# Regional Center Partnership of Somerset County Approved Wednesday, March 17, 2021 Meeting Minutes

The meeting was convened by means of video conference.

### Name/Organization

### **Voting Members**

Jason Dameo, Vice-Chair, RCP Victoria Allen, RWJBarnabas Health Anthony Tufaro, Ethicon Somerville Filipe Pedroso, Bridgewater Twp. Council Michael Pappas, Bridgewater Administrator Andrew Fresco, Bridgewater Zachary Bray, Mayor, Raritan Borough Michael Patente, Raritan Borough Council Nick Zamora, Raritan Dennis Sullivan, Mayor, Somerville Somerville Councilwoman Jane Kobuta Deirdre Rosinski, Somerville Planning Board Rick St. Pierre, Somerville Paul Drake, Somerset County (SC) Board of County Commissioners Sara Sooy, SC Board of County Commissioners (Alternate) Bernie Navatto, SC Planning Board Walter Lane, SC Planning Division Geoffrey Soriano, SC Park Commission Chris Edwards, SC Business Partnership John Maddocks, SC Business Partnership (Alternate)

# **Non-voting County Support Staff**

James Ruggieri, SC Planning Division

### **Non-Voting Guests**

Barry Ableman, NJ Office for Planning Advocacy Phil Decker, Somerville Resident Chrys Harttraft, Somerset County Vocational & Technical Schools Chris J. Murphy, Esq., Murphy Schiller & Wilkes LLP Rich Reitman, The Reitman Group

The meeting commenced at 5:00 PM.

# **Business Items**

### Call to Order

RCP Vice-Chair Jason Dameo called the meeting to order.

### Attendance Roll Call

Principal Planner James Ruggieri read through the roll call and noted for the record the voting members that were in attendance.

### Chair's Remarks

Vice-Chair Dameo welcomed everyone to the meeting, noting that Chair Troy Fischer could not attend the meeting.

## Adoption of Meeting Minutes: January 20, 2021

Vice-Chair Dameo asked if there were any corrections to the meeting minutes; there being none, Vice-Chair Dameo asked for a motion to approve the January 20, 2021 meeting minutes. Somerville Councilwoman Jane Kobuta moved and Somerville Mayor Dennis Sullivan seconded the motion.

A voice vote was taken resulting in the following voting record:

Ayes:

16

Nays:

0

Abstentions:

0

The motion was approved.

# Adoption of Special Meeting Minutes: February 3, 2021

Vice-Chair Dameo asked if there were any corrections to the meeting minutes; there being none, Vice-Chair Dameo asked for a motion to approve the February 3, 2021 Special Meeting minutes. Raritan Mayor Zachary Bray moved and Vicky Allen, VP, Strategic Marketing, Southern & Central Region, RWJBarnabas Health seconded the motion.

A voice vote was taken resulting in the following voting record:

Ayes:

15

Nays:

0

Abstentions:

1

The motion was approved.

### Treasurer's Report for January-February 2021

Vice-Chair Dameo asked if there were any corrections concerning the Treasurer Report. There being no corrections, Vice-Chair Dameo asked for a motion to approve the Treasurer's Report for January-February 2021. Somerset County Park Commission Secretary/Director Geoffrey Soriano moved and Somerset County Planning Director Walter Lane seconded the motion.

A roll call vote was taken resulting in the following voting record:

Ayes:

Jason Dameo, Vicky Allen, Tony Tufaro, Filipe Pedroso, Michael Pappas, Andrew Fresco, Zachary Bray, Michael Patente, Nick Zamora, Dennis Sullivan, Jane Kobuta, Sara Sooy, Bernie Navatto, Walter Lane, Geoff Soriano and Chris Edwards.

Nays:

none

Abstentions:

none

The motion was approved.

### **Action Items**

There were no action items on the agenda.

# **Information Items**

## Strategic Initiatives Update

Mr. Lane noted Somerset County Business Partnership Vice-President for Economic Development John Maddocks and Chris Murphy of Murphy Schiller & Wilkes LLP are here to share their findings from their initial review of the new economic incentives legislation and to provide information for RCP to discuss regarding the next steps. Mr. Lane then turned the meeting over to Mr. Maddocks.

Mr. Maddocks explained he will provide some historic context leading up to where we are now, and Mr. Murphy will present information on the new "Emerge" incentives program.

Mr. Maddocks presented the first part of the "Draft Findings The Suburban Disadvantage Emerge Program of the Economic Recovery Act of 2020" dated March 17, 2021 (the briefing presentation) including why the Regional Center Partnership and the Somerset County Business Partnership undertook the in-depth analysis of the Grow NJ jobs attraction and retention incentives program, the case-study methodology used to help illustrate how the Regional Center and Somerset County benefited from Grow NJ, and the findings of that analysis. The findings showed that, while Grow NJ was very helpful for saving many jobs from leaving the Regional Center (e.g., LabCorp) and Somerset County, the Grow NJ program was clearly biased towards certain major urban centers of the state versus suburban areas like the Regional Center.

In 2018 it was further recognized that, with expiration of the Grow NJ program looming, there was a unique opportunity for the Somerset County Regional Center to influence revised or replacement business incentives legislation that would better represent the economic interests of the Regional Center and Somerset County. Mr. Maddocks summarized the four "priorities" for revised or replacement legislation that were developed and communicated to the legislature and the Governor's office. Unfortunately, the legislature and Governor Phil Murphy were at an impasse and on June 30, 2019 the NJ Economic Opportunity Act of 2013 -and with it Grow NJ -expired with no new business incentives program in place. Not until December 2020 would new legislation be introduced and passed and be signed into law by Governor Murphy in January 2021 creating the NJ Economic Recovery Act of 2020 (NJ ERA) and with it the new "Emerge" economic incentives program. Mr. Maddocks noted the Business Partnership was asked to conduct an analysis of the new Emerge program, determine where we may have had successes in communicating our priorities, and to determine what the program looks like now for the Regional Center. Mr. Maddocks then turned the meeting over to Mr. Murphy.

