

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2018-253

Council Meeting Date: 09-24-2018

Date Adopted: 09-24-2018

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

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

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:

Tax Year/QTR	Property Location	Overpayment	Reason
2013	121 Chanlon Road	\$85,874.58	Tax Court Judgment

APPROVED, this 24th day of September, 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 24th day of September, 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. 18-01825

SHIP TO

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

ORDER DATE: 09/17/18
 DELIVERY DATE:
 STATE CONTRACT:
 REQUISITION NO: R1801899
 VENDOR ACCT NUM:
 VENDOR PHONE #:
 VENDOR FAX #:

VENDOR

Vendor #: MARTI020

MARTINDALE HUBBELL INC
 121 CHANLON ROAD
 NEW PROVIDENCE, NJ 07974

PAYMENT RECORD

CHECK NO.

DATE PAID

NOTICE: TAX EXEMPT - TAX ID: 22-6002132

QUANTITY	DESCRIPTION	ITEM NO.	UNIT PRICE	TOTAL
1.00	TAX COURT JUDGMENT 2013 TC Judgment Freeze Act - 121 Chanlon Road, Block 221 Lot 6.	8-01-55-275-250-000000 RESERVE FOR TAX APPEALS	85,874.5800	85,874.58
			TOTAL	85,874.58

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><i>[Signature]</i> VENDOR SIGN HERE <i>Atty for Taxpayer</i> OFFICIAL POSITION 9/18/18 DATE</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><i>[Signature]</i> 9/19/18 DEPT. HEAD DATE</p> <p>VENDOR MUST SIGN CERTIFICATION STATEMENT ON THIS VOUCHER. MAIL VOUCHER & ITEMIZED BILLS TO: BOROUGH OF NEW PROVIDENCE 360 ELKWOOD AVENUE NEW PROVIDENCE, NJ 07974</p>	<p><i>Wendi Barry</i> PURCHASING AGENT</p> <p><i>Kathy Herrigel</i> FINANCE DEPT</p>

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).

:

:

:

CIVIL ACTION
JUDGMENT

Final judgment having been entered for tax year 2012 determining the assessment to be:

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

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 2013 (Freeze Act year) on the property referred to herein for said Freeze Act year.

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



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

Entered: 8/31/2018

Attorney for Plaintiff: Lee Holtzman Esq
Attorney for Defendant: Sandra Belli Esq

September 7, 2018

VIA OVERNIGHT MAIL

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 No.: 001947-2012 – 2013 Freeze Act Year**

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

Dear Sir/Madam:

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 Judgment and in accordance with our instructions below.

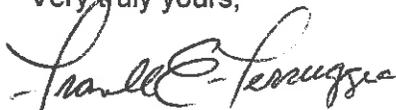
Our client has authorized issuance of refund(s) to McCarter & English as its attorneys. We will attend to distribution of the appropriate refund(s) to our client.

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.

BOSTON
HARTFORD
STAMFORD
NEW YORK
NEWARK
EAST BRUNSWICK
PHILADELPHIA
WILMINGTON
WASHINGTON, DC

Very truly yours,


Frank E. Ferruggia

Enclosures

cc: Sandra Belli, Esq.

17 8+12
~~18~~ ~~29~~ 24

2013 Judgment
121 Chanton

13 11 01

4 9 23
x 360 x 30

$$1,440 + 270 + 23 = 1,733 \text{ days}$$

10,378,993 2013 AV
- 8,820,800 judgment

$$\underline{1,558,193} \times 0.04442 = 69,214.93$$

2013
tax rate

$$69,214.93 \times 0.05 / 360 \times 1,733 = 16,659.65$$

69,214.93
16,659.65 5% int
85,874.58 refund

Code	Description	Count	Principal	Install Int	Interest	Total	Ded Count
Total for Year 2013							
072	State Tax Appeal	<u>1</u>	<u>85,874.58-</u>	<u>0.00</u>	<u>0.00</u>	<u>85,874.58-</u>	<u> </u>
		1	85,874.58-	0.00	0.00	85,874.58-	
Totals for All Years:							
		1	85,874.58-	0.00	0.00	85,874.58-	

Batch Id: TC JDGMT

Block/Lot/Qual Yr/Prd/Instl	Tran	Date	Code	Ded	Type Description	Acct Id	Owner Name Principal	Install	Int	Interest	Total	Seq
221. 2013	4	09/19/18	072		Tax 2013 freeze act	121	CHANLON LLC % BERGMAN RE GROUP			0.00	85,874.58-	1

There are NO errors in this listing.