

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

March 9, 2010

MINUTES OF THE MEETING

Members of the Authority present: Al Koepp, Chairman; Steve Petrecca 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; Public Members: Joseph McNamara, Vice Chairman; Steve Plofker, Charles Sarlo, Timothy Carden, Richard Tolson, Raymond Burke, First Alternate Public Member; Elliot M. Kosoffsky, Second Alternate Public Member; Kevin Brown, Third Alternate Public Member, and Rodney Sadler; Non-Voting Member.

Present via Phone: and Public Member Tom Manning.

Absent from the meeting: Jerold Zaro representing the Governor's Office; and Dr. Randal Pinkett, Public Member.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Bette Renaud, and Barbara Mickle, Deputy Attorney Generals; and guests.

Chairman Koepp 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 February 9, 2010 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Plofker, seconded by Mr. Poliner and was approved by the 12 voting members present.

Mr. Petrecca abstained because he was not present.

Mr. Tolson abstained because he was not present.

The next item of business was the approval of the February 9, 2010 executive session meeting minutes of the Board. A motion was made to approve the minutes by Mr. Carden, seconded by Mr. Plofker and was approved by the 12 voting members present.

Mr. Petrecca abstained because he was not present.

Mr. Tolson abstained because he was not present.

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

Ms. Franzini welcomed Al Koepp on his return to the position of Board Chairman.

Chairman Koepp recognized Caren, the Staff, and Members of the Board for their diligent

work to enhance the organization. He also noted the contributions of outgoing Chair Carl Van Horn.

AUTHORITY MATTERS

At the request of the Treasurer, and as a result of Executive Order 14, the Members of the Authority are asked to consent to the return of \$14 million of unspent Main Street Funding and \$24.9 million of unspent InvestNJ – Job Creation and Capital Investment Funding, to be utilized by the State for current year budget reductions.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. Poliner AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

BOND RESOLUTIONS

PROJECT: AvCap TTN, LLC **APPL.#30143**
LOCATION: Ewing Twp/Mercer Cty.
PROCEEDS FOR: acquisition of lease assets
FINANCING: \$12,000,000 private placement bond
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. McNamara AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT:2

AMENDED BOND RESOLUTIONS

PROJECT: Jewish Community Housing Corp. of Metropolitan NJ **APPL.#30162**
LOCATION: Hanover Twp./Morris Cty.
PROCEEDS FOR: refinance existing debt
FINANCING: \$19,600,000 tax-exempt bond
MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Latoof AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

The next item of business was the approval of a supplemental loan and trust agreement to modify the interest rate of the tax exempt bond for Springfield Senior Living, Inc. Obligated Group.

The project was withheld from consideration.

PRELIMINARY RESOLUTIONS

PROJECT: Interfaith Neighbors, Inc. or nominee **APPL.#30454**
LOCATION: Asbury Park/Monmouth Cty.
PROCEEDS FOR: building construction
MOTION TO APPROVE: Mr. Brown SECOND: Mr. Carden AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

PROJECT: SGI Group, LLC **APPL.#30406**
LOCATION: Monroe/Middlesex Cty.
PROCEEDS FOR: building acquisition and renovation
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Tolson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

PROJECT: Tribeca Oven, Inc. **APPL.#30457**
LOCATION: Carlstadt Borough/Bergen Cty.
PROCEEDS FOR: machinery and equipment acquisition
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Petrecca AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

PUBLIC HEARING ONLY

PROJECT: Yeshiva Orchos Chaim, Inc. **APPL.#28879**
LOCATION: Lakewood/Ocean Cty.
PROCEEDS FOR: refinance existing debt
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

The project is being reviewed by the Office of Attorney General for compliance with First Establishment Clause regarding the separation of church and state.

PROJECT: Provident Group-Montclair Properties LLC **APPL.#30305**
LOCATION: Little Falls/Passaic Cty.
PROCEEDS FOR: building construction
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

Ms. Franzini noted that two letters were received regarding the project, one from a Clifton resident noting traffic and concerns related to the campus expansion, and the other a resolution from the Clifton Council noting concern with the use of federal funds.

