DRAFT
DOCKET

HACKENSACK CITY COUNCIL – Tuesday, December 22, 2020 – 7:00 PM

I. CALL TO ORDER AND ORDER OF BUSINESS

a. Open Public Meeting Act – The City Clerk announces that the meeting is being held in accordance with the “Open Public Meeting Act”, N.J.S.A. 10:4-6 et seq., notice of which was sent to The Record and The Star Ledger and was posted on the Municipal Bulletin Board.

b. Roll Call

c. Flag Salute

d. Proclamations and Presentations – Rotary Club 100th Anniversary
Lung Cancer Awareness Month

e. Approval of Minutes - COW and Regular Meeting November 9, 2020

II. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

a. City Manager’s Report

III. REPORTS OF SPECIAL COMMITTEES

IV. SPECIAL ORDERS

V. UNFINISHED BUSINESS AND GENERAL ORDER

VI. NEW BUSINESS

1. Resolution #493-20
Adoption of Ordinance 51-2020 An Ordinance to Repeal And Replace Chapter 45a Of The City Code, “Affordable Housing,” To Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) Regarding Compliance With The City’s Affordable Housing Obligations

2. Resolution #494-20
Adoption of Ordinance 52-2020 An Ordinance To Amend Article II, “Development Fees” Of Chapter 45a Of The City Code, “Affordable Housing,” To Comply With Current State Affordable Housing Regulations
Resolution #20: Resolution Authorizing the Adoption of Agreement Between the City of Hackensack and Hackensack PBA Local 9A Supervisory Officer’s Association ("Association") for the Period January 1, 2022-December 31, 2025

Resolution #20: Resolution Authorizing Tax Refunds for County Board Judgements and Duplicate Payments

Resolution #20: Resolution Authorizing Tax Appeal Attorney to Settle the Cases Listed Dated December 8, 2020 and December 14, 2020 that were Scheduled for Trial or Settlement

Resolution #20: Resolution Authorizing Tax Appeal Attorney to Settle the Cases Listed Dated December 22, 2020 that were Scheduled for Trial or Settlement

Resolution #20: Resolution Authorizing Transfer of 2020 Budget Appropriations

Resolution #20: Resolution Authorizing the Awarding of a Co-Op Contract for the Purchase of Conducted Energy Devices Taser Units

Resolution #20: Resolution Authorizing the Awarding of Change Order #1 and Final to New Prince Concrete Construction for CDBG Road Resurfacing of Elm Avenue and North Prospect Avenue

Resolution #20: Resolution Authorizing Awarding of Change Order #2 to New Prince Concrete Construction for CSO Sewer Separation Main Street

Resolution #20: Resolution Authorizing Award of Contract to Suburban Consulting Engineering for Combined Sewer Overflow (CSO) Permit Compliance 2021

Resolution #20: Resolution Awarding Change Order #1 to JC Contracting for Main St. Traffic Signal Improvements at Main and Mercer Streets in the Amount of $4,569.60

Resolution #20: Resolution Authorizing the Cancelation of Federal and State Grant Balances
Resolution #20 Resolution Authorizing Awarding of Contract to Desman Design Management for Atlantic Street Parking Garage Bid Spec Modifications and Periodic Inspections

Resolution #20 Resolution Authorizing Payment of Bills

"The City Clerk announces that the following items are considered to be routine in nature and will be enacted in one motion; any items requiring expenditure are supported by a Certification of Availability of Funds; any item requiring discussion will be removed from the Consent agenda; and Consent Agenda items will be reflected in full in the minutes including any exceptions and/or additions."

Resolution #20 Resolution Authorizing Renewal of Inactive Liquor License for Kaku LLC for the 2020-2021 License Term

Resolution #20 Resolution Authorizing Extension of Leave of Absence Without Pay For Jaclyn Hashmat, Executive Assistant

Resolution #20 Resolution Authorizing the Execution of an Inter-Local Agreement with the Borough of Paramus for the Maintenance and Repair of Vehicles – Fire Department

Resolution #20 Resolution Authorizing the Acceptance of a State of New Jersey SFY 2021 Safe And Secure Communities Grant

Resolution #20 Resolution Authorizing Endorsement of Proposed Bergen County Community Development Grants 2020

Resolution #20 Resolution Authorizing Board and Commission Re-Appointments and New Appointments

Resolution #20 Resolution Establishing Fair Market Value For Property Located In Block 404, Lot 2 and Known As 450-460 River Street in the City of Hackensack and Authorizing Acquisition of Block 404, Lot 2 for the Established Fair Market Value

Resolution #20 Resolution Concurring with Planning Board’s Redevelopment Investigation Findings Regarding Block 408, Lots 1, 15, & 16 And Designating Them as An Area in Need of Redevelopment (359-365 Main)

Resolution #20 Resolution Designating the Phoenix on Main Urban Renewal, LLC Redeveloper of Block 206.01, Lot 11 (76 Main Street) And Authorizing Entry of Redevelopment Agreement

12/18/2020
. Resolution #-20 Resolution Authorizing the Mayor to Sign Inter-Local Agreement with Northwest Bergen County Utilities Authority for TV Inspection of Sanitary Sewer System

. Resolution #-20 Resolution Authorizing the Mayor to Sign Inter-Local Agreement with Northwest Bergen County Utilities Authority for the Cleaning of the Sanitary Sewers

VII. PUBLIC COMMENT (3 Minute Time Limit per Speaker)

VIII. MAYOR AND COUNCIL COMMENTS

IX. ADJOURN
Proclamation:
Office of the Mayor of the City of Hackensack

WHEREAS, early in 1919, a resident by the name of Andrew Stertzer decided that the City of Hackensack needed a Rotary Club; and

WHEREAS, the Rotary Club of Hackensack was chartered in 1920 and its members represent a variety of business and professionals that are meeting real needs and changing lives to the Hackensack community and its people; and

WHEREAS, the Rotary motto “Service Above Self” serves to combat hunger, improve health and sanitation, promote peace, eradicate polio and accomplish much more through wide ranging community service projects; and

WHEREAS, a major goal of Hackensack Rotary is to support education and the well-being of young people by awarding scholarships to high school seniors, giving dictionaries to all third graders, supporting Hackensack youth Baseball and Basketball, and supporting the high school chorus to name a few; and

NOW, THEREFORE, I, JOHN P. LABROSSE, JR., Mayor of the City of Hackensack, along with the members of the City Council, do hereby congratulate the Hackensack Rotary Club on their 100th anniversary and commend them for their continued service to our community.

John P. Labrosse, Jr., Mayor

Presented this 8th day of December, 2020
Proclamation:
Office of the Mayor of the City of Hackensack

WHEREAS, lung cancer is the leading cause of cancer death among men and women in the United States and in New Jersey in 2020, accounting for more deaths than colon, breast, and prostate cancer combined; and

WHEREAS, screening for lung cancer using low-dose computed tomography can lead to earlier detection and save lives, reducing the mortality by 20%; and

WHEREAS, funding for lung cancer research trails far behind many other cancers, and additional research is needed in early diagnosis, screening, and treatment; and

WHEREAS, women diagnosed with lung cancer are more likely to be younger and never-smokers and more women die from lung cancer than breast cancer every year; and

WHEREAS, organizations working in Hackensack community, such as American Lung Cancer Screening Initiative and Women’s Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase screening rates in Hackensack.

NOW, THEREFORE, I, JOHN P. LABROSSE, JR., Mayor of the City of Hackensack, along with the members of the City Council, do hereby proclaim November as Lung Cancer Awareness Month and recognize the need for research in lung cancer and encourage all citizens to learn about lung cancer and early detection through screening.

