)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Morehouse, Rosann (P28114)	Grant to remove an underground storage tank	\$1,200	\$1,200
Morris, Barbara (P27852)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,809	\$2,809
Morse, Rebecca (P27195)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,652	\$2,652
Moyer, Martin (P28234)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Nagy, Helene (P27808)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,995	\$2,995
Nossiter, Vivian (P28336)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,850	\$2,850
Nunley, William and Rosalia (P27771)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Oppenheimer, Robert E. and Jutta H. (P28265)	Grant to remove an underground storage tank	\$1,200	\$1,200
Oppermann, Frank and Joanne M. (P28180)	50 % grant to remove an underground storage tank	\$600	\$600
Ortiz, Mark (P28276)	Grant to remove an underground storage tank	\$1,200	\$1,200
Ottes, Richard A. and Lynda	Grant to remove an underground	\$3,000	\$3,000

Applicant	Description	Grant Amount	Awarded to Date
D. (P28362)	storage tank and install an above ground storage tank		
Panjwani, Paula (P27589)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Papalos, Stella (P27883)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Parenty, Cynthia (P28300)	Grant to remove an underground storage tank	\$1,200	\$1,200
Paul, Brian W. (P28120)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Pearn, Walter J. and Ana Torres-Pearn (P26942)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Penna, Carol (P28330)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,809	\$2,809
Perrotta, Neil G. and Frances N. (P27892)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Pinczes, Otilie (P28006)	Grant to remove an underground storage tank	\$1,172	\$1,172
Podolsky, Christopher (P27359)	Grant to remove an underground storage tank	\$1,200	\$1,200
Puzio, Robert A. and Smith, Ruth E. (P28344)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rabadi, Issa and Johanny (P28268)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rampone, Paul and Deborah (P28323)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rapp, Thomas and Patricia (P28222)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Recht, Christine B. and Barry J. (P28202)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Regenthal, Mildred (P27891)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Renn, Kenneth and Janice (P27217)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,835	\$2,835

Applicant	Description	Grant Amount	Awarded to Date
Reverendo, Angelina (P27897)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,988	\$2,988
Rich, John (P27881)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Risch, Richard (P27742)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rizzo, Joseph and Ann Marie (P27937)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Rosa, Donato A. and Linda K. (P28206)	Grant to remove an underground storage tank	\$1,200	\$1,200
Rubin, Elliot and Joan (P28034)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Russo, Marianne (P27885)	Grant to remove an underground storage tank	\$1,050	\$1,050
Saft, Mitchell (P28082)	Grant to remove an underground storage tank	\$3,000	\$3,000
Salamone, Robert and Margaret (P28097)	50 % grant to remove an underground storage tank and install an above ground storage tank	\$1,354	\$1,354
Sanchez, Jose Carlos and Adriana Pezzullo-Sanchez (P27713)	Grant to remove an underground storage tank	\$1,200	\$1,200
Sandomierski, Leo P. (P28149)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Santaniello, Gary J. and Catherine A. (P28261)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Santoro, Linda (P28033)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Senkier, Charles D. (P27748)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Shifrin, Boris (P28205)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Simone, James and Karol (P28228)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Skorubski, Joseph E. and Lynn H. (P28264)	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		
Smith, Michael and Jill (P28069)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Sobiechowski, Anthony and Carole (P27757)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Soehnlein, Jessica and Michael (P28286)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Sokol, Shawn (P27725)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,833	\$2,833
Sorino, Ella (P28028)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Southard, Lois and Floyd (P28345)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Spry, James F. and Mary B. (P28070)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,809	\$2,809
St. Raphael the Archangel Episcopal Church (P26671)	Grant to remove an underground storage tank	\$1,200	\$1,200
Staples, Karen and Thomas (P28062)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Stasyshyn, Rob (P28255)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,947	\$2,947
Stoia, Ralph and RuthAnn (P27566)	Grant to remove an underground storage tank	\$1,070	\$1,070
Suk, Florence (P27000)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,383	\$2,383
Sumereau, Tim and Maria (P28258)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Tarasov, Olga and Oleg (P28109)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,986	\$2,986
Taylor, Beatrice (P28207)	Grant to remove an underground storage tank	\$1,200	\$1,200
Trent, Robert M. and Pamela (P27530)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Trokan, Thomas and Norma	Grant to remove an underground	\$2,400	\$2,400

Applicant	Description	Grant Amount	Awarded to Date
(P28196)	storage tank and install an above ground storage tank		
Tubbs, Agnes (P27839)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Unkert, Ralph A. and Susan G. (P28063)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Ursani, Sekander A. (P28195)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,765	\$2,765
Van Pelt, David and Linda (P28018)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Vander Closter, Gilda (P28279)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Vary, Erna (P28017)	Grant to remove an underground storage tank	\$1,200	\$1,200
Verrengia, Raymond and Jennifer (P28016)	Grant to remove an underground storage tank	\$1,200	\$1,200
Villanueva, Luis and Eleuteria (P28395)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Voigt, Linda (P28172)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Volpe, David (P28247)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Wagner, Josh B. and Christine A. (P28253)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Walunas, Gary and Sherry (P28091)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
West, Doris (P27750)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Williams, Muriel (P27659)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,900	\$2,900
Winkelspecht, Thomas and Kathleen (P27929)	Grant to remove an underground storage tank	\$1,200	\$1,200
Witte, Scott and Marion (P28284)	Grant to remove an underground storage tank	\$1,200	\$1,200
Wooden, Melvin R. (P27729)	Grant to remove an underground	\$3,000	\$3,000

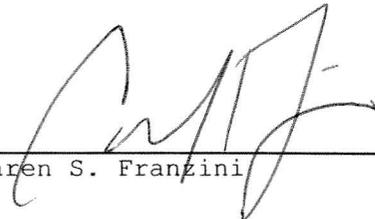
Applicant	Description	Grant Amount	Awarded to Date
	storage tank and install an above ground storage tank		
Wozniak, Elizabeth C. (P28160)	Grant to remove an underground storage tank and install an above ground storage tank	\$2,871	\$2,871
Yawney, James and Donna (P28302)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Zigmantanis, Jack and Donna (P27915)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000
Zingarelli, Lori and Robert (P28315)	Grant to remove an underground storage tank and install an above ground storage tank	\$3,000	\$3,000

224 Grants

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

\$557,733

*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: October 13, 2009
SUBJECT: Hazardous Discharge Site Remediation Fund Program

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

Municipal Grant:

Jersey City Redevelopment Agency (Turnpike Dump #5).....	\$864,422
Township of Winslow (Presswell Records).....	\$124,663
Borough of Woodbine (Woodbine Landfill)	\$428,178

Private Grant:

Wycoff Cleaners, Inc.....	\$ 23,903
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Total HDSRF funding for October 2009.....\$1,441,166

Prepared by: Lisa Petrizzi

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

APPLICANT: Jersey City Redevelopment Agency (Turnpike Dump #5) P28454
PROJECT USER(S): Same as applicant * - indicates relation to applicant
PROJECT LOCATION: 325 Skinner Memorial Dr. Jersey City (T/UA) Hudson

GOVERNOR'S INITIATIVES:

(X) Urban Fund () Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

Jersey City Redevelopment Agency received a grant in April 2008 (P21229 - \$483,524) to perform a Preliminary Assessment (PA) and Remedial Investigation (RI), a grant in August 2008 (P22305 - \$98,984) to perform additional RI, a grant in July 2009 (P23625 - \$4,337,346) to perform Remedial Action (RA), and a grant approved in August 2009 (P27474 - \$199,650) for RI. The project site, identified as Block 60, Lots 19H, 19R, and 19Q has been historically used for operations associated with the railroad is located in a Brownfield Development Area (BDA) and has potential environmental areas of concern (AOC's). The City of Jersey City currently 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 for commercial and residential re-use.

NJDEP has approved the request for additional RA funding on the above-referenced project site and finds the project technically eligible under the HDSRF Program, Category 2, Series A. According to the Legislation, a grant can be awarded to a municipality, county or redevelopment entity authorized to exercise redevelopment powers up to 75% of the costs of RA for projects within a BDA.

APPROVAL REQUEST:

The Jersey City Redevelopment Agency is requesting supplemental grant funding to perform RA in the amount of \$864,422 at the Turnpike Dump #5 project site, for a total funding to date of \$5,983,926.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT\$864,422

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial Action	\$1,152,563
EDA administrative cost	\$500
TOTAL COSTS	<hr/> \$1,153,063 <hr/>

APPROVAL OFFICER: L. Petrizzi

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

APPLICANT: Township of Winslow (Presswell Records)

P25586

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 415 Ehrke Road

Winslow Township (T/UA)

Camden

GOVERNOR'S INITIATIVES:

() Urban Fund (X) Other Urban () Edison () Core () Clean Energy

APPLICANT BACKGROUND:

Township of Winslow received a grant in February 1996 under P8575 in the amount of \$78,976 and a grant in August 1996 under P8906 in the amount of \$6,610 to perform Preliminary Assessment (PA) and Site Investigation (SI). The project site, identified as Block 6203, Lots 6 and 6.01 is a former vinyl record manufacturing facility which has potential environmental areas of concern (AOC's). The Township of Winslow owns 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 and recreation.

NJDEP has approved this supplemental 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 Winslow is requesting supplemental grant funding to perform RI in the amount of \$124,663 at the Presswell Records project site, for a total funding to date of \$210,249.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT \$124,663

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$124,663
EDA administrative cost	\$500
TOTAL COSTS	\$125,163

APPROVAL OFFICER: L. Petrizzi

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

APPLICANT: Borough of Woodbine (Woodbine Landfill)

P28568

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 140 Fidler Hill Road

Woodbine Borough (T)

Cape May

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () Clean Energy

APPLICANT BACKGROUND:

The project site, identified as Block 117, Lot 1 is a former landfill which has potential environmental areas of concern (AOC's). The Borough of Woodbine owns the project site and has satisfied Proof of Site Control. It is the Borough's intent, upon completion of the environmental investigation activities, to redevelop the project site as the Garden State Ethanol Plant.

NJDEP has approved this request for Preliminary Assessment (PA) 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 A.

APPROVAL REQUEST:

The Borough of Woodbine is requesting grant funding to perform PA and RI in the amount of \$428,178 at the Woodbine Landfill project site.

FINANCING SUMMARY:

GRANTOR: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT: \$428,178

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial investigation	\$411,878
Preliminary assessment	\$16,300
EDA administrative cost	\$500
TOTAL COSTS	\$428,678

APPROVAL OFFICER: L. Petrizzi

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

APPLICANT: Wyckoff Cleaners, Inc.

P27863

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 670 Wyckoff Avenue

Wyckoff Township (N)

Bergen

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () Clean Energy

APPLICANT BACKGROUND:

Wyckoff Cleaners, Inc. owned by Clifford Meszaros, is a dry cleaning facility located in Wyckoff, NJ. The applicant received a 25% matching grant in September 2007 under P19032 in the amount of \$78,774 for remedial action activities that utilized innovative technology. The applicant had received loans in the amount of \$175,078 under P15600 in April 2004, \$35,205 under P18268 in April 2007, and \$132,418 under P19031 in March 2008 for remedial activities at the project site. All loans are current and in compliance. The NJDEP Bureau of Case Management has found the applicant's proposal for supplemental financial assistance to be administratively and technically complete and has approved funding to be provided in the form of a Hazardous Discharge Site Remediation 25% Matching Grant under N.J.S.A. 58:10B-Subsection 2, Series A. The grant has been calculated using 25% of the approved project costs of \$95,610.

The scope of work includes remedial action activities utilizing innovative technology. In addition, pursuant to the evaluation it has been determined that the applicant meets the Authorities standard guidelines under the program.

APPROVAL REQUEST:

The applicant is requesting supplemental grant funding in the amount of \$23,903 to perform the approved scope of work at the project site. The applicant has received \$342,701 in loan funding, for a total funding to date of \$445,378.

The NJDEP estimated oversight fee is \$2,390. 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: Hazardous Discharge Site Remediation Fund

AMOUNT OF GRANT: \$23,903 (25% Matching Grant)

TERMS OF GRANT: No Interest; No Repayment

PROJECT COSTS:

Remedial Action	\$95,610
NJDEP oversight cost	\$2,390
EDA administrative cost	\$500
TOTAL COSTS	\$98,500

APPROVAL OFFICER: L. Petrizzi



TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

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 September 2009.

Applicant	Description	Grant	Awarded to Date
Carteret Borough (Health & Wellness Center) P27855	Initial grant to perform preliminary assessment and site investigation to redevelop as a health and wellness center	\$39,712	\$39,712
Lodi Borough (Main Street Associates) P26470	Initial grant to perform preliminary assessment and site investigation to redevelop for commercial use	\$17,505	\$17,505
Lodi Borough (Vincenzo's Restaurant) P26467	Initial grant to perform preliminary assessment and site investigation to redevelop for retail use	\$19,616	\$19,616
3 Grants	Total Grant Funding for September 2009	\$76,833	



 Caren S. Franzini

CLEAN ENERGY PROGRAMS

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - CLEAN ENERGY PROJECT FINANCING FOR BUSINESSES PROGRAM**

APPLICANT: Hausmann Industries, Inc.

P28159

PROJECT USER(S): Same as applicant

* - indicates relation to applicant

PROJECT LOCATION: 130 Union Street

Northvale Borough (N)

Bergen

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison () Core (X) Clean Energy

APPLICANT BACKGROUND:

Formed in 1959, Hausmann is a manufacturer of various types of equipment used in the healthcare industry. Equipment is manufactured under three separate divisions, Medical Tables and Equipment, Therapy and Rehab Equipment, and Cabinetry and Storage.

This project involves the purchase of a 210kW solar electric system consisting of 1,050 Suntech 200W panels connected to two SatCon inverters. The solar system is estimated to reduce greenhouse gas (GHG) emissions by 3,212 Metric Tons (MT) over its 25-year useful life.

APPROVAL REQUEST:

A \$670,000 term loan under the Clean Energy Solutions Capital Investment program is requested.

FINANCING SUMMARY:

LENDER: NJEDA

AMOUNT OF LOAN: \$670,000

TERMS OF LOAN: Ten-year full payout. Zero percent interest rate.

