

# New Jersey



## Assessors

## Bulletin



MEMBER  
International Association  
of Assessing Officers

Vol. 18, No. 4

November, 1979

### TUITION REDUCTION FOR TAX ASSESSORS

An appropriation by the N.J. Legislature now provides that reduced tuition be offered eligible persons who enroll in tax assessment courses offered by the Department of Government Services. The funds used for this purpose are administered by the N.J. Division of Taxation.

This is to acquaint you with the procedures for obtaining reduction and to define those who are eligible for the program.

I. All tax assessment courses announced in the fall semester brochure and any other courses subsequently announced this semester are eligible under the program:

Property Tax Administration—Tuition—\$120.00

Real Property Appraisal I—Tuition—\$130.00

Real Property Appraisal II—Tuition—\$130.00

II. Persons eligible for full tuition reductions are:

A - Municipal Tax Assessors

B - Members of a municipal board of assessors

C - Persons with official titles that include the word "assessor," e.g., deputy assessor, assistant assessor, junior assistant assessor, etc.

**NOT ELIGIBLE**—employees of the assessor's office, such as assessing clerks, secretaries, field representatives, etc., and other municipal officials and employees, and private citizens.

III. Requirements to be accepted into the reduced tuition program:

A - Payment of \$5.00 nonrefundable registration fee

B - Authorization signed by student to permit Rutgers University to release student's final course grade to the Division of Taxation.

C - Statement signed by student agreeing to pay full tuition to the Division of Taxation if student does not satisfactorily complete the course.

Simply put, this appropriation permits the Division of Taxation to pay the full tuitions of eligible persons who satisfactorily complete any of the courses offered in tax assessment. The municipality or student is responsible only for the \$5.00 nonrefundable registration fee. Those persons who do not satisfactorily complete a course must reimburse the N.J. Division of Taxation the full amount of the tuition.

Please notify your staff members who are eligible according to the definitions in this memorandum of the existence of this program. Those eligible persons who have already registered for tax assessment courses will be notified directly.



## TAX MAPS

In 1909, the New Jersey State Board of Equalization of Taxes, a forerunner of the State Tax Policy Commission, was made aware of a need for a law governing and regulating the preparation and approval of municipal tax maps. After four years of discussion and debate in the Legislature, Chapter 175, Public Laws of 1913 was passed, and provided primary requirements for the preparation of municipal tax maps in New Jersey.

The basic premise which evolved from Chapter 175 concerning tax maps was simply this: "There shall be no duplication of a block number on a tax map within a taxing district, nor shall there be any duplication of a lot number within any block." To this day, this basic system works very well. Chapter 175 was amended in 1915 by Chapter 186, allowing a taxing district to defray the cost of a tax map by issuing a bond, or bonds.

Approval of municipal tax maps was accomplished haphazardly until 1931, when a chronological numbering system for each approved municipal tax map was initiated. Rules and regulations governing preparation of municipal tax maps, at that time, consisted of a few sheets of mimeographed paper. Through the years, the Division of Taxation has issued a booklet which not only contains the rules and regulations for the preparation of a municipal tax map, but also gives examples of municipal tax map construction and offers State assistance in the preparation, maintenance and approval of municipal tax maps.

It should be particularly noted that a municipal tax map is a basic tool of the assessor. It is very important that the maintenance of a tax map be regularly scheduled. It is essential that the municipal tax map be up-to-date as of the assessing date—October 1 of each year. Regularly scheduled maintenance of tax maps saves the municipality money and gives the assessor an accurate picture of his municipal area.

Municipal tax maps are inspected and approved by the Local Property and Public Utility Branch in the Division of Taxation as required by law. Any assessor, along with his local licensed land surveyor, may bring a municipal tax map to the Branch for inspection and approval. This process takes from one to three weeks, depending on the number of sheets involved in the tax map. The county boards of taxation, the first level of supervision for assessor in the individual taxing districts, have a legal right to order a tax map to be brought up-to-date and have done so in the past.

The procedure for updating a tax map differs from the procedure used in the formal approval of a tax map. The up-to-date tax maps are normally approved maps of the past which have been updated for the purposes of a proposed municipal revaluation and may not necessarily meet current requirements of an approved tax map. For instance, an approved tax map should not have letter con-

notations such as 2A on lots and blocks. Decimal indications such as 2.01 should be used in place of letter designations.

The above statements indicate the importance and value of an improved tax map. It behooves municipal officials to insure that the necessary funds are provided to maintain tax maps, so that the assessor may properly perform his duties.

J. Henry Ditmars

## SMA ANNUAL LUNCHEON

NOVEMBER 14, 1979

ARKANSAS ROOM

ATLANTIC CITY, N. J.

11:45 AM Promptly

\$11.00 per person

Our Annual Luncheon will be held at Boardwalk Regency, in the Arkansas Room, ground level—Beach Block, Arkansas Avenue.

We have the following program and feel assured that the speakers will help clarify our property tax situation for 1980. It is our opportunity to ask questions and project our point of view. Director Sidney Glaser will be on hand to introduce the speakers, as well as to discuss problems in assessment administration.

Guest Speakers: The Honorable Richard Van Wagner, State Assemblyman, District 12; Chairman, Assembly Committee on Taxation.

The Honorable Michael J. Matthews, State Assemblyman, District 2.