Presented this 22nd day of December, 2020

John P. Labrosse, Jr., Mayor
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CITY OF HACKENSACK

RESOLUTION NO. -20

FINAL ADOPTION OF ORDINANCE 51-2020 AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 45A OF THE CITY CODE, "AFFORDABLE HOUSING," TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS

This ordinance has been advertised pursuant to law and now calls for a public hearing. Will someone so move?"

Motion offered by and seconded by that there be a public hearing.

PUBLIC HEARING –

Motion offered by and seconded by that the public hearing be closed.

BE IT RESOLVED by the City Council of the City of Hackensack, County of Bergen and State of New Jersey, that Ordinance No. 51-2020 has passed its second and final reading and is hereby adopted.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK
ORDINANCE NO. 51-2020

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 45A
OF THE CITY CODE, "AFFORDABLE HOUSING," TO
ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING
ACT AND THE UNIFORM HOUSING AFFORDABILITY
CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE
CITY'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, Chapter 45A of the Code of the City of Hackensack, "Affordable Housing," must
be repealed and replaced to ensure the inclusion of all required provisions addressing the City’s
constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by
the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.
5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income
units ("affordable units") are created with controls on affordability over time and that low- and moderate-income
households shall occupy those units; and,

WHEREAS, this Ordinance shall apply except where inconsistent with applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HACKENSACK, as follows:

Section 1:
Chapter 45A (Affordable Housing) of the Code of the City of Hackensack is hereby repealed and replaced
in its entirety to now read as follows:

Article I General Regulations

§45A-1 Purpose.

A. This Chapter is intended to ensure that very-low, low-, and moderate-income units
("affordable units") are created with controls on affordability and that very-low, low-, and
moderate-income households shall occupy these units. This Chapter shall apply except where
inconsistent with applicable law.

B. The City’s Housing Element and Fair Share Plan ("Fair Share Plan"), adopted pursuant to the
Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq., describes how the City shall address
its fair share of very-low, low-, and moderate-income housing.

C. The City shall track the status of the implementation of its Fair Share Plan in accordance with
Court Orders and the monitoring requirements set forth in this Article.

§45A-2 Monitoring and Reporting Requirements.

The City shall comply with the following monitoring and reporting requirements regarding the
status of the implementation of its Court-approved Fair Share Plan as follows:
A. Beginning on September 10, 2021, and on every anniversary of that date through July 1, 2025, the City agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

B. Beginning on September 10, 2021, and on every anniversary of that date through July 27, 2025, the City agrees to provide annual reporting of the status of all affordable housing activity within the City through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

C. By September 10, 2021, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the City will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the City and FSHC on the issue of whether the City has complied with its very low income and family very low-income housing obligations.

§45A-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ACT

ADAPTABLE
Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT
The entity designated by the City to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING
A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE
The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE
A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended
and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT
A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the City's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)
Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT
A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY

AGE-RESTRICTED UNIT
A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENT
A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE
A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD
A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH
The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). Pursuant to the opinion and order of the New Jersey Supreme Court dated March 10, 2015, in the matter of In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, (M-392-14) 067126, any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division, Bergen County.

DCA
The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT
A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER
Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT
The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

INCLUSIONARY DEVELOPMENT
A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD
A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

LOW-INCOME UNIT
A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM
The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

MARKET-RATE UNITS
Housing not restricted to low- and moderate-income households that may sell or rent at any price.
MEDIAN INCOME
The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD
A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

MODERATE-INCOME UNIT
A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE
Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS
A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

RECONSTRUCTION
Any project where the extent and nature of the work is such that the work areas cannot be occupied while work is in progress and where a new certificate of occupancy is required before the work areas can be reoccupied, pursuant to the Rehabilitation subcode, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised of only floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy during the work performed is not permitted.

REGIONAL ASSET LIMIT
The maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION
The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT
The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT
A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHOPR or MONI.

**UHAC**
The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

**VERY LOW-INCOME HOUSEHOLD**
A household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

**VERY LOW-INCOME UNIT**
A restricted unit that is affordable to a very low-income household.

**WEATHERIZATION**
Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

§45A-4 Rehabilitation Program.

A. The City and Fair Share Housing Center have agreed that the City’s Round 3 (1999-2025) indigenous need Rehabilitation Obligation is 582 units. The City will continue to participate in the Bergen County Home Improvement program and/or other rehabilitation programs to address its remaining Rehabilitation Obligation. Any such rehabilitation programs will update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

1. All rehabilitated rental and owner-occupied units shall remain affordable to low and moderate-income households for a period of ten (10) years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

2. The City shall dedicate an average of at least ten thousand dollars ($10,000) for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.

3. Units in the rehabilitation programs shall be exempt from N.J.A.C. 5:93-9 and UHAC requirements, but shall be administered in accordance with the following:

   (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.

   (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
(c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.

(d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§ 45A-5 Alternative Living Arrangements.

A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

(1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 45A-6 Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

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<th>Maximum Percentage of Market-Rate Units Completed</th>
<th>Minimum Percentage of Low- and Moderate-Income Units Completed</th>
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§ 45A-7 New Construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

(1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. In each development that includes affordable housing, at least 13 percent of all restricted units shall be very low-income units (affordable to a household earning 30 percent or less of regional median income by household size)
across bedroom distribution. The very low-income units shall be counted as part of the required number of low-income units within the development.

(2) In each development that includes affordable housing, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.

(3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

(b) At least 30 percent of all low- and moderate-income units shall be two-bedroom units;

(c) At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and

(d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.

(4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

(1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier-Free Subcode, N.J.A.C. 5:23-7 and the following:

(2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor; and

(b) An adaptable kitchen on the first floor; and

(c) An interior accessible route of travel on the first floor; and

(d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

(e) If not all of the foregoing requirements in 2(a) through 2(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2(a) through 2(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier-Free Subcode, N.J.A.C. 5:23-7, or evidence that the City has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the City’s Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under paragraph 6(b) above shall be used by the City for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official for the conversion of adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier-Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the City’s Affordable Housing Trust Fund in care of the City Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

(g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site impracticable” to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier-Free Subcode, N.J.A.C. 5:23-7.

C. Design:

(1) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

(2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

(1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court.
(a) Regional income limits shall be established for the region that the City is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the City's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

(b) The income limits are the result of applying the percentages set forth in paragraph (1) above to HUD's determination of median income for the fiscal year 2017, and shall be utilized until the City updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) shall be calculated by the City annually by taking the percentage increase of the income limits calculated pursuant to paragraph (1) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

(d) In establishing sale prices and rents of affordable housing units, the City's administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

[1] The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to the above methodology. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

[2] The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

(2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the
average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

(3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

(4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

(5) In determining the initial sales prices and rent levels for compliance with the affordability requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one- and one-half person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

(d) A three-bedroom unit shall be affordable to a four and one-half person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

(6) In determining the initial sales prices and rents for compliance with the affordability requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one- and one-half person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the
affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

(10) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine (9) percent in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§45A-8 Utilities.

A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

§45A-9 Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

A. Provide an occupant for each bedroom;

B. Provide children of different sexes with separate bedrooms;

C. Provide separate bedrooms for parents and children; and

D. Prevent more than two (2) persons from occupying a single bedroom.

§45A-10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the City takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§45A-11 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

B. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

C. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

D. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

E. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom as per §45A-14.

§45A-12 Buyer Income Eligibility.

A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of
median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the City Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

C. A certified household that purchases a restricted ownership unit must occupy it as the certified household’s principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.

D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household’s eligible monthly income.

E. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the City Council, and subject to Court’s approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

F. A certified household that purchases a restricted ownership unit must occupy it as a certified household’s principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of a hardship, to lease the restricted unit to another certified household for a period not to exceed one year. Violations of this provision shall be subject to the applicable enforcement provisions of §45A-21.