CLEAN ENERGY SOLUTIONS

PROJECT: Research and Manufacturing Corporation of America **APPL.#29650**
LOCATION: Lakewood/Ocean Cty.
PROCEEDS FOR: purchase and installation of solar panel system
FINANCING: \$787,500 Clean Energy Solutions Capital Investment Loan

The project was withheld from consideration due to the Chair's and Members' request for additional information from Staff.

EDISON INNOVATION FUND

PROJECT: TerraCycle, Inc. **APPL.#29096**

LOCATION: Trenton/Mercer Cty.

PROCEEDS FOR: growth capital

FINANCING: \$1,000,000 Edison Innovation Fund investment

MOTION TO APPROVE: Mr. Burke **SECOND:** Mr. Carden **AYES: 14**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

Richard Perl and Betsey Cotton of TerraCycle thanked the EDA Board for its support and provided a brief presentation of products.

MAIN STREET ASSISTANCE PROGRAM

PROJECT: Driscoll Label Co., Inc. **APPL.#30496 & 30508**

LOCATION: Fairfield/Essex Cty.

PROCEEDS FOR: refinance existing debt

FINANCING: \$335,000 (25%) participation and 33.33% guarantee (not to exceed \$335,000) in a \$1,340,000 TD Bank term loan and 50% Authority guarantee (not to exceed \$75,000) of a \$150,000 TD Bank line of credit

MOTION TO APPROVE: Mr. Tolson **SECOND:** Mr. Plofker **AYES: 14**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

PROJECT: Driscoll Label Co., Inc. **APPL.# 30508& 30496**

LOCATION: Fairfield/Essex Cty.

PROCEEDS FOR: refinance existing debt

FINANCING: 50% Authority guarantee (not to exceed \$75,000) of a \$150,000 TD Bank, N. A. line of credit and a \$335,000 (25%) participation and 33.33% guarantee (not to exceed \$335,000) in a \$1,340,000 TD Bank, N. A. term loan

MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. McNamara **AYES: 14**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: Nebraska Distribution Center **APPL.#30522**

LOCATION: Newark/Essex Cty.

PROCEEDS FOR: refinance existing debt

FINANCING: 25% (\$1 million) participation in a \$4 million bank loan

MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Latoof **AYES: 14**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

PROJECT: Camden Redevelopment Agency –
Planning Grant Phase 2

APPL.#16904

LOCATION: Camden/Camden Cty.

FINANCING: \$445,000 non-recoverable planning grant

MODIFICATION: Approve the funding authorization for an amended scope of work and the reallocation of the use of funding for the \$445,050 non-recoverable planning grant to the Camden Redevelopment Agency to fund planning activities that have arisen as a result of the change in priorities of CRA and the City's Department of Development and Planning and to extend the grant term to December 31, 2010.

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Petrecca AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

PROJECT: The Heart of Camden, Inc. (Heart of Camden Housing) **APPL.#17495**

LOCATION: Camden/Camden Cty.

FINANCING: \$788,971 soft loan commitment

MODIFICATION: Approve the funding authorization for an extension to the \$788,971 ERB soft loan commitment to the Heart of Camden for the gut-rehabilitation of 14 market rate units which are part of a 16-unit home ownership project in the Waterfront South section of Camden until June 30, 2010.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. Petrecca AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

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

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Tolson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PROJECT: Charles Collington

APPL.#29957

LOCATION: Audubon/Camden Cty.

PROCEEDS FOR: upgrade, closure and site remediation

FINANCING: \$140,053 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: United Methodist Church of Park Ridge

APPL.#30065

LOCATION: Park Ridge/Bergen Cty.

PROCEEDS FOR: upgrade, closure and site remediation

FINANCING: \$60,833 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: Donald Nix LLC/Former Jemm Industries

APPL.#25983

LOCATION: Paterson/Passaic Cty.

