

Moore, David [TREAS]

From: Charles Sarlo <charless@dmrarchitects.com>
Sent: Monday, November 2, 2020 10:56 AM
To: Maloney, Jennifer
Cc: Kanef, Michael; Piracha, Sirfaraz
Subject: Re: FW: [EXTERNAL] P3 Questions

Hi Jennifer -

All is well - I hope likewise.

Thanks for the response and sorry for the duplicative inquiry w/ Johnson Controls - wasn't aware they had made the inquiry.

We are working with Johnson Controls on a potential PPP, so we appreciate your insight and feedback.

Talk soon

Regards

Charles

Charles H. Sarlo, Esq.

Vice President, General Counsel and Partner

DMR Architects

Heights Plaza

777 Terrace Avenue, Suite 607

Hasbrouck Heights, NJ 07604

P 201.288.2600 x244

F 201.288.2662

charless@dmrarchitects.com

On Thu, Oct 29, 2020 at 12:11 PM Maloney, Jennifer <Jennifer.Maloney@treas.nj.gov> wrote:

Hi Charles,

Hope you are doing well!

We had a great conversation w/folks from Johnson Controls yesterday who had forwarded similar questions previously and who indicated that you might be reaching out.

We provided the following answers to them last week and had an in-depth conversation yesterday – particularly around the 30 year limitation. We also encouraged them to have their client reach out to us as a resource.

1. Would portion of the P3 payment that is used to pay back the investment and debt of the private partner be considered municipal debt outside of the 2.5% tax increase cap in the operating budget (below the CAP line)?

A – In discussion with DCA the answer – as with so many things is – it depends. This is something that an individual town should obviously explore with their municipal attorney. DCA has also graciously agreed, as does the P3 team, in directing folks where possible but the facts likely matter.

2. The legislation lists a maximum term of 30 years for a private lease of revenue generating assets included in a P3. If there is no private use lease included, is there a limit on the term of a P3 agreement?

A- In response to your second question, the answer would equally depend on what is being considered. The law contemplates a traditional P3 arrangement that usually includes a lease agreement in return for up-front financing of a project between a public entity and private developer. If there is no such agreement I would worry that we are talking about something other than a P3 (e.g. a concession?) Can you provide additional details?

From: Piracha, Sirfaraz <Sirfaraz.Piracha@treas.nj.gov>

Sent: Thursday, October 29, 2020 9:43 AM

To: Kanef, Michael <Michael.Kanef@treas.nj.gov>; Maloney, Jennifer <Jennifer.Maloney@treas.nj.gov>

Subject: FW: [EXTERNAL] P3 Questions

Morning all,

Just seeing this, how do we want to go about responding?

Sirfaraz

From: Charles Sarlo [<mailto:charless@dmrarchitects.com>]

Sent: Wednesday, October 28, 2020 3:44 PM

To: Contact Email, P3 <p3@treas.nj.gov>

Subject: [EXTERNAL] P3 Questions

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Kindly provide responses to the questions below:

1. Would portion of the P3 payment that is used to pay back the investment and debt of the private partner be considered municipal debt outside of the 2.5% tax increase cap in the operating budget (below the CAP line)?
2. The legislation lists a maximum term of 30 years for a private lease of revenue generating assets included in a P3. If there is no private use lease included, is there a limit on the term of a P3 agreement?

Thanks

Charles H. Sarlo, Esq.
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Moore, David [TREAS]

From: Maloney, Jennifer [TREAS]
Sent: Tuesday, May 18, 2021 12:00 PM
To: Piracha, Sirfaraz [TREAS]
Cc: Kanef, Michael [TREAS]; Longo, Anthony [TREAS]; Cooper, Jaimie [TREAS]
Subject: FW: [EXTERNAL] Permission to publish notice - Lacey Township - unsolicited P3 project

FYI gentlemen – and it begins!

From: Geary, Barbara [TREAS] <Barbara.Geary@osc.nj.gov>
Sent: Tuesday, May 18, 2021 10:43 AM
To: Maloney, Jennifer [TREAS] <Jennifer.Maloney@treas.nj.gov>
Cc: Cooper, Jaimie [TREAS] <Jaimie.Cooper@treas.nj.gov>
Subject: RE: [EXTERNAL] Permission to publish notice - Lacey Township - unsolicited P3 project

Thank you for getting back to me so quickly. I just sent Jaime an email with my availability.

I look forward to speaking with you.

Barbara

From: Maloney, Jennifer [TREAS] <Jennifer.Maloney@treas.nj.gov>
Sent: Monday, May 17, 2021 10:04 PM
To: Geary, Barbara [TREAS] <Barbara.Geary@osc.nj.gov>
Cc: Cooper, Jaimie [TREAS] <Jaimie.Cooper@treas.nj.gov>
Subject: RE: [EXTERNAL] Permission to publish notice - Lacey Township - unsolicited P3 project

Evening Ms. Geary – Happy to discuss! Roping in my admin Jaime to schedule some time.

