

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

March 11, 2008

MINUTES OF THE MEETING

Members of the Authority present: Carl Van Horn, Chairman; Joseph McNamara, Vice Chairman; Lopa Kolluri, representing the Acting State Treasurer; Bernie Piaia representing the Commissioner of Education; Michael Sheridan representing the Commissioner of the Department of Banking and Insurance; George Krause representing the Commissioner of the Department of Labor and Workforce Development; Kevin Drennan representing the NJ Commerce Commission, and, Public Members: Steve Plofker, Thomas Manning, Philip Kirschner, Timothy Carden, Richard Tolson ; and Rodney Sadler, Non-voting Member.

Present via phone: Carmen Twillie Ambar, Third Alternate Public Member.

Absent from the meeting: Raymond Burke, First Alternate Public Member; and Elliot M. Kosoffsky, Second Alternate Public Member.

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

Chairman Van Horn called the meeting to order at 10 a.m.

Pursuant to the Internal Revenue Code of 1986, Ms. Franzini announced that this was a public hearing and comments are invited on any Private Activity bond projects presented today.

In accordance with the Open Public Meetings Act, Ms. Franzini announced that notice of this meeting has been sent to the *Star Ledger* and the *Trenton Times* at least 48 hours prior to the meeting, and that a meeting notice has been duly posted on the Secretary of State's bulletin board at the State House.

MINUTES OF AUTHORITY MEETING

The next item of business was the approval of the February 13, 2008 meeting minutes of the Board and the March 3, 2008 special meeting minutes of the Board. A motion was made to approve the minutes by Mr. Carden, seconded by Mr. Sheridan and was approved by the 13 voting members present.

Chairman Van Horn commented on the Governor's proposal in his 2009 Budget to reorganize the Commerce Commission. Chairman Van Horn acknowledged Executive Director Drennan and stated that we are working with the Administration and the Commerce Commission to ensure that services are provided in the most effective and efficient way possible.

Chairman Van Horn then asked Ms. Franzini to comment on the Authority's response to liquidity in the current market. Ms. Franzini stated that the Authority is pursuing a three pronged approach:

1) looking at the rates and fees associated with our current programs to better suit the market; 2) outreach to the banking community, in particular regional and community banks with a focus on small and mid sized businesses; 3) continued outreach into urban markets.

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

BOND RESOLUTIONS

The next item was to approve the request from staff that the Nineteenth Supplemental Resolution be amended and restated to add the Series J bonds and the Series M bonds to the group of Auction bonds for which various actions are authorized and delegated under the existing Nineteenth Supplemental Resolution.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. McNamara AYES:13

The next item was to approve the Amendment to the Sixth Supplemental Business Employment Incentive Program Bond Resolution adopted on March 3, 2008, related to the BEIP 2004 Series A and Series B Bonds, to correct a typographical error on the remarketing agent's fees in a conversion of the 2004 BEIP Bonds to a fixed rate. The not to exceed rate is \$6.0 per \$1,000 of the bonds converted; the Resolution stated \$6.5.

MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Piaia AYES:13

PROJECT: 25 Parkway, L.L.C. **APPL.#20706**
LOCATION: Upper Saddle River Borough/Bergen County **BUSINESS:** manufacturing
PROCEEDS FOR: building acquisition and renovation
FINANCING: \$2,960,000 Tax-Exempt Bond

PROJECT: Triangle Manufacturing Co. Inc. **APPL.#20707**
LOCATION: Upper Saddle River Borough/Bergen County **BUSINESS:** manufacturing
PROCEEDS FOR: equipment acquisition
FINANCING: \$2,200,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Carden AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PRELIMINARY RESOLUTIONS

PROJECT: The First Occupational Center of New Jersey Incorporated **APPL.#19412**
LOCATION: Orange City/Essex County **BUSINESS:** vocational training
PROCEEDS FOR: refinancing existing debt
MOTION TO APPROVE: Mr. Kirschner SECOND: Mr. McNamara AYES:13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

PROJECT: Comar, Inc. **APPL.#18107**
LOCATION: Orange City/Essex County **BUSINESS:** manufacturing
PROCEEDS FOR: equipment upgrade
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Plofker **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3
(Advancing the project to Final Approval will require the Department of Labor and Workforce Development to confirm that the company is in compliance with the National Labor Relations Board order.)

BOND RESOLUTIONS WITH AUTHORITY EXPOSURE

PROJECT: 52 Green Pond Road, LLC and Tripack Industrial USA, LLC **APPL.#20937**
LOCATION: Rockaway Borough./Morris County **BUSINESS:** manufacturing
PROCEEDS FOR: building and machinery acquisition
FINANCING: \$10,000,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Kirschner **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4
PUBLIC HEARING: Yes
PUBLIC COMMENT:None

PROJECT: 52 Green Pond Road, LLC, Perk-Up Inc. and Tripack Industrial **APPL.#19628**
LOCATION: Rockaway Borough./Morris County **BUSINESS:** manufacturing
PROCEEDS FOR: building and machinery acquisition
FINANCING: \$1,250,000 Direct Loan
MOTION TO APPROVE: Mr. Sheridan **SECOND:** Mr. Kirschner **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

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

MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Sheridan **AYES:13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:6

APPLICANT: Benito Diaz **APPL.#20175**
LOCATION: Union City/ Hudson Cty.
PROCEEDS FOR: site remediation
FINANCING: \$168,902 Petroleum UST Remediation, Upgrade and Closure Fund Grant

APPLICANT: Enterprises 46, Inc. **APPL.#19252**
LOCATION: Fort Lee Borough/Bergen Cty.

PROCEEDS FOR: site remediation
FINANCING: \$214,517 Petroleum UST Remediation, Upgrade and Closure Fund Grant

APPLICANT: Peter Gitto Jr. **APPL.#21148**

LOCATION: Atlantic City/Atlantic Cty.

PROCEEDS FOR: remediation

FINANCING: \$105,122 Petroleum UST Remediation, Upgrade and Closure Fund Grant

APPLICANT: Andrea Palendrano **APPL.#20613**

LOCATION: Shrewsbury Twp./Monmouth Cty.

PROCEEDS FOR: site remediation

FINANCING: \$177,170 Petroleum UST Remediation, Upgrade and Closure Fund Grant

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

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

The following projects presented under the Hazardous Discharge Site Remediation Fund Program (municipal grants and private projects).

MOTION TO APPROVE: Mr. Piaia SECOND: Mr. McNamara AYES:12

RESOLUTION ATTACHED AND MARKED EXHIBIT:7

Mr. Sarlo abstained from the vote because his firm does business with the Jersey City Redevelopment Authority.

PROJECT: City of Bridgeton (East Commerce Street Project) **APPL.#20990**

LOCATION: Bridgeton City/Cumberland Cty.

PROCEEDS FOR: preliminary assessment/site investigation

FINANCING: \$742,522 Hazardous Discharge Site Remediation Fund

PROJECT: City of Elizabeth (Three Elizabeth BDA Sites) **APPL.#21141**

LOCATION: Elizabeth City/Union Cty.

PROCEEDS FOR: preliminary assessment/remedial investigation/site investigation

FINANCING: \$371,943 Hazardous Discharge Site Remediation Fund

PROJECT: Jersey City Redevelopment Agency (Turnpike Dump #5) **APPL.#21229**

LOCATION: Jersey City/Hudson Cty.

PROCEEDS FOR: remedial investigation/preliminary assessment

FINANCING: \$483,524 Hazardous Discharge Site Remediation Fund

PROJECT: Township of Riverside (Whomsley Field) **APPL.#21078**

LOCATION: Riverside Township/Burlington Cty.

PROCEEDS FOR: site investigation/remedial investigation

FINANCING: \$103,081 Hazardous Discharge Site Remediation Fund

PROJECT: Lumer Associates, LLC **APPL.#20901**

LOCATION: East Rutherford Borough/Bergen Cty.