Mr. Murphy thanked everyone for taking the time to hear the results of their analysis of the new legislation. Mr. Murphy noted Emerge is the successor program to Grow NJ and is very similar to Grow NJ with some distinct differences including award caps and recognition of the State Development and Redevelopment Plan's Planning Areas 1 and 2 and designated centers as eligible areas which affects the Regional Center; there are also changes to the business retention provisions that are concerning. Mr. Murphy described the minimum Emerge program

requirements, the Emerge Program Award Structure, and the results of the analysis of the program's provisions which revealed that we were successful in getting certain key changes built into the new legislation including the elimination of the "90% limiter" and inclusion of Planning Areas (PA) 1 and 2 and Designated Centers thereby greatly reducing the funding gap between competing urban and suburban areas. However, there is still a distinct "suburban disadvantage" in that the new program has language in the definition of an "incentive area" by requiring any project within a PA 2 of a designated center to be within a half mile of a transit hub. Referring to the map shown in the presentation, Mr. Murphy pointed out how a large area of the Regional Center is in PA 2 and how any project in the PA 2 portion of the Regional Center would automatically be disqualified from receiving state incentive assistance under Emerge based on the legislation's definition of an "incentive area." Mr. Murphy noted this is a lot of information to present and offered to answer any questions.

Mr. Maddocks noted that we were successful in communicating over the past year and a half the message to the legislators of the importance to include designated transit villages, towns with NJ Main Street programs, PA 1 and 2 and centers but where we clearly failed to communicate was the critical importance to preserve the jobs retention aspect of the legislation. Because the legislation was rushed through the adoption process in December, given the large size of the legislation, there is a movement to do a "clean-up" bill of the new legislation creating NJ ERA. As illustrated in the presentation, Mr. Maddocks described the proposed "strikethrough" of the objectionable language in the definition of an "incentive area" to eliminate the half mile within transit provision which, if eliminated, would result in qualifying the entire Regional Center for the program. Mr. Maddocks said this is what has been discovered so far. What needs to happen is for the RCP to discuss how RCP would want to proceed from here. Mr. Maddocks added that he wanted to recognize the work of Chris Murphy, Melissa DeFreest of the Business Partnership for helping prepare the briefing presentation and Aarthy Sabesan of Somerset County Planning Division for preparing the map. An interactive map will be provided that will allow the user to hover over specific buildings to see which of them would qualify.

Mr. Lane noted that overall it is good to see that the legislators did take our recommendations into consideration; there are just some tweaks to the language that need to be made to make sure all of the Regional Center is included in the program's provisions. Mr. Lane added that we have been provided a menu of possible options to consider and welcomed input from the group on how to proceed.

Discussion followed. The conclusion was that everyone was in agreement to request the legislators to strike from the legislation the language in the "incentive area" definition stipulating the half mile from transit for projects in PA 2 area of a designated center. Everyone also agreed that the next step is to distribute a letter to the legislators who represent Somerset County to bring to their attention this issue and the requested change. Mr. Maddocks will help draft the letter. At the request of Vice-Chair Dameo, Mr. Maddocks will prepare a package to send everyone consisting of today's briefing presentation, the updated Suburban Disadvantage Report, and a link to the map.

NJ Office for Planning Advocacy Principal Planner Barry Ableman requested if he could share today's briefing presentation and the updated Suburban Disadvantage Report internally with NJ Business Action Center (NJBAC) Executive Director Melanie Willoughby and NJ Office for Planning Advocacy Director Donna Rendeiro. Some discussion followed. Mr. Lane noted that, while building consensus with partner agencies with the Strategic Initiatives is certainly beneficial, the decision needs to be made by the RCP members since the funding for this initiative began with RCP. The consensus among the members was to allow Mr. Ableman to share the presentation and updated Suburban Disadvantage Report internally as requested. Bridgewater Township Administrator Mike Pappas suggested having a one-on-one telephone discussion with NJBAC and NJ Office for Planning Advocacy and offered to be a participant and draw upon past experience with the state. Everyone supported the idea of having a RCP delegation consisting of designated representatives such as the mayor or administrator from each of the three Regional Center towns, RCP Executive Committee, Mr. Lane and the Business Partnership. Mr. Maddocks will coordinate this with Mr. Ruggieri. Vice-Chair Dameo thanked Messrs. Murphy, Maddocks and Lane for all their hard work on this issue.

### **Marketing Update**

Marketing Consultant Rich Reitman reported that he has been reviewing media for possible newsletter content, has been preparing the draft annual report for 2020, and working with staff to resolve technical website access issues. Mr. Reitman issued the Rain Barrel Rebate program press release. He has also been working on the May newsletter and revamping the Facebook page.

# Municipal and Other Reports:

Somerville Mayor Sullivan reported that, in connection with the Somerville transit-oriented development, construction of the parking deck behind the train station is well underway, that deposits have been made on 30 of the for-sale condominiums, and that the developer hopes to have models open by April. On West Main Street, the Somerville Town Center Phase 3 parking deck is taking shape. On the east end of town, the Parkview Apartments east wing building that suffered last year's fire is under construction with a re-opening projected for September. There have been ribbon-cutting ceremonies for new retail shops that opened along Main Street.

Raritan Mayor Bray reported the Sustainable Economic Development Plan is moving along very well thanks to the hard work of Raritan Planner Angela Knowles. The Raritan Crossings ribbon cutting opening was pushed back a few weeks but should be happening soon. There are some new applications being studied by Planning Board. The Borough had a productive meeting with new owners of the Raritan Mall on Orlando Drive; hopefully the new owners will figure out how to populate or rework that area. Raritan has had a few new businesses open in town recently.

**Bridgewater** Mr. Pappas shared that the RCP Challenge Grant for the revitalization of the Shop Bridgewater program continues to move forward with positive responses from local businesses. The Planning Board approved the Thor Equities 55,000 square foot life sciences building project on Route 202-206 just north of the Regional Center. The Township is reviewing the Bridgewater Township Master Plan to ensure the master plan is reflective of what the community is supporting so the Township is looking forward to a positive result from this.

# **Somerset County Park Commission**

Mr. Soriano reported the Park Commission is going full steam ahead with their regular programming. They will not be able to have the 4<sup>th</sup> July celebration this year at North Branch County Park; however, the plan is to have all regular programming in place this year including Warrenbrook Pool, the spray park at Colonial Park and all other regular programs, but there needs to be some Executive Orders from the Governor's office to scale back some of the COVID-19 restrictions currently in place. Mr. Soriano encouraged everyone who is a golfer to get out and play on the County's golf courses.

### **Somerset County Board of County Commissioners**

Somerset County Commissioner Deputy Director Sara Sooy thanked everyone for supporting the ongoing Strategic Initiatives analysis work concerning the impact of the NJ ERA legislation on the Regional Center and Somerset County, noting that this work started back in 2018 and the County is glad to see the progress being made. Somerset County Commissioner Paul Drake also expressed appreciation for this work.

# **Public Comment Period**

There were no public comments regarding any items not on the agenda.

### Adjournment '

There being no further discussion, the meeting was adjourned.