Jenn

Jennifer Keyes-Maloney
Assistant Treasurer
Treasurer's Office
Department of Treasury
609.984.2090
N.J.S.A. 47:1A-1 Privacy Interest (cell)

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From: Geary, Barbara [TREAS] <Barbara.Geary@osc.nj.gov>
Sent: Monday, May 17, 2021 5:18 PM
To: Maloney, Jennifer [TREAS] <Jennifer.Maloney@treas.nj.gov>
Subject: FW: [EXTERNAL] Permission to publish notice - Lacey Township - unsolicited P3 project

Ms. Maloney,

I am the Director of the Procurement Division at the Office of State Comptroller. Veronica Laureigh notified my office of this potential contract and suggested that I reach out to you regarding this project.

Please let me know if you or the appropriate member of your staff has time to discuss. OSC has not reviewed any submissions under this new P3 law yet and I would like to make sure that we understand the process.

Thank you in advance,

Barbara Geary, *she, her, hers*
Director, Procurement Division
609.292.7146 | barbara.geary@osc.nj.gov



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From: Veronica Laureigh <lanceyclerk@laceytownship.org>
Sent: Saturday, May 15, 2021 10:45 PM
To: OSC Contracts [TREAS] <Contracts.OfficeoftheStateComptroller@osc.nj.gov>
Cc: Heather Iannaccio <hiannaccio@laceytownship.org>
Subject: [EXTERNAL] Permission to publish notice

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Dear State Comptroller:

The Township of Lacey is embarking on a new municipal facility and recreation center under the Public Private Partnership (P3) legislation. We have received an unsolicited proposal and now need to properly notice in the paper and on our website to allow others a chance to submit proposals. I attached the required form for your offices, along with the notice of publication and the resolution adopted by the governing body.

I was really hoping to publish May 20th, 2021 and would need approval no later than 11am Tuesday, however if that is not possible I would like to publish as soon thereafter that date but no later than May 27th. I will be publishing this notice in the star ledger plus my local legal paper and on our municipal website.

Thank you

Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
Forked River, NJ 08731
609-693-1100, ext. 2200
Fax: 609-693-0526
laceyclerk@laceytownship.org
www.laceytownship.org

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Moore, David [TREAS]

From: Geary, Barbara [TREAS]
Sent: Wednesday, June 2, 2021 8:23 AM
To: Maloney, Jennifer [TREAS]; Kanef, Michael [TREAS]; Longo, Anthony [TREAS]; Piracha, Sirfaraz [TREAS]
Cc: Kirk, LaShera [TREAS]; Davis, Betsy [TREAS]; Hackett, Cynthia [TREAS]
Subject: RE: P3 applicant

Jenn,

Thank you very much for meeting with us last week. It was very helpful.

We asked Lacey for additional information and documentation last week, but have not received a response yet.

Again, we appreciate your assistance and I expect we may reach out again.

Best,

Barbara

From: Maloney, Jennifer [TREAS] <Jennifer.Maloney@treas.nj.gov>
Sent: Tuesday, June 1, 2021 3:03 PM
To: Kanef, Michael [TREAS] <Michael.Kanef@treas.nj.gov>; Longo, Anthony [TREAS] <Anthony.Longo@treas.nj.gov>; Piracha, Sirfaraz [TREAS] <Sirfaraz.Piracha@treas.nj.gov>
Cc: Kirk, LaShera [TREAS] <Lashera.Kirk@treas.nj.gov>; Davis, Betsy [TREAS] <Betsy.Davis@treas.nj.gov>; Geary, Barbara [TREAS] <Barbara.Geary@osc.nj.gov>; Hackett, Cynthia [TREAS] <Cynthia.Hackett@osc.nj.gov>
Subject: RE: P3 applicant

All,

Thanks again for meeting w/our group last week. I just wanted to get back to you with some additional information post our conversation. I focus my comments on the area of code related to municipalities as the focus of our conversation involves a municipal government. Please note that we have not yet received anything from the local government entity in question.

As discussed, section (a) of NJAC 17:49-6.4 requires a municipality to establish a process for accepting unsolicited proposals prior to receipt of a proposal. One of the areas extensively explored during the regulatory process was whether, in fact, an entity was required to accept proposals (they need not) – out of that conversation came the statement that the an entity should ‘adopt a process to ensure proper handling of proposals that guarantees a proper vetting of a proposal (emphasis added).

Further, section (d) specifies what the local government unit must determine – on the record – both the resolution adopted and corresponding record should support these factors.

Additional questions obviously flow from around from what next steps the local government unit takes in the coming days.

Hope this information helps – please don't hesitate to reach out should you have any additional questions.