§45A-13 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to
exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.6(b).

§45A-14 Capital Improvements to Ownership Units.

A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§45A-15 Control Periods for Restricted Rental Units.

A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until the City takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

(1) Sublease or assignment of the lease of the unit;

(2) Sale or other voluntary transfer of the ownership of the unit; or

(3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.
§45A-16 Rent Restrictions for Rental Units; Leases.

A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§45A-17 Tenant Income Eligibility.

A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

(1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

(2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.

(3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household’s eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
(3) The household is currently in substandard or overcrowded living conditions;

(4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Sections A and B above with the Administrative Agent, who shall counsel the household on budgeting.

§45A-18 Municipal Housing Liaison.

A. The City shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the City's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the City's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). The City Council shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the City Council and may be a full or part-time City employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the City, including the following responsibilities which may not be contracted out to the Administrative Agent:

(1) Serving as Hackensack's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

(2) Monitoring the status of all restricted units in Hackensack's Fair Share Plan;

(3) Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;

(4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

(5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

C. Subject to the approval of the Court, the City shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the City in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by
resolution of the City Council and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the City Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

§45A-19 Administrative Agent.

An Administrative Agent shall be an independent entity serving under contract to and reporting to the City. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

(1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the City of Hackensack and the provisions of N.J.A.C. 5:80-26.15; and

(2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

(1) Soliciting, scheduling, conducting and following up on interviews with interested households;

(2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

(6) Employing a random selection process as provided in the Affirmative Marketing Plan of the City when referring households for certification to affordable units; and

(7) Notifying the following entities of the availability of affordable housing units in the City: the Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, the Bergen County United Way, and the Supportive Housing Association.
C. Affordability Controls:

(1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or Bergen County Clerk’s office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Rerentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rerental; and

(2) Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

(3) Notifying the City of an owner’s intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

(1) Securing annually from the City a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the
requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

(4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

(5) Establishing a program for diverting unlawful rent payments to the City's Affordable Housing Trust Fund; and

(6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the City Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

(1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out his or her responsibilities hereunder.

(2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

(3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§45A-20 Affirmative Marketing Requirements.

A. The City of Hackensack shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, which is compliant with N.J.A.C. 5:80-26.15, and as it may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.

C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.

D. The City has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and
rentals and resales and re-rentals. The Administrative Agent designated by the City shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin at least 120 days prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; Hackensack City Hall and the Johnson Public Library; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Hackensack, and copies of the application forms, to the following entities: the Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, the Bergen County United Way, and the Supportive Housing Association.

J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

K. The administrative agent designated by the City shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the City and applicable law, including posting of all affordable units on the online New Jersey Housing Resource Center website.

§45A-21 Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the City shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recouperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the City may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
(1) The City may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

(a) A fine of not more than $500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Hackensack Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

(2) The City may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

(a) The judgment shall be enforceable, at the option of the City, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the C, including attorney's fees. The violating Owner shall have his, her or its right to possession terminated as well as his, her or its title conveyed pursuant to the Sheriff's sale.

(b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the City for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the City in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the City in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the City for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the City for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the City. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the City, whether such balance shall be paid to the Owner or forfeited to the City.
(c) Foreclosure by the City due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the City may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

(e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the City shall obligate the Owner to accept an offer to purchase from any qualified purchaser that may be referred to the Owner by the City, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§45A-22 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

Section 2:
After introduction, the City Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the City of Hackensack for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 3:
The City Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 4:
Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.
Section 5:  
Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6:  
Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealer of existing provisions not intended to be repealed.

Section 7:  
This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Section 8:  
Upon adoption of this Ordinance the City Clerk shall file same with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the City Tax Assessor as required by N.J.S.A. 40:49-2.1(c).

Introduced: December 8, 2020

ATTEST:

By: ___________________________  CITY OF HACKENSACK

Deborah Karlsson, City Clerk  

By: ___________________________  John P. Labrosse Jr., Mayor
CITY OF HACKENSACK

RESOLUTION NO. -20

FINAL ADOPTION OF ORDINANCE 52-2020 AN
ORDINANCE TO AMEND ARTICLE II,
“DEVELOPMENT FEES” OF CHAPTER 45A OF
THE CITY CODE, “AFFORDABLE HOUSING,” TO
COMPLY WITH CURRENT STATE AFFORDABLE
HOUSING REGULATIONS

This ordinance has been advertised pursuant to law and now calls for a public hearing. Will someone so move?"

Motion offered by and seconded by that there be a public hearing.

PUBLIC HEARING –

Motion offered by and seconded by that the public hearing be closed.

BE IT RESOLVED by the City Council of the City of Hackensack, County of Bergen and State of New Jersey, that Ordinance No. 52-2020 has passed its second and final reading and is hereby adopted.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

______________________________
DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK
ORDINANCE NO. 52-2020

AN ORDINANCE TO AMEND ARTICLE II, “DEVELOPMENT FEES” OF CHAPTER 45A OF THE CITY CODE, “AFFORDABLE HOUSING,” TO COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS

WHEREAS, Article II, “Development Fees” of Chapter 45A of the Code of the City of Hackensack, “Affordable Housing,” must be amended to comply with current state affordable housing regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hackensack, as follows:

Section 1:
Article II, “Development Fees” of Chapter 45A of the Code of the City of Hackensack, “Affordable Housing,” is hereby amended as follows [additions by underline, deletions by strikethrough]:

Article II Development Fees

§45A-23 Purpose.

A. In Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the state constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.

B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH’s duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court’s jurisdiction and are subject to approval by the Court.

D. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97–8 5.93-8.

§45A-24 Approval required.
A. This article shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1 the Superior Court approves the City’s development fee ordinance in accordance with N.J.A.C. 5:93-8.

B. The City of Hackensack shall not spend development fees until COAH the Superior Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3 5:93-8.

§45A-25 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING DEVELOPMENT
A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or the COUNCIL
The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state. Pursuant to the opinion and order of the New Jersey Supreme Court dated March 10, 2015, in the matter of In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, (M-392-14) 067126, any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division, Bergen County.

DEVELOPER
The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE
Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE
The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L.1973, c.123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES
Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§45A-26 Residential development fees.

A. Imposed fees.
(1) Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% one and one-half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted. This fee is imposed when, upon discretion of City Council, residential developers are not required to provide for their growth share as part of construction, or a payment in lieu of on-site construction is made to the City's Affordable Housing Trust Fund.

(2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% one and one-half percent (1.5%) of the equalized assessed value on the first two units; and the specified higher percentage up to six percent (6%) of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

(1) Affordable housing developments and developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(3) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(4) Developers of residential development with one or two owner-occupied dwelling units, residential structures, demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

§45A-27 Nonresidential Development Fees.

A. Imposed fees.

(1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized
assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

(2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(1) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below. Redevelopment projects and other nonresidential projects where the developer has made a payment in lieu to the trust fund shall be exempt from development fees otherwise required, as approved by the City of Hackensack.

(2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption form. Any exemption claimed by a developer shall be substantiated by that developer.

(4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the City of Hackensack as a lien against the real property of the owner.

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§45A-28 Collection Procedures.

A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee, and thereafter notify the developer of the amount of the fee.

G. Should the City of Hackensack fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection B of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

I. Appeal of development fees.

(1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the City of Hackensack. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-
1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the City of Hackensack. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§45A-29 Affordable Housing Trust Fund

A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer or Treasurer of the City of Hackensack for the purpose of depositing development fees and payments-in-lieu collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund unless otherwise approved by the State of New Jersey and shall at all times be identifiable by source and amount:

(1) Payments in lieu of on-site construction of affordable units;

(2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

(3) Rental income from municipally operated units except as otherwise administered by the Hackensack Housing Authority;

(4) Repayments from affordable housing program loans;

(5) Recapture funds;

(6) Proceeds from the sale of affordable units; and

(7) Any other funds collected in connection with the City of Hackensack’s affordable housing program except as otherwise administered by the Hackensack Housing Authority.

