

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

June 17, 2010

MINUTES OF THE SPECIAL MEETING

Members of the Authority present: Joe Latoof, representing the Commissioner of the Department of Labor and Workforce Development; and Richard Poliner, representing the Commissioner of the Department of Banking and Insurance, and Public Members Timothy Carden.

Present via Phone: Al Koepp, Chairman; Jim Kelly, representing the State Treasurer; Public Members: Joseph McNamara, Vice Chairman; Laurence Downes, Raymond Burke, First Alternate Public Member; Elliot M. Kosoffsky; Second Alternate Public Member; and Kevin Brown, Third Alternate Public Member.

Absent from the meeting: Ray Cantor, representing the Commissioner of the Department of Environment Protection; Public Members: Charles Sarlo, Steve Plofker, Dr. Randal Pinkett, Marjorie Perry, and Rodney Sadler, Non-Voting Member.

Also present: Caren Franzini, Chief Executive Officer of the Authority; Bette Renaud, Deputy Attorney General; Ed Pillsbury, Deputy Assistant Attorney General; and guests.

Chairman Koepp called the meeting to order at 12:30pm.

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 was to review a contract award for ISP/VoIP services with PAETEC for a term of one year (1) year with an additional four (4) year renewal options, on terms acceptable to the Chief Executive Officer and the Attorney General's Office.

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

PUBLIC COMMENT

Chairman Koepp requested comments from the public.

Mr. Isaac Fajerman, President, Data Network Solutions, resident of Rumson, NJ stated that he objected to the action taken at the June 8, 2010 meeting because he was not provided an opportunity to provide public comment because there was no notice that the matter was being heard. He asked the motion be set aside and reheard and the Hearing Officer's decision documents be released.

EXECUTIVE SESSION

The next item was to adjourn the public session of the meeting and to enter into Executive Session to receive legal advice on a contract matter.

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

The Board returned to Public Session.

The next item was a motion to withdraw the previous motion to award the contract.

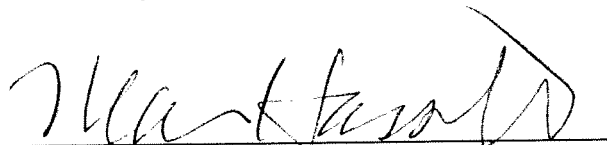
**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Poliner AYES: 10
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2**

The next item was a motion to hold the decision of the Board on the contract award in abeyance to allow an exception period of ten business days, so that rejected bidders could receive and review the hearing officer's report, and provide written exceptions for the Board to consider. The ten day period would begin upon release of the report.

**MOTION TO APPROVE: Mr. Carden SECOND: Mr. Poliner AYES: 10
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3**

There being no further business, on a motion by Mr. Carden, and seconded by Mr. Latoof, the meeting was adjourned at 1:45pm.

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