

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

May 12, 2009

EXCERPTED MEETING MINUTES

Members of the Authority present: Carl Van Horn, Chairman; Joseph McNamara, Vice Chairman; Jerold Zaro representing the Governor's Office; Jason Varano representing the Commissioner of the Department of Environment Protection; Richard Poliner representing the Commissioner of the Department of Banking and Insurance; Kevin Jarvis representing the Commissioner of the Department of Labor and Workforce Development; Public Members: Steve Plofker, Thomas Manning, Richard Tolson, Timothy Carden, Charles Sarlo, Elliot M. Kosoffsky, Second Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Present via phone: Raymond Burke, First Alternate Public Member.

Absent from the meeting: James Kelly, representing the State Treasurer; and Public Member Philip Kirschner.

Also present: Tim Lizura, Sr. Vice President, Business Development Division; Bette Renaud, Deputy Attorney General; Jim Petrino of the Office of Public Finance; and guests.

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

Pursuant to the Internal Revenue Code of 1986, Mr. Lizura 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, Mr. Lizura 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 was to (i) approve the adoption of the Twenty-Fourth Supplemental School Facilities Construction Bond Resolution authorizing the issuance of the 2009 Refunding Bonds in an amount not to exceed \$250 million to restructure and refund a portion of the Refunded Bonds and other matters in connection with the issuance and sale thereof; (ii) approve an additional methodology for conducting the competitive sale of the 2009 Series Notes; (iii) authorize the use of professionals; (iv) authorize the reduction in closing fee to no less than half the regulatory bond closing fee; and (v) authorize Authority Staff to take all necessary actions incidental to the issuance of the 2009 Refunding Bonds; subject to final review and approval of all terms and documentation by the Bond Counsel and Attorney General's Office.


**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Plofker AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1**

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Plofker and seconded by Mr. Poliner, the meeting was adjourned at 11:12 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 related to the Twenty-Fourth Supplemental School Facilities Construction Bond Resolution authorizing the issuance of the 2009 Refunding Bonds in an amount not to exceed \$250 million to restructure and refund a portion of the Refunded Bonds and other matters in connection with the issuance and sale thereof.



Maureen Hassett, Assistant Secretary

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

May 12, 2009

MINUTES OF THE MEETING

Members of the Authority present: Carl Van Horn, Chairman; Joseph McNamara, Vice Chairman; Jerold Zaro representing the Governor's Office; Jason Varano representing the Commissioner of the Department of Environment Protection; Richard Poliner representing the Commissioner of the Department of Banking and Insurance; Kevin Jarvis representing the Commissioner of the Department of Labor and Workforce Development; Public Members: Steve Plofker, Thomas Manning, Richard Tolson, Timothy Carden, Charles Sarlo, Elliot M. Kosoffsky, Second Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Present via phone: Raymond Burke, First Alternate Public Member.

Absent from the meeting: James Kelly, representing the State Treasurer; and Public Member Philip Kirschner.

Also present: Tim Lizura, Sr. Vice President, Business Development Division; Bette Renaud, Deputy Attorney General, Jim Petrino, of the Office of Public Finance; and guests.

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

Pursuant to the Internal Revenue Code of 1986, Mr. Lizura 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, Mr. Lizura 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 April 14, 2009 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Manning, seconded by Mr. Poliner and was approved by the 10 voting members present.

Public Members Tim Carden, and Elliot M. Kosoffsky abstained because they were absent from the meeting.

Charles Sarlo entered the meeting at this time.

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 creation and implementation of the Clean Energy Solutions Capital Investment Loan/Grant.