PROJECT COSTS:

Purchase of equipment & machinery	\$1,340,000
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TOTAL COSTS	<u>\$1,340,000</u>
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JOBS: At Application 81 Within 2 years 5 Maintained 81 Construction 0

DEVELOPMENT OFFICER: D. Johnson

APPROVAL OFFICER: D. Lawyer

INCENTIVE PROGRAMS

BUSINESS EMPLOYMENT INCENTIVE PROGRAM

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

APPLICANT: Bind-Rite/Union Graphics, L.L.C.

P28309

PROJECT LOCATION: 350 Michele Place

Carlstadt Borough (N)

Bergen County

GOVERNOR'S INITIATIVES:

Urban Fund Other Urban Edison Core Clean Energy

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Bind-Rite/Union Graphics, L.L.C. ("Applicant") is a subsidiary of Union Graphics, Inc., a holding company. This Carlstadt, New Jersey-based group of commercial printing companies is doing business under the name "Unimac Graphics".

The applicant offers a one-stop shop with a full spectrum of solutions for printing needs. With one of the most unique mixes of equipment under one roof on the East Coast, Unimac Graphics offers digital variable data printing and 78" sheetfed printing. With its technical and volume capabilities and the quality and efficiency of its services, Unimac Graphics has been successful in differentiating itself from competitors in the very price-sensitive New York market. The applicant is economically viable.

The applicant is considering the acquisition of the business of Tana Seybert, LLC, a Manhattan-based commercial printer, in a bankruptcy court purchase. This could bring 125 jobs to Carlstadt, New Jersey.

MATERIAL FACTOR:

The applicant is seeking a BEIP grant to support creating 135 new positions in New Jersey. The company has represented that a favorable decision by the Authority to award the BEIP grant is a material factor in the applicant's decision to locate to New Jersey and therefore to pick New Jersey over Pennsylvania and New York. The Authority staff recommends the award of the proposed BEIP grant.

APPROVAL REQUEST:

PERCENTAGE: 55%

TERM: 10 years

The Members of the Authority are asked to approve the proposed BEIP grant and award percentage to encourage Bind-Rite/Union Graphics, L.L.C. 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: \$ 1,694,756
(not to exceed an average of \$50,000 per new employee over the term of the grant)

NJ EMPLOYMENT AT APPLICATION: 197

ELIGIBLE BEIP JOBS: Year 1 125 Year 2 10 Base Years Total = 135

ANTICIPATED AVERAGE WAGES: \$75,000

ESTIMATED PROJECT COSTS: \$3,405,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$3,081,375

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$2,927,306

PROJECT IS: (X) Expansion (X) Relocation New York City

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: New Jersey

APPLICANT OWNERSHIP: (X) Domestic () Foreign

DEVELOPMENT OFFICER: J. Colon

APPROVAL OFFICER: D. Sucsuz

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Carlstadt Borough	N/A
2. Job Creation	135	3
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	0	0
4. Industry:	printing and publishing	0
	Designated : _____ Non-Designated : <u> X </u>	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$3,405,000	1
7. Average Wage:	\$ 75,000	3
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%	_____
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: 9 = **30 %**

Construction/Renovation : **5 %**

Bonus Increases : **20 %**

Total Score (not to exceed 80 %): **55 %**

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

APPLICANT: hhgregg, Inc.

P28394

PROJECT LOCATION: 1109 Commerce Blvd Swedesboro Borough (T) Gloucester County

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () Clean Energy

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

hhgregg is a specialty retailer of consumer electronics and home appliances founded in 1955 by H.H. and Fanny Gregg. Originally one store front in Indianapolis, hhgregg has grown from its humble roots to become one of the nation's leading retailers of discount home appliances and consumer electronics. The company now has 110 stores throughout Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and Florida. hhgregg has recently announced its plans to grow the business by opening stores in the Mid-Atlantic region. The company will need to establish a new Regional Distribution Center to service its expanded operations. hhgregg is economically viable.

MATERIAL FACTOR:

hhgregg is evaluating sites for a 100,000 to 150,000 sq. ft. Regional Distribution Center to service its new Mid-Atlantic operations. The company has targeted a site at the LogistiCenter located in Swedesboro, New Jersey and is considering leasing the space. Also under consideration are locations in Bristol, Pennsylvania and Brandywine, Maryland. Management has indicated that a favorable decision by the Authority to award a BEIP grant is a material factor in the decision to move to New Jersey.

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 hhgregg, 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: \$ 118,750

(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 12 Year 2 13 Base Years Total = 25

ANTICIPATED AVERAGE WAGES: \$45,000

ESTIMATED PROJECT COSTS: \$2,000,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$237,500

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$237,500

PROJECT IS: (X) Expansion () Relocation _____

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: Indiana

APPLICANT OWNERSHIP:(X) Domestic () Foreign

DEVELOPMENT OFFICER: H. Friedberg

APPROVAL OFFICER: K. McCullough

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Swedesboro Borough	N/A
2. Job Creation	25	1
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	0	0
4. Industry:	retail store/commercial sales	0
	Designated : _____ Non-Designated : <u> X </u>	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$2,000,000	1
7. Average Wage:	\$ 45,000	2
TOTAL:		6

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:

6 = 25 %

Construction/Renovation :

5 %

Bonus Increases :

20 %

Total Score (not to exceed 80 %):

50 %

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

APPLICANT: Sinewave Energy Technologies, Inc.

P28193

PROJECT LOCATION: To be determined

Locations Unknown (N)

Unknown County

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban (X) Edison () Core () Clean Energy

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Sinewave Energy Technologies, Inc., incorporated in 2007, is a "clean technology" company commercializing its breakthrough power modulation regulation technology having the capability to reduce power use in lighting, heating, motors and other electricity using devices. The first products are aimed at the lighting industry, particularly HID (High Intensity Discharge) and fluorescent lighting. Sinewave Energy Technologies' products positively affect energy use and cost, and CO2 emissions by (1) reducing HID and fluorescent power use by up to 40%, (2) reducing heat load in indoor installations thereby reducing air conditioning costs and (3) extending the life of HID & fluorescent lamps and reducing waste and mercury disposal problems. The range of applications is as broad as the use of arc-tube lighting: parking lots, athletic facilities, warehouses, big box stores, street lighting and refineries. Sinewave is headquartered in Wayne PA and maintains some warehousing and manufacturing in Malvern, PA. The Company is economically viable.

MATERIAL FACTOR:

Sinewave Energy Technologies, Inc. is seeking a BEIP grant to offset the costs of relocating its operation from Pennsylvania to NJ. Sinewave currently operates from two facilities and is seeking to consolidate all operations into a single facility to improve efficiency and facilitate employee communications. The alternative is to expand in PA. The Company has indicated the BEIP grant is a material factor to relocate to NJ.

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 Sinewave Energy Technologies, 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: \$ 78,251

(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 5 Year 2 6 Base Years Total = 11

ANTICIPATED AVERAGE WAGES: \$70,000

ESTIMATED PROJECT COSTS: \$165,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$223,575

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$257,111

PROJECT IS: () Expansion (X) Relocation Pennsylvania

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: Pennsylvania

APPLICANT OWNERSHIP:(X) Domestic () Foreign

DEVELOPMENT OFFICER: P. Bagga

APPROVAL OFFICER: T. Wells

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Locations Unknown	N/A
2. Job Creation	11	1
	Targeted : <u> X </u> Non-Targeted : _____	
3. Job at Risk:	0	0
4. Industry:	Electronic device technology	2
	Designated : <u> X </u> Non-Designated : _____	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$165,000	0
7. Average Wage:	\$ 70,000	3
TOTAL:		8

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:	8 = 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: Watson Pharmaceuticals, Inc. and Affiliates

P28509

PROJECT LOCATION: TBD

Locations Unknown (N)

Unknown County

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban (X) Edison () Core () Clean Energy

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Watson Pharmaceuticals, Inc. and Affiliates (Watson)(NYSE: WPI), formed in 1984, headquartered in Corona, California, is engaged in the development, manufacture, sale and distribution of proprietary (brand) and generic pharmaceutical products. Watson's market includes specialty products, nephrology, urology, and generic products, with a generic product line of 150 products and 60 abbreviated new drug applications (ANDAs) pending approval with the Food and Drug Administration (FDA). In August 2000, Watson acquired Schein Pharmaceuticals in Florham Park, providing it a New Jersey presence, dating back to 1989. The applicant is economically viable.

MATERIAL FACTOR:

Watson is seeking a BEIP grant to support creating 175 new jobs in Morris County. At present the company operates out of a 50,000 s.f. facility in Morristown and is anticipating it will need 150,000 s.f. to provide space for the new jobs. Also under consideration is creating these jobs at the applicant's corporate headquarters in Corona, Calif, where it employs 1,300 people and owns a 685,000 s.f. under utilized facility. Management is estimating project costs will be \$12.2 million, which is significantly higher than expanding in California. The applicant is also seeking at the October 2009 Authority Board meeting a BRRAG grant to support relocating 207 employees to the new facility in Morris County. The award of the BEIP grant is a material factor in management's decision to expand in New Jersey.

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 Watson Pharmaceuticals, Inc. 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: \$ 3,038,000

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

NJ EMPLOYMENT AT APPLICATION: 207

ELIGIBLE BEIP JOBS: Year 1 88 Year 2 87 Base Years Total = 175

ANTICIPATED AVERAGE WAGES: \$94,000

ESTIMATED PROJECT COSTS: \$12,200,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$6,076,000

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$6,076,000

PROJECT IS: (X) Expansion (X) Relocation Morristown

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: California

APPLICANT OWNERSHIP:(X) Domestic () Foreign

DEVELOPMENT OFFICER: P. Ceppi

APPROVAL OFFICER: M. Krug

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Locations Unknown	N/A
2. Job Creation	175	3
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	207	2
4. Industry:	Pharmaceuticals	2
	Designated : <u> X </u> Non-Designated : _____	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$12,200,000	2
7. Average Wage:	\$ 94,000	4
TOTAL:		15

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: 15 = 45 %

Construction/Renovation : 5 %

Bonus Increases : 0 %

Total Score (not to exceed 80 %): 50 %

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY – BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT**

APPLICANT: Watson Pharmaceuticals, Inc and Affiliates

COMPANY ADDRESS: 360 Mt. Kemble Avenue Morristown Morris County

PROJECT LOCATION: To Be Determined – Morris County

GOVERNOR’S INITIATIVES: () NJ Urban Fund (X) Edison Innovation Fund () Core

APPLICANT BACKGROUND: Watson Pharmaceuticals, Inc. and Affiliates (Watson)(NYSE: WPI), formed in 1984, headquartered in Corona, California, is engaged in the development, manufacture, sale and distribution of proprietary (brand) and generic pharmaceutical products. Watson’s market includes specialty products, nephrology, urology, and generic products, with a generic product line of 150 products and 60 abbreviated new drug applications (ANDAs) pending approval with the Food and Drug Administration (FDA). In August 2000, Watson acquired Schein Pharmaceuticals in Florham Park, providing it a New Jersey presence, dating back to 1989.

MATERIAL FACTOR: As a result of continuing growth Watson is evaluating expanding its operations in New Jersey from its 50,000 s. f. facility in Morristown to a new 150,000 s. f. facility in Morris County, or at its corporate headquarters in Corona, California. In California, the applicant has 1,300 employees and owns a 685,000 s. f. underutilized facility. Management is estimating project costs in NJ will be \$12.2 million, which is significantly higher than expanding in California. The applicant is therefore applying today for a BRRAG grant to support retaining 207 jobs and a BEIP grant (P28509) to add 175 new jobs, all to be located in a new facility in New Jersey. The award of the BRRAG grant is a material factor in management's decision to expand in New Jersey.

APPROVAL REQUEST:

TERM: 5 years

The Members of the Authority are asked to approve the proposed BRRAG grant to Watson Pharmaceuticals, Inc. and Affiliates to encourage the company to relocate within New Jersey. The recommended grant is based on the Project Evaluation Factors set forth on the attached BRRAG Scoresheet and is contingent upon receipt by the Authority of evidence that the company has met said criteria to substantiate the recommended award amount. If the criteria met by the company differs from that shown on the Scoresheet, the award amount will be raised or lowered to reflect the award amount that corresponds to the actual criteria that have been met.