We look forward to seeing you, and remind you to make your reservations as early as possible so everyone can be accommodated.

### MEETING NEW JERSEY'S REAL ESTATE APPRAISAL NEEDS



... a statewide company

WILLIAM T. ARD, M.A.I.

EDWARD E. ARD, C.T.A.

BRICKTOWN

(201) 920-1950

WESTFIELD

(201) 654-4545

# **AUTOMATED VALUATION SERVICES, INC.**

615 WEST HIGHLAND AVENUE, EBENSBURG, PENNSYLVANIA 15931  
814-472-7700

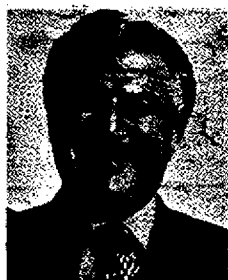
**PROFESSIONAL  
APPRAISERS &  
ENGINEERS**

**APPRAISALS /** CONSULTING STUDIES  
ANNUAL MAINTENANCE  
MANUAL PREPARATION  
EQUALIZATION PROGRAMS  
SALES RATIO STUDIES  
**MAPPING /** OWNERSHIP MAPPING  
AERIAL PHOTOGRAPHY  
TOPOGRAPHIC MAPPING  
ORTHO PHOTO BASE MAPPING  
**DATA PROCESSING /** ROLLS • ABSTRACTS • BILLS  
COURT SYSTEMS  
MARKET ANALYSIS  
ANNUAL UPDATING



A DIVISION OF L. ROBERT KIMBALL & ASSOCIATES, CONSULTING ENGINEERS & ARCHITECTS, EBENSBURG, PA 15931 814-472-7700

## LEGISLATIVE NEWS



At this writing, the New Jersey Legislature is still enjoying a hard earned summer recess. There is no scheduled date as to when they will reconvene. It is strongly felt that the week after the election will find the lawmakers back at their desk in Trenton. Activity in Trenton to date has been confined to sub-

committee hearing on various issues.

However, I have been in continuous contact with the staff aide, Bill Zuzzio of the Senate Revenue & Finance Committee and the Assembly Taxation Committee. Matters which surfaced at the last scheduled hearings of these two committees had to be prepared for discussion when these two committees reconvene.

In the Senate Revenue & Finance Committee the important matter at hand was the resolving of the Farmland-Woodland situation. I'm sure that elsewhere in this bulletin, a full report by your chairman of the Farmland Committee, Charles Grayson has submitted an updated report. Whatever direction the Assessor's Assn. elects to take, I certainly hope that we are successful in our attempt in having these proposals enacted into law. I further hope that all assessors, whether having woodland in their district, exercise every effort in influencing their local legislators. This may be our last chance at resolving this woodland situation.

The other matter to be resolved pertains to state payment to the municipalities of the totally disabled veterans tax exemptions. This proposal is contained in a bill (A-3556) submitted by Assemblymen Van Wagner and Kavanaugh. The bill was scheduled for a hearing at the last session but was withdrawn for further study by Chairman Van Wagner. This "further study" was in the form of a questionnaire which was to be submitted to every assessor by their County Presidents. The purpose of this questionnaire was to complete a survey by Chairman John Gausz of the ex-

emption committee, showing the total cost of this program besides underlining the abuses which caused some form of an excessive cost. I'm sure that elsewhere in this bulletin also, is a report and a plea by Chairman Gausz for submitting these questionnaires.

I'd also like to remark on the new Tax Court. As you already know, this new court has been in existence since July 1st, 1979. I had the opportunity to have a case heard in the "Small Claims" section of this new court since the taxes in question were below \$2,000.

I'd like to state here and now that assessors should not be misguided by the term "Small Claims." There is nothing small about your preparation of the defense of your assessments in this court. Chapter 123, mandates that you prove "True Value" regardless of how much taxes are in question.

The words that stand out in my mind during this hearing are the ones made by presiding judge, and these were, "I don't care what the assessments are for the subject property or the comparables, I'm only interested in what you determine 'true value' as being and how you arrived at this 'true value' and then I'll know what the assessments should be."

I'm sure that every assessor will recognize the inference in those words and will correctly react when they appear and defend their assessments in the new tax courts.

This report I respectfully submit,

**George C. Harraka, Chairman**

## POSITION AVAILABLE

Assessor, Metuchen—Part-time position available October 1, 1979. Present Board Secretary retiring after 22 years; appointment by Mayor and Borough Council. Population of 17,000 with 4,500 line items and 2.8 square miles. Salary and conditions of employment negotiable. Must be Certified as Tax Assessor (C.T.A.) by State of New Jersey. Resumes and inquiries should be directed to Borough Administrator Thomas Atkins, Borough Hall, Main Street and Middlesex Avenue, Metuchen, N.J. 08840 (201) 549-3600, ext. 23.

## Supreme Court Decision Exposes Assessors to Potential Liability

(From the "Michigan Assessor")

On January 15, 1979 the United States Supreme Court entered a brief order which may have the profound effect of exposing local and state property tax officials, for the first time, to personal liability in certain narrowly defined situations. The Supreme Court exercised its discretion not to hear an appeal of *Cullerton v Fulton Market Cold Storage Co.*, No. 78-748, letting stand the decision of the lower Court of Appeals for the Seventh Circuit, No. 77-2133, August 7, 1978.

