NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
November 10, 2009

MINUTES OF THE MEETING

Members of the Authority present: Carl Van Horn, Chairman; James Kelly, representing the State Treasurer; 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; Jerold Zaro representing the Governor’s Office; Public Members: Joseph McNamara, Vice Chairman; Timothy Carden, Steve Plofker, Philip Kirschner, Raymond Burke, First Alternate Public Member, Elliot M. Kosoffsky, Second Alternate Public Member, Thomas Manning, Richard Tolson; and Rodney Sadler, Non-Voting Member.

Absent from the meeting: Public Member: Charles Sarlo

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 October 13, 2009 meeting minutes of the Board. A motion was made to approve the minutes by Mr. Carden, seconded by Mr. Kosoffsky and was approved by the 11 voting members present.

The next item of business was the approval of the October 13, 2009 executive session meeting minutes of the Board. A motion was made to approve the minutes by Mr. Carden, seconded by Mr. Plofker and was approved by the 11 voting members present.

Mr. Kirschner entered the meeting at this time.

The next item of business was the approval of the October 21, 2009 executive session meeting minutes of the Board. A motion was made to approve the minutes by Mr. Plofker, seconded by Mr. Kosoffsky and was approved by the 12 voting members present.

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 an amendment to the Authority’s by-laws to create an Incentives Committee and to appoint Tom Manning (Committee Chair), Joe McNamara, and Tim Carden to serve on the committee.

MOTION TO APPROVE: Mr. Tolson SECOND: Mr. Ryan AYES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

Mr. McNamara, Mr. Sadler, and Mr. Zaro entered the meeting at this time.

The next item was to (1) approve the proposed new rules implementing the Economic Redevelopment and Growth (ERG) Grant Program and authorize staff to file the rules with the Office of Administrative Law, subject to the approval of the Office of the Attorney General (2) apply to the Urban Transit Hub Tax Credit Program the standard of a net positive economic benefit defined as at least one hundred and ten percent of the amount of grant assistance; and (3) approve the economic impact model developed by Jones Lang LaSalle.

MOTION TO APPROVE: Mr. Carden SECOND: Mr. McNamara AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

BOND RESOLUTIONS

PROJECT: ADJ Realty NJ, LLC & E&T Plastic Manufacturing Co. APPL.#28139
LOCATION: Teterboro/Bergen Cty.
PROCEEDS FOR: building acquisition
FINANCING: $3,250,000 Tax-Exempt Bond
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Carden AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 3
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

PROJECT: Comar, Inc. APPL.#18107
LOCATION: Buena/Atlantic Cty.
PROCEEDS FOR: equipment purchase
FINANCING: One or more series of tax-exempt bonds not to exceed $7,000,000
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Kirschner AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 4
PUBLIC HEARING: Yes
PUBLIC COMMENT: None
NSA Central Avenue, LLC
APPL.#29061
LOCATION: Newark/Essex Cty.
PROCEEDS FOR: building construction
FINANCING: Up to $19,000,000 Qualified School Construction Bond
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Tolson
RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

AMENDED BOND RESOLUTIONS

Greater Brunswick Regional Charter School
APPL.#26660
LOCATION: New Brunswick/Middlesex Cty.
PROCEEDS FOR: building renovation
FINANCING: $6,550,000 Tax Exempt Bond
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Plofker
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

NJEDA/NJ Performing Arts Center
APPL.#28970
LOCATION: Newark/Essex Cty.
REQUEST: Approve the refunding of the $26,010,000 outstanding balance of the 1996 Series A and 1996 Series C Bonds plus pay costs of issuance, for a total bond amount not to exceed $30 million
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Carden
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

COMBINATION PRELIMINARY AND BOND RESOLUTIONS

Friends Home at Woodstown, Inc.
APPL.#28341
LOCATION: Woodstown/Salem Cty.
PROCEEDS FOR: refinance existing debt
FINANCING: $17,500,000 max tax Exempt Bond
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Carden
RESOLUTION ATTACHED AND MARKED EXHIBIT: 8
PUBLIC HEARING: Yes
PUBLIC COMMENT: None
PRELIMINARY RESOLUTIONS

