

## Chapter - Hackensack Meadowlands Reclamation and Development

### Subchapter 1. - General Provisions

#### HM-1. Declaration of purpose

It is hereby declared that there are approximately 21,000 acres of salt water swamps, meadows and marshes which are commonly known as meadowlands, in the lower Hackensack river basin; that extensive portions of this area have so far resisted comprehensive development because of their low elevation, exposure to tidal waters, unfavorable soil composition, and, in some instances, their distribution among many municipalities; that this land acreage is a land resource of incalculable opportunity for new jobs, homes and recreational sites, which may be lost to the State through piecemeal reclamation and unplanned development; that much of this acreage may be subject to redevelopment under section 3, Article VIII, of the State Constitution; that the orderly, comprehensive development of these areas, due to their strategic location in the heart of a vast metropolitan area with urgent needs for more space for industrial, commercial, residential, and public recreational and other uses, can no longer be deferred; that to the extent that as meadowlands are State-owned lands they are an asset of the fund for the support of free public schools whose integrity may not be impaired; that while the State, in the name of the people, has an obligation to assert its interests in meadowlands that are clearly State-owned, it has an equal obligation to establish a framework within which private owners may assert their interests and take title to meadowlands that are privately-owned; that these areas need special protection from air and water pollution and special arrangements for the provision of facilities for the disposal of solid waste; that the necessity to consider the ecological factors constituting the environment of the meadowlands and the need to preserve the delicate balance of nature must be recognized to avoid any artificially imposed development that would adversely affect not only this area but the entire State; that it is the purpose of this chapter to meet these needs and accomplish these objectives by providing for a commission transcending municipal boundaries and a committee representing municipal interests which will act in concert to reclaim, plan, develop and redevelop the Hackensack meadowlands; and to safeguard fully the interests of the fund for the support of free public schools, all to the extent and manner provided in this chapter.

Source: 13:17-1<sup>1</sup>

#### Drafting Note

Minor editorial changes.

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<sup>1</sup> 13:17-1. Declaration of purpose

It is hereby declared that there are approximately 21,000 acres of salt water swamps, meadows and marshes which are commonly known as meadowlands, in the lower Hackensack river basin; that extensive portions of this area have so far resisted comprehensive development because of their low elevation, exposure to tidal waters, unfavorable soil composition, and, in some instances, their distribution among many municipalities; that this land acreage is a land resource of incalculable opportunity for new jobs, homes and recreational sites, which may be lost to the State through piecemeal reclamation and unplanned development; that much of this acreage may be subject to redevelopment under section 3, Article VIII, of the State Constitution; that the orderly, comprehensive development of these areas, due to their strategic location in the heart of a vast metropolitan area with urgent needs for more space for industrial, commercial, residential, and public recreational and other uses, can no longer be deferred; that insofar as meadowlands are State-owned lands they are an asset of the fund for the support of free public schools whose integrity may not be impaired; that while the State, in the name of the people, has an obligation to assert its interests in meadowlands that are clearly State-owned, it has an equal obligation to establish a framework within which private owners may assert their interests and take title to meadowlands that are privately-owned; that these areas need special protection from air and water pollution and special arrangements for the provision of facilities for the disposal of solid waste; that the necessity to consider the ecological factors constituting the environment of the meadowlands and the need to preserve the delicate balance of nature must be recognized to avoid any artificially imposed development that would adversely affect not only this area but the entire State; that it is the purpose of this act to meet the aforementioned needs and accomplish the aforementioned objectives by providing for a commission transcending municipal boundaries and a committee representing municipal interests which will act in concert to reclaim, plan, develop and redevelop the Hackensack meadowlands; and to safeguard fully the interests of the fund for the support of free public schools, all to the extent and manner provided herein.

L.1968, c. 404, §1.

**HM-2. Definitions**

As used in this chapter:

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations, issued by the commission pursuant to this chapter;

"Claimant" means a person holding or occupying riparian lands within meadowlands under color of title;

"Commission" means the Hackensack Meadowlands Development Commission created by this chapter or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers and duties conferred upon the commission by this chapter shall be given by law;

"Committee" means the Hackensack Meadowlands Municipal Committee established pursuant to [subchapter 4] of this chapter;

"Constituent municipality" means a municipality with lands in the district;

"Cost," in addition to the usual meanings, means the cost of acquisition or construction of all or any part of an improvement and of all or any property, rights, easements, privileges, agreements and franchises deemed by the commission to be necessary or useful and convenient or in connection therewith, including interest or discount on bonds, cost of issuance of bonds; engineering and inspection costs and legal expenses; cost of financial, professional and other estimates and advice; organization, administration, operation and other expenses of the commission prior to and during the acquisition or construction; and all the other expenses that may be necessary or incident to the financing, acquisition, construction and completion of the improvement or part thereof and the placing of same in operation; and also the provision or reserves for working capital, operating or maintenance or replacement expenses, or for payment or security of principal of or interest on bonds during or after the acquisition or construction; and also reimbursements to the commission or any county, municipality or other person of any moneys theretofore expended for the purpose of the commission or in connection with the improvements;

"District" means the Hackensack Meadowlands District, the area within the jurisdiction of the commission described in [section HM-3] of this chapter;

"Hackensack meadowlands" means all those meadowlands lying within the municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and Teterboro all in Bergen county; and Jersey City, Kearny, North Bergen and Secaucus, all in Hudson county;

"Improvement" means (1) the laying out, opening, construction, widening, straightening, enlargement, extension, alteration, changing of location, grading, paving or otherwise improving, a street, alley or public highway; (2) curbing or guttering of a sidewalk along a street, alley or highway; (3) construction and improvement of bridges and viaducts; (4) construction, enlargement or extension of a sewer or drain or of a sewerage or drainage system including, but not limited to, the systems under streets, alleys, or public highways or systems for drainage of marshes and wet lowlands; or works for the sanitary disposal of sewerage or drainage; (5) the installation of service connections to water, and other utility works including the laying, construction, or placing of mains, conduits, or cables under or along a street, alley or highway; (6) the construction, enlargement, or extension of water mains or water distribution works; (7) the construction, enlargement, or extension of sanitary landfills or incinerators or other facilities for the disposal of solid wastes; (8) the installation of lighting standards, appliances and appurtenances required for the illumination of streets; (9) widening, deepening, or improvement of, the removal of obstructions in, and the construction, enlargement and extension of any waterway, or of enclosing walls, or of a pipe or conduit along a water course; (10) the reclaiming, filling and improving and bulkheading lands under tidal or other water and lands adjacent to the reclaimed or filled lands, and the dredging of channels and improvement of harbor approaches in waters abounding the lands to be reclaimed, filled and improved, or bulkheaded and filled; (11) the development and improvement of parks and recreational facilities; and (12) the construction of buildings and other structures.

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"Master plan" means the comprehensive plan for the district prepared and adopted in accordance with [subchapter 5] of this chapter;

"Owner" means and shall include all persons having any title or interest in any property, rights, easements and interests authorized to be acquired, assessed or regulated by this chapter;

"Person" means and shall include all individuals, partnerships, associations, private or municipal corporations and all political subdivisions of the State;

"Project area" means all or a portion of a renewal area;

"Project" means any plan, work or undertaking by the commission or by a redeveloper under contract to the commission, pursuant to the master plan or a redevelopment plan. The undertaking may include the reclamation and improvement of meadowlands, any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities, or other real or personal properties, which are necessary, convenient or desirable appurtenances, including but not limited to, streets, water systems, sewer systems, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational and welfare facilities, and buildings and structures in renewal areas for industrial, commercial or residential use;

"Redeveloper" means any person, firm, corporation or public or private agency that shall enter into or propose to enter into a contract with the commission for the reclamation, development, redevelopment or improvement of an area or any part thereof under the provisions of this chapter, or for the construction of any project pursuant to the master plan or redevelopment plan;

"Redevelopment" means a program for renewal through reclamation, clearance, replanning, development and redevelopment; the rehabilitation of any improvements; conservation or rehabilitation work; the construction and provision for construction of projects; and the grant or dedication of spaces that may be appropriate or necessary in the interest of the general welfare for the projects or other public purposes incidental or appurtenant thereto, in accordance with the master plan or any part thereof, or a redevelopment plan;

"Redevelopment plan" means a plan as it exists from time to time for a redevelopment project or projects in all or any part of the district, which plan shall conform to the master plan and shall be sufficiently complete to indicate the land acquisition, demolition and removal of structures, improvements, conservation or rehabilitation work that may be proposed to be carried out in the area of the project, existing and proposed land uses, building requirements, maximum densities, zoning and planning changes, if any, public transportation and utilities, recreational and community facilities and other public improvements, and to indicate the relationship of the plan to definite regional objectives;

"Renewal area" means an area designated by the commission pursuant to subchapter 5 of this chapter whose redevelopment is necessary to effectuate the public purposes declared in this chapter. A renewal area may contain lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part;

"Riparian lands" are those lands now, formerly or hereafter flowed by mean high tide, except where the tidal flow is caused by artificially produced changes in land or water elevation;

"School fund" means the fund for the support of free public schools, as provided by the New Jersey Constitution, Article VIII, Section IV;

"Site plan" means a plan for an existing lot or plot or a subdivided lot on which is shown topography, location of all existing or proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information, and at the a scale that may be required by a commission site plan review and approval resolution.

"Solid waste" shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building, but shall not include water-carried wastes or the kinds of wastes usually collected, carried away and disposed of by a sewerage system;

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"Solid waste disposal facilities" shall mean the plants, structures and other real and personal property acquired, constructed or operated, or to be acquired, constructed or operated by the commission, as provided in this chapter, including incinerators, sanitary landfills or other plants or facilities for the treatment and disposal of solid waste.

"Special assessment" means an assessment for benefits accruing from the construction of improvements by or at the direction of the commission;

"Subdivision" means the division of a lot, tract or parcel of land into 2 or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development except that the following divisions shall not be considered subdivisions within the meaning of this chapter; provided, however, that no new streets or roads are involved; divisions of land for agricultural purposes where the resulting parcels are 3 acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order.

**Source: 13:17-3<sup>2</sup>**

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### <sup>2</sup> 13:17-3. Definitions

As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

- b. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations, issued by the commission pursuant to this act;
- c. "Claimant" means a person holding or occupying riparian lands within meadowlands under color of title;
- a. "Commission" means the Hackensack Meadowlands Development Commission created by this act or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers and duties conferred upon the commission by this act shall be given by law;
- w. "Committee" means the Hackensack Meadowlands Municipal Committee established pursuant to article 4 of this act;
- h. "Constituent municipality" means a municipality with lands in the district;
- u. "Cost," in addition to the usual meanings thereof, means the cost of acquisition or construction of all or any part of an improvement and of all or any property, rights, easements, privileges, agreements and franchises deemed by the commission to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds; engineering and inspection costs and legal expenses; cost of financial, professional and other estimates and advice; organization, administration, operation and other expenses of the commission prior to and during such acquisition or construction; and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of said improvement or part thereof and the placing of same in operation; and also such provision or reserves for working capital, operating or maintenance or replacement expenses, or for payment or security of principal of or interest on bonds during or after such acquisition or construction; and also reimbursements to the commission or any county, municipality or other person of any moneys theretofore expended for the purpose of the commission or in connection with such improvements;
- i. "District" means the Hackensack Meadowlands District, the area within the jurisdiction of the commission described in section 4 of this act;
- j. "Hackensack meadowlands" means all those meadowlands lying within the municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and Teterboro all in Bergen county; and Jersey City, Kearny, North Bergen and Secaucus, all in Hudson county;
- p. "Improvement" means (1) the laying out, opening, construction, widening, straightening, enlargement, extension, alteration, changing of location, grading, paving or otherwise improving, a street, alley or public highway; (2) curbing or guttering of a sidewalk along a street, alley or highway; (3) construction and improvement of bridges and viaducts; (4) construction, enlargement or extension of a sewer or drain or of a sewerage or drainage system including, but not limited to, such systems under streets, alleys, or public highways or systems for drainage of marshes and wet lowlands; or works for the sanitary disposal of sewerage or drainage; (5) the installation of service connections to water, and other utility works including the laying, construction, or placing of mains, conduits, or cables under or along a street, alley or highway; (6) the construction, enlargement, or extension of water mains or water distribution works; (7) the construction, enlargement, or extension of sanitary landfills or incinerators or other facilities for the disposal of solid wastes; (8) the installation of lighting standards, appliances and appurtenances required for the illumination of streets; (9) widening, deepening, or improvement of, the removal of obstructions in, and the construction, enlargement and extension of any waterway, or of enclosing walls, or of a pipe or conduit along a water course; (10) the reclaiming, filling and improving and bulkheading lands under tidal or other water and lands adjacent to such reclaimed or filled lands, and the dredging of channels and improvement of harbor approaches in waters abounding the lands to be reclaimed, filled and improved, or bulkheaded and filled; (11) the development and improvement of parks and recreational facilities; and (12) the construction of buildings and other structures.
- k. "Master plan" means the comprehensive plan for the district prepared and adopted in accordance with article 5 of this act;
- g. "Owner" means and shall include all persons having any title or interest in any property, rights, easements and interests authorized to be acquired, assessed or regulated by this act;
- f. "Person" means and shall include all individuals, partnerships, associations, private or municipal corporations and all political subdivisions of the State;
- m. "Project area" means all or a portion of a renewal area;

**Drafting Note**

The marked changes on this section show the deletion of the subsection designations. In addition to that marked change, the definitions themselves have been re-ordered alphabetically, in accordance with the style adopted throughout this project.

**Subchapter 2. - Hackensack Meadowlands District**

**HM-3. Boundaries**

a. Except as otherwise provided, the commission shall be authorized to carry out the purposes of this chapter within the following district:

All that certain area bounded as described therein, excepting therefrom the area described in subsections b. and c. of this section:

Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie -Lackawanna Railroad--Northern Railroad of New Jersey Branch in Ridgefield;

Thence southerly along the tracks of the Erie -Lackawanna Railroad --Northern Railroad of New Jersey Branch to its junction with the Fairview -Ridgefield Municipal boundary;

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n. "Project" means any plan, work or undertaking by the commission or by a redeveloper under contract to the commission, pursuant to the master plan or a redevelopment plan. Such undertaking may include the reclamation and improvement of meadowlands, any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities, or other real or personal properties, which are necessary, convenient or desirable appurtenances, including but not limited to, streets, water systems, sewer systems, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational and welfare facilities, and buildings and structures in renewal areas for industrial, commercial or residential use;

o. "Redeveloper" means any person, firm, corporation or public or private agency that shall enter into or propose to enter into a contract with the commission for the reclamation, development, redevelopment or improvement of an area or any part thereof under the provisions of this act, or for the construction of any project pursuant to the master plan or redevelopment plan;

q. "Redevelopment" means a program for renewal through reclamation, clearance, replanning, development and redevelopment; the rehabilitation of any improvements; conservation or rehabilitation work; the construction and provision for construction of projects; and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for such projects or other public purposes incidental or appurtenant thereto, in accordance with the master plan or any part thereof, or a redevelopment plan;

r. "Redevelopment plan" means a plan as it exists from time to time for a redevelopment project or projects in all or any part of the district, which plan shall conform to the master plan and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, improvements, conservation or rehabilitation work as may be proposed to be carried out in the area of the project, existing and proposed land uses, building requirements, maximum densities, zoning and planning changes, if any, public transportation and utilities, recreational and community facilities and other public improvements, and to indicate the relationship of the plan to definite regional objectives;

l. "Renewal area" means an area designated by the commission pursuant to article 5 of this act whose redevelopment is necessary to effectuate the public purposes declared in this act. A renewal area may contain lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part;

e. "Riparian lands" are those lands now, formerly or hereafter flowed by mean high tide, except where such tidal flow is caused by artificially produced changes in land or water elevation;

d. "School fund" means the fund for the support of free public schools, as provided by the New Jersey Constitution, Article VIII, Section IV;

s. "Site plan" means a plan for an existing lot or plot or a subdivided lot on which is shown topography, location of all existing or proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information, and at such a scale as may be required by a commission site plan review and approval resolution.

x. "Solid waste" shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building, but shall not include water-carried wastes or the kinds of wastes usually collected, carried away and disposed of by a sewerage system;

y. "Solid waste disposal facilities" shall mean the plants, structures and other real and personal property acquired, constructed or operated, or to be acquired, constructed or operated by the commission, as hereinafter provided, including incinerators, sanitary landfills or other plants or facilities for the treatment and disposal of solid waste.

v. "Special assessment" means an assessment for benefits accruing from the construction of improvements by or at the direction of the commission;

t. "Subdivision" means the division of a lot, tract or parcel of land into 2 or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development except that the following divisions shall not be considered subdivisions within the meaning of this act; provided, however, that no new streets or roads are involved; divisions of land for agricultural purposes where the resulting parcels are 3 acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order.

L.1968, c. 404, §3.

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Thence westerly along the Fairview -Ridgefield Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

Thence easterly along the Fairview -North Bergen Municipal boundary to its junction with the tracks of the Erie-Lackawanna Railroad --Northern Railroad of New Jersey Branch;

Thence southerly along the tracks of the Erie -Lackawanna Railroad --Northern Railroad of New Jersey Branch to its junction with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to its intersection with the Pulaski Skyway;

Thence westerly along a line formed by the Pulaski Skyway to a point where the Port Authority Trans-Hudson tracks pass under the Pulaski Skyway;

Thence westerly along the Port Authority Trans -Hudson tracks to their intersection with the Harrison-Kearny Municipal Boundary;

Thence northwesterly along the Harrison -Kearny Municipal Boundary, as its jogs and curves, to its intersection with the Erie -Lackawanna Railroad, Harrison -Kingsland connecting branch of the Morris and Essex Division;

Thence northerly along the tracks of the Erie -Lackawanna Railroad, Harrison -Kingsland connecting branch of the Morris and Essex Division to its junction with Orient Way in Lyndhurst;

Thence northerly along Orient Way to its junction with Valley Brook Avenue -Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie -Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie -Lackawanna-New Jersey and New York Railroad to its intersection with the Wood -Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood -Ridge-Carlstadt municipal boundary to its intersection with Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie -Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights -Moonachie municipal boundary;

Thence easterly and northerly along Hasbrouck Heights -Moonachie municipal boundary to its intersection with the Moonachie -Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights -Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro -Little Ferry municipal boundary;

Thence southerly along the Teterboro -Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie -Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;

Thence northerly along Moonachie Road to its junction with Maple Street;

Thence easterly along Maple Street approximately 930 feet to its intersection with the Transcontinental gas pipeline;

Thence northeasterly along a straight line drawn between the intersection of Maple Street and the Transcontinental gas pipeline and the intersection of Bertolotto Avenue and the Moonachie -Little Ferry Municipal boundary (Losen Slofe Creek);

Thence easterly along Bertolotto Avenue to its junction with Eckel Road;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence easterly along Columbus avenue to its junction with Mehrhof Road;

Thence northerly along Mehrhof Road to its junction with Washington Avenue;

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Thence easterly and northerly along Washington Avenue to its junction with Main Street;  
Thence easterly along Main Street extended to the Little Ferry -Ridgefield Park Municipal boundary;  
(The middle of the Hackensack River);  
Thence southerly along the Little Ferry -Ridgefield Park Municipal boundary (in the middle of the Hackensack River) to its intersection with the Ridgefield Park -Ridgefield Municipal boundary;  
Thence easterly along the Ridgefield Park -Ridgefield Municipal boundary (in the middle of Overpeck Creek) to its intersection with Bergen Turnpike;  
Thence southerly along Bergen Turnpike to its junction with Hendricks Causeway;  
Thence southeasterly along Hendricks Causeway to its junction with the tracks of the Lackawanna Railroad--Northern Branch, the point of beginning.

### b. Exception:

Beginning at a point on Old New Jersey Route 3 (New Jersey Route 153) (Paterson Plank Road) at its junction with County Avenue in Secaucus;

Thence southerly along County Avenue to its junction with Secaucus Road;  
Thence westerly along Secaucus Road a distance of 1,321 feet more or less to its junction with Private Road;

Thence northerly along a straight line drawn between the intersection of Secaucus Road and the aforementioned Private Road and the intersection of Pandolfi Avenue -Golden Avenue in Secaucus;

Thence westerly along Pandolfi Avenue to its junction with 5th Street;  
Thence southerly along 5th Street to its junction with Mansfield Avenue;  
Thence westerly along Mansfield Avenue to its junction with Walter Place;  
Thence northerly along Walter Place to its junction with Mansfield Avenue;  
Thence westerly along Mansfield Avenue to its junction with 9th Street;  
Thence northerly along 9th Street to its junction with Grace Street;  
Thence easterly along Grace Street to its junction with Eighth Street;  
Thence northerly along Eighth Street to its junction with Old New Jersey Route 3 (Route 153);  
Thence easterly along Old New Jersey Route 3 (Route 153) to its junction with Paterson Plank Road;  
Thence easterly continuing along Old New Jersey Route 3 (Route 153) (Paterson Plank Road) to its junction with County Avenue, the point of beginning.

### c. Exception:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;

Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;  
Thence northerly along Paterson Plank Road to its junction with Farm Road;  
Thence northerly along Farm Road to its junction with Meadow Lane;  
Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;  
Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;  
Thence southerly along Koelle Boulevard to its junction with Huber Street;  
Thence westerly along Huber Street to its junction with Radio Avenue;  
Thence southerly on Radio Avenue to its junction with Pikeview Terrace;  
Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;  
Thence westerly along Lausecker Land to its junction with Paterson Plank Road;  
Thence southerly along Paterson Plank Road to its junction with Maple Street;  
Thence westerly along Maple Street to its junction with 7th Street, the point of beginning.

**Source: 13:17-4<sup>3</sup>**

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<sup>3</sup> **13:17-4. Boundaries**

a. Except as otherwise provided, the commission shall be authorized to carry out the purposes of this act within the following district: All that certain area bounded as described therein, excepting therefrom the area described in subsections b. and c. of this section:

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Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch in Ridgefield;

Thence southerly along the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch to its junction with the Fairview-Ridgefield Municipal boundary;

Thence westerly along the Fairview-Ridgefield Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

Thence easterly along the Fairview-North Bergen Municipal boundary to its junction with the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch;

Thence southerly along the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch to its junction with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to its intersection with the Pulaski Skyway;

Thence westerly along a line formed by the Pulaski Skyway to a point where the Port Authority Trans-Hudson tracks pass under the Pulaski Skyway;

Thence westerly along the Port Authority Trans-Hudson tracks to their intersection with the Harrison-Kearny Municipal Boundary;

Thence northwesterly along the Harrison-Kearny Municipal Boundary, as its jogs and curves, to its intersection with the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division;

Thence northerly along the tracks of the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division to its junction with Orient Way in Lyndhurst;

Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;

Thence northerly along Moonachie Road to its junction with Maple Street;

Thence easterly along Maple Street approximately 930 feet to its intersection with the Transcontinental gas pipeline;

Thence northeasterly along a straight line drawn between the intersection of Maple Street and the Transcontinental gas pipeline and the intersection of Bertolotto Avenue and the Moonachie-Little Ferry Municipal boundary (Losen Slofe Creek);

Thence easterly along Bertolotto Avenue to its junction with Eckel Road;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence easterly along Columbus avenue to its junction with Mehrhof Road;

Thence northerly along Mehrhof Road to its junction with Washington Avenue;

Thence easterly and northerly along Washington Avenue to its junction with Main Street;

Thence easterly along Main Street extended to the Little Ferry-Ridgefield Park Municipal boundary; (The middle of the Hackensack River);

Thence southerly along the Little Ferry-Ridgefield Park Municipal boundary (in the middle of the Hackensack River) to its intersection with the Ridgefield Park-Ridgefield Municipal boundary;

Thence easterly along the Ridgefield Park-Ridgefield Municipal boundary (in the middle of Overpeck Creek) to its intersection with Bergen Turnpike;

Thence southerly along Bergen Turnpike to its junction with Hendricks Causeway;

Thence southeasterly along Hendricks Causeway to its junction with the tracks of the Lackawanna Railroad--Northern Branch, the point of beginning.

b. Exception:

Beginning at a point on Old New Jersey Route 3 (New Jersey Route 153) (Paterson Plank Road) at its junction with County Avenue in Secaucus;

Thence southerly along County Avenue to its junction with Secaucus Road;

Thence westerly along Secaucus Road a distance of 1,321 feet more or less to its junction with Private Road;

Thence northerly along a straight line drawn between the intersection of Secaucus Road and the aforementioned Private Road and the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;

Thence westerly along Pandolfi Avenue to its junction with 5th Street;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with Walter Place;



DRAFTING NOTE

“Act” changed to “chapter.”