Thanks

Jenn

Jennifer Keyes-Maloney

Assistant Treasurer

Treasurer's Office

Department of Treasury

609.984.2090

N.J.S.A. 47:1A-1 Privacy Interest
cell)

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Moore, David [TREAS]

From: Contact Email, P3 [TREAS]
Sent: Tuesday, March 28, 2023 3:20 PM
To: Kanef, Michael [TREAS]; Davis, Betsy [TREAS]; Longo, Anthony [TREAS]
Subject: FW: [EXTERNAL] Lacey Twp - P3 Project with Johnson Control industries

Michael,

The email below was received by the P3 inbox. Would you like Betsy to setup a call for us and the township?

Anthony

From: Veronica Laureigh <laceyclerk@laceytownship.org>
Sent: Friday, February 24, 2023 5:46 PM
To: Contact Email, P3 [TREAS] <P3.ContactEmail@treas.nj.gov>
Cc: jenn.abbott@jci.com; charless@dmrarchitects.com; Steven Kennis Comm Mbr <s.kennis@comcast.net>
Subject: [EXTERNAL] Lacey Twp - P3 Project with Johnson Control industries

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Good evening. I am writing on behalf of the Township of Lacey. We have been working with Johnson Controls Industries since august of 2020 for the possible P3 project of a new municipal complex and indoor recreation facility.

We were initially assigned a point person from your office who is no longer with your agency (Jennifer Maloney). On the advice of Jason Martucci I was asked to reach out to you to open up the lines of communication.

Can we arrange to have a phone call or zoom meeting to discuss this project.

The Township has performed many steps as it relates to receiving unsolicited proposals, ranking of proposals, selecting a partner,

advertisements and public meetings. We are now looking to enter into an MOU so we can start the next part of the process and make an application to Treasury.

Thank you

Veronica Laureigh
Municipal Clerk/Administrator
Township of Lacey
818 Lacey Road
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609-693-1100, ext. 2200
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lacyclerk@laceytownship.org
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Moore, David [TREAS]

From: Kanef, Michael [TREAS]
Sent: Tuesday, March 28, 2023 3:58 PM
To: Contact Email, P3 [TREAS]; Davis, Betsy [TREAS]; Longo, Anthony [TREAS]
Subject: RE: [EXTERNAL] Lacey Twp - P3 Project with Johnson Control industries

Yes.

Betsy can you please try to schedule a call sometime after testimony this week and next?

Thank you.

Michael

From: Contact Email, P3 [TREAS]
Sent: Tuesday, March 28, 2023 3:20 PM
To: Kanef, Michael [TREAS] <Michael.Kanef@treas.nj.gov>; Davis, Betsy [TREAS] <Betsy.Davis@treas.nj.gov>; Longo, Anthony [TREAS] <Anthony.Longo@treas.nj.gov>
Subject: FW: [EXTERNAL] Lacey Twp - P3 Project with Johnson Control industries

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Sent: Friday, February 24, 2023 5:46 PM
To: Contact Email, P3 [TREAS] <P3.ContactEmail@treas.nj.gov>
Cc: jenn.abbott@jci.com; charless@dmrarchitects.com; Steven Kennis Comm Mbr <s.kennis@comcast.net>
Subject: [EXTERNAL] Lacey Twp - P3 Project with Johnson Control industries

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Municipal Clerk/Administrator
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Moore, David [TREAS]

From: Casey Parker <cparker@laceytownship.org>
Sent: Thursday, March 30, 2023 3:42 PM
To: laceyclerk@laceytownship.org
Cc: Longo, Anthony [TREAS]; Kanef, Michael [TREAS]; s.kennis@comcast.net; trmcona2232@gmail.com; jdasti@dmmlawfirm.com
Subject: [EXTERNAL] Re: Invitation: Discuss P3 w/ State Treasury - Betsy Davis @ Tue Apr 4, 2023 11am - 11:30am (EDT) (null)

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Confirmed!

J. Casey Parker, CPWM
Project Coordinator

818 Lacey Rd.
Forked River NJ, 08731
Office: 609-693-1100 ext 2297
Cell: N.J.S.A. 47:1A-1 Privacy Interest

On Wed, Mar 29, 2023 at 5:08 PM <laceyclerk@laceytownship.org> wrote:

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When

Tuesday Apr 4, 2023 · 11am – 11:30am (Eastern Time - New York)

Location

Microsoft Teams Meeting

[View map](#)

Organizer

Davis, Betsy [TREAS]

betsy.davis@treas.nj.gov

Guests

laceyclerk@laceytownship.org - creator

Longo, Anthony [TREAS]

Kanef, Michael [TREAS]

s.kennis@comcast.net

trmcona2232@gmail.com

jdasti@dmmlawfirm.com

cparker@laceytownship.org

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