C. Within seven days from the opening of the trust fund account, the City of Hackensack shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the City of Hackensack’s official bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

In the event of a failure by the City of Hackensack to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff’d 442 N.J. Super. 563); or the expenditure of funds on activities not approved
by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the City of Hackensack, or, if not practicable, then within the County or the Housing Region.

D. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH the Court.

§45A-30 Use of funds.

A. The expenditure of all funds shall conform to a spending plan approved by COAH the Court. Funds deposited in the housing trust fund may be used for any activity approved by COAH the Court to address the City of Hackensack's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to:

(1) Preservation or purchase of housing for the purpose of maintaining or implementing affordability controls;

(2) Rehabilitation, new construction of affordable housing units and related costs;

(3) Accessory apartment;

(4) Market to affordable;

(5) Conversion of existing nonresidential buildings to create new affordable units;

(6) Green building strategies designed to be cost saving and in accordance with accepted national or state standards;

(7) Purchase of land for affordable housing;

(8) Improvement of land to be used for affordable housing;

(9) Extensions or improvements of roads and infrastructure to affordable housing sites;

(10) Financial assistance designed to increase affordability;

(11) Administration necessary for implementation of the Housing Element and Fair Share Plan; or

(12) Any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 5:93-8 and specified in the approved spending plan.
B. Funds shall not be expended to reimburse the City of Hackensack for past housing activities.

C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

(1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

(2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal fair share plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner may entitle the City of Hackensack to bonus credits pursuant to N.J.A.C. 5:97-3.7.

(3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The City of Hackensack may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18 5:94-7.

E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

§45A-31 Monitoring.

The City of Hackensack shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the City's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH. On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose, the City of Hackensack shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms.
developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the City’s housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

§45A-32 Ongoing collection of fees.

A. The ability for the City of Hackensack to impose, collect and expend development fees shall expire with its substantive certification, unless the City of Hackensack has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH’s approval of its development fee ordinance. The ability for the City of Hackensack to impose, collect and expend development fees shall expire with its substantive certification unless the City of Hackensack has filed an adopted Housing Element and Fair Share Plan with the court or other appropriate jurisdiction, has filed a Declaratory Judgment action and has received court approval of its development fee ordinance.

B. If the City of Hackensack fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification or judgment of compliance and repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).

C. The City of Hackensack shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the City of Hackensack retroactively impose a development fee on such a development. The City of Hackensack shall not expend development fees after the expiration of its substantive certification or judgment of compliance and repose.

Section 2:
Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3:
Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4:
Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the
codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repeaters of existing provisions not intended to be repealed.

**Section 5:**
This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: December 8, 2020

**ATTEST:**

By: __________________________
Deborah Karlsson, City Clerk

**CITY OF HACKENSACK**

By: __________________________
John P. Labrosse Jr., Mayor
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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION ADOPTING THE AGREEMENT BETWEEN THE CITY OF HACKENSACK AND HACKENSACK PBA LOCAL 9A SUPERVISORY OFFICERS' ASSOCIATION ("ASSOCIATION") FOR THE PERIOD JANUARY 1, 2022 – DECEMBER 31, 2025

WHEREAS, all Sergeants, Lieutenants and Captains of the Hackensack Police Department are represented by the Hackensack PBA Local 9A Supervisory Officers' Association ("Association"); and

WHEREAS, the Agreement between the City of Hackensack ("Hackensack") and the Association will expire on December 31, 2021; and

WHEREAS, Hackensack and the Association have engaged in ongoing negotiations to discuss and agree upon the terms and provisions of a successor Agreements; and

WHEREAS, Hackensack and the Association have agreed upon the terms of a successor Agreement for the term January 1, 2022 through December 31, 2025; and

WHEREAS, Hackensack wishes to memorialize its approval of the terms and conditions of the successor Agreement.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hackensack that the Agreement as between the City of Hackensack and Hackensack PBA Local 9A Supervisory Officers’ Association for the period of January 1, 2022 through December 31, 2025, the terms of which are incorporated by reference herein, be and hereby is APPROVED; and

BE IT FURTHER RESOLVED that the City Manager, the City Attorney, and the City Labor Counsel are authorized to take all appropriate actions so as to implement this Resolution.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 8, 2020

DEBORAH KARLSSON, CITY CLERK
<table>
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<tr>
<th>Council Member</th>
<th>Intro</th>
<th>Second</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
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**CITY OF HACKENSACK**

**RESOLUTION NO. -20**

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CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
<table>
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<tr>
<th>Accountant</th>
<th>Date</th>
<th>Name</th>
<th>Amount</th>
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<td>Sammy, Corp</td>
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Prepared by: Noeren Verfe
City of Hackensack
<table>
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<th>Council Member</th>
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<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
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<tr>
<td>Von Rudenborg</td>
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<td>Deputy Mayor Canestrino</td>
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<td>Mayor Labrosse</td>
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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING TAX APPEAL ATTORNEY TO SETTLE THE CASES ON THE ATTACHED LIST DATED DECEMBER 8, 2020 AND DECEMBER 14, 2020 THAT WERE SCHEDULED FOR TRIAL OR SETTLEMENT

WHEREAS, the names on the attached list are owners of real estate of the Block and Lots specified on said list: and

WHEREAS, the owners set forth on the list have filed tax appeals challenging the assessments for the above referenced tax years as more specifically set forth on said list; and

WHEREAS, each Block and Lots listed therein was/were assessed at the amount stated therein for the noted tax years; and

WHEREAS, the owners are seeking a reduction in the total assessments for said Block and Lots for the respective years; and

WHEREAS, the City’s Tax Appeal Attorney, Edna J. Jordan, Esq. of Chasan Lamparello Mallon & Cappuzzo, P.C. has completed discovery/inquiry with respect to these matters and has consulted with the City Tax Assessor, Arthur Carlson, CTA and the City’s Appraiser, Mc Nerney & Associates, Inc. and has conducted extensive negotiations with counsel for the taxpayer; and

WHEREAS, the parties have agreed that prejudgment interest shall be waived as a condition of any and all settlements; and

WHEREAS, the City’s Tax Appeal Attorneys, the City’s Appraiser and the City’s Tax Assessor are in agreement with the terms of said settlements and believe that it would be in the best interest of the City to settle said cases in accordance with the terms as stated on the attached list;
NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Hackensack agrees to authorize the City's Tax Appeal Attorney, Edna J. Jordan, Esq. or Kenneth A. Porro, Esq. to execute a Stipulation of Settlement on behalf of the City of Hackensack with respect to the cases on the attached list pending in the Tax Court of New Jersey for the tax years and at the new assessments stated on said list.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

__________________________________________
DEBORAH KARLSSON, CITY CLERK
Dated: 12/14/20

City of Hackensack - December Settled Case List
(Privileged Confidential Attorney Work-Product)

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**CITY OF HACKENSACK**

**RESOLUTION NO. -20**

**RESOLUTION AUTHORIZING THE CITY’S SPECIAL COUNSEL FOR TAX APPEALS TO SETTLE THE CASES ON THE ATTACHED LIST DATED DECEMBER 22, 2020 THAT WERE SCHEDULED FOR TRIAL OR SETTLEMENT**

**WHEREAS,** the names on the attached list are owners of real property within the City of Hackensack located on the Blocks and Lots specified on said list; and,

**WHEREAS,** the owners named on said list have filed tax appeals challenging the City’s assessments for certain tax years as more specifically set forth on said list; and,