TOTAL ESTIMATED GRANT AWARD OVER TERM OF GRANT:	\$ 289,800
GRANT AMOUNT PER RETAINED EMPLOYEE (see attached score sheet):	\$ 1,400
NEW JERSEY EMPLOYMENT AT APPLICATION:	207
ELIGIBLE BRRAG JOBS:	207
ANTICIPATED AVERAGE WAGES:	\$ 129,031
ESTIMATED PROJECT COST:	\$ 12,200,000
ESTIMATED TOTAL GROSS ANNUAL PAYROLL:	\$ 26,709,417
ESTIMATED TOTAL GROSS STATE WITHHOLDINGS (5YRS) :	\$ 5,968,359
PROJECT IS: (X) Expansion (X) Relocation	CONSTRUCTION: (X) Yes () No

DEVELOPMENT OFFICER: P. Ceppi

APPROVAL OFFICER: M. Krug

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT OF TAX CREDITS
 Score Sheet – Project Evaluation Factors (NJAC 12A:2-1.8)

This scoring system is used to determine the award amount for BRRAG projects retaining 50 to 499 jobs. The award amount determined under the project evaluation factors is an initial determination and is subject to adjustment under the Act, the regulations there under, and the terms and conditions of the Project Agreement. Project Evaluation Factors (NJAC 12A:2-1.8)

Company: Watson Pharmaceuticals, Inc. and Affiliates

Date Scored: 09/29/2009

1. Full-time jobs retained – maximum points = 5

Range	Eligible Jobs Retained	Score
5 = 410 – 499		
4 = 320 – 409		
3 = 230 – 319		
2 = 140 – 229	207	2
1 = 50 – 139		

2. Quality of the retained jobs (based on average salary of retained jobs) – maximum points = 4

Range	Avg. Salary	Score
4 = \$75,001 +	\$129,031	4
3 = \$50,001 - \$75,000		
2 = \$30,001 - \$50,000		
1 = \$19,001 - \$30,000		
0 = up to \$19,000		

3. Capital investment by the applicant in project – maximum points = 5

Range	Capital Investment	Score
5 = \$3,500,000 to \$19,000,000+	\$12,200,000	5
4 = \$2,900,000 to \$3,499,000		
3 = \$2,200,000 to \$2,899,000		
2 = \$1,500,000 to 2,199,000		
1 = \$700,000 to \$1,499,000		
0 = \$0 to \$699,000		

4. Designated industry type – maximum points = 3

Range	Industry	Score
3 = manufacturing		
2 = targeted = (life science/biotech)	Pharmaceutical	2
0 = non-targeted		

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT OF TAX CREDITS
 Score Sheet – Project Evaluation Factors (NJAC 12A:2-1.8)

5. Job creation/attraction component (impact on the state if the project moved to another state)
maximum points = 5

Range	New Jobs	Score
5 = 100 or more new jobs	175	5
4 = 80-99		
3 = 70-79		
2 = 60-69		
1 = 50-59		
0 = <50		

6. Smart Growth Targeted Areas – maximum points = 4

Description	Type	Score
4 = located in an area targeted for growth pursuant to the State Development and Redevelopment Plan, the Pinelands Comprehensive Management Plan, Highlands Commission Management Plan, and the Meadowlands Development Commission Plan. This includes brownfield sites.	TBD	TBD
0 = non- growth area		

7. Retained jobs average at least 1.5 times the hourly minimum wage – maximum points = 2

		Score
2 = yes	Yes	2
0 = no		

8. Commitment to the State of New Jersey

a. Duration of operations - maximum points = 3

Range of Years	Year Started in NJ	Score
3 = 20 plus years of operation in the state	Acquired Schein in 2000 Schein in NJ since 1989	3
2 = 15-19 years		
1 = 10-14 years		

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT OF TAX CREDITS
 Score Sheet – Project Evaluation Factors (NJAC 12A:2-1.8)

8 b. Total employees in New Jersey – maximum points = 3

Range	Number of Employees in NJ	Score
3 = 350 or greater		
2 = 200-349	207	2
1 = 50-199		

9. Urban Enterprise Zone – maximum points = 3

		Score
3= if relocating from non-UEZ site to a site within an UEZ	TBD	TBD
0 = no		

Totals – Value Per Retained Job and Score

Range	Value Per Retained Job	Score
31-36 = \$1,500		
25-30 = \$1,400	\$1,400	25
19-24 = \$1,300		
13-18 = \$1,200		
7-12 = \$1,100		
0-6 = \$1,000		

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

APPLICANT: Williams-Sonoma Direct, Inc.

P28366

PROJECT LOCATION: To be determined

Locations Unknown (N)

Unknown County

GOVERNOR'S INITIATIVES:

() Urban Fund () Other Urban () Edison (X) Core () Clean Energy

APPLICANT BACKGROUND/ECONOMIC VIABILITY:

Williams-Sonoma Direct, Inc., established in 1999, is a wholly owned subsidiary of Williams-Sonoma, Inc., a specialty retailer of products for the home including the retail segments of Williams-Sonoma, Pottery Barn, Pottery Barn Kids, West Elm and Williams-Sonoma Home. The catalogs reach customers throughout the U.S., while the five retail concepts, as of February 1, 2009, operated 627 stores in 44 states, Washington, D.C., Canada and Puerto Rico with approximately 6,300 full-time employees. Williams-Sonoma Direct provides warehousing and distribution services for these segments; and in addition operates the call centers and internet and mail order business. Williams-Sonoma Direct operates two distribution centers in New Jersey, located in Cranbury and Jamesburg, with approximately 108 employees. The Company is economically viable.

MATERIAL FACTOR:

Williams-Sonoma Direct, Inc. is seeking a BEIP grant to support the relocation and consolidation of its East Coast distribution center and the creation of 175 new jobs. The Company is conducting a search to lease one facility of approx. 1 million sq. ft. and is considering sites in New Jersey and Bucks County, PA. The Company has simultaneously applied for a BRRAG to encourage retention of its 108 employees in New Jersey. Management has indicated that a favorable decision by the Authority to award a BEIP grant is a material factor in its 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 Williams-Sonoma Direct, 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: \$ 374,005

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

NJ EMPLOYMENT AT APPLICATION: 108

ELIGIBLE BEIP JOBS: Year 1 85 Year 2 90 Base Years Total = 175

ANTICIPATED AVERAGE WAGES: \$35,360

ESTIMATED PROJECT COSTS: \$1,500,000

ESTIMATED GROSS NEW STATE INCOME TAX - DURING 10 \$1,068,585

ESTIMATED NET NEW STATE INCOME TAX - DURING 15 \$1,228,873

PROJECT IS: (X) Expansion (X) Relocation Cranbury/Jamesburg

CONSTRUCTION: (X) Yes () No

PROJECT OWNERSHIP HEADQUARTERED IN: California

APPLICANT OWNERSHIP:(X) Domestic () Foreign

DEVELOPMENT OFFICER: P. Ceppi

APPROVAL OFFICER: T. Wells

FORMULA EVALUATION

<u>Criteria</u>		<u>Score</u>
1. Location:	Locations Unknown	N/A
2. Job Creation	175	3
	Targeted : _____ Non-Targeted : <u> X </u>	
3. Job at Risk:	108	1
4. Industry:	shipping/transportation	0
	Designated : _____ Non-Designated : <u> X </u>	
5. Leverage:	3 to 1 and up	2
6. Capital Investment:	\$1,500,000	1
7. Average Wage:	\$ 35,360	2
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
Business Retention and Relocation Assistance Grant of Tax Credits
SCORESHEET – Project Evaluation Factors (NJAC 12A:2-1.8)**

This scoring system is used to determine the award amount for BRRAG projects retaining 50 to 499 jobs. The award amount determined under the project evaluation factors is an initial determination and is subject to adjustment under the Act, the regulations thereunder, and the terms and conditions of the Project Agreement. Project Evaluation Factors (NJAC 12A:2-1.8)

Company: Williams-Sonoma Direct, Inc.

Date Scored: 10/13/2009

1. Full-time jobs retained – maximum points = 5

Range	Eligible Jobs Retained	Score
5 = 410 – 499		
4 = 320 – 409		
3 = 230 – 319		
2 = 140 – 229		
1 = 50 – 139	108	1

2. Quality of the retained jobs (based on average salary of retained jobs) – maximum points = 4

Range	Avg. Salary	Score
4 = \$75,001 +		
3 = \$50,001 - \$75,000		
2 = \$30,001 - \$50,000	\$35,360	2
1 = \$19,001 - \$30,000		
0 = up to \$19,000		

3. Capital investment by the applicant in project – maximum points = 5

Range	Capital Investment	Score
5 = \$3,500,000 to \$19,000,000+		
4 = \$2,900,000 to \$3,499,000		
3 = \$2,200,000 to \$2,899,000		
2 = \$1,500,000 to 2,199,000	\$1,500,000	2
1 = \$700,000 to \$1,499,000		
0 = \$0 to \$699,000		

4. Designated industry type – maximum points = 3

Range	Industry	Score
3 = manufacturing		
2 = targeted = (life science/biotech)		
0 = non-targeted	Non-targeted	0

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Business Retention and Relocation Assistance Grant of Tax Credits
SCORESHEET – Project Evaluation Factors (NJAC 12A:2-1.8)**

5. Job creation/attraction component (impact on the state if the project moved to another state) - maximum points = 5

Range	New Jobs	Score
5 = 100 or more new jobs	175	5
4 = 80-99		
3 = 70-79		
2 = 60-69		
1 = 50-59		
0 = <50		

6. Smart Growth Targeted Areas – maximum points = 4

Description	Type	Score
4 = located in an area targeted for growth pursuant to the State Development and Redevelopment Plan, the Pinelands Comprehensive Management Plan, Highlands Commission Management Plan, and the Meadowlands Development Commission Plan. This includes brownfield sites.		
0 = non- growth area	To be determined	

7. Retained jobs average at least 1.5 times the hourly minimum wage – maximum points = 2

		Score
2 = yes	Yes	2
0 = no		

8. Commitment to the State of New Jersey

a. Duration of operations - maximum points = 3

Range of Years	Year Started in NJ	Score
3 = 20 plus years of operation in the state	1983	3
2 = 15-19 years		
1 = 10-14 years		

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Business Retention and Relocation Assistance Grant of Tax Credits
SCORESHEET – Project Evaluation Factors (NJAC 12A:2-1.8)

8 b. Total employees in New Jersey – maximum points = 3

Range	Number of Employees in NJ	Score
3 = 350 or greater		
2 = 200-349		
1 = 50-199	108	1

9. Urban Enterprise Zone – maximum points = 3

		Score
3= if relocating from non-UEZ site to a site within an UEZ		
0 = no	To be determined	0

Totals – Value Per Retained Job and Score

Range	Value Per Retained Job	Score
31-36 = \$1,500		
25-30 = \$1,400		
19-24 = \$1,300		
13-18 = \$1,200	\$1,200	16
7-12 = \$1,100		
0-6 = \$1,000		

**BUSINESS RETENTION AND RELOCATION ASSISTANCE
GRANT**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY – BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT**

APPLICANT: IDL TechniEdge, LLC

COMPANY ADDRESS: 389 Liberty Street Little Ferry (N) Bergen County
227 Rutgers Street Maplewood (N) Essex County

PROJECT LOCATION: To Be Determined

GOVERNOR’S INITIATIVES:

NJ Urban Fund Edison Innovation Fund Core

APPLICANT BACKGROUND:

IDL TechniEdge, LLC, a subsidiary of IDL Tools International, LLC, was established in 1979 and together with affiliate companies, IDL Tools, LLC and IDL Licensed Tools, LLC, develops, acquires, licenses and manufactures innovative, durable, and leadership (IDL) products, specializing in hand tools and hardware accessory products. IDL TechniEdge manufactures over 250 different blades from industrial strength blades used for heavy duty construction to micro-edge blades used for delicate surgical operations. The Company currently operates from two locations in NJ, Little Ferry and Maplewood, with 85 full time employees.

MATERIAL FACTOR:

IDL TechniEdge, LLC is requesting a BRRAG grant to support the consolidation, relocation and retention of 85 full-time employees. The Company’s plan is to relocate the operating locations into a single plant of approx. 35,000 – 50,000 sq. ft. for office, production and shipping. An alternative plan is to relocate to Lehigh Valley area in Pennsylvania. Management has indicated a favorable decision by the Authority to award the BRRAG grant is a material factor in the applicant’s decision to remain and expand in New Jersey.

APPROVAL REQUEST:

TERM: 5 years

The Members of the Authority are asked to approve the proposed BRRAG grant to IDL TechniEdge, LLC to encourage the company to relocate within New Jersey. The recommended grant is based on the Project Evaluation Factors set forth on the attached BRRAG Scoresheet and is contingent upon receipt by the Authority of evidence that the company has met said criteria to substantiate the recommended award amount. If the criteria met by the company differs from that shown on the Scoresheet, the award amount will be raised or lowered to reflect the award amount that corresponds to the actual criteria that have been met.

TOTAL ESTIMATED GRANT AWARD OVER TERM OF GRANT:	\$ 93,500
GRANT AMOUNT PER RETAINED EMPLOYEE (see attached scoresheet):	\$ 1,100
NEW JERSEY EMPLOYMENT AT APPLICATION:	85
ELIGIBLE BRRAG JOBS:	85
ANTICIPATED AVERAGE WAGES:	\$ 33,000
ESTIMATED PROJECT COST:	\$ 152,500
ESTIMATED TOTAL GROSS PAYROLL:	\$ 2,805,000
ESTIMATED TOTAL GROSS STATE WITHHOLDINGS 1YR:	\$ 47,600
ESTIMATED TOTAL GROSS STATE WITHHOLDINGS 5YRS:	\$ 238,000

PROJECT IS: Expansion Relocation

CONSTRUCTION: Yes No

APPROVAL OFFICER: T. Wells

DEVELOPMENT OFFICER: K. Durand

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Business Retention and Relocation Assistance Grant of Tax Credits
SCORESHEET – Project Evaluation Factors (NJAC 12A:2-1.8)

This scoring system is used to determine the award amount for BRRAG projects retaining 50 to 499 jobs. The award amount determined under the project evaluation factors is an initial determination and is subject to adjustment under the Act, the regulations thereunder, and the terms and conditions of the Project Agreement. Project Evaluation Factors (NJAC 12A:2-1.8)

Company: IDL TechniEdge, LLC

Date Scored: 10/13/2009

1. Full-time jobs retained – maximum points = 5

Range	Eligible Jobs Retained	Score
5 = 410 – 499		
4 = 320 – 409		
3 = 230 – 319		
2 = 140 – 229		
1 = 50 – 139	85	1

2. Quality of the retained jobs (based on average salary of retained jobs) – maximum points = 4

Range	Avg. Salary	Score
4 = \$75,001 +		
3 = \$50,001 - \$75,000		
2 = \$30,001 - \$50,000	\$33,000	2
1 = \$19,001 - \$30,000		
0 = up to \$19,000		

3. Capital investment by the applicant in project – maximum points = 5

Range	Capital Investment	Score
5 = \$3,500,000 to \$19,000,000+		
4 = \$2,900,000 to \$3,499,000		
3 = \$2,200,000 to \$2,899,000		
2 = \$1,500,000 to 2,199,000		
1 = \$700,000 to \$1,499,000		
0 = \$0 to \$699,000	\$152,500	0

4. Designated industry type – maximum points = 3

Range	Industry	Score
3 = manufacturing	Manufacturing	3
2 = targeted = (life science/biotech)		
0 = non-targeted		

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Business Retention and Relocation Assistance Grant of Tax Credits
SCORESHEET – Project Evaluation Factors (NJAC 12A:2-1.8)

5. Job creation/attraction component (impact on the state if the project moved to another state) - maximum points = 5

Range	New Jobs	Score
5 = 100 or more new jobs		
4 = 80-99		
3 = 70-79		
2 = 60-69		
1 = 50-59		
0 = <50	0	0

6. Smart Growth Targeted Areas – maximum points = 4

Description	Type	Score
4 = located in an area targeted for growth pursuant to the State Development and Redevelopment Plan, the Pinelands Comprehensive Management Plan, Highlands Commission Management Plan, and the Meadowlands Development Commission Plan. This includes brownfield sites.		
0 = non- growth area	TO BE DETERMINED	

7. Retained jobs average at least 1.5 times the hourly minimum wage – maximum points = 2

		Score
2 = yes	Yes	2
0 = no		

8. Commitment to the State of New Jersey

a. Duration of operations - maximum points = 3

Range of Years	Year Started in NJ	Score
3 = 20 plus years of operation in the state	20	3
2 = 15-19 years		
1 = 10-14 years		

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
Business Retention and Relocation Assistance Grant of Tax Credits
SCORESHEET – Project Evaluation Factors (NJAC 12A:2-1.8)

8 b. Total employees in New Jersey – maximum points = 3

Range	Number of Employees in NJ	Score
3 = 350 or greater		
2 = 200-349		
1 = 50-199	85	1

9. Urban Enterprise Zone – maximum points = 3

		Score
3= if relocating from non-UEZ site to a site within an UEZ		
0 = no	TO BE DETERMINED	

Totals – Value Per Retained Job and Score

Range	Value Per Retained Job	Score
31-36 = \$1,500		
25-30 = \$1,400		
19-24 = \$1,300		
13-18 = \$1,200		
7-12 = \$1,100	\$1,100	12
0-6 = \$1,000		



MEMORANDUM

To: Members of the Board

From: Caren S. Franzini
Chief Executive Officer

Date: October 13, 2009

Subject: Transfer of Business Retention and Relocation Assistance Grant Tax Credit from KS Engineers, PC to Apple, Inc.

