RESOLUTION
OF THE
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011-134

Council Meeting Date: 05-09-2011 Date Adopted: 05-09-2011

TITLE: R C CENTRAL AVENUE ASSOCIATES V. BOROUGH OF NEW PROVIDENCE, BLOCK 222, LOT 2, 558 CENTRAL AVENUE, NEW PROVIDENCE, NEW JERSEY, DOCKET NOS. 007878-09 003314-10

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

BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, Union County, New Jersey, that they do hereby approve the settlement recommendation as set forth in the May 1, 2011 report submitted by the Borough Assessor, Pat Spychala, concerning the above-referenced matter whereby the tax year 2009 assessment was affirmed and the 2010 assessment was reduced by $300,000. The taxpayer agrees to waive any interest provided any refund due is paid within sixty (60) days of entry of judgment:

2009

	Original Assessment	County Board Judgment	Settlement
Land	$ 922,400	N/A	$ 922,400
Improvement	$4,777,600	Direct Appeal	$4,777,600
TOTAL	$5,700,000		$5,700,000
	AFFIRMED		AFFIRMED

2010

	Original Assessment	County Board Judgment	Settlement
Land	$ 922,400	N/A	$ 922,400
Improvement	$4,777,600	Direct Appeal	$ 4,477,600
TOTAL	$5,700,000		$ 5,400,000

The terms of this agreement are further detailed in the attached stipulation of agreement.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of New Providence, Union County, New Jersey that they do hereby authorize and direct the Tax Collector of the Borough of New Providence to furnish any required refund due to the taxpayer pursuant to the terms of said settlement.

APPROVED, this 9th day of May, 2011.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUCCO	X			
GALLUCCIO	X			
GENNARO	X			
LESNEWICH	X			
MUÑOZ	X			
VYZAS	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 9th day of May, 2011

Wendi B. Barry, Borough Clerk

BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

ASSESSOR'S OFFICE

J. Brooke Hern, Mayor
Patricia Spychala, Assessor
Beatrice Reinacher, Assistant

TO: Doug Marvin, Borough Administrator

FROM: Pat Spychala, Assessor

DATE: April 25, 2011

REF: **RC Central Associates ▪ Block 222 ▪ Lot(s) 2 & 3**

On August 31, 2010, I submitted a memo to you and Ken DeRoberts outlining the potential exposure for the above referenced property that filed an appeal.

I am pleased to inform you this matter is settled; and therefore, I am requesting that a resolution be placed on the agenda for approval by mayor and council.

To reiterate, the property is a one story industrial/office building owned by RC Central. In 2009, the assessment was 5,700,000. Because the property owner withdrew the appeal for 2009 there will be no tax reduction for 2010. The assessment was lowered to 5,400,000. This is a 300,000 reduction in assessment and the approximate tax refund amount will be $12,246.

To further breakdown the tax refund, although the total refund is $12,246, the county will credit New Providence $2,307; therefore, effectively, the borough will refund to the property owner the school portion of $7,263, and our portion of $2,676.

Should you have any questions, please feel free to contact me.

/ps
Attachment

360 Elkwood Avenue • New Providence • New Jersey • 07974
908-665-1400 • 908-665-9272 (Fax)
www.newprov.org

BOROUGH OF NEW PROVIDENCE PURCHASE ORDER

41134

360 ELKWOOD AVE

NEW PROVIDENCE, NJ 07974-1838

www.newprov.org

APR 25 2011

RCCENT

DATE	4/12/2011
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 22-6002132	

SIGN & RETURN TO ADDRESS ABOVE

VENDOR	SHIP TO
RC-CENTRAL AVE ASSOC.,LLC 558 CENTRAL AVENUE NEW PROVIDENCE, NJ 07974	TAX COLLECTOR MUNICIPAL CENTER 360 ELKWOOD AVENUE NEW PROVIDENCE, NJ 07974 Attn: MONICA MARINO