**WHEREAS,** each Block and Lot listed therein was assessed at the amount stated therein for the noted tax year or years; and,

**WHEREAS,** the City’s Special Counsel for Tax Appeals assigned to these specific matters, Antonelli Kantor P.C., has completed discovery/inquiry with respect to these matters and has consulted with the City Tax Assessor, Arthur Carlson, CTA, and has conducted extensive negotiations with counsel for the taxpayer; and,

**WHEREAS,** the parties have agreed that prejudgment interest shall be waived as a condition of any and all settlements; and,

**WHEREAS,** the City’s legal counsel, Antonelli Kantor P.C, the City’s appraiser, Mr. McNerney, and the City’s assessor, Mr. Carlson, all are in agreement with the terms of said settlements and believe that it would be
in the best interest of the City to settle said cases in accordance with the terms as stated on the attached list.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack that the City's Special Counsel for Tax Appeals assigned to these specific matters, Antonelli Kantor P.C., is hereby authorized to execute a Stipulation of Settlement on behalf of the City of Hackensack with respect to the cases on the attached list (which is incorporated herein and made a part hereof), currently pending in the Tax Court of New Jersey for the tax years and at the new assessments stated on said list; and,

BE IT FURTHER RESOLVED that copies of this Resolution are to be provided to the City Clerk, the City's Tax Assessor and the City's Special Counsel for Tax Appeals assigned to these specific matters, Antonelli Kantor P.C.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

______________________________
DEBORAH KARLSSON, CITY CLERK
<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Block</th>
<th>Lot</th>
<th>Qualifier</th>
<th>Address</th>
<th>Class</th>
<th>Attorney</th>
<th>Docket No.</th>
<th>Assessment</th>
<th>Settlement</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edward R. Razzetti</td>
<td>506</td>
<td>1</td>
<td></td>
<td>537 Main Street</td>
<td>4A</td>
<td>Andrew S. Kessler, Esq.</td>
<td>012872-2016</td>
<td>$758,800.00</td>
<td>WITHDRAWN</td>
<td>3.378%</td>
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<td>013017-2017</td>
<td>$809,400.00</td>
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<td></td>
<td>013010-2018</td>
<td>$841,600.00</td>
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<td>No</td>
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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING TRANSFER OF 2020 BUDGET APPROPRIATIONS

WHEREAS, various Year 2020 bills have been presented for payment this year, which bills were not covered by Year 2020 Budget Appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides that amounts in excess of appropriations over and above the amounts deemed to be necessary to fulfill the purpose of such appropriations may be transferred to appropriations deemed to be insufficient during the last two months of the year and the first three months of the reserve year.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hackensack that the transfers in the amount of $63,000 be made between the Year 2020 Budget Appropriations as follows:

**Current Fund Budget:**

<table>
<thead>
<tr>
<th>FROM</th>
<th>DEPARTMENT</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-01-25-265-269-200</td>
<td>Emergency Medical Serv – OE</td>
<td>$10,000</td>
</tr>
<tr>
<td>0-01-26-311-311-200</td>
<td>Sewer – OE</td>
<td>$13,000</td>
</tr>
<tr>
<td>0-01-28-375-375-200</td>
<td>Parks &amp; Playgrounds – OE</td>
<td>$20,000</td>
</tr>
<tr>
<td>0-01-30-420-420-100</td>
<td>Public Events – S&amp;W</td>
<td>$10,000</td>
</tr>
<tr>
<td>0-01-43-490-490-200</td>
<td>Municipal Court – OE</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

**Total** $63,000
TO

DEPARTMENT

0-01-20-145-145-100  Tax Collection - S&W  $ 1,000
0-01-26-130-130-100  Public Buildings & Grounds – S&W  $ 5,000
0-01-26-305-305-100  Garbage & Trash – S&W  $19,000
0-01-26-311-311-100  Sewer – S&W  $ 5,000
0-01-26-313-313-100  Shade Tree – S&W  $ 1,000
0-01-31-461-461-200  Fire Hydrants – OE  $20,000
0-01-36-472-472-200  Social Security – OE  $12,000

Total  $63,000

Parking Utility Fund Budget:

FROM

DEPARTMENT

0-05-55-502-000-206  Capital Outlay  $13,000

Total  $13,000

TO

DEPARTMENT

0-05-55-501-000-100  Social Security  $13,000

Total  $13,000

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT
THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK
HELD ON DECEMBER 22, 2020.

______________________________
DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING THE AWARDING
OF A CO-OP CONTRACT FOR THE PURCHASE OF CONDUCTED ENERGY
DEVICES (TASER UNITS)

WHEREAS, the Hackensack Police Department wishes to purchase fifty
(50) conducted energy devices, commonly known as Taser Units; and

WHEREAS, the City of Hackensack wishes to purchase these Taser Units
by using the services of an authorized New Jersey Pricing Co-Operative,
pursuant to N.J.S.A. 52:34-6.2(3): and

WHEREAS, the purchase of goods and services by local contracting units
is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, the City of Hackensack participates in the Bergen County
Pricing Co-Operative and wishes to utilize their Contract #18-71 for the
purchase of fifty (50) Taser 7 Bundle Packages, along with all necessary
appurtenances; and

WHEREAS, Axon Enterprises, Inc. of 17800 N. 85th St., Scottsdale,
Arizona 85255 is an authorized vendor under the Bergen County Pricing Co-
Operative; and

WHEREAS, the Qualified Purchasing Agent recommends the utilization
of this contract on the grounds that it represents the best available price; and

WHEREAS, the actual price of fifty (50) Taser 7 Bundle Packages, along
with necessary appurtenances, is expected not to exceed $153,007.50.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the
City of Hackensack, County of Bergen, as follows:

1. Axon Enterprises, Inc. of 17800 N. 85th St., Scottsdale, Arizona
85255 is hereby awarded a two-year contract in the amount not to
exceed $76,503.75 annually for the purchase of fifty (50) Taser 7 Bundle Packages, along with all necessary appurtenances to be utilized by the Hackensack Police Department.

2. A Certification of Funds has been prepared by the Chief Financial Officer for the said contract assuring that a sufficient appropriation in budget account T-03-56-850-836-801 exists to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.

3. The Mayor and City Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The City Attorney shall review any and all contractual documents prepared in the furtherance of this award.


DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. XX-20

RESOLUTION AUTHORIZING AWARDING OF CHANGE ORDER #1 AND FINAL TO NEW PRINCE CONCRETE CONSTRUCTION FOR CDBG ROAD RESURFACING OF ELM AVENUE AND NORTH PROSPECT AVENUE

WHEREAS, the City of Hackensack desires to improve the road conditions on Elm Ave. and North Prospect Ave. in Hackensack; and

WHEREAS, a contract was awarded to New Prince Concrete Construction in amount not to exceed $694,335 February 25, 2020 as per Resolution #77-20; and

WHEREAS, the City Manager now recommends the awarding of Change Order #1 and Final, which is a decrease of ($859.75).

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack, County of Bergen, as follows:

1. New Prince Concrete Construction of 215 Eileen Terrace, Hackensack, NJ 07601 is hereby awarded Change Order #1 and Final with a decrease of ($859.75) for the CDBG Road Resurfacing Project on Elm and North Prospect Avenues.

2. The Mayor and City Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The City Attorney shall review any and all contractual documents prepared in furtherance of this award.


DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. XX-20

RESOLUTION AUTHORIZING AWARDING OF CHANGE ORDER #2 TO NEW PRINCE CONCRETE CONSTRUCTION FOR MAIN STREET SEWER SEPARATION

WHEREAS, the City of Hackensack desires to separate the combined sanitary / stormwater sewer system along Main Street in Hackensack; and

WHEREAS, a contract was awarded to New Prince Concrete Construction in amount not to exceed $2,583,008.80 on April 7, 2020 as per Resolution #142-20; and

WHEREAS, during construction the City Engineer determined that it would be cost-effective to extend the Camden St. culvert to Foschini Park and greatly increase the stormwater holding capacity which could then be extended to other areas of the City; and

WHEREAS, the City Manager now recommends the awarding of Change Order #2 in the amount of $511,357.20 for this additional work.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack, County of Bergen, as follows:

1. New Prince Concrete Construction of 215 Eileen Terrace, Hackensack, NJ 07601 is hereby awarded Change Order #2 in the amount not to exceed $511,357.20 bringing the total amount of the contract to $3,094,366.00 for the separation of the combined sewer system along Main Street, in accordance with the proposal attached thereof.

2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The budget account to be charged is C-04-19-050-000-200.

4. The Mayor and City Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The City Attorney shall review any and all contractual documents prepared in furtherance of this award.


______________________________
DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. XX-20

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO SUBURBAN CONSULTING ENGINEERS FOR COMBINED SEWER OVERFLOW (CSO) PERMIT COMPLIANCE 2021

WHEREAS, the City of Hackensack requires engineering services to maintain permit compliance with the City’s New Jersey Pollutant Discharge Elimination System Permit for Combined Sewer Management (CSO Permit) as part of the City’s Long Term Control Plan for Combined Sewer Management; and

WHEREAS, the City solicited Requests for Proposals regarding the engineering services required for said project; and

WHEREAS, it was determined that the proposal received from Suburban Consulting Engineers is the most advantageous to the City based on cost, expertise in this field and vast experience with the City’s combined sewer system.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack, County of Bergen, as follows:

1. Suburban Consulting Engineers of 96 U.S. Highway 206, Flanders, NJ 07836 is hereby awarded a contract in an amount not to exceed $38,290 for CSO Permit Compliance assistance through December 31, 2021 in accordance with the proposal attached thereof.

2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.

3. The budget account to be charged is C-04-19-039-000-100.
4. The Mayor and City Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The City Attorney shall review any and all contractual documents prepared in furtherance of this award.


__________________________
DEBORAH KARLSSON, CITY CLERK
RESOLUTION NO. XX-20

RESOLUTION AUTHORIZING AWARD OF CHANGE ORDER #1 TO J.C. CONTRACTING FOR TRAFFIC SIGNAL IMPROVEMENTS AT MAIN AND MERCER STREETS IN THE AMOUNT $4,569.60

WHEREAS, the City of Hackensack desires to improve the condition of Main St. by implementing a comprehensive streetscape project; and

WHEREAS, a contract was awarded to J.C. Contracting in amount not to exceed $307,624 on May 5, 2020 as per Resolution #188-20; and

WHEREAS, during construction it became apparent that the adaptive signal component was not incorporated into the project’s bid specifications; and

WHEREAS, the City Manager now recommends the awarding of Change Order #1 in the amount of $4,569.60 for this additional work.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack, County of Bergen, as follows:

1. J.C. Contracting of 681 Mill St., Rahway, NJ 07065 is hereby awarded Change Order #1 in the amount of $4,569.60 bringing the total amount of the contract to $312,193.60 for the traffic signal improvement at the intersection of Main and Mercer Streets, in accordance with the proposal attached thereof.

2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.
3. The budget account to be charged is C-04-19-028-000-200.

4. The Mayor and City Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The City Attorney shall review any and all contractual documents prepared in furtherance of this award.


________________________________________
DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING THE CANCELLATION OF FEDERAL AND STATE GRANT BALANCES

WHEREAS, certain Federal & State Grant reserve balances remain dedicated to projects now complete; and

WHEREAS, it is necessary to formally cancel said balances, so that the unexpended balances may be remitted to Current Fund Surplus.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack that the following unexpended and dedicated balances of Federal and State Grant appropriations are hereby cancelled:

Description
Puffin Foundation Mural Grant $ 1,000.00
EDA State Street Remediation Grant $ 3.36
Alcohol, Education & Rehabilitation Grant $ 295.40

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
RESOLUTION AUTHORIZING AWARD OF CONTRACT TO DESMAN DESIGN MANAGEMENT FOR ATLANTIC STREET PARKING GARAGE BID SPEC MODIFICATIONS AND PERIODIC INSPECTIONS

WHEREAS, the City of Hackensack desires to rehabilitate and renovate the City Parking Garage on Atlantic St. in Hackensack and requires modifications to the bid specifications as well as periodic inspections to maintain the garage’s integrity before and through this renovation; and

WHEREAS, the City solicited Requests for Proposals regarding the engineering services required for said project; and

WHEREAS, it was determined that the proposal received from Desman Design Management is the most advantageous to the City based on cost, expertise in this field and vast prior experience with this parking garage.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack, County of Bergen, as follows:

1. Desman Design Management of 3 W. 35th St., New York, NY 10001 is hereby awarded a contract in an amount not to exceed $15,910 for bid design modifications and periodic inspections for the Atlantic St. Parking Garage Renovation Project, in accordance with the proposal attached thereof.

2. A Certification of Funds has been prepared and authorized by the Chief Financial Officer for the said contract assuring that there is a sufficient appropriation to fund the purchases authorized in this resolution as an express and mandatory condition of the award of this contract.

3. The budget account to be charged is C-07-19-033-000-100.
4. The Mayor and City Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The City Attorney shall review any and all contractual documents prepared in furtherance of this award.


________________________
DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING PAYMENT OF BILLS

BE IT RESOLVED by the City Council of the City of Hackensack that the bills in the following accounts be and are hereby ordered paid:

<table>
<thead>
<tr>
<th>Current Fund</th>
<th>$567,452.06</th>
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</thead>
<tbody>
<tr>
<td>Grants</td>
<td>7,981.25</td>
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<tr>
<td>Payroll</td>
<td>2,074,468.54</td>
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<tr>
<td>Public Parking System</td>
<td>700.26</td>
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<tr>
<td>Capital</td>
<td>1,828,731.56</td>
</tr>
<tr>
<td>Escrow</td>
<td>2,1000.00</td>
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<tr>
<td>Trust Account</td>
<td>29,766.12</td>
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<tr>
<td>Total Expenditures</td>
<td>4,511,199.79</td>
</tr>
<tr>
<td>Interfunds/Transfers</td>
<td>$9,135,088.64</td>
</tr>
</tbody>
</table>

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
<table>
<thead>
<tr>
<th>Council Member</th>
<th>Intro</th>
<th>Second</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
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<tr>
<td>Von Rudenborg</td>
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**CITY OF HACKENSACK**

**RESOLUTION #-20**

**RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE FOR KAKU LLC FOR THE 2020-2021 LICENSE TERM**

**WHEREAS,** the City Clerk’s Office received a special ruling from the New Jersey Director of the Division of Alcoholic Beverage Control (ABC) pursuant to N.J.S.A. 33:1-12.39 authorizing the liquor license renewal for Kaku LLC for the 2020-2021 license term.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Hackensack that the following liquor license be issued in the City of Hackensack, effective July 1, 2020 through June 30, 2021, applicants having complied with the ordinances of the City of Hackensack and any special conditions which may be determined by the City Council, and having paid the required fee:

<table>
<thead>
<tr>
<th>License Number</th>
<th>Licensee</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0223-44-066-006</td>
<td>Kaku LLC</td>
<td>$1,800.00</td>
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**CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020**

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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING EXTENSION OF LEAVE OF ABSENCE WITHOUT PAY FOR JACLYN HASHMAT, EXECUTIVE ASSISTANT, CITY MANAGER'S OFFICE FROM MONDAY, DECEMBER 21, 2020 TO SUNDAY, JANUARY 10, 2021

