

# NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

December 14, 2023

## MINUTES OF THE MEETING

*The Meeting was held in-person and by teleconference call.*

Members of the Authority present in person: Chairman Terry O'Toole, and Public Members: Charles Sarlo, Vice Chairman; and Robert Shimko, First Alternate Public Member.

Members of the Authority present via conference call: Aaron Creuz, Executive Representative; Acting Commissioner Justin Zimmerman of the Department of Banking and Insurance; Keith White representing Commissioner Robert Asaro-Angelo of the Department of Labor and Workforce Development; Elizabeth Dragon representing Commissioner Shawn LaTourette of the Department of Environmental Protection; and Public Members Philip Alagia, Virginia Bauer, Marcia Marley, Fred Dumont, and Jewell Antoine-Johnson, Second Alternate Public Member.

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

Members of the Authority absent: State Treasurer Elizabeth Muoio of the Department of Treasury; and Public Members Massiel Medina Ferrara, and Aisha Glover.

Chairman O'Toole called the meeting to order at 10:00 am.

In accordance with the Open Public Meetings Act, Mr. Sullivan 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 Department of State.

## MINUTES OF AUTHORITY MEETING

The next item of business was the approval of the November 16, 2023 meeting minutes. A motion was made to approve the minutes by Mr. Shimko, seconded by Ms. Antoine-Johnson, and approved by the eleven (11) voting members present.

The next item of business was the approval of the November 16, 2023 Executive Session meeting minutes. A motion was made to approve the minutes by Ms. Antoine-Johnson, seconded by Ms. Dragon, and approved by the eleven (11) voting members present.

**FOR INFORMATION ONLY:** The next item was the presentation of the Chairman's Remarks to the Board.

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

Mr. Dumont left the meeting at this time.

The next item was a presentation providing an update on the NJ Manufacturing Voucher Program, followed by a presentation on the Cannabis Equity Grant Program.



**ITEM: Approval of Grant Agreement between the New Jersey Economic Development Authority and The New Jersey Technology Council, Inc. d/b/a TechUnited**

**REQUEST:** To approve entering into a Grant Agreement with The New Jersey Technology Council, Inc., d/b/a TechUnited, for the Authority to provide operational funding for TechUnited's Women and Minority Business Owners Mentorship Program and to an administrative fee to support the administration of the program.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 5**

**ITEM: Memorandum of Understanding with the New Jersey Board of Public Utilities for Payment for Federal Broadband Grant Application Assistance**

**REQUEST:** To approve the signing of a Memorandum of Understanding between the NJ Board of Public Utilities (BPU) and the NJ Economic Development Authority (NJEDA) for the transfer of funds for payment for federal broadband grant application assistance under the Authority's current contract for CHIPS and IRA support services.

**MOTION TO APPROVE:** Ms. Dragon      **SECOND:**      Ms. Bauer      **AYES: 12**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 6**

**FOR INFORMATION ONLY:** The next item was a summary of the Incentives Committee meeting from November 29,

**INCENTIVES**

**ASPIRE**

**ITEM: Aspire Program- Product #310922 Sayreville Seaport Associates Urban Renewal L.P. ("Applicant")**

**REQUEST:** To approve the issuance of tax credits from the Aspire Program for a phased Transformative residential Project located in Sayreville, New Jersey, Middlesex County up to 50% of the total project cost ("eligible costs") and 50% of eligible costs for any given phase.

**MOTION TO APPROVE:** Ms. Dragon      **SECOND:**      Ms. Bauer      **AYES: 12**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 7**

**ITEM: Aspire Program- Product #00312676 Observer Highway Urban Renewal LLC ("Applicant")**

**REQUEST:** To approve the issuance of tax credits from the Aspire program for a residential project located in Hoboken, New Jersey, Hudson County up to 60% of the total project cost ("eligible costs").

**MOTION TO APPROVE:** Ms. Bauer      **SECOND:**      Ms. Dragon      **AYES: 12**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 8**

Ms. Bauer left the call at this time.

**FILM & DIGITAL MEDIA TAX CREDIT**

**Film Tax Credit Program**

**Stalwart Productions – Summit      PROD-00310671**

**MAX AMOUNT OF TAX CREDITS: \$24,543,329**

**MOTION TO APPROVE:** Mr. Shimko      **SECOND:**      Mr. Sarlo      **AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 9**

**Apple Studios – Wildvale PROD-00311174**

**MAX AMOUNT OF TAX CREDITS: \$11,167,228**

**MOTION TO APPROVE: Ms. Antoine-Johnson SECOND: Ms. Dragon AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 10**

**TECHNOLOGY BUSINESS TAX CERTIFICATE TRANSFER PROGRAM APPEALS**

**ITEM: 2023 Technology Business Tax Certificate Transfer Program (NOL) - Appeal Thinkster Learning, Inc.**

Mr. Raj Elayavalli, Founder and CEO, Thinkster Learning, Inc. addressed the Board after the staff presentation.

***THIS ITEM WAS TABLED FOR FURTHER CONSIDERATION.***

**ITEM: 2023 Technology Business Tax Certificate Transfer Program (NOL), Declination Appeal of Cornerstone Pharmaceuticals, Inc.**

**REQUEST:** Uphold the NJ Economic Development Authority Board’s determination denying Cornerstone Pharmaceuticals, Inc.’s 2023 Technology Business Tax Certificate Transfer Program application.

Mr. Sanjeev Luther, CEO and Chairman of the Board of Cornerstone Pharmaceuticals, Inc., addressed the Board prior to the Board’s vote on the matter.

