BOROUGH OF MOONACHIE BERGEN COUNTY OF NEW JERSEY RESOLUTION # 21-

WHEREAS, the Mayor and Council of the Borough of Moonachie has been advised of the proposed settlements of a Tax Appeal on behalf of Adee Realty Company/Iron Mountain, Inc. under Docket No.'s: 008514-2013,00638-2015,003102-2016,006370-2017,007768-2018,008386-2019

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

DENNIS VACCARO MAYOR

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Supriya Sanyal, Borough Clerk DATED: September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

STAVITSKY & ASSOCIATES LLC

James T. Ryan III, Esq. - ID no. 024332010 350 Passaic Ave Fairfield, NJ 07004 973-227-1912

Attorneys for Plaintiff

Adee Realty Company/Iron Mountain,

Plaintiff,

Docket No.:

008514-2013

v.

Moonachie Bor.,

Defendant.

Iron Mountain, Inc.,

Plaintiff,

v.

Moonachie Bor.,

Defendant.

Iron Mountain, Inc. (Tenant Taxpayer),

Plaintiff,

٧.

Borough of Moonachie,

Defendant.

Adee Realty LLC

c/o Iron Mountain, Inc. (Tenant Taxpayer), :

Plaintiff,

Borough of Moonachie,

Defendant.

CIVIL ACTION

STIPULATION OF **SETTLEMENT**

TAX COURT OF NEW JERSEY

Docket No.:

006438-2015

003102-2016

006370-2017

Docket No.:

007768-2018

Docket No.:

008386-2019

٧.

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

Block:

38

Lot:

4

Address:

203 Moonachie Rd

1 KUUL OBBI	200 1/100/140/110 110		
<u>2013</u>	Original Assessment	County Board <u>Judgment</u>	Requested Assessment
Land:	\$ 1,000,000	N/A	\$ 1,000,000
Improvements	: \$ 3,406,300		<u>\$ 2,900,000</u>
Total:	\$ 4,440,000		\$ 3,900,000
<u>2015</u>	Original	County Board	Requested
	Assessment	Judgment	Assessment
Land:	\$ 1,000,000	N/A	\$ 1,000,000
Improvements			\$ 2,900,000
Total:	\$ 4,440,000		\$ 3,900,000
<u>2016</u>	Original	County Board	Requested
1	Assessment	Judgment	Assessment Withdraw
Land:	\$ 1,000,000	N/A	williaraw
Improvements Total:	\$\frac{\$ 3,177,200}{\$ 4,177,200}		
Total:	Φ 4,177,200		
<u>2017</u>	Original	County Board	Requested
	Assessment	<u>Judgment</u>	Assessment
Land:	\$ 1,000,000	N/A	Withdraw
Improvements			
Total:	\$ 4,406,300		
<u>2018</u>	Original	County Board	Requested
	Assessment	<u>Judgment</u>	Assessment
Land:	\$ 1,000,000	N/A	Withdraw
Improvements			
Total:	\$ 4,535,900		
<u>2019</u>	Original	County Board	Requested
	Assessment	<u>Judgment</u>	<u>Assessment</u>
Land:	\$ 1,000,000	N/A	Withdraw
Improvements			
Total:	\$ 5,113,400		

2. The parties further agree that the Freeze Act shall apply to the judgment for the 2013 tax year.

- 3. The parties further agree that any and all counterclaims are hereby withdrawn.
- 4. This agreement shall apply to any assignees, tenants and successors in interest of the subject property.
- 5. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, 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.
- 6. Based on 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 consistent with assessing practices generally applicable in the taxing district as required by law.
- 7. The parties specifically agree that the refunds due to Plaintiff as a result of reductions in assessment will be realized by Plaintiff in the form of a refund to be issued within sixty (60) days of the entry of judgment. All refunds received by Plaintiff within said sixty (60) day period shall be without interest.
- 8. The refunds due as a result of this settlement will be made payable to Bruce J. Stavitsky, Esq., Attorney Trust Account, for the benefit of "Iron Mountain, Inc." c/o Stavitsky & Associates LLC, Attorney Trust Account, 350 Passaic Avenue, Fairfield, New Jersey 07004.

Dated:

STAVITSKY & ASSOCIATES LLC

By:

/s/James T. Ryan III
James T. Ryan III, Esq.
Attorney for Plaintiff

HERBERT & WEISS, LLP

By:

Helene C. Herbert, Esq. Attorney for Defendant

BOROUGH OF MOONACHIE BERGEN COUNTY OF NEW JERSEY RESOLUTION #21-

WHEREAS, the Mayor and Council of the Borough of Moonachie has been advised of the proposed settlements of a Tax Appeal on behalf of Forsgate Ventures VII LLC under Docket No.'s: 007816-2016;004176-2017; 003003-2018;005336-2019; -2020

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

DENNIS VACCARO MAYOR

Supriya Sanyal, Borough Clerk
DATED: September 23, 2021

ATTEST:

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

Peter J. Zipp, Esq. - Attorney I.D. 022131986 ZIPP & TANNENBAUM, LLC 280 Raritan Center Parkway Edison, New Jersey 08837 (732) 605-1000 Attorney for Plaintiff

TAX COURT OF NEW JERSEY

FORSGATE VENTURES VII, LLC,

DOCKET NO.:

007816-2016

Plaintiff,

004176-2017 003003-2018

005336-2019

MOONACHIE BOROUGH,

Civil Action

Defendant. :

STIPULATION OF SETTLEMENT

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

Block:

38

Lot:

Street Address:

V.

