

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

December 8, 2015

MINUTES OF THE MEETING

Members of the Authority present: Al Koepe, Chairman; Jeffrey Stoller representing Commissioner Hal Wirths of the Department of Labor and Workforce Development; Aileen Egan representing Commissioner Richard Badolato of the Department of Banking and Insurance; Public Members: Joseph McNamara, Vice Chairman; Charles Sarlo, Philip B. Alagia, Massiel Medina Ferrara, David Huber, Fred B. Dumont, Patrick Delle Cava, First Alternate Public Member; William J. Albanese, Sr., Second Alternate Public Member, Harold Imperatore, Third Alternate Public Member; and Rodney Sadler, Non-Voting Member.

Members Present via conference call: Colleen Kokas representing the Commissioner of the Department of Environmental Protection.

Absent: Jennifer Duffy representing Acting State Treasurer Ford M. Scudder and Public Member Larry Downes.

Also present: Melissa Orsen, Chief Executive Officer of the Authority; Timothy Lizura, President and Chief Operating Officer; Bette Renaud, Deputy Attorney General; Michael Collins, Governor's Authorities' Unit; and staff.

Chairman Koepe called the meeting to order at 10 a.m.

Pursuant to the Internal Revenue Code of 1986, Ms. Orsen 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. Orsen 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 November 13, 2015 regular and executive session meeting minutes. A motion was made to approve the minutes by Mr. McNamara and seconded by Mr. Imperatore, and was approved by the 12 voting members present.

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

CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT TO THE BOARD

Mr. Sarlo entered the meeting at this time.

AUTHORITY MATTERS

ITEM: 2016 Strategic Business Plan

REQUEST: To review and approve the 2016 Strategic Business Plan that has been reviewed by the Policy and Audit Committees.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

ITEM: FY16 Fiscal Plan

REQUEST: To review and approve the proposed FY16 Fiscal Plan.

MOTION TO APPROVE: Mr. Huber **SECOND:** Mr. Delle Cava **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

INCENTIVE PROGRAMS

ITEM: Incentives Delegations – Grow New Jersey (Legacy and EOA)

REQUEST: To approve an increase in staff delegations from \$10 million to \$25 million to provide efficiencies for our customers while ensuring that appropriate oversight and signing authority under these delegations protects our management of these accounts.

MOTION TO APPROVE: Mr. Albanese **SECOND:** Ms. Eagen **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

Economic Redevelopment and Growth Grant Program

ITEM: 30 West Pershing, LLC

APPL.#41412

REQUEST: To approve the application of 30 West Pershing, LLC for a project located in Edison, Middlesex County for the issuance of tax credits. The recommendation is to award 15.8% of actual eligible costs, not to exceed \$4,579,282, in tax credits, based on the budget submitted.

MOTION TO APPROVE: Mr. Delle Cava **SECOND:** Mr. McNamara **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

ITEM: Advance at Harrison, LLC

APPL.#41362

REQUEST: To approve the application of Advance at Harrison, LLC for a project located in Harrison, Hudson County for the issuance of tax credits. The recommendation is to award 27.42% of actual eligible costs, not to exceed \$10,385,031, in tax credits, based on the budget submitted.

MOTION TO APPROVE: Mr. Delle Cava **SECOND:** Mr. Stoller **AYES:** 12

RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

Ms. Ferrara recused herself because the matter was heard before the Hudson County Planning Board.

ITEM: DVL, Inc. APPL.#40087
REQUEST: To approve the application of DVL, Inc. for a project located in Kearny, Hudson County for the issuance of tax credits. The recommendation is to award 20% of actual eligible costs, not to exceed \$9,590,284, in tax credits, based on the budget submitted.
MOTION TO APPROVE: Mr. Huber **SECOND:** Mr. Imperatore **AYES:** 12
RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

Ms. Ferrara recused herself because the matter was heard before the Hudson County Planning Board.

ITEM: Flagship Resort Development Corporation APPL.#41510
THIS PROJECT WAS WITHHELD FROM CONSIDERATION.

