

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

February 7, 2024

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, Aaron Creuz, Executive Representative; 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 Charles Sarlo, Vice Chairman; Philip Alagia, Virginia Bauer, Massiel Medina Ferrara, and Jewell Antoine-Johnson, Second Alternate Public Member.

Members of the Authority present via conference call: Acting Commissioner Justin Zimmerman of the Department of Banking and Insurance; Aaron Binder representing State Treasurer Elizabeth Muoio of the Department of Treasury; and Public Members Fred Dumont, and Robert Shimko, First 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: Public Members Aisha Glover, and Marcia Marley.

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 December 14, 2023 meeting minutes. A motion was made to approve the minutes by Ms. Bauer, seconded by Mr. Creuz, and approved by the thirteen (13) voting members present.

The next item of business was the approval of the December 14, 2023 Executive Session meeting minutes. A motion was made to approve the minutes by Mr. Sarlo, seconded by Mr. Alagia, and approved by the thirteen (13) 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.

FOR INFORMATION ONLY: The next item was a summary of the Policy Committee meeting from January 26, 2024.

FOR INFORMATION ONLY: The next item was a summary of the Incentives meeting from January 24, 2024.

COMMUNITY DEVELOPMENT

ITEM: Main Street Acquisition Support Grant

REQUEST: To approve: (1) The Creation of the Main Street Acquisition Support Grant - a pilot product under the Main Street Recovery Fund that will offer a grant to reimburse an eligible small business for closing costs related to a New Jersey commercial property that the business will purchase to operate from; (2) Utilization of funding from the Main Street Recovery Fund to: a) capitalize the Main Street Acquisition Support Grant pilot product, with delegation to the CEO to increase grant funding if demand exceeds the available funding, b) to support the Authority's administrative costs for the Main Street Acquisition Support Grant product, and c) to hire temporary staff if application volume requires additional administrative support, and; (3) Delegation of authority to the CEO to approve eligible applications for the Main Street Acquisition Support Grant in accordance with the terms set forth in the program specifications.

MOTION TO APPROVE: Ms. Bauer **SECOND:** Ms. Dragon **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 1

ITEM: Award and Declination of Activation, Revitalization and Transformation (ART) Real Estate Grants

REQUEST: To approve: (1) Subject to the availability of funding, grant awards to Atlantic City real estate projects; (2) Subject to the availability of funding, grant awards to Newark real estate projects; (3) Declination of awards to real estate applicants for Atlantic City projects; (4) Declination of awards to real estate applicants for Newark projects; (5) Utilization of funds for "Atlantic City Initiatives" in the Fiscal Year 2024 Appropriations Act (P.L. 2023, c.74) from American Rescue Plan ("ARP") Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") for ART Real Estate Grant for projects in Atlantic City and associated administrative costs; (6) Delegation to the CEO to enter a Memorandum of Understanding ("MOU") with the New Jersey Department of Community Affairs to accept and use funds in the SLFRF funds and deposit into ERF for the Activation, Revitalization and Transformation ("ART") Grant Program and agree to comply with federal requirements for the use of those funds; (7) Utilization of funds for "Urban Investment Fund" in the Fiscal Year 2024 Appropriations Act (P.L. 2023, c.74) from American Rescue Plan ("ARP") Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") for ART Real Estate Grant for projects in Newark and associated administrative costs; and (8) Delegation to the CEO to enter into an MOU with the DCA to accept and use funds in the SLFRF funds and deposit into ERF for the Activation, Revitalization and Transformation ("ART") Grant Program and agree to comply with federal requirements for the use of those funds.

MOTION TO APPROVE: Comm. Angelo **SECOND:** Ms. Antoine-Johnson **AYES: 12**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 2

Out of an abundance of caution, Mr. O'Toole recused himself because his prior employer, Goldman Sachs is an investor, and he is still a shareholder.

