

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

SCHEDULED

RESOLUTION 2020-200

DOC ID: 3346

**Rescinding Water Payments that Were Sold at Tax Sale on
10/20/2020**

WHEREAS, pursuant to N.J.S.A. 54:5-19, the Borough of Flemington Tax Collector held a tax sale selling all 2019 delinquent balances on October 20, 2020; and

WHEREAS, Governor Murphy declared a statewide public health emergency on March 9, 2020 due to the COVID-19 pandemic, which is still in effect as of the date of this Resolution; and

WHEREAS, Governor Murphy signed Executive Order 190 on October 15, 2020, which states:

No gas or electric public municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue during the Public Health Emergency

and

WHEREAS, Executive Order 190 applies to “residential accounts, and any accounts primarily serving residential customers;” and

WHEREAS, Executive Order 190 and accompanying guidance was circulated by the Department of Community Affairs to Municipal Clerks and Tax Collectors by email on November 6, 2020; and

WHEREAS, Executive Order 190 prohibits charging a late fee or interest during the Public Health Emergency, including on charges accrued prior to March 9, 2020; and

WHEREAS, the guidance issued by the Department of Community Affairs states: “[M]unicipalities cannot bring delinquent water charges to tax sale for the remainder of the public health emergency;” and

WHEREAS, Executive Order 190 does not pertain to sewer/wastewater accounts and only affects water accounts; and

WHEREAS, according to the guidance issued by the Department of Community Affairs, “For municipalities with combined water/sewer utilities and authorities with water and wastewater operations...delinquent sewer charges may not be sent to tax sale if the billing structure does not permit the sewer charge to be separated from the water charge;” and

WHEREAS, both water and sewer balances for residential accounts from 2019 were sold at the 2020 tax sale as follows:

BLOCK 8, LOT 9 CERTIFICATE # 2020-001 - \$352.03 was the 2019 delinquent utility balance, of which \$77.16 was for water charges

BLOCK 33, LOT18 CERTIFICATE # 2020-004 - \$413.40 was the 2019 delinquent utility balance, of which \$123.62 was for water charges; and

WHEREAS, the lien holder made a subsequent payment on 11/02/2020 for the outstanding 2020 delinquent charges for both of these certificates as follows:

BLOCK 8 LOT 9 CERTIFICATE # 2020-001 - \$1,387.82 for both water and sewer delinquencies

BLOCK 33 LOT18 CERTIFICATE # 2020-004 - \$1,232.60 for both water and sewer delinquencies; and

WHEREAS, the Tax Collector recommends rescinding the sale of the above-referenced tax sale certificates and refunding the full amount paid at tax sale and the subsequent payments made on November 2, 2020;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Borough of Flemington will cancel and rescind Tax Sale Certificates #2020-001 and #2020-004;

BE IT FURTHER RESOLVED, the Borough is authorized to reimburse the lien holder, US BANK CUST/PROCAP 8/PRO CAPITAL MGT II, the amount of \$1,464.98 for Certificate t #2020-01 and \$1,356.22 for Certificate # 2020-004; and

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send notice to the property owners of the cancellation of the Tax Sale Certificates.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk