

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

July 12, 2005

MINUTES OF THE MEETING

Members of the Authority present: Al Koepp, Chairman, Joseph McNamara, Vice Chairman; Joseph Grossi representing the Secretary of the NJ Commerce, Economic Growth and Tourism Commission; Daniel Levine representing the State Treasurer; Joseph Latoof representing the Commissioner of the Department of Labor and Workforce Development; Michael Sheridan representing the Commissioner of the Department of Banking and Insurance; Bernie Piaia representing the Commissioner of Education; Ciro Scalera, Phil Kirschner, Charles Sarlo, Carlos Medina, and Timothy Carden, Public Members; Cecil House and Raymond Burke, Alternate Public Members; and Rodney Sadler, Non-Voting Member.

Absent from the meeting: Jack Kocsis, Jr. Public Member.

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

Chairman Koepp called the meeting to order at 10:06.

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 first item of business was the approval of the June 14, 2005 meeting minutes of the Board. A motion was made to approve the minutes by Mr. McNamara, seconded by Mr. Carden and was approved by the 11 Members present.

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

Mr. Medina entered the meeting at this time.

BOND RESOLUTIONS

PROJECT: Bayonne Family YMCA **APPL.#16560**
LOCATION: Bayonne City/Hudson Cty. **BUSINESS:** Not for profit community center
PROCEEDS FOR: bldg. renov.
FINANCING: \$1,300,000 Tax Exempt Bond
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. House **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT 1
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

PROJECT: Cerebral Palsy of North Jersey **APPL.#16521**
LOCATION: Livingston Twp./Essex Cty. **BUSINESS:** Not for profit human services agency
PROCEEDS FOR: bldg. acqui.
FINANCING: \$5,900,000 Tax Exempt Bond
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. McNamara **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT 2
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

PROJECT: Delanco Realty, LLC for the benefit of American Strip Steel, Inc. **APPL.#15680**
LOCATION: Delanco Twp./Burlington Cty. **BUSINESS:** Mfr. of steel
PROCEEDS FOR: bldg. constr./equip. purch.
FINANCING: \$4,000,000 Tax Exempt Bond
This matter was held from consideration

PROJECT: Elite Pharmaceuticals, Inc. for the benefit of Elite Laboratories, Inc. **APPL.#16606**
LOCATION: Northvale Boro./Bergen Cty. **BUSINESS:** Pharmaceutical company
PROCEEDS FOR: equip. purch.
FINANCING: \$1,215,000 Tax Exempt Bond Series A and \$675,000 Taxable Bond Series B

PROJECT: Elite Pharmaceuticals, Inc. for the benefit of Elite Laboratories, Inc. **APPL.#16608**
LOCATION: Northvale Boro./Bergen Cty. **BUSINESS:** Pharmaceutical company
PROCEEDS FOR: refund bond
FINANCING: \$2,500,000 Tax Exempt Bond Series A
MOTION TO APPROVE: Mr. Kirschner **SECOND:** Mr. Piaia **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT 3

PROJECT: Princeton Day School, Inc.
LOCATION: Princeton Twp./Mercer Cty.

APPL.#16595

BUSINESS: Not for profit coeducational day school

PROCEEDS FOR: bldg. constr. & renov.
FINANCING: \$12,400,000 Tax Exempt Bond

PROJECT: Princeton Day School, Inc.
LOCATION: Princeton Twp./Mercer Cty.

APPL.#16599

BUSINESS: Not for profit coeducational day school

PROCEEDS FOR: refund bond
FINANCING: \$2,600,000 Tax Exempt Bond

MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Waits **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT 4

Mr. Levine entered the meeting at this time.

PRELIMINARY RESOLUTIONS

PROJECT: Artmacher LLC for the benefit of Executive Trading Company, Ltd.