Fulton Market claimed that, from 1958 to 1973, its property in Cook County, Illinois had systematically and intentionally been assessed at levels of up to two and one half times that at which property was generally assessed in the county in those years. In 1974, Fulton Market filed suit in the United States District Court for the Northern District of Illinois against the two Cook County assessors in office during the period of time in question, the members of the Cook County Board of Appeals who had the duty to review and correct assessments appealed to them, and the state officials responsible for the equalization process, seeking monetary damages, including litigation costs and punitive damages.

Fulton Market's federal court action was grounded in Section 1983 of ch. 42 of the U.S. Code, which enables private citizens to bring suit in federal court to protect rights guaranteed to them by the U.S. Constitution and laws from deprivation by persons acting "under color of state law." Fulton Market's complaint in the district court was that the county and state officials had deprived it of due process and equal protection of the laws guaranteed to it by the Fourteenth amendment to the U.S. Constitution and by provisions of the Illinois Constitution and the Illinois Revenue Act.

The district court had ruled that Section 1341 of ch. 28 of the U.S. Code and its underlying policy considerations applied to require that Fulton Market's complaint be dismissed. Section 1341 was therefore held to be a complete bar to such federal court suits against assessing authorities.

In a detailed opinion on appeal, the Seventh Circuit Court of Appeals found the central issue, and one never directly addressed by any court before, to be the impact of Section 1341 to suits for damages such as that brought by Fulton Market.

Section 1341 provides that "the district court shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under the State law where a plain, speedy, and efficient remedy may be had in the courts of such State."

Its purpose, the court noted, was to bar equitable relief, such as injunctions or declaratory judgments. It is part of a series of laws enacted by Congress to limit the powers of federal courts as they might be applied to the activities of state officials. The court found Congress' intention was to close the federal courthouse door to the kinds of suits which invariably resulted in delays in the collection of often substantial sums of revenue by state and local governments. The Seventh Circuit also reviewed a series of Supreme Court decisions recognizing the federal court's historic nonintervention in state tax matters, concluding that Section 1341 bars "any action which seeks equitable relief which, if granted, would disrupt the state taxing process." *Fulton v. Cullerton*, No. 77-2133, Slip op. at 11 (7th Cir. Aug. 7, 1978).

Here, however, the court noted, Fulton Market is seeking not equitable relief but money damages, a remedy not addressed by Congress:

Clearly if Congress had intended to prohibit all federal court relief in state tax matters, it could have done so . . . (But) Congress thus did not give state tax officials absolute immunity for acts

committed in their official capacity. Congress only prohibited certain specific remedies which due to their nature are highly disruptive of state proceedings. *Id.* at 14.

But here, the court found, Fulton Market is not seeking to enjoin any taxing process, nor would a judgment in its favor have that effect. The relief sought, rather, is retrospective, compensation for harm already done. The outcome of the suit does not pivot on the construction of some state tax statute or regulation which should more properly be construed by appropriate state courts. Thus none of the policy considerations underlying Section 1341 apply to this case, the court concluded, and, therefore, suits such as *Fulton Market's* may be brought.

In fact, a citizen's claims that an official's conduct violated established constitutional standards, the issue raised by *Fulton Market*, is precisely the purpose of Section 1983. Accordingly, concluded the court, *Fulton Market* "may maintain a Section 1983 action to secure the protection and guarantees accorded under the Fourteenth Amendment." *Id.*

The Seventh Circuit said that Section 1341 "does not serve to deprive a federal court of jurisdiction of all actions merely because the defendant is a state or county tax official. If a state or county tax official intentionally violates plaintiff's constitutional rights, he may be held liable for an action for damages." *Id.* at 14-15. However, added the court, though Section 1341 is not a bard,

that is not to say that whenever a tax official raises a property assessment he exposes himself to a Section 1983 suit. In order to insure that county or state tax officials will not exercise their legitimate discretion with undue timidity for fear of suit, they are entitled to a good faith defense . . .

Therefore, we hold that a state or county tax official will be liable for damages under Section 1983 only if he violated the plaintiff's clearly established constitutional rights intentionally or with reckless disregard of those rights. Inadvertence or negligence will not be enough . . . (A) compensatory award will be appropriate only if the tax official has acted with an impermissible motivation or with such intentional or reckless disregard of the plaintiff's clearly established constitutional rights that his action cannot be reasonably characterized as being in good faith. *Id.* at 15-16.

In addition, "any defendant who did not personally and intentionally or with reckless disregard violate the plaintiff's constitutional rights will not be held liable for damages." *Id.* at 16. (Emphasis supplied.)

The court considered briefly several other tangential issues, including the claim made by defendants that *Fulton Market* had not first exhausted its state remedies. The court disposed of this issue with a quote from *Monroe v. Pape*, 365 U.S. 167 (1961), p. 183: "It is no answer that the State has a law which if enforced would give relief. The federal remedy is supplementary to the state remedy, and the latter need not be first sought and refused before the federal one is invoked."

The *Fulton Market* case was remanded to the district court for "proceedings consistent with this opinion," which means, since the U.S. Supreme Court has refused a further appeal, trial on the merits of the case.

