NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
January 17, 2012

MINUTES OF THE MEETING

Members of the Authority present: Al Koepppe, Chairman; Chris Jeter representing the State Treasurer; Wayne Staub representing the Commissioner of the Department of Environment Protection; Nancy Graves representing the Commissioner of the Department of Banking and Insurance; Public Members: Joseph McNamara, Vice Chairman; Marjorie Perry, Harold Imperatore, Charles Sarlo, Richard Tolson, Ray Burke, First Alternate Public Member; Elliot M. Kosoffsky, Second Alternate Public Member; and Brian Nelson, Third Alternate Public Member.

Members of the Authority present via conference call: Matt McDermott representing the Executive Branch; Public Members Larry Downes, and Rodney Sadler, Non-Voting Member.

Absent from the meeting: Dr. Aaron Fichtner representing the Department of Labor and Workforce Development and Kate Whitman, Public Member.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Sudi Solomon, Deputy Attorney General; Nicole Crifo, Governor’s Authorities’ Unit and staff.

Also present via conference call: Bette Renaud, Deputy Attorney General.

Chairman Koepppe 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 December 13, 2011 regular and executive session meeting minutes. A motion was made to approve the minutes by Marjorie Perry, seconded by Nancy Graves, and was approved by the 12 voting members present.

Matt McDermott abstained because he was not present.
Chris Jeter abstained because he was not present.

FOR INFORMATION ONLY: The next item was the presentation of the Chief Executive Officer’s Monthly Report to the Board.
BOND RESOLUTIONS

ITEM: 2011 Carryforward Request
REQUEST: The approval to carry forward the unused amount ($92,870,000) of the allocated $110,000,000 to the New Jersey Economic Development Authority out of the State’s 2011 Private Activity Bond Cap.
APPROVE: Mr. Staub SECOND: Ms. Perry AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

PROJECT: 810 Broad St Urban Renewal Company LLC APPL.#34850
LOCATION: Newark City/Essex
PROCEEDS FOR: Acquisition, Renovation
FINANCING: $4,920,000 Redevelopment Area Bond
APPROVE: Mr. Tolson SECOND: Mr. McNamara AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2
Ms. Perry abstained because she may pursue a business relationship with the project.

PROJECT: Cong Bnos Devorah APPL.#36771
LOCATION: Lakewood Township/Ocean
PROCEEDS FOR: Refinance
FINANCING: Not to exceed $1,450,000, Tax-Exempt Bond
APPROVE: Ms. Perry SECOND: Ms. Graves AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3
PUBLIC HEARING: YES

PUBLIC HEARING ONLY

PROJECT: VG Resources LLC APPL.#37026
LOCATION: Hamilton/Mercer
PROCEEDS FOR: Land Acquisition, Construction, Equipment
FINANCING: Not to exceed $14,500,000, Tax-Exempt Bond
PUBLIC HEARING: YES
COMBINATION PRELIMINARY AND BOND RESOLUTIONS

PROJECT: Congregation Ahavas Chesed
LOCATION: Lakewood Township/Ocean
PROCEEDS FOR: Refinance
FINANCING: $4,500,000 Tax-Exempt Bond
APPROVE: Ms. Perry    SECOND: Ms. Graves    AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4
PUBLIC HEARING: YES

PROJECT: Ocean Mental Health Services, Inc.
LOCATION: Berkeley Township/Ocean & Multi City/Ocean
PROCEEDS FOR: Refinance/Refund
FINANCING: $1,632,500 Tax-Exempt Bond /$1,467,500 Tax-Exempt Bond
APPROVE: Mr. Nelson    SECOND: Ms. Perry    AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5
PUBLIC HEARING: YES

PROJECT: Railway Avenue Properties, LLC
LOCATION: Paterson City/Passaic
PROCEEDS FOR: Building Purchase, Land Acquisition, Renovation
FINANCING: $27,250,000(est.) Tax-Exempt Series A Bond, $250,000 Taxable Series B Bond
APPROVE: Mr. Staub    SECOND: Mr. McNamara    AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6
PUBLIC HEARING: YES

PRELIMINARY RESOLUTIONS

PROJECT: Robertet, Inc
LOCATION: Mount Olive Township/Morris
PROCEEDS FOR: Building Purchase
APPROVE: Ms. Perry    SECOND: Mr. Tolson    AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7
LOANS/GRANTS/GUARANTEES

ITEM: New EDA Partner Lending Program with Citibank, N.A.
REQUEST: To approve a new affinity program between the Authority and Citibank where Citibank has agreed to provide up to $50 million in financing to New Jersey companies engaged in international trade, and the Authority will provide partial guarantees in support of these financings.
APPROVE: Ms. Perry SECOND: Mr. Nelson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

Mr. Richard Koar, President Citibank eastern region expressed his appreciation to the board members.

PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

The following projects were presented under the Petroleum Underground Storage Tank Program.
APPROVE: Ms. Perry SECOND: Mr. Tolson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: Episcopal Church of St. Michael the Archangel APPL.#36880
LOCATION: Wall Township/Monmouth
PROCEEDS FOR: Remediation
FINANCING: $212,132, Petroleum UST remediation, Upgrade and Closure Fund Grant

PROJECT: Roger Hinton APPL.#36942
LOCATION: Orange City/Essex
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: $101,641, Petroleum UST remediation, Upgrade and Closure Fund Grant

FOR INFORMATIONAL ONLY: The next item was a summary of the Petroleum Underground Storage Tank Program projects approved by the Delegated Authority.

HAZARDOUS DISCHARGE SITE REMEDIATION FUND PROGRAM

PROJECT: County of Union (Summit Transfer Station) APPL.#27381
LOCATION: Summit City/Union
PROCEEDS FOR: Site and Remedial Investigations
FINANCING: $193,495, Hazardous Discharge Site Remediation Fund Grant
APPROVE: Ms. Perry SECOND: Mr. Tolson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10
EDISON INNOVATION FUND

ITEM: Edison Venture Fund VII, L.P.
REQUEST: Approval to make a $2,000,000 limited partnership investment in Edison Venture Fund VII from the Economic Recovery Fund.
APPROVE: Ms. Perry SECOND: Mr. Kosoffsky AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

Mr. Nelson abstained because he has a working relationship with one of the companies involved in the venture fund(s).

INCENTIVE PROGRAMS

BUSINESS EMPLOYMENT INCENTIVE PROGRAM, BUSINESS RETENTION & RELOCATION ASSISTANCE GRANT PROGRAM

PROJECT: Amerlux LLC
LOCATION: TBD
GRANT AWARD: 35% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Ms. Perry SECOND: Ms. Graves AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

Ms. Franzini noted that all BEIP and BRRAG projects approved today are subject to all proposed regulations becoming final.

PROJECT: Amerlux LLC
LOCATION: TBD
GRANT AWARD: $299,250 (est.), Business Retention and Relocation Assistance grant, 1 year
MOTION TO APPROVE: Mr. Staub SECOND: Ms. Graves AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

PROJECT: DACO Limited Partnership
LOCATION: Boonton Township/Morris County
GRANT AWARD: $198,000 (est.), Business Retention and Relocation Assistance grant, 1 year
MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Nelson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14
PROJECT: EBI Holdings, LLC, Biomet Inc. and Affiliates  APPL.#37056
LOCATION: TBD  BUSINESS: Medical Technology
GRANT AWARD: 50% Business Employment Incentive grant, 10 years
APPROVE: Ms. Perry  SECOND: Ms. Graves  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

PROJECT: EBI Holdings, LLC, Biomet Inc. and Affiliates  APPL.# N/A
LOCATION: TBD  BUSINESS: Medical Technology
GRANT AWARD: $1,651,500 (est.), Business Retention and Relocation Assistance grant, 2 years
APPROVE: Mr. Tolson  SECOND: Ms. Perry  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

This approval is subject to staff’s final financial review.

ITEM: Intervet, Inc. BEIP Grant
REQUEST: Discussion and action on staff’s recommendation not disqualify Intervet, Inc. after the review of legal matters.
APPROVE: Mr. McNamara  SECOND: Ms. Graves  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PROJECT: Intervet, Inc. USA  APPL.#37009
LOCATION: TBD  BUSINESS: Pharmaceuticals
GRANT AWARD: 45% Business Employment Incentive grant, 10 years
APPROVE: Ms. Perry  SECOND: Ms. Graves  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

PROJECT: Mastertaste Inc. and Kerry Group plc  APPL.#37050
THIS PROJECT WAS WITHHELD FROM CONSIDERATION.