Request:

The Members are asked to grant approval of the Business Retention and Relocation Assistance Grant Tax Credit Certificate Transfer Program (“Transfer Program”) application of KS Engineers, PC to transfer unused tax credits to Apple, Inc.

Background:

The original BRRAG incentive was issued to KS Engineers to retain and relocate 92 full-time jobs from offices at 24 Commerce Street in Newark, New Jersey to offices at 494 Broad Street in Newark. Although KS Engineers received tax credits valued at \$101,200 from the New Jersey Division of Taxation, the company is unable to use these credits. As a result, KS Engineers is seeking a combined preliminary and final approval to sell these credits as permitted under the Transfer Program to Apple.

KS Engineers and Apple have successfully completed all of the required sections and forms within the Transfer Program application package, a copy of which has been shared with the New Jersey Division of Taxation. The application package indicates that KS Engineers has agreed to sell the unused tax credits to Apple at ninety one and a half cents on the dollar for a total of \$92,598.

Recommendation:

Based on the above, staff recommends the Members grant approval of the Transfer Program application of KS Engineers to sell unused BRRAG tax credits to Apple.



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BRRAG Tax Credit Certificate Transfer Program
Applicant/Project Summary, 10/13/2009

Applicant:

- KS Engineers, PC 494 Broad Street, Newark, Essex County, NJ 074102
- KS Engineers is a civil engineering, land surveying, and construction management firm. The company provides professional engineering services to transportation departments and highway authorities in New York and New Jersey as well as county governments, municipalities, and universities in the region.

Applying For:

- BRRAG Tax Credit Certificate Transfer Program – This program allows businesses with unused BRRAG tax credits to sell those credits to offset the costs of relocation. Unused tax credits must be sold for at least 75 percent of their value.

Background:

- In October 2008, the Board approved an application from KS Engineers, PC for a grant of tax credits under the Business Retention and Relocation Assistance Grant (BRRAG) program.
- With the help of the BRRAG program, KS Engineers relocated from 24 Commerce Street in Newark, New Jersey to 494 Broad Street in Newark.
- The relocation prompted \$300,000 in capital spending at the company's new location in Newark.
- After retaining and relocating 92 employees as a result of the project, the New Jersey Division of Taxation issued BRRAG tax credits to KS Engineers in the amount of \$101,200.

Qualification – This application satisfies the following eligibility criteria:

- KS Engineers certifies that it is not in default of its BRRAG project agreement.
- The company has unused BRRAG tax credits and certifies that it cannot use the BRRAG tax credits issued by the New Jersey Division of Taxation.
- KS Engineers has incurred expenses for items such as furniture, fixtures, and equipment as a result of its retention/relocation project in New Jersey.

Benefit:

- KS Engineers' BRRAG tax credits are valued at \$101,200 and the company has agreed to sell them to Apple, Inc. for ninety one and a half cents on the dollar for a total value of \$92,598.



MEMORANDUM

To: Members of the Board

From: Caren S. Franzini
Chief Executive Officer

Date: October 13, 2009

Subject: Transfer of Business Retention and Relocation Assistance Grant Tax Credit from MRS Associates, Inc. to Apple, Inc.

Request:

The Members are asked to grant approval of the Business Retention and Relocation Assistance Grant Tax Credit Certificate Transfer Program (“Transfer Program”) application of MRS Associates, Inc. to transfer unused tax credits to Apple, Inc.

Background:

The original BRRAG incentive was issued to MRS Associates to retain and relocate 296 full-time jobs from offices at 3 Executive Campus, Suite 400, Cherry Hill, NJ 08002 to offices at 1930 Olney Avenue in Cherry Hill, New Jersey. Although MRS Associates received tax credits valued at \$355,200 from the New Jersey Division of Taxation, the company is unable to use these credits. As a result, MRS is seeking a combined preliminary and final approval to sell these credits as permitted under the Transfer Program to Apple.

MRS and Apple have successfully completed all of the required sections and forms within the Transfer Program application package, a copy of which has been shared with the New Jersey Division of Taxation. The application package indicates that MRS Associates has agreed to sell the unused tax credits to Apple at ninety one and a half cents on the dollar for a total of \$325,008.

Recommendation:

Based on the above, staff recommends the Members grant approval of the Transfer Program application of MRS Associates to sell unused BRRAG tax credits to Apple.

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BRRAG Tax Credit Certificate Transfer Program
Applicant/Project Summary, 10/13/2009

Applicant:

- MRS Associates, Inc., 1930 Olney Avenue, Cherry Hill, Camden County, NJ 08003
- MRS Associates provides its clients with accounts receivable management, back office management, and customer relationship management.

Applying For:

- BRRAG Tax Credit Certificate Transfer Program – This program allows businesses with unused BRRAG tax credits to sell those credits to offset the costs of relocation. Unused tax credits must be sold for at least 75 percent of their value.

Background:

- In January 2008, the Commerce Commission Board of Directors approved an application from MRS Associates for a grant of tax credits under the Business Retention and Relocation Assistance Grant (BRRAG) program.
- With the help of the BRRAG program, MRS relocated from 3 Executive Campus, Suite 400, Cherry Hill, NJ 08002 to 1930 Olney Avenue in Cherry Hill.
- The relocation prompted \$3,714,980 in capital spending at the company's new location in Cherry Hill.
- After retaining and relocating 296 employees as a result of the project, the New Jersey Division of Taxation issued BRRAG tax credits to MRS Associates in the amount of \$355,200.

Qualification – This application satisfies the following eligibility criteria:

- MRS Associates certifies that it is not in default of its BRRAG project agreement.
- The company has unused BRRAG tax credits and certifies that it cannot use the BRRAG tax credits issued by the New Jersey Division of Taxation.
- MRS Associates has incurred expenses for items such as furniture, fixtures, and equipment as a result of its retention/relocation project in New Jersey.

Benefit:

- MRS Associates' BRRAG tax credits are valued at \$355,200 and the company has agreed to sell them to Apple, Inc. for ninety one and a half cents on the dollar for a total value of \$325,008.

BROWNFIELD REIMBURSEMENT PROGRAM



MEMORANDUM

To: Members of the Board

From: Caren S. Franzini
Chief Executive Officer

Date: October 13, 2009

Subject: **Application for Brownfield Reimbursement Agreement
Center 48 Limited Partnership and National Retail Urban Renewal, LLC**

Summary:

The Members are asked to approve the brownfield application of Center 48 Limited Partnership and National Retail Urban Renewal, LLC for reimbursement of clean-up costs for the Boroughs of Somerdale/Magnolia, Camden County redevelopment project under a Redevelopment Agreement with the New Jersey Economic Development Authority (“Authority”) and the State Treasurer, pursuant to the Brownfield and Contaminated Site Remediation Act, P.L. 1997, c. 278 (N.J.S.A. 58:10B-1 et seq.) (the “Act”). The recommended reimbursement is 75% of the actual remediation costs, not to exceed \$375,000. The estimated remediation costs are \$500,000.

Project Description:

- The project site constitutes approximately 28 acres, the former shopping center “The Lions Head Plaza,” located at 711 Evesham Avenue in the Boroughs of Somerdale and Magnolia, Camden County. The Plaza consists of 13 retail units with only two retailers that remain in full operation: Cinemark Movie Theater and Dollar General.
- Center 48 Limited Partnership (the ‘Developer’) has owned the shopping center since 1979, but is not a party responsible for any of the contamination that occurred at the project site.
- Preliminary soil and groundwater investigation from 2007 reported that Tetrachloroethylene (PCE) found in groundwater and PCE-impacted hazardous soil are at concentrations far exceeding NJDEP standards at the former dry cleaners and a photographic locations.
- Developer’s remedial plan includes treatment of the groundwater with well installation, quarterly groundwater monitoring, and removal of all contaminated soil found at the site.
- Current annual Sales tax generated at the property is approximately \$100,000 from two remaining retail units. Anticipated sales tax revenues at completion of the new center and establishment of new retail businesses is estimated to be \$920,000 annually.
- Presently, 17 workers are employed at the 2 operating businesses. During 16 months of remediation and construction, 80 temporary construction related positions will be created. When redevelopment is completed, over 100 full- and part-time employees will work at the new center.

Anticipated remediation costs: \$500,000

Recommended reimbursement: 75% of the actual remediation costs, not to exceed \$375,000
(75% of \$500,000)

The Authority received an application for a Brownfield Redevelopment Agreement from Center 48 Limited partnership and National Retail Urban Renewal, LLC requesting the reimbursement of up to 75% of approved remediation costs for a Redevelopment Project. In accordance with the Act, approval of the application by the Authority and the State Treasurer requires finding that the site, the redevelopment project, and the clean-up meet statutory economic development and fiscal requirements. Reimbursement under the Redevelopment Agreement is contingent upon the Department of the Treasury ("Treasury") finding that the Project generates sufficient tax revenue to exceed the reimbursement amount and upon the Department of Environmental Protection (DEP) determination that the remediation costs are eligible under the Act and the Agreement.

Reimbursement starts once the project has been constructed on the remediated site only after eligible costs have been approved by DEP and new tax revenues have been generated. Treasury annually tracks taxes received from job sites and remits reimbursement equal to a percentage of funds collected during the year.

Recommendation:

Authority staff has reviewed the Center 48 Limited Partnership and National Retail Urban Renewal, LLC application and finds that it is consistent with eligibility requirements of the Act. Treasury, in reviewing the application, has notified the Authority of the adequacy of the Project's estimated tax revenues and specified the percentage reimbursement of remediation costs. Therefore, it is recommended that the Members approve the Center 48 Limited Partnership and National Retail Urban Renewal, LLC application and authorize the CEO of the Authority to execute a Brownfield Redevelopment Agreement with Center 48 Limited Partnership and National Retail Urban Renewal, LLC and the State Treasurer.



Caren S. Franzini

Prepared by: Victoria Gaudier, Urban & Site Development

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BROWNFIELD AND CONTAMINATED SITE
REMEDICATION ACT PROGRAM (BCSRP)
PROJECT SUMMARY
Center 48 Limited Partnership and National Retail Urban Renewal, LLC
October 13, 2009**

Applicant:

- **Owner(s):** Center 48 Limited Partnership and National Retail Urban Renewal, LLC, located at 3 Manhattanville Road, Purchase, New York 10577 has owned the shopping center since 1979. (See attached Partner List attached to Tax Clearance Certificate certification)
- **Developer(s):** National Realty & Development Corporation (NRDC), 3 Manhattanville Road, Purchase, NY 10577. The principal owners of National Realty & Development Corp, which is the property management company, are Robert C. Baker and Richard A. Baker. John G. Orrico is President of the NRDC.
- **Project Representative and Brownfield Reimbursement Application Preparer:** Whitestone Associates, Inc. (Whitestone) and submitted by: Keith D'Ambrosio, PE and Jeffrey T. Bauer, Associate Project Manager at address: Whitestone Associates, Inc., 25 Technology Drive, Warren, New Jersey 07509
- Center 48 Limited Partnership has been named the redeveloper and has entered into a Redevelopment Agreement with the Borough of Somerdale for the redevelopment of the site known as Lions Head Plaza. As part of the redevelopment, Center 48 Limited Partnership entered into a lease agreement with National Retail Urban Renewal, LLC to lease to it the shopping center and for National Retail Urban Renewal, LLC to redevelop and lease it in accordance with plans approved by the Boroughs of Somerdale and Magnolia.
- NJDEP Spill No.: 07-11-19-1541-34; SRP PI No.: 463443
- The project is part of a Grey Field/Brownfields Redevelopment approved by the State of New Jersey and NJDEP's Office of Smart Growth. Center 48 Limited Partnership has been named the redeveloper and has entered into a Redevelopment Agreement with the borough of Somerdale for the redevelopment of the site.

Programs:

- The Brownfield and Contaminated Site Remediation Program (BCSRP). This benefit will be administered as a reimbursement of approved remediation costs based on the collection of applicable taxes from the project site.
- The Developer for the redevelopment project has undertaken a feasibility study and developed a business plan. Results indicate that the project is appropriate for the BCSRA Program and the redevelopment project will enhance and promote job creation and economic development.

Project:

- **Property Location:** "The Lions Head Plaza," 711 Evesham Avenue, Somerdale Borough, Camden County, New Jersey 08083. The Lions Head Plaza shopping center is identified as Block 1, Lot 7 and comprises approximately 28 acres
- Between 1988 and 1995, an "All-In-One Center" (dry cleaners) and an adjoining photographic services business were operating in the central portion of the center. In 2007, a preliminary soil and groundwater investigation was completed to evaluate potential releases at the former dry cleaners and photographic location. Tetrachloroethylene (PCE) in

groundwater was found to be far above NJDEP standards and PCE-impacted hazardous soil was discovered. The chlorinated solvent contamination documented at the site is a result of discharges by the dry cleaner tenant. The Developer's remedial plan includes treatment of the groundwater with well installation, quarterly groundwater monitoring, and removal of all contaminated soil found at the site.

