

Board of Assessment Appeals March 8th, 2021 Meeting Minutes

Meeting Link:

<https://us02web.zoom.us/j/87309866784?pwd=aHZ2aHF5WDhDNGJ5Zk1zckU3WVRxUT09>

Members Present:

Patrick Hughes, Chair

Tracey Lizza

Suzanne Szupiany

Anthony Attanasio

Mike Bekech

Also Present:

Diane Vitagliano, Town Assessor

The Regular Meeting of the East Lyme Board of Assessment Appeals was held on Monday, March 8th, 2021, at 6:00 p.m., via Zoom; this teleconference was recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to be held over teleconference.

I. Roll Call and Call to Order

Mr. Hughes called the Board of Assessment Appeals to order at 6:05 p.m.

II. Appeals

1. Niantic Cinema Corp. -6:00 p.m.

Mr. Hughes swore Mr. George Mitchell, representative from Niantic Cinema Corp., in. Mr. Mitchell said some of the following:

- The theater business is really bad and has been decimated by the pandemic.
- We have equipment which we paid \$300,000 for that is obsolete.
- We have series 2 digital equipment when they now sell series 6.
- If they closed the theater tomorrow- and this is a good chance they might, there is no market for the equipment since there are so many theaters in the same position as them.
- They closed at the onset of the pandemic, briefly reopened which was a disaster, and closed again.
- He has a letter from New England Theater Supply which states that the equipment is worth \$4,000 and will provide the Board with a copy of the letter.
<https://eltownhall.com/wp-content/uploads/2021/03/Mitchell-BAA-Supporting-Documents.pdf>
- They're trying to save the theater and cut corners wherever they can so they figured it was worth a try coming before the Board.

- Even if they receive a reduction from the Board it may not be enough to save the theater.

Mr. Hughes said he and his family love that theater and Mr. Mitchell said it has been there for 71 years. Mr. Hughes said he wishes them the best of luck with the theater noting it's a staple of the Town.

2. Peter & Diane Traygis- 6:15 p.m.

Mr. Hughes swore Ms. Traygis in and she noted the photos she submitted earlier today.

<https://eltownhall.com/wp-content/uploads/2021/03/Traygis-Hearing-Photos.pdf>

MOTION (1)

Mr. Bekech said he has a point of order before they begin and moved to deny the application upon the fact that the application is not complete; per Connecticut General Statutes “no value” is permitted and a value must be listed.

Ms. Traygis said she didn't mean that it wasn't worth anything, she merely doesn't know, given the damage. Mr. Bekech responded that it's a technicality but a value is needed in order to proceed. Ms. Traygis said she truthfully doesn't know the value and Ms. Vitagliano said her original assessment was \$4,690.

Ms. Traygis said there is structural damage and doubted they could get more than \$4,000 if they sold it. She added that it has been there 19 years and isn't sure if it could even be towed; there was also extensive water damage and part of the floor of the trailer is unsafe. Ms. Traygis said it certainly is not book value and will say it's worth \$4,000.

Mr. Bekech rescinded his previous motion.

Mr. Hughes clarified that the request is to reduce the assessment from \$4,690 to \$4,000 based on the damage and Ms. Traygis said that is correct. Ms. Traygis also detailed the bump out and how it's warped and how they're unable to fully open the cabinet doors due to the sagging ceiling, as the photographs illustrate. She noted the assessment of the trailer actually increased \$500 from the year before.

Mr. Bekech said he visited the site and said the photos really tell the story.

3. Cherry Hill Farms LLC- 6:30 p.m.

Attorney Francis Sablone was in attendance representing Cherry Hill Farms LLC and Mr. Hughes said it's not necessary to swear Mr. Sablone in, given that he's an officer of the court.

MOTION (2)

Mr. Bekech said he has a point of order before they begin and moved to deny the application based upon the fact that the application is not complete; per Connecticut General Statutes a value must be listed and the form reads "n/a."

Mr. Sablone said they think it has no value since it's a landlocked 2 acres which can't be accessed by any means. He said it was originally cut off from another piece with the intention that it would be joined with 8 acres that it abuttes; there was a pending agreement with the abutting landowner which was revoked. Mr. Sablone said they're trying to resolve this situation but in and of itself it's worth \$0.

Mr. Bekech said since a value has been given he will rescind his motion.

Mr. Sablone said the property is only of use to the abutters so they're hoping to reach an agreement with the now owner of the 8 acres it originally was meant to be combined with. He said the Assessor's map shows the 2 acres already joined with the 8 acres which it's not.

4. Brian Harris & Deborah Jett-Harris- 6:45 p.m.

Mr. Hughes swore Mr. Harris and Ms. Jett-Harris in.

Ms. Jett-Harris discussed the materials she supplied with her appeal <https://eltownhall.com/wp-content/uploads/2021/03/19-Center-Street-BAA-Application.pdf>, and shared some of the following:

- Prior to purchasing the home 5 years ago they were told by the previous owner how he had put in two official complaints with the Zoning office regarding the blight next door.
- Given the complaints they assumed the blight would be addressed but it has only become worse which the photos indicate.
- Their neighbor has no garbage receptacle and they now have river rats which they never had before.
- They've had 3 flat tires in the last few months due to the debris.
- They can't access the end of the driveway fully.
- Every few from every window on the right side of the house look out onto the blight which surrounds the neighbor's house.