WHEREAS, Jaclyn M. Hashmat, Executive Assistant, has requested an extension of her Leave of Absence without pay for three weeks for maternity leave under the Federal Family Leave Act from Monday, December 21, 2020 to Sunday, January 10, 2021, and

WHEREAS, Jaclyn M. Hashmat has made known her desire to utilize accumulated sick and vacation time in accordance with City policy; and

WHEREAS, City Manager Ted M. Ehrenburg has determined that this employee be granted an extension of her Leave of Absence for three weeks, without pay, commencing Monday, December 21, 2020 and terminating Sunday, January 10, 2021.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Hackensack, that Jaclyn M. Hashmat, Executive Assistant, be granted an extension of her Leave of Absence for three weeks, without pay, as requested; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is forwarded to the employee's pension system by the Chief Financial Officer.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTER-LOCAL AGREEMENT WITH THE BOROUGH OF PARAMUS FOR THE MAINTENANCE AND REPAIR OF VEHICLES – FIRE DEPARTMENT

WHEREAS, the City of Hackensack and the Borough of Paramus seek to enter into an Inter-local Agreement wherein the Borough of Paramus DPW will provide labor and maintenance services on vehicles owned by the City of Hackensack Fire Department; and

WHEREAS, both of the parties to such an Agreement are authorized by law to enter into an Agreement with one another to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the Inter-local Services Act” N.J.S.A. 40:8A-1 et seq; and

WHEREAS, the governing bodies of the City of Hackensack and the Borough of Paramus recognize that the implementation of an Inter-local Agreement is in the best interest of the taxpayers of each municipality; and

WHEREAS, the Mayor and Council of the City of Hackensack hereby authorizes the execution of an Inter-local Services Agreement with the Borough of Paramus for a period of one year, commencing on January 1, 2021 and ending on December 31, 2021; and

WHEREAS, the Agreement shall take effect upon the execution of same and the adoption of Resolutions by both parties as provided by law.

NOW THEREFORE BE IT RESOLVED, that a copy of the Agreement be maintained on file and open to public inspection at the office of the City Clerk.


DEBORAH KARLSSON, CITY CLERK
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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION OF THE CITY OF HACKENSACK AUTHORIZING THE ACCEPTANCE OF A STATE OF NEW JERSEY SFY 2021 SAFE AND SECURE COMMUNITIES GRANT

WHEREAS, the City of Hackensack was awarded a grant in the amount of $32,400.00 through the 2021 Safe and Secure Communities Grant Program; and,

WHEREAS, said grant award will be supported by a Match-Fringe Benefits, provided by the City of Hackensack, towards this project for a total approximate project cost of $403,866.00; and,

WHEREAS, said grant award has been assigned the Sub-Award # of P-21-0223 by the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety; and,

WHEREAS, the City of Hackensack has between 03/02/2021 and 03/01/2022 to complete all project related activities associated with said grant award.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack that:
1. The City of Hackensack is hereby authorized to accept said
grant award for the purposes described within the grant
application.
2. Mayor John Labrosse is hereby authorized to execute said
grant agreement.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT
THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK
HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING ENDORSEMENT OF PROPOSED BERGEN COUNTY COMMUNITY DEVELOPMENT GRANTS 2020

WHEREAS, Bergen County Community Development Grants have been proposed by the following organizations located in the municipality of Hackensack, New Jersey; and

WHEREAS, pursuant to the State Inter-local Services Act, Community Development funds may not be spent in a municipality without authorization by the Mayor and City Council; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Hackensack hereby confirms endorsement of the following projects; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid projects may be expedited.

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<tr>
<th>APPLICANT</th>
<th>PURPOSE</th>
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<tr>
<td>Bergen County Board of Social Services</td>
<td>Shelter Operations (HEARTS)</td>
<td>$236,494.00</td>
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CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING BOARD AND COMMISSION RE-APPOINTMENTS AND NEW APPOINTMENTS

BE IT RESOLVED, by the Mayor and Council of the City of Hackensack that the following re-appointments and new appointments be made for a term beginning on January 1, 2021.

ACCESS TO ALL ADVISORY BOARD:
Three Year Term:
David Dungey
Hanneh Kalyoussef

CONDO COOP BOARD:
Three Year Term:
Dorothy Monopoli
Martin Smith
Gerald Weber

Three Year Term: New Appointments
Joanne Ehman
Edward Shultz

ENVIRONMENTAL COMISSION:
Three Year Term:
Martin Cramer
Pedra DelVechio
Louis Discepolo
Richard LoPinto
Gary Terzano
Edith Terzano
Two Year Term (Alternate):
Janet Wicka

New Appointment – Alternate: Two Year Term:
Jennylyn Brown

**HACKENSACK MUNICIPAL ALLIANCE:**
Three Year Terms:
Iris Koonin

**HOUSING AUTHORITY:**
Five Year Term:
Anthony Stassi
Gino Tessaro

**LIBRARY BOARD:**
Five Year Term:
Laura Kirsch

**PLANNING BOARD:**
Four Year Term (Class IV Members):
Fernando Garip
Joseph Martucci

One Year Term (Class II Member):
Albert Dib

New Appointments:
Michael Allegretta (to fill the unexpired term of Regular Member Class
IV Roman Kaminsky Term 1/1/2016 –
12/31/2023)

**RECREATION BOARD:**
Five Year Term:
Loriann Henderson-Manning
Angelica Menenses
LeRoy Montgomery

**RENT STABILIZATION BOARD**
Three Year Term:
Basim Ahmad
Yasheka Galbert
Danielle Holland Garcia
Venus Nelson

SHADE TREE ADVISORY COMMITTEE
Three Year Term:
Sherhi Tosuni
Three Year Term -New Appointments:
Roselyn Altman
Dennis Ferraioli

STIGMA FREE COMMITTEE:
Three Year Term:
Justin Derevyanik
Regina DiPasqua
Paul Nickels

VETERANS ADVISORY BOARD:
Three Year Term:
Ariel Jacob Luna

ZONING BOARD:
Four Year Term:
Jennifer Harrigan
Jason Chacon

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT
THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK
HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR PROPERTY LOCATED IN BLOCK 404, LOT 2 AND KNOWN AS 450-460 RIVER STREET IN THE CITY OF HACKENSACK AND AUTHORIZING ACQUISITION OF BLOCK 404, LOT 2 FOR THE ESTABLISHED FAIR MARKET VALUE

WHEREAS, the City of Hackensack (the “City”), pursuant to the provisions of N.J.S.A. 40:12A-5, et seq., as amended, has determined it necessary to acquire lands and premises located at 450-460 River Street in Block 404, Lot 2 (the “Property”) within the City and which area has been identified as necessary to provide public parking for City park property; and

WHEREAS, it appears that the Property in question is owned by Transform Operating Stores, LLC; and

WHEREAS, the Property was appraised by McDerney & Associates, Inc. (the “Appraiser”) and determined to have a fair market value of $1,680,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hackensack in the County of Bergen, State of New Jersey that the City hereby accepts the valuation of $1,680,000 by the Appraiser as having been performed in a competent manner and in accordance with applicable law as establishing the fair market value of the Property.
BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes the purchase the Property located at 450-460 River Street in Block 404, Lot 2 within the City for $1,680,000.