Grow New Jersey Assistance Program

ITEM: ACME Cosmetic Components, LLC APPL.#41526
REQUEST: To approve the application of ACME Cosmetic Components, LLC, for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Secaucus, NJ. Project location of Secaucus Town, in Hudson County qualifies as a Distressed Municipality under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Capital Investment in Excess of Minimum (non-Mega) and Targeted Industry of Manufacturing. The estimated annual award is \$390,000 for a 10-year term.
MOTION TO APPROVE: Ms. Ferrara **SECOND:** Ms. Eagen **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

ITEM: Barry Callebaut USA LLC APPL.#41577
REQUEST: To approve the application of Barry Callebaut USA LLC, for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Pennsauken, NJ. Project location of Pennsauken Twp., in Camden County qualifies as a Distressed Municipality under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Transit Oriented Development, Capital Investment in Excess of Minimum (non-Mega), Targeted Industry of Manufacturing and 2007 Revit. Index>465 in Camden County. The estimated annual award is \$273,000 for a 10-year term.
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

ITEM: Coach, Inc. APPL.#41642
THIS PROJECT WAS WITHHELD FROM CONSIDERATION.

ITEM: MAC Trailer Leasing, Inc.
REQUEST: Not to disqualify MAC Trailer Leasing, Inc. after the review of legal matters.
MOTION TO APPROVE: Mr. McNamara **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

ITEM: MAC Trailer Leasing, Inc. APPL.#41512
REQUEST: To approve the finding of jobs at risk.
MOTION TO APPROVE: Mr. Huber **SECOND:** Ms. Ferrara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

ITEM: MAC Trailer Leasing, Inc. APPL.#41512
REQUEST: To approve the application of MAC Trailer Leasing, Inc., for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Newark, NJ. Project location of Newark City, in Essex County qualifies as an Urban Transit HUB Municipality under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for Deep Poverty Pocket, Transit Oriented Development and Targeted Industry of Logistics. The estimated annual award is \$289,505 for a 10-year term.
MOTION TO APPROVE: Mr. Delle Cava **SECOND:** Mr. Albanese **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

ITEM: Tryko Holdings LLC and affiliates APPL.#41413
REQUEST: To approve the finding of jobs at risk.
MOTION TO APPROVE: Mr. Dumont **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

ITEM: Tryko Holdings LLC and affiliates APPL.#41413
REQUEST: To approve the application of Tryko Holdings LLC and affiliates, for tax credits under the Grow New Jersey Assistance Program to encourage the applicant to make a capital investment and locate in Brick Twp., NJ. Project location of Brick Twp., in Ocean County qualifies as a Distressed Municipality under N.J.S.A. 34:1B-242 et seq and the program's rules, N.J.A.C. 19:31-18. The project is eligible, pursuant to the statute, for bonus increases to the tax credit award for On Site Solar Generation of ½ of Project's Electric Needs. The estimated annual award is \$410,125 for a 10-year term.
MOTION TO APPROVE: Mr. Stoller **SECOND:** Mr. Huber **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

BOND PROJECTS

ITEM: The Fred 101, LLC APPL.#41631
LOCATION: Secaucus Town/Hudson County
PROCEEDS FOR: Acquisition of existing building
FINANCING: \$7,500,000 Tax-exempt bond
MOTION TO APPROVE: Mr. Albanese **SECOND:** Mr. Imperatore **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

ITEM: Sephardic Torah Center APPL.#41344
LOCATION: Long Branch City/Monmouth County
PROCEEDS FOR: Refinancing
FINANCING: \$1,596,158 Tax-exempt bond
MOTION TO APPROVE: Mr. Huber **SECOND:** Mr. McNamara **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

Combination Preliminary and Bond Resolutions

ITEM: Uncommon Properties VI, LLC APPL.#41792
LOCATION: Newark City/Essex County
PROCEEDS FOR: Renovation/Purchase of existing building
FINANCING: \$7,145,000 Taxable Qualified Zone Academy Bond – 2013 Allocation
MOTION TO APPROVE: Mr. Stoller **SECOND:** Ms. Eagen **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