**Subchapter 3. - Hackensack Meadowlands Development Commission**

**HM-4. Establishment and organization**

a. There is hereby established in, but not of, the Department of Community Affairs a public body corporate and politic, with corporate succession, to be known as the "Hackensack Meadowlands Development Commission." The commission shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the commission of the powers conferred by this chapter shall be deemed an essential governmental function of the State.

b. The commission shall consist of 7 members appointed and qualified as follows:

(1) The Commissioner of the Department of Community Affairs, ex officio; provided that the Commissioner may appoint an alternate with the authority to attend, vote and perform any duty or function assigned to the Commissioner of the Department of Community Affairs in the Commissioner's absence. The alternate shall serve during the term of the Commissioner of the Department of Community Affairs, subject to removal at the Commissioner's pleasure. In the event of a vacancy in the position of alternate, it shall be filled in the same manner as an original appointment and only for the unexpired term.

(2) Six citizens of the State, appointed by the Governor, with the advice and consent of the Senate and no more than 3 of whom shall be of the same political party. Two shall be residents of the constituent municipalities of Bergen county and two shall be residents of the constituent municipalities of Hudson county. No more than one citizen shall be appointed from any one constituent municipality; one of whom shall be a resident of Bergen county and one of whom shall be a resident of Hudson county. The Commissioner of the State Department of Transportation, the Commissioner of the Department of Environmental Protection, and a representative of the United States Army Corps of Engineers, may, within the limits of their respective responsibilities and at the request of the commission, serve as non-voting advisors to the commission. The members of the liaison committee established, as provided in this chapter, by the Hackensack Meadowlands Municipal Committee, shall also serve as non-voting advisors to the commission;

c. The Commissioner of the Department of Community Affairs shall serve on the commission during the Commissioner's term of office. After the expiration of the initial terms provided by L.1968, c.404, §5, each member appointed by the Governor shall serve for terms of 5 years. Each member shall serve for the term of

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Thence northerly along Walter Place to its junction with Mansfield Avenue;  
Thence westerly along Mansfield Avenue to its junction with 9th Street;  
Thence northerly along 9th Street to its junction with Grace Street;  
Thence easterly along Grace Street to its junction with Eighth Street;  
Thence northerly along Eighth Street to its junction with Old New Jersey Route 3 (Route 153);  
Thence easterly along Old New Jersey Route 3 (Route 153) to its junction with Paterson Plank Road;  
Thence easterly continuing along Old New Jersey Route 3 (Route 153) (Paterson Plank Road) to its junction with County Avenue, the point of beginning.

c. Exception:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;  
Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;  
Thence northerly along Paterson Plank Road to its junction with Farm Road;  
Thence northerly along Farm Road to its junction with Meadow Lane;  
Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;  
Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;  
Thence southerly along Koelle Boulevard to its junction with Huber Street;  
Thence westerly along Huber Street to its junction with Radio Avenue;  
Thence southerly on Radio Avenue to its junction with Pikeview Terrace;  
Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;  
Thence westerly along Lausecker Land to its junction with Paterson Plank Road;  
Thence southerly along Paterson Plank Road to its junction with Maple Street;  
Thence westerly along Maple Street to its junction with 7th Street, the point of beginning.  
L.1968, c. 404, §4.

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that member's appointment and until a successor has been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

d. Any member of the commission may be removed by the Governor for cause after a public hearing.

e. Each member of the commission before entering office shall take and subscribe an oath to perform the duties of office faithfully, impartially and justly to the best of the member's ability. A record of the oaths shall be filed in the office of the Secretary of State.

f. The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

g. The Governor shall designate one of the members of the commission as chair. The commission shall select from its members a vice-chair and a treasurer, and shall employ an executive director, who shall be secretary, and a chief fiscal officer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, any officers, agents, employees and experts that it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

h. The powers of the commission shall be vested in the members in office from time to time. A majority of the total authorized membership of the commission shall constitute a quorum at any meeting. Action may be taken and motions and resolutions adopted by the commission at any meeting by the affirmative vote of a majority of the members, unless in any case the by-laws of the commission or any of the provisions of this chapter require a larger number. The commission may designate one or more of its agents or employees to exercise any administrative functions, powers and duties that it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission, except as provided by [section HM-9].

i. Before the issuance of any bonds under the provisions of this chapter, the members and the officer of the commission charged with the handling of the commission's moneys shall be covered by a surety bond or bonds in a sum provided by the regulations of the commission, conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as a surety. Each surety bond shall be submitted to the Attorney General for approval and upon the Attorney General's approval shall be filed in the office of the Secretary of State prior to the issuance of any bonds by the commission. At all times after the issuance of any bonds by the commission the officer of the commission charged with the handling of the commission's moneys and each member shall maintain the surety bonds in full force and effect. All costs of the surety bonds shall be borne by the commission.

j. On or before March 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each report shall set forth a complete operating and financial statement covering its operations during the year.

k. The commission shall cause an audit of its books and accounts to be made at least once in each year and the cost shall be treated as one incurred by the commission in the administration of this chapter. A copy of the audit shall be filed with the State Treasurer, all as more fully provided in [section HM-79] of this chapter.

l.(1) No member, officer, employee or agent of the commission shall be financially interested, either directly or indirectly, in any project or any part of a project area (other than a residence) or in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

(2) Any contract or agreement knowingly made in contravention of this section is voidable;

(3) Any person who willfully violates any of the provisions of this section shall forfeit office or employment with the Commission and shall be guilty of a crime of the fourth degree.

Source: 13:17-5<sup>4</sup>

<sup>4</sup>  
**13:17-5. Establishment and organization**

a. There is hereby established in, but not of, the Department of Community Affairs a public body corporate and politic, with corporate succession, to be known as the "Hackensack Meadowlands Development Commission." The commission shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the commission of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The commission shall consist of 7 members appointed and qualified as follows:

(1) The Commissioner of the Department of Community Affairs, ex officio; provided that he may appoint an alternate to act in his place and stead, with the authority to attend, vote and perform any duty or function assigned to the Commissioner of the Department of Community Affairs in his absence. The alternate shall serve during the term of the Commissioner of the Department of Community Affairs, subject to removal at his pleasure. In the event of a vacancy in the position of alternate, it shall be filled in the same manner as an original appointment and only for the unexpired term.

(2) Six citizens of the State, appointed by the Governor, with the advice and consent of the Senate and no more than 3 of whom shall be of the same political party; 2 of whom shall be residents of the constituent municipalities of Bergen county and 2 of whom shall be residents of the constituent municipalities of Hudson county; provided, however, no more than one citizen shall be appointed from any one constituent municipality; one of whom shall be a resident of Bergen county and one of whom shall be a resident of Hudson county. The Commissioner of the State Department of Transportation, the Commissioner of the Department of Conservation and Economic Development, and a representative of the United States Army Corps of Engineers, may, within the limits of their respective responsibilities and at the request of the commission, serve as non-voting advisors to the commission. The members of the liaison committee established, as hereinafter provided, by the Hackensack Meadowlands Municipal Committee, shall also serve as non-voting advisors to the commission;

c. The Commissioner of the Department of Community Affairs shall serve on the commission during his term of office and shall be succeeded by his successor in office. Each member appointed by the Governor shall serve for terms of 5 years; provided that of the first members appointed by the Governor one shall serve for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and 2 for a term of 5 years. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

d. Any member of the commission may be removed by the Governor for cause after a public hearing.

e. Each member of the commission before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

f. The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

g. The Governor shall designate one of the members of the commission as chairman. The commission shall select from its members a vice-chairman and a treasurer, and shall employ an executive director, who shall be secretary, and a chief fiscal officer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

h. The powers of the commission shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the members, unless in any case the by-laws of the commission or any of the provisions of this act shall require a larger number; provided that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers and duties as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission, except as provided by section 8.

i. Before the issuance of any bonds under the provisions of this act, the members and the officer of the commission charged with the handling of the commission's moneys shall be covered by a surety bond or bonds in such sum as provided by the rules and regulations of the commission conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as a surety. Each such surety bond shall be submitted to the Attorney General for his approval and upon his approval shall be filed in the office of the Secretary of State prior to the issuance of any bonds by the commission. At all times after the issuance of any bonds by the commission the officer of the commission charged with the handling of the commission's moneys and each member shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the commission.

j. On or before March 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year.

k. The commission shall cause an audit of its books and accounts to be made at least once in each year and the cost thereof shall be treated as one incurred by the commission in the administration of this act, and a copy thereof shall be filed with the State Treasurer, all as more fully provided in section 76 of this act.

l.(1) No member, officer, employee or agent of the commission shall be financially interested, either directly or indirectly, in any project or any part of a project area (other than a residence) or in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;

(2) Any contract or agreement knowingly made in contravention of this section is voidable;

(3) Any person who shall willfully violate any of the provisions of this section shall forfeit his office or employment and shall be guilty of a misdemeanor.

L.1968, c. 404, §5.

DRAFTING NOTE

“Act” changed to “chapter”; other minor editorial changes to eliminate archaic language and eliminate gender references. Names of state administrative agencies conformed to present usage. The reference to Title 11 Civil Service changed to Title 11A.

**HM-5. Powers**

The commission shall have perpetual succession and shall have the following powers:

- a. To adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;
- b. To adopt and use an official seal and alter the seal at its pleasure;
- c. To maintain an office at any place or places within the State as it may designate;
- d. To sue and be sued in its own name;
- e. To issue bonds or notes of the commission and to provide for the rights of the holders as provided in this chapter. Prior to the issuance of any bonds or notes and prior to incurring any financial obligation in excess of \$1,000,000.00, the commission shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey to inspect its accounts and certify to the State Treasurer that the bonds or the obligations may be issued or incurred by the commission without prejudice to any bonds or obligations of the commission outstanding, and that the bonds or obligations are, or may reasonably be expected to be, within the ability of the commission to meet.
- f. To enter upon any building or property in order to conduct investigations, examinations, surveys, soundings, or test borings necessary to carry out the purposes of this chapter, all in accordance with due process of law.
- g. To acquire in the name of the commission by purchase, lease as lessee, or otherwise, on the terms and conditions and in the manner that it may deem proper, or by the exercise of the power of eminent domain, any land or interest in land and other property, including land under water and riparian lands, land or highways held by any municipality or other governmental subdivision of the State, or any fee simple absolute in, easements upon, or the benefit of restrictions upon abutting property, that it may determine is reasonably necessary for the performance of any of its duties under this chapter. The power of eminent domain shall not be exercised by the commission to acquire any property owned or used by a public utility, as defined in section 48:2-13 of the Revised Statutes, in furnishing any commodity or service which by law it is authorized to furnish;
- h. To receive and accept, from any Federal or other public agency or governmental entity, grants or loans for or in aid of the planning or construction of any project or improvement, or the acquisition of any property, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which the grants, loans and contributions may be made, and to enter into co-operative agreements with the Federal Government or any other public or governmental agency for the performance of the acts that may be necessary and proper for the reclamation of the meadowlands and to comply with other requirements for the participation;
- i. To prepare, adopt and implement a master plan for the physical development of all lands, or a portion of the lands, lying within the district; and to adopt and enforce codes and standards for the effectuation of the plan;
- j. By contract or contracts with a redeveloper or by its own employees to undertake any development or other project or improvement that it finds necessary to reclaim, develop, redevelop and improve the land within the district;
- k. To establish engineering standards for land reclamation, including the type of fill, drainage and grading, and to promulgate a building code specifying the maximum weight, size and density of all buildings

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and structures to be placed on any land within its jurisdiction according to the method of reclamation employed and the load-bearing quality of the reclaimed land;

l. To recover by special assessments the cost of improvements from the increase of property values attributable to the improvements;

m. Generally to fix and revise from time to time and to charge and collect rates, fees and other charges for the use of any facilities operated and maintained by the commission;

n. To make any legal arrangements for the use of the property of the school fund that may be necessary or desirable to increase the capital of the fund;

o. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the commission or to carry out any power expressly given in this chapter;

p. To conduct examinations and investigations, hear testimony and take proof under oath at public or private hearings, of any material matter, require attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

q. To publish and disseminate information and to make known to potential users, by advertisement, solicitation or other means, the availability for development of lands in the district;

r. To review and regulate plans for any subdivision or development within the district;

s. To subordinate, waive, sell, assign, or release any right, title, claim, lien, or demand however acquired, including any equity or right of redemption; to foreclose, sell, or assign any mortgage held by it, or any interest in real or personal property; and to purchase at any sale upon the terms and at the prices as it determines to be reasonable and to take title to property, real, personal, or mixed, so acquired, and to sell, exchange, assign, convey, lease, mortgage, or otherwise dispose of any the property, subject to any conditions and restrictions that it deems necessary to carry out the purposes of this chapter;

t. To cause to be prepared plans, specifications, designs and estimates of costs for the construction of projects and improvements under the provisions of this chapter, and from time to time to modify the plans, specifications, designs or estimates;

u. To determine the existence of renewal areas, and to undertake redevelopment projects in those areas;

v. To exercise all authorized powers of the commission which shall be deemed to be for a public purpose and to acquire any property which shall be deemed for public use, which use shall be deemed superior to the public use of any municipality, county, school district, or other local or regional district, authority or agency;

w. To provide solid waste disposal facilities for the treatment and disposal of solid waste, as provided in this chapter.

**Source: 13:17-6<sup>5</sup>**

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<sup>5</sup> **13:17-6. Powers**

The commission shall have perpetual succession and shall have the following powers:

a. To adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;

b. To adopt and use an official seal and alter the same at its pleasure;

c. To maintain an office at such place or places within the State as it may designate;

d. To sue and be sued in its own name;

e. To issue bonds or notes of the commission and to provide for the rights of the holders thereof as provided in this act; provided, however, that prior to the issuance of any bonds or notes and prior to incurring any financial obligation in excess of \$1,000,000.00, the commission shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey to inspect its accounts

DRAFTING NOTE

“Act” changed to “chapter”; other minor editorial changes to eliminate archaic language and eliminate gender reference.

**HM-6. Purchases, contracts or agreements**

a. All purchases, contracts, or agreements where the cost or contract price exceeds the sum of \$7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section shall be made, negotiated, or awarded only after public advertisement for bids and shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Hackensack Meadowlands Development Commission, in its judgment, upon consideration of price and other factors. Any bid may be rejected when the commission determines that it is in the public interest to do so.

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and certify to the State Treasurer that such bonds or such obligations may be issued or incurred by the commission without prejudice to any bonds or obligations of the commission outstanding, and that such bonds or obligations are, or may reasonably be expected to be, within the ability of the commission to meet.

f. To enter upon any building or property in order to conduct investigations, examinations, surveys, soundings, or test borings necessary to carry out the purposes of this act, all in accordance with due process of law.

g. To acquire in the name of the commission by purchase, lease as lessee, or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land or interest therein and other property, including land under water and riparian lands, land or highways held by any municipality or other governmental subdivision of the State, or any fee simple absolute in, easements upon, or the benefit of restrictions upon abutting property, that it may determine is reasonably necessary for the performance of any of its duties under this act; provided that the power of eminent domain shall not be exercised by the commission to acquire any property owned or used by a public utility, as defined in section 48:2-13 of the Revised Statutes, in furnishing any commodity or service which by law it is authorized to furnish;

h. To receive and accept, from any Federal or other public agency or governmental entity, grants or loans for or in aid of the planning or construction of any project or improvement, or the acquisition of any property, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made, and to enter into co-operative agreements with the Federal Government or any other public or governmental agency for the performance of such acts as may be necessary and proper for the reclamation of the meadowlands and to comply with other requirements for such participation;

i. To prepare, adopt and implement a master plan for the physical development of all lands, or a portion thereof, lying within the district; and to adopt and enforce codes and standards for the effectuation of such plan;

j. By contract or contracts with a redeveloper or by its own employees to undertake any development or other project or improvement as it finds necessary to reclaim, develop, redevelop and improve the land within the district;

k. To establish engineering standards for land reclamation, including the type of fill, drainage and grading, and to promulgate a building code specifying the maximum weight, size and density of all buildings and structures to be placed on any land within its jurisdiction according to the method of reclamation employed and the load-bearing quality of the reclaimed land;

l. To recover by special assessments the cost of improvements from the increase of property values attributable to such improvements;

m. Generally to fix and revise from time to time and to charge and collect rates, fees and other charges for the use of any facilities operated and maintained by the commission;

n. To make such legal arrangements for the use of the property of the school fund so as to increase the capital of such fund as may be necessary or desirable;

o. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the commission or to carry out any power expressly given in this act;

p. To conduct examinations and investigations, hear testimony and take proof under oath at public or private hearings, of any material matter, require attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

q. To publish and disseminate information and to make known to potential users, by advertisement, solicitation or other means, the availability for development of lands in the district;

r. To review and regulate plans for any subdivision or development within the district;

s. To subordinate, waive, sell, assign, or release any right, title, claim, lien, or demand however acquired, including any equity or right or redemption; to foreclose, sell, or assign any mortgage held by it, or any interest in real or personal property; and to purchase at any sale upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal, or mixed, so acquired, and to sell, exchange, assign, convey, lease, mortgage, or otherwise dispose of any such property, subject to such conditions and restrictions as it deems necessary to carry out the purposes of this act;

t. To cause to be prepared plans, specifications, designs and estimates of costs for the construction of projects and improvements under the provisions of this act, and from time to time to modify such plans, specifications, designs or estimates;

u. To determine the existence of renewal areas, and to undertake redevelopment projects therein;

v. To exercise all authorized powers of the commission which shall be deemed to be for a public purpose and to acquire any property which shall be deemed for public use, which use shall be deemed superior to the public use of any municipality, county, school district, or other local or regional district, authority or agency;

w. To provide solid waste disposal facilities for the treatment and disposal of solid waste, as hereinafter provided.

L.1968, c. 404, §6.

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Any purchase, contract, or agreement where the cost or contract price is less than or equal to \$7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section may be made, negotiated, or awarded by the commission without advertising and in any manner which the commission, in its judgment, deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd -numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd -numbered year, notify the commission of the adjustment. The adjustment shall become effective on July 1 of each odd -numbered year.

**Source: 13:17-6.1<sup>6</sup>**

### DRAFTING NOTE

No change.

#### **HM-7. Consultation with governing body**

Whenever the commission prepares plans for the development, improvement, redevelopment or rezoning of, or for the construction or reconstruction of buildings or structures on, land in the district, the commission shall, within seven days, notify the governing body of the municipality or municipalities in which the land is located and any immediately adjacent municipality to the location of the land. During the preparation of the plans, the commission shall regularly meet and consult with the notified governing body or bodies of the municipality or municipalities in which the land is located. If the final plans of the commission are inconsistent with any recommendations of the governing body or bodies of the municipality or municipalities in which the land is located, the commission shall inform the governing body or bodies of the municipality or municipalities in which the land is located of the reasons for the inconsistencies prior to the submission of the plans to the municipal committee and shall include a copy of this notice when submitting the plans to the municipal committee. The notices provided for in this section shall be in writing and sent by certified mail.

**Source: 13:17-6.2<sup>7</sup>**

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<sup>6</sup> **13:17-6.1. Purchases, contracts or agreements over threshold amount; public bids; award without bid if under threshold amount**

a. All purchases, contracts, or agreements where the cost or contract price exceeds the sum of \$7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section shall be made, negotiated, or awarded only after public advertisement for bids therefor and shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Hackensack Meadowlands Development Commission, in its judgment, upon consideration of price and other factors. Any bid may be rejected when the commission determines that it is in the public interest to do so.

Any purchase, contract, or agreement where the cost or contract price is less than or equal to \$7,500.00 or, after June 30, 1985, the amount determined pursuant to subsection b. of this section may be made, negotiated, or awarded by the commission without advertising and in any manner which the commission, in its judgment, deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

b. Commencing January 1, 1985, the Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify the commission of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

L.1984, c. 128, §6, eff. Aug. 8, 1984.

DRAFTING NOTE

Minor editorial changes for simplicity of language.

**Subchapter 4. - Hackensack Meadowlands Municipal Committee**

**HM-8. Establishment and organization**

a. There is hereby established a Hackensack Meadowlands Municipal Committee, the membership of which shall consist of the mayor or elected chief executive, or the mayor or executive's designated alternate, of each constituent municipality.

b. A majority of the membership of the committee shall constitute a quorum for the transaction of committee business. Action may be taken and motions and resolutions adopted by the committee at any meeting thereof by the affirmative vote of a majority of the full membership of the committee unless in any case the by-laws of the committee or any of the provisions of this chapter requires a larger number. The committee shall elect from its membership a liaison -committee consisting of 4 members, 2 of whom shall be residents of Bergen county and 2 of whom shall be residents of Hudson county. It shall be the purpose of the liaison-committee to chapter as liaison between the commission and the committee.

c. The committee shall meet regularly as it may determine, and may also meet at the call of the chairman of the commission.

d. The committee shall appoint a chairman from among its members and the other officers that may be necessary. The committee may, within the limits of any funds appropriated or otherwise made available to it for this purpose, also appoint, retain and employ, without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, any officers, agents, employees and experts that it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

e. Members of the committee shall serve without compensation, and each member shall serve only so long as the member is the mayor or elected chief executive of the municipality the member represents. The committee may reimburse its members for necessary expenses incurred in the discharge of their duties.

**Source: 13:17-7<sup>8</sup>**

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**13:17-6.2. Consultation with governing body**

1. Whenever the commission prepares plans for the development, improvement, redevelopment or rezoning of, or for the construction or reconstruction of buildings or structures on, land in the district, the commission shall notify within seven days, in writing by certified mail, the governing body of the municipality or municipalities in which the land is located and any municipality immediately adjacent thereto. During the preparation of the plans, the commission shall regularly meet and consult with the notified governing body or bodies of the municipality or municipalities in which the land is located. If the final plans of the commission are inconsistent with any recommendations of the governing body or bodies of the municipality or municipalities in which the land is located, the commission shall inform the governing body or bodies of the municipality or municipalities in which the land is located, in writing by certified mail, of the reasons for the inconsistencies prior to the submission of the plans to the municipal committee and shall include a copy of this notice when submitting the plans to the municipal committee.

l. 1988,c.136, §1; amended 1992,c.54, §1.

**13:17-7. Establishment and organization**

a. There is hereby established a Hackensack Meadowlands Municipal Committee, the membership of which shall consist of the mayor or elected chief executive, or his designated alternate, of each constituent municipality.

b. A majority of the membership of the committee shall constitute a quorum for the transaction of committee business. Action may be taken and motions and resolutions adopted by the committee at any meeting thereof by the affirmative vote of a majority of the full membership of the committee unless in any case the by-laws of the committee or any of the provisions of this act shall require a larger number. The committee shall elect from its membership a liaison-committee consisting of 4 members, 2 of whom shall be residents of Bergen county and 2 of whom shall be residents of Hudson county. It shall be the purpose of the liaison-committee to act as liaison between the commission and the committee.

c. The committee shall meet regularly as it may determine, and may also meet at the call of the chairman of the commission.

d. The committee shall appoint a chairman from among its members and such other officers as may be necessary. The committee may, within the limits of any funds appropriated or otherwise made available to it for this purpose, also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.