It is important to a clear understanding of the impact of this case to recognize what it does not decide. Opening the courthouse door provides no guarantee that, once inside, a plaintiff will prevail. The Seventh Circuit's requirements of proof of a defendant assessor's personal involvement, and intentional violation of constitutionally protected rights or reckless disregard of them, will not be easily met. Nonetheless, the courthouse door has been opened, and assessing officers may soon be feeling the cold draft of potential liability.

## Executive Board Meeting

**CONSTITUTION AND BY-LAWS.** The following amendment has been duly presented to the membership and will be voted on at the November 1979, General Membership meeting. The proposed change for Article 8, Dues, was recommended to be presented for adoption in compliance with Article 10, Section 1, of the Constitution and By-Laws. The proposed change is a one word change that the dues will be payable by each MUNICIPALITY instead of each member. Attached is the proposed amendment. All County Presidents please forward a copy of this amendment to all of your members.

**Committee Reports:** Sam Katz, Vice President

**March & Chowder**—Charles Fouquet sent word that our annual outing was a success and all of our expenses were covered except for approximately \$113.00

**Legislation Committee**—George Harraka, Chairman, stated that both Houses are now in recess until after Election Day. A Resolution was presented by the Association of Municipal Assessors of Essex County to seek change in P.L. 1978 Chapter 101 Wherein Tax Appeals Are Filed With the Clerk. A copy of this Resolution is attached. This Resolution was approved with the addition that tax appeals be served on the Assessor on or before August 15 for regular appeals, and December 15 for Homestead and Added Assessment appeals.

**Committee Reports:** J. Stanley Smith, Vice President

**Codification Committee**—Chairman, Louis Piscane is seeking assistance in a Farm Land case dealing with a Horse Farm. If any Assessors know of such a case, please contact Louis Piscane, Boonton, N. J. 07005—telephone no. (201) 355-2400 or Thomas Harraka, Wayne, N. J. 07470—telephone no. (201) 694-1800.

**Farmland Committee**—Chairman Grayson presented for the amending and supplementing the Farmland Assessment Act covering woodland. The proposal of October 4, 1979 amends the Committee's proposal of August 7, 1979. This proposal created a substantial amount of discussion. Since the Farmland Committee was not 100% for this proposal, President Crane did not call for a vote on the October 4, 1979 proposal. He requested that the County Presidents submit copies of these two proposals to their membership for review, and the County Presidents are to bring back to the Executive Board the opinions of their various districts.

**Committee Reports:** Stephen Nothnick, Vice President

**Public Relations Committee**—The new brochure known as "Meet Your Municipal Assessor" is presently at the printers.

**Committee Reports:** Courtney Powell, Vice President

**Education Committee**—This report covers the annual activities of the Committee which allude to the Syllabus revisions, \$50,000 appropriation for Assessor's education, and the up-dating of the Assessor's Handbook. Whereas, it is quite extensive, you will be receiving a copy of the Committee Report in a supplemental mailing which should be attached to your minutes upon receipt. Please note that the Legislation appropriation of \$50,000 for the Assessor's education is limited to Assessors and not their staff. There was much discussion on this point as it was the Board's opinion that their staff should be educated in this field and some Assessors require their staff members to take the various courses. It was felt that the staff tuition should be covered in the appropriation. Also, it was stated that the student must successfully complete the course for payment to be made. There is a feeling that this could place a considerable burden on the student. If, for some reason, he may not be able to successfully pass

## Appraisal Surveys, Inc.

Real Estate Appraisers  
and  
Consultants



- Providing Revaluations, Reassessments, Added Assessment and Tax Appeal Services for New Jersey Municipalities Since 1958.
- Over 70 Municipal Wide Revaluations Conducted by Full Time Professional Staff.
- Client List, References, and Qualifications Available Upon Request.

1500 KINGS HIGHWAY N.  
CHERRY HILL, NJ 08034

609-428-3272  
609-428-3273

the course, he would not be covered by this appropriation.

**Committee Reports:** Claire Young, Vice President

**Exemption Committee**—John Gausz's survey of 100% Total Disabled Veterans—Many counties have not completed the survey forms and the county presidents were reminded to contact all of their assessors to immediately complete these forms and submit them to the committee. It appears that this Total Disabled Veterans Exemption is costing the various Municipalities a substantial amount of money.

**Committee Reports:** Dorothy Montag, Vice President

**Audit & Budget Committee**—The Committee submitted a proposed budget for the fiscal year July 1, 1979 which is now in effect as it was approved by the Executive Committee and by the General Membership at the Rutgers University Conference in June.

**Wet Lands Committee**—Any Assessor having sales in the Wet Lands or Pine Lands should continue to report such to Committee Chairman Robert Cantrell, Assessor, Township of Brick, 401 Chambersbridge Road, Brick Town, NJ 08723.

President Crane received an invitation from the IAAO to attend an Educational Planning Program in Chicago at his own expense. President Crane will not be attending this program.

It also was noted that Joyce Jones, President of the Ocean County Assessor's Association and Larry Henbest attended the IAAO Seminar on Condominiums. Both felt that this seminar was geared towards Fee Appraisers and would not benefit New Jersey Tax Assessors.

The New Jersey Municipal Tax Collectors Seminar will be held in St. Thomas, Virgin Islands, on February 21 through February 28, 1980. They have extended an invitation to the Tax Assessors to join them at this Seminar. Enclosed is a brochure regarding the seminar.