PROCEEDS FOR: remedial investigation/remedial action
FINANCING: \$365,032 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 February 2008. **(For Informational Purposes Only)**

BUSINESS EMPLOYMENT INCENTIVE PROGRAM

PROJECT: Ernst & Young U.S., LLC **APPL.#20939**
LOCATION: Secaucus Town/Hudson Cty. **BUSINESS:** financial services
GRANT AWARD: 60% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker **SECOND:** Mr. Carden **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

PROJECT: Fisher, Francis Trees & Watts, Inc., and BNP Paribas SA **APPL.#21301**
LOCATION: Jersey City/Hudson Cty. **BUSINESS:** financial services
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. McNamara **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

The next item was a recommendation from staff to not disqualify ImClone from applying for a BEIP grant.

MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Sheridan **AYES:12**
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

Mr. Plofker abstained from the vote due to his relationship with the Brother of former CEO Sam Waksal.

PROJECT: ImClone Systems Incorporated **APPL.#21401**
LOCATION: Branchburg Township/Somerset Cty. **BUSINESS:** biotechnology
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Sheridan **SECOND:** Mr. Piaia **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

PROJECT: Western Carpet, LLC. **APPL.#21300**
LOCATION: Wayne Township/Passaic Cty **BUSINESS:** wholesale
GRANT AWARD: 50% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Kirschner **AYES: 13**
RESOLUTION ATTACHED AND MARKED EXHIBIT:8

BOARD MEMORANDUMS

The next item was a summary of the Delegated Authority Approvals prepared by the Portfolio Services Division/Special Loan Management for February 2008. **(For Informational Purposes**

Only)

The next item was a summary of the approved projects under Delegated Authority for the month of February 2008. **(For Informational Purposes Only)**

New Jersey Business Growth Fund: Bright Lights USA, Inc. or Nominee, PAW Bioscience Products, Inc.

Preferred Lender Program: Independent Metal Sales, Inc. or Nominee

REAL ESTATE

The next item was to approve the request to extend to December 31, 2008 the lease with Laboratory Corporation of America Holdings (Lab Corp.), a current tenant at the Trenton Office Complex's retail space.

MOTION TO APPROVE: Mr. Sheridan SECOND: Mr. Carden AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT:9

The next item was to approve the request to terminate the Authority's lease with Ladies Workout Express, a tenant at the Trenton Office Complex's retail space.

MOTION TO APPROVE: Mr. Piaia SECOND: Mr. Sheridan AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT:10

The next item was to authorize an amendment to the February 6, 2007 Project Development Agreement with Campbell Soup Company confirming Campbell's commitment to expand its world headquarters in Camden and modifying the company's obligations as master redeveloper of a portion of the Camden Gateway Redevelopment Area.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. McNamara AYES:13
RESOLUTION ATTACHED AND MARKED EXHIBIT:11

AUTHORITY MATTERS

The next item was to authorize the creation of NJCDE-5, LLC, NJCDE-6, LLC, NJCDE-7, LLC, NJCDE-8, LLC, NJCDE-9,LLC as well as the execution of all necessary documents for this transaction.

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Piaia AYES:13
RESOLUTION ATTACHED AND MARKED EXHIBIT:12

For the next item, Ms. Franzini summarized the recommendation from Director of Support Services, Diane Wong regarding her review of the bid challenge by Meridian Property Services Inc. to the Property Management Services Request for Proposal. Ms. Wong reviewed the challenge with the assistance of the Attorney General's Office. The review concluded that the challenge was without merit and the recommendation to the Board is to adhere to its original decision and to award the contract to ISS TMC Services Inc.

EXECUTIVE SESSION

The next item was to adjourn the public session of the meeting and to enter Executive Session to discuss a potential litigation matter.

MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Carden AYES:13
RESOLUTION ATTACHED AND MARKED EXHIBIT:13

The next item was the recommendation of the Director of Support Services on the Property Management Services RFP to award the contract to ISS TMC Services, Inc.

MOTION TO APPROVE: Mr. Plofker SECOND: Mr. McNamara AYES:13
RESOLUTION ATTACHED AND MARKED EXHIBIT:14

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Piaia, and seconded by Mr. Sheridan, 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