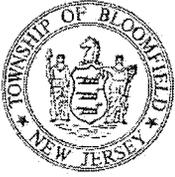


10-5



**Township Council**

1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**

*Municipal Clerk*

<http://www.bloomfieldtwpnj.com>

Meeting: 11/21/11 07:30 PM

**2011 RESOLUTION TAX APPEALS**

**RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF BLOOMFIELD IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2010 AND 2011 TAX APPEAL ENTITLED 554 BLOOMFIELD LLC V. TOWNSHIP OF BLOOMFIELD, DOCKET NOS.: 0011394-2010 AND 00362-2011 OF THE TAX ASSESSMENT OF BLOCK 153, LOT 19, KNOWN AS 554 BLOOMFIELD AVENUE, IN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY**

WHEREAS, an appeal of the real property tax assessment for tax years 2010 and 2011, involving Block 92, Lot 1, has been filed by the Taxpayer, 554 Bloomfield LLC; and

WHEREAS, the proposed settlement agreement has been reviewed and recommended by the Township Tax Assessor; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Bloomfield, New Jersey, as follows:

- 1. Settlement of the 2010 tax appeals are hereby authorized as reflected in the attached Stipulation of Settlement which is summarized as follows:

554 Bloomfield Avenue

**Years: 2010**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$762,300	N/A	\$762,300
Imprvts:	\$1,144,400	N/A	\$811,000
Total:	\$1,906,700	N/A	\$1,573,300

IN WITNESS WHEREOF, I HAVE HEREBY SIGNED THIS RESOLUTION AS TO FORM AND PROCEDURE ON BASIS OF FACTS SET FORTH

*Barbara J. Palagano*  
Director of Law - Township Attorney

2. Settlement of the 2011 tax appeal is hereby authorized as follows:

554 Bloomfield Avenue

**Years: 2011**

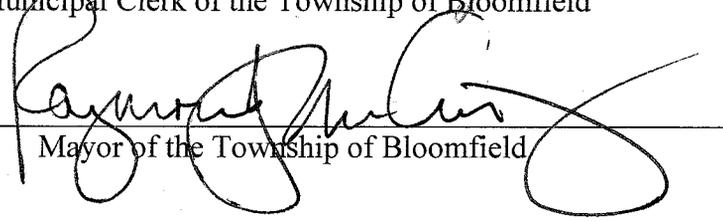
	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$762,300	N/A	\$762,300
Imprvts:	\$544,400	N/A	\$544,400
Total:	\$1,306,700	N/A	\$1,306,700

3. 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.

\*...\*...\*

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on November 21, 2011.

  
 \_\_\_\_\_  
 Municipal Clerk of the Township of Bloomfield

  
 \_\_\_\_\_  
 Mayor of the Township of Bloomfield

✓ Vote Record - Resolution 1226		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Janice Litterio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Robert Ruane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved by Consensus	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed					
<input type="checkbox"/> Tabled with No Vote					

**Brach Eichler L.L.C.**  
 101 Eisenhower Parkway  
 Roseland, New Jersey 07068-1067  
 (973) 228-5700  
 Attorneys for 554 Bloomfield LLC

554 BLOOMFIELD LLC,

Plaintiff,

vs.

TOWNSHIP OF BLOOMFIELD,

Defendant.

**TAX COURT OF NEW JERSEY**

Docket Number: 011394-2010  
 Docket Number: 000362-2011

Civil Action

**STIPULATION OF SETTLEMENT**  
 (Without Affidavit)

Assigned Judge:  
 Honorable Mala Narayanan, J.T.C.

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

Block: 153 Lot: 29 Qualifier:  
 Address: 554 Bloomfield Avenue

Year: 2010	Original Assessment	County Board Judgment	Tax Court Judgment
LAND	\$762,300	DIRECT	\$762,300
IMPROVEMENT	\$1,144,400	APPEAL	\$811,000
TOTAL	\$1,906,700	\$0	\$1,573,300

Block: 153 Lot: 29 Qualifier:  
 Address: 554 Bloomfield Avenue

Year: 2011	Original Assessment	County Board Judgment	Tax Court Judgment
LAND	\$762,300	DIRECT	\$762,300
IMPROVEMENT	\$544,400	APPEAL	\$544,400
TOTAL	\$1,306,700	\$0	\$1,306,700

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) they deem necessary and appropriate for the purpose of enabling

them to enter into the Stipulation. The assessor to 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 the assessing practices generally applicable in the taxing district as required by law.

4. All refunds due as a result of the settlement set forth herein shall be payable to: "Brach Eichler L.L.C. and 554 Bloomfield LLC", and forwarded to Daniel J. Pollak within sixty (60) days of the date of the Judgment.

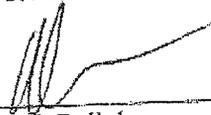
5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court judgment.

Brach Eichler L.L.C.  
Attorneys for Plaintiff

DATED:

7/27/11

BY:

  
Daniel J. Pollak

O'Donnell McCord PC  
Attorney for Defendant

DATED:

BY:

Matthew J. O'Donnell

# O'DONNELL McCORD, P.C.

ATTORNEYS AT LAW

15 MOUNT KEMBLE AVENUE  
MORRISTOWN, NEW JERSEY 07960  
(973) 538-1230  
FAX: (973) 538-3301

WRITER'S E-MAIL: MODONNELL@OMLAWPC.COM

Matthew J. O'Donnell\*\*+†  
Donald S. McCord, Jr.  
Maryann O'Donnell McCoy\*  
Elizabeth Anne Valandingham\*\*+

ESSEX COUNTY OFFICE  
SEVEN HUTTON AVENUE  
WEST ORANGE, NJ 07052

Jeanne M. Walsh °  
David N. Heleniak  
Levi J. Kool\*  
Daniel J. Ruiz

PLEASE REPLY TO MORRISTOWN OFFICE

\* Member NJ and NY Bars  
° Member NJ and PA Bars  
+ Member U.S. Tax Court  
▪ Diplomate NJ Local Government Law  
‡ Certified Public Accountant (NJ & NY)

October 26, 2011

Brian Aloia, Esq.  
Township of Bloomfield Municipal Building  
1 Municipal Plaza  
Bloomfield, New Jersey 07003

**Re: 554 Bloomfield LLC v. Township of Bloomfield**  
**Property: 554 Bloomfield Avenue, Block 153, Lot 29**  
**Docket Nos.: 011394-2010; 000362-2011**

Dear Mr. Aloia:

Attached please find a proposed Resolution and Stipulation of Settlement for the above-referenced matter. In this regard, kindly place same on the next council agenda scheduled for **Wednesday, November 9, 2011** for governing body approval.

Should you have any questions or require any additional information, please call me directly at (973) 538-1230.

Very truly yours,

O'DONNELL McCORD, P.C.

MATTHEW J. O'DONNELL

MOD:ce

Enclosure

cc: Joseph J. Pisauro, CTA  
Robert McNerney, MAI