

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

June 11, 2019

MINUTES OF THE MEETING

Members of the Authority present: Chairman Kevin Quinn, Commissioner Marlene Caride of the Department of Banking and Insurance; Julie Diaz representing Commissioner Robert Asaro - Angelo of Department of Labor and Workforce Development; Dan Ryan representing Commissioner Catherine McCabe of the Department of Environmental Protection; Catherine Brennan representing State Treasurer Elizabeth Muoio; Public Members Philip Alagia, Louis Goetting and John Lutz, Third Alternate Public Member.

Members present via conference call: Public Members Charles Sarlo, Vice Chairman; Fred Dumont, William Layton and Thomas Scrivo.

Absent: Massiel Medina Ferrara, Public Member.

Also present: Timothy Sullivan, Chief Executive Officer of the Authority; Deputy Attorney General Gabriel Chacon; Adam Sternbach, Governor's Authorities' Unit; and staff.

Mr. Quinn called the meeting to order at 10:00 am.

Pursuant to the Internal Revenue Code of 1986, Ms. Sanders 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. Sanders 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.

MINUTES OF AUTHORITY MEETING

The next item of business was the approval of the May 14, 2019 meeting minutes. A motion was made to approve the minutes by Mr. Ryan, and seconded by Mr. Lutz, 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.

AUTHORITY MATTERS

ITEM: Memorandum of Understanding between the Authority and the Commission on Science, Innovation and Technology

REQUEST: Approval to enter into a Memorandum of Understanding with the Commission for the purpose of providing support services to the Commission.

MOTION TO APPROVE: Mr. Alagia **SECOND:** Commissioner Caride **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

ITEM: Special Counsel: Executive Order 52 (Murphy 2019) and Attorney General Investigation – Amendment to Retention Agreement

REQUEST: To approve additional contract funding.

MOTION TO APPROVE: Mr. Ryan **SECOND:** Mr.Lutz **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

INCENTIVE PROGRAMS

Grow New Jersey Assistance Program

Commissioner Angelo joined the meeting at this time.

Ms. Diaz left the meeting at this time.

ITEM: Case Medical, Inc.

APPL.#45598

REQUEST: To approve the finding of jobs at risk

MOTION TO APPROVE: Mr. Ryan **SECOND:** Ms. Brennan **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

ITEM: Case Medical, Inc.

APPL.#45598

REQUEST: To approve the application of Case Medical, Inc. for a Grow New Jersey Assistance Program Grant to encourage the applicant to make a capital investment and locate in Bloomfield Twp., NJ. Project location of Bloomfield Twp., Essex 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, Cap. Inv. in excess of Min. (non-Mega) and Targeted Industry of Manufacturing. The estimated annual award is \$970,500 for a 10-year term.

MOTION TO APPROVE: Ms. Brennan **SECOND:** Commissioner Angelo **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

ITEM: CIT Bank, N.A.

APPL.#45503

REQUEST: To approve the finding of jobs at risk

MOTION TO APPROVE: Commission Caride **SECOND:** Mr. Alagia **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

ITEM: CIT Bank, N.A.

APPL.#45503

REQUEST: To approve the application of CIT Bank, N.A. for a Grow New Jersey Assistance Program Grant to encourage the applicant to make a capital investment and locate in Morristown, NJ. Project location of Morristown, Morris County qualifies as a Priority Area 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 Jobs with Salary in Excess of County Average, Large Number of New/Retained F/T Jobs and Targeted Industry of Finance. The estimated annual award is \$2,216,250 for a 10-year term.

MOTION TO APPROVE: Mr. Ryan **SECOND:** Ms. Brennan **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

ITEM: Infobip LLC

APPL.#45571

REQUEST: To approve the application of Infobip LLC for a Grow New Jersey Assistance Program Grant to encourage the applicant to make a capital investment and locate in Jersey City, NJ. Project location of Jersey City, Hudson 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 Transit Oriented Development, Jobs with Salary in Excess of County Average and Targeted Industry of Technology. The estimated annual award is \$206,250 for a 7-year term.

MOTION TO APPROVE: Mr. Lutz **SECOND:** Mr. Alagia **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

ITEM: Zipdrug, Inc.

APPL.#45671

REQUEST: To approve the application of Zipdrug, Inc. for a Grow New Jersey Assistance Program Grant to encourage the applicant to make a capital investment and locate in Jersey City, NJ. Project location of Jersey City, Hudson 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 Transit Oriented Development and Targeted Industry of Technology. The estimated annual award is \$630,000 for a 10-year term.

MOTION TO APPROVE: Mr. Ryan **SECOND:** Ms. Brennan **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

Grow New Jersey Assistance Program - Modifications

ITEM: Atlantic City Contact Center, LLC

APPL.#41071

REQUEST: To approve a modified project with an overall reduction in the incented new full-time jobs from 332 to 121.