BE IT FURTHER RESOLVED that the Mayor or City Manager is hereby authorized and directed to enter into a contract and to sign all other documents necessary to consummate the acquisition of said premises and that negotiations for the acquisition of the Property can proceed through the City's Redevelopment Counsel, Archer & Greiner, PC.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

______________________________
DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK
RESOLUTION NO. -20

RESOLUTION CONCURRING WITH PLANNING BOARD'S REDEVELOPMENT INVESTIGATION FINDINGS REGARDING BLOCK 408, LOTS 1, 15, AND 16 AND DESIGNATING THEM AS AN AREA IN NEED OF REDEVELOPMENT (359-365 MAIN)

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, by Resolution No. 257-16 adopted on June 28, 2016, the governing body of the City of Hackensack (the "City") authorized and requested the Planning Board to undertake a preliminary investigation (the "Investigation") to determine whether Block 408, Lots 1, 8, 9.01, 9.02, 11, 15 and 16 (the "Area of Investigation") constitutes an area in need of redevelopment according to the criteria set forth under the Local Redevelopment and Housing Law ("LRHL"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on September 7, 2016 a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation constitute an area in need of redevelopment as that term is defined under the LRHL, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, Francis Reiner, L.L.A, PP of DMR Architects publicly presented a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the designated Area of Investigation dated September 7, 2016 (the "Investigation Report") which is attached hereto and made part hereof as Exhibit A; and

WHEREAS, the Investigation Report opines that the Area of Investigation evidences conditions and characteristics that qualify the Area of Investigation as an "area in need of redevelopment" because it collectively satisfies the following statutory criteria of the LRHL under N.J.S.A. 40A:12A-5:

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WHEREAS, in its entirety, the Investigation Report demonstrates that the cumulative effects of the negative conditions existing upon the property located within the Area of Investigation is having a decadent effect on the surrounding properties, which is demonstrated through the pictures, narrative, City records and uncontested testimony of Mr. Reiner, showing that many of the properties in the immediate vicinity are in visual need of repair, vacant and/or have already been declared as areas in need of redevelopment and rehabilitation too for these reasons; and

WHEREAS, on September 7, 2016, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation, with Joseph Mecca, Esq. representing the Planning Board being present; and

WHEREAS, the hearing was opened to all persons from the public who were generally interested in or would be affected by a finding that the property within the Area of Investigation constitutes an area in need of redevelopment under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on September 7, 2016, the Planning Board received uncontested testimony from Mr. Reiner providing a first-hand account of the conditions that he observed during his exhaustive examination of the property within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, on September 7, 2016, the Planning Board unanimously adopted a resolution recommending that the governing body of the City designate the Area of Investigation as a non-condemnation area in need of redevelopment due to the substantial evidence that the Area of Investigation meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, on December 6, 2016, pursuant to Resolution No. 456-16, the City previously designated Block 408, Lots 8, 9.01, 9.02 and 11, but not Lots 1, 15 and 16, which the City wishes to now designate as being an area in need of redevelopment for non-condemnation purposes based on the above-cited findings of the Investigation Report and the Planning Board’s determination.
NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Hackensack in the County of Bergen, State of New Jersey that it hereby adopts the above recitals, findings of the Planning Board and the Investigation Report attached hereto as Exhibit A prepared by DMR Architects as if set forth fully herein, therefore, determining and hereby declaring that the Area of Investigation consisting of Block 408, Lots 1, 15, and 16 are hereby determined to be a non-condemnation area in need of redevelopment according to the criteria set forth under N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated Area of Investigation as those names are listed within the official Tax Assessor’s records within ten (10) days of the adoption hereof.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission and address to which notice of this determination may be sent.

BE IT FURTHER RESOLVED that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the City Clerk.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately pursuant to law.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK
RESOLUTION NO. -20

RESOLUTION DESIGNATING THE PHOENIX ON MAIN URBAN RENEWAL, LLC REDEVELOPER OF BLOCK 206.01, LOT 11 (76 MAIN STREET) AND AUTHORIZING ENTRY OF REDEVELOPMENT AGREEMENT

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq., as amended and supplemented ("LRHL"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private Redeveloper; and

WHEREAS, the governing body serves as an instrumentality and agency of the City of Hackensack (the "City") pursuant to the LRHL for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the City ("Redevelopment Agency"); and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the City to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area in need of redevelopment; and

WHEREAS, on March 4, 2008, pursuant to Resolution No. 88-08, the governing body determined that Block 206.01, Lot 11, commonly known as 76 Main Street (the "Project Site"), constitutes an "area in need of redevelopment" for condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on April 18, 2016, pursuant to Ordinance No. 16-2016, the governing body adopted the 76 Main Street Redevelopment Plan ("Redevelopment Plan"), including the Project Site; and

WHEREAS, on August 10, 2016, consistent with the Redevelopment Plan, the Planning Board originally adopted a resolution providing preliminary and final site plan approval for the redevelopment of the Project Site into a six story, 24 unit luxury apartment building with approximately 4,000 square feet of ground level retail space, a basement, and rooftop deck amenity; and

WHEREAS, on February 12, 2020, the Planning Board adopted a resolution authorizing an amended preliminary and final site plan approval for a proposed five story mixed-use building with an open roof level containing 24 one bedroom units, with 3,705 square feet of retail space located on the ground floor, streetscape
improvements along the building frontages consisting of scored concrete sidewalk, ADA-compliant ramps, curbing, street trees, streetlights, benches, planters, a stormwater management system and utility improvements (the “Project”); and

WHEREAS, The Phoenix on Main Urban Renewal, LLC (the “Redeveloper”) requests to enter into a Redevelopment Agreement with the City for the completion of the Project, and the parties have negotiated the terms attached hereto and made part hereof (the “Redevelopment Agreement”).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hackensack in the County of Bergen, State of New Jersey that:

1. The foregoing recitals are hereby incorporated as if set forth at length.

2. The terms and conditions contained in the Redevelopment Agreement by and between the City of Hackensack and Redeveloper are hereby accepted and approved.

2. The Mayor or City Manager are hereby authorized and directed to execute the Redevelopment Agreement, substantially in the form attached hereto and made part hereof, immediately upon adoption of this Resolution by the governing body.

3. Upon the adoption of this Resolution and the Redeveloper’s execution of the Redevelopment Agreement, the Redeveloper shall be deemed the Redeveloper for Block 206.01, Lot 11 for all purposes under the LRHL.

4. This Resolution shall repeal and replace any prior conditional redeveloper designation.

5. This Resolution shall become effective immediately pursuant to law.

CERTIFIED TO BE A TRUE COPY OF THE RESOLUTION PASSED AT THE CITY COUNCIL MEETING OF THE CITY OF HACKENSACK HELD ON DECEMBER 22, 2020

DEBORAH KARLSSON, CITY CLERK
CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING THE MAYOR TO SIGN INTER-LOCAL AGREEMENT WITH NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY FOR TV INSPECTION OF SANITARY SEWER SYSTEM

BE IT RESOLVED by the City Council of the City of Hackensack that the Mayor and City Clerk be and they hereby are, authorized to execute an Inter-local Service Agreement with the Northwest Bergen County Utilities Authority whereby the NBCUA will provide TV Inspection Services of the Sanitary Sewer System, or other systems to the city for the calendar years of 2021 and 2022, pursuant to N.J.S.A. 40A:65-1, et seq. (the Inter-local Services Act).


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CITY OF HACKENSACK

RESOLUTION NO. -20

RESOLUTION AUTHORIZING MAYOR TO SIGN INTER-LOCAL AGREEMENT WITH NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY FOR THE CLEANING OF THE SANITARY SEWERS

BE IT RESOLVED by the City Council of the City of Hackensack that the Mayor and City Clerk be and they are hereby authorized to execute an Inter-local Service Agreement with the Northwest Bergen County Utilities Authority whereby the NBCUA will provide Sanitary Sewer Cleaning to the City of Hackensack for the calendar years 2021 and 2022 pursuant to N.J.S.A.40A:65-1 et. seq. (the Inter-local Services Act).


DEBORAH KARLSSON, CITY CLERK