# **Regional Center Partnership of Somerset County**

# Treasurer's Report for March 1 thru April 30, 2021

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	Business Checking 3/1/21 thru 4/30/21				Money Market Accord	
Starting Bal.	as of 3/1/2021:	\$6,351.38	5	Starting Bal	. as of 3/1/2021:	\$193,635.46
· ·	less expenses:					
<u>Date</u>	<u>Item</u>	<u>Amount</u>		Date	Item	Amount
3/3/21 3/30/21	The Reitman Group The Reitman Group	\$1,583.33 \$1,583.33		03/04/21	transfer to Checking	-\$25,000.00
				03/12/21	Boro of Somerville	\$10,890.00
				03/31/21	interest	\$7.52
				04/30/21	interest	\$7.38
				ending	bal as of 4/30/21	\$179,540.36
s	subtotal of expenses:	\$3,166.66				
Deposits 03/04/21	3/1/21 thru 4/30/21 Dep from Money Market acct	\$25,000.00				
subtotal of d	leposits	\$25,000.00				
	ance (checking) ses and deposits:	\$28,184.72				
Sum of chec accounts:	king and money market		\$207,725.08			
Less total Co	ommitted But Not Expend:		<u>\$147,692.70</u>			

\$60,032.38

Uncommitted Funds

# **Regional Center Partnership of Somerset County**

# Treasurer's Report for March 1 thru April 30, 2021

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# Table Showing Amounts Committed but Not Expended

	Project			
Budget	Initiation	n Munic		Current
<u>Year</u>	<u>Year</u>	or RC	Committed Acount Name	<u>Balance</u>
2017		BW	(reserved for Bridgewater Creative Placemakg Grant)	\$15,000.00
2017	2018	RT	Raritan Ped Safety Chall Grant StreetSmart Campaign	\$5,375.00
2017	2018	RT	Raritan Ped Safety Chall Grant Traffic Striping Imp	\$4,250.00
2018	2019	RC	Allocation for Website Upgrade	\$4,001.00
2018		RC	Strategic Marketing Plan & Implementation Activities	\$30,000.00
2018	2019	RC	Strategic Initiatives	\$15,000.00
2018	2019	SV	Phase 2 Pedestrian Safety Enhancmt Challenge Grants	\$7,500.00
2020	2020	RC	Principal Marketing Services (contract Year 1)	\$3,166.70
2020	2021	BW	Resiliency & Economic Recovery Challenge Grant	\$20,000.00
2020	2020	RT	Resiliency & Economic Recovery Challenge Grant	\$20,000.00
2020	2021	SV	Resiliency & Economic Recovery Challenge Grant	\$20,000.00
2020	2021	RC	Audit and tax-related servuices for year 2020	\$3,400.00

TOTAL: \$147,692.70

# **Regional Center Partnership of Somerset County**

# Treasurer's Report for March 1 thru April 30, 2021

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Anticipated Revenue for 2021 (excluding interest payments from Money Mkt acct)

Somerset Co	\$65,792.25
Bridgewater	\$10,890.00
Raritan	\$10,890.00

Total Anticipated Revenue \$87,572.25

# Regional Center Partnership of Somerset County Treasurer's Report for March 1 thru April 30, 2021

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# Raritan River Rain Barrel Rebate Program

3/1/21 thru 4/30/21

Starting Bal. as o	of 3/1/2021:		\$3,677.35
<u>Date</u>	<u>Item</u>	Amount of <u>Deductions</u>	
		\$0.00	
subtotal of dedu	ctions:	\$0.00	
ending balance	after deductions		\$3,677.35
Deposit (if any)			
subtotal of any I	Deposits	\$0.00	
ending Balance	after any Deposits:		\$3,677.35

# REGIONAL CENTER PARTNERSHIP OF SOMERSET COUNTY

# **Business Meeting of March 17, 2021**

Join Zoom Meeting <a href="https://us02web.zoom.us/j/89783968613">https://us02web.zoom.us/j/89783968613</a>

Meeting ID: 897 8396 8613 One tap mobile +1-929-205-6099 Access Code: 89783968613#

### **AGENDA**

### **BUSINESS ITEMS**

- 1. Call to Order
- 2. Roll Call
- 3. Chair's Remarks:
- 4. Adoption of Meeting Minutes: January 20, 2021
- 5. Adoption of Special Meeting Minutes: February 3, 2021
- 6. Adoption of Treasurer's Report for January-February 2021

# **ACTION ITEMS**

"Public comments will be entertained at this time regarding any action item. All comments shall be directed to the Chair and limited to three (3) minutes per speaker."

# **INFORMATION ITEMS**

- 7. Strategic Initiatives Update
- 8. Marketing Update
- 9. Municipal and Other Reports

### **PUBLIC COMMENT PERIOD**

Public comments will be entertained at this time regarding any items not on the agenda. All comments shall be directed to the Chair and limited to three (3) minutes per speaker.

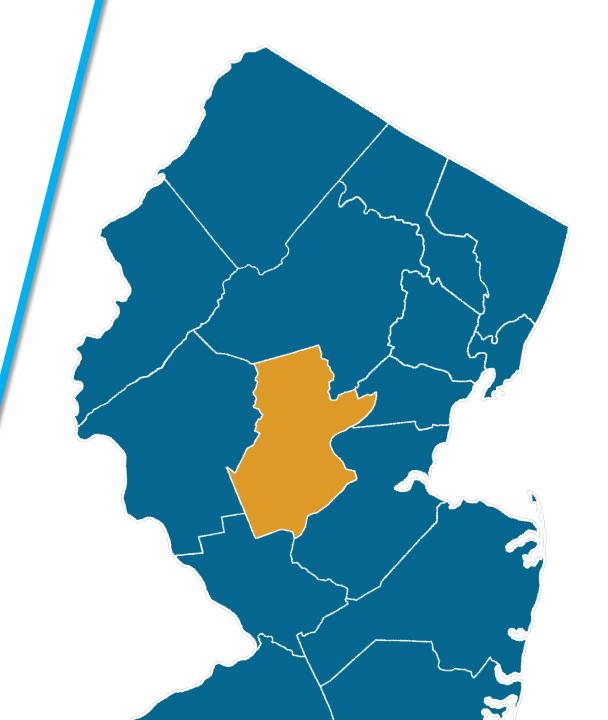
Next Meeting Date: Wednesday, May 19, 2021 at 5:00PM



# Draft Findings The Suburban Disadvantage Emerge Program of the Economic Recovery Act of 2020

March 17, 2021
John Maddocks & Chris Murphy





The Suburban Disadvantage

Why We Started This Effort

It had long been a concern that the Grow NJ business incentives program was not benefitting Somerset County, NJ in general, and the Somerset County Regional Center in particular, when competing for jobs and private sector economic investment.

