

# RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DRF16-0209-3**

Date of Adoption **FEBRUARY 9, 2016**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

*[Signature]*  
Legislative Research Officer

PRESENTED BY COUNCIL MEMBER **FREDERIC**

SECONDED BY **COX**

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2013 TAX APPEAL ENTITLED PETER J. HOWARD V. TOWNSHIP OF IRVINGTON, DOCKET NO.: 018514-2013 OF THE TAX ASSESSMENT OF BLOCK 243, LOT 11 KNOWN AS 49 NADEN AVENUE IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2013 involving Block 243 Lot 11 has been filed by the Taxpayer Peter J. Howard; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

1. Settlement of the 2013 tax appeal is hereby authorized as follows:

49 Naden Avenue  
Block 243, Lot 11  
Year: 2013

	Original Assessment	County Board Judgment	Settlement Amount
Land:	\$134,000	N/A	\$128,700.00
Imprvts:	\$99,500	N/A	\$99,300
Total:	\$233,500	N/A	\$228,000
Total:	\$1,150,000	N/A	\$750,000

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

## RECORD OF COUNCIL VOTE

X = Indicates Vote    N.V. = No Vote    A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				JONES, 2ND VICEPRESIDENT				X
COX	X				LYONS	X			
HUDLEY				X	FREDERIC, PRESIDENT	X			
INMAN	X								

PRESIDENT OF COUNCIL *[Signature]* MUNICIPAL CLERK *[Signature]* DATE **FEB 9, 2016**

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK *[Signature]*

DATE **FEB 09 2016**

ADMINISTRATOR ☐ ASSESSOR ☒ BLDG ☐ CFO ☒ COLLECTOR ☐ COURT ☐ ENGINEER ☐ FIRE ☒ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐ LEGAL ☐ LIBR ☐ LICEN ☐ MAYOR ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY ☒ DIR ☐ PUBLIC WORKS ☐ PURCHASING ☐ SEC ☐ PB/ZBA ☐ TRAFFIC ☐ ZONING ☒ OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): Tax Appeal Atty.

**Plaintiff or Filing Attorney Information:**Name Matthew J. O'Donnell, Esq.NJ Attorney ID Number 028261994Address 15 Mount Kemble Avenue, Morristown, New Jersey 07960Telephone Number 973-538-1230Email Address modonnell@omlawpc.comPeter J. Howard

Plaintiff,

v.

Township of Irvington

Defendant.

**Tax Court of New Jersey**Docket No. 018514-2013**Civil Action  
Stipulation of Settlement  
(Local Property Tax)**

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment entered as follows:


Block	Lot	Unit Qualifier
243	11	N/A
Street Address <u>49 Nadon Avenue</u>		Year
		2013

	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 134,000.00	\$	\$ 128,700.00
Improvements	\$ 99,500.00	\$	\$ 99,300.00
Total	\$ 233,500.00	\$ 0.00	\$ 228,000.00

- ☐ The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) \_\_\_\_\_ and \_\_\_\_\_, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).
- ☒ The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) 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 represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

Date \_\_\_\_\_

  
 Signature of Plaintiff or Attorney for Plaintiff  
 Peter J. Howard, Pro Se

Date \_\_\_\_\_

 Signature of Attorney for Defendant  
 Matthew J. O'Donnell, Esq.



**TOWNSHIP OF IRVINGTON**  
**OFFICE OF THE TOWNSHIP CLERK**  
**MUNICIPAL BUILDING**  
**CIVIC SQUARE**

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**Harold E. Wiener, R.M.C., C.M.C., M.M.C.**

Municipal Clerk

February 11, 2016

Silvia Forbes  
Tax Assessor  
Township of Irvington

Dear Tax Assessor Forbes:

Please be advised that Resolution DRF 16-0209-3, authorizing a settlement of a 2013 tax appeal for 49 Naden Avenue, Block 243, lot 11, inadvertently contained the following text:

Total:	\$1,150,000	N/A	\$750,000
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This is to advise you that the permanent record of the Township will provide for the deletion of same from Resolution DRF 16-0209-3, and this letter will become a part of the permanent record as well.

Very truly yours,

Harold E. Wiener  
Municipal Clerk