Kenneth H. Beck, CTA, SMA

## Assessors Without the 'Tax'

"We assess property for tax purposes; we do not assess taxes; so why call us tax assessors

With that comment Robert J. Flanagan, CAE, Director of Real Estate for New London, Connecticut and President of the International Association of Assessing Officers released the following policy statement adopted by the association:

The word "tax" in the term "tax assessor" is both inaccurate and misleading. Assessors locate, describe, and value property for tax purposes. Assessors neither establish property tax levies nor set property tax rates (apart from perhaps mechanically performing tax rate calculations). Elected representatives establish levies and set rates. Referring to assessors as "tax assessors" obscures this division of responsibility.

Assessors have the important task of impartially valuing property in accordance with established standards and procedures. In addition to "assessor," terms accurately reflecting this position description include "property appraiser", and "property valuation administrator."

The International Association of Assessing Officers, therefore, recommends that the custom and practice of using the term "tax" with "assessor" be stopped and that legislative bodies, assessment agencies, and taxpayers' groups work to remove the word "tax" from the term "tax assessor" wherever it appears in laws and other written material.

## SITUATION WANTED

ASSESSOR'S POSITION WANTED

FULL TIME A/O PART TIME

APPLICANT HAS TWENTY YEARS

EXPERIENCE. HOLDS A C.T.A.

AND M.A.T. CERTIFICATES

DAYTIME—CALL (201) 688-2800

EVENINGS—CALL (201) 351-3015

J. ARTHUR GAYLORD

## CONFERENCES

Two vital and timely conferences co-sponsored by The Center for Urban Policy Research/Rutgers University and The U.S. Department of Housing and Urban Development, are scheduled in the near future.

1. Energy-sensitive Land Development.  
December 3 & 4, 1979. The Embassy Row Hotel, Washington, D.C.
2. Shopping Centers, U.S.A.  
December 13 & 14, 1979. Loews L'Enfant Plaza Hotel, Washington, D.C.

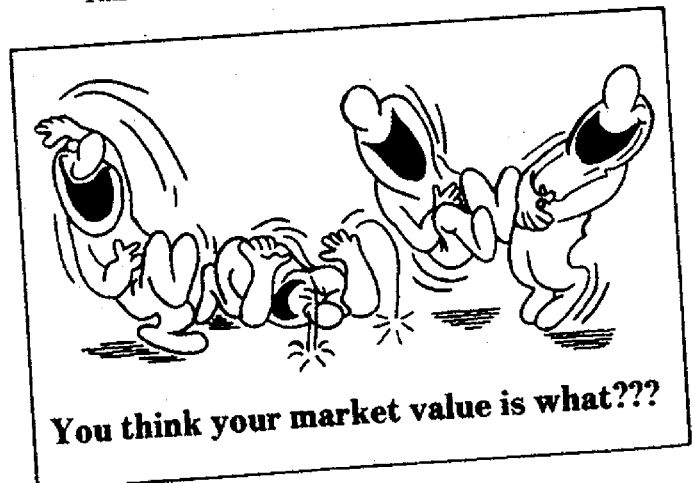
for information contact the Center for Urban Policy Research, P.O. Box 489, Piscataway, N.J. 08854 or call (201) 932-3133.

## P.O. 1979, CHAPTER 113 Approved June 28, 1979

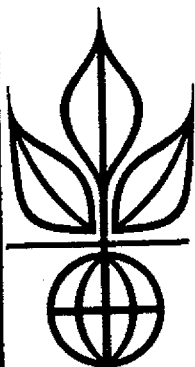
An act to provide for the direct appeal of certain assessments to the tax court, and amending R.S. 54:3-21. R.S. 54:3-21 is amended to read as follows:

54:3-21. A taxpayer feeling aggrieved by the assessed valuation of his property, or feeling that he is discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before August 15 appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer or taxing district may on or before August 15 file a petition of appeal directly with the tax court, if the assessed valuation of the property subject to appeal exceeds \$750,000.00, and any party to an appeal pending on July 1, 1979 before a county board of taxation in which the assessed valuation of the property involved exceeds \$750,000. shall be entitled, upon application to the county board, to have the appeal transferred to the tax court by the county board. A copy thereof shall also be filed with the clerk of the taxing district who shall forthwith notify the assessor, collector and such other municipal officials as the governing body shall direct of the content thereof. The petition shall set forth the cause of complaint, the nature and location of the assessed property and the relief sought. The petition shall set forth the cause of complaint, the nature and location of the assessed property and the relief sought. The petition shall be signed and sworn to by the petitioner or his agent and shall be in such form and contain such further information as may be from time to time prescribed by rule of the board, for the better understanding and determination of the appeal. The court may, on or after April 1 next following the filing of the petition of appeal proceed to hear and determine all issues raised therein.

This act shall take effect July 1, 1979.