It was further recognized that, with expiration of the Grow NJ program looming, there was a unique opportunity for the Somerset County Regional Center to influence revised or replacement business incentives legislation. It was agreed that this effort would focus on understanding the Grow NJ program and using that knowledge to craft recommendations for revised or replacement legislation that would benefit the Somerset County Regional Center.

As a result of this recognition and the opportunity it presented, the Somerset County Business Partnership agreed to perform the following Scope of Work under a grant agreement with the Somerset County Regional Center.



# The Suburban Disadvantage

# Why We Started This Effort



1. Analyze the Grow NJ program and its impact (or lack thereof) on Somerset County, NJ. This analysis will inform discussions with elected officials on how to best make changes to the program in a way that would positively affect the County and its ability to attract businesses through the help of economic incentive programs.



2. Research and analyze the Grow NJ program and develop a coordinated strategy related to making substantive changes to the current program and any future incentive program offered through the State of New Jersey.



3. Conduct primary research related to the Grow NJ program, including researching and documenting past state economic incentive awards, analyzing awards to businesses in Somerset County versus those in other areas of the state, and providing an analysis of Somerset County's competitive position (i.e., workforce, education, taxes, etc.).



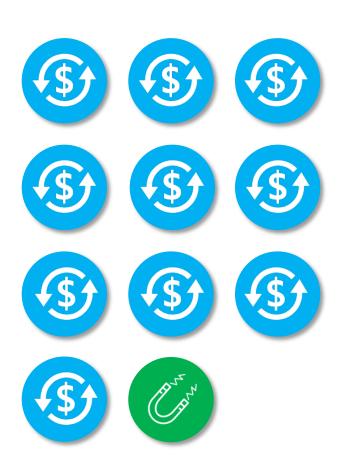
4. Provide the Somerset County Regional Center Partnership, Inc. with a memorandum outlining the State's economic incentive programs, incorporating the research listed above, and listing suggested changes to the current Grow NJ program.



5. Provide an Action Plan for Somerset County, NJ, the Somerset County Regional Center Partnership, Inc, and the Somerset County Business Partnership to achieve the goal of increasing the incentives available to business seeking to locate in Somerset County in order to allow the County to be competitive with other regions of the State.

The Suburban Disadvantage Grow NJ-What We Found

# Retention Incentives Have Been Key for Somerset County



- 10 of 11 Grow NJ awards in Somerset County have been retention projects
- 1 of 11 awards was a job attraction project

The Suburban Disadvantage By The Numbers

# 11 Grow NJ Projects Have...



Helped Somerset County retain 4,877 jobs while attracting 50 jobs



Resulting in over **\$390 million** in private capital investment



# The Suburban Disadvantage Grow NJ Case Study

# **Confirming the Disadvantage**

200 Full time jobs \$2 million capital investment 20,000 sq. ft. commercial office

	Jersey City Waterfront	Somerville
Base Credit	\$5,000 (distressed municipality)	\$3,000 (priority area)
Bonus Credit (transit-oriented development)	\$2,000	\$2,000
Bonus Credit (targeted industry)	\$500	\$500
Annual Credit per job	\$7,500	\$5,500
Total Grow NJ Award over 10 years	\$15.5 million	\$4.12 million

<sup>\*</sup>For a project located in a priority area, the award will be the lesser of the gross calculated amount (i.e., \$11MM or 90% of the withholding taxes generated at the facility. Based on a median salary of \$75,000, 90% of the withholding taxes for 200 jobs would be approximately \$4.12 as opposed to \$11,000,000.

The Suburban Disadvantage
What We Asked For In A New or Revised Program
Principles and Priorities

# **Priority #1:**

Business assistance programs should be linked directly to job creation and/or retention and private sector economic investment.



# Priority #2:

Business assistance programs should be available to every community in NJ seeking a better economic future for its residents



# Priority #3:

Business assistance programs should be tied to the NJ State Development and Redevelopment Plan; specifically recognizing Planning Areas and Designated Centers



# Priority #4:

Business assistance programs should recognize proper land use, master planning, and economic development strategies at the local and county levels including:

- Locally designated areas in need of redevelopment
- Brownfields redevelopment areas
- Main Street NJ designated communities
- Transit Village designated communities
- Priority Growth Areas in County Master Plans



The Suburban Disadvantage Where We Are Today

# **The Economic Recovery Act of 2020**

After a year and a half with no statewide business incentives program, the New Jersey Legislature, in a four-day period near the end of December 2020, passes the Economic Recovery Act of 2020. The legislation is later signed into law on January 7, 2021.

One provision of the Act, the Emerge Program, is identified as the successor to the Grow NJ program. The Emerge Program includes:

- Award "caps"
- Community involvement requirements
- Recognition of Designated Centers and Planning Areas 1 & 2
- Continues reliance on the Municipal Revitalization Index
- Business retention provisions



# The Suburban Disadvantage Emerge Program Minimum Requirements

# **New Jobs (Attraction Projects)**

Industry / Type of Business	Number of New Jobs Required
Small Businesses	25% growth of existing workforce
Businesses in Targeted Industries	25 new full-time jobs
All Other Businesses	35 new full-time jobs

<sup>&</sup>quot;Small business" means a business engaged primarily in a targeted industry with fewer than 100 employees, as determined at the time of application.

# **Existing Jobs (Retention Projects)**

For projects involving the retention of a New Jersey-based business, for each retained full-time job, the available tax credits will be 50 percent of the amount eligible for the creation of new full-time jobs.

Project Location	Number of Retained Jobs
Qualified Incentive Tract or	500 + Retained Jobs
<b>Government Restricted</b>	
Municipality	
All Other Areas	1000 + Retained Jobs

<sup>&</sup>quot;Targeted industry" means any industry identified from time to time by the authority which shall initially include advanced transportation and logistics, advanced manufacturing, aviation, autonomous vehicle and zero-emission vehicle research or development, clean energy, life sciences, hemp processing, information and high technology, finance and insurance, professional services, film and digital media, and non-retail food and beverage businesses, including food innovation, and other innovative industries that disrupt current technologies or business models.