PROCEEDS FOR: upgrade, closure and site remediation

FINANCING: \$210,706 Petroleum UST Remediation, Upgrade, & Closure Fund Loan

The next item was a summary of all Petroleum Underground Storage Tank Program Delegated Authority Approvals for the month of February 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. Latoof AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

PROJECT: Township of Bridgewater (Dept Public Works Muni Garage) **APPL.#29326**

LOCATION: Bridgewater/Somerset Cty.

PROCEEDS FOR: remedial action

FINANCING: \$308,846 Hazardous Discharge Site Remediation Fund

PROJECT: City of Millville (Millville Laundry) **APPL.#29695**

LOCATION: Millville/Cumberland Cty.

PROCEEDS FOR: site investigation/preliminary assessment

FINANCING: \$131,587 Hazardous Discharge Site Remediation Fund

PROJECT: City of Millville (Spinelli Brothers Trucking) **APPL.#29924**

LOCATION: Millville/Cumberland Cty.

PROCEEDS FOR: site investigation

FINANCING: \$187,593 Hazardous Discharge Site Remediation Fund

PROJECT: City of Newark (Passaic River Waterfront Park) **APPL.#30594**

LOCATION: Newark/Essex Cty.

PROCEEDS FOR: remedial action

FINANCING: \$1,273,475 Hazardous Discharge Site Remediation Fund

Chairman Koeppe asked for a refresher on the Hazardous Discharge municipal process. Lisa Petrizzi, Sr. Finance Officer, explained that DEP reviews the project for technical eligibility. EDA reviews the application for financial requirements and prepares the application for approval either from the board or thru our delegated authority process. A redevelopment plan or a resolution intending redevelopment within three years of the completion of the remediation needs to be in place prior to approval. Once approved, a notice of approval letter is issued to the municipality.

When the letter is returned signed by its principal, closing documents are issued. At that time, the municipality needs to accept the grant award, award the environmental contracts, and

demonstrate site control by deed, tax sale certificate or resolution intending to acquire the project site. At closing, any disbursement authorized by DEP will be released. Customarily, the PA and SI phases are disbursed in full, but there are normally incremental disbursements in the RI and clean up phases (RA). The Chairman asked if DEP controls the disbursement process, and Ms. Petrizzi replied yes, that the EDA will only cut checks after DEP review.

The next item was a summary of the Hazardous Discharge Site Remediation Fund Program Delegated Authority Approvals for the month of February 2010. **(For Informational Purposes Only)**

INCENTIVE PROGRAMS

BUSINESS INCENTIVE EMPLOYMENT PROGRAM

PROJECT: A&P Coat, Apron and Linen Supply Inc. **APPL.#30380**
LOCATION: TBD **BUSINESS:** personal services
GRANT AWARD: 35% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Burke **SECOND:** Mr. Carden **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: Broadway Kleer Guard Corporation **APPL.#30455**
LOCATION: TBD **BUSINESS:** plastics
GRANT AWARD: 25% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Latoof **SECOND:** Mr. Tolson **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: Hotel Connections, Ltd. **APPL.#30447**
LOCATION: TBD **BUSINESS:** business management & support services
GRANT AWARD: 30% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Manning **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: Pinnacle Foods Group LLC **APPL.#30458**
LOCATION: TBD **BUSINESS:** food products
GRANT AWARD: 40% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Kosoffsky **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: Metrovision Production Group, LLC and Affiliates **APPL.#30458**
LOCATION: TBD **BUSINESS:** video production services
GRANT AWARD: 25% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Petrecca **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: New World Home LLC **APPL.#30307**
LOCATION: Jersey City/Hudson Cty. **BUSINESS:** construction & related activities
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Petrecca **AYES: 14**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT

PROJECT: Pinnacle Foods Group LLC
LOCATION: TBD **BUSINESS:** food products
GRANT AWARD: \$186,200 (estimate), 5 years
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Petrecca **AYES: 14**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

UEZ/SALEM SALES TAX EXEMPTION PROGRAM

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of Alcan Global Pharmaceutical Packaging, Inc. The estimated annualized U-STX benefit is \$671,000.