**You think your market value is what???**



## REVALUATION AND APPRAISAL SERVICE INC.

388 Pompton Avenue, Suite 3, Cedar Grove, N. J.

(201) 239-3110

BOB EBERT

TOM SIMMONS

PAUL EBERT

APPRAISALS • MUNICIPAL REVALUATIONS • ASSESSORS ASSISTANCE • URBAN RENEWAL

### RESOLUTION

Township of Lawrence  
County of Mercer

WHEREAS, State mandated limitations on municipal budgetary increases combined with the State's broad-based income and sales tax revenue sources make it desirable that the local impact of State-legislated real property tax exemptions be kept to a minimum, and

WHEREAS, the State is presently absorbing the full cost of partial real property tax exemptions afforded veterans and senior citizens but none of the cost of the total such exemption heretofore granted to totally disabled veterans, and

WHEREAS, the Association of Municipal Assessors of New Jersey, acting through its Exemption Study Committee, has recommended the adoption of Assembly Bill A3556 providing State funding of the full cost of the total real property exemption heretofore granted to totally disabled veterans;

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of October 1979 that the Township council of the Township of Lawrence in the County of Mercer does hereby strongly endorse the adoption of Assembly Bill A3556, providing for State funding of the full cost of the total real property tax exemption heretofore granted by the State to totally disabled veterans, for the reasons stated in the foregoing preambles, and

FURTHER RESOLVED that the Clerk of the Township of Lawrence be and hereby is authorized promptly to forward certified copies of the foregoing Resolution to those members of both houses of the Legislature whose constituencies include all or a portion of the Township of Lawrence and also to the Association of Municipal Assessors of New Jersey.

Adopted: October 3, 1979.

## JOIN THE I.A.A.O.

### Hospital Sues City of Elizabeth

The Alexian Brothers Hospital filed suit against the City of Elizabeth in order to seek a determination as to whether a portion of a new building used for nurses' residence is exempt from real estate taxes.

In 1977 a New Jersey Supreme Court decision said the Monmouth Medical Center was liable for taxes to the City of Long Branch because the building was only partially used for hospital purposes. The Court stated that any facility not used entirely for hospital purposes was subject to real estate taxes.

Assessor John Mottley found the Alexian Brothers' new building similar to the one in Long Branch because sections were to be used as doctors' offices along with apartments for nurses.

The assessment is about \$3 million and should bring to the City around \$123,000. annually.

### Dinner Committee Assessor Ball



Dinner Committee Assessor Ball, left to right: Joyce Jones, Vickie Mickiewicz, Carolyn Landi, Gloria Cross, Sam Katz, and Charlie Fouquet.



## *Association of Municipal Assessors of New Jersey*

### **NEW JERSEY ASSESSORS BULLETIN**

**P. O. Box 187, New Brunswick, N. J. 08903 — (201) 745-5011**

**Quarterly Publication**

#### **OFFICERS**

President—Joseph Crane  
President-Elect—James Anderson  
Vice Presidents—Stephen Nothnick, Samuel Katz,  
Dorothy Montag, J. Stanley Smith  
Courtney Powell, Claire Young,  
William Birchall, Jr.  
Secretary—Ken Beck  
Treasurer—Charles Taylor  
Sergeant-at-Arms—Ed Coll

#### **EDITORIAL BOARD**

Editor—Louis Schick  
Walter Salmon  
William Birchall, Jr.

## **ONE MAN'S OPINION**



In the past I've voiced my candid opinion concerning the obsolescence and ambiguousness of the antiquated usable and non-usable categories. Suffice to say, they were conceived in the 1950's.

Everyone knows that the assessor is first on the firing line and seldom in hearts of the taxpayer.

That is expected.

It is also expected that the assessor will occasionally make a mistake. But, is it conceivable that the assessor is always wrong?

Well, it has happened and here is the case in point.

A Committee was formed by the State Association with the purpose in mind of reforming or modifying the categories.

Twelve suggestions were made and John Crane and John Murray presented them to the authorities in Trenton.

They were reviewed and all rejected with comments, such as they were. The report concuded: "It is our conclusion that the adoption of your suggestions would have an overall adverse impact on the total Sales Ratio Program because it would severely dilute the number of usable samples and would not reflect the actual market conditions existing in a particular taxing district."

What do they mean by . . . "it would severely dilute the number of usable samples?"

What's the difference if they are 26, 56 or 16 categories? The number should not matter.

The Committee asked for a definition of Category #1, seeking to determine exactly what is meant by "immediate family."

The reply was: "Since there has been little or no controversy concerning this category since the beginning of the program, it has been decided not to change the wording of this category."

The fact that there was an inquiry at all should be enough reason to justify a classification.

I hope the Association does not let the situation rest at this point and will pursue it further.

Remember, this is One Man's Opinion.

Louis Schick

## **ASSEMBLY, No. 3170**

### **STATEMENT**

It is the purpose of this bill to reestablish the maximum interest rate which may be charged by municipalities on delinquent taxes or assessments. The current maximum rates of 8% on the first \$1,000.00 of delinquency and 12% on any amount in excess of \$1,000.00 of delinquency is not a realistic rate in today's money market.

