

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

**October 13, 2009**

**MINUTES OF THE MEETING**

Members of the Authority present: Carl Van Horn, Chairman; Dan Ryan 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, Philip Kirschner, Thomas Manning, Richard Tolson, Elliot M. Kosoffsky, Second Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Present via Phone: Charles Sarlo, Public Member.

Absent from the meeting: Jerold Zaro representing the Governor's Office; James Kelly representing the State Treasurer; Timothy Carden, Public Member; and Raymond Burke, First 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 September 8, 2009 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Plofker, seconded by Mr. Kirschner and was approved by the 11 voting members present.

The next item of business was the approval of the September 18, 2009 special meeting minutes of the Board. A motion was made to approve the minutes by Mr. Plofker, seconded by Mr. Latoof and was approved by the 8 voting members present.

Mr. Tolson abstained because he was absent from the meeting.  
Mr. Manning abstained because he was absent from the meeting  
Mr. Ryan abstained because he was absent from the meeting.

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

## **AUTHORITY MATTERS**

The next item was to approve the request to make up to a \$5 million limited partnership investment in the New Jersey UrbanAmerica Advantage Fund, L.P.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kirschner AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1**

Mr. Sarlo abstained because of a relationship with Plaza Construction.

The next item was 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.

**MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Manning AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2**

Chairman Van Horn abstained as his office is in a building owned by Devco.

The next item was 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.

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

The next item was to approve the Memorandum of Understanding (“MOU”) 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 subject to review of the Office of the Attorney General.

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

The next item was to approve a Higher Education Public-Private Partnership Program fee enacted under “The New Jersey Stimulus Act of 2009”, P.L. 2009, c. 90 and to approve fees for the program.

**MOTION TO APPROVE: Mr. Poliner SECOND: Mr. Manning AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5**

Mr. Sarlo abstained because his employer is working with several potential applicants to the program.

The next item was to approve an Amendment of the Amended and Restated MOU with the New Jersey Board of Public Utilities for the Edison Innovation Clean Energy Manufacturing Fund program.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kosoffsky AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6**

**AMENDED BOND RESOLUTIONS**

**PROJECT:** The Pennington School **APPL.#28553**  
**LOCATION:** Pennington/Mercer Cty.  
**PROCEEDS FOR:** refinance existing debt  
**FINANCING:** \$7,500,000 Tax-Exempt Bond  
**MOTION TO APPROVE:** Mr. Ryan **SECOND:** Mr. Latoof **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 7  
**PUBLIC HEARING:** Yes  
**PUBLIC COMMENT:** None

**DIRECT LOANS**

**PROJECT:** Chelten House Products, Inc. **APPL.#27236**  
**LOCATION:** Logan/Gloucester Cty.  
**PROCEEDS FOR:** equipment acquisition  
**FINANCING:** \$1,250,000 direct loan  
**MOTION TO APPROVE:** Mr. Ryan **SECOND:** Mr. Kirschner **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:**8

**STATEWIDE LOAN POOL PROGRAM**

**PROJECT:** The Levoy Theatre Preservation Society, Inc. **APPL.#27248**  
**LOCATION:** Millville/Cumberland Cty.  
**PROCEEDS FOR:** building renovation  
**FINANCING:** \$800,000 million Authority guarantee of a \$1.6 million Bank term loan  
**MOTION TO APPROVE:** Mr. Plofker **SECOND:** Mr. Tolson **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 9

**LOCAL DEVELOPMENT FINANCING FUND**

**PROJECT:** BMB Properties and Management, LLC **APPL.#28103**  
**LOCATION:** New Brunswick/Middlesex Cty.  
**PROCEEDS FOR:** building acquisition and renovation  
**FINANCING:** \$2,000,000 Local Development Financing Fund loan  
**MOTION TO APPROVE:** Mr. Poliner **SECOND:** Mr. Ryan **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 10

## **PETROLEUM UNDERGROUND STORAGE TANK PROGRAM**

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

**MOTION TO APPROVE: Mr. Latoof SECOND: Mr. Poliner AYES: 12  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**PROJECT:** Acropolis Service Center **APPL.#27636**

**LOCATION:** Leonia/Bergen Cty.

**PROCEEDS FOR:** upgrade, closure and site remediation

**FINANCING:** \$99,034 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

**PROJECT:** Kurtin's Service Center, Inc. **APPL.#27864**

**LOCATION:** Passaic/Passaic Cty.

**PROCEEDS FOR:** site remediation

**FINANCING:** \$101,269 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

**PROJECT:** Leon Wiczorek **APPL.#27817**

**LOCATION:** East Brunswick/Middlesex Cty.

**PROCEEDS FOR:** upgrade, closure and site remediation

**FINANCING:** \$119,964 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

**PROJECT:** Dawn T. Williams **APPL.#27672**

**LOCATION:** Woodridge/Middlesex Cty.

**PROCEEDS FOR:** upgrade, closure and site remediation

**FINANCING:** \$109,707 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 September 2009. **(For Informational Purposes Only)**