SPECIAL INSTRUCTIONS

Tax Collection

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	Refund overpayment of 2010 taxes due to a 2010 Tax Court of NJ judgment for block 222, lot 02, 558 Central Ave., RC-Central Ave Assocs LLC 10---375--	1	12,246.00	12,246.00
	Res #			
	NO ORDER VALID UNLESS SIGNED BELOW	**TOTAL** →		**12,246.00**

SIGN AND RETURN TO DEPARTMENT TAKING DELIVERY

CERTIFICATION OF AVAILABLE FUNDS

Wendi B Davey
PURCHASING AGENT

Monica Marino
FINANCE DEPARTMENT

DEPARTMENT HEAD CERTIFICATION

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

Monica Marino 4-15-11
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 Amber N Stein
VENDOR SIGN HERE

Attorney For Rebellion 4/15/11
TITLE DATE

22-3837447
VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

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

MGL PRINTING SOLUTIONS NC19

TAX COURT OF NEW JERSEY
COUNTY: Union
DOCKET NO. 003314-2010

RC-Central Ave Assocs LLC

Plaintiff(s),

v

New Providence Bor

Defendant(s).

CIVIL ACTION
JUDGMENT

The parties having agreed upon a settlement, the assessment shall be as set forth below:

Block: 222
Lot: 2
Street Address: 558 Central Ave
Year: 2010

MAR

TAX COURT JUDGMENT

		Original Assess
Land:	**$ 922,400.00**	922,400.00
Improvements:	**$4,477,600.00**	4,777,600.00
Total:	**$5,400,000.00**	5,700,000.00

reduction - $300,000.00 Assessed Value

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

A TRUE COPY
CHERYL A. RYAN
Tax Court of New Jersey

Entered: 3/25/2011

Attorney for Plaintiff: Amber N Heinze Esq
Attorney for Defendant: Edward J Kuch III Esq

rate - 4.082

Tax Court of New Jersey

Judgments Issued From 3/1/2011 **to** 3/31/2011 — 4/6/2011

County: Union **Municipality:** New Providence Borough

Docket	Case Title	Block	Lot	Unit	Qualifier	Assessment Year
002244-2010	Verizon-NJ Inc v New Providence Bor	382	2			2010

Address: 840 Mountain Ave

	Original Assessment:	Co Bd Assessment:	Tax Ct Judgment:
Land:	$649,500.00	$0.00	$0.00
Improvement:	$908,700.00	$0.00	$0.00
Exemption:	$0.00	$0.00	$0.00
Total:	$1,558,200.00	$0.00	$0.00
Added/Omitted:			
Pro Rated Months:			
Pro Rated Assessment:	$0.00	$0.00	$0.00
Pro Rated Adjustment:	$0.00		
Farmland:		**Tax Court Rollback:**	**Adjustment:**
Qualified:	$0.00	$0.00	$0.00
Non-Qualified:	$0.00		

Judgment Date: 3/31/2011 **Closes Case:** Y
Judgment type: Complaint Withdrawn
Freeze Act:
Applied: **Year 1:** N/A **Year 2:** N/A
Interest: **Credit OverPaid:**
Waived and not paid:
Waived if paid within: 0

Monetary Adjustment:

Assessment	TaxCourt Judgment	Adjustment
$1,558,200.00	$0.00	**$0.00**

Docket	Case Title	Block	Lot	Unit	Qualifier	Assessment Year
003314-2010	RC-Central Ave Assocs LLC v New Providence Bor	222	2			2010

Address: 558 Central Ave

	Original Assessment:	Co Bd Assessment:	Tax Ct Judgment:
Land:	$922,400.00	$0.00	$922,400.00
Improvement:	$4,777,600.00	$0.00	$4,477,600.00
Exemption:	$0.00	$0.00	$0.00
Total:	$5,700,000.00	$0.00	$5,400,000.00
Added/Omitted:			
Pro Rated Months:			
Pro Rated Assessment:	$0.00	$0.00	$0.00
Pro Rated Adjustment:	$0.00		
Farmland:		**Tax Court Rollback:**	**Adjustment:**
Qualified:	$0.00	$0.00	$0.00
Non-Qualified:	$0.00		