- Lions Head Plaza is a portion of a larger project. The Borough of Somerdale has approved the Developer's plan to construct a new municipal road; expand and improve Route 30; remove several under-utilized or vacant commercial properties; and the Developer has committed \$15.2 million to remediate, redevelop and operate a new shopping center with approximately 370,000 s/f of new retail space at the site.
- On May 9, 2008, The NJ Dept. of Transportation granted conceptual approval for the site plan detailing upgrades to existing roadways and included the Developer's *fair share financial contributions* for costs to construct a the new roadway, install several new directional traffic lights at intersections surrounding the center and modifying and constructing driveways.
- The Developer has agreed to and understands that from onset through completion during the remediation, redevelopment and construction, they are obligated to abide by NJ Prevailing rules and regulations.

Description of Jobs

- Presently only a Cinemark Movie Theater and Dollar General retail establishment are fully operating at the site with a total of 17 workers employed.
- During redevelopment construction activities, approximately 80 construction workers will be employed during an estimated duration of 16 months.
- Following redevelopment over 100 full- and part-time employees will work at the new center.

Qualifications:

Center 48 Limited partnership and National Retail Urban Renewal LLC qualifies as a Developer for the BCSRA Program as it did not discharge any contaminant at the site; has not aggravated or contributed to any contamination on site; has not participated in the management of a facility of UST facility at the site; has not negligently caused a new discharge at the site after the date of security interest; has not triggered responsibility for remediation pursuant to the Industrial Site Recovery Act (ISRA); is not in any way responsible for causing the contamination on site and is not a corporate successor to any entity that discharged any "contaminant" at the site, any entity that is in any way responsible for hazardous substances contamination presently located at or emanating from the site, or any person who is liable for cleanup and removal costs for the site.

1. The economic feasibility of the redevelopment project

- The Center 48 Limited Partnership has committed \$15.2 million to redevelop the site which will operate as a commercial shopping center. Occupants of the proposed center will include LA Fitness, a remodeled movie theater, and additional retailers and restaurants.
- The Developer estimates that the current annual sales tax generated at the property is approximately \$100,000 from the two existing tenants.
- Following redevelopment an estimated increase in sales taxes of at least \$920,000 annually should be realized, allowing for accrual of 75% of the investigation and remediation costs within approximately five months of opening.

2. The extent of the economic and related social distress in the municipality

- Somerdale Borough is a middle income, Camden County municipality with little economic and social distress in the immediate area. The site is located within a commercial and residential area of the Borough and represents an underutilized shopping center with 80% of unoccupied space.
- The property is an identified Brownfield site and is currently underutilized, contaminated and is perceived by the community as a social and economic blight.

3. The degree to which the redevelopment project will advance State, regional, and local development and planning strategies

- The Developer anticipates that the 2008 tax assessment for the property (\$7.0 million) is undervalued in comparison to the anticipated property and building improvement assessment following site redevelopment and opening of the new center which is estimated at \$16.5 million.
- The project will bring social and economic benefits through the restoration of the site, production of new employment opportunities with ever increasing tax revenues.
- Approvals for the project site plan that have been given to the Developer by the Borough of Somerdale Planning Board and NJ Dept of Transportation illustrate the advancement of regional development and planning strategies. State and local approvals are documented in the file.
- Redevelopment of the property will restore the underutilized and contaminated property to productive commercial use.

4. The likelihood that the redevelopment project shall upon completion be capable of generating new tax revenue in an amount in excess of the amount necessary to reimburse the developer for the remediation costs as provided in the redevelopment agreement

- Center 48 Limited Partnership estimates that 60% to 70% of estimated post-redevelopment sales shall be subject to sales tax. Accordingly, post-redevelopment taxable sales of \$6.63 million will result in a new sales tax revenue total of \$1.02 million annually.
- Based upon projections, 75% of the investigation and remediation costs will be accrued within five months of the shopping center's opening

5. The relationship of the development project to a comprehensive local development strategy, including other major projects undertaken within the municipality

- The Lions Head Plaza center is a portion of a larger redevelopment project which includes construction of a new municipal road, expansion and improvement of Route 30, and removal of several additional under-utilized or vacant commercial properties in both Somerdale Borough and Magnolia Borough. But it is not part of a "redevelopment plan – in other words, no finding of blight etc.
- The project has received local planning board and NJDOT site plan approvals illustrating that the project is in conformance with the local development strategy.

6. The need of the redevelopment agreement to the viability of the redevelopment project

- Center 48 Limited Partnership shall continue to pursue a No further Action (NFA) letter through the Voluntary Cleanup Program under the existing MOA.
- The BCSRA provides added incentive for the completion of the remediation in a timely manner as it creates added incentive for Center 48 Limited Partnership to remediate this underutilized site in order the site to begin revenue generation to benefit the community in terms of tax revenues and employment opportunities.

7. The degree to which the redevelopment project enhances and promotes job creation and economic development.

- During remediation/redevelopment and new construction approximately 80 construction workers will be employed for an estimated duration of 16 months.
- Following redevelopment, over 100 full time and part time employees will work at the new center.

Recommended Reimbursement

After completing an independent review of the application, the Treasurer recommends authorizing Center 48 Limited Partnership and National Retail Urban Renewal, LLC to be eligible for reimbursement of 75% of actual remediation costs, not to exceed \$375,000 (75% of \$500,000) of approved remediation costs, pending the issuance of a No Further Action Letter (NFA) from the Department of Environmental Protection (DEP).

Attachment:

Center 48 Limited Partnership LLC, Attachment B from Tax Certificate Application included in Brownfield Reimbursement Application submission



MEMORANDUM

To: Members of the Board

From: Caren S. Franzini
Chief Executive Officer

Date: October 13, 2009

Subject: **Application for Brownfield Reimbursement Agreement
Frank Greek Company EB27 LLC (FGC)**

Summary:

The Members are asked to approve the Brownfield application of **Frank Greek Company EB27 LLC (FGC)** for reimbursement of clean-up costs for an East Brunswick, Middlesex County redevelopment project under a Brownfield Remediation/Development Reimbursement Agreement with the New Jersey Economic Development Authority (“Authority”) and the State Treasurer, pursuant to the Brownfield and Contaminated Site Remediation Act, P.L. 1997, c. 278 (N.J.S.A. 58:10B-1 et seq.) (the “Act”). The recommended reimbursement is **75% of the actual remediation costs, not to exceed \$1,812,600 (75% of estimated remediation costs of \$2,416,800).**

Project Description:

- The property or “site” is approximately 16 acres on Harts Lane in East Brunswick and presently the site is vacant land. Circa 1940 the site was mined for natural clay deposits until 1948. The property remained vacant until 1983 when mining activities resumed and operations included removal and offsite transport of clay deposits. All mining at the site ceased in 1986, when BGH-Buck Associates, LLC, East Brunswick, NJ purchased the property to use for staging heavy construction equipment and vehicles to support a heavy road construction enterprise. The road construction business ceased operations in 1995.
- The Developer, FGC is a corporation formed by Frank Greek & Sons, Inc., that intends to purchase and remediate the site to construct a proposed 150,000 sq/ft multi-tenant light industrial warehouse. FGC is willing to purchase the site from the property owner, BGH-Buck Associates, LLC, and it is FGC’s intent to close on the subject property upon approval of the Brownfield Agreement application and the Remedial Action Work Plan (RAWP), since the project requires an offset of the remedial action costs on the subject property. BGH-Buck Associates has agreed to the purchase.
- Neither BGH-Buck LLC, nor FGC are responsible for any of the historic or present contamination on the site property.
- FGC has obtained Final Site Plan approval for the warehouse redevelopment from the Township of East Brunswick. All permits and approvals to proceed with the remedial action, demolition and redevelopment construction have been obtained and has been submitted to the NJDEP for

review and approval

- Site-wide soil and groundwater testing was conducted and contaminants revealed include polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs) and various metals at concentrations exceeding NJDEP standards. The contamination at the site came to exist during mining operations as fill materials were imported from various offsite locations and staged and/or placed at the site.
- Engineering controls for the contaminated historic fill will be initiated and remedial activities include establishing concrete building slabs, asphalt pavement, removing contaminated soil and replacing with clean fill, as well as landscaping.
- Following remediation, redevelopment plan is for beneficial reuse of a light-industrial, multi-tenant warehouse that will create approximately 50 good-quality permanent jobs and generate Sales Tax for the State of New Jersey and the Township of East Brunswick

Anticipated remediation costs: \$2,416,800

Recommended reimbursement: 75% of the actual remediation costs, not to exceed \$1,812,600
(75% of \$2,416,800)

The Authority received an application for a Brownfield Redevelopment Agreement from Frank Greek Company EB27 LLC (FGC) requesting the reimbursement of up to 75% of approved remediation costs for a Redevelopment Project. In accordance with the Act, approval of the application by the Authority and the State Treasurer requires finding that the site, the redevelopment project and the clean-up meet statutory economic development and fiscal requirements. Reimbursement under the Redevelopment Agreement is contingent upon the Department of the Treasury ("Treasury") finding that the Project generates sufficient tax revenue to exceed the reimbursement amount and upon the Department of Environmental Protection (DEP) determination that the remediation costs are eligible under the Act and the Agreement.

Reimbursement starts once the project has been constructed on the remediated site only after eligible costs have been approved by DEP and new tax revenues have been generated. Treasury annually tracks taxes received from job sites and remits reimbursement equal to a percentage of funds collected during the year.

Recommendation:

Authority staff has reviewed the Frank Greek Company EB27 LLC (FGC) application and finds that it is consistent with eligibility requirements of the Act. Treasury, in reviewing the application, has notified the Authority of the adequacy of the Project's estimated tax revenues and specified the percentage reimbursement of remediation costs. Therefore, it is recommended that the Members approve the Frank Greek Company EB27 LLC (FGC) application and authorize the CEO of the Authority to execute a Brownfield Redevelopment Agreement with Frank Greek Company EB27 LLC (FGC) and the State Treasurer.



Caren S. Franzini

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BROWNFIELD AND CONTAMINATED SITE
REMEDICATION ACT PROGRAM (BCSRP)
PROJECT SUMMARY
Frank Greek Company EB27 LLC (FGC)
October 13, 2009**

Applicant:

- **Owner(s):** Linda Bloomfield; BGH-Buck, LLC; PO Box 785, East Brunswick, NJ 08816; Telephone: 732-710-1203
- **Developer(s):** FGC is a newly formed LLC which is a part of the F. Greek Development, aka Frank A. Greek & Son Inc. family of companies that owns, leases, develops and manages, office, retail and industrial properties primarily located in New Jersey and Eastern Pennsylvania. Frank A. Greek, Jr. President ; 33 Cotters Lane, East Brunswick, NJ 08816-2002; Telephone: 732-257-7353. The Industrial portfolio includes over 100 owned/managed properties totaling more than 11 million square feet.
- **Project Representative and Brownfield Reimbursement Application Preparer:** Lawra Dodge, Excel Environmental Resources, Inc.; 111 North Center Drive, North Brunswick, NJ 08902; Telephone: 732-545-9525
- **Site Location:** 13 Harts Lane, East Brunswick, Middlesex County, NJ 08816; Tax Block and Lot Numbers: Block 31, Lot 4, 16.21 acres bounded to the North, South and West by commercial properties. Bounded to the East by Harts lane
- FGC obtained Final Site Plan approval for the warehouse redevelopment from the Township of East Brunswick. It is FGC's intent to purchase the property and close on the subject property upon approval of the Brownfield Agreement and the RAWP.
- FGC and BGH-Buck, LLC are in no way responsible for impacts to soil at the site.
- A pre-application meeting was held on November 17, 2008 between Lawra Dodge for Excel Environmental Resources, Inc., representing Frank Greek Company EB27 LLC (FGC), with officers from the NJ Dept. of Environmental Protection (DEP), NJ Treasury and NJEDA. Following the meeting The Memorandum of Agreement (MOA) was accepted by NJDEP and DEP Case Number 08-11-26-0012-35 was assigned to the file. A copy of the MOA was provided in the Brownfield Reimbursement application.
- Pursuant to the MOA, FGC intends to implement the site-wide remedial action and with the intent of obtaining a Restricted Use Entire Site No Further Action (NFA) and Covenant Not-to-Sue (CNS) for soil with a Deed Notice and Engineering Controls in the form of various components of the proposed warehouse redevelopment to address Historic Fill at the site.

Programs:

- The Brownfield and Contaminated Site Remediation Program (BCSRP) remediation application was presented based on pre-application meeting results. The benefit will be administered as a reimbursement of approved remediation costs based on the collection of applicable taxes from the project site contained in the application submission.
- The subject property has been underutilized over the years and remains undeveloped and demonstrates a suspicion of a hazardous discharge of contamination. FGC has undertaken a feasibility study and results indicate the project is appropriate for the BCSRA Program. The remediation and development project will enhance and promote job creation and economic development.

Project:

- Contamination came to exist as mining debris and fill materials were imported from various offsite locations and staged and/or placed at the site during mining operations.
- A site-wide Preliminary Assessment (PA), Site Investigation (SI), and Remedial Investigation (RI) of soil and groundwater quality was conducted and summarized in at the PA and SI/RI Report submitted to NJDEP in November 2008 by Excel Environmental Resources, Inc.
- Contaminants found at the site are Polychlorinated Biphenyls (PCBs), poly-nuclear aromatic hydrocarbons (PAHs) and various metals at concentrations exceeding NJDEP standards
- FGC has the property under contract to purchase. In support of pre-purchase environmental due diligence activities, Frank Greek Development acting on behalf of FGC, performed a PA, SI, RI and prepared a site-wide RAWP to address contaminated Historic Fill at the Site as necessary to enable the subject property to be redeveloped by FCG for the proposed 150,000 square foot warehouse facility.
- The results of the PA and SI/RI activities indicate that remedial action is warranted to address residual concentrations of PCBs, various metals, polycyclic aromatic hydrocarbons (PAHs), and petroleum hydrocarbons (TPHCs) that occur in soil at concentrations above the NJDEP Most Stringent Soil Cleanup Criteria (MSDSCC). However, there is no impact to groundwater quality and the soil can be addressed. Remedial action in the form of Engineering Controls under a Deed Notice is warranted.
- In April 1993, Violation N.J.A.C. 7:26-2.8(f) was imposed upon the current owner, BGH-Buck Associates, Inc. Type of Enforcement Action: Cease violation and correct via removal of solid waste; Description of the violation: Operating a Solid Waste Facility without an approved permit. In 1994, BGH-Buck Associates, Inc. removed all bulk materials, equipment and remaining 1,500 cubic yards and resolved the violation.