MOTION TO APPROVE: Mr. Ryan **SECOND:** Commissioner Angelo **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

ITEM: Bayada Home Health Care, Inc APPL.#42313
REQUEST: To consent to the restructuring of Bayada Home Health Care, Inc. from a for profit corporation to a nonprofit corporation.
MOTION TO APPROVE: Mr. Lutz **SECOND:** Commissioner Caride **AYES: 11**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

Mr. Goetting recused himself because he represented the applicant previously.

ITEM: Nestle HealthCare Nutrition Inc. & Nestle Nutrition R & D Centers Inc. APPL.#41050
REQUEST: To consent to an overall reduction in the incented new full-time jobs from 177 to 102.
MOTION TO APPROVE: Mr.Ryan **SECOND:** Mr. Alagia **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

NJ Film and Digital Media Tax Credit Program

ITEM: Proposed Rule Amendment, Film & Digital Media Tax Credit Program
REQUEST: To approve the proposed re-adoption with amendment and to authorize staff to submit the proposed re-adoption with amendment for promulgation in the New Jersey Register, subject to final review and approval by the Office of the Attorney General and the Office of Administrative Law.
MOTION TO APPROVE: Ms. Brennan **SECOND:** Commissioner Caride **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

ITEM: To approve the following NJ Film and Digital Media Tax Credit Projects for allocations in Fiscal Year 2019

PROJECT: Besa Movie LLC APPL.#45505
MAX AMOUNT OF TAX CREDITS: \$469,794
MOTION TO APPROVE: Ms. Brennan **SECOND:** Mr. Lutz **AYES: 12**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

Mr. Sarlo left the call at this time.

PROJECT: The HKB Film LLC APPL.#45557
MAX AMOUNT OF TAX CREDITS: \$77,397
MOTION TO APPROVE: Mr. Lutz **SECOND:** Commissioner Caride **AYES: 11**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

PROJECT: Touchstone Television Productions LLC APPL.#45578
MAX AMOUNT OF TAX CREDITS: \$2,420,661
MOTION TO APPROVE: Ms. Brennan **SECOND:** Commissioner Caride **AYES: 11**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

PROJECT: Day 28 Films Liberty LLC
MAX AMOUNT OF TAX CREDITS: \$3,199,577
MOTION TO APPROVE: Mr. Lutz **SECOND:** Ms. Brennan
RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

APPL.#45537

AYES: 11

BOND PROJECTS

Bond Resolutions

PROJECT: Middlesex Water Company

APPL.# 45257

LOCATION: Statewide

PROCEEDS FOR: Renovation of existing building/equipment

FINANCING: \$65,000,000 Tax-Exempt Bond

MOTION TO APPROVE: Commissioner Caride **SECOND:** Mr. Alagia **AYES: 11**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 17

PUBLIC HEARING: Yes

PUBLIC COMMENT: None

PROJECT: Jewish Home at Rockleigh, Inc.

APPL.# 45618

LOCATION: Rockleigh Borough, Bergen County

PROCEEDS FOR: Refinancing

FINANCING: \$13,700,000 Tax-exempt Bond

MOTION TO APPROVE: Mr. Ryan **SECOND:** Mr. Goetting **AYES: 11**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 18

PUBLIC HEARING: Yes

PUBLIC COMMENT: None

PROJECT: JHF 1 Pond LLC

APPL.# 45613

LOCATION: Rockleigh Borough, Bergen County

PROCEEDS FOR: Refinancing

FINANCING: \$6,000,000 Tax-exempt Bond

MOTION TO APPROVE: Ms. Brennan **SECOND:** Mr. Ryan **AYES: 11**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 19

PUBLIC HEARING: Yes

PUBLIC COMMENT: None

LOANS/GRANTS/GUARANTEES

Direct Loan Program

PROJECT: Fort Monmouth Economic Revitalization Authority APPL.#45702
LOCATION: Oceanport Borough, Monmouth County
PROCEEDS FOR: Working Capital
FINANCING: \$5,000,000 NJEDA Direct Loan
THIS PROJECT WAS WITHHELD FROM CONSIDERATION.

Statewide Loan Pool Program

PROJECT: SMC River Avenue, LLC APPL.#45726
LOCATION: Dover Township, Ocean County
PROCEEDS FOR: Working Capital
FINANCING: \$4,902,000 Ocean First Loan with a 40.8% (\$2,000,000) EDA participation.
MOTION TO APPROVE: Mr. Ryan **SECOND:** Mr. Layton **AYES: 11**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 20

Hazardous Discharge Site Remediation Fund

ITEM: Summary of NJDEP Hazardous Discharge Site Remediation Fund Program projects approved by the Department of Environmental Protection.
MOTION TO APPROVE: Commissioner Angelo **SECOND:** Mr. Ryan **AYES: 11**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 21

PROJECT: County of Middlesex (Perth Amboy Waterfront Park) APPL.#45313
LOCATION: Perth Amboy, Middlesex County
PROCEEDS FOR: Site/Remedial Investigation
FINANCING: \$128,110

