

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011-72

Council Meeting Date: 02-14-2011

Date Adopted: 02-14-2011

TITLE: RESOLUTION REFUNDING OR APPLYING OVERPAYMENT OF TAXES TO CERTAIN PROPERTY OWNERS

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Cucco.

WHEREAS, the Tax Collector of the Borough of New Providence has reported certain instances whereby, for various and sundry reasons, certain property owners are entitled to refunds in the overpayment of their real estate taxes to the Borough of New Providence; and

WHEREAS, the specific reasons in each case have been reported to the Mayor and Borough Council and are set forth in the memorandum of the Tax Collector of the Borough of New Providence which is attached hereto and made a part hereof.

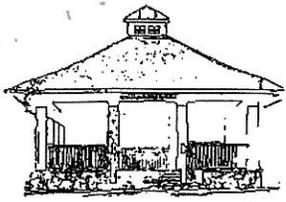
NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that they do hereby authorize the refund of overpayment of taxes as follows:

<u>Tax Qtr/Yr</u>	<u>Block/Lot</u>	<u>Property Location</u>	<u>Amount</u>	<u>Reason</u>
1 st 2 nd 3 rd 4 th 2009	Blk 340/Lt 4	98 Floral Ave.	\$ 11,709.00	Tax Court Judgment

APPROVED, this 14th day of February, 2011.

ATTEST:

Wendi B. Barry
Borough Clerk



Memo

To: Monica Marino, Tax Collector
From: Pat Sychala, Assessor
Date: January 18, 2011
Ref: *Pyramid Properties LLC. - Block 340 - Lot 4 - 98 Floral Avenue*

This property filed a successful tax appeal for tax year 2008. Based on the settlement agreement, the assessment should have been changed from 2,100,000 to 1,800,000.

However, the assessment was not changed for 2009, creating an overpayment in taxes of approximately \$11,709.00.

Mr. Frank Ferrugia, attorney for the plaintiff, has copied me on a letter addressed to you, requesting a refund for the overpayment of taxes.

Based on the information presented to me, please have the clerk prepare a resolution refunding the plaintiff's attorney any overpayment of taxes due to the tax payer.

I apologize for any inconvenience this may have caused.

Please let me know if you need any additional information.

/ps

January 10, 2011

Tax Collector of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

Frank E. Ferruggia
Partner

T. 973.639.7998
F. 973.297.3747
fferruggia@mccarter.com

**Re: Pyramid Properties LLC, et al v. New Providence
Block 340 Lot 4 - 98 Floral Avenue**

Dear Sir/Madam:

We enclose copy(ies) of Judgment(s) issued by the Tax Court of New Jersey with respect to the 2009 Freeze Act year in the above-captioned matter(s).

Our client has authorized issuance of refund(s) to McCarter & English as its attorneys. We will attend to distribution of the appropriate refund(s) to our client.

Kindly make check(s) payable to "McCarter & English, LLP".

Please let me know when the check(s) representing the refund(s) for said tax year(s) are ready. I will send a messenger to pick same up.

Thank you in advance for your courtesy and cooperation. Please call me if you have any questions.

Very truly yours,

BOSTON

HARTFORD

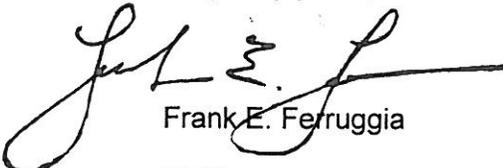
NEW YORK

NEWARK

PHILADELPHIA

STAMFORD

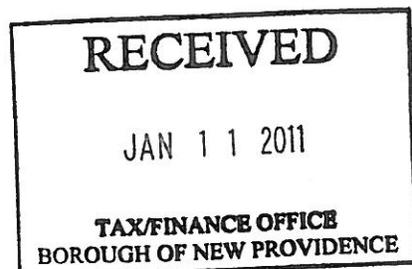
WILMINGTON


Frank E. Ferruggia

FEF/pc

Enc.

Cc: Union County Board of Taxation (w/enc.)
Tax Assessor of New Providence (w/enc.)



Pyramid Prop LLC etc

Plaintiff(s),

v

New Providence Bor

Defendant(s).

CIVIL ACTION
JUDGMENT

2009 Book was not changed
to reflect revised Assessment

Final judgment having been entered for tax year 2008 determining the assessment to be:

2009 Assessment

Block: 340
Lot: 4
Street Address: 98 Floral Ave
Year: 2008

TAX COURT JUDGMENT

Land: \$367,600.00
Improvements: \$1,432,400.00
Total: \$1,800,000.00

367,600.00
1732,400.00
2100,000.00

which assessment is the base-year assessment for Freeze Act purposes, and it appearing that no appeal from said judgment is pending, and the parties having agreed that there has been no change in value or municipal-wide revaluation or reassessment adopted and that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) are properly applicable, the base year assessment shall also be the assessment for the tax year(s) 2009 (Freeze Act year(s)) on the property referred to herein for said Freeze Act year(s).