APPL.#16702

LOCATION: New Brunswick City/Middlesex Cty. **BUSINESS:** Mfr. of picture frames

PROCEEDS FOR: bldg. acqui. & renov./equip. purch.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT 5

PUBLIC HEARING: Yes

PUBLIC COMMENT: None

Mr. Scalera entered the meeting at this time.

PROJECT: City of Newark

APPL.#16577

LOCATION: Newark City/Essex Cty.

BUSINESS: Government agency

PROCEEDS FOR: bldg. acqui. & renov.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT 6

PROJECT: New Jersey Natural Gas Company

APPL.#16683

LOCATION: Various/Morris Cty.

BUSINESS: Natural gas utility

PROCEEDS FOR: road constr.

MOTION TO APPROVE: Mr. Scalera **SECOND:** Mr. Kirschner **AYES:** 13

Chairman Koeppe recused himself because he is on the board of directors

RESOLUTION ATTACHED AND MARKED EXHIBIT 7

PROJECT: Norfil Inc. **APPL.#16682**
LOCATION: Salem City/Salem Cty. **BUSINESS:** Mfr. of steel wire products
PROCEEDS FOR: equip. purch.
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Grossi **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 8

PROJECT: South Jersey Gas Company **APPL.#16688**
LOCATION: Various/Variou **BUSINESS:** Exempt public facility -
Natural gas public utility
PROCEEDS FOR: road constr.
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Kirschner **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 9

PROJECT: Tabernacle Baptist Church **APPL.#16689**
LOCATION: Burlington City/Burlington Cty. **BUSINESS:** Not for profit church
PROCEEDS FOR: bldg. constr. & renov.
This matter was held from consideration.

PROJECT: Rajbhog Foods, Inc. **APPL.#16704**
LOCATION: Jersey City/Hudson **BUSINESS:** Mfr. of Indian sweets & snacks
PROCEEDS FOR: bldg. acqu. & equip. purch.
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Kirschner **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 10

PUBLIC HEARING ONLY

PROJECT: Triangle Manufacturing Co. Inc. **APPL.#16555**
LOCATION: Upper Saddle River Boro./Bergen Cty. **BUSINESS:** Mfr. of precision machine
components
PROCEEDS FOR: bldg. renov./equip. purch.
PUBLIC HEARING ONLY - NO RESOLUTION REQUIRED
PUBLIC COMMENT: None

DIRECT LOANS

PROJECT: Bentley Laboratories, LLC & Norgate **APPL.#16699**
Holdings, LLC
LOCATION: Mahwah Twp./Bergen Cty. **BUSINESS:** Mfr. of cosmetic formulations
PROCEEDS FOR: working capital
FINANCING: \$500,000
MOTION TO APPROVE: Mr. Scalera **SECOND:** Mr. Grossi **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 11

CAMDEN ECONOMIC RECOVERY BOARD

PROJECT: Cooper's Ferry Development Association, Inc. **APPL.#16497**
LOCATION: Camden City/Camden Cty.
PROCEEDS FOR: site improvement
FINANCING: \$1,288,729 Economic Recovery Board for Camden grant program
MOTION TO APPROVE: Mr. Grossi **SECOND:** Mr. Waits **AYES:** 13
Mr. Medina recused himself because he does business with the company

RESOLUTION ATTACHED AND MARKED EXHIBIT 12

PROJECT: Greater Camden Partnership, Inc. **APPL.#16667**
LOCATION: Camden City/Camden Cty.
PROCEEDS FOR: working capital/equip. acqui.
FINANCING: \$200,000 Economic Recovery Board for Camden grant program
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. House **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 12

PETROLEUM UNDERGROUND STORAGE TANK LOAN PROGRAM

The following projects presented were grants under the NJDEP Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund Program.

MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Latoof **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 13

PROJECT: A&B Service **APPL.#16078**
LOCATION: Woodbridge Twp./Middlesex Cty.
PROCEEDS FOR: site remediation
FINANCING: \$34,917 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

PROJECT: Roxanne Asseng **APPL.#16575**
LOCATION: Woodbridge Twp./Middlesex Cty.
PROCEEDS FOR: site remediation
FINANCING: \$8,093 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

PROJECT: Robert Creedon and Mary Creedon **APPL.#16619**
LOCATION: Ventnor City/Atlantic Cty.
PROCEEDS FOR: site remediation
FINANCING: \$13,160 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

PROJECT: Robert Harten **APPL.#16603**
LOCATION: Washington Boro./Warren Cty.
PROCEEDS FOR: site remediation
FINANCING: \$8,612 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

PROJECT: Lori Klabbatz **APPL.#16421**
LOCATION: Hamilton Twp./Mercer Cty.
PROCEEDS FOR: site remediation
FINANCING: \$8,240 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

PROJECT: Brian Pollack **APPL.#16674**
LOCATION: Cherry Hill Twp./Camden Cty.
PROCEEDS FOR: site remediation
FINANCING: \$11,342 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

PROJECT: Michael Tetesco **APPL.#16646**
LOCATION: Woodbridge Twp./Middlesex Cty.
PROCEEDS FOR: site remediation
FINANCING: \$17,006 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund grant

The following project presented was a loan under the NJDEP Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund Program.

PROJECT: City of Perth Amboy **APPL.#16681**
LOCATION: Perth Amboy City/Middlesex Cty.
PROCEEDS FOR: site remediation
FINANCING: \$187,274 Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund loan

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

The following project presented was a grant under the Hazardous Discharge Site Remediation Fund Program.

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

PROJECT: Luis Properties, LLC **APPL.#16617**
LOCATION: Newark City/Essex Cty.
PROCEEDS FOR: site remediation
FINANCING: \$38,937 NJDEP Hazardous Discharge Site Remediation grant

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

PROJECT: Borough of Glassboro **APPL.#16691**
 (Bill’s Auto Radiator Svc.)
LOCATION: Glassboro Boro./Gloucester Cty.
PROCEEDS FOR: site remediation
FINANCING: \$39,858 NJDEP Hazardous Discharge Site Remediation municipal grant

PROJECT: Borough of Glassboro **APPL.#16675**
 (Terwin Auto Center)
LOCATION: Glassboro Boro./Gloucester Cty.
PROCEEDS FOR: site remediation
FINANCING: \$39,858 NJDEP Hazardous Discharge Site Remediation municipal grant

PROJECT: Town of Phillipsburg **APPL.#16654**
 (US Gas)
LOCATION: Phillipsburg Town/Warren Cty.
PROCEEDS FOR: site remediation
FINANCING: \$41,178 NJDEP Hazardous Discharge Site Remediation municipal grant

PROJECT: Township of Hainesport **APPL.#13697**
 (Frmr. Hardware/Industrial Tool)
LOCATION: Hainesport Twp./Burlington Cty.
PROCEEDS FOR: site remediation
FINANCING: \$48,942 NJDEP Hazardous Discharge Site Remediation municipal grant

BUSINESS EMPLOYMENT INCENTIVE PROGRAM

PROJECT: Eisai, Inc. **APPL.#16620**
LOCATION: Woodcliff Lake Boro./Bergen Cty. **BUSINESS:** Mfr. of pharmaceuticals
GRANT AWARD: 75% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. McNamara **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 15

PROJECT: Missa Bay, LLC **APPL.#16687**
LOCATION: Swedesboro Boro./Gloucester Cty. **BUSINESS:** Dist. of produce
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Waits **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 15

PROJECT: Susquehanna Patriot Bank **APPL.#16586**
LOCATION: Camden City/Camden Cty. **BUSINESS:** State-chartered bank
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Piaia **SECOND:** Mr. Grossi **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 15

PROJECT: Lakewood Pathology Associates, Inc. **APPL.#16700**
LOCATION: To be determined **BUSINESS:** Pathology services
GRANT AWARD: 25% Business Employment Incentive grant, 7 years
MOTION TO APPROVE: Mr. Scalera **SECOND:** Mr. Piaia **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 15

The next item was the Business Employment Incentive Program Modifications.
(For Informational Purposes Only).