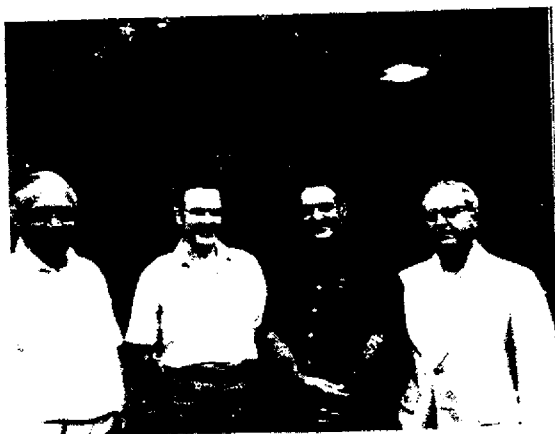
An interest rate on delinquent taxes or assessments should be established at a level such that a taxpayer with a substantial liability does not find it financially rewarding to not pay taxes, invest an equivalent sum at yield rates higher than the interest penalty for nonpayment of taxes, to later pay that liability, and experience a net financial gain. However, that interest rate on delinquent taxes and assessments should not be established at such a high rate so as to impose a financial hardship on residential property owner taxpayers.

The interest rate on delinquencies of 1½%, compounded monthly, established in this bill, will serve to meet both of these requirements, and is consistent with interest rate charged on delinquent State taxes under the provisions of the "State Tax Uniform Procedure Law" (R.S. 54:49-3).

## **Become An S.M.A.**



# RUTGERS 1979



## HOLDOUT

In Atlantic City, Penthouse International decided to buy the Holiday Inn and the Four Seasons and connect them to build a casino-hotel.

They bought most of the buildings between for \$100,000. to \$150,000. although the structures had been assessed at \$15,000. to \$20,000.

The Sea Shell Guest House, however, said the selling price was \$4 million.

After lengthy negotiations, Penthouse officials offered \$400,000. but this was turned down, so they decided they would have to build around the remaining building.

Now, the seven story steel skeleton towers over the small guest house and a reassessment raised the small building from \$20,000. to over \$111,000.

At the time of this writing, an appeal is pending by the Sea Shell before the Atlantic County Tax Board.

## MAN LOSES HOME

In Pennsylvania a man's \$70,000 home was sold for \$435.60 by the tax office because he owed \$12.40 in real estate taxes.

An added assessment for a two story garage was made but never paid.

The owner said his wife misplaced the bill and disregarded the notice of sale because he thought it was a bluff.

The County Tax Court thought he had a good chance of getting the house back but only after a lot of legal work.

## Senate Concurrent Resolution No. 3008

This resolution proposes to amend the Constitution to authorize the Legislature to enact laws providing for a freeze of the amount of real property tax a senior citizen is obligated to pay until he sells his property or title is otherwise transferred. Additionally, the resolution would provide that the State reimburse each taxing district for the amount of property tax relief allowed.

### *Tax Assessors*

Tax Sheet Binders — Loose Leaf  
Machine Forms  
I.B.M. Continuous Forms  
S.C. 65 Forms  
New Exempt Property Sheets  
All Back Sheets

We manufacture all forms for the Tax Assessor to new state requirements. SEND US YOUR PRESENT SHEETS and we will call and go over revisions.

**GEORGE W. MILLER & SON**  
THE MUNICIPAL SUPPLY HOUSE OF NEW JERSEY  
Palisades Park, N. J. 07650 Phone 944-1010  
Special Mailing Box 33 Free U.P.S. Delivery

## PROPERTY VALUATIONS CO. INC.

A COMPLETE APPRAISAL ORGANIZATION  
SPECIALIZING IN MUNICIPAL REVALUATIONS

- We strive for 100% accuracy through in depth research.
- We design and prepare an ongoing public relation program to the needs of your community.
- A satisfactory completed contract is our best recommendation.

We are prepared to meet with your Municipal Officials for a complete review and explanation of our methods of reappraising your municipality.



SPECIALIZING IN MUNICIPAL REVALUATIONS

5636 ROUTE 38/PENNSAUKEN, NEW JERSEY/08109

### We Supply:

TAX LIST BINDERS

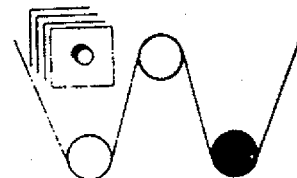
SR1A BINDERS

TAX MAP BINDERS

REAL PROPERTY

CHANGE FORMS

TAX LIST PAPER



**WELTCO BUSINESS FORMS**  
CHESTER PROFESSIONAL BUILDING

FAIRMONT AVE. • BOX 489 • CHESTER, N.J. 07930

(201) 879-6232

## Codification Committee Report

The Codification Committee has responded to many requests for copies of Division of Tax Appeals judgments in the past few months. And wishes to remind all assessors that the Tax Court has taken over the duties of the old Division.

Assessors are advised by Chairman Lou Pisacane that all attorneys have the Tax Court Rules which were published in the New Jersey Law Journal, issue of June 28th 1979.

Mrs. Florence A. Ruffee has resigned and is being replaced on the committee by Assessor Tom Harraka, CTA of Wayne Township, Passaic County.

Volunteers to serve on this committee are being sought and should contact Ken Beck, Secretary of the State Association or Lou Pisacane, Town Hall, Boonton, N.J. 07005.

## ASSEMBLY, No. 3186

The purpose of this bill is to insure that municipalities will receive State payments with respect to real property in railroad use, regardless of the ownership or possession of the real property. Under the existing law a question has arisen concerning the status of railroads owned by Conrail, or, in certain instances, by the State or by private persons or corporations. This bill would specify that as long as such real property "is used for the transportation of persons or freight by a railroad, regardless of the ownership or possession of the real property," it shall be deemed to be in railroad use.