Description of Jobs

- The Developer has agreed to and understands that from onset through completion during the remediation, redevelopment and construction, they are obligated to abide by NJ Prevailing Rules and Regulations.
- During redevelopment construction activities, for an estimate 16 months duration, approximately 40 union construction workers will be employed.
- The proposed 150,000 square foot warehouse will create an estimated 50 new permanent jobs employing people with a wide range of skills.

Qualifications:

- FGC is a newly formed LLC which is a part of the F. Greek Development, aka Frank A. Greek & Son Inc. family of companies that owns, leases, develops and manages, office, retail and industrial properties primarily located in New Jersey and Eastern Pennsylvania. Its industrial portfolio includes over 100 owned and/or managed properties totaling more than approximately 11 million square feet.
- FGC is eligible to enter into a Brownfield Redevelopment Agreement as it is not liable for the remediation of any of the property pursuant to the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10B-27(a). FGC has not discharged any “contaminant” at the site, nor associated with any entity that is in any way responsible for hazardous substances contamination or discharge emanating from the site, or with any person who is liable for cleanup and removal costs at the site.

1. The economic feasibility of the redevelopment project

- Reimbursement of up to 75% of the cleanup costs was incorporated into FGC's *Proforma* for the redevelopment project and is a key cost offset that is needed to maintain the project's budget. The Developer, FGC is committed to the project and has a highly qualified team of construction industry experts that are working on the project.
- The proposed warehouse project is consistent with the East Brunswick Township's 1990 Master Plan and 2005 Master Plan Re-Examination.
- FGC anticipates the warehouse redevelopment is projected to generate approximately \$2,043,583 in new State sales and corporate taxes in the first 10 years of the proposed warehouse operations (2011 through 2020) that will have a significant positive impact on the local, county and state tax revenues.

2. The extent of the economic and related social distress in the municipality

- The Township of East Brunswick has experienced a decline in tax ratable and jobs over the past several years and has an unemployment rate of 7.6% based on 2006 data.
- The property is an identified Brownfield site and is currently underutilized, contaminated and is perceived by the community as a social and economic blight by the Township.
- Establishment of the proposed warehouse will create employment opportunities that are not currently available to local residents. The quality of life issues in the surrounding residential area will be greatly improved with the establishment of a green area and open-landscaped space.
- The warehouse building will be constructed as a "green building" which may include a variety of energy saving concepts and components, including reduced water and energy consumption, motion-sensor lighting systems, improved insulation, etc. As such, the proposed redevelopment will vastly improve the overall environmental quality of the site.

3. The degree to which the redevelopment project will advance State, regional, and local development and planning strategies

- The project shall bring social and economic benefits through the restoration of the site, production of new employment opportunities and ever increasing tax revenues.
- Redevelopment of the Site advances the goals and objectives of the Township's Master Plan for this designated Redevelopment Area, which includes new commercial development to increase the Township's tax ratable, create jobs, and facilitate economic revitalization of the tax base.
- Redevelopment of the property will restore the underutilized and contaminated property to productive commercial use.

4. The likelihood that the redevelopment project shall upon completion be capable of generating new tax revenue in an amount in excess of the amount necessary to reimburse the developer for the remediation costs as provided in the redevelopment agreement

- FGC anticipates minimum tax revenue on sales taxes from construction materials and projected corporate taxable income for FGC and two tenants in excess of an estimated \$2,043,583 for the 10 year period 2011 through 2020.
- The projected state taxes reported in supporting documents in the application estimate \$157,500 in retail sales taxes for building materials will be collected (7% sales tax rate). Total building construction cost is reported to be \$3,000,000. Taxable income during Years 2011 through 2015 are estimated to be \$502,100, and for Years 2016 through 2020 to be an estimated \$614,600.

Corporate taxes for two warehouse building tenants are estimated at \$65,000 and \$45,000 per year.

- Based upon projections, 75% of the investigation and remediation costs will be accrued within the first ten years of the operation by the two tenants at the warehouse.

5. **The relationship of the development project to a comprehensive local development strategy, including other major projects undertaken within the municipality**

- The proposed warehouse redevelopment is located in Planning Area 1 which is a Smart Growth area designated by the NJ State Development and Redevelopment Plan.
- Redevelopment of this area is strongly supported by the Township and advances local and county development and planning strategies.
- The proposed redevelopment will improve the local economy by generating new sales, corporate and real estate taxes, new local construction and permanent employment opportunities

6. **The need of the redevelopment agreement to the viability of the redevelopment project**

- The Brownfield Redevelopment Agreement is a critical factor in FGC's decision to close on the subject property and commit to the Site-wide remediation and redevelopment of the site.
- Approval of the Brownfield Redevelopment Agreement Application is a condition of FGC's contract to acquire the subject property.
- The BCSRA provides added incentive for the completion of the remediation in a timely manner and is a vital part of the overall project's viability as FGC will not proceed with the acquisition of the property or the build out of the project because the anticipated costs would not be in line with its projected budget.

7. **The degree to which the redevelopment project enhances and promotes job creation and economic development.**

- During redevelopment construction activities for an estimate 16 months duration, approximately 40 union construction workers will be employed.
- The proposed 150,000 square foot warehouse will create an estimated 50 new permanent jobs employing people with a wide range of skills.

Recommended Reimbursement

After completing an independent review of the application, the Treasurer recommends authorizing Frank Greek Company EB27 LLC (FGC) to be eligible for reimbursement of **75% of the actual remediation costs**, not to exceed **\$1,812,600**, pending the issuance of a No Further Action Letter (NFA) from the Department of Environmental Protection (DEP).

FILM TAX CREDIT TRANSFER PROGRAM

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT SUMMARY - FILM TAX CREDIT TRANSFER**

APPLICANT: All The Kings Horses, LLC

APPLICANT BACKGROUND:

All The Kings Horses, LLC produced a film titled "The Messenger." This film tells the story of Derek Montgomery, a young army officer who is forced to work with a partner he can't stand, in the least desirable job in the military – Casualty Notification. The writer and director is Oren Moverman. Oren Moverman co-wrote *I'm Not There* and *Married Life*. The cast includes Ben Foster, Woody Harrelson and Samantha Morton.

APPROVAL REQUEST:

Authority assistance will enable the applicant to receive a 20% tax credit for Qualified Film Production Expenses incurred in New Jersey for its theatrical production titled "The Messenger." The principal photography began in May 2008.

This application has been reviewed by the New Jersey Motion Picture and Television Commission.

PRINCIPAL PHOTOGRAPHY BEGAN: May 2008
DATE OF PROJECT COMPLETION: June 2008 (completed)

PRINCIPAL MARKET(S) FOR WHICH PRODUCTION IS INTENDED: Theatrical

PROJECT COSTS (Initial Application Estimate):

Total Production Expenses (Less Post-Production Costs)	\$5,277,658
Total New Jersey Production Expenses	\$3,508,676
Total New Jersey Post Production Expenses	\$0

Percentage of Costs in New Jersey 66.48%

Maximum Tax Benefit Amount \$701,735

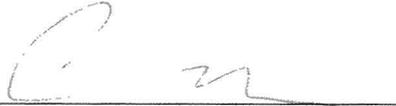
Applicant's Fiscal Year End 12/31

FINANCE OFFICER: David Sucsuz **COUNSEL:** DAG

APPLICATION RECEIVED DATE: March 11, 2008 (Application #40)

APPLICATION APPROVED DATE:

Staff recommends the approval of this Film Tax Credit Project from the State Fiscal Year 2010 Allocation, subject to the Act, Regulations and further satisfactory review by the staff, Film Commission and Taxation.



Caren S. Franzini

Prepared by: John Rosenfeld/David Sucsuz

UEZ/SALEM SALES TAX EXEMPTION



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: October 13, 2009
SUBJECT: B&B Poultry Co., Inc.

The members are asked to approve the Salem County Energy Sales Tax Exemption (“STX”) Renewal Application of B&B Poultry Co., Inc. (“B&B”), a manufacturer that is located in Salem. The estimated annualized STX benefit to B&B is \$400,000.

To qualify for STX, a company must be a manufacturer with a minimum of 50 full-time employees, have 50% of its workforce involved in the manufacturing process and certify that it is not in default with any State program. B&B has 165 employees with 98% involved in the manufacturing process and the Department of Labor and Workforce Development has confirmed that the company is not currently in default.

Approval is recommended for an extension of the STX through August 31, 2010 contingent upon the Division of Taxation confirming that the company is not currently in default.



Caren S. Franzini

Prepared by: Sean V.M. Brady



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: Church & Dwight Company, Inc.

Approval is requested to extend the Urban Enterprise Zone Energy Sales Tax Exemption (“USTX”) for Church & Dwight Company, Inc. (“CDC”) thru September 4, 2010. The estimated annualized benefit to the company is \$1,500,000.

To qualify for a USTX, 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 with any other State program.

CDC is a UEZ certified manufacturer that has 251 employees with 100% involved in the manufacturing process and the company has certified that it is not in default under any State program. The Department of Labor and Workforce Development has confirmed that the company is in good standing a valid Tax Clearance Certificate has been received.



Caren S. Franzini

Prepared by: Sean V.M. Brady



MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini
Chief Executive Officer
DATE: October 13, 2009
SUBJECT: Gerresheimer Glass, Inc.

Approval is requested to extend the Urban Enterprise Zone Energy Sales Tax Exemption (“USTX”) for Gerresheimer Glass, Inc. (“GGI”) thru September 30, 2010. The estimated annualized benefit to the company is \$1,600,000.

To qualify for a USTX, 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 with any other State program.

GGI is a UEZ certified manufacturer that has 968 employees with 81% involved in the manufacturing process and has certified that it is not in default under any State program. The Department of Labor and Workforce Development has confirmed that the company is in good standing and a valid Tax Clearance Certificate has been received.

Caren S. Franzini

Prepared by: Sean V.M. Brady



MEMORANDUM

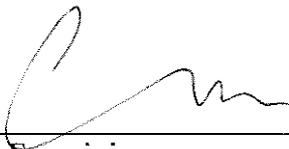
TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: Modification for E.I. du Pont de Nemours & Company

On August 11, 2009, an extension was approved of the Salem County Energy Sales Tax Exemption ("STX") benefit for E.I. du Pont de Nemours & Company. The approval should have provided for the benefit to run for one year from the last expiration date, which was August 3, 2009. Therefore, the members are asked to modify the expiration date to August 3, 2010.



Caren S. Franzini

Prepared by: Sean V.M. Brady



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: Modification for Mannington Mills, Inc.

On July 14, 2009, an extension was approved of the Salem County Energy Sales Tax Exemption ("STX") benefit for Mannington Mills, Inc. The approval should have provided for the benefit to run for one year from the last expiration date, which was May 10, 2009. Therefore, the members are asked to modify the expiration date to May 10, 2010.



Caren S. Franzini

Prepared by: Sean V.M. Brady

URBAN TRANSIT HUB TAX CREDIT PROGRAM



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: Urban Transit Hub Tax Credit Program
Somerset Street Urban Renewal Associates LLC

Request

The Members are asked to approve the Urban Transit Hub Tax Credit Program application for Somerset Street Urban Renewal Associates LLC as an owner of a proposed new Qualified Residential Hub project on an eligible site in New Brunswick. The project site has been verified to be located 0.07 miles from the New Brunswick Train Station. The estimated total capital investment is \$109,300,000. The proposed facility will be up to 632,000 square feet consisting of 173 market rate rental apartments, 48 for sale residential condos, 45,500 square feet of office space, 70,000 square feet of retail space, and a 657 space parking structure onsite. The applicant entity, Somerset Street Urban Renewal Associates LLC, is eligible for a 20% tax credit under this program, not to exceed \$21,860,000.

Background

The Urban Transit Hub Tax Credit Act (P.L. 2007, c. 346, amended by P.L. 2009, c.90) establishes a new element to the tax credit program for entities making at least \$50 million in capital investments in a qualified residential project in an urban transit hub within an eligible city. A project may incorporate a variety of uses, so long as the residential component represents the predominant use. In addition, as a result of P.L. 2008, c.46, 20% of all residential projects utilizing state incentives must be set-aside for affordable housing.

A hub is defined as areas located within one-half mile* of a NJ Transit, PATH and PATCO heavy rail commuter station, light rail, or sites with adjacent rail being used by the business. Currently, nine cities are designated eligible municipalities: Newark, Elizabeth, Jersey City, Paterson, Hoboken, New Brunswick, East Orange, Trenton, and Camden.

*One mile in Camden

The program allows the Authority to issue tax credit certificates to applicant entities to be applied against corporate business tax or insurance premium tax, among other taxes. The tax credits have now been made transferable and saleable so long as the minimum purchase price received is not less than 75% of the tax credit value.

For a qualified residential project, tax credits may equal up to 20 percent of the qualified capital investment. Approved applicants will receive ten percent of the total credits annually over a ten-year period. A pro forma review of the applicant's financials must also demonstrate that the qualified residential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits. The program is currently capped at \$1,500,000,000 with \$ 150,000,000 available for residential projects.

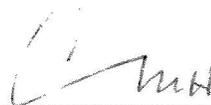
Authority staff has undertaken a pro-forma review of the applicant's financials which shows the need for the UTHTC program in order to make the project move forward. Specifically, without the UTHTC, the pro forma showed a negative 7% development margin, and a 6.6% cash on cash yield, making it infeasible for a developer to move forward. However, with the benefit of the Urban Transit HUB Tax Credit for 20% of costs, the project returns improve to 30.7% development margin and 9.34% cash on cash yield. This is within the market range and will enable the project to move forward. As a result of this review, it is recommended that the board approve a 20% tax credit not to exceed \$21,860,000, to be taken over 10 years. Pursuant to the Statute, the approval would be subject to either the City of New Brunswick obtaining COAH Substantive Certification, the applicant building in a 20% affordable housing component into the project, or a finding by the Attorney General's office that the project is not obligated to contain 20% affordability.