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### DRAFTING NOTE

“Act” changed to “chapter”; other minor editorial changes to eliminate archaic language and eliminate gender references.

#### HM-9. Powers

a. The commission shall submit to the committee for review, prior to final action, codes and standards formulated by the commission, the district master plan and amendments to the master plan, development and redevelopment plans, and improvement plans. The commission may also submit to the committee any other matter which the commission deems advisable.

b. The committee shall review matters submitted to it by the commission pursuant to this section and shall indicate its position in writing to the commission. Failure of the committee to state its position within 45 days of the receipt of any matter referred to the committee shall be deemed to constitute approval of the proposed action of the commission. The committee shall have 120 days after receipt of the master plan to state its position, in writing, to the commission.

c. The commission shall not take any final action on any matter required to be submitted to the committee pursuant to this section, which matter has been formally rejected by the committee, except by a vote of 5/7 of the full membership of the commission.

d. The committee may make recommendations to the commission on any matter it deems advisable whether or not the matter was submitted to the committee by the commission.

**Source: 13:17-8<sup>9</sup>**

### DRAFTING NOTE

Minor editorial changes.

#### Subchapter 5. - Hackensack Meadowlands Development

#### HM-10. Master plan

a. The commission shall prepare and adopt a master plan or portion of a master plan for the physical development of all lands lying within the district. The plan may include proposals for various stages in the future development of the district. The commission may from time to time amend the master plan. The master plan shall include a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan. The master plan shall be a composite of the one or more written proposals recommending the physical development of the lands within its jurisdiction either in its entirety or a portion of the lands which the commission shall prepare after meetings with the governing

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e. Members of the committee shall serve without compensation, and each member shall serve only so long as he is the mayor or elected chief executive of the municipality he represents. The committee may reimburse its members for necessary expenses incurred in the discharge of their duties.

L.1968, c. 404, §7.

#### 13:17-8. Powers

a. The commission shall submit to the committee for review, prior to final action thereon, codes and standards formulated by the commission, the district master plan and amendments thereto, development and redevelopment plans, and improvement plans. The commission may also submit to the committee any other matter which the commission deems advisable.

b. The committee shall review matters submitted to it by the commission pursuant to this section and shall indicate its position in writing to the commission. Failure of the committee to state its position within 45 days of the receipt of any matter so referred to the committee shall be deemed to constitute approval of the proposed action of the commission. Except that, the committee shall have 120 days after receipt of the master plan to state its position, in writing, to the commission.

c. The commission shall not take any final action on any matter required to be submitted to the committee pursuant to this section, which matter has been formally rejected by the committee, except by a vote of 5/7 of the full membership of the commission.

d. The committee may make recommendations to the commission on any matter it deems advisable whether or not such matter was submitted to said committee by said commission.

L.1968, c. 404, §8.

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bodies of the constituent municipalities and affected counties, and any agencies and instrumentalities thereof. The plan and any amendments to the plan shall be adopted after public hearings and in accordance with the procedures set forth in this chapter.

b. In preparing the master plan or any portion or amendment of the master plan the commission shall give due consideration to the necessity to provide in the district sanitary landfills and other facilities for the disposal of solid waste which may be utilized by municipalities within the district and municipalities throughout the State. In preparing the master plan or any portion or amendment of the master plan the commission shall give due consideration to the existing patterns of the development in the constituent municipalities and to any master plan or other plan of development adopted by any constituent municipality prior to January 13, 1969 or prior to the preparation of the master plan by the commission.

c. In preparing the master plan or any portion or amendment of the master plan, the commission shall consult with any Federal or State agency having an interest in the district. At least 60 days prior to taking any action relating to the district the Federal and State agencies shall file with the commission their proposed plans for the commission's review and recommendation.

**Source: 13:17-9<sup>10</sup>**

### DRAFTING NOTE

Minor editorial changes; "the effective date of this act" changed to the actual date.

#### HM-11. Survey of district

a. The commission is hereby authorized, empowered and directed to guarantee that solid waste disposal facilities shall be available or be provided by the commission sufficient to treat and dispose of the total amount of solid waste determined by the survey of solid waste treatment and disposal as of January 13, 1969, conducted by the commission pursuant to L.1968, c.404, §9.1.

b. In providing the solid waste disposal facilities which it is hereby authorized, empowered and directed to provide, the commission shall, prior to preparing any plans or specifications for the facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste and, pursuant to the provisions of [section 78] of this chapter, contract with those persons or any of those persons, who desire to utilize any solid waste disposal facilities provided by the commission. In the provision of the facilities the commission may:

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<sup>10</sup> **13:17-9. Master plan; preparation and adoption; contents; amendments; considerations; consultations with state and federal agencies**

a. The commission shall prepare, or cause to be prepared, and, after public hearing and pursuant to the procedures hereinafter provided, shall adopt a master plan or portion thereof for the physical development of all lands lying within the district, which plan may include proposals for various stages in the future development of the district. The commission may from time to time, pursuant to the procedures hereinafter provided, and after public hearing, amend said master plan. The master plan shall include a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan. The master plan shall be a composite of the one or more written proposals recommending the physical development of the lands within its jurisdiction either in its entirety or a portion thereof which the commission shall prepare after meetings with the governing bodies of the constituent municipalities and affected counties, and any agencies and instrumentalities thereof.

b. In preparing the master plan or any portion thereof or amendment thereto the commission shall give due consideration to the necessity to provide in the district sanitary landfills and other facilities for the disposal of solid waste which may be utilized by municipalities within the district and municipalities throughout the State. In preparing the master plan or any portion thereof or amendment thereto the commission shall give due consideration to the existing patterns of the development in the constituent municipalities and to any master plan or other plan of development adopted by any constituent municipality prior to the effective date of this act or prior to the preparation of the master plan by the commission.

c. In preparing the master plan or any portion thereof or amendment thereto, the commission shall consult with any Federal or State agency having an interest in the district. At least 60 days prior to taking any action relating to the district such Federal and State agency shall file with the commission their proposed plans for the commission's review and recommendation.

L.1968, c. 404, §9.

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(1) Acquire or construct any solid waste disposal facilities as an improvement, and may recover the cost of the acquisition or construction in the same manner and pursuant to the same procedure provided for any other improvement undertaken by the commission pursuant to this chapter;

(2) Operate and maintain any solid waste disposal facilities and generally fix and collect rates, fees or other charges for those facilities in the same manner and pursuant to the same procedure provided for any other facilities operated and maintained by the commission; or lease as lessor or lessee those facilities, or provide by agreement or contract with any person for the operation of those facilities. Prior to the acquisition, construction, operation, lease as lessor or lessee, contract or agreement by the commission for any solid waste disposal facilities in the district, the commission shall submit to the Commissioner of the State Department of Health for approval a plan or plans describing in detail the purpose of the acquisition, construction, operation, lease as lessor or lessee, contract or agreement. In reviewing the plans submitted in compliance with this section and in determining conditions under which the plans may be approved the commissioner shall give due consideration to community development of comprehensive regional solid waste disposal facilities, in order to be assured that to the extent that it is practicable all proposed solid waste disposal facilities conform to reasonably contemplated development of comprehensive community or regional solid waste disposal facilities. No solid waste disposal facility shall be acquired, constructed, operated, leased, contracted or agreed for in the district without approval of the Commissioner of the State Department of Health.

(3) Join and participate in any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions of the state, for the purpose of treating or disposing of solid waste in which it may be authorized by law to join and participate, under any terms or conditions, subject to any duties and entitled to any rights and powers provided by the law.

(4) Permit, by contract or agreement, any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste to acquire, construct, or operate and maintain any solid waste disposal facilities which the agency, instrumentality or authority is authorized by law to acquire, construct, or operate and maintain. Any facilities acquired, constructed, or operated and maintained by any the agency, instrumentality or authority may be located either within the district or without the district but within the jurisdiction of the agency, instrumentality or authority. If any facility is located within the district it shall be subject to the same procedure for approval by the Commissioner of the State Department of Health as any other solid waste disposal facility in the district.

c. Nothing contained in this section shall be interpreted as requiring any person to utilize any solid waste disposal facility provided by the commission; provided, however, that upon the completion of the survey undertaken by the commission pursuant to this section no solid waste may be treated or disposed in the district by any person without the express written consent of the commission.

d. The commission, in its discretion, may provide solid waste disposal facilities sufficient to treat and dispose of more than the total amount of solid waste determined by its survey, and may make the facilities available to persons other than those treating and disposing of solid waste in the district as of January 13, 1969.

e. In order to acquire or construct any solid waste disposal facility the commission is authorized to issue bonds and notes and to pay or redeem the bonds and notes from revenue derived from the fees and other charges collected for the facilities. Any cost incurred by the commission in providing any solid waste disposal facilities shall be charged by the commission to the persons utilizing the facilities. Nothing in this section shall be interpreted as requiring the commission to bear the cost of any solid waste disposal facility provided by the commission pursuant to this chapter.

**Source: 13:17-10<sup>11</sup>**

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<sup>11</sup> **13:17-10. Survey of district; provision of solid waste disposal facilities**

a. Within 6 months of the effective date of this act the commission shall undertake and complete a survey of the district to determine the total amount of solid waste treated and disposed on a daily basis in the district as of the effective date of this act by persons in this State.

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### DRAFTING NOTE

Subsection a. of the source section mandated the compilation of a survey of waste disposal and treatment in the district as of the effective date of the act, i.e., January 13, 1969. The survey has long since been completed, therefore the mandate in the source provision is executed and this subsection has been eliminated. The remaining subsections have continuing importance and are retained and relettered.

In subsection b. of the source section, relettered as proposed subsection a., the reference to the survey has been modified to refer to the original enactment pursuant to which the survey was done.

In proposed subsection b. (formerly subsection c.), the reference to the Commissioner of Health has been changed to the Commissioner of the Department of Environmental Protection. See 13:10-7 (authority of Health Department and commissioner over "refuse disposal" transferred to the Department of Environmental Protection and commissioner); and see Municipal Sanitary Landfill Authority v. Hackensack Meadowlands Dev. Comm., 120 N.J. Super. 118 (1972).

### HM-12. Surplus moneys from operation of solid waste disposal facilities

In the event that surplus moneys become available from the operation of solid waste disposal facilities by the Hackensack Commission, which are not required by any contract with the holders of any bonds, notes or other obligations of the commission to be retained in any fund or account established by any the contract for

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b. The commission is hereby authorized, empowered and directed to guarantee that solid waste disposal facilities sufficient to treat and dispose of the total amount of solid waste determined by its survey shall be available or be provided by the commission.

c. In providing the solid waste disposal facilities which it is hereby authorized, empowered and directed to provide, the commission shall, prior to preparing any plans or specifications for such facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste and, pursuant to the provisions of section 78 of this act, contract with such persons or any of such persons, who desire to utilize any solid waste disposal facilities provided by the commission, and in the provision of such facilities the commission may:

(1) Acquire or construct any such facilities as an improvement, and may recover the cost of such acquisition or construction in the same manner and pursuant to the same procedure provided for any other improvement undertaken by the commission pursuant to this act;

(2) Operate and maintain any such facilities and generally fix and collect rates, fees or other charges for any such facilities in the same manner and pursuant to the same procedure provided for any other facilities operated and maintained by the commission; or lease as lessor or lessee any such facilities, or provide by agreement or contract with any person for the operation of any such facilities; provided, however, that prior to the acquisition, construction, operation, lease as lessor or lessee, contract or agreement by the commission for any such solid waste disposal facilities in the district, the commission shall submit to the Commissioner of the State Department of Health for approval a plan or plans describing in detail the purpose of such acquisition, construction, operation, lease as lessor or lessee, contract or agreement. In reviewing the plans submitted in compliance with this section and in determining conditions under which such plans may be approved the commissioner shall give due consideration to community development of comprehensive regional solid waste disposal facilities, in order to be assured insofar as is practicable that all proposed solid waste disposal facilities shall conform to reasonably contemplated development of comprehensive community or regional solid waste disposal facilities. No solid waste disposal facility shall be acquired, constructed, operated, leased, contracted or agreed for in the district without approval of the Commissioner of the State Department of Health.

(3) Join and participate in any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste in which it may be authorized by law to join and participate, under any terms or conditions, subject to any duties and entitled to any rights and powers provided by such law.

(4) Permit, by contract or agreement, any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste to acquire, construct, or operate and maintain any solid waste disposal facilities which such agency, instrumentality or authority is authorized by law to acquire, construct, or operate and maintain. Any such facilities acquired, constructed, or operated and maintained by any such agency, instrumentality or authority may be located either within the district or without the district but within the jurisdiction of such agency, instrumentality or authority; provided, however, that if any such facility is located within the district it shall be subject to the same procedure for approval by the Commissioner of the State Department of Health as any other such facility in the district.

d. Nothing herein contained shall be interpreted as requiring any person to utilize any solid waste disposal facility provided by the commission; provided, however, that upon the completion of the survey undertaken by the commission pursuant to this section no solid waste may be treated or disposed in the district by any person without the express written consent of the commission.

e. The commission, in its discretion, may provide solid waste disposal facilities sufficient to treat and dispose of more than the total amount of solid waste determined by its survey, and may make such facilities available to persons other than those treating and disposing of solid waste in the district as of the effective date of this act.

f. In order to acquire or construct any solid waste disposal facility the commission is authorized to issue bonds and notes and to pay or redeem said bonds and notes from revenue derived from the fees and other charges collected for such facilities. Any cost incurred by the commission in providing any solid waste disposal facilities shall be charged by the commission to the persons utilizing such facilities, and nothing herein contained shall be interpreted as requiring the commission to bear the cost of any solid waste disposal facility provided by the commission pursuant to this act.

L.1968, c. 404, §9.1.

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the security of the commission's bonds, notes or other obligations, then 75% of that surplus shall be used by the Hackensack Commission for any lawful purpose and 25% of that surplus shall be apportioned among the municipalities in the Hackensack Meadowlands District in the same ratio as the number of acres within the district of each municipality bears to the total number of acres in the district.

**Source: 13:17-10.1<sup>12</sup>**

### DRAFTING NOTE

Minor editorial changes.

#### HM-13. Provisions of master plan

a. The master plan shall include provisions or criteria for the location and use of buildings, structures, facilities, and land for solid waste disposal, and may include provisions for: (1) the use of land and buildings, residential, commercial, industrial, mining, agricultural, park and other like purposes; (2) service -water supply, utilities, sewerage, and other like matters; (3) transportation, streets, parking, public transit lines and stations both above and below ground level, freight facilities, airports, harbors, channels, docks and wharves, and other like matters; (4) housing, residential standards, clearance, redevelopment, rehabilitation, conservation, and other like matters; (5) water, forest, soil conservation, flood control, and other like matters; (6) public and semipublic facilities including but not limited to civic centers, schools, libraries, parks, playgrounds, fire houses, police buildings, hospitals, and other like matters; (7) the distribution and density of population; (8) planned unit development; (9) community appearance; (10) financing and programming capital improvements; (11) and other related elements of growth and development, including the social implications of any proposed development, and advances in technology related to any subject included in the plan.

b. The plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, housing, and the control of air and water pollution and solid waste disposal which has been approved by the State Department of Health, and other subjects necessary to carry out the plan or to undertake a workable program of community improvement. No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission. No municipality shall enact or enforce any code which is inconsistent with the code contained in the master plan insofar as the code applies to property within the district. The governing body or other appropriate body of each constituent municipality may enact zoning ordinances and any other codes or standards, which it is authorized by the laws of this State to enact, for lands within the boundaries of the municipality which are subject to the jurisdiction of the commission and which will effectuate the purposes of the commission's master plan.

**Source: 13:17-11<sup>13</sup>**

<sup>12</sup>

#### **13:17-10.1. Surplus moneys from operation of solid waste disposal facilities; disposition**

In the event that surplus moneys become available from the operation of solid waste disposal facilities by the Hackensack Commission, which are not required by any contract with the holders of any bonds, notes or other obligations of the commission to be retained in any fund or account established by any such contract for the security of the commission's bonds, notes or other obligations, then 75% of that surplus shall be used by the Hackensack Commission for any lawful purpose and 25% of that surplus shall be apportioned among the municipalities in the Hackensack Meadowlands District in the same ratio as the number of acres within the district of each such municipality bears to the total number of acres in the district.

<sup>13</sup>1975, c. 326, §35.

#### **13:17-11. Provisions of master plan for location and use of buildings, structures and facilities; land use; codes and standards**

a. The master plan shall include provisions or criteria for the location and use of buildings, structures, facilities, and land for solid waste disposal, and may include provisions for: (1) the use of land and buildings, residential, commercial, industrial, mining, agricultural, park and other like purposes; (2) service-water supply, utilities, sewerage, and other like matters; (3) transportation, streets, parking, public transit lines and stations both above and below ground level, freight facilities, airports, harbors, channels, docks and wharves, and other like matters; (4) housing, residential standards, clearance, redevelopment, rehabilitation, conservation, and other like matters; (5) water, forest, soil conservation, flood control, and other like matters; (6) public and semipublic facilities including but not limited to civic centers, schools, libraries, parks,

**DRAFTING NOTE**

Minor editorial changes.

**HM-14. Construction and alteration of buildings or structures**

a. No building or structure may be constructed or altered within the area shown on the master plan unless the commission first issues a permit approving the plans and specifications for the proposed construction or alteration as being in conformity with the master plan. No permit may be issued without a certificate from the chief engineer or equivalent official of the commission that the proposed construction or alteration meets the engineering standards adopted by the commission.

b. Whenever the commission has adopted a master plan or any portion of a master plan, the governing body or any agency or instrumentality of any constituent municipality or affected county shall refer action involving any project of the municipality, county, agency or instrumentality to the commission for review and approval. The municipality, county, agency or instrumentality shall not take any action necessitating the expenditure of any public funds incidental to the location, character, or extent of any project unless the commission has indicated its approval by a majority vote within 45 days of reference to the commission or by the failure of the commission to disapprove by a majority vote within 45 days.

**Source: 13:17-12<sup>14</sup>**

**DRAFTING NOTE**

Subsection b. rewritten for clarity.

**HM-15. Subdivisions and land development**

The commission shall review and regulate subdivisions and land development within the district, in accordance with procedures and engineering and planning standards adopted by resolution. The standards shall require that:

a. All subdivisions, site plans, buildings and other development be in accordance with the master plan and any applicable redevelopment plan;

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playgrounds, fire houses, police buildings, hospitals, and other like matters; (7) the distribution and density of population; (8) planned unit development; (9) community appearance; (10) financing and programming capital improvements; (11) and other related elements of growth and development, including the social implications of any proposed development, and advances in technology related to any subject included in the plan.

b. The plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, housing, and the control of air and water pollution and solid waste disposal which has been approved by the State Department of Health, and other subjects necessary to carry out the plan or to undertake a workable program of community improvement. No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission. No municipality shall enact or enforce any code which is inconsistent with the code contained in the master plan insofar as such code applies to property within the district; provided, however, that the governing body or other appropriate body of each constituent municipality may enact zoning ordinances and any other codes or standards, which it is authorized by the laws of this State to enact, for lands within the boundaries of said municipality which are subject to the jurisdiction of the commission and which will effectuate the purposes of the commission's master plan.

L.1968, c. 404, §10.

**13:17-12. Construction and alteration of buildings or structures; necessity of permit; referral of action involving specific projects to commission**

a. No building or structure may be constructed or altered within the area shown on the master plan unless the commission shall first issue a permit approving the plans and specifications for the proposed construction or alteration as being in conformity with the master plan. No permit may be issued without a certificate from the chief engineer or equivalent official of the commission that the proposed construction or alteration meets the engineering standards adopted by the commission.

b. Whenever the commission shall have adopted a master plan or any portion thereof, the governing body of any constituent municipality or affected county, or any agency or instrumentality thereof, before taking action necessitating the expenditure of any public funds incidental to the location, character, or extent of one or more projects of said municipality or affected county, or any agency or instrumentality thereof, shall refer action involving such specific project to the commission for review and approval, and shall not act thereon unless the commission has indicated its approval by a majority vote of said commission within 45 days of reference to the commission or by the failure of the commission to disapprove by a majority vote of said commission within said 45 days.

L.1968, c. 404, §11.

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b. Adequate drainage facilities and easements be provided;

c. Road improvements be provided for subdivisions or sites where necessary to protect the safety and convenience of the traveling public, the improvements to include, but not be limited to, additional rights-of-way or pavement widths, marginal access streets, reverse frontage and highway and traffic design features necessitated by increased traffic, potential safety hazards or traffic flow impediments caused by the subdivision or development;

d. Public water and sewer systems be provided where necessary to protect public health and to insure an adequate supply of water;

e. Performance guarantees, maintenance bonds and agreements be provided specifying minimum standards of construction for required improvements by the commission and not to exceed the full cost of the facility and installation thereof or the developer's proportionate share thereof. Any bonds, moneys or guarantees received by the commission under this paragraph shall not duplicate bonds, moneys or guarantees required by municipalities for municipal purposes.

**Source: 13:17-13<sup>15</sup>**

### DRAFTING NOTE

Minor editorial changes.

#### **HM-16. Application for subdivision, site plan or building permit**

a. Each application for a subdivision, site plan or building permit shall be submitted to the commission for review and, where required, approval prior to approval by the local constituent municipal approving authority. Commission approval of any subdivision application shall be limited by and based upon the rules, regulations and standards established by and duly set forth in a resolution adopted by the commission. The constituent municipal approval authority shall defer taking final action on a subdivision application until receipt of the commission report thereon. The commission shall report to the municipal authority within 45 days from the date of receipt of the application. If the commission fails to report to the municipal approving authority within the 45-day period, the subdivision application shall be deemed to have been approved by the commission unless, by mutual agreement between the commission and municipal approving authority, with approval of the applicant, the 45-day period shall be extended for an additional 45-day period, and any extension shall also extend the time within which a municipal approving authority shall be required by law to act on the application.

b. The commission shall review each subdivision plan and building permit application and withhold approval if the application does not meet the approval standards previously adopted by the commission, in accordance with this section. In the event approval is withheld or an application is disapproved, the reasons for the action shall be set forth in writing and a copy shall be transmitted to the applicant.

<sup>15</sup>

#### **13:17-13. Subdivisions and land development; review and regulation by commission; standards**

The commission shall review and regulate subdivisions and land development within the district, in accordance with procedures and engineering and planning standards adopted by resolution, which shall require that:

a. All subdivisions, site plans, buildings and other development be in accordance with the master plan and any applicable redevelopment plan;

b. Adequate drainage facilities and easements be provided;

c. Road improvements be provided for subdivisions or sites where necessary to protect the safety and convenience of the traveling public, such improvements to include, but not be limited to, additional rights-of-way or pavement widths, marginal access streets, reverse frontage and highway and traffic design features necessitated by increased traffic, potential safety hazards or traffic flow impediments caused by the subdivision or development;

d. Public water and sewer systems be provided where necessary to protect public health and to insure an adequate supply of water;

e. Performance guarantees, maintenance bonds and agreements be provided specifying minimum standards of construction for required improvements by the commission and not to exceed the full cost of the facility and installation thereof or the developer's proportionate share thereof. Any bonds, moneys or guarantees received by the commission under this paragraph shall not duplicate bonds, moneys or guarantees required by municipalities for municipal purposes.

L.1968, c. 404, §12.

Source: 13:17-14<sup>16</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-17. Development application**

Whenever the commission receives an application for the development, improvement or redevelopment of, or for the construction or reconstruction of buildings or structures on, land in the district, within seven days the commission shall notify the governing body of the municipality or municipalities in which the land is located and any immediately adjacent municipality. Before approving an application, the commission shall consult with the notified governing body or bodies of the municipality or municipalities in which the land is located. If the commission approves an application which the governing body or bodies of the municipality or municipalities in which the land is located oppose in any manner, the commission shall inform the governing body or bodies of the reasons for approval within seven days of that approval. The notices provided in this section shall be in writing and sent by certified mail.