250 Carl Place HM

Year:

2016

	Original <u>Assessment</u>	Judgment	Court Judgment
Land Impvts Total	\$ 424,000 \$ 1,666,100 \$ 2,090,100	Direct Appeal	\$ 424,000 \$ 1,416,000 \$ 1,840,000

Block:

38

Lot:

Street Address:

250 Carl Place HM

Year:

2017

	Original	County Board	Requested Tax
	<u>Assessment</u>	Judgment	Court Judgment
Land Impvts Total	\$ 424,000 \$ 1,766,600 \$ 2,190,600	Direct Appeal	\$ 424,000 \$ 1,576,000 \$ 2,000,000

Block:

38

Lot:

8

Street Address:

250 Carl Place HM

Year:

2018

	Original	County Board	Requested Tax
	<u>Assessment</u>	<u>Judgment</u>	Court Judgment
Land Impvts Total	\$ 424,000 \$ 1,831,100 \$ 2,255,100	Direct Appeal	\$ 424,000 \$ 1,831,100 \$ 2,255,100

Block:

38

Lot:

8

Street Address:

250 Carl Place HM

Year:

2019

	Original	County Board	Requested Tax
	<u>Assessment</u>	Judgment	Court Judgment
Land	\$ 424,000	Direct	\$ 424,000
Impvts	\$ 1, <u>921,400</u>	Appeal	\$ 1,921,400
Total	\$ 2,345,400	, ,	\$ 2,345,400

- 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 represents 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.
- 4. 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 ninety (90) days of the date of entry of the Tax Court judgment.
- 5. The parties agree that the property's 2020 total assessment shall be \$2,373,300 and further agree that either party shall have the right to file a tax appeal for the 2020 tax year to obtain a judgment to implement, enforce and/or confirm the \$2,373,300 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 5 regarding the 2020 assessment shall not be reflected in the Tax Court Judgment.

payable to the taxpayer and forwarded	the settlement set forth herein are to be made to Zipp & Tannenbaum, LLC, 280 Raritan Center within ninety (90) days of the date of entry of the 2.
	ZIPP & TANNENBAUM, LLC
BY:	PETER J. ZIPP, ESQ. Attorney for Plaintiff
BY:	Attorney for Defendant

Dated:

made

RESOLUTION #21-

BE IT RESOLVED, by the Mayor and Council that the requested payment of annual recreation subsidy in the amount of \$5,000.00 to the Borough of Wood-Ridge, be and is hereby approved.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal Borough Clerk

DATED:

September 23, 2021

RESOLUTION #21-

BE IT RESOLVED that the below listed Life Members of the Moonachie Fire Department be and are hereby authorized to attend the New Jersey Firemen's Association Convention at the expense of the Borough of Moonachie at \$175.00 per member:

Life Members:

Roy Anderson Louis Cappadonna Anthony Chiodo James Coleman David Kaneshige Robert Jirouscheck David Mulvaney Steven Rozansky

pending confirmation of their attendance and \$500.00 for Fire Department Convention expenses; and

BE IT FURTHER RESOLVED that verification and adjustment of such expenses and advances and the repayment of any excess advance shall be by means of a detailed bill of items on demand in conformance with N.J.S.40A:5-16; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to issue checks to the above named individuals as payment of advances to members towards their expenses for authorized official travel and expenses incident thereto, and charge same to appropriate Budget Accounts; and

BE IT FURTHER RESOLVED that the detailed bill of items on demand and the certification of affidavit required by N.J.S. 40A:5-15 shall be submitted in writing 10 days after the completion of the travel for which an advance was made.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal Borough Clerk

DATED: September 23, 2021

RESOLUTION #21-

BE IT RESOLVED by the Mayor and Council of the Borough of
Moonachie that the Mayor and Clerk is hereby authorized to sign a Flu
Professional Services Agreement with the County of Bergen for purpose of
providing Flu vaccination clinics for the residents of the Borough of Moonachie.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal

Borough Clerk

DATED:

September 23, 2021

Certified to be a true copy of the resolution passed at the Meeting of the Mayor and Council held on September 23, 2021.