The applicant, Somerset Street Urban Renewal Associates L.L.C., was created by the New Brunswick Development Corporation ("DEVCO") in a partnership with various entities including Pennrose Properties, the New Brunswick Parking Authority and Rutgers University. The New Brunswick Redevelopment Authority has appointed DEVCO as redeveloper for this area of the city. DEVCO is an entity that has overseen more than \$1.6 billion in investment to aid in New Brunswick's economic revitalization. Pennrose Properties is one of the most prolific mixed-income residential developers in the nation, having developed over 11,000 units.

The availability of the Urban Transit Hub Tax Credit program was key to SSURA's ability to anchor a new construction project. Because of the Urban Transit Hub, SSURA has decided to aggressively move forward with this development. SSURA's plan is to have architectural and permitting beginning in early 2010, construction beginning in 2011, and occupancy planned to commence in 2015.

Recommendation

Staff has reviewed the application for consistency with the Act and rules implementing the UTHTC Program (N.J.A.C:19:31-9) and recommends approval of the application for a 20% tax credit , ten percent of which will be issued annually over a period of ten years. The proposed Project Site has been verified to be within one-half mile of an eligible train station, the estimated total qualified capital investment meets the minimum \$50,000,000 requirement, and the majority of the project square footage is of residential use, thus making it predominantly residential. The NJEDA will provide the applicant with a commitment letter for the credit reserving the credit for this project which will contain certain development milestones to be met within a year in order to retain this approval. In addition, the Authority, subject to review and approval of the Attorney General's office, will enter into a project agreement with SSURA. The final amount of the tax credit will be determined after the Authority reviews the actual capital costs as incurred, not to exceed \$21,860,000.



Caren S. Franzini

Prepared by: Alex Pavlovsky



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

RE: Urban Transit Hub Tax Credit Program
Trenton Housing Authority

Request

The Members are asked to approve the Urban Transit Hub Tax Credit Program application for The Trenton Housing Authority as an owner of a proposed new Qualified Residential Hub project on an eligible site in the city of Trenton. The project site has been verified to be located 0.39 miles from the Trenton Train Station. The estimated total capital investment is going to be \$75,909,127. The proposed facility will be up to 330,000 square feet consisting of 200 mixed income rental apartments, and 100 residential affordable home ownership units. The applicant, the Trenton Housing Authority, will form a 'to be determined' entity which would be eligible for up to a 20% tax credit under this program, not to exceed \$15,181,825. The applicant has applied for only \$11,782,970 which represents 15.5% of project costs.

Background

The Urban Transit Hub Tax Credit Act (P.L. 2007, c. 346, amended by P.L. 2009, c.90) establishes a tax credit program for entities making at least \$50 million in capital investments in a qualified residential project in an urban transit hub within an eligible city. A project may incorporate a variety of uses, so long as the residential component represents the predominant use. In addition, as a result of P.L. 2008, c.46, 20% of all residential projects utilizing state incentives must be set-aside for affordable housing.

A hub is defined as areas located within one-half mile* of a NJ Transit, PATH and PATCO heavy rail commuter station, light rail, or sites with adjacent rail being used by the business. Currently, nine cities are designated eligible municipalities: Newark, Elizabeth, Jersey City, Paterson, Hoboken, New Brunswick, East Orange, Trenton, and Camden.

*One mile in Camden

The program allows the Authority to issue tax credit certificates to applicant entities to be applied against corporate business tax or insurance premium tax, among other taxes. The tax credits have now been made transferable and saleable so long as the minimum purchase price received is not less than 75% of the tax credit value.

For a qualified residential project, tax credits may equal up to 20 percent of the qualified capital investment and, if approved, the applicant would receive ten percent of the total credits annually over a ten-year period. A pro forma review of the applicant's financials must also demonstrate that the qualified residential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits. The program is currently capped at \$1,500,000,000 with \$ 150,000,000 available for residential projects

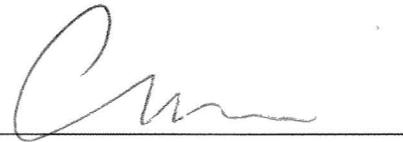
Authority staff has undertaken a pro-forma review of the applicant's financials which shows the need for the UTHTC program in order to make the project move forward. Specifically, without the UTHTC, the pro forma showed a 0.71% cash on cash yield, and a 0.22% return on equity, making it infeasible for a developer to move forward. However, with the benefit of the Urban Transit HUB Tax Credit for 15.5% of costs, the project returns improve to a 2.7% cash on cash yield and 2.97% return on equity. This is acceptable for the socially minded applicant and will enable the project to move forward. As a result of this review, it is recommended that the board approve a 15.5% tax credit not to exceed \$11,782,970, to be taken over 10 years.

The applicant, Trenton Housing Authority is committed to building and maintaining affordable housing for the citizens of our community. As such, the project meets the requirement for providing an affordable housing component. They seek to create safe neighborhoods by partnering with individuals and organizations to provide housing, education and employment opportunities for families of modest means to become self-sufficient and improve their quality of life. They plan to partner with a private developer and form a qualifying entity that will construct and operate the units for a fee.

The availability of the Urban Transit Hub Tax Credit program was key to the Trenton Housing Authority in their ability to anchor a new construction project. Because of the Urban Transit Hub, they have decided to aggressively move forward with this development. The Trenton Housing Authority's plan is to have site work and demolition beginning in September 2010, construction beginning in early 2011, and occupancy planned to commence in 2012.

Recommendation

Staff has reviewed the application for consistency with the Act and rules implementing the UTHTC Program (N.J.A.C:19:31-9) and recommends approval of the application for a 15.5% tax credit in the amount of \$11,782,970 , ten percent of which will be issued annually over a period of ten years. The proposed Project Site has been verified to be within one-half mile of an eligible train station, the estimated total qualified capital investment meets the minimum \$50,000,000 requirement, and the majority of the project square footage is of residential use, thus making it predominantly residential. The NJEDA will provide the applicant with a commitment letter reserving the credit which will contain certain development milestones, including the creation of a qualifying entity, to be met within a year in order to retain this approval. In addition the Authority, subject to review and approval of the Attorney General's office, will enter into a project agreement with the newly formed qualifying entity. The final amount of the tax credit will be determined after the Authority reviews the actual capital costs as incurred and is not to exceed \$11,782,970.

A handwritten signature in black ink, appearing to read 'Caren S. Franzini', is written over a horizontal line.

Caren S. Franzini

Prepared by: Alex Pavlovsky

BOARD MEMORANDUMS



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

TO: Member of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: Diamond Chemical Co., Inc.
East Rutherford, Bergen County, NJ
P27153

Request:

The Members are asked to consent to a change in collateral securing this loan.

Background:

On 7/14/09, the Authority approved a \$750,000 (50%) participation in a \$1,500,000 loan with Valley National Bank ("VNB"). Project costs included new equipment purchase of \$964,000 and installation costs of \$536,000. Since the equipment did not provide sufficient value to cover our participation, the Authority was also to receive a first mortgage lien on the commercial property to cover the collateral shortfall, resulting in a total LTV of 100%. Subsequent due diligence indicated that the property is environmentally contaminated, and therefore not acceptable collateral to the Authority.

The borrower has offered the Authority a first lien position on equipment, and will provide alternate collateral to VNB. The Authority collateral will now be a first lien on blow molding equipment to be purchased for use at the company's Union Avenue & DuBois Street facility. VNB will hold a 2nd lien position on the value in excess of our loan exposure.

All other terms and conditions of the original approval remain unchanged.

Recommendation:

Approval to the change in collateral is recommended.

A handwritten signature in black ink, appearing to be 'Cm', is written above a horizontal line.

Prepared by: K. Tolly



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: **Greater Brunswick Charter School (“GBCS”)**
P27102

Request:

The purpose of this memo is to permit an additional \$500,000 of debt from Sun National Bank which will be ahead of the Authority’s direct loan in terms of collateral, to the project as renovation costs have increased.

Background:

On August 11, 2009, the Members of the Board approved a \$1 million direct loan under the Main Street Assistance Program and a \$6.05 million issuance of a tax-exempt bond to be purchased by Sun National Bank (P26660). The project involves the refinancing of existing debt and new funds for renovations to the 40,000 square foot facility. Since the architect’s original estimate was prepared, the project costs increased by \$590,000 to \$7,865,000. As such, GBCS seeks approval to incur \$500,000 additional t/e bonds bringing the total to \$6.55 million. The other \$90,000 in project costs will be covered by a reserve being held by New Jersey Community Capital that is to be released to GBCS once their existing loan is refinanced as proposed.

Recommendation

Consent to the additional \$500,000 in debt for the project as the overall risk to the Authority has not materially been altered. It is noted that this financing is recourse to the security (facility) only. All other items in the original board approval will remain the same.

Prepared by: Michael A. Conte, Senior Credit Underwriter



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

MEMORANDUM

TO: Members of the Authority
FROM: Caren S. Franzini, Chief Executive Officer
DATE: October 13, 2009
SUBJECT: Projects Approved Under Delegated Authority - **For Informational Purposes Only**

The following projects were approved under Delegated Authority in September 2009:

New Jersey Business Growth Fund:

- 1) Pollack Health and Wellness Center Inc., or Nominee (P28219), located in Beachwood Borough, Ocean County, was formed in 1982 as a full-service chiropractic center offering diagnostic and therapeutic treatment for neuromusculoskeletal and related disorders such as medical evaluations and physical therapy. PNC Bank approved a \$404,000 loan with a five-year, 25% guarantee, not to exceed \$101,000. Loan proceeds will be used to refinance real estate. Currently, the company has twelve employees and plans to create an additional four new jobs within the next two years.
- 2) Premier Oncology, LLC (P28208), located in Galloway Township, Atlantic County, was formed in 2007 as a service provider of diagnosis, treatment and follow up care of cancer patients. PNC Bank approved a \$564,720 loan with a five-year, 25% guarantee, not to exceed \$141,180. Loan proceeds will be used to purchase the project property. The company currently has seven employees and plans to create an additional five new positions within the next two years.

Fast Start Direct Loan Program:

- 1) Mercy Transportation, Inc. (P27996), located in Franklin Township, Somerset County, was founded in 2003 as a provider of transportation for public and private schools in Somerset, Middlesex and Mercer counties. The company was approved for a \$207,900 loan to be used to purchase 15 used buses. Currently, the company has 55 employees and plans to create an additional 30 new jobs over the next two years.

NJ Main Street Program:

- 1) G Boys Excavating Inc. (P27958) located in Hammonton Township, Atlantic County, was formed in 1995 as a grading and excavating construction services provider for residential properties in Southern New Jersey and Southeastern Pennsylvania. The Bank approved a \$350,000 line of credit contingent upon a 50% Authority guarantee, not to exceed \$175,000. Loan proceeds will be used for working capital. The company currently has 22 employees and plans to create an additional four new jobs within the next two years.
- 2) 29 Ash Realty LLC (P28316), located in Ridgefield Park Village, Bergen County, is a real estate holding company formed to own the project property. The operating companies, Star Soap/Star Candle/Prayer Candle Co., LLC were formed in 1938 as a manufacturer and distributor of household and religious candles. The company was approved for a \$1,000,000 loan. Loan proceeds will be used to refinance an existing mortgage. Currently, the company has 175 employees.
- 3) Star Soap/Star Candle/Prayer Candle Co., LLC (P28317), located in Ridgefield Park Village, Bergen County, was formed in 1938 as a manufacturer and distributor of household and religious candles. M & T Bank approved a \$2,000,000 loan, contingent upon a 25% (\$500,000) participation. Loan proceeds will be used to refinance equipment debt and provide working capital. Employment numbers are reported on P28316 above.

Preferred Lender Program:

- 1) G Boys Excavating Inc. (P27959), located in Hammonton Township, Atlantic County, was formed in 1995 as a grading and excavating construction services provider for residential properties in Southern New Jersey and Southeastern Pennsylvania. The Bank approved a \$350,000 loan, contingent upon a 40% Authority participation, not to exceed \$140,000. Loan proceeds will be used to refinance an existing line of credit. Employment numbers are reported on P27958.
- 2) Marotta Controls, Inc. (P28372), located in Montville Township, Morris County, was founded in 1943. The company is a designer, developer and manufacturer of fluid control components and systems for advanced specialty applications. Marotta predominantly serves the defense and aerospace industries as a prime contractor to the government or as a subcontractor to other companies servicing this market. Sun National Bank approved a \$3,750,000 loan, contingent upon a 33.33% Authority participation, not to exceed \$1,250,000. Loan proceeds will be used to refinance an existing loan. Currently, the company has 150 employees.

A handwritten signature in black ink, appearing to be 'R. T. J.', is written over a horizontal line.



