

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2019-194

Council Meeting Date: 08-12-2019

Date Adopted: 08-12-2019

TITLE: Martindale-Hubbell, Inc. c/o Lexis Nexis v. Borough of New Providence
Property: 630 Central Avenue; Block 221, Lot 5 Docket Nos.: 001776-
2010, 000380-2011, 001947-2012, 001159-2014

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

WHEREAS, Martindale-Hubbell, Inc. c/o Lexis Nexis ("Taxpayer"), the owner of Block 221, Lot 5 on the Borough of New Providence's Tax Assessment Maps, commonly known as 630 Central Avenue ("Property"), filed an appeal of its 2010 through 2014 tax assessments in the Tax Court of New Jersey, Docket Nos. 001776-2010, 000380-2011, 001947-2012 and 001159-2014.

WHEREAS, the Mayor and Borough Council of the Borough of New Providence met and discussed the aforesaid tax appeals and the recommendations of its Borough Tax Assessor and Borough Attorney, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.

WHEREAS, Block 221, Lot 5 was assessed at \$4,299,392 for all years under appeal; and

WHEREAS, the 2010 total tax assessment, based upon said reduction, will be \$3,740,300 instead of \$4,299,392 for Block 221, Lot 5; and

WHEREAS, the 2011 total tax assessment, based upon said reduction, will be \$3,896,900 instead of \$4,299,392 for Block 221, Lot 5; and

WHEREAS, the 2012 total tax assessment, based upon said reduction, will be \$3,985,800 instead of \$4,299,392 for Block 221, Lot 5; and

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2013; and

WHEREAS, the 2014 total tax assessment, based upon said reduction, will be \$4,043,500 instead of \$4,299,392 for Block 221, Lot 5; and

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply to the Judgment entered with respect to tax year 2014; and

WHEREAS, Taxpayer has agreed that any refunds due as a result of this settlement shall be without interest provided that the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Borough of New Providence as a result of the aforesaid specific fact situation; and

WHEREAS, the Mayor and Borough Council have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union, State of New Jersey, as follows:

1. The Borough of New Providence's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$3,740,300 total tax assessment for the 2010 Tax Year for Block 221, Lot 5, which is most beneficial to the Borough of New Providence and advise the Borough Attorney of that allocation.
2. The Borough of New Providence's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$3,896,900 total tax assessment for the 2011 Tax Year for Block 221, Lot 5, which is most beneficial to the Borough of New Providence and advise the Borough Attorney of that allocation.
3. The Borough of New Providence's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$3,985,800 total tax assessment for the 2012 and 2013 Tax Years for Block 221, Lot 5, which is most beneficial to the Borough of New Providence and advise the Borough Attorney of that allocation.
4. The Borough of New Providence's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$4,043,500 total tax assessment for the 2014 Tax Year for Block 221, Lot 5, which is most beneficial to the Borough of New Providence and advise the Borough Attorney of that allocation
5. The Borough Attorney, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of Martindale-Hubbell, Inc. c/o Lexis Nexis ("Taxpayer"), Docket Nos. 001776-2010, 000380-2011, 001947-2012, and 001159-2014, which reduces the tax assessment on Block 221, Lot 5 from \$4,299,392 to a total tax assessment of \$3,740,300 for the 2010 Tax Year; which reduces the tax assessment on Block 221, Lot 5 from \$4,299,392 to a total tax assessment of \$3,896,900 for the 2011 Tax Year; which reduces the tax assessment on Block 221, Lot 5 from \$4,299,392 to a

total tax assessment of \$3,985,800 for the 2012 and 2013 Tax Years; which reduces the tax assessment on Block 221, Lot 5 from \$4,299,392 to a total tax assessment of \$4,043,500 for the 2014 Tax Year; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply to the Judgment entered with respect to the 2014 Tax Year; and which provides that any refunds due as a result of this settlement shall be without interest provided that the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. The settlement outlined above shall be without prejudice to the Borough of New Providence's dealings with any other Borough taxpayers' request for tax assessment reductions.

APPROVED, this 12th day of August, 2019.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GENNARO			X	
GEOFFROY	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 12th day of August, 2019.

Wendi B. Barry, Borough Clerk

Frank E. Ferruggia, Esq.
Attorney ID : 021471981
McCARTER & ENGLISH, LLP
Four Gateway Center
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Newark, New Jersey 07102
(973) 622-4444 – fferruggia@mccarter.com
Attorneys for Plaintiff

MARTINDALE-HUBBELL, INC. – C/O
LEXIS NEXIS,

Plaintiff,

vs.

NEW PROVIDENCE BOROUGH,
Defendant.

Tax Court Of New Jersey

Docket Nos. 001776-2010
000380-2011
001947-2012
001159-2014

Civil Action
Stipulation of Settlement
(Local Property Tax)

1. It is hereby **STIPULATED** and **AGREED** that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 221	Lot: 5	Unit Qualifier :	
Street Address : 630 Central Avenue			Year : 2010
	Original Assessment	County Board Judgment	Requested Tax Court Judgment
LAND	\$ 1,286,800	N/A	\$ 1,286,800
IMPROVEMENTS	\$ 3,012,592	DIRECT	\$ 2,453,500
TOTAL	\$ 4,299,392	APPEAL	\$ 3,740,300

Block: 221	Lot: 5	Unit Qualifier :	
Street Address : 630 Central Avenue			Year : 2011
	Original Assessment	County Board Judgment	Requested Tax Court Judgment
LAND	\$ 1,286,800	N/A	\$ 1,286,800
IMPROVEMENTS	\$ 3,012,592	DIRECT	\$ 2,610,100
TOTAL	\$ 4,299,392	APPEAL	\$ 3,896,900

Block: 221	Lot: 5	Unit Qualifier :	
Street Address : 630 Central Avenue			Year : 2012
	Original Assessment	County Board Judgment	Requested Tax Court Judgment
LAND	\$ 1,286,800	N/A	\$ 1,286,800
IMPROVEMENTS	\$ 3,012,592	DIRECT	\$ 2,699,000
TOTAL	\$ 4,299,392	APPEAL	\$ 3,985,800

The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2013, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) are applicable to the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

Block: 221	Lot: 5	Unit Qualifier :	
Street Address : 630 Central Avenue			Year : 2014
	Original Assessment	County Board Judgment	Requested Tax Court Judgment
LAND	\$ 1,286,800	N/A	\$ 1,286,800
IMPROVEMENTS	\$ 3,012,592	DIRECT	\$ 2,756,700
TOTAL	\$ 4,299,392	APPEAL	\$ 4,043,500

The parties agree that Freeze Act (N.J.S.A. 54:51A-8) shall not apply to any Tax Court judgment entered with respect to tax year 2014 (Docket No. 001159-2014).

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP as attorneys for Plaintiff, and forwarded to Frank E. Ferruggia, Esq., McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07101-0652.

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

McCarter & English, LLP
Attorneys for Plaintiff

Dated:

By:



Frank E. Ferruggia
A Member of the Firm

**DiFrancesco, Batement, Kunzman,
Davis, Lehrer & Flaum, PC**
Attorneys for Defendant

Dated:

By:

Sandra Belli, Esq.