**MOTION TO APPROVE: Mr., McNamara SECOND: Mr. Carden AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1**

BOND RESOLUTIONS

The next item was to (i) approve the adoption of the Twenty-Fourth Supplemental School Facilities Construction Bond Resolution authorizing the issuance of the 2009 Refunding Bonds in an amount not to exceed \$250 million to restructure and refund a portion of the Refunded Bonds and other matters in connection with the issuance and sale thereof; (ii) approve an additional methodology for conducting the competitive sale of the 2009 Series Notes; (iii) authorize the use of professionals; (iv) authorize the reduction in closing fee to no less than half the regulatory bond closing fee; and (v) authorize Authority Staff to take all necessary actions incidental to the issuance of the 2009 Refunding Bonds; subject to final review and approval of all terms and documentation by the Bond Counsel and Attorney General's Office.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2**

COMBINATION PRELIMINARY AND BOND RESOLUTIONS

PROJECT: Cape Counseling Services, Inc. **APPL.#26443**
LOCATION: Middle Twp./Cape May Cty.
PROCEEDS FOR: building acquisition and renovation
FINANCING: \$1,250,000 Tax-Exempt Bond and \$50,000 Taxable Bond
**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Plofker AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3**
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

PRELIMINARY RESOLUTIONS

PROJECT: Advanced Metal Processing NJ, LLC **APPL.#26424**
LOCATION: Millville/Cumberland Cty.
PROCEEDS FOR: building renovation
**MOTION TO APPROVE: Mr. Manning SECOND: Mr. McNamara AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4**

PROJECT: Century Packaging, Inc. **APPL.#26784**
LOCATION: East Brunswick/Middlesex Cty.
PROCEEDS FOR: equipment purchase
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Jarvis AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

The next item was to approve a reimbursement resolution to allow the use of the bond proceeds to reimburse Treasury for the feasibility study and basis of design expenses for the acquisition and rehabilitation of six State Police Barracks located at: Bellmawr, Bridgeton, Frankford, Hope, Perryville, and Wilburtha.

MOTION TO APPROVE: Mr. Sarlo SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

PROJECT: Elysian Charter School of Hoboken **APPL.#26661**
LOCATION: Hoboken/Hudson Cty.
PROCEEDS FOR: building acquisition and renovation
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

PROJECT: Greater Brunswick Regional Charter School **APPL.#26660**
or related entity
LOCATION: New Brunswick/Middlesex Cty.
PROCEEDS FOR: building renovation
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Carden AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

MAIN STREET ASSISTANCE PROGRAM

PROJECT: Cavalier Properties, LLC **APPL.#24613**
LOCATION: Roselle/Union Cty.
PROCEEDS FOR: renovation
FINANCING: \$150,000 (33.3%) Authority participation in a \$450,000 term loan
MOTION TO APPROVE: Mr. Poliner SECOND: Mr. Burke AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: EIC Inspection Agency Corp **APPL.#26462**
LOCATION: Jersey City/Hudson Cty.
PROCEEDS FOR: working capital
FINANCING: \$165,000 (50%) EDA guarantee of a \$330,000 bank line of credit
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

FUND FOR COMMUNITY ECONOMIC DEVELOPMENT

PROJECT: Woodrose Properties – CWA, L.L.C **APPL.#24565**
LOCATION: Trenton/Mercer Cty.
PROCEEDS FOR: development
FINANCING: \$750,000 Fund for Community Economic Development loan
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Carden AYES: 10
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10
Mr. McNamara recused himself because of a business relationship with Woodrose Properties on another project.
Mr. Zaro abstained because of a prior business relationship with the principal.
Mr. Jarvis abstained because of his job responsibilities working with the CWA.

NEW MARKETS LOAN PROGRAM

PROJECT: Vineland Development Corporation **APPL.#26414**
LOCATION: Vineland/Cumberland Cty.
PROCEEDS FOR: renovation
FINANCING: \$5,600,000 New Market Tax Credit Allocation
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Varano AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

CAMDEN ECONOMIC RECOVERY BOARD

PROJECT: Respond, Inc. **APPL.#15442**
LOCATION: Camden/Camden Cty.
FINANCING: \$1,000,000 ERB public purpose grant
REQUEST: extend the term of the ERB Grant Agreement until June 30, 2009
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Plofker AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

The following residential projects were presented under the Petroleum Underground Storage Tank Program.
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

PROJECT: Michael Chainani **APPL.#25303**
LOCATION: Shrewsbury/Monmouth Cty.
PROCEEDS FOR: site remediation
FINANCING: \$155,984 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: Robert Cotterell and Barbara Cotterell **APPL.#26268**
LOCATION: Hainesport/Burlington Cty.
PROCEEDS FOR: site remediation
FINANCING: \$121,325 Petroleum UST Remediation, Upgrade, & Closure Fund Grant

