

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

February 9, 2010

MINUTES OF THE MEETING

Members of the Authority present: Carl Van Horn, Chairman; James Kelly, representing the State Treasurer; Ray Cantor representing the Commissioner of the Department of Environment Protection; Richard Poliner representing the Commissioner of the Department of Banking and Insurance; Joe Latoof representing the Commissioner of the Department of Labor and Workforce Development; Jerold Zaro representing the Governor's Office; Public Members: Joseph McNamara, Vice Chairman; Steve Plofker, Thomas Manning, Dr. Randal Pinkett, Kevin Brown, Raymond Burke, First Alternate Public Member; and Elliot M. Kosoffsky, Second Alternate Public Member.

Present via Phone: Public Members Charles Sarlo and Timothy Carden.

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

Also present: Caren Franzini, Chief Executive Officer of the Authority; Bette Renaud, and Patricia Bruck, Deputy Attorney Generals, 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

Chairman Van Horn welcomed new members Dr. Randal Pinkett and Kevin Brown to the Board.

The next item of business was the approval of the January 12, 2010 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Latoof, seconded by Mr. Plofker and was approved by the 14 voting members present.

The next item of business was the approval of the January 12, 2010 executive session meeting minutes of the Board. A motion was made to approve the minutes by Mr. Latoof, seconded by Mr. Burke and was approved by the 14 voting members present.

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

PUBLIC HEARING ONLY

PROJECT: Jewish Community Housing Corp. of Metropolitan NJ **APPL.#30162**
LOCATION: Hanover Twp./Morris Cty.
PROCEEDS FOR: refinance existing debt
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

Mr. Cantor entered the meeting at this time.

PRELIMINARY RESOLUTIONS

PROJECT: AvCap TTN, LLC **APPL.#30143**
LOCATION: Ewing Twp/Mercer Cty.
PROCEEDS FOR: building acquisition & equipment renovation
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

PROJECT: Provident Group – Montclair Properties, LLC **APPL.#30305**
LOCATION: Little Falls Twp/Passaic Cty.
PROCEEDS FOR: new construction or addition
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Latoof **AYES: 14**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2
Mr. Plofker abstained because he has a business relationship with Capstone Development Corp. to develop off-campus student housing.

MAIN STREET ASSISTANCE PROGRAM

PROJECT: Dubrow, Inc. **APPL.#30180**
LOCATION: Union Twp./Union Cty.
PROCEEDS FOR: refinancing existing debt
FINANCING: \$850,000 Authority guarantee of a \$1.7 million bank loan
MOTION TO APPROVE: Mr. Latoof SECOND: Mr. McNamara **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

LOCAL DEVELOPMENT FINANCING FUND

PROJECT: Gran Prix Partners, LP **APPL.#25411**
LOCATION: Millville/Cumberland Cty.
PROCEEDS FOR: building construction
FINANCING: \$1,000,000 Local Development Financing Fund loan
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

The following project was presented under the Petroleum Underground Storage Tank Program.

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Latoof **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

PROJECT: Friends of Marion P. Thomas Charter School **APPL.#29753**
LOCATION: Newark/Essex Cty.
PROCEEDS FOR: upgrade, closure and site remediation
FINANCING: \$459,894 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 January 2010. **(For Informational Purposes Only)**

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

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

MOTION TO APPROVE: Mr. Manning SECOND: Mr. Plofker **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

PROJECT: City of Gloucester (Gloucester Point) **APPL.#29326**
LOCATION: Gloucester Twp./Camden Cty.
PROCEEDS FOR: remedial investigation
FINANCING: \$155,851 Hazardous Discharge Site Remediation Fund

PROJECT: Township of Lawrence (Dyson Tract) **APPL.#28453**
LOCATION: Lawrence Twp./Mercer Cty.
PROCEEDS FOR: remedial action
FINANCING: \$2,846,625 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 January 2010. **(For Informational Purposes Only)**

INCENTIVE PROGRAMS

BUSINESS INCENTIVE EMPLOYMENT PROGRAM

PROJECT: Exel Inc. **APPL.#30115**
LOCATION: TBD **BUSINESS:** transportation & logistics
GRANT AWARD: 30% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Latoof **SECOND:** Mr. Burke **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

PROJECT: PNY Technologies, Inc. **APPL.#30087**
LOCATION: Parsippany-Troy Hills **BUSINESS:** advanced computing
GRANT AWARD: 70% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Manning **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT:7

PROJECT: Global Compliance Services, Inc. **APPL.#30239**
LOCATION: To Be Determined. **BUSINESS:** compliance solutions
GRANT AWARD: 35% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Kosoffsky **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

PROJECT: Intrasphere Technologies, Inc. **APPL.#30250**
LOCATION: Jersey City/Hudson Cty. **BUSINESS:** pharmaceuticals
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Latoof **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT

PROJECT: PNY Technologies, Inc.
LOCATION: Parsippany-Troy Hills/Morris Cty. **BUSINESS:** advanced computing
GRANT AWARD: \$455,000 (estimate), 5 years
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Latoof **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