Source: 13:17-14.1<sup>17</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-18. Filing of subdivision plats**

The county clerk or registrar of deeds and mortgages shall not accept for filing any subdivision plat for lands in the district unless it bears the certification of approval of the commission in addition to all other requirements for filing a subdivision plat. If the commission takes no action to approve or disapprove a subdivision within the period required by [section HM-16] of this chapter it shall, at the request of the developer, certify that fact upon the plat. The certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

Source: 13:17-15<sup>18</sup>

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<sup>16</sup> **13:17-14. Application for subdivision, site plan or building permit; review and approval**

a. Each application for a subdivision, site plan or building permit shall be submitted to the commission for review and, where required, approval prior to approval by the local constituent municipal approving authority. Commission approval of any subdivision application shall be limited by and based upon the rules, regulations and standards established by and duly set forth in a resolution adopted by the commission. The constituent municipal approval authority shall defer taking final action on a subdivision application until receipt of the commission report thereon. The commission shall report to the municipal authority within 45 days from the date of receipt of the application. If the commission fails to report to the municipal approving authority within the 45-day period, said subdivision application shall be deemed to have been approved by the commission unless, by mutual agreement between the commission and municipal approving authority, with approval of the applicant, the 45-day period shall be extended for an additional 45-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

b. The commission shall review each subdivision plan and building permit application and withhold approval if said application does not meet the approval standards previously adopted by the commission, in accordance with this section. In the event of the withholding of approval, or the disapproval of, any such application, the reasons for such action shall be set forth in writing and a copy thereof shall be transmitted to the applicant.

<sup>17</sup> 1968, c. 404, §13.

**13:17-14.1. Development application**

Whenever the commission receives an application for the development, improvement or redevelopment of, or for the construction or reconstruction of buildings or structures on, land in the district, the commission shall notify within seven days, in writing by certified mail, the governing body of the municipality or municipalities in which the land is located and any municipality immediately adjacent thereto. Before approving an application, the commission shall consult with the notified governing body or bodies of the municipality or municipalities in which the land is located. If the commission approves an application which the governing body or bodies of the municipality or municipalities in which the land is located oppose in any manner, the commission shall inform the governing body or bodies, in writing by certified mail, of the reasons for approval within seven days of that approval.

L.1988,c.136, §2; amended 1992,c.54, §2.



**DRAFTING NOTE**

“Act” changed to “chapter”; other minor editorial changes.

**HM-19. Hearings**

a. Whenever a hearing upon notice is required in any constituent municipality or affected county with respect to the adoption or amendment of a master plan, official map, zoning or subdivision regulations, or to the granting of variances or special exceptions, involving property within the district or within 200 feet of its borders, the person required to give the notice shall also, at least 45 days prior to the hearing, give written notice of the hearing to the commission by registered or certified mail. The notice of hearing shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard, and a copy of any plan, code, regulations or standards to be approved.

b. The commission shall be considered a party in interest at any hearing, and no action involving a municipal master plan, zoning ordinance, subdivision, building, or site plan approval, the official map, or the grant or variance or special exception shall be taken by a public body of a constituent municipality or affected county which is inconsistent with the master plan.

**Source: 13:17-16<sup>19</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-20. Project sites**

a. If portions of the master plan contain proposals for drainage rights -of-way, roads or streets, schools, colleges, parks, playgrounds, or for any project as defined in this chapter, before approving any subdivision or site plan, the commission may require that the project sites be shown in locations and of sizes suitable to their intended uses. The commission shall be permitted to reserve the location and extent of the project sites shown on the master plan or any part thereof for a period of 1 year after the approval of the subdivision or site plan or within the further time as agreed to by the applying party. Unless during each 1 year period or extension thereof the commission shall have entered into a contract to purchase or institute condemnation proceedings according to law for the project site, the developer shall not be bound by the proposals for the areas shown on the plan. This subsection shall not apply to streets and roads and drainage rights -of-way required for approval of any subdivision or site plan and deemed essential to the public welfare.

b. Whenever one or more parcels of land on which a project site is located cannot yield a reasonable return to the owner unless a building permit is granted or a subdivision or site plan is approved, the commission may, in a specific case, by a majority vote, grant a permit for a building on the project site, which

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<sup>18</sup> **13:17-15. Filing of subdivision plats; necessity of certification by commission**

The county clerk or registrar of deeds and mortgages shall not accept for filing any subdivision plat for lands in the district unless it bears the certification of approval of the commission in addition to all other requirements for filing a subdivision plat. If the commission shall have taken no action to approve or disapprove a subdivision within the period required by section 13 of this act it shall, at the request of the developer, certify such fact upon the plat. Such certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

<sup>19</sup> L.1968, c. 404, §14.

**13:17-16. Notice of hearing by constituent municipality or affected county; contents; commission as party in interest**

a. Whenever a hearing upon notice is required in any constituent municipality or affected county with respect to the adoption or amendment of a master plan, official map, zoning or subdivision regulations, or to the granting of variances or special exceptions, involving property within the district or within 200 feet of its borders, the person required to give such notice shall also, at least 45 days prior to the hearing, give written notice of the hearing to the commission by registered or certified mail. Said notice of hearing shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard, and a copy of any plan, code, regulations or standards to be approved.

b. The commission shall be considered a party in interest at such hearing, and no action involving a municipal master plan, zoning ordinance, subdivision, building, or site plan approval, the official map, or the grant or variance or special exception shall be taken by a public body of a constituent municipality, or affected county which shall be inconsistent with the master plan.

L.1968, c. 404, §15.

will as little as practicable diminish the area and use of the project site for its intended purposes, or may pay over to the developer the amount of damages found by the commission to have been caused by the delay in approval or acquisition.

Source: 13:17-17<sup>20</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; other minor editorial changes.

**HM-21. Waiver of standards**

The commission may provide for the waiver, according to definite criteria, of strict compliance with the standards promulgated, where necessary to alleviate hardship. The commission may exempt subdivisions of less than a designated number of lots or site plans involving single -family residences from its regulations where no new streets are involved.

Source: 13:17-18<sup>21</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-22. Penalties**

a. If any person transfers, sells, or rents to another, or agrees to transfer, sell or rent to another any land or building or other structure or constructs or alters any building or structure within the district, or directly causes the transfer, sale or rental to another, or arranges for an agreement to transfer, sell or rent to another any land or building or other structure or directly causes the construction or alteration of any building or structure within the district, without first obtaining the approval of the commission of any application for a subdivision, site plan or building permit that may be required by this chapter, the person shall be subject to a fine of not more than \$5,000.00, and each parcel, lot, plot, building, or rental unit so disposed of or agreed or caused to be disposed of shall be deemed a separate violation.

The commission may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person pursuant to this chapter, if the commission finds that the person has violated this subsection. Where any violation of this subsection is of a continuing nature, each day during which the continuing violation remains unabated, after the date fixed by the commission in any order or notice for the correction or termination of the violation, constitutes an additional, separate and distinct violation. The commission, in the exercise of its administrative authority pursuant to this chapter, may levy and collect the

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<sup>20</sup> **13:17-17. Project sites; suitability of locations and sizes; reservation; grant of building permits**

a. If portions of the master plan contain proposals for drainage rights-of-way, roads or streets, schools, colleges, parks, playgrounds, or for any project as defined in this act, before approving any subdivision or site plan, the commission may require that such project sites be shown in locations and of sizes suitable to their intended uses. The commission shall be permitted to reserve the location and extent of such project sites shown on the master plan or any part thereof for a period of 1 year after the approval of the subdivision or site plan or within such further time as agreed to by the applying party. Unless during each 1 year period or extension thereof the commission shall have entered into a contract to purchase or institute condemnation proceedings according to law for said project site, the developer shall not be bound by the proposals for such areas shown on the plan. This subsection shall not apply to streets and roads and drainage rights-of-way required for approval of any subdivision or site plan and deemed essential to the public welfare.

b. Whenever one or more parcels of land on which is located such a project site cannot yield a reasonable return to the owner unless a building permit is granted or a subdivision or site plan is approved, the commission may, in a specific case, by a majority vote, grant a permit for a building on such project site, which will as little as practicable diminish the area and use of the project site for its intended purposes, or may pay over to the developer the amount of damages found by the commission to have been caused by the delay in approval or acquisition.

L.1968, c. 404, §16.

<sup>21</sup> **13:17-18. Waiver of strict compliance with standards; exemption of certain subdivisions from regulations**

Provision may be made by the commission for the waiver, according to definite criteria, of strict compliance with the standards promulgated, where necessary to alleviate hardship. The commission may exempt subdivisions of less than a designated number of lots or site plans involving single-family residences from its regulations where no new streets are involved.

L.1968, c. 404, §17.

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finances in the amounts set forth in this subsection. Where an administrative penalty order has not been satisfied, the penalty may be sued for and recovered by and in the name of the commission in a civil action brought in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58 -1 et seq.), in Superior Court.

b. In addition to the foregoing, the commission may in the case of any violation of subsection a. of this section, institute a civil action:

- (1) For injunctive relief;
- (2) To set aside and invalidate any conveyance or lease made pursuant to contract for sale or otherwise in violation of subsection a. of this section;
- (3) To prevent the unlawful sale, rental, erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- (4) To restrain, correct, or abate such a violation;
- (5) To prevent the occupancy of the dwelling, structure or land; or
- (6) To prevent any illegal act, conduct, business or use in or about the premises.

**Source: 13:17-19<sup>22</sup>**

### DRAFTING NOTE

References to the public law number of the source legislation changed to "this chapter"; other minor editorial changes.

### HM-23. Declaration of renewal area

a. Pursuant to the procedure provided in this chapter, the commission shall have the exclusive power to declare the district or any portion of the district to be a renewal area. Prior to making a declaration, the Commission shall find that there exist in the district or portions of the district the conditions of "blight" as those conditions are defined in section 3 of chapter 306 of laws of 1949 (P.L.1949, c. 306). It is hereby determined by the Legislature that the conditions contained in section 3 of chapter 306 of laws of 1949 (P.L.1949, c. 306) are a social and economic liability to the district.

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<sup>22</sup> **13:17-19. Penalties for failure to obtain approval**

a. If any person transfers, sells, or rents to another, or agrees to transfer, sell or rent to another any land or building or other structure or constructs or alters any building or structure within the district, or directly causes the transfer, sale or rental to another, or arranges for an agreement to transfer, sell or rent to another any land or building or other structure or directly causes the construction or alteration of any building or structure within the district, without first obtaining the approval of the commission of any application for a subdivision, site plan or building permit as may be required by P.L. 1968, c. 404 (C. 13:17-1 et seq.), the person shall be subject to a fine of not more than \$5,000.00, and each parcel, lot, plot, building, or rental unit so disposed of or agreed or caused to be disposed of shall be deemed a separate violation.

The commission may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person pursuant to P.L. 1968, c. 404 (C. 13:17-1 et seq.), if the commission finds that the person has violated this subsection. Where any violation of this subsection is of a continuing nature, each day during which the continuing violation remains unabated, after the date fixed by the commission in any order or notice for the correction or termination of the violation, constitutes an additional, separate and distinct violation. The commission, in the exercise of its administrative authority pursuant to P.L. 1968, c. 404 (C. 13:17-1 et seq.), may levy and collect the fines in the amounts set forth in this subsection. Where an administrative penalty order has not been satisfied, the penalty may be sued for and recovered by and in the name of the commission in a civil action brought in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.), in Superior Court.

b. In addition to the foregoing, the commission may in the case of any violation of subsection a. of this section, institute civil action:

- (1) For injunctive relief;
- (2) To set aside and invalidate any conveyance or lease made pursuant to contract for sale or otherwise in violation of subsection a. of this section;
- (3) To prevent such unlawful sale, rental, erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- (4) To restrain, correct, or abate such violation;
- (5) To prevent the occupancy of said dwelling, structure or land; or
- (6) To prevent any illegal act, conduct, business or use in or about such premises.

L. 1968, c. 404, §18; amended 1989,c.27, §1.

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b. Prior to declaring any portion of the district a renewal area the commission by resolution shall provide for a preliminary investigation. Upon the adoption of the resolution, the commission shall prepare a map showing the boundaries of the area to be investigated and the location of the various parcels of property located in the area, and shall append to the map a statement setting forth the reasons for the investigation.

c. The commission shall hold a hearing for the purpose of hearing persons interested in, or who would be affected by, a determination that the area is a renewal area as defined in this chapter and who are in favor of or are opposed to the determination.

d. A notice of the hearing shall be given setting forth the general boundaries of the area to be investigated and stating that a map has been prepared and can be inspected at the office of the commission. A copy of the notice shall be published in a newspaper of general circulation in the district once each week for 2 consecutive weeks and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the notice shall be mailed at least 10 days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the area according to the assessment records of the municipality where the parcel is located. The notice shall be sent to the last known postal address of each owner. A notice shall also be sent to any other persons whose names are noted on the assessment records as claimants of an interest in any the parcel, at their last known address. The assessor of the municipality shall make the a notation upon therecords when requested so to do by any person claiming to have an interest in any parcel of property in the municipality. Failure to mail a notice shall not invalidate the investigation or determination by the commission.

e. At the hearing, which may be adjourned from time to time, the commission shall hear all persons interested in the investigation and shall consider any, and all, written objections that may be filed and any evidence which may be introduced in support of the objections, or any opposition to a determination that the area is a renewal area. After the hearing the commission shall, by resolution, determine that the area or any part of it is, or is not, a renewal area, as defined in this chapter. A determination that the area or any part of it is a renewal area, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the determination. If the determination is that the area or any part of it is a renewal area, the commission within 10 days after the determination, shall serve a copy of the resolution upon each person who filed a written objection including their address at or prior to the hearing.

The service may be made (1) by delivering a copy of the resolution personally to the objector, (2) by mailing a copy addressed to the objector according to the objector's stated address, or (3) by leaving a copy at the objector's stated address for the objector with a person of suitable age and discretion.

f. Any person who files a written objection with the commission as provided in this section, may appeal the commission's determination to the Superior Court of New Jersey. In any such action, the court may make any incidental order that shall be deemed by the court to be proper.

g. If the determination is that an area is a renewal area, the commission may, but shall not be required to, acquire the real property within the area by purchase, or by eminent domain proceedings, and may proceed with the clearance, replanning, development or redevelopment of the area as a public purpose and for public use, or the commission may, by resolution, agree that a redeveloper may undertake the clearance, replanning, development or redevelopment in accordance with statutory authority and subject to the provisions of paragraph 1, Section III, Article VII, of the New Jersey Constitution.

**Source: 13:17-20<sup>23</sup>**

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<sup>23</sup> **13:17-20. Declaration of district as renewal area; necessary findings; investigation; notice and hearing; review by court; acquisition of land; development**

a. Pursuant to the procedure hereinafter provided, the commission shall have the exclusive power to declare the district or any portion thereof to be a renewal area; provided, that the commission shall find prior to such declaration that there exist in the district or portion thereof the conditions of "blight" as said conditions are defined in section 3 of chapter 306 of laws of 1949 (P.L.1949, c. 306). It is hereby determined by the Legislature that such conditions contained in section 3 of chapter 306 of laws of 1949 (P.L.1949, c. 306) are a social and economic liability to the district.

**Drafting Note**

“Act” changed to “chapter”; other minor editorial changes. In subsection f. the reference to appeals of actions by the Commission generalized.

**HM-24. Redevelopment plans for renewal areas**

a. The commission is authorized to prepare and adopt redevelopment plans for areas in the district determined by the commission to be renewal areas;

b. In undertaking projects pursuant to any redevelopment plan, the commission may:

(1) Acquire, by condemnation or otherwise, real or personal property, or any interest in property, including any property that it may deem necessary or proper, although temporarily not required for its purposes, in a renewal area and in any area within the district designated by it as necessary for relocation of residents, industry or commerce displaced from a renewal area;

(2) Clear or reclaim any area acquired and install, construct or reconstruct projects within the area necessary to prepare the area for development;

(3) Relocate or arrange or contract with public or private agencies for the relocation of residents, industry or commerce displaced from the renewal area;

(4) Dispose of real property so acquired by sale, lease or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;

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b. Prior to declaring any portion of the district a renewal area the commission by resolution shall provide for a preliminary investigation. Upon the adoption of such a resolution, the commission shall prepare a map showing the boundaries of the area to be investigated and the location of the various parcels of property located therein, and shall append thereto a statement setting forth the reasons for the investigation.

c. The commission shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, a determination that the area is a renewal area as defined in this act and who are in favor of or are opposed to such determination.

d. A notice of such hearing shall be given setting forth the general boundaries of the area to be investigated and stating that a map has been prepared and can be inspected at the office of the commission. A copy of such notice shall be published in a newspaper of general circulation in the district once each week for 2 consecutive weeks and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the notice shall be mailed at least 10 days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the area according to the assessment records of the municipality where the parcel is located. Such notice shall be sent to the last known postal address of such owners. A notice shall also be sent to any and all persons at his, or their last known address, if any, whose names are noted on said assessment records as claimants of an interest in any such parcel. The assessor of such municipality shall make such a notation upon the said records when requested so to do by any person claiming to have an interest in any parcel of property in such municipality. Failure to mail any such notice shall not invalidate the investigation or determination thereon.

e. At the hearing, which may be adjourned from time to time the commission shall hear all persons interested in the investigation and shall consider any, and all, written objections that may be filed and any evidence which may be introduced in support of the objections, or any opposition to a determination that the area is a renewal area. After the hearing the commission shall, by resolution, determine that the area or any part thereof is, or is not, a renewal area, as defined in this act. A determination that the area or any part thereof is a renewal area, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the determination. If the determination is that the area or any part thereof is a renewal area, the commission within 10 days after such determination, shall cause to be served a copy of the resolution upon each person who filed a written objection at or prior to the hearing; provided, the address of the objector was stated in, or upon, the written objection.

Such service may be made (1) by delivering a copy of the resolution personally to the objector, (2) by mailing such copy addressed to the objector according to his said stated address, or (3) by leaving such copy at said stated address for the objector with a person of suitable age and discretion.

f. Any person who shall have filed such a written objection with the commission, may have a determination that an area is a renewal area reviewed by the Superior Court of New Jersey by procedure in lieu of prerogative writs. An action for any such review shall be commenced within 30 days after the determination by the commission. In any such action, the said court may make any incidental order that shall be deemed by the court to be proper.

g. If the determination is that an area is a renewal area, the commission may, but shall not be required to, acquire the real property within the area by purchase, or by eminent domain proceedings, and may proceed with the clearance, replanning, development or redevelopment of the area as a public purpose and for public use, or the commission may, by resolution, agree that a redeveloper may undertake such clearance, replanning, development or redevelopment in accordance with statutory authority and subject to the provisions of paragraph 1, Section III, Article VII, of the New Jersey Constitution.

L.1968, c. 404, §19.

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(5) Study the recommendations of any planning board for redevelopment of any area and make its own investigations as to current trends and blighting factors in the district, or any area of the district;

(6) By contract or contracts with public agencies or redevelopers or by its own employees or consultants plan, replan, construct, reconstruct, operate, maintain and repair any redevelopment or other project or any part of a project or redevelopment;

(7) Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements and to the control over the pollution of water and air and the disposal of solid waste;

(8) Prepare and adopt from time to time a workable program, representing an official plan of action for effectively dealing with the problem of urban renewal areas within the district and for the establishment and preservation of well-planned communities with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life; for utilizing appropriate private and public resources to eliminate and prevent the development or spread of blight and deterioration; to encourage needed conservation or rehabilitation; to provide for the redevelopment of renewal areas; or to undertake any of these activities or other feasible activities that may be suitably employed to achieve the objectives of the program.

Source: 13:17-21<sup>24</sup>

### DRAFTING NOTE

Minor editorial changes.

#### HM-25. Required provisions in agreements, leases, deeds or other instruments

All agreements, leases, deeds and other instruments from or between the commission and to or with a redeveloper shall contain, without being limited to, the following provisions:

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<sup>24</sup> **13:17-21. Redevelopment plans for renewal areas; authority of commission in undertaking projects**

a. The commission is authorized to prepare and adopt redevelopment plans for areas in the district determined by the commission to be renewal areas;

b. In undertaking projects pursuant to any redevelopment plan, the commission may:

(1) Acquire, by condemnation or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in a renewal area and in any area within the district designated by it as necessary for relocation of residents, industry or commerce displaced from a renewal area;

(2) Clear or reclaim any area so acquired and install, construct or reconstruct projects therein necessary to prepare such area for development;

(3) Relocate or arrange or contract with public or private agencies for the relocation of residents, industry or commerce displaced from the renewal area;

(4) Dispose of real property so acquired by sale, lease or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;

(5) Study the recommendations of any planning board for redevelopment of any area and make its own investigations as to current trends and blighting factors in the district, or any area thereof;

(6) By contract or contracts with public agencies or redevelopers or by its own employees or consultants plan, replan, construct, reconstruct, operate, maintain and repair any redevelopment or other project or any part thereof;

(7) Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements and to the control over the pollution of water and air and the disposal of solid waste;

(8) Prepare and adopt from time to time a workable program, representing an official plan of action for effectively dealing with the problem of urban renewal areas within the district and for the establishment and preservation of well-planned communities with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life; for utilizing appropriate private and public resources to eliminate and prevent the development or spread of blight and deterioration; to encourage needed conservation or rehabilitation; to provide for the redevelopment of renewal areas; or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

L.1968, c. 404, §20.

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- a. a covenant running with the land to the effect that the land, and any buildings or improvements on the land, shall only be used for the purposes designated in the redevelopment plan;
- b. a provision that the redeveloper shall be without power to sell, lease or otherwise transfer the redevelopment area or project or any part of the area or project without the prior written consent of the commission;
- c. any lease to a redeveloper may provide that all improvements shall become the property of the commission;
- d. any other covenants, provisions and continuing controls that may be deemed necessary to effectuate the purposes of this chapter.

**Source:** 13:17-22<sup>25</sup>

### DRAFTING NOTE

Minor editorial changes.

## Subchapter 6. - Capital Financing

### HM-26. Issuance and renewal of negotiable bonds and notes

The commission is authorized from time to time to issue its negotiable bonds and notes for any corporate purpose and to renew from time to time any bonds and notes by the issuance of new bonds and notes, whether the bonds and notes to be renewed have or have not matured. The commission may issue bonds and notes partly to renew bonds and notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. The commission may issue bonds and notes on which the principal and interest are payable (1) exclusively from the income and revenues of the improvement or project financed with the proceeds of the bonds or notes; (2) exclusively from the income and revenue of certain designated improvement or projects whether or not they are financed in whole or in part with the proceeds of the bonds or notes; or (3) from its revenue generally. Any the bonds or notes may be additionally secured by a pledge of any grant or contribution from any department or agency of the United States or the State or person or a pledge of any money, income or revenues of the agency from any source whatsoever. Any resolution authorizing bonds and notes of the commission or any issue of bonds or notes may contain the following provisions:

- a. A covenant against pledging all or any part of its charges or revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired or against permitting or suffering any lien on the charges, revenues or property;
- b. A covenant with respect to limitations on any right to sell, lease or otherwise dispose of any project or any part of a project or any property of any kind;
- c. A covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by the commission;

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<sup>25</sup> **13:17-22. Required provisions in agreements, leases, deeds or other instruments from or between commission and to or with a redeveloper**

All agreements, leases, deeds and other instruments from or between the commission and to or with a redeveloper shall contain, without being limited to, the following provisions:

- a. a covenant running with the land to the effect that the land, and any buildings or improvements thereon, shall only be used for the purposes designated in the redevelopment plan;
  - b. a provision that the redeveloper shall be without power to sell, lease or otherwise transfer the redevelopment area or project or any part thereof without the prior written consent of the commission;
  - c. any lease to a redeveloper may provide that all improvements shall become the property of the commission;
  - d. such other covenants, provisions and continuing controls as may be deemed necessary to effectuate the purposes of this act.
- L.1968, c. 404, §21.