Petroleum Underground Storage Tank (PUST)

ITEM: Summary of NJDEP Petroleum UST Remediation, Upgrade & Closure Fund Program projects approved by the Department of Environmental Protection.
MOTION TO APPROVE: Mr. Lutz **SECOND:** Mr. Goetting **AYES: 11**
RESOLUTION ATTACHED AND MARKED EXHIBIT: 22

PROJECT: Jeaniene Brownlee
LOCATION: Maplewood Twp., Essex County
PROCEEDS FOR: Upgrade, Closure, Remediation
FINANCING: \$120,666

APPL.#45686

PROJECT: MBDF, LLC
LOCATION: Newark, Essex County
PROCEEDS FOR: Remediation
FINANCING: \$251,816

APPL.# 45561

OFFICE OF RECOVERY

Energy Resilience Bank

ITEM: Energy Resilience Bank — University Hospital-Newark Power Plant Repowering Project Funding Modification Recommendation

REQUEST: To modify the November 14, 2017 Board action by changing the reservation of ERB funding from \$36,267,500 to \$39,120,000 for the project.

MOTION TO APPROVE: Mr. Ryan **SECOND:** Ms. Brennan **AYES:** 11

RESOLUTION ATTACHED AND MARKED EXHIBIT: 23

BOARD MEMORANDUMS

FOR INFORMATION ONLY: Credit Underwriting projects Approved Under Delegated Authority

Premier Lender Program:

PROJECT: Sunrise Pharmaceutical Inc.
LOCATION: Rahway City, Union County
PROCEEDS FOR: Refinancing
FINANCING: \$2,200,000 Provident Bank loan with a 22.73% (\$500,000) Authority participation under the Access Pilot Program.

APPL.#45649

Small Business Fund Program:

PROJECT: 463 Schuyler Ave Real Estate LLC

APPL.#45654

LOCATION: Kearny Town, Hudson County

PROCEEDS FOR: Purchase of Property

FINANCING: \$657,000 M&T Bank loan with a 14.67% (\$97,000) Authority participation.

PUBLIC COMMENT

Mayor Francisco Moran, City of Camden, Camden, NJ
Sherriff Whip Wilson, Camden, NJ
John Ciaramella, President, Atlantic City Contact Center, Atlantic City, NJ
Minister Wasim Muhammad, Muhammad's Temple, Camden, NJ
Damon Pennington, Camden Arts Yard, Vorhees, NJ
Mike Douglas, Resintech, Camden, NJ
Victor Carrillo, EMR, Camden, NJ
Jordan Walker, Respond, Camden, NJ
Bryan Morton, NCU, Camden, NJ
Jon Young, Freeholder, Camden County Board of Chosen Freeholders, Camden, NJ
Samir Nunoz, Superior Arts, Camden, NJ
Lou Cappelli, Freeholder Director, Camden County Board of Chosen Freeholders
Haddon Twp., NJ
Sue Altman, Working Families
Jerome Montes, NJ Citizens, Lawrence, NJ
Stan White Retired
Keith Benson, Camden
Amir Khan, Camden
Dennis Gormley, ATNJ, Vorhees, NJ
Warren Golden, Atlantic City Contact Center, Atlantic City, NJ

The above members of the public addressed the board to share their perspectives on the Grow New Jersey program.

Mr. Warren Golden, CFO and Mr. John Ciaramella, President, Atlantic City Contact Center, addressed the board in opposition to the use of the Net Benefit Test used for the modification to their project.

EXECUTIVE SESSION

The next item was to adjourn the public portion of the meeting and move in to executive session to discuss matters involving lease negotiations where disclosure could adversely affect the public interest and to receive attorney-client advice regarding ongoing legal inquiries. The minutes of which will be released when the need for confidentiality no longer exists.

MOTION TO APPROVE: Ms. Brennan **SECOND:** Mr. Alagia **AYES: 11**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 24

The Board returned to Public Session.

ITEM: First Lease Amendment Agreement with Hurel Corporation, The Technology Centre of New Jersey, 671 South Route 1, North Brunswick, NJ (Tech III, BOC II, Suite A).

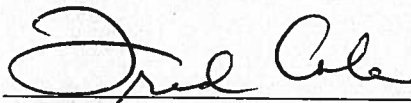
REQUEST: To approve the execution of a First Lease Amendment Agreement, on final terms subject to approval by the Chief Executive Officer and the Attorney General's Office.

MOTION TO APPROVE: Mr. Alagia **SECOND:** Mr. Ryan **AYES:** 8

RESOLUTION ATTACHED AND MARKED EXHIBIT: 25

There being no further business, on a motion by Mr. Ryan, and seconded by Ms. Brennan, the meeting was adjourned at 12:55pm.

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.



Fred Cole
SVP Operations/ELO
Assistant Secretary