# The Suburban Disadvantage Emerge Program Award Structure

Location	Base Amount, Per Job, Per Year	Max Amount (base + bonus), Per Job, Per Year
GRMs – Trenton, Paterson, Atlantic City or Mega Project	\$4,000	\$8,000
Enhanced Areas (including Jersey City, Hoboken, Newark, Elizabeth, Passaic, New Brunswick, East Orange, Paulsboro, Camden, and Salem	\$3,500	\$6,000
Distressed Municipalities (27 total)	\$3,000	\$5,000
Employment/Investment Corridors and OZs not included above (also TODs, incubators or occupancy of a 400,000 SF vacant building	\$2,500	\$4,000
Other Eligible Areas	\$500	\$3,000

# The Suburban Disadvantage Emerge Program

# **Case Study Based On Legislative Provisions**

	70 Hudson	Post Office Plaza	<b>Grande Commons</b>
Base Credit	\$3,500	\$2,500	NA
<b>Bonus Credit (targeted industry)</b>	\$500	\$500	NA
Bonus Credit (childcare)	\$1,000	\$1,000	NA
Annual Credit Per New Job	\$5,000	\$4,000	NA
<b>Total Emerge Award (over 7 years)</b>	\$7,000,000	\$5,600,000	NA

Somerville is in Planning Area 1, therefore it is Incentive Area and further an Employment and Investment Corridor. Because Somerville is in Planning Area 1, there is no qualifier that the project location needs to be within ½ mile from a transit hub. However, the Grande Commons location in Bridgewater does not qualify as an Incentive Area under Emerge and is therefore not eligible under the Emerge program. This location in Bridgewater is in a Planning Area 2 and is not within ½ mile of a transit hub. Therefore, it does not meet the criteria under the Incentive Area definition and is not eligible for incentives under the Emerge program.



# The Suburban Disadvantage Emerge Program

# **Opportunities Moving Forward**

The NJ Economic Development Authority has been granted six months to craft rules and regulations governing program requirements, application processes, fees, and other and administrative aspects of the Emerge Program. The "rule-making process' presents an opportunity to comment, particularly where there is room for interpretation of legislative intent.

There has reportedly been informal indications that "clean-up" legislation will be put forth in the next several months. Legislation revising specific program provisions presents an opportunity to seek language that would be beneficial to local interests.

"Incentive area" means ... (d) an area designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning Area); or a Designated Center under the State Development and Redevelopment Plan; [provided an area designated as Planning Area 2 (Suburban) or Planning Area 3 (Fringe Planning Area) or a Designated Center shall be located within a one-half mile radius of the mid-point, with bicycle and pedestrian connectivity, of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations, or a high frequency bus stop as certified by the New Jersey Transit Corporation.]

# The Suburban Disadvantage Emerge Program

# **Strategies Moving Forward**



# 1. Establish regulatory and legislative requests

Ex: Strike language in the definition of "Incentive Area" to eliminate the "one half mile radius" provision connected to transit facilities

Ex: Significantly reduce, or eliminate by other means, the onerous minimum job requirements for retention projects

Ex: Provide comment of specific rules proposals



# 2. Begin legislative outreach

Ex: Communicate our requests to the Somerset County Legislative Delegation

Ex: Request opportunities to testify before Senate and Assembly Committees

Ex: Meet with Senate and Assembly staff

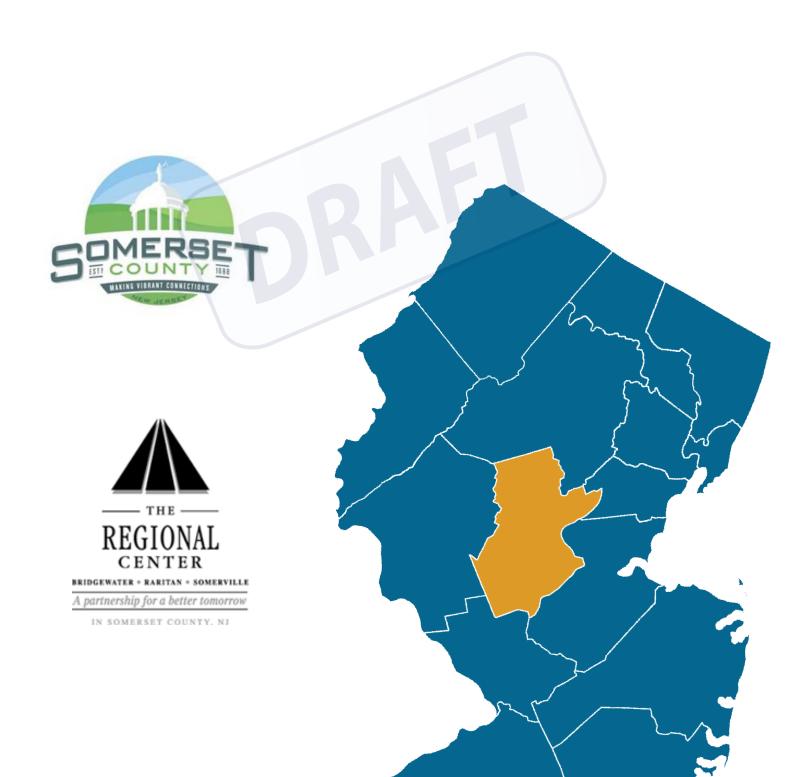


# 3. Engage partners

Ex: NJ league of Municipalities

Ex: NJ Association of Counties

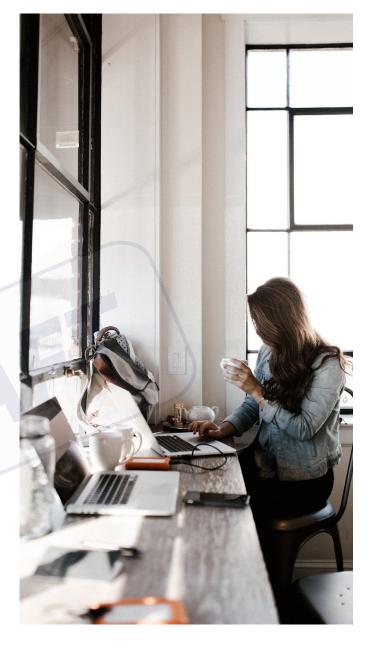
# The Suburban Disadvantage



# I. Introduction

In September of 2013, then-Governor Chris Christie signed into law the Economic Opportunity Act of 2013 (the "EOA"). Among the programs created under the EOA was the Grow New Jersey Assistance Program ("Grow NJ"), an aggressive jobs-based tax credit program aimed at attracting new, and retaining existing, full-time jobs in the State of New Jersey. The Grow NJ program was incredibly popular and (by some metrics) wildly successful, with over 250 awards totaling over \$4.7 billion in eligible tax credits. Once completed, the 250 projects will drive over \$4.5 billion in private capital investment, create over 30,000 new jobs, and help retain over 36,000 jobs at risk of leaving the State.