ECONOMIC SECURITY

ITEM: Food Desert Relief Tax Credit Sale

REQUEST: To approve: (1) The sale of tax credits in calendar year 2024 in a manner consistent with the Board-approved specifications from April 2023 and the Food Desert Relief Act to receive funds for subsequent grant, loan, and/or technical assistance programs in line with the uses specified by the Food Desert Relief Act, and; (2) Delegated authority to the CEO to hear and decide appeals from non-discretionary declinations and to issue final administrative decisions.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 3

ITEM: Child Care Facilities Improvement Pilot Program – Phase 2

REQUEST: To approve: (1) The creation of the Child Care Facilities Improvement Pilot Program – Phase 2, a grant program to provide grants for registered Family Child Care homes (FCCs) in New Jersey to make facility improvements that will contribute to high quality early childhood learning environments and improve the health and safety of the spaces where children are cared for, and the waiver of applicant fees due to the availability of other sources of funding for the Authority’s administrative costs; (2) Utilization of state funds appropriated to NJEDA to fund the Child Care Facilities Improvement Pilot Program – Phase 2; (3) Delegation of authority to the CEO to approve individual applications for the Child Care Facilities Improvement Pilot Program – Phase 2 in accordance with the terms set forth in the program specifications; and (4) Amendment of the Child Care Facilities Improvement Program – Phase 1 such that the deadlines for obligating and expending the ARP SLFRF funds will follow the federal deadlines, and any extension of those deadlines will be passed on to the grantees.

MOTION TO APPROVE: Ms. Bauer **SECOND:** Ms. Ferrara **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 4

MOUS/AGREEMENTS

ITEM: MOU with the NJ Department of Labor & Workforce Development for funding from the Workforce Development Partnership Fund to support workforce development programs and projects

REQUEST: To approve entering into a five-year Memorandum of Understanding with the NJ Department of Labor & Workforce Development to accept funding from the Workforce Development Partnership Fund (WDPF) to support the design and execution of workforce development programs and related projects, with delegated authority to accept additional funding in WDPF funding in the future.

MOTION TO APPROVE: Ms. Antoine-Johnson **SECOND:** Mr. Creuz **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 5

ITEM: Wind Institute for Innovation and Training Grant Agreement – NJEDA and New Jersey Department of the Treasury

REQUEST: To approve the Second Grant Agreement between the NJEDA and the Treasury Department, that enables the Treasury Department to provide funding to NJEDA for administration, operations and program costs for the Wind Institute for Innovation and Training related programs.

MOTION TO APPROVE: Ms. Dragon **SECOND:** Ms. Bauer **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 6

ITEM: MOU with Salem County to support NJWP-related economic development

REQUEST: To approve: (1) entering into a MOU with Salem County to support NJWP- related economic development efforts, and (2) to approve delegated authority to the CEO to grant an extension of the term and the release of funds, with such approval to be contingent on the County meeting compliance requirements in the prior year.

MOTION TO APPROVE: Ms. Bauer **SECOND:** Ms. Antoine-Johnson **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 7

CLEAN ENERGY

ITEM: Commuter and Transit Bus Private Carrier Relief and Jobs Program – Phase 2 Award Amendment

REQUEST: To approve an amendment to the Phase 2 Commuter and Transit Bus Private Carrier Relief and Jobs Program’s award methodology.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 8

FOR INFORMATION ONLY: The next item was a summary of the Incentives Committee meeting from January 24, 2024.

INCENTIVES

ASPIRE

ITEM: Aspire Program- Product #00312280 - New Jersey Performing Arts Center (“Applicant”)

REQUEST: To approve the issuance of tax credits from the Aspire program for a single- phase Transformative residential project located in Newark, New Jersey, Essex County, up to 60% of the total project cost.

MOTION TO APPROVE: Comm. Angelo **SECOND:** Mr. Sarlo **AYES: 11**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 9

Out of an abundance of caution, Mr. O’Toole recused himself because his prior employer, Goldman Sachs is an investor, and he is still a shareholder.

Out of an abundance of caution, Ms. Ferrara recused herself as she is a former employee of Prudential, her husband in a current employee at Prudential, and Prudential is involved in the project.