PROJECT: McGladrey & Pullen, LLP  APPL.#36886
LOCATION: TBD  BUSINESS: Professional Services
GRANT AWARD: 35% Business Employment Incentive grant, 10 years
APPROVE: Mr. Tolson  SECOND: Mr. Kossoffsky  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

This approval is subject to staff’s final financial review.
PROJECT: Sparta Systems, Inc.  
LOCATION: Neptune Township/Monmouth  
BUSINESS: Printing and Publishing  
GRANT AWARD: 75% Business Employment Incentive grant, 10 years  
APPROVE: Ms. Perry  
SECOND: Mr. McNamara  
AYES: 14  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

PROJECT: Sparta Systems, Inc.  
LOCATION: Neptune Township/Monmouth  
BUSINESS: Printing and Publishing  
GRANT AWARD: $184,500 (est.), Business Retention and Relocation Assistance grant, 1 year  
APPROVE: Ms. Perry  
SECOND: Mr. Staub  
AYES: 14  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

PROJECT: Waste Management of New Jersey Incorporated  
LOCATION: Ewing Township/Mercer  
BUSINESS: Waste Management  
GRANT AWARD: 70% Business Employment Incentive grant, 10 years  
APPROVE: Ms. Perry  
SECOND: Mr. Tolson  
AYES: 14  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

URBAN TRANSIT HUB TAX CREDIT PROGRAM

ITEM: 70 Columbus Co., LLC- Urban Transit Hub Tax Credit Program  
REQUEST: To approve the application for 70 Columbus Co., LLC for 20% of the eligible costs, not to exceed $28,317,582 or $2,831,758 annually for 10 years.  
MOTION TO APPROVE: Mr. Tolson  
SECOND: Mr. Nelson  
AYES: 14  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

Ms. Franzini noted that all HUB projects approved today are subject to all proposed regulations becoming final.

ITEM: RBH-TRB Newark Holdings LLC- Urban Transit Hub Tax Credit Program  
REQUEST: To approve the application for RBH-TRB Newark Holdings LLC for 35% of the eligible costs, not to exceed $39,456,741 or $3,945,764 annually for 10 years.  
MOTION TO APPROVE: Mr. Tolson  
SECOND: Mr. McNamara  
AYES: 13  
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

Ms. Perry abstained because she may pursue a business relationship with the project.

ITEM: New Program- Grow New Jersey Assistance Program  
REQUEST: To approve the proposed new rules implementing the Grow New Jersey Assistance Program established pursuant to the “Grow New Jersey Assistance Act of 2011,” P.L. 2011, c. 149, as well as proposed amendments to the existing rules implementing other EDA incentive programs – Economic Redevelopment and Growth Program, Urban Transit
Hub Tax Credit Program, Business Employment Incentive Program and Business Retention and Relocation Assistance Grant Program – based on statutory revisions contained in P.L. 2011, c. 149 and recent policy determinations by the Authority intended to clarify certain eligibility and application requirements and improve implementation of each.

MOTION TO APPROVE: Ms. Perry        SECOND: Mr. Nelson        AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 21

BOARD MEMORANDUMS

ITEM:  Newark Farmers Market, LLC (This project is related to Wakefern Food Corp.)- Urban Transit Hub Tax Credit Program

REQUEST:  To approve an extension of the date by which the conditions to maintain approval of the UTHTC are to be submitted to by December 31, 2013

MOTION TO APPROVE: Mr. Staub        SECOND: Ms. Graves        AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 22

Ms. Perry abstained because she may pursue a business relationship with the project.

FOR INFORMATION ONLY: The next item is a summary of the projects approved under Delegated Authority in December 2011:

New Jersey Business Growth Fund: Atlantic Cardiac Realty; Musicland LLC; Permalith Plastics LLC

Small Business Fund Direct Loan Program- Modification: Luiz Marin Realty LLC and Doggy Care of Jersey City LLC DBA Club Barks

FOR INFORMATION ONLY: The next item is a list of the BEIP modifications that were approved in the 4rd quarter ending December 31, 2011.

REAL ESTATE

ITEM:  Higher Education Public Private Partnership Program: Ramapo College- 4.5 Megawatt Solar Installation

REQUEST:  To authorize the Authority’s staff to approve Ramapo College’s application to develop a 4.5 megawatt solar array on the Ramapo Campus under the Higher Education Public Private Partnership Program established by P.L. 2009, c. 90.

MOTION TO APPROVE: Ms. Perry        SECOND: Mr. Staub        AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 23

Mr. Richard Roberts, Associate VP, Ramapo College expressed appreciation to the board for approving the project.
PUBLIC COMMENT

Mr. Richard Koar, President, Citibank Eastern Regional Commercial Banking Group expressed his appreciation to the board members for approving the new affinity program between the Authority and Citibank.

There being no further business, on a motion by Ms. Perry, and seconded by Mr. Tolson, the meeting was adjourned at 11:50 am.

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