

RESOLUTION  
of the  
BOROUGH OF NEW PROVIDENCE  
Resolution No. 2018-191

Council Meeting Date: 07-16-2018

Date Adopted: 07-16-2018

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

Councilperson Madden submitted the following resolution, which was duly seconded by Councilperson Geoffroy.

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 attached:

<b>Tax Year/QTR</b>	<b>Property Location</b>	<b>Overpayment</b>	<b>Reason</b>
2010	121 Chanlon Road	\$147,175.17	Tax Court Judgment
2011	121 Chanlon Road	\$125,680.08	Tax Court Judgment
2012	121 Chanlon Road	\$85,966.48	Tax Court Judgment
2014	121 Chanlon Road	\$75,487.56	Tax Court Judgment

APPROVED, this 16<sup>th</sup> day of July, 2018.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GENNARO			X	
GEOFFROY	X			
KAPNER	X			
MADDEN	X			
MUÑOZ			X	
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 16th day of July, 2018.

Wendi B. Barry, Borough Clerk



**BOROUGH OF NEW PROVIDENCE**  
**360 ELKWOOD AVENUE**  
**NEW PROVIDENCE, NJ 07974**  
**Phone: (908)665-1400**  
**Fax: (908)665-9272**

**Purchase Order**

**THIS NUMBER MUST APPEAR ON ALL INVOICES,  
 PACKING LISTS, CORRESPONDENCE, ETC.**

**NO. 18-01275**

**SHIP TO**

Tax Collector's Office  
 Borough of New Providence  
 360 Elkwood Avenue  
 New Providence, NJ 07974

**VENDOR**

**Vendor #: MARTI020**

MARTINDALE HUBBELL INC  
 121 CHANLON ROAD  
 NEW PROVIDENCE, NJ 07974

ORDER DATE: 06/28/18

DELIVERY DATE:

STATE CONTRACT:

REQUISITION NO: R1801327

VENDOR ACCT NUM:

VENDOR PHONE #:

VENDOR FAX #:

**PAYMENT RECORD**

CHECK NO.

DATE PAID

NOTICE: TAX EXEMPT - TAX ID: 22-6002132

QUANTITY	DESCRIPTION	ACCOUNT NO	UNIT PRICE	TOTAL
1.00	TAX COURT JUDGMENT REFUND 2010 TC JUDGMENT DOC#001776-2010, BLOCK 221 LOT 6, 121 CHANLON RD.	8-01-55-275-250-000000 RESERVE FOR TAX APPEALS	147,175.1700	147,175.17
1.00	TAX COURT JUDGMENT REFUND 2011 TC JUDGMENT DOC#000380-2011, BLOCK 221 LOT 6, 121 CHANLON RD.	8-01-55-275-250-000000 RESERVE FOR TAX APPEALS	125,680.0800	125,680.08
1.00	TAX COURT JUDGMENT REFUND 2012 TC JUDGMENT DOC#001947-2012, BLOCK 221 LOT 6, 121 CHANLON RD.	8-01-55-275-250-000000 RESERVE FOR TAX APPEALS	85,966.4800	85,966.48
1.00	TAX COURT JUDGMENT REFUND 2014 TC JUDGMENT DOC#001159-2014, BLOCK 221 LOT 6, 121 CHANLON RD.	8-01-55-275-250-000000 RESERVE FOR TAX APPEALS	75,487.5600	75,487.56
			TOTAL	434,309.29

CLAIMANT'S CERTIFICATION & DECLARATION	OFFICER'S CERTIFICATION	CERTIFICATION OF AVAILABLE FUNDS
<p>I do solemnly declare and certify under 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.</p> <p>_____</p> <p>VENDOR SIGN HERE</p> <p>_____</p> <p>OFFICIAL POSITION DATE</p> <p>_____</p> <p>TAX ID NO. OR SOCIAL SECURITY NO.</p>	<p>I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.</p> <p>_____</p> <p>DEPT. HEAD DATE</p> <p>VENDOR MUST SIGN CERTIFICATION STATEMENT ON THIS VOUCHER. MAIL VOUCHER &amp; ITEMIZED BILLS TO:          BOROUGH OF NEW PROVIDENCE          360 ELKWOOD AVENUE          NEW PROVIDENCE, NJ 07974</p>	<p><i>Wendi Barry</i></p> <p>_____          PURCHASING AGENT</p> <p><i>Kathy Herrigel</i></p> <p>_____          FINANCE DEPT</p>

TAX COURT OF NEW JERSEY  
COUNTY: Union  
DOCKET NO. 001776-2010

MARTINDALE-HUBBELL INC  
-C/O LEXIS NEXIS

Plaintiff(s),

v

NEW PROVIDENCE BOR.

Defendant(s),

:

:

:

**PARTIAL**  
CIVIL ACTION  
JUDGMENT

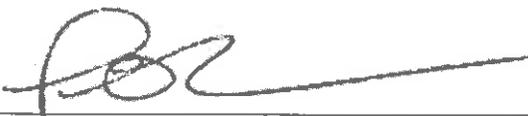
The matter having been tried on the merits and the Court having considered the evidence and argument by or on behalf of the parties, the assessment for the property shall be as set forth below:

**Block:** 221  
**Lot:** 6  
**Street Address:** 121 Chanlon Road  
**Year:** 2010

**TAX COURT JUDGMENT**

**Land:** \$1,133,300.00  
**Improvements:** \$6,635,400.00  
**Total:** \$7,768,700.00

-----  
The remaining parcel of the complaint, Block 221, Lot 5, remains open.