FILM & DIGITAL MEDIA TAX CREDIT

ITEM: Special Adoption and Concurrently Proposed Rule Amendments and New Rules: New Jersey Film & Digital Media Tax Credit Program (N.J.A.C. 19:31-21)

REQUEST: To approve the special adoption and concurrently proposed amendments to the rules and new rules for the New Jersey Film & Digital Media Tax Credit Program based on statutory amendments, and authorize staff to (a) submit for publication in the New Jersey Register and (b) submit as final adopted rules for publication in the New Jersey Register if no substantive comments are received, subject to final review and approval by the Office of the Attorney General and the Office of Administrative Law.

MOTION TO APPROVE: Ms. Bauer **SECOND:** Ms. Dragon **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 10

ITEM: Film and Digital Media Tax Credit Program – Certification of Unused or Unredeemed Credits in SFY2023 and Increase to SFY2024

REQUEST: To approve: (1) The certification of unused or unredeemed legacy film tax credits for SFY2023 which will increase the legacy film tax credits available for SFY2024;

(2) The certification of unused or unredeemed studio partner film tax credits for SFY2023 which will increase the studio partner film tax credits available for SFY2024; (3) The certification of unused or unredeemed film-lease production company film tax credits for SFY2023 which will increase the film-lease film tax credits available for SFY2024; and

(4) The certification of unused or unredeemed digital media tax credits for SFY2023 which will increase the digital tax credits available for SFY2024.

MOTION TO APPROVE: Ms. Bauer **SECOND:** Mr. Alagia **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 11

Twentieth Century Fox Film Corp – American Horror Stories S3 PROD-00311139

MAX AMOUNT OF TAX CREDITS: \$25,049,976

MOTION TO APPROVE: Ms. Bauer **SECOND:** Ms. Antoine-Johnson **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 12

Twentieth Century Fox Film Corp – American Sports Story S1 PROD-00311140

MAX AMOUNT OF TAX CREDITS: \$32,824,158

MOTION TO APPROVE: Ms. Dragon **SECOND:** Mr. Alagia **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 13

AUTHORITY MATTERS

ITEM: NJ Asset Activation Planning Grant - Declination of One Application

REQUEST: To decline an application.

MOTION TO APPROVE: Ms. Bauer **SECOND:** Ms. Antoine-Johnson **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 14

BOARD MEMORANDA FYI ONLY

- Brownfield Redevelopment Incentive Program Delegated Authority Reporting
- Community Development Products Delegated Authority Approvals, Declinations, and Other Actions Through Q4 2023
- Credit Underwriting Projects Approved Under Delegated Authority
- Post-Closing Incentives Delegated Authority Memo – 4th Quarter 2023
- Post-Closing Credit Delegated Authority Approvals for 4th Quarter 2023
- Post-Closing Delegated Authority Bond Modification Approvals for 4th Quarter 2023
- Hazardous Discharge Site Remediation Fund (HDSRF) Applications Approved Under Delegated Authority – Q4 2023
- Petroleum Underground Storage Tank Applications (PUST) Approved Under Delegated Authority – Q4 2023

PUBLIC COMMENT

Mr. William O’Dea, Elizabeth Development Company, addressed the Board, and thanked Mr. Sullivan on behalf of Mayor Bollwage, City of Elizabeth, regarding his responsiveness following a recent fire that took place in the City.

Mr. Charlie Kratovil, New Brunswick Today, addressed the Board regarding the personnel matter listed on the agenda.

AUTHORITY MATTERS

ITEM: Personnel Matter

REQUEST: To approve an increase in the Chief Executive Officer's salary.

MOTION TO APPROVE: Comm. Angelo **SECOND:** Mr. Creuz **AYES: 13**

RESOLUTION ATTACHED AND MARKED EXHIBIT: 15

EXECUTIVE SESSION

The next item was to adjourn the public portion of the meeting and move into Executive Session to discuss a personnel matter. The minutes of which will become public when the need for confidentiality no longer exists.

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

RESOLUTION ATTACHED AND MARKED EXHIBIT: 16

The Board returned to Public Session.

There being no further business, on a motion by Mr. Creuz, and seconded by Ms. Antoine-Johnson, the meeting was adjourned at 12:10pm.

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