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d. A covenant against extending the time for the payment of bonds or notes or interest on the bonds or notes;

e. A covenant as to the rates of fees and other charges to be established and charged, the amount to be raised each year or other period of time by fees, charges or other revenues and as to the use and disposition to be made of the fees, charges and other revenues;

f. A covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use and disposition of the moneys held in the funds;

g. A provision for the establishment of a procedure, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent to the amendment or abrogation, and the manner in which the consent may be given;

h. A provision for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all bonds, notes or other obligations of the commission shall become or may be declared due and payable before maturity and the terms and conditions upon which any declaration and its consequences may be waived;

i. A provision for the payment of the costs or expenses incident to the enforcement of the bonds or notes or of the provisions of the resolution or of any covenant or agreement of the commission with the holders of its bonds or notes;

j. A limit on the powers of the commission to construct, acquire or operate any structures, facilities or properties which may compete or tend to compete with any of its projects;

k. A limit on the rights of the holders of any bonds or notes to enforce any pledge or covenant securing bonds or notes; and

l. Any other covenant or provision, in addition to those herein expressly authorized, which the commission deems necessary, convenient or desirable in order to better secure the bond or notes, or which in the opinion of the commission will tend to make the bonds or notes more marketable.

All the bonds and notes shall be payable from the revenues or other moneys of the commission, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

**Source: 13:17-23<sup>26</sup>**

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<sup>26</sup> **13:17-23. Issuance and renewal of negotiable bonds and notes; contents of bond resolution; payment**

The commission is authorized from time to time to issue its negotiable bonds and notes for any corporate purpose and to renew from time to time any bonds and notes by the issuance of new bonds and notes, whether the bonds and notes to be renewed have or have not matured. The commission may issue bonds and notes partly to renew bonds and notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. The commission may issue bonds and notes on which the principal and interest are payable (1) exclusively from the income and revenues of the improvement or project financed with the proceeds of such bonds or notes; (2) exclusively from the income and revenue of certain designated improvement or projects whether or not they are financed in whole or in part with the proceeds of such bonds or notes; or (3) from its revenue generally. Any such bonds or notes may be additionally secured by a pledge of any grant or contribution from any department or agency of the United States or the State or person or a pledge of any money, income or revenues of the agency from any source whatsoever. Any resolution or resolutions authorizing bonds and notes of the commission or any issue thereof may contain the following provisions:

a. A covenant against pledging all or any part of its charges or revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired or against permitting or suffering any lien on such charges, revenues or property;

b. A covenant with respect to limitations on any right to sell, lease or otherwise dispose of any project or any part thereof or any property of any kind;

c. A covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by the commission;

d. A covenant against extending the time for the payment of bonds or notes or interest thereon;

e. A covenant as to the rates of fees and other charges to be established and charged, the amount to be raised each year or other period of time by fees, charges or other revenues and as to the use and disposition to be made thereof;



DRAFTING NOTE

Minor editorial changes.

**HM-27. Issuance and renewal of negotiable bond anticipation notes**

a. In anticipation of the sale of bonds the commission may issue negotiable bond anticipation notes and may renew the notes from time to time, but the maximum maturity of any note, including renewals thereof, shall not exceed 5 years from the date of the issuance of the original note. The notes shall be paid from any revenues or other moneys of the commission available for that purpose and not otherwise pledged, or from the proceeds of the sale of the bonds of the commission in anticipation of which they were issued. The notes shall be issued in the same manner as the bonds. The notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a bond resolution of the commission may contain.

b. Except as may otherwise be expressly provided by the commission, every issue of its bonds or notes shall be general obligations of the commission payable from any revenues or moneys of the commission, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys. Bonds and notes that are payable from a special fund shall be fully negotiable within the meaning of the Uniform Commercial Code, subject only to the provisions of the bonds and notes for registration.

c. The bonds may be issued in one or more series as serial bonds or as term bonds, or the commission, in its discretion, may issue bonds of both types.

The bonds shall be authorized by resolution of the members of the commission. The authorizing resolution shall specify the dates of issuance of the bonds; the dates of maturity, not exceeding 50 years from the respective dates of issuance; the interest rate, not exceeding 6% per annum; the dates when the bonds are payable; the denominations and form of the bonds, either coupon or registered; the conversion or registration privileges; the rank or priority of the bonds; the manner of execution, the manner, place and source of payment in lawful money of the United States of America, and the terms of redemption (with or without premium). The bonds or notes may be sold at public or private sale for the price or prices that the commission determines, but the price shall not at the time of sale yield more than 6% per annum computed according to standard tables of bond values. Pending preparation of the definitive bonds, the commission may issue interim receipts of certificates which shall be exchanged for the definitive bonds.

d. Neither the members of the commission nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

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f. A covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use and disposition of the moneys held in such funds;

g. A provision for the establishment of a procedure, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

h. A provision for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all bonds, notes or other obligations of the commission shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

i. A provision for the payment of the costs or expenses incident to the enforcement of such bonds or notes or of the provisions of such resolution or of any covenant or agreement of the commission with the holders of its bonds or notes;

j. A limit on the powers of the commission to construct, acquire or operate any structures, facilities or properties which may compete or tend to compete with any of its projects;

k. A limit on the rights of the holders of any bonds or notes to enforce any pledge or covenant securing bonds or notes; and

l. Any other covenant or provision, in addition to those herein expressly authorized, which the commission deems may be necessary, convenient or desirable in order to better secure the bond or notes, or which in the opinion of the commission will tend to make the bonds or notes more marketable.

All such bonds and notes shall be payable from the revenues or other moneys of the commission, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

L.1968, c. 404, §22.

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e. The commission shall have the power to purchase its bonds or notes out of any funds available for that purpose. The commission may hold, pledge, cancel or resell the bonds, subject to and in accordance with agreements with bondholders.

Source: 13:17-24<sup>27</sup>

### DRAFTING NOTE

Minor editorial changes. Subsection c. rewritten for clarity.

#### HM-28. Trust agreement to secure bonds; pledge or assignment of revenues; provisions; lien of pledge

a. In the discretion of the commission, any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the commission and a corporate trustee or trustees which may be any trust company or bank having the powers of a trust company within or without the State. The trust agreement, or the resolution providing for the issuance of the bonds, may pledge or assign the revenues or other moneys to be received or the proceeds of any contract or contracts pledged. The trust agreement or resolution providing for the issuance of the bonds may contain the provisions for protecting and enforcing the rights and remedies of the bondholders that may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property, and the construction, improvement, maintenance, repair, operation and insurance of the project or projects, the amount of assessments or other charges to be levied upon holders of lands affected by the project or projects, the payment, security or redemption of bonds, and the custody, safeguarding and application of all moneys. Any bank or trust company incorporated under the laws of this State which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish the indemnifying bonds or pledge the securities that may be required by the commission. Any the trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any the trust agreement or resolution may contain the other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement or resolution may be treated as a part of the cost of construction or of a reclamation project or projects.

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<sup>27</sup> 13:17-24. Issuance and renewal of negotiable bond anticipation notes; payment; provisions, conditions and limitations

a. In anticipation of the sale of such bonds the commission may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of the issuance of the original note. Such notes shall be paid from any revenues or other moneys of the commission available therefor and not otherwise pledged, or from the proceeds of the sale of the bonds of the commission in anticipation of which they were issued. The notes shall be issued in the same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a bond resolution of the commission may contain.

b. Except as may otherwise be expressly provided by the commission, every issue of its bonds or notes shall be general obligations of the commission payable from any revenues or moneys of the commission, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys. Notwithstanding that bonds and notes may be payable from a special fund, they shall be fully negotiable within the meaning of the Uniform Commercial Code, subject only to the provisions of the bonds and notes for registration.

c. The bonds may be issued in one or more series as serial bonds or as term bonds, or the commission, in its discretion, may issue bonds of both types.

The bonds shall be authorized by resolution of the members of the commission and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates, bear interest at such rate or rates, not exceeding 6% per annum, be payable at such time or times, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in lawful money of the United States of America at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide. The bonds or notes may be sold at public or private sale for such price or prices as the commission shall determine, but which shall not at the time of sale yield more than 6% per annum computed according to standard tables of bond values. Pending preparation of the definitive bonds, the commission may issue interim receipts of certificates which shall be exchanged for such definitive bonds.

d. Neither the members of the commission nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

e. The commission shall have the power out of any funds available therefor to purchase its bonds or notes. The commission may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

L.1968, c. 404, §23.

b. Any pledge or assignment made pursuant to this section shall be valid and binding from the time when the pledge or assignment is made; the revenues or moneys so pledged or assigned and thereafter received by the commission shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the commission, irrespective of whether the parties have notice of the pledge. Neither the resolution nor any trust agreement by which a pledge or assignment is created need be filed or recorded except in the records of the commission.

Source: 13:17-25<sup>28</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-29. Debt or liability of state or political subdivision**

Except as otherwise provided by or pursuant to Section II of Article VIII of the State Constitution and approved by a majority of the legally constituted voters of the State voting on the issue or except when any county or municipality has guaranteed principal or interest, bonds and notes issued by the commission under the provisions of this chapter shall not be deemed to constitute a debt or liability of the State or of any political subdivision of the state or a pledge of the faith and credit of the State or of any political subdivision except the commission and all the bonds or notes shall contain on their face a statement to that effect.

Source: 13:17-26<sup>29</sup>

**DRAFTING NOTE**

Minor editorial changes.

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<sup>28</sup> **13:17-25. Trust agreement to secure bonds; pledge or assignment of revenues; provisions; lien of pledge**

a. In the discretion of the commission, any bonds issued under the provisions of this act may be secured by a trust agreement by and between the commission and a corporate trustee or trustees which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement, or the resolution providing for the issuance of such bonds, may pledge or assign the revenues or other moneys to be received or the proceeds of any contract or contracts pledged. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property, and the construction, improvement, maintenance, repair, operation and insurance of the project or projects, the amount of assessments or other charges to be levied upon holders of lands affected by the project or projects, the payment, security or redemption of bonds, and the custody, safeguarding and application of all moneys. Any bank or trust company incorporated under the laws of this State which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the commission. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of construction or of a reclamation project or projects.

b. Any pledge or assignment made pursuant to this section shall be valid and binding from the time when the pledge or assignment is made; the revenues or moneys so pledged or assigned and thereafter received by the commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge or assignment is created need be filed or recorded except in the records of the commission.

L. 1968, c. 404, §24.

<sup>29</sup> **13:17-26. Bonds and notes not deemed debt or liability of state or political subdivision**

Except as otherwise provided by or pursuant to Section II of Article VIII of the State Constitution and approved by a majority of the legally constituted voters of the State voting thereon or except when any county or municipality shall have guaranteed principal or interest thereon, bonds and notes issued by the commission under the provisions of this act shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any political subdivision except the commission and all such bonds or notes shall contain on the face thereof a statement to that effect.

L. 1968, c. 404, §25.

**HM-30. Agreement by state with holders of bonds or notes**

The State pledges to and agrees with the holders of the bonds or notes issued pursuant to the provisions of this chapter the following: that the State will not, without the commission's prior consent, enlarge, limit or restrict any of the rights and powers hereby vested in the commission to maintain, acquire, construct, improve, reconstruct, repair and operate any project as defined in this chapter; that the State will not limit or restrict the fixing, establishment and collection by the commission of the fees, assessments and charges that may be convenient or necessary to produce sufficient revenues to meet the expenses of the commission and to fulfill the terms of any agreements made with the holders of bonds or notes authorized by this chapter; that the State will not in any way impair the rights or remedies of the holders of the notes or bonds, or modify in any way the exemption from taxation provided in this chapter until the notes and bonds, together with interest on the bonds and notes, with interest on any unpaid installments of interest, and all costs in connection with any action or proceeding in behalf of the bondholders are fully paid and discharged or provided for.

Source: 13:17-27<sup>30</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-31. Exemption of bonds and notes from taxation**

All bonds or notes issued by the commission pursuant to this chapter are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose, and the bonds and notes, their transfer and any interest and premium on them and the income from them, including any profit made on their sale, and all assessments, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of the bonds or notes, or interest on them, shall at all times be exempt from taxation of every kind by the State and by the municipalities and other political subdivisions in the State, except transfer, inheritance and estate taxes.

Source: 13:17-28<sup>31</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-32. Moneys received pursuant to act as trust funds**

All moneys received pursuant to the authority of this chapter whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. Any officer with whom, or any bank or trust company with which, the moneys are deposited shall act

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<sup>30</sup> **13:17-27. Agreement by state with holders of bonds or notes**

The State does pledge to and agree with the holders of the bonds or notes issued pursuant to the provisions of this act that the State will not, without the commission's prior consent enlarge, limit or restrict any of the rights and powers hereby vested in the commission to maintain, acquire, construct, improve, reconstruct, repair and operate any project as defined in this act, nor will the State limit or restrict the fixing, establishment and collection by the commission of such fees, assessments and charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of the commission and to fulfill the terms of any agreements made with the holders of bonds or notes authorized by this act, nor will the State in any way impair the rights or remedies of the holders of such notes or bonds, or modify in any way the exemption from taxation provided in this act until the notes and bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs in connection with any action or proceeding in behalf of such bondholders are fully paid and discharged or provided for.

L.1968, c. 404, §26.

<sup>31</sup> **13:17-28. Exemption of bonds and notes from taxation**

All bonds or notes issued by the commission pursuant to this act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose, and such bonds and notes, their transfer and the interest and premium, if any thereon and the income therefrom, including any profit made on the sale thereof, and all assessments, charges, funds, revenues, income and other moneys pledged or available to pay or secure the payment of such bonds or notes, or interest thereon, shall at all times be exempt from taxation of every kind by the State and by the municipalities and other political subdivisions in the State, except transfer, inheritance and estate taxes.

L.1968, c. 404, §27.

as trustee of the moneys and shall hold and apply the moneys for the purposes provided in this chapter, subject to the regulations that this chapter and the resolution authorizing the bonds of any issue or the trust agreement securing the bonds provide.

Source: 13:17-29<sup>32</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-33. Proceedings by bondholders and trustees to protect and enforce rights**

Any holder of bonds or coupons pertaining to bonds issued under the provisions of this chapter; and the trustee or trustees under any trust agreement, except to the extent the rights given in this chapter may be restricted by any resolution authorizing the issuance of the bonds, or the trust agreement securing, the bonds, may bring an action or other proceedings, to protect and enforce any and all rights under the laws of the State, or granted in this chapter or under the resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by the resolution or trust agreement to be performed by the commission or by any officer, employee or agent of the commission, including the fixing, charging and collecting of the rates, rents, fees and charges authorized in this chapter and required by the provisions of the resolution or trust agreement to be fixed, established and collected.

Source: 13:17-30<sup>33</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-34. Refunding bonds**

a. The commission may provide for the issuance of bonds of the commission for the purpose of refunding any bonds of the commission then outstanding, including the payment of any redemption premium on the bonds and any interest accrued or to accrue to the earliest or subsequent date of redemption purchase or maturity, of the bonds, and, if deemed advisable by the commission, for the additional purpose of paying all or any part of the cost of acquiring and constructing improvements, extensions, additions or enlargements of project or projects or any portion of the projects.

b. The proceeds of any bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the commission, be applied to the purchase or retirement at maturity or redemption of the outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity of the bonds and may, pending application to those purposes, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date that the commission may determine.

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<sup>32</sup> **13:17-29. Moneys received pursuant to act as trust funds**

All moneys received pursuant to the authority of this act whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purpose hereof, subject to such regulations as this act and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

L.1968, c. 404, §28.

<sup>33</sup> **13:17-30. Proceedings by bondholders and trustees to protect and enforce rights**

Any holder of bonds issued under the provisions of this act, or of any of the coupons appertaining thereto; and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the commission or by any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

L.1968, c. 404, §29.

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c. Any escrowed proceeds of refunding bonds, pending their use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at appropriate times which will assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be refunded. The interest, income and profits, if any, earned or realized on any investment of escrowed proceeds of refunding bonds may also be applied to the payment of the outstanding bonds to be refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income and profits, if any, earned or realized on the investment, may be returned to the commission for use by it in any lawful manner.

d. The portion of the proceeds of any refunding bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or projects, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing not later than the time or times when the proceeds will be needed for the purpose of paying all or any part of the cost. The interest, income and profits, if any, earned or realized on the investment may be applied to the payment of all or any part of the cost or may be used by the commission in any lawful manner.

e. All refunding bonds shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

**Source: 13:17-31**<sup>34</sup>

### DRAFTING NOTE

“Act” changed to “chapter”; minor editorial changes.

### HM-35. Bonds and notes as legal investments

Bonds and notes issued by the commission under the provisions of this chapter are hereby made securities in which the State and all political subdivisions of the State, their officers, boards, commissions, departments or other agencies, all banks, bankers, savings banks, trust companies, savings and loan

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<sup>34</sup>**13:17-31. Refunding bonds; use of proceeds**

a. The commission is hereby authorized to provide for the issuance of bonds of the commission for the purpose of refunding any bonds of the commission then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption purchase or maturity, of such bonds, and, if deemed advisable by the commission for the additional purpose of paying all or any part of the cost of acquiring and constructing improvements, extensions, additions or enlargements of project or projects or any portion thereof.

b. The proceeds of any such bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the commission be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the commission.

c. Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investment thereof may be returned to the commission for use by it in any lawful manner.

d. The portion of the proceeds of any such bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or projects, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the commission in any lawful manner.

e. All such bonds shall be subject to the provisions of this act in the same manner and to the same extent as other bonds issued pursuant to this act.

L.1968, c. 404, §30.

associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds including capital belonging to them or within their control; and the bonds, notes or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

Source: 13:17-32<sup>35</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-36. Issuance of bonds without consent or other proceedings**

Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau, agency or officer of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specifically required by this chapter.

Source: 13:17-33<sup>36</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**Subchapter 7. - Property Acquired and Held by the Commission**

**HM-37. Acquisition**

a. If for any of its authorized purposes (including temporary construction purposes) the commission finds it necessary or convenient to acquire any real property within its jurisdiction, or if for any of its authorized purposes (including temporary construction purposes) the commission finds it necessary to acquire any real property beyond its jurisdiction, whether for immediate or future use, the commission may find and determine that the property, whether a fee simple absolute or a lesser interest, is required for public use and, upon making that determination, the property shall be deemed to be required for a public use until otherwise determined by the commission. The determination of the commission that property is required for public use shall not be affected by the fact that the property has previously been taken for, or is then devoted to, a public

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<sup>35</sup> **13:17-32. Bonds and notes as legal investments**

Bonds and notes issued by the commission under the provisions of this act are hereby made securities in which the State and all political subdivisions of the State, their officers, boards, commissions, departments or other agencies, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds including capital belonging to them or within their control; and said bonds, notes or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

L.1968, c. 404, §31.

<sup>36</sup> **13:17-33. Issuance of bonds without consent or other proceedings**

Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau, agency or officer of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specifically required by this act.

L.1968, c. 404, §32.

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use of any municipality, county, school district, or other local or regional district, authority or agency, but the public use in the hands or under the control of the commission shall be deemed superior.

b. If the commission is unable to agree with the owner of property upon terms for the acquisition of any real property, for any reason whatsoever, then the commission may acquire the property, whether a fee simple absolute or a lesser interest, in the manner provided in Title 20 Eminent Domain of the New Jersey Statutes insofar as the provisions of the Title are applicable and not inconsistent with the provisions contained in this section.

c. The commission may join, in separate subdivisions of one petition or complaint, the descriptions of any number of tracts or parcels of property to be condemned, and the names of any number of owners and other parties who may have an interest in any of the property. All property included in the petition or complaint may be condemned in a single proceeding; provided, however, that separate awards are made for each tract or parcel of property; and provided, further, that each of the tracts or parcels of property lies wholly in or has a substantial part of its value lying wholly within the same county.

d. When the commission by resolution determines that it requires immediate possession or use of real property, an interest in real property, the commission shall file with the clerk of the county in which the property is located and also with the Clerk of the Superior Court, a declaration of taking, signed by the commission, declaring that possession of one or more of the tracts or parcels of property described in the declaration is thereby being taken by and for the use of the commission. The declaration of taking shall set forth (1) a description of each tract or parcel of property to be taken that is sufficient for identification of the property to which a plan or map may be attached, (2) a statement of the estate or interest in the property being taken and (3) a statement of the sum of money estimated by the commission by resolution to be just compensation for the taking of the estate or interest in each tract or parcel of property described in the declaration. Upon the filing by the commission of a declaration of taking of property as provided in this section, the commission shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in the declaration.

e. Upon the filing by the commission of a declaration of taking of property as provided in this chapter and the depositing with the Clerk of the Superior Court of the amount of the estimated compensation stated in the declaration, the commission, without other process or proceedings, shall be entitled to the exclusive possession and use of each tract of property described in the declaration and may immediately enter into and take possession of the property. It is the intent of this provision that an action to fix the compensation to be paid or any other proceeding relating to the taking of the property or interest in property shall not delay the taking of possession and the use of the property by the commission for the purposes for which the commission is authorized by law to acquire or condemn property or interest in property.

f. The Commission shall commence an action in the Superior Court to fix the compensation to be paid for the property or interest in property. The commission shall serve notice of the filing of the declaration of taking of property and of the making of the deposit required by this section upon each party to the action who resides in the State, either personally or by leaving a copy at the party's residence if known, and upon each party who resides out of the State, by mailing a copy to the party's residence if known. In the event that the residence of any party or the name of any party is unknown, notice shall be published at least once in a newspaper published or circulating in the county or counties in which the property is located. Service, mailing or publication shall be made within 30 days after the filing of the declaration.

g. Upon the application of any party in interest and after notice to other parties in interest, including the commission, the Superior Court may direct that all or any part of the money deposited with the Clerk of the Superior Court be paid immediately to the persons entitled to payment. Payment may be made on account of the just compensation to be awarded in the action, provided that each person receiving payment shall have filed with the Clerk of the Superior Court a consent in writing that, in the event the award in the action shall be less than the amount deposited, the court, after any notice that the court prescribes and a hearing, may determine liability, if any, for the return of the difference or any part of the difference and enter judgment for the amount.. If the amount of the award as finally determined exceeds the amount deposited, the persons to whom the



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award is payable shall be entitled to recover from the commission the difference between the amount of the deposit and the amount of the award, with interest at the rate of 6% per annum from the date of making the deposit. If the amount of the award is less than the amount deposited, the Clerk of the Superior Court shall return the remainder of the deposit to the commission unless the deposit or any part of it has been distributed, in which event the court, on application of the commission and notice to all persons interested in the award, shall afford them an opportunity to be heard and shall enter judgment in favor of the commission for the difference against the parties liable for the return.

h. The commission shall not abandon any condemnation proceedings subsequent to the date upon which it has taken possession of the land or property as provided in this chapter.