In 2019, the Somerset County Business Partnership, in partnership with the Somerset County Regional Center Partnership, endeavored to explore the benefits, or lack thereof, of the EOA and specifically, the Grow NJ program. The findings of this research were outlined in a report titled "The Suburban Disadvantage" (the "Report"). The findings were eye opening, to say the least. Of the 250 projects awarded incentives under the Grow NI program, only one (1) job attraction award (i.e., a project involving the attraction of a new business to Somerset County - as opposed to a project aimed at retaining jobs) was awarded to a project in Somerset County. This award was for a business projected to create 50 new full-time jobs in the County. In contrast, the retention component of the Grow NJ program (i.e., the portion of the program aimed at helping to retain businesses in the State) was incredibly impactful to Somerset County, with ten (10) projects resulting in the retention of 4,877 full-time jobs and over \$390 million in private capital investment in Somerset County.



The Report shed light on what was colloquially called the "90 Percent Limiter." The 90 Percent Limiter applied to what were defined as Priority Areas under the Grow NJ program. These Priority Areas included most suburban municipalities in the State. For projects located in Priority Areas, awards were limited to the lesser of a smaller base tax credit and additional bonus credits or 90 percent of the withholding taxes generated at the project location. This was devasting in most cases – significantly reducing the size of awards in suburban municipalities, as projects in urban centers throughout the State benefited from large base credits and bonuses and higher caps. One of the main takeaways from the Report was that the 90 Percent Limiter needed to be eliminated under any future jobs-based incentive program.

The EOA, and the programs created under it (including Grow NJ), expired in July of 2018. In the eighteen (18) months following the expiration of the EOA, the State – for the first time in over 25 years – did not have an active jobs-based incentive program.

In late December 2020, the New Jersey State Legislature passed the Economic Recovery Act of 2020 (the "ERA"), comprehensive incentives legislation that was signed into law by Governor Phil Murphy in January 2021. The ERA created multiple incentive programs, including a jobs-based tax credit program called Emerge, a gap financing incentive for urban development projects called Aspire, and multiple financing programs aimed at supporting small businesses.

The focus of this analysis will be on the Emerge program – the successor to Grow NJ – and to determine how Emerge will benefit areas within the Somerset County Regional Partnership. It will strive to answer multiple questions. First, will the Emerge program be a better tool to help attract and retain talent within the Somerset County Regional Center? Is the Emerge program better than Grow NJ in that respect? Further, in competing with other municipalities throughout New Jersey, has the Emerge program closed the incentives gap, where one so obviously existed under the Grow NJ program?

# II. The Emerge Program



The Emerge program is the successor to the Grow NJ and is now the State's main job attraction (and in limited cases, retention) incentive program. It has many of the same programmatic requirements as Grow NJ, including a jobs-based requirement and a capital investment requirement. Key features of Emerge include an overall program cap, a cap on the amount of tax credits allowed per job, and specific requirements related to community involvement. The awards under Emerge will be smaller than those under Grow NJ throughout the State, including in the most distressed urban markets (see Section III below). This can be thought of as a victory, as the goal has always been to close the gap in awards to allow for suburban markets to compete from an incentives perspective.

The most important change contained in the Emerge program is the elimination of the 90 Percent Limiter. At first blush, this looks like a major victory for suburban markets throughout the State, and some-

thing that should greatly benefit Somerset County. However, notwithstanding this important change, a small change to the definition of "Incentive Area" will have a devasting impact on suburban municipalities throughout the State. In the limited scope of how Emerge benefits the Regional Center, this problem is limited (as will be further described under Section II below) – as only a small percentage of the Regional Center is not eligible under that Emerge program (as described below in Section II).

Further problematic is the near elimination of the retention component of the program. As stated above, the retention component of the Grow NJ program was incredibly important to saving jobs in Somerset County. Without this component, Somerset County may have lost nearly 5,000 full-time jobs between 2013 – 2018. Under Emerge, there is a limited retention component, which will only apply in a small number of cases.

# I. Program Eligibility

# a. Incentive Area(s), Tax Credit Amounts, Maximum Tax Credit Amounts

To qualify under the Emerge program, a business must create or retain (in limited cases) a certain number of full-time jobs and spend a certain amount in capital investment costs at a qualified business facility located in an incentive area.

Like the Grow NJ program, an eligible project must be in an Incentive Area<sup>1</sup>. While the Emerge program appears to apply to projects statewide, the definition of Incentive Area is troubling. Specifically, for projects located in Planning Area 2 or Designated Centers, the project must be located within a one-half mile radius of the mid-point with bicycle and pedestrian connectivity, of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations, or a high frequency bus stop as certified by the New Jersey Transit Corporation.

In contrast, Planning Area 2 and Designated Center(s) throughout the State qualified as "Qualified Incentive Areas" under the Grow NJ program. While Planning Area 2 and Designated Center(s) further qualified as Priority Areas under the Grow NJ program (which limited the size of the awards), the Grow NJ program did not limit the eligibility of these areas based on proximity to transit. As will be outlined under Section III of this analysis, the impact of this change will be devasting to many suburban office locations throughout the State. Fortunately, the Somerset County Regional Center is mostly in Planning Area 1, meaning that most of the Regional Center qualifies as an Incentive Area under the Emerge program.

Notwithstanding this important distinction, the chart below outlines the eligible Incentive Areas, the base tax credit and bonus credits available, and the tax credit limits associated with each location.

- 1"Incentive area" means:
- a. an aviation district;
- b. a port district;
- c. a distressed municipality or transit hub municipality;
- d. an area designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning Area); or a Designated Center under the State Development and Redevelopment Plan, provided an area designated as Planning Area 2 (Suburban) or Planning Area 3 (Fringe Planning Area) or a Designated Center shall be located within a one-half mile radius of the mid-point, with bicycle and pedestrian connectivity, of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations, or a high frequency bus stop as certified by the New Jersey Transit Corporation.
- e. an area located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);
- f. an area located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 2 (C.13:17-4);
- g. an area located within a regional growth area, rural development area zoned for industrial use as of the effective date of P.L.2016, c.75, or town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
- h. an area located within a government-restricted municipality;
- i. an area located within land approved for closure under any federal Commission on Base Realignment and Closure action;
- j. an area located within an area designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 4A (Rural Planning Area, Planning Area 4B (Rural/Environmentally Sensitive), or Planning Area 5 (Environmentally Sensitive), or Planning Area 5 (Environmentally Sensitive), or Planning Area 5 (Environmentally Sensitive) is located within: (1) a designated center under the State Development and Redevelopment Plan; (2) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas; (3) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14); (4) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided the expansion otherwise complies with all applicable federal, State, county, and local permits and approvals; or (5) any area on which an existing tourism destination project is located; or
- k. an area located in a qualified opportunity zone.