## **HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM**

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

**MOTION TO APPROVE: Mr. Latoof SECOND: Mr. Tolson AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12**

**PROJECT:** Jersey City Redevelopment Agency (Turnpike Dump #5) **APPL.#28454**

**LOCATION:** Jersey City/Hudson Cty.

**PROCEEDS FOR:** remedial action  
**FINANCING:** \$864,422 Hazardous Discharge Site Remediation Fund

**PROJECT:** Township of Winslow (Presswell Records) **APPL.#25586**  
**LOCATION:** Winslow/Camden Cty.  
**PROCEEDS FOR:** remedial investigation  
**FINANCING:** \$124,663 Hazardous Discharge Site Remediation Fund

**PROJECT:** Borough of Woodbine (Woodbine Landfill) **APPL.#28568**  
**LOCATION:** Woodbine/Cape May Cty.  
**PROCEEDS FOR:** remedial investigation, preliminary assessment  
**FINANCING:** \$428,178 Hazardous Discharge Site Remediation Fund

**PROJECT:** Wyckoff Cleaners, Inc. (Woodbine Landfill) **APPL.#27863**  
**LOCATION:** Wyckoff Twp./Bergen Cty.  
**PROCEEDS FOR:** remedial action  
**FINANCING:** \$23,903 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 September 2009. (**For Informational Purposes Only**)

### CLEAN ENERGY SOLUTIONS

**PROJECT:** Hausmann Industries, Inc. **APPL.#28159**  
**LOCATION:** Northvale/Bergen Cty.  
**PROCEEDS FOR:** purchase of solar electric system  
**FINANCING:** \$670,000 Clean Energy Solutions Capital Investment loan  
**MOTION TO APPROVE:** Mr. Ryan **SECOND:** Mr. McNamara **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 13**

### INCENTIVE PROGRAMS

#### BUSINESS INCENTIVE EMPLOYMENT PROGRAM

**PROJECT:** Bind-Rite/Union Graphics, L.L.C. **APPL.#28309**  
**LOCATION:** Carlstadt/Bergen Cty. **BUSINESS:** printing/publishing  
**GRANT AWARD:** 55% Business Employment Incentive grant, 10 years  
**MOTION TO APPROVE:** Mr. Manning **SECOND:** Mr. Plofker **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**PROJECT:** hhgregg, Inc. **APPL.#28394**  
**LOCATION:** Swedesboro/Gloucester Cty. **BUSINESS:** retail stores/commercial sales  
**GRANT AWARD:** 50% Business Employment Incentive grant, 10 years  
**MOTION TO APPROVE:** Mr. Tolson **SECOND:** Mr. Ryan **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**PROJECT:** Sinewave Energy Technologies, Inc. **APPL.#28193**  
**LOCATION:** TBD **BUSINESS:** electronic device technology  
**GRANT AWARD:** 35% Business Employment Incentive grant, 10 years  
**MOTION TO APPROVE:** Mr. Ryan **SECOND:** Mr. Poliner **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**PROJECT:** Watson Pharmaceuticals, Inc. and Affiliates **APPL.#28509**  
**LOCATION:** TBD **BUSINESS:** pharmaceuticals  
**GRANT AWARD:** 50% Business Employment Incentive grant, 10 years  
**MOTION TO APPROVE:** Mr. Tolson **SECOND:** Mr. McNamara **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**PROJECT:** Watson Pharmaceuticals, Inc. and Affiliates  
**GRANT AWARD:** \$289,800 (estimate), 5 years Business Retention and Relocation Assistance Grant  
**MOTION TO APPROVE:** Mr. Plofker **SECOND:** Mr. Poliner **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**PROJECT:** Williams-Somona Direct, Inc. **APPL.#28366**  
**LOCATION:** TBD **BUSINESS:** shipping/transportation  
**GRANT AWARD:** 35% Business Employment Incentive grant, 10 years  
**MOTION TO APPROVE:** Mr. Ryan **SECOND:** Mr. Plofker **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**PROJECT:** Williams-Somona Direct, Inc.  
**GRANT AWARD:** \$129,600 (estimate), 5 years Business Retention and Relocation Assistance Grant  
**MOTION TO APPROVE:** **SECOND:** **AYES: 12**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT**

**PROJECT:** IDL TechniEdge, LLC  
**LOCATION:** TBD **BUSINESS:** manufacturing  
**GRANT AWARD:** \$93,500 (estimate), 5 years  
**MOTION TO APPROVE:** Mr. Plofker **SECOND:** Mr. Tolson **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 15**

The next item was to approve the BRRAG Tax Credit Certificate Transfer Program application of KS Engineers, PC to transfer unused tax credits to Apple, Inc.