PROJECT: Family Intervention Services, Inc. APPL.#28918
LOCATION: East Orange/Essex Cty.
PROCEEDS FOR: building acquisition
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Manning AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

PROJECT: Lakewood Cheder School Inc. APPL.#28812
LOCATION: Lakewood/Ocean Cty.
PROCEEDS FOR: refinance existing debt
MOTION TO APPROVE: Mr. Kirschner SECOND: Mr. Ryan AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

PROJECT: M&J Srour Properties, Inc. APPL.#28637
LOCATION: Piscataway/Middlesex Cty.
PROCEEDS FOR: building acquisition
MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Poliner AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

PUBLIC HEARING ONLY

PROJECT: Fantasy Furniture, Inc. and/or an LLC/REHC to be formed APPL.#26092
LOCATION: Hillside/Union Cty.
PROCEEDS FOR: building acquisition
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

CAMDEN ECONOMIC RECOVERY BOARD

PROJECT: Cooper’s Ferry Development Association, Inc. (Boyd & Morse Infrastructure Project) APPL.#18149
LOCATION: Camden/Camden Cty.
FINANCING: $3,570,000 non-recoverable infrastructure grant
REQUEST: amend the scope of work and extend the term of the grant agreement to October 31, 2010
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Carden AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12
PROJECT: Nueva Vida Homes, LLC (Predevelopment Funding)  APPL.#23514
LOCATION: Camden/Camden Cty.
FINANCING: $50,000 ERB Recoverable Predevelopment Grant
REQUEST: increase the grant to $100,000 to fund the increase in expenses associated with predevelopment activities
MOTION TO APPROVE: Mr. Poliner  SECOND: Mr. Kirschner  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

PROJECT: The Camden Redevelopment Agency  APPL.#17493
 (Radio Lofts – Building #8)
LOCATION: Camden/Camden Cty.
FINANCING: $1,997,716 non-recoverable infrastructure grant
REQUEST: change in scope to the remedial action work plan
MOTION TO APPROVE: Mr. Carden  SECOND: Mr. Poliner  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

PROJECT: The Camden Redevelopment Agency  APPL.#20266
 (Tire & Battery Remediation)
LOCATION: Camden/Camden Cty.
FINANCING: $700,000 non-recoverable infrastructure grant
REQUEST: approve the funding authorization for a request for the extension of the grant until December 31, 2010.
MOTION TO APPROVE: Mr Kosoffsky  SECOND: Mr. Tolson  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

PROJECT: The Salvation Army, a New York Corporation  APPL.#17483
 (Kroc Corp Community Center)
LOCATION: Camden/Camden Cty.
FINANCING: $4,000,000 non-recoverable infrastructure grant and $1,000,000 public purpose grant
REQUEST: approve the funding authorization for a request for the extension of the grants until December 31, 2011.
MOTION TO APPROVE: Mr Plofker  SECOND: Mr. Carden  AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16
PETROLEUM UNDERGROUND STORAGE TANK PROGRAM

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

MOTION TO APPROVE: Mr. Carden  SECOND: Mr. Plofker  A YES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PROJECT: James Boyce  APPL.#28521
LOCATION: Hopatcong/Sussex Cty.
PROCEEDS FOR: upgrade, closure and site remediation
FINANCING: $108,545 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 October 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. Carden  SECOND: Mr. Kossofsky  A YES: 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

Mr. Ryan abstained due to the fact that he is a Glassboro resident.
Mr. Zaro abstained due to prior representation of Seaboard Service.

PROJECT: Borough of Glassboro (Frm. Migrant Worker’s Camp)  APPL.#28615
LOCATION: Glassboro/Gloucester Cty.
PROCEEDS FOR: remedial investigation
FINANCING: $170,035 Hazardous Discharge Site Remediation Fund

PROJECT: Seaboard Service  APPL.#27170
LOCATION: Ocean Twp./Monmouth Cty.
PROCEEDS FOR: remedial action
FINANCING: $493,338 Hazardous Discharge Site Remediation Fund loan

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

The next item was to give the Board background on how the EDA is planning to address Renewable Energy Certificate (REC) collateral that will be pledged as a part of financing clean energy projects under the Clean Energy Solutions Capital Investment program. (For Informational Purposes Only)

PROJECT: Fisherman’s NJ Offshore Windfarm, LLC. APPL.#28876
LOCATION: Atlantic City/Atlantic Cty.
PROCEEDS FOR: construction of a meteorological tower
FINANCING: $3,074,000 Clean Energy Solutions Capital Investment loan
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Tolson AYES: 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19
Mr. Burke abstained due to the fact that he has a business relationship with the CEO of Fisherman NJ Offshore Windfarm LLC.