PROJECT: Harvest Outreach Ministry, Inc. **APPL.#26250**
LOCATION: Paterson/Passaic Cty.
PROCEEDS FOR: site remediation
FINANCING: \$145,426 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 April 2009. **(For Informational Purposes Only)**

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

PROJECT: City of Burlington (Burlington Mart) **APPL.#25954**
LOCATION: Burlington Twp./Burlington Cty.
PROCEEDS FOR: remedial investigation
FINANCING: \$413,578 Hazardous Discharge Site Remediation Fund
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Plofker AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

PROJECT: Camden Redevelopment Agency (Former RCA Building 8) **APPL.#26841**
LOCATION: Camden/Camden Cty.
PROCEEDS FOR: remedial investigation, remedial action
FINANCING: \$1,866,431 Hazardous Discharge Site Remediation Fund
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Carden AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

PROJECT: Township of Hainesport (Frm Hardware & Industrial Tool) **APPL.#26359**
LOCATION: Hainesport/Burlington Cty.

PROCEEDS FOR: remedial investigation

FINANCING: \$101,117 Hazardous Discharge Site Remediation Fund

MOTION TO APPROVE: Mr. Manning **SECOND:** Mr. Mr. Jarvis **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

The next item was a summary of the Hazardous Discharge Site Remediation Fund Program Delegated Authority Approvals for the month of April 2009. **(For Informational Purposes Only)**

EDISON INNOVATION FUND

PROJECT: X-Factor Communications, LLC

APPL.#25138

LOCATION: South Hackensack/Bergen Cty.

PROCEEDS FOR: growth capital

FINANCING: \$500,000 Edison Innovation Fund investment

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

TECHNOLOGY BUSINESS TAX CERTIFICATE TRANSFER PROGRAM

The next item was to approve the expanded guidelines for use in evaluating applications in the Technology Business Tax Certificate Transfer Program.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

INCENTIVE PROGRAMS

BUSINESS INCENTIVE EMPLOYMENT PROGRAM

PROJECT: Coining, Inc.

APPL.#26627

LOCATION: TBD

BUSINESS: metals

GRANT AWARD: 35% Business Employment Incentive grant, 10 years

MOTION TO APPROVE: Mr. Manning **SECOND:** Mr. Varano **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PROJECT: Lakewood Pathology Associates, Inc.

APPL.#26722

LOCATION: Union Twp./Union Cty.

BUSINESS: health care

GRANT AWARD: 55% Business Employment Incentive grant, 10 years

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PROJECT: Mayab Happy Tacos, Inc. **APPL.#26371**
LOCATION: Perth Amboy/Middlesex Cty. **BUSINESS:** food products
GRANT AWARD: 70% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Poliner AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PROJECT: Maquet Cardiovascular LLC. **APPL.#26712**
LOCATION: Wayne/Passaic Cty. **BUSINESS:** medical device technology
GRANT AWARD: 70% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Zaro SECOND: Mr. Manning AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

Mr. Sarlo abstained because his firm provides services to Maquet Cardiovascular.

BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT

PROJECT: Lakewood Pathology Associates, Inc.
LOCATION: Union/Union Cty. **BUSINESS:** health care
GRANT AWARD: \$102,000 (estimate), 5 years
MOTION TO APPROVE: Mr. Manning SECOND: Mr. McNamara AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

UEZ/SALEM SALES TAX EXEMPTION

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of Anchor Glass Container Corporation (AGC), a manufacturer that is located in Salem. The estimated annualized U-STX benefit to AGC is \$2 million.

MOTION TO APPROVE: Mr. Sarlo SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of J.E. Berkowitz, LP ("JEB"), a manufacturer that is located in Pedricktown. The estimated annualized U-STX benefit to JEB is \$130,000.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. McNamara AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of Poly One Corporation (POC), a manufacturer that is located in Pedricktown. The estimated annualized U-STX benefit to POC is \$630,000.