The project was withheld from consideration.

The next item was to approve the Salem County Energy Sales Tax Exemption Renewal Application of Anchor Glass Corporation, a manufacturer that is located in Salem. The estimated annualized STX benefit is \$877,000.

MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Carden **AYES: 14**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 21

SALES AND USE TAX EXEMPTION PROGRAM

The next item was to approve the following Film Tax Credit Projects for allocations in State FY 2009 and FY 2010.

MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Kosoffsky **AYES: 14**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 22

PROJECT: Northern Entertainment, Inc.
MAX AMOUNT OF TAX CREDITS: \$10,271,668

PROJECT: Split Endz Productions LLC
MAX AMOUNT OF TAX CREDITS: \$22,600

PROJECT: The Perfect Age, LLC
MAX AMOUNT OF TAX CREDITS: \$669,756

PROJECT: NFL Productions LLC
MAX AMOUNT OF TAX CREDITS: \$731,004

PROJECT: NFL Productions LLC
MAX AMOUNT OF TAX CREDITS: \$187,521

PROJECT: NFL Productions LLC
MAX AMOUNT OF TAX CREDITS: \$22,599

PROJECT: Project East West-A LLC
MAX AMOUNT OF TAX CREDITS: \$239,018

PROJECT: Sunset Sky Productions LLC
MAX AMOUNT OF TAX CREDITS: \$16,956

PROJECT: Cavier LA, Inc.
MAX AMOUNT OF TAX CREDITS: \$93,993

PROJECT: TVM Productions, Inc.
MAX AMOUNT OF TAX CREDITS: \$874,142

BOARD MEMORANDUMS

PROJECT: Journal Square Properties, LLC **APPL.#15523**
LOCATION: Jersey City/Hudson Cty.
FINANCING: \$4,200,000 NMTC loan and \$1,600,000 LDFP loan
MODIFICATION: Extend the disbursement period of the LDFP loan to March 31, 2011 to continue to fund tenant improvements.
MOTION TO APPROVE: Mr. Kosoffsky SECOND: Mr. Cantor AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 23

PROJECT: MD-X Solutions, Inc. **APPL.#15638**
LOCATION: Mahwah/Bergen Cty.
FINANCING: \$567,000 Business Employment Incentive Program Grant
MODIFICATION: 1) acquisition of MD-X Solutions, Inc. by MedAssets, Inc. and 2) change of grantee name from MD-X Solutions, Inc. to MedAssets, Inc.
MOTION TO APPROVE: Mr. Carden SECOND: Mr. McNamara AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 24

The next item was to approve the request to rescind final approval for Ivivi Technologies, Inc. to sell its allocated benefit in the 2009 Technology Business Tax Certificate Transfer Program due to its inability to meet the requisite certification.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Petrecca AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 25**

Mr. DiMino, CEO spoke briefly on the status of the company and asked the Board to consider maintaining the approval for the company.

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

New Jersey Business Growth Fund: Blue Rock Holdings, LLC and Advanced Infrastructure Design, Inc.; Curren Environmental, Inc.; Jersey GM Stevens Enterprises, LLC and Tabletop Fashions, Inc.; LOJ Properties LLC and Lee's Development Services LLC; Traditional Floor Co.

Business Growth Fund - Modification: JEHB Management LLC

Preferred Lender Program – Modification: Isles, Inc.

REAL ESTATE

The next item was to extend our Right of Entry Agreement with Tri-County Community Action Partnership for six months in order to finalize its environmental investigation of Authority-owned property in Bridgeton, New Jersey with the option to extend the Right of Entry Agreement for an additional six months.

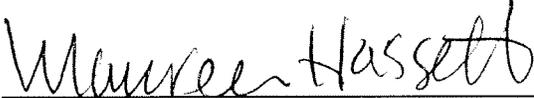
**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Kosoffsky AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 26**

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Plofker, and seconded by Mr. Latoof, 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