## Assembly Concurrent Resolution No. 3009

The purpose of this concurrent resolution is to amend the New Jersey Constitution in order to double the amount of the tax deduction for veterans and to designate the deduction as the Veteran's Bonus Tax Credit so that it will be understood that such tax credit is given in lieu of a veteran's bonus.

### EDP at MDP

For over 12 years we have been providing EDP Service to Assessors and Collectors.

Now over 35 municipalities rely on us for Computer Services.

We invite you to discuss the quality of our service with our CUSTOMERS.

### MANLEY DATA PROCESSING COMPANY

Telephone: 201-843-5005  
Paramus, New Jersey 07652

TAX DUPLICATE BINDERS and FORMS

## MGL FORMS-SYSTEMS

57 HIGHLAND AVENUE P.O. Box 313  
CHATHAM, N.J. 07928

MATTHEW G. LOWE

REGINALD J. LOWE

Office: (201) 635-6073

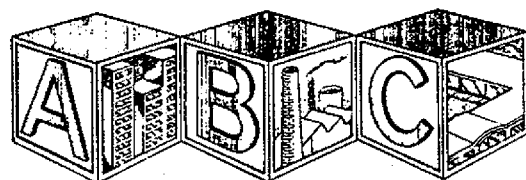
Home: (201) 635-8255

## New Jersey League of Municipalities

The New Jersey League of Municipalities Convention will be held in Atlantic City on November 13, 14, 15 and 16. The S.M.A. luncheon will be held at 11:45 a.m., Wednesday, November 14, 1979. At 2 p.m. there will be a session for Assessors. On November 15, 1979 there will be sessions for Assessors at 9:30 a.m. and 2 p.m.

On November 14, 1979, at 6:30 p.m., Resorts International, a testimonial dinner will be given to Robert H. Fust. Mr. Fust is retiring as the League's Executive Director on December 31, 1979. The cost will be \$27.00 per person.

## REVALUATION ... AS EASY AS ...



Accurate ...  
Beneficial ...  
Computerized ...

- NO MORE CONTINUAL, EXPENSIVE SURVEYS
- CURRENT ANALYSIS ... DAY BY DAY,  
TOWN BY TOWN ... COUNTY BY COUNTY
- MEASURE YOUR TRUE VALUES WITH  
21ST CENTURY TECHNOLOGY



### ASSOCIATED SURVEYS ...

MAIN OFFICE ... 1350 Route 23, Wayne, New Jersey 07470 (201) 696-4300  
DISTRICT OFFICE ... 1901 Lerdev Street, Greensboro, North Carolina 27438 (919) 878-1765

**MUNICIPAL REVALUATION / ASSESSMENT EQUALIZATION**  
**REALTY APPRAISAL COMPANY**  
SPECIALIZING IN NEW JERSEY PROPERTY VALUATION SINCE 1934

***A NEW JERSEY ORGANIZATION  
DEDICATED TO SERVING NEW JERSEY ASSESSORS***

4912 Bergenline Avenue, West New York, New Jersey  
UNION 2-3870 UNION 7-0015

## ASSEMBLY, No. 3106

The purpose of this bill is to require the Port Authority of New York and New Jersey to make annual payments to local governments equal to the taxes which would have been realized on the property had it not been owned by the Port Authority of New York and New Jersey.

## VOTERS REJECT TAX BREAK

Voters in Dade County, Florida, rejected a reduction in real estate taxes that came about by a misworded referendum.

The referendum, if passed, would do away with vital services such as city operation, flood control, libraries and bond repayments.

The defeat was by a 3-2 margin.

Many residents voted against the proposal because they stood to lose police and fire protection while the elderly feared the loss of medical and transportation services.

If passed, the average homeowner's taxes could have dropped from \$300. to 16 cents.

## New Jersey Legislative News

SCR-3029 Hagedorn. To amend the New Jersey Constitution to increase the income eligibility for senior and disabled citizens from \$5,000 to \$7,500 to qualify for a real estate tax deduction. (RFA)

S-3404 Hamilton, Dwyer, Weiss. To permit a taxpayer to enter into a written agreement with a taxing district to accept a refund of excess taxes paid over a period not exceeding 5 years. (RFA)

ACR-3039 McConnell. To permit tax deduction for senior citizens and disabled who own their own home but not the land on which it is located. (Tax.)

S-3356 Merlino, Perskie. To amend the law to defer, for limited time, payment of property taxes assessed against land upon which residential improvements exist, to apply only to municipalities where casino gambling is authorized. (C & MG)

ACR-3040 Flynn. To propose an amendment to the New Jersey Constitution to provide an exemption of \$5,000 of the assessed value of the residence of a senior citizen who does not qualify for the \$160 tax deduction. (Tax.)

Association of Municipal Assessors of New Jersey

**NEW JERSEY ASSESSORS BULLETIN**

City Hall, New Brunswick, N. J. 08903

**BULK RATE**  
U. S. Postage  
**PAID**  
New Brunswick, N.J.  
08903  
Permit No. 259

MARX, BERNARD J.  
MUNICIPAL BUILDING  
480 PROSPECT AVE.  
LITTLE SILVER, N. J.

1324

07739