SALES AND USE TAX EXEMPTION PROGRAM

PROJECT: PNY Technologies, Inc.
LOCATION: Parsippany-Troy Hills/Morris Cty.
ESTIMATED ELIGIBLE EXPENSES: Up to \$9,908,700
ESTIMATED VALUE OF STX: \$636,488
MOTION TO APPROVE: Mr. Latoof **SECOND:** Mr. Poliner **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

ECONOMIC REDEVELOPMENT AND GROWTH GRANT PROGRAM

The next item was a request to approve the November 10, 2009 ERG rule proposal to be used as Program Guidelines pursuant to the Act; and to amend all previous Board approvals of ERG projects so that rather than being subject to the filing of proposed rules implementing the program with the Office of Administrative Law, they are subject to adherence with the ERG Program Guidelines.

MOTION TO APPROVE: Mr. Poliner **SECOND:** Mr. Latoof **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

PROJECT: Jersey Gardens Lodging Associates LLP
LOCATION: Elizabeth/Union Cty.
REIMBURSEMENT GRANT: Up to \$7,961,200
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. McNamara **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

URBAN TRANSIT HUB TAX CREDIT PROGRAM

PROJECT: 36-54 Rector Street LLC
LOCATION: Newark/Essex Cty.
MAX AMOUNT OF TAX CREDITS: Not to exceed \$13,377,967
MOTION TO APPROVE: Mr. Poliner **SECOND:** Mr. Latoof **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

BOARD MEMORANDUMS

PROJECT: MarketRx, Inc. **APPL.#15523**
LOCATION: Bridgewater Twp./Somerset Cty.
FINANCING: \$183,792 Business Employment Incentive Program grant
MODIFICATION: Approval of 1) acquisition of marketRx, Inc. by Cognizant Technology Solutions Corporation and 2) change of grantee name from marketRx, Inc. to marketRx, A Cognizant Company.
MOTION TO APPROVE: Mr. Latoof **SECOND:** Mr. Poliner **AYES: 15**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

The next item was to inform the Board of a clarification regarding the use of the American Recovery and Reinvestment Act Program funding subsequent to the Board's approval of the Edison Innovation Project Fund. **(For Informational Purposes Only)**

The next item was a summary of projects approved under Delegated Authority in January 2010. **(For Informational Purposes Only)**

New Jersey Business Growth Fund: Joang Investments, LLC and RSC of Voorhees, Inc.; Lotus Medicine LLC, DBA Westfield Family Pharmacy; Perrine Road Associates LLC and Garden State Gastroenterology PC;

Preferred Lender Program: Isles, Inc.

Small Business Fund Program: FG Bergen Fort Lee LLC

NJ Main Street Program: Royalty Press, Inc.

Camden ERB: Doganiero's Pharmacy, Inc.

Business Growth Fund - Modification: JEC Real Estate Associates, LLC

PROJECT: Watson Pharmaceuticals Inc. and Affiliates **APPL.#28509**

LOCATION: TBD

FINANCING: \$3,038,000 Business Employment Incentive Program grant

MODIFICATION: Modify the parameters of the BEIP grant to increase the new employment commitment from 175 jobs to 300 jobs, for a ten year grant term.

MOTION TO APPROVE: Mr. Latoof **SECOND:** Mr. McNamara **AYES: 15**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

REAL ESTATE

The next item was to approve the request to enter into an Amendment to the Lease Agreement with Chromocell Corporation for an additional 846 square feet of office space on the first floor of the Tech IV building.

MOTION TO APPROVE: Mr. Poliner **SECOND:** Mr. Manning **AYES: 15**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

The next item was to approve the request to enter into an Amendment to the Lease Agreement between Meda Pharmaceuticals, Inc. and the Technology Centre of New Jersey, LLC, to extend the term of its lease for an additional year.

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kelly AYES: 15
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

EXECUTIVE SESSION

The next item was to adjourn the public session of the meeting and to enter into Executive Session to discuss a merger issue and a settlement matter.

MOTION TO APPROVE: Mr. Kelly SECOND: Mr. Latoof AYES: 15
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

The next item was to consent to the merger of Elanti Systems, Inc. with New Jersey based VPI Systems, Inc. and subordinate to VPI's lender Silicon Valley Bank's (SVB) \$650,000 first lien, in order to improve the likelihood of the combined company's success and our repayment. Consent will be subject to SVB's approval and receipt of replacement warrants.

MOTION TO APPROVE: Mr. Latoof SECOND: Mr. McNamara AYES: 15
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

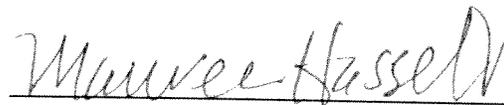
PUBLIC COMMENT

Mr. Plofker and Vice Chairman McNamara thanked Chairman Van Horn for his service to the Board. Chairman Van Horn welcomed incoming Chairman Al Koepp as his successor. He thanked the Board and staff for their dedication to serving the State of New Jersey.

There was no comment from the public.

There being no further business, on a motion by Mr. Latoof, and seconded by Mr. Plofker, the meeting was adjourned at 12 p.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