**Source: 13:17-34<sup>37</sup>**

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<sup>37</sup> **13:17-34. Acquisition; eminent domain**

a. If for any of its authorized purposes (including temporary construction purposes) the commission shall find it necessary or convenient to acquire any real property within its jurisdiction, or if for any of its authorized purposes (including temporary construction purposes) the commission shall find it necessary to acquire any real property beyond its jurisdiction, whether for immediate or future use, the commission may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for public use and, upon such determination, the said property shall be deemed to be required for a public use until otherwise determined by the commission; and the said determination shall not be affected by the fact that such property has heretofore been taken for, or is then devoted to, a public use of any municipality, county, school district, or other local or regional district, authority or agency, but the public use in the hands or under the control of the commission shall be deemed superior.

b. If the commission is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property, for any reason whatsoever, then the commission may acquire, and is hereby authorized to acquire, such property, whether a fee simple absolute or a lesser interest, in the manner provided in chapter 1 of Title 20 of the Revised Statutes insofar as the provisions thereof are applicable and not inconsistent with the provisions contained in this section.

c. The commission may join, in separate subdivisions of one petition or complaint, the descriptions of any number of tracts or parcels of land or property to be condemned, and the names of any number of owners and other parties who may have an interest therein and all such land or property included in said petition or complaint may be condemned in a single proceeding; provided, however, that separate awards be made for each tract or parcel of land or property; and provided, further, that each of said tracts or parcels of land or property lies wholly in or has a substantial part of its value lying wholly within the same county.

d. When the commission by resolution determines that it requires immediate possession or use of land or interest therein or other property, the commission shall file with the clerk of the county in which such property is located and also with the Clerk of the Superior Court a declaration of taking, signed by the commission, declaring that possession of one or more of the tracts or parcels of land or property described in the declaration is thereby being taken by and for the use of the commission. The said declaration of taking shall set forth (1) a description of each tract or parcel of land or property to be so taken sufficient for the identification thereof to which a plan or map thereof may be attached, (2) a statement of the estate or interest in the land or property being taken and (3) a statement of the sum of money estimated by the commission by resolution to be just compensation for the taking of the estate or interest in each tract or parcel of land or property described in said declaration. Upon the filing by the commission of a declaration of taking of property as provided in this section, the commission shall deposit with the Clerk of the Superior Court the amount of the estimated compensation stated in said declaration.

e. Upon the filing by the commission of a declaration of taking of property as provided in this act and the depositing with the Clerk of the Superior Court of the amount of the estimated compensation stated in said declaration, the commission, without other process or proceedings, shall be entitled to the exclusive possession and use of each tract of land or property described in said declaration and may forthwith enter into and take possession of said land or property, it being the intent of this provision that an action to fix the compensation to be paid or any other proceeding relating to the taking of said land or interest therein or other property shall not delay the taking of possession thereof and the use thereof by the commission for the purpose or purposes for which the commission is authorized by law to acquire or condemn such land or property or interest therein.

f. The commission shall cause notice of the filing of a declaration of taking of property as provided in this section and of the making of the deposit required by this section with respect thereto to be served upon each party to the action to fix the compensation to be paid who resides in the State, either personally or by leaving a copy thereof at his residence if known, and upon each such party who resides out of the State, by mailing a copy thereof to him at his residence if known. In the event that the residence of any such party or the name of any such party is unknown, such notice shall be published at least once in a newspaper published or circulating in the county or counties in which the property is located. Such service, mailing or publication shall be made within 30 days after filing such declaration.

g. Upon the application of any party in interest and after notice to other parties in interest, including the commission, the Superior Court may direct that the money deposited with the Clerk of the Superior Court or any part thereof be paid forthwith to the person or persons entitled thereto for or on account of the just compensation to be awarded in such action, provided that each such person shall have filed with the Clerk of the Superior Court a consent in writing that, in the event the award in said action shall be less than the amount deposited, the court, after such notice as the court prescribes and hearing, may determine liability, if any, for the return of the difference or any part thereof and enter judgment therefor. If the amount of the award as finally determined shall exceed the amount so deposited, the person or persons to whom the award is payable shall be entitled to recover from the commission the difference between the amount of the deposit and the amount of the award, with interest at the rate of 6% per annum thereon from the date of making the deposit. If the amount of the award shall be less than the amount deposited, the Clerk of the Superior Court shall return the remainder of the deposit to the commission unless the deposit or any part thereof shall have theretofore been distributed, in which event the court, on application of the commission and notice to all persons interested in the award

## DRAFTING NOTE

Numerous editorial changes.

**HM-38. Public utility equipment and appliances**

a. In addition to the other powers conferred upon it by this chapter or by any other law and not in limitation, the commission, in connection with construction or operation of any project, may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (in this section called "works" ) of any public utility as defined in section 48:2 -13 of the Revised Statutes, in, on, along, over or under any project, public highway or real property, including public lands or water. Whenever in connection with construction or operation of any project, the commission determines that it is necessary that any works, which now or hereafter may be located in, on, along, over or under any project, public highway or real property, should be relocated in the project, public highway or real property or should be removed, the public utility owning or operating the works shall relocate or remove the works in accordance with the order of the commission, provided. The cost and expense of relocation or removal, including the cost of installing the works in a new location or new locations, and the cost of any property or any rights or interest in property or any other rights acquired to accomplish the relocation or removal, less the cost of any property or any rights or interest in property or any other rights of the public utility paid to the public utility in connection with the relocation or removal of the works, shall be paid by the commission and shall be included in the cost of the project. The public utility owning or operating the works, its successors or assigns, may maintain and operate the works, with the necessary appurtenances, in the new location for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the works in their former location.

b. In the case of any relocation or removal of works, as provided in subsection a., the commission shall own and maintain, repair and renew structures within the rights -of-way of railroad companies carrying any project of feeder road over railroads, and the commission shall bear the cost of maintenance, repair and renewal of structures within the rights -of-way of railroad companies carrying railroads over any project or feeder road. This provision shall not relieve any railroad company from responsibility for damage caused to any commission or railroad structure by the operation of its railroad. Any approaches, curbing, sidewalk paving, guard rails on approaches and surface paving on projects or feeder roads that are within the rights -of-way of a railroad company or companies shall be owned and maintained, repaired and renewed by the commission; rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

**Source: 13:17-35<sup>38</sup>**

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shall afford them an opportunity to be heard and shall enter judgment in favor of the commission for the difference against the party or parties liable for the return thereof.

h. The commission shall not abandon any condemnation proceedings subsequent to the date upon which it has taken possession of the land or property as provided in this act.

<sup>38</sup>L. 1968, c. 404, §33.

**13:17-35. Regulations for installation, construction, maintenance, etc., of public utility equipment and appliances**

a. In addition to the other powers conferred upon it by this act or by any other law and not in limitation thereof, the commission, in connection with construction or operation of any project, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (in this section called "works" ) of any public utility as defined in section 48:2-13 of the Revised Statutes, in, on, along, over or under any project, public highway or real property, including public lands or water. Whenever in connection with construction or operation of any project, the commission shall determine that it is necessary that any such works, which now or hereafter may be located in, on, along, over or under any project, public highway or such real property, should be relocated in the project, public highway or such real property or should be removed therefrom, the public utility owning or operating such works shall relocate or remove the same in accordance with the order of the commission, provided, however, that the cost and expense of such relocation or removal including the cost of installing such works in a new location or new locations, and the cost of any lands or any rights or interest in lands or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interest in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such works, shall be paid by the commission and shall be included in the cost of such project. In case of any such relocation or removal of works as aforesaid, the public utility owning or operating the same, its successors or assigns, may

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-39. Tax exemption**

Since the exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the State, all projects, lands and other property of the commission are hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision of the State. When property of the commission exempt from taxation is leased or licensed to another whose property is not exempt, and the licensing or leasing of the Commission property does not make the real estate taxable, the estate created by the lease or license and the appurtenances to it shall be listed as the property of the lessee or licensee, or the assignee, and be assessed and taxed as real estate.

**Source: 13:17-36<sup>39</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-40. Exemption from levy and sale on execution**

All projects and property of the commission shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against Commission projects and property nor shall any judgment against the commission be a charge or lien upon its property. Nothing in this section shall apply to or limit the rights of the holders of any bonds or notes to pursue any remedy for the enforcement of any pledge or lien given by the commission on its revenues or other moneys.

**Source: 13:17-37<sup>40</sup>**

**DRAFTING NOTE**

Minor editorial changes.

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maintain and operate such works, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such works in their former location.

b. In the case of any such relocation or removal of works, as aforesaid, the commission shall own and maintain, repair and renew structures within the rights-of-way of railroad companies carrying any project of feeder road over railroads, and the commission shall bear the cost of maintenance, repair and renewal of structures within the rights-of-way of railroad companies carrying railroads over any project or feeder road but this provision shall not relieve any railroad company from responsibility for damage caused to any commission or railroad structure by the operation of its railroad. Such approaches, curbing, sidewalk paving, guard rails on approaches and surface paving on projects or feeder roads as shall be within the rights-of-way of a railroad company or companies shall be owned and maintained, repaired and renewed by the commission; rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

<sup>39</sup>1968, c. 404, §34.

**13:17-36. Tax exemption**

Since the exercise of the powers granted by this act will be in all respects for the benefit of the people of the State, all projects, lands and other property of the commission are hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof; provided, however, that when property or land of the commission exempt from taxation is leased or licensed to another whose property is not exempt, and the licensing or leasing of which does not make the real estate taxable, the estate created by the lease or license and the appurtenances thereto shall be listed as the property of the lessee or licensee thereof, or his assignee, and be assessed and taxed as real estate.

<sup>40</sup>1968, c. 404, §35.

**13:17-37. Exemption from levy and sale on execution**

All projects and property of the commission shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the commission be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holders of any bonds or notes to pursue any remedy for the enforcement of any pledge or lien given by the commission on its revenues or other moneys.

L.1968, c. 404, §36.

**HM-41. Agreements for payments in lieu of taxes**

To the end that municipalities and counties may not suffer undue loss of tax revenue by reason of the acquisition and ownership of property by the commission, the commission is hereby authorized, empowered and directed to enter into agreements with any municipality or county, whereby the commission will undertake to pay a fair and reasonable sum to compensate the municipality or county for a loss of revenue in connection with any property acquired and owned by the commission in carrying out the provisions of this chapter. Any payment which the commission is hereby authorized, empowered and directed to make may be made on an annual basis, in which case the payment or payments shall not be less than the amount of taxes upon the property when last assessed prior to its acquisition by the commission. Every municipality and county wherein property shall be acquired by the commission is hereby empowered to enter into an agreement with the commission to accept the payment which the commission is herein authorized, empowered and directed to make.

**Source: 13:17-38<sup>41</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**Subchapter 8. - Special Assessments**

**HM-42. Improvement districts**

The commission may form within the district, improvement districts for any authorized purpose in order to levy special assessments against real estate located within the districts for benefits rendered.

All special assessments for improvements within the district shall be made by the appropriate officer of the commission.

**Source: 13:17-39<sup>42</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-43. Division of land into classes**

All land within the district shall be divided by the commission into 3 classes as follows:

Class 1--Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as presently or ultimately intended for a public use.

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<sup>41</sup> **13:17-38. Agreements for payments in lieu of taxes**

To the end that municipalities and counties may not suffer undue loss of tax revenue by reason of the acquisition and ownership of property therein by the commission, the commission is hereby authorized, empowered and directed to enter into an agreement or agreements with any municipality or county, whereby said commission will undertake to pay a fair and reasonable sum or sums to compensate the said municipality or county for a loss of revenue in connection with any property acquired and owned by the commission in carrying out the provisions of this act. Any such payment or payments which the commission is hereby authorized, empowered and directed to make may be made on an annual basis, in which case the payment or payments shall not be less than the amount of taxes upon the property when last assessed prior to its acquisition by the commission. Every municipality and county wherein the property shall be acquired by the commission is hereby empowered to enter into such agreement or agreements with the commission to accept the payment or payments which the commission is herein authorized, empowered and directed to make.

L.1968, c. 404, §37.

<sup>42</sup> **13:17-39. Formation of improvement districts; levy of special assessments**

The commission may form within the district, improvement districts for any authorized purpose in order to levy special assessments against real estate located within such districts for benefits rendered.

All special assessments for improvements within the district shall be made by the appropriate officer of the commission.

L.1968, c. 404, §38.

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Class 2--Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as ultimately disposable to private ownership, or usable by private parties.

Class 3--All other land.

**Source: 13:17-40<sup>43</sup>**

**DRAFTING NOTE**

No change.

**HM-44. Certification whether public land in class 1 or 2**

The owners of all public land in the district shall be required to certify to the commission, by a date established by the commission, whether the public lands are in class 1 or class 2; and in the case of land being in class 1, the public owners shall indicate the nature of the present or ultimate use. The commission shall approve or modify the certifications by resolution. The commission may also, by affirmative vote, reclassify lands, upon the request of any owner for reclassification.

**Source: 13:17-41<sup>44</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-45. Change in classification of class 3 land passing to state**

In the case that the title of lands designated to be in class 3 passes to the State of New Jersey, the commission shall change the designation of the class of the land to reflect the use to which the land shall be put.

**Source: 13:17-42<sup>45</sup>**

**DRAFTING NOTE**

Minor editorial changes.

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<sup>43</sup> **13:17-40. Division of land into classes**

All land within the district shall be divided by the commission into 3 classes as follows:

Class 1--Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as presently or ultimately intended for a public use.

Class 2--Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as ultimately disposable to private ownership, or usable by private parties.

Class 3--All other land.

L.1968, c. 404, §39.

<sup>44</sup> **13:17-41. Certification whether public land in class 1 or 2 and nature of present or ultimate use; approval; request for reclassification**

The owners of all public land in the district shall be required to certify to the commission, by a date established by the commission, whether said public lands are in class 1 or class 2; and in the case of land being in class 1, the public owners shall indicate the nature of the present or ultimate use. The commission shall approve or modify the certifications by resolution. The commission may also, by affirmative vote, reclassify lands, upon the request of any owner for such reclassification.

L.1968, c. 404, §40.

<sup>45</sup> **13:17-42. Change in classification of class 3 land passing to state**

In the case that the title of lands designated to be in class 3 passes to the State of New Jersey, the commission shall change the designation of the class of such land to reflect the use to which such land shall be put.

L.1968, c. 404, §41.

**HM-46. Improvements**

If in its judgment, public necessity or interest demands the construction of improvements which would benefit lands within an improvement district, the commission shall pass a resolution of its intention to undertake the improvement. The commission shall give notice of its intention by advertising in one or more newspapers circulating in the district. The advertisement shall fix a time and place, not earlier than 2 weeks after notice, for a hearing on the proposed action. Prior to the hearing, the commission shall prepare a tentative assessment which shall be presented at the hearing and shall be open to inspection. Any person desiring to be heard in regard to the improvements shall be given a hearing. After the hearing, if the commission decides to carry out the improvements, it shall pass a resolution declaring its determination and proceed to make the improvements.

**Source: 13:17-43<sup>46</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-47. Statement of cost of improvement**

Upon the completion of any improvement, the appropriate officer of the commission shall prepare a statement showing in detail the cost of the improvement. The statement shall also show the proportion of the amount to the whole cost of improvement, if any, paid or contributed by any public body or by any person. The total amount of assessment levied upon the land benefited by the improvement shall not exceed the cost of the improvement.

**Source: 13:17-44<sup>47</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-48. Hearing on assessment**

The appropriate officer of the commission shall examine the work of any improvement and view all lands benefited by the improvement and shall fix the time and place for hearing all persons interested. Notice of the time and place of the hearing shall be mailed to owners of land affected, directed to their last known post-office addresses, and shall be published at least 10 days before the hearing. Failure to mail any notice shall not invalidate any proceeding or assessment. The officer of the commission shall attend at the time and place appointed and shall give all parties interested or affected by an improvement ample opportunity to be heard upon the subject of assessment. Thereafter, the officer shall make a just and equitable assessment of the benefits conferred upon any land by reason of the improvement, having due regard to the rights and interests of all persons concerned, and the increment in the value of the land benefited thereby.

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<sup>46</sup> **13:17-43. Improvements; resolution of intention; notice and hearing; resolution of determination**

If in its judgment, public necessity or interest demands the construction of improvements which would benefit lands within improvement district, the commission shall pass a resolution of its intention to undertake such improvement or improvements and shall give notice of such intention by advertising in one or more newspapers circulating in such district and such advertisement shall fix a time and place, not earlier than 2 weeks after notice, for a hearing on said proposed action and prior to said hearing, the commission shall prepare a tentative assessment which shall be presented at such hearing and shall be open to inspection. Any person desiring to be heard in regard thereto shall be given a hearing. After said hearing, if the commission shall decide to carry out said improvements, it shall pass a resolution declaring such determination and proceed to make such improvements.

L. 1968, c. 404, §42.

<sup>47</sup> **13:17-44. Statement of cost of improvement; maximum amount of levy**

Upon the completion of any improvement, the appropriate officer of the commission shall prepare a statement showing in detail the cost of the improvement. Such statement shall also show the proportion of the amount to the whole cost of improvement, if any, paid or contributed by any public body or by any person. The total amount of assessment levied upon the land benefited by the improvement shall not exceed the cost thereof.

L. 1968, c. 404, §43.

Source: 13:17-45<sup>48</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-49. Assessments to be proportionate to increase in benefit or value**

All assessments levied under this subchapter for any improvement shall in each case be as nearly that may be in proportion to and not in excess of the benefit, advantage or increase in value which respective lots and parcels of land shall be deemed to receive by reason of the improvement.

Source: 13:17-46<sup>49</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-50. Assessment of damages incurred by improvement**

In addition to the making of assessments for benefits, the appropriate officer of the commission shall fix and determine the amount, if any, the property is damaged incidentally to the making of the improvement and deduct that amount from the amount of benefits assessed thereon. If the amount of any damages as confirmed by the commission shall exceed the benefits assessed on the same property, if in case no benefits shall accrue to the property, or if the property is damaged subsequent to the levying and collection of an assessment which shall be confirmed by the commission to be a direct result of the making of the improvement, the balance or amount of the damages so fixed, may be raised from the general revenues of the commission, and shall be paid by the commission to the owner of the property so damaged. Any person aggrieved by the assessment or award of damages may after the assessment or award has been confirmed by the commission, appeal from the assessment or award as provided in [section HM-62] of this chapter.

Source: 13:17-47<sup>50</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

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<sup>48</sup> **13:17-45. Hearing on assessment; notice; making of assessment**

The appropriate officer of the commission shall examine the work of any improvement and view all lands benefited thereby and shall thereupon fix the time and place for hearing all persons interested. Notice of the time and place of the hearing shall be mailed to owners of land affected, directed to their last known post-office addresses, and shall be published at least 10 days before the hearing. Failure to mail any such notice shall not invalidate any proceeding or assessment. Such officer of the commission shall attend at the time and place appointed and shall give all parties interested or affected by an improvement ample opportunity to be heard upon the subject of assessment. Thereafter, such officer shall make a just and equitable assessment of the benefits conferred upon any land by reason of such improvement, having due regard to the rights and interests of all persons concerned, and the increment in the value of the land benefited thereby.

L.1968, c. 404, §44.

<sup>49</sup> **13:17-46. Assessments to be proportionate to increase in benefit or value**

All assessments levied under this article for any improvement shall in each case be as nearly as may be in proportion to and not in excess of the benefit, advantage or increase in value which respective lots and parcels of land shall be deemed to receive by reason of such improvement.

L.1968, c. 404, §45.

<sup>50</sup> **13:17-47. Assessment of damages incurred by improvement; payments to owner; appeal**

In addition to the making of assessments for benefits, the appropriate officer of the commission shall fix and determine the amount, if any, the property is damaged incidentally to the making of the improvement and deduct such amount from the amount of benefits assessed thereon. If the amount of any such damages as confirmed by the commission shall exceed the benefits assessed on the same property, if in case no benefits shall accrue thereto, or if such property is damaged subsequent to the levying and collection of an assessment which shall be confirmed by the commission to be a direct result of the making of the improvement, the balance or amount of such damages so fixed, may be raised from the general revenues of the commission, and shall be paid by the commission to the owner of the property so damaged. Any person aggrieved by such assessment or award of damages may after the same has been confirmed by the commission, appeal therefrom as provided in section 58 of this act.

L.1968, c. 404, §46.

**HM-51. Payment of funds into court in event of uncertainty or dispute**

When owners of any property have been awarded damages as incidental to any improvement undertaken pursuant to this chapter, and the award has been duly confirmed, the amount shall be tendered to the person entitled to payment. If there is uncertainty as to the person entitled to receive the award or if the party entitled to receive the amount awarded refuses upon tender to receive it, or shall be out of the State or under any legal disability, or if several parties interested in the fund shall not agree as to the distribution among them, or the lands damaged are encumbered by any mortgage, judgment or other lien, or if for any other reason the commission cannot safely pay the amount awarded to any person, in all the cases the amount awarded may, with leave of the Superior Court, be paid into the court to be distributed according to law, on the application of any interested person.

**Source: 13:17-48<sup>51</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-52. Report certifying assessments and awards of damages**

Assessments for benefits for any improvement together with any accompanying awards for incidental damages and all awards of damages for property or interests in property taken from any improvement, shall be certified by the officer making the awards to the commission by a report in writing signed by the officer. The report shall be accompanied by a map showing the land taken, damaged or benefited by the improvement and for which damages or benefits have been assessed.

**Source: 13:17-49<sup>52</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-53. Consideration of report**

The report prepared pursuant to section of this chapter may be considered by the commission at any open public meeting of the commission. A copy of the notice shall be mailed to the owners named in the report, directed to their last known post-office addresses, and the affidavit of the appropriate officer of the commission shall be conclusive as to the mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting, the commission, after considering the report and map, may adopt and confirm the report and map with or without alterations, that may seem proper, and may refer the matter to any committee of the commission, or to the officer making the assessment, for revision or correction before taking final action. When the report is adopted and confirmed with or without alterations,

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<sup>51</sup> **13:17-48. Payment of funds into court in event of uncertainty or dispute**

When owners of any property have been or shall have been awarded damages as incidental to any improvement undertaken pursuant to this act, and such award has been or shall have been duly confirmed, the amount thereof shall be tendered to the person or persons entitled thereto. If there is uncertainty as to the person entitled to receive the award or if the party entitled to receive the amount awarded shall refuse upon tender thereof to receive the same, or shall be out of the State or under any legal disability, or if several parties interested in the fund shall not agree as to the distribution thereof, or the lands damaged are encumbered by any mortgage, judgment or other lien, or if for any other reason the commission cannot safely pay the amount awarded to any person, in all such cases the amount awarded may, with leave of the Superior Court, be paid into said court and shall there be distributed according to law, on the application of any person interested therein.

<sup>1</sup> L.1968, c. 404, §47.

<sup>52</sup> **13:17-49. Report certifying assessments and awards of damages; map**

Assessments for benefits for any improvement together with any accompanying awards for incidental damages and all awards of damages for land or interests therein taken from any improvement, shall be certified by the officer making the same to the commission by a report in writing signed by the officer. The report shall be accompanied by a map showing the land taken, damaged or benefited by the improvement and for which damages or benefits have been assessed.

L.1968, c. 404, §48.



it shall be final and conclusive and appeals may be taken as provided in this chapter. Failure to mail the notice in this section required shall not invalidate the proceedings.

**Source: 13:17-50<sup>53</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-54. Bills for assessment**

Immediately after the confirmation of any assessment, a duplicate duly certified by the commission shall be delivered to the appropriate officer of the commission, who shall immediately send out by mail or deliver to owners of the properties, bills for the assessment. The officer shall mail or deliver a bill for an assessment in the manner required in connection with local improvements and shall keep a record and books of assessments in the same manner required for local improvements under Revised Statutes 40:56 -31, at the expense of the commission. The commission may make additional requirements for recording, accounting for, and collecting assessments.