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

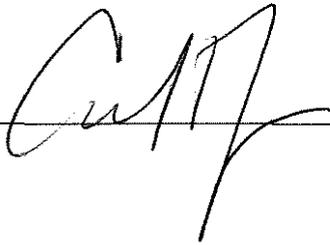
SUBJECT: Business Employment Incentive Program (BEIP) Modifications
(For Informational Purposes Only)

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-Programs or Director-Business and Community Lending 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 September 30, 2009:

<u>Name</u>	<u>Application #</u>	<u>Modification</u>
Comag Marketing Group, LLC and Hearst Distribution Group, Inc.	P16349	<p>Name change of one of the grantees, Hearst Distribution Group, Inc. to Hearst Distribution Group, LLC. Comag Marketing Group, LLC will remain the same.</p> <p>This change was made for tax purposes because Hearst Distribution Group LLC is the tax-paying entity that pays the withholding taxes for eligible employees reported on the BEIP Grant.</p> <p>There is no change or effect to the project, the number of employees or the nature of the business with this transaction.</p>

<p>Marsh & McLennan Companies, Inc. and its Subsidiaries</p>	<p>P13974</p>	<p>Name change from Mercer Human Resource Consulting, Inc. to Mercer (US) Inc.</p> <p>Name change from Guy Carpenter and Company, Inc. to Guy Carpenter and Company, LLC.</p> <p>Mercer Human Resource Consulting Inc. changed its name because it offers a broad range of consulting services and it believed its former name implied a more specialized consulting practice.</p> <p>Guy Carpenter and Company, Inc.'s name change was as a result of the company converting from a C corporation to a Limited Liability Corporation.</p> <p>There is no change or effect to the project, the number of employees or the nature of the business with this transaction.</p>
<p>PaeTec Communications</p>	<p>P16459</p>	<p>Decrease in the New Employment Commitment from 100 to 24. The reduction in the NEC was caused primarily by a change in the corporate plans of the company to establish a Mid-Atlantic headquarters facility in the tri state area. The company determined that it was not to their maximum benefit to have a full regional headquarters so close to their corporate headquarters in Rochester, NY.</p> <p>Decrease in the grant award percentage from 60% to 55%.</p>

Silver Line Building Products LLC	P10345	<p>Project location change from 207 Pond Avenue, Middlesex Borough, to One Silver Line Drive, North Brunswick, NJ.</p> <p>Due to the recent severe downturn in the housing industry and in an effort to reduce manufacturing capacity, the company consolidated its vinyl window manufacturing operations and moved a number of employees engaged in those operations from its project site in Middlesex to its North Brunswick, NJ facility.</p>
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Prepared by: C. Craddock



MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

DATE: October 13, 2009

SUBJECT: Delegated Authority Approvals – 3rd Quarter 2009
For Informational Purposes Only

Below is a summary of the Delegated Authority approvals prepared by Portfolio Services during the 3rd Quarter of 2009:

<u>Project Name</u>	<u>EDA Exposure</u>	<u>Action</u>
WLG Hospitality, LLC	\$170,586	With Bank's approval/extension, extended EDA's (25%) participation for 3 years on a 15 year amortization.
Penn Pub, Inc. & WWSBF, Inc.	\$170,993	With Bank's consent/release, released personal guarantor who is no longer an owner in the Borrowers. The remaining guarantors provide sufficient support EDA's 25% guarantee in the bank's loan.
1275 Rt. 23, LLC	\$ 94,387	Granted a 6 month principal moratorium retroactive to 4/1/09 and modified monthly payments to \$1,000 principal plus interest commencing 10/1/09 until maturity or until property is sold.
270 Cox Street LLC	\$ 69,832	With bank consent/extension, extended maturity for 6 months to allow sufficient time for borrower to refinance.
Larry Stein/Harborside Restaurant	\$279,866	Accept lump sum payment of \$139,993 as a settlement on the loan.

Prepared by: Daniel Weick

REAL ESTATE

MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Lease Agreement with Drexel University
Waterfront Technology Center, Camden, New Jersey

DATE: October 13, 2009

Summary

I am requesting the Members' approval for 1) executing a Lease Agreement with Drexel University ("Drexel"), a tenant at the Waterfront Technology Center in Camden ("WTCC"), to lease additional space on the fifth floor of WTCC 2) a Business Lease Incentive ("BLI") grant for approximately \$158,400 payable over five years and 3) an increase of \$120,000 to the overall development budget and professional services contracts for WTCC's fifth floor labs.

Background

At the September, 2005 meeting, the Members approved a ten year lease with Drexel for 20,000 square feet on the third floor of WTCC for its Applied Communications and Information Networking ("ACIN") program. ACIN has occupied the third floor space since May, 2006 and is a tenant in good standing.

At the June, 2009 meeting, the Members approved the construction of 20,000 square feet of generic speculative wet labs on the fifth floor of WTCC. Generic design of the entire floor is complete.

Drexel University's A. J. Drexel Plasma Institute ("DPI") wishes to lease approximately 10,557 square feet on the fifth floor of WTCC. DPI is a major research initiative of Drexel University for the application of plasma science to biology and medicine. Drexel University is the leading research institution involved in research into non-thermal plasma science and its applications in the United States. DPI was formed in 2002, as a multi-disciplinary research laboratory, in order to stimulate and coordinate research and commercialization projects related to plasma and other modern high energy engineering techniques.

DPI requires that their leased premises be designed to their specifications. They have agreed to reimburse the Authority before the lease is signed for \$100,000 in architectural fees to redesign the space. Our negotiations with Drexel have resulted in the attached principal lease terms.

The Camden Economic Recovery Board (“ERB”) will consider renewing the Business Lease Incentive (“BLI”) Grant program at their next scheduled meeting on October 28, 2009. Authority approval of the Grant is contingent on the ERB’s approval of an extension of the program and approval of Drexel’s grant application.

Approval is requested for an increase in the previously approved \$5 million development budget in the amount of \$100,000 for architectural redesign costs (to be reimbursed by Drexel) and \$20,000 for preconstruction estimating costs under construction management services (to be funded from the Authority’s general operating budget), as well as an increase in the corresponding contracts.

Recommendation

In summary, I am requesting the Members’ approval for the following: 1) to execute a Lease Agreement with Drexel University for approximately 10,557 square feet of lab space at the Waterfront Technology Center in Camden, on terms generally consistent with the attached sheet, 2) a \$158,400 Business Lease Incentive Grant to Drexel payable over five years per the approved schedule for office and high tech tenants, contingent on ERB approval, 3) an increase in the WTCC development budget for the fifth floor in the amount of \$120,000, and 4) an increase in the Ballinger contract of \$100,000 and an increase in the Skanska contract of \$20,000, and 5) any other documents required to effectuate this transaction on final terms acceptable to the Chief Executive Officer and the Attorney General’s Office.



Caren S. Franzini
Chief Executive Officer

Attachment
Prepared by: Christine Roberts

LANDLORD: New Jersey Economic Development Authority

PROPERTY: The Waterfront Technology Center at Camden

TENANT: Drexel University

PREMISES: Approximately 10,557 rentable square feet on the fifth floor.

LEASE TERM: Ten (10) years from rent commencement.

RENT COMMENCEMENT: Rent shall commence to accrue upon the earlier of the issuance of a Certificate of Occupancy, or Tenant occupancy of the premises (the "Rent Commencement Date").

BASE RENTAL RATES: Years 1 - 10: \$295,454 per year, or \$27.99 per rentable square foot.

TAXES AND OPERATING EXPENSES (CAM): The lease is a modified gross lease and the base rent includes water, sewer, maintenance, insurance, snow/landscape service, janitorial, security and property management.

PILOT: PILOT (Payment in Lieu of Tax) payments will be 10% of rent and additional rent. For the first year, PILOT payments will be \$29,546.

BASE YEAR ESCALATIONS: After Year 1; Tenant will be responsible for any operating expenses which exceed Landlord's Base Year operating expense estimate.

TENANT IMPROVEMENTS: Landlord agrees to make Tenant Improvements within Tenant's space in accordance with the Tenant's program design provided that such Tenant Improvements do not cost more to construct than the improvements for general wet-lab space that have already been designed by Landlord's architect. Tenant will fund the \$100,000 cost of redesigning the generic wet lab space already designed.

RENEWAL OPTIONS: None.

TRANSFERABILITY: Tenant may sublease or assign the Premises, subject to reasonable consent of the Landlord, to an entity with at least \$3 million in net worth. In no event will Tenant be relieved of its obligations under the lease.

BROKER: There is no broker involved with this transaction.

Right of First Refusal: Tenant shall have the Right of First Refusal on the balance of the 5th floor. Tenant shall have a similar right of refusal in the event the second floor of the Building becomes available.

Termination Right: Tenant shall have the right to terminate the Lease with thirty (30) days notice if Tenant does not obtain an appropriate operating funding commitment for any calendar year of the term of the Lease.

Security Deposit: None required.

BLI Grant:
Year 1: \$5 per sf
Year 2: \$4 per sf
Year 3: \$3 per sf
Year 4: \$2 per sf
Year 5: \$1 per sf

MEMORANDUM

TO: Members of the Authority

FROM: Caren S. Franzini
Chief Executive Officer

RE: Construction of Shell Expansion – Merial, Limited
The Technology Centre of New Jersey

DATE: October 13, 2009

Summary

I am requesting the Members’ approval to (1) construct a 15,000 square foot addition for Merial, Limited (Merial), a tenant in the Tech One building at the Technology Centre of New Jersey, (2) enter into an Amendment to the Lease Agreement between Merial and the Technology Centre of New Jersey, LLC, (LLC), (3) make an equity contribution of \$605,000 to the LLC and enter into an Amendment to the LLC Operating Agreement, and (4) grant Merial a two year extension of their current License Agreement to maintain a temporary trailer on the back parking area of their current Leased Premises.

Background

At the November, 1997 meeting, the Members approved a lease for a 60,000 square foot building known as Tech One, between the Authority and Merial, an innovation-driven animal health company, providing a comprehensive range of products to enhance the health, well-being and performance of a wide range of animals. Merial currently employs approximately 5,000 people worldwide and operates in more than 150 countries. In 2008, Merial ranked number 3 in the animal health market with sales of \$ 2.7 billion and a market share estimated at 13.8%. Merial Limited, formerly a joint venture of Merck and Sanofi-Aventis, is a wholly owned subsidiary of Sanofi-Aventis, effective in September of 2009. Sanofi-Aventis is a leading global pharmaceutical company.

The Authority’s interest in Merial’s lease was assigned to the Technology Centre of New Jersey, LLC in 1999 when the project converted to joint venture ownership with AFL-CIO Building Investment Trust (BIT). The ten year lease provided for three five year renewal options, the first of which was exercised by Merial in April of 2008.

Merial has requested that the LLC construct a 15,000 square foot core and shell expansion to their building on land already leased by Merial. Merial will construct its own tenant improvements, as it did for the existing building. The transaction would include an extension of Merial's existing lease making it coterminous with the term of the fifteen (15) year expansion lease. The investment in the project will provide the Authority an internal rate of return of approximately 4%.

The cost of the core and shell is estimated at \$3,150,000, including a 5% oversight fee to the Authority for coordination with Merial's architects for tenant improvements. The Authority's LLC partner, BIT, has agreed to participate in this project. The cost of construction will be funded using reserves in the LLC's Repair and Replacement Account (\$1.5 million), with the balance via a capital call in proportion to the Members' equity participation percentages. The BIT will contribute approximately \$1,050,000 or 63.44%, and the Authority will contribute approximately \$605,000 or 36.56%. The LLC Operating Agreement will be amended to provide a Preferred Rate of Return (PRR IV) to the BIT of 7.25% of the BIT's additional equity.

The Authority will utilize the integrated architectural and engineering (A/E) services of CUH2A, Inc. of Princeton and construction management services of Torcon, Inc. of Red Bank for the design and construction of the shell addition. CUH2A and Torcon were initially selected to provide design and construction services for the Centre after a publicly advertised, competitive selection process. In addition, the Authority's selection anticipated future additional services being performed by these firms through contract amendments.

The A/E services will be pursuant to the terms and conditions of the board approved contract and will not exceed \$200,000, which includes a contingency. The fees to CUH2A, 8% of construction costs, are consistent with current market rates, the Board approved contract and design fees previously incurred for other construction projects at the Technology Centre.

Torcon's pre-construction and construction management services include cost estimating, scheduling and value engineering, at a cost not to exceed \$25,000. Its management fee of 1.5% of the construction costs, plus an incentive clause for timely completion, is consistent with market rates and with the Board approved contract.

During the negotiation process, Merial requested and Authority staff granted, through its delegated authority, a 90 day license to install a temporary trailer on the parking lot behind the Tech I building. The trailer is being used as office space to support the scientific work currently being done in the Tech One facility, due to the addition of two new departments and an overall increase of 41 newly hired personnel at the site over the past 24 months. Merial will absorb all costs associated with installation, maintenance, and removal of the 1,500 square foot trailer. The license requires Merial to maintain the trailer in accordance with applicable regulations. Approval is requested for an extension of the trailer license for the earlier of completion of the expansion, or two years.

Recommendation

In summary, I am requesting the Members' approval for (1) making a maximum contribution of \$605,000 in equity to the Technology Centre of New Jersey, LLC, (2) amending the LLC's Operating Agreement to reflect the additional Capital Call and PRR IV, (3) the construction of a 15,000 sf addition for Merial, (4) an increase of \$25,000 to Torcon's contract for pre-construction services and general construction management services for tenant improvements based upon the previously established fee of 1.5% with an incentive clause, and an increase in CUH2A's contract of a maximum of \$200,000, (5) entering into an Amendment to Lease Agreement with Merial on terms generally consistent with the attached, (6) entering into an extension of Merial's License for Use of Trailer, and (7) to execute any and all other documents to complete these transactions on final terms acceptable to the Authority's Chief Executive Officer and the Attorney General's Office.



Caren S. Franzini
Chief Executive Officer

Attachment

Prepared by: Christine Roberts

LANDLORD: Technology Centre of New Jersey, LLC

TENANT: Merial, Ltd. (“Tenant”)

BUILDING: 631 US Route One South
Tech One Building

LEASED PREMISES: Existing: approximately 60,116 sf
Expansion: approximately 15,000 sf

COMMENCEMENT: Upon execution and delivery of a mutually satisfactory lease agreement.

TERM: Existing: to be extended to run coterminous with Expansion Premises Term.
Expansion: Fifteen (15) years from delivery of a C/O for tenant improvements.

RENT COMMENCEMENT: Rent for the Expansion Premises shall commence to accrue on the sooner of issuance of a Temporary Certificate of Occupancy from the proper authorities for the Expansion Premises, or tenant commencement of business within the Expansion Premises, but not later than eighteen months after Expansion Premises Lease Commencement.

SECURITY DEPOSIT: None.

BASE RENTAL RATES:

Existing:

Rental rates for the Existing Premises shall remain as stated in the Existing Lease for the respective calendar years. Increases coinciding with additional years will be increased 15% every five years.

Expansion:

Years 1-5: \$14.50

Years 6-10: \$16.50

Years 11-15: \$18.50

TAXES AND OPERATING EXPENSES (CAM):

Per existing triple net lease.

TENANT IMPROVEMENT ALLOWANCE:

None.

RENEWAL OPTIONS:

Three (3) five (5) year options at 115% of the then current Base Rent.

BROKER:

Landlord will provide Tenant a credit against Rent, not to exceed 5% of total additional Net Rent to be paid by Merial for the initial term of the Expansion Premises and the extension of the lease for the Existing Premises for the brokerage commission paid by Tenant. This amount is anticipated to be approximately \$783,000.

In addition, under an existing contract with CB Richard Ellis, the Landlord will pay a commission of approximately \$11,500.