Incentive Area	Base Tax Credit (per job, per year)	Bonus Credits (per job, per year)	Max Amount (base + bonus, per job, per year)
Government Restricted Municipalities and Mega Projects <sup>2</sup>	\$4,000	\$250 - \$5,000	\$8,000
Enhanced Areas <sup>3</sup>	\$3,500	\$250 - \$3,000	\$6,000
Distressed Municipali- ties <sup>4</sup>	\$3,000	\$250 - \$3,000	\$5,000
Employment/Invest- ment Corridors <sup>5</sup>	\$2,500	\$250 - \$3,000	\$4,000
Other Eligible Areas <sup>6</sup>	\$500	\$250 - \$3,000	\$3,000

<sup>&</sup>lt;sup>2</sup> "Government-restricted municipality" means a municipality in this State with a municipal revitalization index distress score of at least 75, that met the criteria for designation as an urban aid municipality in the 2019 State fiscal year, and that, on the effective date of P.L., c. (C.) (pending before the Legislature as this bill), is subject to financial restrictions imposed pursuant to the Municipal Stabilization and Recovery Act, P.L.2016, c.4 (C.52:27BBBB-1 et seq.), or is restricted in its ability to levy property taxes on property in that municipality as a result of the State of New Jersey owning or controlling property representing at least 25 percent of the total land area of the municipality or as a result of the federal government of the United States owning or controlling at least 50 acres of the total land area of the municipality, which is dedicated as a national natural landmark.

<sup>&</sup>lt;sup>3</sup> "Enhanced area" means (1) an urban transit hub as defined in section 2 of P.L.2007, c.346 (C.34:1B-208), (2) the five municipalities with the highest poverty rates according to the 2017 Municipal Revitalization Index, and (3) the three municipalities with the highest percentage of SNAP recipients according to the 2017 Municipal Revitalization Index.

<sup>&</sup>lt;sup>4</sup> "Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

<sup>&</sup>lt;sup>5</sup> "Émployment and Investment Corridor" means the portions of the qualified incentive area that are not located within a distressed municipality and which:

a. are designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center under the State Development and Redevelopment Plan, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition;

b. intersect with portions of: a port district, a qualified incentive tract, or federally-owned land approved for closure under a federal Commission on Base Realignment and Closure action;

c. are the proposed site of a qualified incubator facility, a tourism destination project, or transit oriented development; or

d. contain: a vacant commercial building having over 400,000 square feet of office, laboratory, or industrial space available for occupancy for a period of over one year; or a site that has been negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

<sup>&</sup>lt;sup>6</sup> "Other eligible area" means the portions of the incentive area that are not located within a distressed municipality, or the employment and investment corridor.

Along with the base tax credit amounts, which are determined by project location, there are eighteen (18) bonuses ranging from \$250 - \$3,000 (and in the case of projects located in Government Restricted Municipalities or Mega Projects ranging from \$250 - \$5,000). These include bonuses for projects located in municipalities with a MRI Index Score greater than 50, large capital investment for industrial or R&D facilities, large number of new full-time jobs, the establishment of industry specific training programs, businesses identified as small businesses and/or targeted industries, high median salaries, projects located in a qualified incentive tract, qualified incubator facilities, the establishment of a labor harmony agreement, reimbursement of employee childcare expenses (or the establishment of childcare on site), establishment of prisoner reentry program, projects exceeding LEED standards, partnerships with college or university, projects generating solar on site, and corporate board diversity.

For projects involving the retention of a New Jersey-based business, for each retained full-time job, the available tax credits will be 50 percent of the amount eligible for the creation of new full-time jobs.

# b. Job Creation / Job Retention

To be eligible, the Emerge program requires that the applicant business must create and/or retain a minimum number of full-time jobs. The minimum threshold for job creation varies based on industry, while the minimum threshold for job retention varies based on location.

For new job attraction projects, the jobs minimum is as follows:

Industry / Type of Business	Number of New Jobs Required
Small Businesses <sup>7</sup>	25% growth of existing workforce
Businesses in Targeted Industries <sup>8</sup>	25 new full-time jobs
All Other Businesses	35 new full-time jobs

For existing job retention projects, the jobs minimum is as follows:

Project Location	Number of Retained Jobs Required
Qualified Incentive Tract <sup>9</sup> or Government Restricted Municipality	500 + retained jobs
All Other Areas	1,000 + retained jobs

<sup>&</sup>lt;sup>7</sup> "Small business" means a business engaged primarily in a targeted industry with fewer than 100 employees, as determined at the time of application.

<sup>&</sup>lt;sup>8</sup> "Targeted industry" means any industry identified from time to time by the authority which shall initially include advanced transportation and logistics, advanced manufacturing, aviation, autonomous vehicle and zero-emission vehicle research or development, clean energy, life sciences, hemp processing, information and high technology, finance and insurance, professional services, film and digital media, and non-retail food and beverage businesses, including food innovation, and other innovative industries that disrupt current technologies or business models.

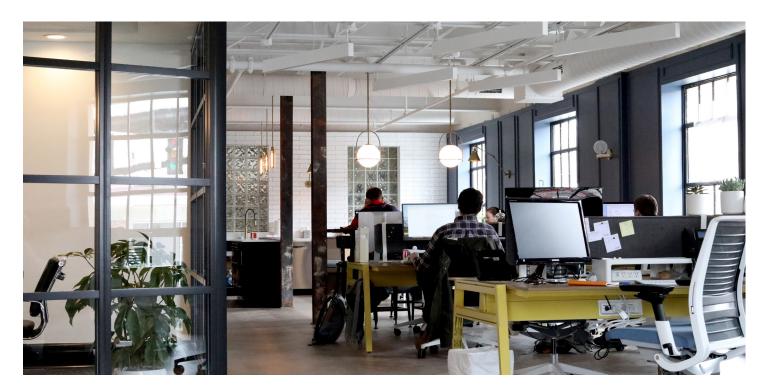
<sup>&</sup>lt;sup>9</sup>"Qualified incentive tract" means: a. a population census tract having a poverty rate of 20 percent or more; or b. a census tract in which the median family income for the census tract does not exceed 80 percent of the greater of the Statewide median family income or the median family income of the metropolitan statistical area in which the census tract is situated.

As discussed earlier, there are significant limits on the applicability of the retention component of the Emerge program. This is concerning, as the retention component of the Grow NJ program was highly impactful in Somerset County. As described in The Suburban Disadvantage Report, the retention component of the Grow NJ program played a significant role in helping to retain large corporations in suburban area throughout the State, including Somerset County. In fact, of the eleven (11) Grow NJ projects in Somerset County from 2013 - 2018, ten (10) were retention projects (i.e., businesses threatening to leave the State). These projects resulted in the retention of 4,877 full-time jobs and over \$390 million in private capital investment in Somerset County. There was a consensus upon the expiration of the EOA (and Grow NJ) that a program aimed at retaining jobs in the State would be critical. The exclusion of any real retention component under Emerge is highly problematic.