BOROUGH OF MOONACHIE BERGEN COUNTY OF NEW JERSEY RESOLUTION #21-

WHEREAS, the Mayor and Council of the Borough of Moonachie has been advised of the proposed settlements of a Tax Appeal on behalf of Xavier II LLC. under Docket No.'s: 007684-2021

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal, Borough Clerk DATED: September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

Peter J. Zipp, Esq. - Attorney I.D. 022131986 ZIPP & TANNENBAUM. LLC 280 Raritan Center Parkway Edison, New Jersey 08837 (732) 605-1000 Attorney for Plaintiff

TAX COURT OF NEW JERSEY

XAVIER II LLC,

DOCKET NO.: 007684-2021

Plaintiff

V.

Civil Action

MOONACHIE BOROUGH.

Defendant

STIPULATION OF SETTLEMENT

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

Block:

61

Lot:

Street Address:

131 West Commercial

Year:

2021

	Original <u>Assessment</u>	County Board Judgment	Requested Tax Court Judgment
Land	\$1,960,000	Direct	\$1,960,000
Impvts	<u>\$8,025,000</u>	Appeal	\$8,025,000
Total	\$9,985,000		\$9,985,000

- 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.
- Based upon the foregoing, the undersigned represents to the Court that the 3. 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.

- 4. 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.
- 5. All refunds as a result of the settlement set forth herein are to be made payable to the taxpayer and forwarded to Zipp & Tannenbaum, LLC, 280 Raritan Center Parkway, Edison, New Jersey 08837 within sixty (60) days of the date of entry of the Judgment pursuant to *N.J.S.A.* 54:3-27.2.

ZIPP & TANNENBAUM, LLC

BY:	Par I	
	PETER J. ZIPP Attorney for Plaintiff	
	Automey for Flamum	
BY:		
	Attornev for Defendant	

RESOLUTION#21-

WHEREAS, there exists a need for the Financial Advisory Services in connection with issuance of Bond anticipation Notes in accordance with appropriate New Jersey law; and

WHEREAS, the provisions of said contract shall be in accordance with the dictates of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is for the period of the closing of the Notes; and

WHEREAS, the amount of the Contract is not to exceed \$5,500.00 and funds are subject to an appropriation by the Mayor and Council of the Borough of Moonachie and will be provided by the local finance office when appropriated; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the Mayor is hereby authorized to sign the contract with Acacia Financial Group, Inc.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal Borough Clerk DATED: September 23, 2021

RESOLUTION #21-

WHEREAS, Tricon Enterprises, Inc. submitted Change Order No. 12 in the amount of \$2,173.76 for Moonachie DPW Topography and DPW Building; and

WHEREAS, Arcari+Iovino Architects, P.C. has approved Change Order No. 12 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that Change Order No. 12 be and is hereby approved.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal

Borough Clerk

DATED:

September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

RESOLUTION #21-

WHEREAS, Tricon Enterprises, Inc. submitted Change Order No. 13 in the amount of \$10,667.98 for Moonachie DPW Topography and DPW Building; and

WHEREAS, Arcari+Iovino Architects, P.C. has approved Change Order No. 13 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that Change Order No. 13 be and is hereby approved.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal

Borough Clerk

DATED:

September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

RESOLUTION #21-

WHEREAS, Tricon Enterprises, Inc. submitted Change Order No. 14 in the amount of \$25,000.00 for Moonachie DPW Topography and DPW Building; and

WHEREAS, Arcari+Iovino Architects, P.C. has approved Change Order No. 14 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that Change Order No. 14 be and is hereby approved.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal

Borough Clerk

DATED:

September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

RESOLUTION #21-

WHEREAS, Tricon Enterprises, Inc. submitted Change Order No. 15 in the amount of \$10,084.85 for Moonachie DPW Topography and DPW Building; and

WHEREAS, Arcari+Iovino Architects, P.C. has approved Change Order No. 15 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that Change Order No. 15 be and is hereby approved.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal

Borough Clerk

DATED:

September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

RESOLUTION #21-

WHEREAS, Tricon Enterprises, Inc. submitted Change Order No. 16 in the amount of \$5,165.00 for Moonachie DPW Topography and DPW Building; and

WHEREAS, Arcari+Iovino Architects, P.C. has approved Change Order No. 16 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that Change Order No. 16 be and is hereby approved.

DENNIS VACCARO MAYOR

ATTEST:

Supriya Sanyal

Borough Clerk

DATED:

September 23, 2021

I hereby certify that a true copy of the resolution passed at the Meeting of the Mayor and Council on September 23, 2021.

RESOLUTION #21-

WHEREAS, 3rd quarter property tax bills were due on August 1st, 2021; and WHEREAS, 4th quarter property tax bills are due on November 1st, 2021; and WHEREAS, the billing process has been delayed due to the delay in receiving the certified tax rate from the County for the year 2021; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council that the grace period for the 3rd quarter installment is hereby extended from August 10th, 2021 to November 1st, 2021; and

BE IT FURTHER RESOLVED, by the Mayor and Council that the grace period for 4th quarter installment is hereby extended from November 10th, 2021 to December 1st, 2021.

DENNIS VACCARO MAYOR

Supriya Sanyal
Borough Clerk

DATED: September 23, 2021