  
\_\_\_\_\_  
HON. JOSHUA D. NOVIN, J.T.C.  
Tax Court of New Jersey

Entered: 6/12/2018

Attorney for Plaintiff: Lee Holtzman Esq  
Attorney for Defendant: Martin Allen Esq

TAX COURT OF NEW JERSEY  
COUNTY: Union  
DOCKET NO. 000380-2011

MARTINDALE-HUBBELL, INC  
-C/O LEXIS NEXIS

Plaintiff(s),

v

NEW PROVIDENCE BOR.

Defendant(s).

:  
: **PARTIAL**  
: CIVIL ACTION  
: JUDGMENT

The matter having been tried on the merits and the Court having considered the evidence and argument by or on behalf of the parties, the assessment for the property shall be as set forth below:

**Block:** 221  
**Lot:** 6  
**Street Address:** 121 Chanlon Road  
**Year:** 2011

**TAX COURT JUDGMENT**

**Land:** \$1,133,300.00  
**Improvements:** \$7,002,700.00  
**Total:** \$8,136,000.00

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The remaining parcel of the complaint, Block 221 Lot 5, remains open.

  
\_\_\_\_\_  
HON. JOSHUA D. NOVIN, J.T.C.  
Tax Court of New Jersey

Entered: 6/12/2018

Attorney for Plaintiff: Lee Holtzman Esq  
Attorney for Defendant: Martin Allen Esq

TAX COURT OF NEW JERSEY  
COUNTY: Union  
DOCKET NO. 001947-2012

MARTINDALE-HUBBELL, INC  
-C/O LEXISNEXIS

Plaintiff(s),

v

NEW PROVIDENCE BOR.

Defendant(s).

:

:

:

**PARTIAL**  
CIVIL ACTION  
JUDGMENT

The matter having been tried on the merits and the Court having considered the evidence and argument by or on behalf of the parties, the assessment for the property shall be as set forth below:

**Block:** 221  
**Lot:** 6  
**Street Address:** 121 Chanlon Road  
**Year:** 2012

**TAX COURT JUDGMENT**

**Land:** \$1,133,300.00  
**Improvements:** \$7,687,500.00  
**Total:** \$8,820,800.00

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The remaining parcel of the complaint, Block 221 Lot 5, remains open.



\_\_\_\_\_  
HON. JOSHUA D. NOVIN, J.T.C.  
Tax Court of New Jersey

Entered: 6/12/2018

Attorney for Plaintiff: Lee Holtzman Esq  
Attorney for Defendant: Martin Allen Esq

TAX COURT OF NEW JERSEY  
COUNTY: Union  
DOCKET NO. 001159-2014

MARTINDALE-HUBBELL, INC  
-C/O NGKF/S MALOS

Plaintiff(s),

v

NEW PROVIDENCE BOR.

Defendant(s).

:  
**PARTIAL**  
CIVIL ACTION  
: CORRECTED JUDGMENT

The matter having been tried on the merits and the Court having considered the evidence and argument by or on behalf of the parties, the assessment for the property shall be as set forth below:

**Block:** 221  
**Lot:** 6  
**Street Address:** 121 Chanlon Road  
**Year:** 2014

TAX COURT JUDGMENT

**Land:** \$1,133,300.00  
**Improvements:** \$7,845,500.00  
**Total:** \$8,978,800.00

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The remaining parcel of the complaint, Block 221 Lot 5, remains open.



\_\_\_\_\_  
HON. JOSHUA D. NOVIN, J.T.C.  
Tax Court of New Jersey

Entered: 6/12/2018  
Corrected: 6/20/2018-Revised assessment figures pursuant to June 20, 2018 corrected Opinion.

Attorney for Plaintiff: Lee Holtzman Esq  
Attorney for Defendant: Martin Allen Esq

June 25, 2018

**VIA OVERNIGHT MAIL & FACSIMILE**

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

**Re: Martindale-Hubbell Inc. c/o Lexis Nexis vs. New Providence  
Block 221 Lot 6  
121 Chanlon Road  
Docket Nos.: 001776-2010; 000380-2011; 001947-2012; and 001159-2014**

Frank E. Ferruggia  
Partner  
T. 973-639-7998  
F. 973-297-3747  
fferruggia@mccarter.com

Dear Sir/Madam:

Judgments were issued on June 12, 2018, reducing the assessment on the above property for tax years 2010, 2011, 2012 and 2014<sup>1</sup>.

Pursuant to N.J.S.A. 54:3-27.2, the taxing district must refund any excess taxes paid, with interest, from the date of payment, at a rate of 5% per annum. Please issue a check, inclusive of interest due, per the enclosed Judgments and in accordance with our instructions below.

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 it up.**

Very truly yours,

  
Frank E. Ferruggia

Enclosures

cc: Martin Allen, Esq.

<sup>1</sup> A corrected Judgement was issued for the 2014 tax year on June 20, 2018 revising assessment.

McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
T. 973.622.4444  
F. 973.624.7070  
www.mccarter.com

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WASHINGTON, DC