BOARD MEMORANDUMS

PROJECT: ORFAC Property Management, LLC **APPL.#15628**
LOCATION: Newark City/Essex Cty.
MODIFICATION: to extend the commitment expiration of the \$350,000 Authority participation of a \$1,200,000 loan from May 31, 2005 to August 31, 2005.
MOTION TO APPROVE: Mr. House **SECOND:** Mr. McNamara **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT 16

PROJECT: Wuhl Shafman Lieberman Corp.

APPL.#15201

LOCATION: Newark City/Essex Cty.

MODIFICATION: to consent to the \$1.2 million increase in the line of credit to Wuhl Shafman Lieberman Corp. (and the bank moving ahead of the Authority on the all asset lien filing), a new \$500,000 equipment line of credit to Fresh Cut Produce, LLC, and a new \$1,500,000 personal line of credit to the principal based on a historic DSCR of 1.72 times and the personal guarantee of Aron Forem.

MOTION TO APPROVE: Mr. Carden

SECOND: Mr. Piaia

AYES: 14

RESOLUTION ATTACHED AND MARKED EXHIBIT 17

The next item was the presentation of the Delegated Authority approvals for the second quarter of 2005. **(For Informational Purposes Only)**

The next item was the approval of the following loans under the New Jersey Business Growth Fund Program: Active Fitness Lawnside, LLC, Adaptive Design Labs, Inc., Benaka, Inc., FIMS Manufacturing Corp., Masonry Preservation Group, Inc., R. Fanelle & Sons, Inc., and Samuel Coraluzzo Co. **(For Informational Purposes Only)**

AUTHORITY MATTERS

The next item was the approval requested for project grant administration of a \$900,000 grant to support cell therapy research and authorize the Authority to administer the grant funding. The intended recipient of the grant is Progenitor Cell Therapy LLC.

MOTION TO APPROVE: Mr. Piaia

SECOND: Mr. Kirschner

AYES: 14

RESOLUTION ATTACHED AND MARKED EXHIBIT 18

EXECUTIVE SESSION

At this time on a motion made by Mr. Latoof, and seconded by Mr. McNamara, the members adjourned to go into Executive Session to discuss a BEIP matter.

RESOLUTION ATTACHED AND MARKED EXHIBIT 19

The next item of business was approval of the Fourth Supplemental Bond Resolution that authorizes the terms and conditions of the 2005 BEIP Series A Bonds; authorization of professionals; and authorization for Authority staff to take all action incidental to the issuance of the bonds. The final structure of the issuance will be reviewed by the EDA Audit Committee.

MOTION TO APPROVE: Mr. McNamara

SECOND: Mr. Carden

AYES: 14

RESOLUTION ATTACHED AND MARKED EXHIBIT

The next item of business was approval of the Fifth Supplemental Bond Resolution that authorizes the terms and conditions of the 2005 BEIP Series B Bonds; authorization of the use of professionals and authorization to staff to take all action incidental to the issuance of the bonds. Authority approval is subject to JBOC approval of the issuance. The final structure of the issuance will be reviewed by the EDA Audit Committee.

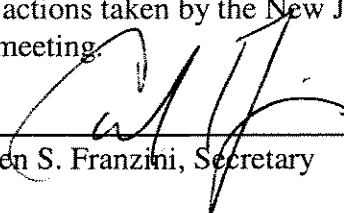
MOTION TO APPROVE: Mr. Carden **SECOND:** Mr. Latoof **AYES:** 14
RESOLUTION ATTACHED AND MARKED EXHIBIT

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.



Caren S. Franzini, Secretary