MOTION TO APPROVE: Mr. Manning SECOND: Mr. Plofker AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

The next item was to approve the Urban Enterprise Zone Energy Sales Tax Exemption Renewal Application of Siegfried (USA), Inc. (SUI), a manufacturer that is located in Pennsville. The estimated annualized U-STX benefit to SUI is \$200,000.

**MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT:19**

BROWNFIELDS REIMBURSEMENT PROGRAM

The next item was to approve the brownfield application of Lodi Railroad Plaza, LLC for reimbursement for clean-up costs for a Lodi redevelopment project under a Redevelopment Agreement with the New Jersey Economic Development Authority and the State Treasurer, pursuant to the Brownfield and Contaminated Site Remediation Act, P.L. 1997, c. 278 (N.J.S.A. 58:10B-1 et seq.). The recommended reimbursement is up to \$978,750.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. McNamara AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20**

BOARD MEMORANDUMS

PROJECT: Hilltop Country Day School, Inc.

APPL.# 14078

LOCATION: Sparta/Sussex County.

FINANCING: \$2,440,000 Tax-Exempt Bond

REQUEST: consent to a reduction in interest rate on the bond from 5.5% to 4.0% until August 2012, with rate resets each five years thereafter, and to extend the maturity of the loan to thirty (30) years from the date of closing.

**MOTION TO APPROVE: Mr. Manning SECOND: Mr. McNamara AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 21**

PUBLIC HEARING: Yes

PUBLIC COMMENT: None

PROJECT: Boscov's Inc.

APPL.#25750

LOCATION: Egg Harbor/Atlantic Cty.

PROCEEDS FOR: purchase of the company

FINANCING: \$1,000,000 (33.33%) ten-year guarantee of a \$3,000,000 Atlantic County HUD loan

REQUEST: (1) modify the composition and amount of the Authority's collateral from that stated in the original approval, and (2) amend the name of the borrower and corporate guarantors reflecting new information received by the Authority.

**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 22**

PROJECT: Fair Share Northgate II Associates, L.P. or designee **APPL.#17296**

LOCATION: Camden/Camden Cty.

FINANCING: \$603,000 ERB loan and \$631,725 ERB grant

REQUEST: reactivate an ERB loan and grant commitment originally approved on June 14, 2006.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 23**

The next item is to approve the addition of The Provident Bank as a Preferred Lender.

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

Mr. Sarlo abstained because he has a business relationship with the bank.

Mr. Poliner abstained because he was involved with the Department of Banking and Insurance's examinations of the bank.

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

New Jersey Business Growth Fund: Bridal Path, LLC and Building Q LLC; D & D Wood Finishers LLC and Darren R. Minder; J&W Group Realty Corp.; Jeffrey Christopher; Richard Oliver, dba American Biker Image; Schneider and Marquard, Inc. or Nominee.

Preferred Lender: Corfish Creative, LLC dba The Pop Shop; Corfish Creative, LLC dba The Pop Shop; Fox Realty I, LLC; Gatsby Holdings, LLC and Grignard Company, LLC.

NJ Main Street Program: APCO Petroleum Corporation; Iacono Enterprises, LLC; J&A Party Rentals, Inc.; Montclair Avenue, LLC .

Camden ERB: Loida Development Center, LLC

REAL ESTATE

The next item was to authorize the Authority to accept a grant, in the amount of \$65,000, from the New Jersey Commission on Science and Technology, under its High-Tech Business Incubators Program.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 25**

The next item was to approve the selection of an Architect/Engineer and a Construction Manager to design and construct the facility improvements for six New State Police Facilities located throughout the State.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 26**

EXECUTIVE SESSION

The next item was to adjourn the public session of the meeting and to enter into Executive Session to discuss a potential litigation matter. The matter will be made public when it is resolved.

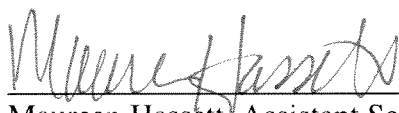
**MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Manning AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 27**

PUBLIC COMMENT

There was no comment from the public.

There being no further business, on a motion by Mr. Plofker and seconded by Mr. Poliner, the meeting was adjourned at 11:12 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