Judgment Date: 3/25/2011 **Closes Case:** Y
Judgment type: Settle - Reg Assess w/Figures
Freeze Act:
Applied: **Year 1:** N/A **Year 2:** N/A
Interest: **Credit OverPaid:**
Waived and not paid:
Waived if paid within: 0

Monetary Adjustment:

Assessment	TaxCourt Judgment	Adjustment
$5,700,000.00	$5,400,000.00	**($300,000.00)**

Total number of cases for New Providence Borough 4

need to refund 222/02 for 2010

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FBC: APPEALS/CTY BOARD PROCESSING (V 5.20)  Opr: TC10 FUNCTION(RUN;OPR;END) R

ACCOUNT :    232700 BLK/LOT/QUAL: 222        02
TAX YEAR: 2010      [Owner:        RC-CENTRAL AVE ASSOCIATES,LLC
TAX TYPE: R         [ TAX RATE =    4.0820 ]
|-------------------------------------------------------------------------------|
 Judgement Case  1) DOC#3314-2010/3-25-2011
         & Date
                    ORIGINAL AMOUNTS    JUDGEMENT AMOUNTS    CHANGE
 Land            2)     922,400      5)     922,400
 Improve         3)   4,777,600      6)   4,477,600
 Exempt          4)           0      7)           0
 ----------------   ---------------     -----------------    ---------------
 Total Assesment:     5,700,000           5,400,000              300,000

 Updte Prop Val 10) N   Adj 4Q Only 11) Y  Adj. Prelim? 12) N
 APPEAL YR. TAX 13)   232,674.00    14)   220,428.00       Cur:    -12,246.00

|-------------------------------------------------------------------------------|
 CUR. TRN CD 20) TC  3rd 23)          .00  4th 24)   -12,246.00 [            ]

 TRAN. DATE  22)  4/12/11
|---------------------------|DATA OK? (ITM#;Y;N;C;<F1>Act.Inq;<F2>PrtScr)
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THE IRWIN LAW FIRM, P.A.
80 MAIN STREET, SUITE 410
WEST ORANGE, NEW JERSEY 07052
TEL: (973) 325-0191
FAX: (973) 325-2876
WWW.NJRETAX.COM

STEVEN R. IRWIN
NJ & NY BAR

AMBER N. HEINZE
NJ & NY BAR

KEVIN S. ENGLERT
NJ & PA BAR

ALAN VUERNICK Z"L (2003)
NJ & NY BAR

April 4, 2011

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

Re: RC-Central Ave. Assoc. v. New Providence Borough
Block 222, Lot 2; 558 Central Avenue
Judgment Entered: 3/25/11; Tax Year(s) 2009 & 2010

Dear Sir/Madam:

Enclosed please find a copy of 2 Tax Court Judgments with regards to the above-captioned matter. Kindly forward the refund to our office for tax year 2010 and make he check payable to: **RC-Central Ave. Assoc., LLC** and/or **The Irwin Law Firm, P.A.**, as attorneys for **RC-Central Ave. Assoc., LLC.**

Please note that tax year 2009 has been marked affirmed.

Thank you.

Very truly yours,

RICHARD DANZIS
Accounting Manager

RD/js
Encl.
cc: Edward J. Kuch, III, Esq.

SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call (973) 325-0191

BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

TAX COLLECTION

J. Brooke Hern, Mayor

Kenneth DeRoberts, CFO

Monica Marino, Tax Collector

April 14, 2011

Richard Danzis
Accounting Manager
The Irwin Law Firm, P.A.
80 Main Street, Suite 410
West Orange, NJ 07052

Re: 2010 Tax Court of New Jersey Judgment
RC-Central Ave. Associates, LLC
558 Central Ave
Block 222, Lot 02

Dear Mr. Danzis:

Enclosed please find a purchase order for the above referenced judgment. Please return it to us signed no later than April 27, 2011. Enclosed, is a copy of the judgment worksheet.

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

Sincerely yours,

Monica S. Marino

Via Certified Mail

COPY

360 Elkwood Avenue • New Providence • New Jersey • 07974
908-665-8031 • 908-665-9272 (Fax)
www.newprov.org