PROJECT: Mejor Betty, LLC. APPL.#28461
LOCATION: Elizabeth/Union Cty.
PROCEEDS FOR: purchase and installation of a solar electric system
FINANCING: $2,000,000 Clean Energy Solutions Capital Investment loan
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Carden AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: Merlin Industries, Inc. APPL.#28574
LOCATION: Hamilton/Mercer Cty.
PROCEEDS FOR: purchase and installation of a solar electric system
FINANCING: $1,000,000 Clean Energy Solutions Capital Investment loan
MOTION TO APPROVE: Mr. Kosoffsky SECOND: Mr. Latoof AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PROJECT: Nautilus Solar WPU, LLC APPL.#28571
LOCATION: Wayne/Passaic Cty.
PROCEEDS FOR: purchase and installation of a solar electric system
FINANCING: $5,000,000 Clean Energy Solutions Capital Investment loan
MOTION TO APPROVE: Mr. McNamara SECOND: Mr. Latoof AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 19
INCENTIVE PROGRAMS

BUSINESS INCENTIVE EMPLOYMENT PROGRAM

PROJECT: Catapult Holdings, Inc. APPL.#28762
LOCATION: Camden/Camden Cty. BUSINESS: educational services
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Carden AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

PROJECT: INTEX Millwork Solutions LLC APPL.#28763
LOCATION: Millville/Cumberland Cty. BUSINESS: paper/wood
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Manning SECOND: Mr. Kirschner AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

PROJECT: Nebraska Meat Corporation APPL.#28590
LOCATION: TBD BUSINESS: food products
GRANT AWARD: 20% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Poliner SECOND: Mr. Tolson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

PROJECT: NicOx Inc. and Affiliates APPL.#28915
LOCATION: Warren/Somerset Cty. BUSINESS: biotechnology
GRANT AWARD: 60% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Manning AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

PROJECT: Oxford Instruments Superconducting Technology LLC APPL.#28892
LOCATION: Carteret/Middlesex Cty. BUSINESS: medical device technology
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Kirschner SECOND: Mr. McNamara AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

PROJECT: Roka Bioscience, Inc. APPL.#28799
LOCATION: Warren/Somerset Cty. BUSINESS: biotechnology
GRANT AWARD: 50% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Carden AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20
PROJECT: Xybion Corporation and Affiliates
LOCATION: TBD
GRANT AWARD: 35% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Latoof AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

PROJECT: Atlantic Coast Media Group, LLC
LOCATION: Jersey City/Hudson Cty.
GRANT AWARD: 80% Business Employment Incentive grant, 10 years
MOTION TO APPROVE: Mr. Plofker SECOND: Mr. Kirschner AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

BUSINESS RETENTION AND RELOCATION ASSISTANCE GRANT

PROJECT: Nebraska Meat Corporation
LOCATION: TBD
GRANT AWARD: $480,000 (estimate), 5 years
MOTION TO APPROVE: Mr. Ryan SECOND: Mr. Manning AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 21

BROWNFIELD REIMBURSEMENT PROGRAM

PROJECT: P&F Hackensack, LLC
LOCATION: Hackensack/Bergen Cty.
REIMBURSEMENT GRANT: Up to $484,500
MOTION TO APPROVE: Mr. Carden SECOND: Mr. Tolson AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 22

ECONOMIC REDEVELOPMENT AND GROWTH (ERG) GRANT PROGRAM

PROJECT: Newport Office Center VI, LLC
LOCATION: Jersey City/Hudson Cty.
REIMBURSEMENT GRANT: Up to $14,600,000
MOTION TO APPROVE: Mr. Zaro SECOND: Mr. Latoof AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 23

BOARD MEMORANDUMS

The next item was to approve the addition of not-for-profits as eligible entities for the Fast Start loan program and to change the name of the program to the “Small Business Fund.”