**Source: 13:17-51<sup>54</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-55. Levy and payment of special assessments**

a. Special assessments levied against land in class 1 shall be considered to be of general benefit to the entire district and shall be included as a charge against general revenues of the commission or paid out of any funds of the commission which shall be available for the purpose.

b. Special assessments made against land certified to be in class 2 shall be paid to the commission, immediately upon delivery of an assessment bill to the State Treasurer from the Hackensack Meadowland Revolving Fund.

c. There is hereby established a Hackensack Meadowland Revolving Fund which shall be administered by the State Treasurer. The Legislature may appropriate amounts to the fund from time to time. All money appropriated or otherwise made available to this fund, including the repayment of expenditures made under the provisions of subsection b., shall be held for the purpose of paying special assessments made against class 2 property pursuant to this chapter. Pending use, moneys in the Hackensack Meadowland Revolving Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in

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<sup>53</sup> **13:17-50. Consideration of report; notice; adoption and confirmation; appeal**

The report may be considered by the commission at any meeting, notice whereof shall be published in a newspaper circulating in the district, once each week for 2 weeks prior to said meeting, and also by mailing a copy of the notice to the owners named in the report, directed to his or their last known post-office addresses, and the affidavit of the appropriate officer of the commission shall be conclusive as to such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting the commission, after considering the report and map, may adopt and confirm the same with or without alterations, as may seem proper, and may refer such matter to any committee of the commission, or to the officer making such assessment, for revision or correction before taking final action thereon. When the report shall be adopted and confirmed with or without alterations, it shall be final and conclusive and appeals may be taken as hereinafter provided. Failure to mail the notice in this section required shall not invalidate the proceedings.

L.1968, c. 404, §49.

<sup>54</sup> **13:17-51. Bills for assessment; record and books of assessments**

Immediately after the confirmation of any assessment, a duplicate thereof duly certified by the commission shall be delivered to the appropriate officer of the commission, who shall immediately thereafter send out by mail or deliver to owners of such land, bills for such assessment. Such officer shall mail or deliver a bill for an assessment in the manner required in connection with local improvements and shall keep a record and books of assessments in the same manner required for local improvements under Revised Statutes 40:56-31, at the expense of the commission. The commission may make additional requirements for recording, accounting for, and collecting assessments.

L.1968, c. 404, §50.

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the manner provided by law. All earnings received from the investment or deposit of the moneys shall be paid into and become a part of the fund.

d. A statement of the amount of the special assessment against class 2 property paid for out of the fund shall be filed with the appropriate agency having title to the property and shall be included in the purchase price fixed for lands and made part of the payment for the grant or sale. The full amount of the assessment shall be repaid and deposited in the fund established by subsection c.. In the case the lands are leased for a term of years, there shall be included in the annual rental, a charge for the assessment levied on the property. The payments up to the full amount of the assessment shall be paid to and deposited in the fund.

e. The assessment against land in class 3 shall be payable immediately upon delivery to the collecting officer of the commission.

When any assessment is not paid within 2 months after the date of confirmation, interest thereon from the date of confirmation shall be imposed at the rate of 6%.

Source: 13:17-52<sup>55</sup>

### DRAFTING NOTE

“Act” changed to “chapter”; minor editorial changes.

#### HM-56. Lien of assessment

Every assessment for any improvement together with interest and all costs and charges connected with the assessment shall be upon confirmation by the commission, or by the court, a first lien on the land described in the assessment, paramount to all prior or subsequent alienations and descents of the property or encumbrances on it, shall constitute a lien in the same manner as taxes and assessments for State purposes notwithstanding any mistake in the name of any owner, or any omission to name any owner who is unknown, and notwithstanding any lack of form, or in any proceeding which does not impair the substantial rights of the owner or person having a lien upon or interest in any the property. All assessments for improvements shall be presumed to have been regularly assessed and confirmed and every preliminary assessment or proceeding shall be presumed to have been regularly made or conducted until the contrary is shown.

Source: 13:17-53<sup>56</sup>

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#### <sup>55</sup> 13:17-52. Levy and payment of special assessments; establishment and administration of revolving fund

a. Special assessments levied against land in class 1 shall be considered to be of general benefit to the entire district and shall be included as a charge against general revenues of the commission or paid out of any funds of the commission which shall be available for such purpose.

b. Special assessments made against land certified to be in class 2 shall be paid to the commission, immediately upon delivery of an assessment bill to the State Treasurer from the Hackensack Meadowland Revolving Fund.

c. There is hereby established a Hackensack Meadowland Revolving Fund which shall be administered by the State Treasurer. The Legislature may appropriate from time to time amounts to such fund. All money appropriated or otherwise made available to this fund, including the repayment of expenditures made under the provisions of subsection b., shall be held for the purpose of paying special assessments made against class 2 property pursuant to this article. Pending use, moneys in the Hackensack Meadowland Revolving Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such moneys shall be paid into and become a part of such fund.

d. A statement of the amount of the special assessment against class 2 property paid for out of the fund shall be filed with the appropriate agency having title to the property and shall be included in the purchase price fixed for lands and made part of the payment for the grant or sale. The full amount of such assessment shall be repaid and deposited in the fund established by subsection c.. In the case said lands are leased for a term of years, there shall be included in the annual rental, a charge for the assessment levied on the property. Such payments up to the full amount of such assessment shall be paid to and deposited in said fund.

e. The assessment against land in class 3 shall be payable immediately upon delivery to the collecting officer of the commission. When any assessment shall not be paid within 2 months after the date of confirmation thereof, interest thereon from the date of confirmation shall be imposed at the rate of 6%.

L. 1968, c. 404, §51.

#### <sup>56</sup> 13:17-53. Lien of assessment

Every assessment for any improvement together with interest thereon and all costs and charges connected therewith shall be upon confirmation by the commission, or by the court, a first lien on the land described in the assessment, paramount to all prior or subsequent

**DRAFTING NOTE**

Minor editorial changes.

**HM-57. New assessments**

In all cases in which any assessment incident to any improvement has been set aside by a court of competent jurisdiction, and the improvement has actually been made in the manner provided by law, the officer charged with the duty of making assessments for benefits for improvements shall make a new assessment of benefits upon the property benefited by the improvement, in the manner and by the proceeding provided in this chapter. New assessments shall be a lien upon the property assessed in the same manner and with the same effect and be enforceable in the same way as an original assessment for like improvements.

**Source: 13:17-54<sup>57</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-58. Refund of amount of illegal assessments**

When any court of competent jurisdiction decides that any assessment has been illegally made, the commission shall refund the amount of the assessment, if the assessment has been paid, and if a new assessment of a lesser amount is to be made, then the difference between the new assessment and the amount paid shall be refunded.

**Source: 13:17-55<sup>58</sup>**

**DRAFTING NOTE**

Minor editorial changes.

**HM-59. Installment payments**

The commission may by resolution provide that the owner of any land upon which any assessments for any improvement shall have been made may pay the assessments in the equal yearly installments, for the number of years that may be provided by regulations of the commission, with legal interest thereon, and at the time and in each year as the commission shall determine under the requirements and conditions for local improvements pursuant to Revised Statutes 40:56 -35, provided that any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any the installment becomes due and is not paid the whole assessment or balance due thereon shall become and be

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alienations and descents of such land or encumbrances thereon, shall constitute a lien in the same manner as taxes and assessments for State purposes notwithstanding any mistake in the name or names of any owner or owners, or any omission to name any owner or owners who are unknown, and notwithstanding any lack of form therein, or in any proceeding which does not impair the substantial rights of the owner or owners or person or persons having a lien upon or interest in any such land. All assessments for improvements shall be presumed to have been regularly assessed and confirmed and every assessment or proceeding preliminary thereto shall be presumed to have been regularly made or conducted until the contrary be shown.

L. 1968, c. 404, §52.

**13:17-54. New assessments; lien**

In all cases in which any assessment incident to any improvement has been set aside by a court of competent jurisdiction, and the improvement shall have been actually made in the manner provided by law, the officer charged with the duty of making assessments for benefits for improvements shall make a new assessment of benefits upon the property benefited by the improvement, in the manner and by the proceeding herein provided. All such new assessments shall become a lien upon the land so assessed in the same manner and with like effect and be enforceable in the same way as an original assessment for like improvements.

L. 1968, c. 404, §53.

**13:17-55. Refund of amount of illegal assessments**

When any court of competent jurisdiction shall decide that any assessment has been illegally made, the commission shall refund the amount thereof, if the same has been paid, and if a new assessment of less amount is to be made, then the difference between the new assessment and the amount paid shall be refunded.

L. 1968, c. 404, §54.

immediately due, shall draw interest at the rate of 6% and be collected in the same manner as is provided in this chapter for other past due assessments.

Source: 13:17-56<sup>59</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-60. Enforcement of lien**

When any unpaid assessment, interest or other charges for collection, remains in arrears on July 1 of the calendar year following the calendar year when the assessment, interest or charges became in arrears, the appropriate officer of the commission shall enforce the lien by selling the property in the manner set forth in sections 54:5-19 to 54:5-129 of the Revised Statutes.

Source: 13:17-57<sup>60</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-61. Deposit of funds in improvement assessment account**

All assessments as collected shall be placed immediately in an account to be known as "improvement assessment account." The moneys shall be used only to pay the cost of the improvements or indebtedness incurred for the improvements or interest or premium.

Source: 13:17-58<sup>61</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-62. Appeal from assessment or award**

The owner of any property assessed for benefits or awarded damages incident to any improvement under this chapter may, within 30 days after confirmation of the assessment or award, appeal from the assessment or award to the Appellate Division of the Superior Court by serving written notice of the appeal upon the tax collector and a duplicate upon the appropriate officer of the commission, either personally or by leaving the copy at the officer's office or place of abode. The court shall determine whether or not the record

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<sup>59</sup> **13:17-56. Installment payments**

The commission may by resolution provide that the owner of any land upon which any assessments for any improvement shall have been made may pay such assessments in such equal yearly installments, for such number of years as may be provided by rules and regulations of the commission, with legal interest thereon, and at such time and in each year as the commission shall determine under the requirements and conditions for local improvements pursuant to Revised Statutes 40:56-35, provided that any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any such installment becomes due and is not paid the whole assessment or balance due thereon shall become and be immediately due, shall draw interest at the rate of 6% and be collected in the same manner as is provided in this act for other past due assessments.

L.1968, c. 404, §55.

<sup>60</sup> **13:17-57. Enforcement of lien**

When any unpaid assessment, interest thereon or other charges for collection thereof, remains in arrears on July 1 of the calendar year following the calendar year when the same became in arrears, the appropriate officer of the commission shall enforce the lien by selling the property in the manner set forth in sections 54:5-19 to 54:5-129 of the Revised Statutes.

L.1968, c. 404, §56.

<sup>61</sup> **13:17-58. Deposit of funds in improvement assessment account**

All assessments as collected shall be immediately placed in an account to be known as "improvement assessment account." Such moneys shall be used only to pay the cost of such improvements or indebtedness incurred for such improvements or interest or premium, if any thereon.

L.1968, c. 404, §57.

contains substantial evidence that the assessment or award appealed from is just and fair, and if not shall make an order correcting the assessment or award, or, if the assessment or award is sustained shall so order. The determination shall be by order or judgment for the amount determined and shall be enforced in an appropriate manner pursuant to procedures set forth in Revised Statutes 40:56 -57, as amended. The commission may proceed with the prosecution and completion of the improvement and the issuing of bonds and other indebtedness in connection with the improvements notwithstanding any appeal.

Source: 13:17-59<sup>62</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**Subchapter 9. - Intermunicipal Tax-Sharing**

**HM-63. Purpose**

a. The Legislature hereby finds and declares that a vital component of any comprehensive plan for the development of the meadowland district, is a program in which the financial benefits and liabilities of each constituent municipality, are clearly established and equitably distributed. This subchapter provides for a program, by the creation of an intermunicipal account, and specifically provides that each constituent municipality will be guaranteed, in perpetuity, against loss of its present existing tax ratable values within the meadowland district occurring by reason of the acquisition of taxable real property, through purchase, eminent domain or gift, by a governmental body or agency to be used for a public purpose, to the extent that the loss of existing tax ratable values is not offset by increased true value of the remaining taxable real property within the district, and will equitably share in the new financial benefits and new costs resulting from the development of the meadowland district as a whole. This subchapter further provides that the Hackensack Meadowlands Development Commission shall not be able to receive any funds from the intermunicipal account.

b. The Hackensack Meadowlands Development Commission shall annually submit a report to the Meadowlands Municipal Committee and the Legislature, relating to the operation of the intermunicipal account in the prior year, and shall recommend, when it deems necessary, any amendments to this subchapter as it may deem necessary, to carry out the legislative intent stated in this section.

Source: 13:17-60<sup>63</sup>

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<sup>62</sup> **13:17-59. Appeal from assessment or award; enforcement of order or judgment**

The owner of any property assessed for benefits or awarded damages incident to any improvement under this act may, within 30 days after confirmation of such assessment or award, appeal from the same to the Appellate Division of the Superior Court by serving written notice of such appeal upon the tax collector and a duplicate upon the appropriate officer of the commission, either personally or by leaving the same at his office or place of abode. The court shall determine whether or not the record contains substantial evidence that the assessment or award appealed from is just and fair, and if not shall make an order correcting the same, or, if the assessment or award is sustained shall so order. The determination shall be by order or judgment for the amount determined and shall be enforced in an appropriate manner pursuant to procedures set forth in Revised Statutes 40:56-57, as amended. The commission may proceed with the prosecution and completion of the improvement and the issuing of bonds and other indebtedness in connection with said improvements notwithstanding any such appeal.

<sup>63</sup> 1968, c. 404, §58.

**13:17-60. Purpose; report to legislature**

a. The Legislature hereby finds and declares that a vital component of any comprehensive plan for the development of the meadowland district, is a program whereby the financial benefits and liabilities of each constituent municipality, are clearly established and equitably distributed. Article 9 of this act provides for such a program, by the creation of an intermunicipal account, and specifically provides that each constituent municipality will be guaranteed, in perpetuity, against loss of its present existing tax ratable values within the meadowland district occurring by reason of the acquisition of taxable real property, through purchase, eminent domain or gift, by a governmental body or agency to be used for a public purpose, to the extent that such loss of existing tax ratable values is not offset by increased true value of the remaining taxable real property within the district, and will equitably share in the new financial benefits and new costs resulting from the development of the meadowland district as a whole. This article further provides that the Hackensack Meadowlands Development Commission shall not be able to receive any funds from the intermunicipal account.

b. The Hackensack Meadowlands Development Commission shall, in 1974, and every year thereafter, submit a report to the Meadowlands Municipal Committee and the Legislature, relating to the operation of the intermunicipal account in the prior year, and shall recommend, when it deems necessary, such amendments to this article as it may deem necessary, to carry out the legislative intent herein stated.

**DRAFTING NOTE**

"Article" changed to "subchapter"; minor editorial changes. In subsection b., the reference to submitting reports commencing in 1974 has been changed to refer to the submission of annual reports.

**HM-64. Definitions**

As used in this subchapter:

"Adjustment year" means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

"Apportionment rate" means a rate determined as follows:

(1) The total property taxes levied for local, school, and veterans' and senior citizens' purposes, as certified pursuant to R.S. 54:4-52, of the municipality in the comparison year after the meadowlands adjustment payment made in that comparison year has been subtracted or added, as the case may be, divided by

(2) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in the municipality, both within and without the district, in the comparison year, as determined by the Director of the Division of Taxation on October 1 of the comparison year, pursuant to P.L. 1954, c. 86, as amended, as the same may have been modified by the tax court. If a tax appeal is decided after calculations are made for an adjustment year, the next year's calculations must show a retroactive correction for the applicable preceding two years.

"Base year" means the calendar year 1970.

"Comparison year" means the second calendar year preceding the adjustment year.

"Intermunicipal account" means the administrative device established and administered by the commission to record all the transactions made pursuant to this subchapter for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by this subchapter.

"Meadowlands adjustment payment" means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be, pursuant to the provisions of this subchapter.

"Resident enrollment" means the number of full -time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the school district or a school district or State teachers' college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending on a full -time basis a county vocational school in the same county, for which the school district pays tuition.

**Source: 13:17-61<sup>64</sup>**

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L. 1968, c. 404, §59. Amended by L. 1972, c. 103, §1, eff. July 19, 1972.

**13:17-61 Definitions**

As used in this article, unless the context indicates another meaning or intent:

a. "Adjustment year" means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

g. "Apportionment rate" means a rate determined as follows:

(1) The total property taxes levied for local, school, and veterans' and senior citizens' purposes, as certified pursuant to R.S. 54:4-52, of the municipality in the comparison year after the meadowlands adjustment payment made in that comparison year has been subtracted or added, as the case may be, divided by

(2) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in the municipality, both within and without the district, in the comparison year, as determined by the Director of the Division of Taxation on October 1

**DRAFTING NOTE**

The marked changes on this section show the deletion of the subsection designations. In addition to that marked change, the definitions themselves have been re-ordered alphabetically, in accordance with the style adopted throughout this project.

**HM-65. Applicability of laws relating to assessment and taxation of real and personal property**

The laws relating to the assessment and taxation of real and personal property shall apply to all constituent municipalities unless otherwise specifically provided in this chapter.

**Source: 13:17-62<sup>65</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter.”

**HM-66. Assessor's list**

a. In preparing the list of owners of taxable property pursuant to Revised Statutes 54:4 -24, the assessor of each constituent municipality shall indicate in the list for each parcel of property whether or not it is located within the district boundaries, in accordance with regulations prescribed by the Director of the Division of Taxation.

b. When the boundary of the district divides a lot of land, the entire lot shall be included within the district.

**Source: 13:17-63<sup>66</sup>**

**DRAFTING NOTE**

No change.

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of the comparison year, pursuant to P.L. 1954, c. 86, as amended, as the same may have been modified by the tax court. If a tax appeal is decided after calculations are made for an adjustment year, the next year's calculations must show a retroactive correction for the applicable preceding two years.

e. "Base year" means the calendar year 1970.

f. "Comparison year" means the second calendar year preceding the adjustment year.

b. "Intermunicipal account" means the administrative device established and administered by the commission to record all the transactions made pursuant to this article for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by this article.

c. "Meadowlands adjustment payment" means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be, pursuant to the provisions of this article.

d. "Resident enrollment" means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the school district or a school district or State teachers' college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county, for which the school district pays tuition.

<sup>65</sup> 1968, c. 404, §59.1; amended 1972, c.103, §2; amended 1983, c.36, §2; 1989,c.26, §1.

**13:17-62. Applicability of laws relating to assessment and taxation of real and personal property**

The laws relating to the assessment and taxation of real and personal property shall apply to all constituent municipalities unless otherwise specifically provided in this act.

<sup>66</sup> 1968, c. 404, §60.

**13:17-63. Assessor's list**

a. In preparing the list of owners of taxable property pursuant to Revised Statutes 54:4-24, the assessor of each constituent municipality shall indicate in the list for each parcel of property whether or not it is located within the district boundaries, in accordance with regulations prescribed by the Director of the Division of Taxation.

b. When the boundary of the district divides a lot of land, the entire lot shall be included within the district.

L.1968, c. 404, §61.

**HM-67. Resident enrollment certification**

On or before November 15 of each year, the secretary, superintendent or a person designated by the school board of each school district of each constituent municipality shall certify to the commission the resident enrollment as of September 30 of that year. The certification shall show the number, address and grade enrolled of pupils who reside within the district and the number who reside outside, in a manner to be prescribed by the Commissioner of the Department of Education.

**Source: 13:17-65<sup>67</sup>**

**DRAFTING NOTE**

The reference to submitting a report by November 15, 1969 has been eliminated as executed; the provision for annual reports has been retained.

**HM-68. Establishment of intermunicipal account**

In the adjustment year 1973, and in each adjustment year thereafter, the commission shall establish an intermunicipal account and shall compute the amount payable to the account by each of the constituent municipalities and the amount due to each constituent municipality from the account for that year pursuant to this subchapter.

**Source: 13:17-66<sup>68</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-69. Aggregate true value**

a. As used in this section, except as otherwise specifically provided:

(1) The increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between:

i. The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the municipality located within the district in the comparison year, and

(ii) The aggregate true value of the property in the base year.

(2) Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, and dividing the total by the average assessment ratio as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P.L. 1954, c. 86, as amended, as the same may have been modified by the tax court.

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<sup>67</sup> **13:17-65. Resident enrollment certification**

On or before November 15, 1969, and on or before November 15 of each year thereafter, the secretary, superintendent or a person designated by the school board of each school district of each constituent municipality shall certify to the commission the resident enrollment as of September 30 of that year. The certification shall show the number, address and grade enrolled of pupils who reside within the district and the number who reside outside, in a manner to be prescribed by the Commissioner of the Department of Education.

<sup>68</sup> 1968, c. 404, §63; amended 1989, c.26, §2.

**13:17-66. Establishment of intermunicipal account; computation of amount payable by or due to each constituent municipality**

In the adjustment year 1973, and in each adjustment year thereafter, the commission shall establish an intermunicipal account and shall compute the amount payable to said account by each of the constituent municipalities and the amount due to each constituent municipality from said account for that year pursuant to this article.

L.1968, c. 404, §64. Amended by L.1970, c. 319, §1, eff. Dec. 21, 1970.



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(3) For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise:

i. The assessed value shown on the assessment duplicate for the year, as certified by the county board of taxation and reflected in the county table of aggregates prepared pursuant to R.S. 54:4 -52, as the same may be modified by the county board of taxation upon appeal, plus

(ii) The prorated assessed values pertaining to the year, as certified by the county board of taxation on or before October 10, with respect to the assessor's added assessment list for the year, as the values may be modified by the county board of taxation upon appeal, plus

(iii) The assessed values pertaining to the year, as certified by the county board of taxation on or about October 10, with respect to the assessor's omitted property assessment list for the year, as the values may be modified by the county board of taxation upon appeal.

b. The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rates calculated for the comparison year shall be multiplied by the increase, if any, in aggregate true value of taxable real property for the year; provided, however, that the amount payable to the intermunicipal account shall be limited to 10% of the amount so calculated in the adjustment year 1973 and shall increase 4 percentage points a year until 50% of the amount so calculated is paid into the intermunicipal account in the adjustment year 1983 through adjustment year 1988. Beginning in adjustment year 1989 the amount payable into the intermunicipal account shall be reduced by 2 percentage points a year until 40% of the amount calculated pursuant to this subsection is paid into the intermunicipal account in the adjustment year 1993 and thereafter.

c. If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection a.(1) of this section, there shall be added to the aggregate true value otherwise determined for the comparison year an amount determined by dividing the amount of the in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation, as the ratio may have been modified by the tax court.

**Source: 13:17-67<sup>69</sup>**

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<sup>69</sup> **13:17-67. Aggregate true value**

a. As used in this section, except as otherwise specifically provided:

(1) The increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between:

i. The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the municipality located within the district in the comparison year, and

(ii) The aggregate true value of said property in the base year.

(2) Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, and dividing said total by the average assessment ratio as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P.L. 1954, c. 86, as amended, as the same may have been modified by the tax court.

(3) For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise:

i. The assessed value shown on the assessment duplicate for such year, as certified by the county board of taxation and reflected in the county table of aggregates prepared pursuant to R.S. 54:4-52, as the same may be modified by the county board of taxation upon appeal, plus

(ii) The prorated assessed values pertaining to such year, as certified by the county board of taxation on or before October 10, with respect to the assessor's added assessment list for such year, as the same may be modified by the county board of taxation upon appeal, plus

(iii) The assessed values pertaining to such year, as certified by the county board of taxation on or about October 10, with respect to the assessor's omitted property assessment list for such year, as the same may be modified by the county board of taxation upon appeal.

b. The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rates calculated for the comparison year shall be multiplied by the increase, if any, in aggregate true value of taxable real property for such year; provided, however, that the amount payable to the intermunicipal account shall be limited to 10% of

DRAFTING NOTE

Minor editorial changes.

**HM-70. Adjustment payment exclusion**

Notwithstanding the provision of any law, rule or regulation to the contrary, no constituent municipality shall pay out or receive a meadowlands adjustment payment for any adjustment year in which its municipal equalized valuation per capita, as defined in section 1 of P.L. 1978, c. 14 (C. 52:27D -178) and as certified by the Director of the Division of Local Government Services in the Department of Community Affairs exceeds \$1,000,000.00.