# c. Capital Investment Requirement

Like Grow NJ, in addition to the job creation/retention requirement, the premises which the business occupies (owns or leases) (the "Qualified Business Facility") must meet the following capital investment requirements per square foot of gross leasable space.

Type of facility	Investment per square foot	
Rehab, improvement, fit out, retrofit of existing industrial, warehousing, logistics, or R&D facility	\$20 per square foot	
New construction of industrial, warehousing, logistics, or R&D facility	\$60 per square foot	
Rehab, improvement, fit out, retrofit of existing office space	\$40 per square foot	
New construction of office space	\$120 per square foot	
Small Businesses	No capital investment required	



# III. Site Selection Hypothetical

The purpose of this section is to provide a hypothetical corporate relocation scenario. It will compare the following locations under both the Emerge program and Grow NJ:

- 1. 70 HUDSON (70 Hudson Street, Jersey City, NJ) 433,197 square foot Class A office building located on the Jersey City Waterfront. This building is in an Enhanced Area under Emerge and an Urban Transit Hub municipality under Grow NJ.
- 2. **POST OFFICE PLAZA BUILDING (50 Division Street, Somerville, NJ)** 73,068 square foot Class A office building located in Downtown Somerville. This building is in an Employment and Investment Corridor under Emerge and a Priority Area under Grow NJ.
- 3. GRANDE COMMONS (440 Route 22 East, Bridgewater, NJ) 200,000 square foot Class A office building located in Bridgewater. This building is not in an Incentive Area under Emerge but was in a Priority Area under Grow NJ.

For the purposes of this example, we will assume the following set of facts:

A financial services technology firm is currently located in Midtown Manhattan (NYC). Due to the COVID-19 health crisis, and in an ongoing effort to minimize costs and occupancy requirements, along with a desire to relocate to accommodate a workforce that has largely moved outside of NYC, the business has decided that it will relocate from its current location to a new facility in either Westchester County, NY or one of multiple locations in New Jersey. After a significant amount of due diligence, the business has narrowed its New Jersey site selection search to the following three (3) facilities: (1) 70 Hudson in Jersey City; (2) The Post Office Plaza Building in Somerville; and (3) Grande Commons in Bridgewater. At either location, the business plans to hire 200 new full-time jobs with a median annual salary of \$75,000. The business plans to spend approximately \$1,000,000 to renovate 25,000 square feet of commercial office space. Through an innovative program, the business plans to reimburse its employees for childcare expenses.

To further narrow the search down to a final New Jersey location, the business would like to understand the incentives available for all three locations under the newly established Emerge program. Based on the current Emerge guidelines, the business would potentially be eligible for the following:

	70 Hudson	Post Office Plaza	Grande Commons
Base Credit	\$3,500	\$2,500	N/A
Bonus Credit (targeted industry)	\$500	\$500	N/A
Bonus Credit (childcare)	\$1,000	\$1,000	N/A
Annual Credit Per New Job	\$5,000	\$4,000	N/A
Total Emerge Award (over 7 years)	\$7,000,000	\$5,600,000	N/A
Total Grow NJ Award (over 10 years)	\$15,500,000	\$4,108,500 (90% Limiter applies)	\$4,108,500 (90% Limiter applies)

As shown above, the Emerge program clearly appears to lessen the gap between urban and suburban projects. Here, the award for this hypothetical project on the Jersey City Waterfront is \$7,000,000, as opposed to an award of \$5,600,000 for the project in Downtown Somerville – a 20% gap. In contrast, under Grow NJ, this gap was nearly 74%.

Because Somerville is in Planning Area 1, it qualified as an Incentive Area, and further as an Employment and Investment Corridor. Because Somerville is in Planning Area 1, there is no qualifier that the project location needs to be within ½ mile from a transit hub. However, the Grande Commons location in Bridgewater does not qualify as an Incentive Area under Emerge and is therefore not eligible under the Emerge program. This location in Bridgewater is in a Planning Area 2 and is not within ½ mile of a transit hub. Therefore, it does not meet the criteria under the Incentive Area definition and is not eligible for incentives under the Emerge program.

This is clearly problematic. Not only does it show that there are office locations within the Regional Partnership that do not qualify under Emerge, but it shows the impact of how the Incentive Area definition will negatively impact suburban municipalities throughout the State. If, as is the case here, a project is in a Planning Area 2 that is not located within ½ mile of a transit hub, the project will fail to qualify for any incentive under the Emerge program. (For example, most of Somerset County falls within Planning Area 2 and will not qualify as an Incentive Area – making most of the County ineligible under Emerge.)

While the Grow NJ program was not perfect, especially as it related to limiting projects in suburban municipalities throughout the State, it did not disqualify a significant number of suburban municipalities all together, which is the case here.





# IV. Next Steps

Luckily, there is a solution to this problem. By simply changing the definition of "Incentive Area" as follows, it will allow for projects located in Planning Area 2 to qualify as both an Incentive Area and an Employment and Investment Corridor.

"Incentive area" means ... (d) an area designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning Area); or a Designated Center under the State Development and Redevelopment Plan; [provided an area designated as Planning Area 2 (Suburban) or Planning Area 3 (Fringe Planning Area) or a Designated Center shall be located within a one-half mile radius of the mid-point, with bicycle and pedestrian connectivity, of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations, or a high frequency bus stop as certified by the New Jersey Transit Corporation.]

# [BOLD AND BRACKETED TEXT TO BE DELETED THROUGH AMENDMENT TO LEGISLATION.]

Because of definition of Employment and Investment Corridor includes "the portions of the qualified incentive area . . . designated as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center under the State Development and Redevelopment Plan, or a designated growth center in an endorsed plan," the elimination of the transit qualifier in the Incentive Area definition would immediately allow all projects located in a Planning Area 2 to qualify under the Employment and Investment Corridor designation. As shown in Section III, this designation will allow for projects located in suburban municipalities to compete with projects located in urban centers throughout the State.

While there may be additional changes that would impact both the Regional Center and Somerset County, this change is critical, as it impacts a large portion of the County and multiple Class A office buildings within the Regional Center. Action should be taken immediately to resolve this problem, as the Regional Center, specifically, and Somerset County, generally, cannot afford to miss out on opportunities to create new jobs in the coming years.



Questions? Contact John Maddocks at: john@scbp.org or 908.218.4300