**MOTION TO APPROVE: Mr. Kirschner SECOND: Mr. McNamara AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16**

The next item was to approve the BRRAG Tax Credit Certificate Transfer Program application of MRS Associates, Inc. to transfer unused tax credits to Apple, Inc.

**MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Tolson AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17**

### **BROWNFIELD REIMBURSEMENT PROGRAM**

**PROJECT:** Center 48 Limited Partnership and National Retail Urban Renewal, LLC

**LOCATION:** Somerdale/Magnolia/Camden Cty.

**REIMBURSEMENT GRANT:** Up to \$375,000

**MOTION TO APPROVE: Mr. Kosoffsky SECOND: Mr. Tolson AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18**

**PROJECT:** Frank Greek Company EB27 LLC

**LOCATION:** East Brunswick/Middlesex Cty.

**REIMBURSEMENT GRANT:** Up to \$1,812,600

**MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Manning AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19**

Mr. Kosoffsky abstained to avoid the appearance of an ethical conflict because he works for F. Greek Company.

### **FILM TAX CREDIT PROGRAM**

The next item was to approve the following Film Tax Credit Project for allocations:

**PROJECT:** All The Kings Horses LLC

**MAX AMOUNT OF TAX CREDITS:** \$701,735

**MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Tolson AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20**

### **UEZ/SALEM SALES TAX EXEMPTION**

The next item was to approve the Salem County Energy Sales Tax Exemption Renewal Application of B&B Poultry Co., Inc., a manufacturer that is located in Salem. The estimated annualized STX benefit is \$400,000.

**MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Latoof AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 21**

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of Church & Dwight Company, Inc. The estimated annualized U-STX benefit is \$1,500,000.

**MOTION TO APPROVE: Mr. Latoof SECOND: Mr. Tolson AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 22**

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of Gerresheimer Glass, Inc. The estimated annualized U-STX benefit is \$1,600,000.

**MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Latoof AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 23**

The next item was to approve the modification to the expiration date of the Salem County Energy Sales Tax Exemption Renewal benefit for E.I. du Pont de Nemours & Company to August 3, 2010.

**MOTION TO APPROVE: Mr. Latoof SECOND: Mr. Kirschner AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 24**

The next item was to approve the modification to the expiration date of the Salem County Energy Sales Tax Exemption Renewal benefit for Mannington Mills, Inc. to May 10, 2010.

**MOTION TO APPROVE: Mr. Latoof SECOND: Mr. Kirschner AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 25**

### **BOARD MEMORANDUMS**

**PROJECT:** Diamond Chemical Co., Inc. **APPL.# 27153**

**LOCATION:** East Rutherford/Bergen Cty.

**FINANCING:** \$750,000 million Authority guarantee of a \$1.5 million term loan

**REQUEST:** approval to a change in collateral

**MOTION TO APPROVE: Mr. Poliner SECOND: Mr. Latoof AYES: 10  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 26**

Mr. Sarlo abstained because he is an attorney for the commission that met with Diamond Chemical Co., Inc.

**PROJECT:** Greater Brunswick Charter School **APPL.#27102**

**LOCATION:** New Brunswick/Middlesex Cty.

**FINANCING:** \$1,000,000 Main Street Business Assistance loan

**REQUEST:** 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.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Latoof AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 27**

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

**New Jersey Business Growth Fund:** Pollack Health and Wellness Center Inc., or Nominee; Premier Oncology, LLC;

**Fast Start Direct Loan Program:** Mercy Transportation, Inc.;

**NJ Main Street Program:** G Boys Excavating Inc.; 29 Ash Realty LLC; Star Soap/Star Candle/Prayer Candle Co., LLC

**Preferred Lender Program:** G Boys Excavating Inc.; Marotta Controls, Inc.

The next item was a summary of all BEIP modifications that were approved in the quarter ending September 30, 2009. **(For Informational Purposes Only)**

The next item was a summary of Delegated Authority approvals prepared by Portfolio Services in Q3 2009. **(For Informational Purposes Only)**

### **REAL ESTATE**

The next item was to approval for the following: 1) to execute a Lease Agreement with Drexel University for appropriately 10,557 square feet of lab space at the Waterfront Technology Center in Camden; 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; 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.

**MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Manning AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 28**

The next item was to 1) construct a 15,000 square foot addition for Merial, Limited, 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, 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.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kosoffsky AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 29**

### **EXECUTIVE SESSION**

The next item was to adjourn the public session of the meeting and to enter into Executive Session to discuss a Real Estate matter. The matter will be made public when the Purchase Agreement is executed.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kosoffsky AYES: 11  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 30**

### **PUBLIC COMMENT**

There was no comment from the public.

There being no further business, on a motion by Mr. Manning, and seconded by Mr. Plofker, the meeting was adjourned at 11:45 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.

  
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Maureen Hassett, Assistant Secretary