Source: 13:17-67.1<sup>70</sup>

DRAFTING NOTE

No change.

**HM-71. Computation of guarantee payment payable by intermunicipal account to each constituent municipality**

a. The guarantee payment payable by the intermunicipal account to each constituent municipality in any adjustment year shall be computed as follows:

(1) If there is a decrease in the aggregate true value of taxable real property of any constituent municipality, as determined pursuant to subsection a. of [section HM-69] of this chapter, the commission shall, subject to the provision of subsection b. of this section, calculate the amount of decreased aggregate true value, occurring in the comparison year, by reason of the acquisition, through purchase, eminent domain or gift, during the year preceding the comparison year, of taxable real property by a governmental body or agency to be used for a public purpose, whereby the taxable real property parcels or portions thereof became exempt from local real property taxes. The decreased aggregate true value shall be calculated in the same manner as aggregate true value is determined pursuant to subsection a. of [section HM-69] of this chapter and shall be based on the assessed value in the year of acquisition, of the parcels or portions thereof affected.

(2) There shall be payable as a guarantee payment from the intermunicipal account to each municipality, an amount to be calculated by multiplying the lesser of

i. the amount of the decrease in aggregate true value determined pursuant to subsection a. of [section HM-69] of this chapter and

(ii) the amount of the decrease, if any, in aggregate true value calculated to be attributable to conversion of taxable property to exempt status, specified in paragraph (1) of this subsection, by the apportionment rate, as defined in subsection g. of [section HM-64] of this chapter, determined for the

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the amount so calculated in the adjustment year 1973 and shall increase 4 percentage points a year until 50% of the amount so calculated is paid into the intermunicipal account in the adjustment year 1983 through adjustment year 1988. Beginning in adjustment year 1989 the amount payable into the intermunicipal account shall be reduced by 2 percentage points a year until 40% of the amount calculated pursuant to this subsection is paid into the intermunicipal account in the adjustment year 1993 and thereafter.

c. If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection a.(1) of this section, there shall be added to the aggregate true value otherwise determined for such comparison year an amount determined by dividing the amount of said in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation, as same may have been modified by the tax court.

I<sub>0</sub> 1968, c. 404, § 65; amended 1972, c.103, §4; amended 1983, c.36, §3; 1989,c.26, §.3.

**13:17-67.1. Adjustment payment exclusion**

Notwithstanding the provision of any law, rule or regulation to the contrary, no constituent municipality shall pay out or receive a meadowlands adjustment payment for any adjustment year in which its municipal equalized valuation per capita, as defined in section 1 of P.L. 1978, c. 14 (C. 52:27D-178) and as certified by the Director of the Division of Local Government Services in the Department of Community Affairs exceeds \$1,000,000.00.

L. 1989, c.26.,§§4.5.

comparison year. If, in any comparison year and with respect to any constituent municipality, no amount of decrease in aggregate true value is found to be attributable to the conversion from taxable to exempt status specified in paragraph (1) of this section, no guarantee payment shall be payable to the municipality in the applicable adjustment year.

b. The commission shall not be required to make the calculation prescribed in paragraph (1) of subsection a. of this section, unless the governing body of any constituent municipality claiming a decrease in aggregate true value attributable to the conversion of real property from a taxable to an exempt status specified in paragraph (1) of subsection a. of this section shall, no later than December 1 in the comparison year, file with the commission a statement to that effect, setting forth a description of the parcels, or portions thereof, involved, together with any other information that may be pertinent, in the form that the commission shall prescribe.

Source: 13:17-68<sup>71</sup>

#### DRAFTING NOTE

“Act” changed to “chapter”; minor editorial changes.

#### HM-72 School district services; determination of service payment

For school district services, the service payment payable by the intermunicipal account to any constituent municipality in any adjustment year shall be found by dividing:

a. The total local school tax levy, as shown on the Table of Aggregates pursuant to R.S. 54:4 -52 for the comparison year, by the

b. School resident enrollment on September 30 of the comparison year, as certified pursuant to [section HM-67] of this chapter, and multiplying the result by the increase, if any, in resident enrollment within the district boundaries of that constituent municipality between September 30, 1970 and September 30 of the comparison year.

Source: 13:17-70<sup>72</sup>

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<sup>71</sup> 13:17-68. Computation of guarantee payment payable by intermunicipal account to each constituent municipality

a. The guarantee payment payable by the intermunicipal account to each constituent municipality in any adjustment year shall be computed as follows:

(1) If there is a decrease in the aggregate true value of taxable real property of any constituent municipality, as determined pursuant to subsection a. of section 65 of this act, the commission shall, subject to the provision of subsection b. of this section, calculate the amount of decreased aggregate true value, occurring in the comparison year, by reason of the acquisition, through purchase, eminent domain or gift, during the year preceding the comparison year, of taxable real property by a governmental body or agency to be used for a public purpose, whereby said taxable real property parcels or portions thereof became exempt from local real property taxes. Such decreased aggregate true value shall be calculated in the same manner as aggregate true value is determined pursuant to subsection a. of section 65 of this act and shall be based on the assessed value in the year of acquisition, of the parcels or portions thereof affected.

(2) There shall be payable as a guarantee payment from the intermunicipal account to each municipality, an amount to be calculated by multiplying the lesser of

i. the amount of the decrease in aggregate true value determined pursuant to subsection a. of section 65 of this act and

(ii) the amount of the decrease, if any, in aggregate true value calculated to be attributable to conversion of taxable property to exempt status, specified in paragraph (1) of this subsection, by the apportionment rate, as defined in subsection g. of section 59.1 of this act, determined for the comparison year. If, in any comparison year and with respect to any constituent municipality, no amount of decrease in aggregate true value is found to be attributable to the conversion from taxable to exempt status specified in paragraph (1) of this section, no guarantee payment shall be payable to such municipality in the applicable adjustment year.

b. The commission shall not be required to make the calculation prescribed in paragraph (1) of subsection a. of this section, unless the governing body of any constituent municipality claiming a decrease in aggregate true value attributable to the conversion of real property from a taxable to an exempt status specified in paragraph (1) of subsection a. of this section shall, no later than December 1 in the comparison year, file with the commission a statement to such effect, setting forth a description of the parcels, or portions thereof, involved, together with such other information as may be pertinent, in such form as the commission shall prescribe.

L.1968, c. 404, §66. Amended by L.1972, c. 103, §5, eff. July 19, 1972.

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-73. Apportionment of balance among constituent municipalities**

a. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and school district service payments is less than the amount payable to the intermunicipal account pursuant to [section HM-69] of this chapter, the balance, if any, shall be apportioned among the constituent municipalities in the same ratio as the number of acres within the district of each constituent municipality bears to the total number of acres in the district, and shall be known as an apportionment payment.

b. The commission shall not be able to receive any funds from the intermunicipal account for any purpose.

**Source: 13:17-72<sup>73</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-74. Payment of excessive funds to constituent municipalities; reduction of service payments**

If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and service payments exceeds the amount payable to the account pursuant to [section HM-69] of this chapter, the total service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced.

**Source: 13:17-73<sup>74</sup>**

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-75. Meadowlands adjustment payment; determination and payment**

a. On or before February 1, 1973 and on or before February 1 of each year thereafter, the commission shall certify to the chief financial officer of each constituent municipality an amount, known as the

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<sup>72</sup> **13:17-70. School district services; determination of service payment**

For school district services, the service payment payable by the intermunicipal account to any constituent municipality in any adjustment year shall be found by dividing:

a. The total local school tax levy, as shown on the Table of Aggregates pursuant to R.S. 54:4-52 for the comparison year, by the  
b. School resident enrollment on September 30 of such comparison year, as certified pursuant to section 63 of this act, and multiplying the result by the increase, if any, in resident enrollment within the district boundaries of that constituent municipality between September 30, 1970 and September 30 of the comparison year.

L<sub>3</sub> 1968, c. 404, §68. Amended by L.1972, c. 103, §7, eff. July 19, 1972.

<sup>73</sup> **13:17-72. Apportionment of balance among constituent municipalities; prohibition of payments to commission**

a. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and school district service payments is less than the amount payable to the intermunicipal account pursuant to section 65 of this act, the balance, if any, shall be apportioned among the constituent municipalities in the same ratio as the number of acres within the district of each constituent municipality bears to the total number of acres in the district, and shall be known as an apportionment payment.

b. The commission shall not be able to receive any funds from the intermunicipal account for any purpose.

L<sub>4</sub> 1968, c. 404, §70. Amended by L.1972, c. 103, §9, eff. July 19, 1972.

<sup>74</sup> **13:17-73. Payment of excessive funds to constituent municipalities; reduction of service payments**

If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and service payments exceeds the amount payable to said account pursuant to section 65 of this act, the total service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced.

L.1972, c. 404, §71. Amended by L.1972, c. 103, §10, eff. July 19, 1972.

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meadowlands adjustment payment. The meadowlands adjustment payment for each constituent municipality shall be determined by adding all the payments payable to that municipality from the intermunicipal account for school district service payments, guarantee payments, and apportionment payments, if any, and by subtracting therefrom the obligations of that municipality to the intermunicipal account, as calculated pursuant to [sections HM-69 and HM-74] of this chapter.

b. If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the constituent municipality, the amount of the payment shall be identified in the municipal budget of that municipality for that year as "meadowlands adjustment" within the category "miscellaneous revenues anticipated," and shall be due and payable in three equal installments to be made by the intermunicipal account to that municipality on May 15, August 15, and November 15 of that year.

c. If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the intermunicipal account, the amount of the payment shall be entered as a special line item appropriation in the budget of the municipality for that year and shall be payable in three equal installments to be made by the municipality to the account on May 15, August 15, and November 15 of that year. No transfers may be made from the appropriation except as provided in this section.

**Source: 13:17-74**<sup>75</sup>

### DRAFTING NOTE

"Act" changed to "chapter"; minor editorial changes.

### HM-76. Comparable services; withholding of payments to noncomplying municipalities

a. Services provided in the district shall be comparable to those provided elsewhere in each constituent municipality.

b. If, after public hearing, the commission shall determine that a constituent municipality or its school district is not complying with this section, it shall have the authority to withhold all payments made pursuant to this subchapter until the time as the commission is satisfied that the municipality and its school district are performing the services in accordance with this section.

**Source: 13:17-75**<sup>76</sup>

### DRAFTING NOTE

"Article" changed to "subchapter"; minor editorial changes.

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<sup>75</sup> **13:17-74. Meadowlands adjustment payment; determination and payment**

a. On or before February 1, 1973 and on or before February 1 of each year thereafter, the commission shall certify to the chief financial officer of each constituent municipality an amount, known as the meadowlands adjustment payment. The meadowlands adjustment payment for each constituent municipality shall be determined by adding all the payments payable to that municipality from the intermunicipal account for school district service payments, guarantee payments, and apportionment payments, if any, and by subtracting therefrom the obligations of that municipality to the intermunicipal account, as calculated pursuant to sections 65 and 71 of this act.

b. If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the constituent municipality, the amount of said payment shall be identified in the municipal budget of that municipality for that year as "meadowlands adjustment" within the category "miscellaneous revenues anticipated," and shall be due and payable in three equal installments to be made by the intermunicipal account to that municipality on May 15, August 15, and November 15 of that year.

c. If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the intermunicipal account, the amount of said payment shall be entered as a special line item appropriation in the budget of the municipality for that year and shall be payable in three equal installments to be made by the municipality to the account on May 15, August 15, and November 15 of that year. No transfers may be made from said appropriation except as is herein provided.

L.1968, c. 404, §72. Amended by L.1970, c. 319, §2, eff. Dec. 21, 1970; L.1972, c. 103, §11, eff. July 19, 1972.

<sup>76</sup> **13:17-75. Comparable services; withholding of payments to noncomplying municipalities**

a. Services provided in the district shall be comparable to those provided elsewhere in each constituent municipality.

b. If, after public hearing, the commission shall determine that a constituent municipality or its school district is not complying with this section, it shall have the authority to withhold all payments made pursuant to this article until such time as the commission is satisfied that the municipality and its school district are performing such services in accordance with this section.

L.1968, c. 404, §73.

**HM-77. Appeal or review by constituent municipalities**

An appeal or review may be taken by any constituent municipality regarding any alleged arithmetical or typographical error in the calculation and payment of the meadowlands adjustment payment.

**Source: 13:17-76<sup>77</sup>**

**DRAFTING NOTE**

No change.

**Subchapter 10. - Miscellaneous Provisions**

**HM-78. Annual budget; items of expenditure**

On or before February 25 of each year the commission shall adopt an annual budget for the year, which shall include the following items of expenditure:

a. An operating budget covering administrative operating and maintenance expenses of each office, activity or project of the commission, plus contingent expenses of up to 5% of the amount stated;

b. Capital budget, including deposits in any capital improvement fund or capital reserve fund, down payments or expenditures for capital projects, and interest payments, sinking fund deposits, principal maturities, and redemption premiums payable in the year on bond and notes of the commission;

c. Deferred charges; and estimates of the following revenues;

(1) Cash balances and surplus;

(2) Federal, State and other grants -in-aid;

(3) Revenues from charges and fees for the use of the commission's facilities;

(4) Receipts from special assessments; but not in excess of the amount budgeted in the year for interest, principal maturities, sinking fund deposits and redemption premiums on bonds secured by the assessments, until all bonds so secured are paid in full;

(5) Payments by municipalities or other governmental bodies pursuant to contracts for services performed by the commission; and

(6) Miscellaneous other revenues and receipts.

**Source: 13:17-77<sup>78</sup>**

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<sup>77</sup> **13:17-76. Appeal or review by constituent municipalities**

An appeal or review may be taken by any constituent municipality regarding any alleged arithmetical or typographical error in the calculation and payment of the meadowlands adjustment payment.

L. 1968, c. 404, §74.

<sup>78</sup> **13:17-77. Annual budget; items of expenditure**

On or before February 25 of each year the commission shall adopt an annual budget for the year, which shall include the following items of expenditure:

a. An operating budget covering administrative operating and maintenance expenses of each office, activity or project of the commission, plus contingent expenses of up to 5% of the amount stated;

b. Capital budget, including deposits in any capital improvement fund or capital reserve fund, down payments or expenditures for capital projects, and interest payments, sinking fund deposits, principal maturities, and redemption premiums payable in such year on bond and notes of the commission;

c. Deferred charges; and estimates of the following revenues;

(1) Cash balances and surplus;

(2) Federal, State and other grants-in-aid;

(3) Revenues from charges and fees for the use of the commission's facilities;

(4) Receipts from special assessments; but not in excess of the amount budgeted in such year for interest, principal maturities, sinking fund deposits and redemption premiums on bonds secured by such assessments, until all bonds so secured are paid in full;

DRAFTING NOTE

Minor editorial changes.

**HM-79. Annual audit of commission accounts**

The commission shall cause an annual audit of its accounts to be made, and for this purpose it shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey. The audit shall be completed and filed with the commission within 4 months after the close of the fiscal year of the commission and a certified duplicate copy shall be filed in the office of the Division of Local Finance in the Department of Community Affairs and in the office of the Division of Budget and Accounting in the Department of the Treasury in the office of the treasurer of the county of Bergen and in the office of the treasurer of the county of Hudson within 5 days after the original audit is filed with the commission.

Source: 13:17-78<sup>79</sup>

DRAFTING NOTE

Minor editorial changes.

**HM-80. Aid and cooperation by public bodies**

For the purpose of aiding and co-operating with the commission; the planning, undertaking construction or operation of its activities, any public body may upon any terms, with or without consideration, that it may determine:

- a. Dedicate, sell, convey or lease any of its property to the commission or the Federal Government;
- b. Cause parks, playgrounds, recreational, community, educational, water, sewer or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with projects of the commission;
- c. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;
- d. Plan or replan, zone or rezone any part of the public body; make exceptions from building regulations and ordinances and change its map;
- e. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the commission or the Federal Government respecting action to be taken by the public body pursuant to any of the powers granted by this chapter;
- f. Do any and all things necessary or convenient to aid and co-operate in planning undertakings, construction, or operations of the commission;
- g. Cause services to be furnished to the commission of the character which the public body is otherwise empowered to furnish;

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(5) Payments by municipalities or other governmental bodies pursuant to contracts for services performed by the commission; and

(6) Miscellaneous other revenues and receipts.  
L. 1968, c. 404, §75.

**13:17-78. Annual audit of commission accounts**

The commission shall cause an annual audit of its accounts to be made, and for this purpose it shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey. The audit shall be completed and filed with the commission within 4 months after the close of the fiscal year of the commission and a certified duplicate copy thereof shall be filed in the office of the Division of Local Finance in the Department of Community Affairs and in the office of the Division of Budget and Accounting in the Department of the Treasury in the office of the treasurer of the county of Bergen and in the office of the treasurer of the county of Hudson within 5 days after the original audit is filed with the commission.

L. 1968, c. 404, §76.

h. Purchase or legally invest in any of the bonds of the commission and exercise all of the rights of any holder of the bonds;

i. In connection with any public improvements made by a public body in exercising the powers granted in this chapter, the public body may incur the entire expense of the improvements. Any law or statute to the contrary notwithstanding, any grant, sale, conveyance, lease, or agreement provided for in this section, may be made by a public body without appraisal, public notice, advertisement or public bidding;

j. Upon any terms that it may deem advisable, with or without consideration, grant, sell, convey or lease any of its property, including real property already devoted to a public use, whether held in a proprietary or governmental capacity to the commission, if the public body making the grant or lease determines that the premises are no longer required for the public purposes to which the property is devoted, and that it is in the public interest to grant, sell, convey or lease the property.

Source: 13:17-79<sup>80</sup>

#### DRAFTING NOTE

“Act” changed to “chapter”; minor editorial changes.

#### HM-81. Contracts with municipalities or public agencies for operation of public works, improvements, facilities, etc.

a. The commission may enter into, from time to time, contracts with one or more municipalities, counties or other public agencies for the operation of public improvements, works, facilities, services, or undertakings of municipalities, counties, or agencies, or of the commission.

b. The contracts shall specifically provide for the services or improvements to be undertaken, the fee to be charged for the services or facilities, the method of apportionment of the fees among the contracting parties, persons or officers or agencies responsible for the performance of the contract and other appropriate terms and conditions of participation.

c. The contracts shall be subject to approval by resolution of the commission and of the governing body of each participating municipality, county or other participating agency.

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<sup>80</sup> 13:17-79. Aid and cooperation by public bodies

For the purpose of aiding and co-operating with the commission; the planning, undertaking construction or operation of its activities, any public body may upon such terms, with or without consideration, as it may determine:

- a. Dedicate, sell, convey or lease any of its property to the commission or the Federal Government;
- b. Cause parks, playgrounds, recreational, community, educational, water, sewer or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with projects of the commission;
- c. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;
- d. Plan or replan, zone or rezone any part of such public body; make exceptions from building regulations and ordinances and change its map;
- e. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the commission or the Federal Government respecting action to be taken by such public body pursuant to any of the powers granted by this act;
- f. Do any and all things necessary or convenient to aid and co-operate in planning undertakings, construction, or operations of the commission;
- g. Cause services to be furnished to the commission of the character which such public body is otherwise empowered to furnish;
- h. Purchase or legally invest in any of the bonds of the commission and exercise all of the rights of any holder of such bonds;
- i. In connection with any public improvements made by a public body in exercising the powers herein granted, such public body may incur the entire expense thereof. Any law or statute to the contrary notwithstanding, any grant, sale, conveyance, lease, or agreement provided for in this section, may be made by a public body without appraisal, public notice, advertisement or public bidding;
- j. Upon such terms as it may deem advisable, with or without consideration, grant, sell, convey or lease any of its property, including real property already devoted to a public use, whether held in a proprietary or governmental capacity to the commission, provided, that the public body making the grant or lease determines that the premises are no longer required for the public purposes to which the property is devoted, and that it is in the public interest so to grant, sell, convey or lease said property.

L.1968, c. 404, §77.



d. The apportionment of costs and expenses may be based upon property valuations, population, area, and any other factors that may be provided in the contract.

Source: 13:17-80<sup>81</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-82. Examination of accounts and books of commission by state auditor**

The State Auditor and the Auditor's legally authorized representatives are hereby authorized and empowered to examine the accounts and books of the commission from time to time, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating to its financial standing.

Source: 13:17-81<sup>82</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-83. Assistance to commission by employees of state departments and agencies**

The commission shall be entitled to call to its assistance and avail itself of the services of any employees of any State department or agency as it may require and that may be available to it for the purpose.

Source: 13:17-82<sup>83</sup>

**DRAFTING NOTE**

Minor editorial changes.

**HM-84. Supplemental and additional provisions**

The foregoing sections of this chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized by this chapter, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or refunding bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

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<sup>81</sup> **13:17-80. Contracts with municipalities or public agencies for operation of public works, improvements, facilities, etc.**  
a. The commission may enter into, from time to time, contract with one or more municipalities, counties or other public agencies for the operation of public improvements, works, facilities, services, or undertakings of such municipalities, counties, or agencies, or of the commission.  
b. Such contracts shall specifically provide for the services or improvements to be undertaken, the fee or fees to be charged for such services or facilities, the method of apportionment of such fees among the contracting parties, persons or officers or agencies responsible for the performance of the contract and other appropriate terms and conditions of participation.  
c. Such contracts shall be subject to approval by resolution of the commission and of the governing body of each participating municipality, county or other participating agency.  
d. The apportionment of costs and expenses may be based upon property valuations, population, area, and of such other factors as may be provided in the contract.

<sup>82</sup> L.1968, c. 404, §78.  
**13:17-81. Examination of accounts and books of commission by state auditor**  
The State Auditor and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating to its financial standing.

<sup>83</sup> L.1968, c. 404, §79.  
**13:17-82. Assistance to commission by employees of state departments and agencies**  
The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State department or agency as it may require and as may be available to it for said purpose.  
L.1968, c. 404, §80.

Source: 13:17-83<sup>84</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-85. Liberal construction**

This chapter, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect its purpose.

Source: 13:17-84<sup>85</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**HM-86. Payment of expenses**

All expenses incurred in carrying out the provisions of this chapter shall be payable from funds provided the commission for those purposes, and no liability or obligation shall be incurred by the commission pursuant to this chapter beyond the extent to which moneys shall have been provided .

Source: 13:17-86<sup>86</sup>

**DRAFTING NOTE**

“Act” changed to “chapter”; minor editorial changes.

**STATUTES RECOMMENDED FOR REPEAL:**

**13:17-2. Short title**<sup>87</sup>

**DRAFTING NOTE**

This provision is recommended for repeal; the short title of the act will become the name of the chapter.

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<sup>84</sup> **13:17-83. Supplemental and additional provisions**

The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

L.1968, c. 404, §81.

<sup>85</sup> **13:17-84. Liberal construction**

This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purpose thereof.

L.1968, c. 404, §82.

<sup>86</sup> **13:17-86. Payment of expenses**

All expenses incurred in carrying out the provisions of this act shall be payable from funds provided the commission therefor, and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided therefor.

L.1968, c. 404, §84.

<sup>87</sup> **13:17-2. Short title**

Sections 1 through 84, inclusive, of this chapter shall be known and may be cited as the "Hackensack Meadowlands Reclamation and Development Act."

L.1968, c. 404, §2.

**13:17-85. Severability**<sup>88</sup>

**DRAFTING NOTE**

This section is unnecessary as there is a general principle of construction in 1:1-10 which covers this issue.

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<sup>88</sup>

**13:17-85. Severability**

If the provisions of any article, section or clause of this act or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any article, section or clause of this act or the application of any part thereof to any other person or circumstance and to this end, the provisions of each title, section and clause of this act are hereby declared to be severable.

L.1968, c. 404, §83.