ITEM: Yeshiva Gedola of Woodlake Village, Inc. APPL.#41722
LOCATION: Lakewood Township/Ocean County
PROCEEDS FOR: Refinancing
FINANCING: \$2,950,000 Tax-exempt bond
MOTION TO APPROVE: Mr. Huber **SECOND:** Mr. Alagia **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 17
PUBLIC HEARING: Yes
PUBLIC COMMENT: None

LOANS/GRANTS/GUARANTEES

Petroleum Underground Storage Tank Program

ITEM: Summary of NJDEP Petroleum UST Remediation, Upgrade and Close Fund Program projects approved by the Department of Environmental Protection.
MOTION TO APPROVE: Mr. Dumont **SECOND:** Mr. Stoller **AYES:** 13
RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

UST Residential Grants:

Dawn DiBella	\$ 381,061
Patricia Donohue	<u>\$ 254,589</u>
	\$ 635,650

UST Commercial Grants:

Anthony Colaluca, Jr.	\$ 189,639
Hopatcong Auto	\$ 342,533
NJ Boystown Youth Center Facility	<u>\$ 330,530</u>
	\$ 862,702

BOARD MEMORANDUMS

FOR INFORMATION ONLY: Projects Approved Under Delegated Authority

NJ Main Street Program: Jimmy’s Cookies, LLC (P41766)

Premier Lender Program: SETO MP Holdings, LLC (P41576)

Stronger NJ Business Loan Program:

Bolar Inc., d/b/a/ Yakkity Yaks Kayaks (P41557 & P41558)

Dectrinity, LLC d/b/a Bungalow Restaurant Lounge & Beach Bar (P41312 & P41310)

Fish Asbury Park LLC (P40202 & P 41356)

Sleepable Sofas LTD of New Jersey (P41450 & P41623)

Small Business Fund Program:

BUF Health and Human Services Corporation, Inc. (P41463)

DG and Sons, LLC (P41553)

New Jersey Business Growth Fund – Modification: Knockout Graphics Inc.
(P41583)

Local Development Financing Fund – Modification: Dave Realty LLC (P40546)

ITEM: New Jersey Community Development Entity-6, LLC

\$15,000,000 New Markets Tax Credit Sub-Allocation

REQUEST: Consent to actions needed to wind up NJCDE-6’s sub-allocation of New Market Tax Credits.

MOTION TO APPROVE: Mr. Huber **SECOND:** Mr. Dumont **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 21

REAL ESTATE

ITEM: FMERA Purchase and Sale & Redevelopment Agreement with Wayside Technology for Building 1007 in the Oceanport Section of Fort Monmouth

REQUEST: To consent to the Fort Monmouth Economic Revitalization Authority entering into the redevelopment agreement that is contained within FMERA’s Purchase and Sale & Redevelopment Agreement with Wayside Technology Group, Inc. for the sale and renovation of Building 1007 in the Oceanport section of the former Fort Monmouth.

MOTION TO APPROVE: Mr. Albanese **SECOND:** Ms. Ferrara **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 22

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

The next item was to adjourn the public session of the meeting and enter into Executive Session to discuss a real estate matter. The minutes will be made public when the need for confidentiality no longer exists.

MOTION TO APPROVE: Mr. Delle Cava **SECOND:** Mr. Huber **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 23

The Board returned to Public Session.

The next item was to approve a real estate matter pertaining to the NJEDA Waterfront Technology Center at Camden.

MOTION TO APPROVE: Mr. Huber **SECOND:** Mr. Imperatore **AYES:** 13

RESOLUTION ATTACHED AND MARKED EXHIBIT: 24

There being no further business, on a motion by Mr. Delle Cava, and seconded by Mr. McNamara, the meeting was adjourned at 11:25am.

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.



Erin Gold, Director, Governance & Communications
Assistant Secretary