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

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 11**

**FOR INFORMATION ONLY:** The next item was a summary of the Audit Committee meeting from November 30.

**AUTHORITY MATTERS**

**ITEM: 2022 Comprehensive Annual Report**

**REQUEST:** To approve the Authority’s comprehensive annual report for 2022, as required under N.J.S.A. 4:1B-4 and Executive Order No. 37 (2006).

**MOTION TO APPROVE: Mr. Alagia SECOND: Ms. Antoine-Johnson AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 12**

**ITEM: FY 2024 Fiscal Plan**

**REQUEST:** To approve the Authority’s FY 2024 Fiscal Plan.

**MOTION TO APPROVE: Mr. Shimko SECOND: Ms. Antoine-Johnson AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 13**

**ITEM: Recommendation for Award - #2023-RFP-183 Independent Compliance Auditor**

**REQUEST:** To approve an Independent Compliance Auditor contract award for a three- year base term, with two (2) one-year extension options, to provide audit and risk assessment services.

**MOTION TO APPROVE: Mr. Shimko SECOND: Ms. Antoine-Johnson AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 14**

**ITEM: Delegations of Authority – Procured Contracts and Memoranda of Understanding**

**REQUEST:** To approve increasing thresholds and updates to delegations of authority for procured contracts and Memoranda of Understanding. Consistent with the Delegation Policy approved on March 9, 2022, all delegations are to the Chief Executive Officer unless specified otherwise.

**MOTION TO APPROVE: Mr. Creuz SECOND: Mr. Zimmerman AYES: 11**

**RESOLUTION ATTACHED AND MARKED EXHIBIT: 15**

**ITEM: Updates to Delegation of Authority: Issuing final administrative decisions for credit and loan products and expanded approval thresholds for HDSRF and PUST**

**REQUEST:** To approve updates to delegations of authority, specifically to: (1) for NJDEP grant and loan products and NJEDA business banking loan products, authorize staff the ability to hear and decide appeals from non-discretionary declinations and issue final administrative decisions for grant and loan products, consistent with how this is handled for other programs at the Authority; and to (2) Increase application approval thresholds for the Hazardous Discharge Site Remediation Fund (HDSRF) Program and the Petroleum Underground Storage Tank (PUST) Program. Consistent with the Delegation Policy approved on March 9, 2022, all delegations are to the Chief Executive Officer unless specified otherwise.

**MOTION TO APPROVE:** Ms. Dragon      **SECOND:**      Ms. Antoine-Johnson **AYES: 11**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 16**

**FOR INFORMATION ONLY:** The next item was a summary of Director’s Loan Review Committee meeting from November 29.

**BONDS**

**ITEM: Defeasance and Redemption of Certain Outstanding NJEDA/School Facilities Construction Bonds, 2016 Series AAA - PROD-00174158**

**REQUEST:** To approve a resolution authorizing an Authorized Officer of the Authority to enter into one or more Escrow Deposit Agreements for the purpose of defeasing and redeeming all or a portion of certain of the Authority’s Outstanding School Facilities Construction Bonds, 2016 Series AAA and to approve the use of professionals and authorize Authority staff to take all necessary actions incidental thereto.

**MOTION TO APPROVE:** Mr. Sarlo      **SECOND:**      Mr. Alagia      **AYES: 10**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 17**

Ms. Antoine-Johnson recused from this vote out of an abundance of caution due to potential school construction opportunities.

Ms. Marley left the meeting at this time.

**REAL ESTATE**

**ITEM: First Amendment to Real Estate Advisory Consulting Services Contract Between Jones Lang LaSalle Americas, Inc. and the Authority**

**REQUEST:** To approve entering into the First Amendment to Real Estate Advisory Consulting Services Contract to increase the contract funding amount, including any Authority discretionary extensions. The additional funds will be used to assist with real estate programs and to perform due diligence, market, and other studies on potential properties to be acquired under the Property Assemblage Fund and other Authority real estate project initiatives.

**MOTION TO APPROVE:** Ms. Dragon      **SECOND:** Mr. Sarlo      **AYES: 10**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 18**

**ITEM: Fund Increase to Pooled Consulting Services**

**REQUEST:** To approve: increasing funding for pooled consulting services to be used on an as needed basis, including appraisal consulting services, environmental consulting services, survey services, and delegated authority to the CEO to increase the amount of each contract in for the approved task order amount not to exceed the total amount of funds available in each pool.

**MOTION TO APPROVE:** Mr. Shimko      **SECOND:** Mr. Sarlo      **AYES: 10**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 19**

## **BOARD MEMORANDA - FYI ONLY**

- Hazardous Discharge Site Remediation Fund (HDSRF) Applications Approved Under Delegated Authority, Q3 2023
- Petroleum Underground Storage Tank Applications (PUST) Approved Under Delegated Authority, Q3 2023
- Economic Security Products: Delegated Authority Approvals, Declinations, and Other Actions Through Q3 2023
- Wind Institute Programs: Delegated Authority Approvals, Declinations, & Other Actions, Q4 2023

### **PUBLIC COMMENT**

There was no public comment.

### **EXECUTIVE SESSION**

The next item was to adjourn the public portion of the meeting and move into Executive Session to discuss a potential negotiation regarding a real estate matter, where disclosure could adversely impact the public interest, the minutes of which will become available when the need for confidentiality no longer exists.

**MOTION TO APPROVE:** Mr. Shimko      **SECOND:** Mr. Sarlo **AYES: 10**  
**RESOLUTION ATTACHED AND MARKED EXHIBIT: 20**

The Board returned to Public Session.

There being no further business, on a motion by Mr. Shimko, and seconded by Mr. Sarlo, the meeting was adjourned at 12:53pm.

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.

  
Danielle Esser, Director  
Governance & Strategic Initiatives  
Assistant Secretary