No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year.

Cheryl A. Ryan
Cheryl A. Ryan, Clerk/Administrator
Tax Court of New Jersey

Entered: 9/30/2010

Attorney for Plaintiff: Frank E Ferruggia Esq
Attorney for Defendant: David B Wolfe Esq

TRUE COPY
Cheryl A. Ryan
CHERYL A. RYAN, Administrator/Clerk
Tax Court of New Jersey
RECEIVED

JAN 10 2011

F.E.F.

FBC: APPEALS/CTY BOARD PROCESSING (V 5.00) Opr: TC09 FUNCTION(RUN;OPR;END) R

ACCOUNT : 347900 BLK/LOT/QUAL: 340 04
TAX YEAR: 2009 [Owner: PYRAMID PROPERTIES,LLC-E MARION
TAX TYPE: R [TAX RATE = 3.9030]

-----|

Judgement Case 1) DOCK#004497-2008/9-30-10
& Date

	ORIGINAL AMOUNTS	JUDGEMENT AMOUNTS	CHANGE
Land 2)	367,600	5) 367,600	
Improve 3)	1,732,400	6) 1,432,400	
Exempt 4)	0	7) 0	

Total Assesment:	2,100,000	1,800,000	300,000

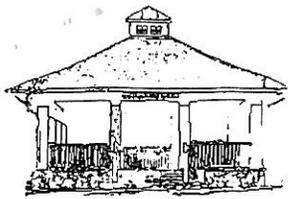
Updte Prop Val 10) N Adj.Prelim? 11) N
APPEAL YR. TAX 12) 81,963.00 13) 70,254.00 Cur: -11,709.00

-----|

CUR. TRN CD 20) TC 3rd 23) .00 4th 24) -11,709.00 []

TRAN. DATE 22) 1/21/11

-----| DATA OK? (ITM#;Y;N;C;<F2>PrtScr)



BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

TAX COLLECTOR – FINANCE OFFICE

J. Brooke Hern, Mayor

Kenneth DeRoberts, CFO

Monica S. Marino, Tax Collector

Date: 1-24-11

Frank E. Ferruggia, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry St.
Newark, NJ 07102

Re: Tax Court of New Jersey Judgment – 2009 Freeze Act Year
Pyramid Properties, LLC
98 Floral Avenue
Block 340, Lot 04

Dear Mr. Ferruggia:

Enclosed please find a purchase order for the above referenced judgment. Please sign and return it to us no later than February 7. The refund will be approved at our February 14 council meeting. A copy of the judgment worksheet is enclosed.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely yours,

Monica S. Marino

Via Certified Mail

tc judgment refund po to McCarter & English for Pyramid

BOROUGH OF NEW PROVIDENCE PURCHASE ORDER

40540

360 ELKWOOD AVE

PYRAMI

NEW PROVIDENCE, NJ 07974-1838

www.newprov.org

SIGN & RETURN TO ADDRESS ABOVE

DATE	1/21/2011
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 22-6002132	

VENDOR	SHIP TO
PYRAMID PROPERTIES,LLC 98 FLORAL AVE NEW PROVIDENCE, NJ 07974	MUNICIPAL CENTER 360 ELKWOOD AVENUE NEW PROVIDENCE, N.J. 07974

SPECIAL INSTRUCTIONS

Tax Collector

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	Block 340, lot 04, 98 Floral Ave, refund overpayment of 2009 taxes due to Tax Court of New Jersey judgment entered 9/30/2010, Freeze Act year 2009, docket#4497-2008 10---375--	1	11,709.00	11,709.00
NO ORDER VALID UNLESS SIGNED BELOW			TOTAL →	11,709.00

CERTIFICATION OF AVAILABLE FUNDS

Wanda Bailey
PURCHASING AGENT

Marcia Marens
FINANCE DEPARTMENT

DEPARTMENT HEAD CERTIFICATION

I certify that the materials and supplies have been received or the services rendered.

AUTHORIZED SIGNATURE

DATE

APPROVAL FOR PAYMENT

COUNCIL MEMBER

DATE

ADMINISTRATOR

DATE

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

TITLE

DATE

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO

VOUCHER - SIGN AT (X) AND RETURN FOR PAYMENT (SEE CONDITIONS ON REVERSE SIDE)