MOTION TO APPROVE: Mr. Carden SECOND: Mr. Poliner AYES: 14
RESOLUTION ATTACHED AND MARKED EXHIBIT: 24
The next item was to accept three changes to the Fund for Community Economic Development: (1) the extension of terms for an additional 10 years of the loans that PSE&G and JCP&L provided in 1997 to capitalize the Fund (2) the reduction of the notes’ interest rates to 2% fixed for PSE&G and 3% fixed for JCP&L and (3) the alteration of the loan limit of the Real Estate component so that it allows the EDA Direct Loan limit.

**MOTION TO APPROVE:** Mr. Carden  **SECOND:** Mr. Poliner  **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 25

**PROJECT:** Wood-Ridge Development LLC  **APPL.#16898**

**LOCATION:** Wood-Ridge/Bergen Cty.

**FINANCING:** $750,000 Brownfields Redevelopment loan

**REQUEST:** Extend the loan maturity from October 1, 2009 to July 1, 2011

**MOTION TO APPROVE:** Mr. Latoof  **SECOND:** Mr. Kosoffsky  **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 26

**PROJECT:** JVG Properties, LLC  **APPL.#14552**

**LOCATION:** Carlstadt/Bergen Cty.

**FINANCING:** $6,100,000 Tax Exempt Bond

**REQUEST:** Consent to the sole bondholder’s request to eliminate requiring a letter of credit to credit enhance the 2004 bonds

**MOTION TO APPROVE:** Mr. Carden  **SECOND:** Mr. Tolson  **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 27

**PROJECT:** DPC Cirrus, Inc.  **APPL.#10894**

**LOCATION:** Flanders/Morris Cty.

**FINANCING:** $362,260 BEIP grant

**REQUEST:** (1) sale of parent company, Diagnostic Products Corporation, to Siemens Medical Solutions (2) Name change from SMSD to Siemens Healthcare Diagnostics Inc. (3) Continuation of BEIP grant notwithstanding legal issues reviewed by staff, in consultation with the Attorney General’s office.

**MOTION TO APPROVE:** Mr. Carden  **SECOND:** Mr. Latoof  **AYES:** 14

**RESOLUTION ATTACHED AND MARKED EXHIBIT:** 28

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

**New Jersey Business Growth Fund:** Catherine M. Ricciardi, DBA State Farm Insurance Agency; Schultes Inc. and A.C.S. & Sons, Inc.; Uptown Keyport Hotel LLC and Uptown Keyport Bar & Grill LLC
**Fast Start Direct Loan Program:** Direct Cabinet Sales Inc.; Keep It Clean Janitorial Service and Supply

**NJ Main Street Program:** 100 E. Taylor Avenue Associates, LLC & BSCS Associates, LLC

**Preferred Lender Program:** Aries Realty Associates, LLC; MCB, LLC

**Camden ERB:** 808 Market Street Associates, LLC; Standard Merchandising Company

**New Jersey Business Growth Fund – Modification:** Four Star Reproductions, Inc.

**REAL ESTATE**

The next item was to approve a Memorandum of Understanding between the Authority and the Department of Treasury, Division of Property Management, and Construction, authorizing the Authority’s acquisition and marketing of the Riverfront State Prison under the terms consistent with the Riverfront State Prison Demolition and Redevelopment Funding Agreement between the Authority and the Delaware River Port Authority.

*This item was held from consideration.*

The next item was to approve a second extension of a Memorandum of Understanding for the period beginning January 1, 2010 through December 31, 2011, between the Port Authority of New York & New Jersey and the New Jersey Economic Development Authority in which each party will continue to fund Portfields development feasibility and planning studies and projects, and implement activities in support of Portfields development projects which will positively impact PANYNJ facilities in New Jersey.

**MOTION TO APPROVE:** Mr. Carden  **SECOND:** Mr. McNamara  **AYES:** 14  **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 involving the Authority.

**MOTION TO APPROVE:** Mr. Manning  **SECOND:** Mr. Carden  **AYES:** 14  **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. Carden, and seconded by Mr. Tolson, the meeting was adjourned at 12:05 p.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