- In the summertime he lets the vegetation grow in front of the house so that you're unable to see the house itself.
- The deck is falling apart as is the back of the house.
- There is a boat parked there and some kind of large vegetation is growing through it.
- She has made 7 official complaints with Zoning and has given them all the documentation she supplied with her appeal application.
- She also included a copy of the blight ordinance and has circled every item he is in violation of.
- The neighborhood has offered to help the gentleman clean up the blight but he has refused.
- In the summertime he has what looks like fertilizer outside along with several gas cans right by her fence, and they can't allow their 8 grandchildren to access that side of the house.
- They've gone through all the channels properly and been patient, but his home is bringing down the value of theirs.
- They never would have bought their home if they didn't believe something would be done about the blight.
- The home is falling apart and decreases the value of their house, which is why they don't agree with their assessment.

Mr. Hughes noted that several members of the Board have already driven by the site.

5. M&M Fisheries- 7:00 p.m.

No one from M&M Fisheries was in attendance and Mr. Bekech noted the application has also not been signed. Ms. Vitagliano noted the Town didn't renew the dock lease with M&M Fisheries.

6. Richard B. Gada TR- 7:15 p.m.

Attorney Eric Callahan was in attendance representing Mr. Gada and Mr. Hughes said it's not necessary to swear Mr. Callahan in, given that he's an officer of the court. Mr. Callahan Discussed their application and shared some of the following:

- Mr. Gada as trustee owns part of the West Main property and the remainder of the property is owned by MRB Associates. <https://eltownhall.com/wp-content/uploads/2021/03/79-95-W-MAIN-ST-SURVEY-1021.pdf>
<https://eltownhall.com/wp-content/uploads/2021/03/Gada-BAA-Supporting-Documents.pdf>

- MRB Associates owns the property immediately to the south which is 79-87 West Main Street.
- The property is commercial in nature and where the gas station and garage sits.
- To the east of 79 & 87 West Main, is 77 West Main where Mr. Gada's residence is situated.
- The trust property has been historically taxed as access vacant residential land.
- Until 2019 it was taxed only as land and had an assessment of \$154,210.
- As of the October 16th, 2020 grand list building improvements were added to the assessment.
- A boundary survey was filed in October which shows a new building which piggybacks 3 parcels and the Assessor had to assign it to one of the parcels; since the majority of the building lies on the trust property that is the parcel it was assigned to.
- The parcel should have been assigned to the 79-87 West Main property and the survey was filed in October to support this.
- The Town wouldn't have approved the permits for constructing the new commercial building if they believed it would be located on the residential trust property.

Mr. Callahan said their position is that the commercial building should be removed in its entirety and be placed on the 79-87 West Main Street parcel. Ms. Vitagliano clarified that the building is not on the residential parcel but the vacant lot parcel which was the only place it could fit at that time.

Mr. Callahan further discussed the appeal with the Board.

Mr. Bekech asked about the parcel changes in regards to ownership and if those changes were done by deed; Mr. Callahan responded that it was accomplished through a boundary line agreement.

7. Thomas J. Hall- 7:30 p.m.

Mr. Hughes swore Mr. Hall in.

MOTION (3)

Mr. Bekech said he has a point of order before they begin and moved to deny the application based upon the fact that the application doesn't include as required by Connecticut General Statutes, a value; the request is for 50% of the value but that value must be clarified.

Mr. Hughes confirmed that a number value is needed and Mr. Hall said he doesn't have any idea but suggested \$20,000.

Mr. Bekech rescinded his motion.

Mr. Hall said when he first acquired the vehicle he received a rebuilt salvage title from the DMV which he submitted and he was instructed by the Assessor's office to fill out the appeal form and apply for a hearing. Mr. Hughes noted the assessed value is currently \$21,233.

8. Richard Kimball- 7:45 p.m.

Mr. Hughes swore in Mr. Kimball.

MOTION (4)

Mr. Bekech said he has a point of order before they begin and moved to deny the application based upon the fact that the application doesn't include an estimate of value as required by Connecticut General Statutes.

Mr. Kimball explained the three vehicles in question are all registered in Florida and aren't in Connecticut for more than 3 or 4 months a year. He said the 1989 Pontiac is worth \$1000, the 2002 Pontiac is worth \$3,000, and the \$2008 Chrysler is worth \$5,000.

Mr. Bekech rescinded his motion.

Mr. Hughes asked why the vehicles are on our grand list if registered in Florida and Mr. Kimball said his neighbors complained and thought they were unregistered; the ZEO for Black Point Beach Club Association came out to view the cars along with Ms. Vitagliano, and they consulted the NDA guide and sent him notice of the vehicle assessments. He said he doesn't want to pay anything since they're not registered here.

Mr. Bekech asked if Mr. Kimball can provide copies of the registrations and Mr. Kimball said yes, and he will email them.

9. Patricia M. Hansen- 8:00 p.m.

Mr. Hughes swore Ms. Hansen in. Ms. Hansen said her property is located at 11 Cherry Street and she thinks the assessment should be lower since she has the least amount of land on Cherry Street and no dock. Mr. Hughes said according to her application sheet she feels the land value should be assessed at \$240,000 instead of the current \$271,000 and Ms. Hansen

replied that it depends on what her neighbors are assessed at; her assessment should be lower than all of her neighbors on the Niantic River. She added that she currently pays more money per square footage than her neighbors.

Mr. Hughes said all the assessments for her street should be in line but that they will review this.

10. Jason D. Pazzaglia- 8:15 p.m.

Mr. Hughes swore Mr. Pazzaglia in.

MOTION (5)

Mr. Bekech said he has a point of order before they begin and moved to deny the application based upon the fact that the application doesn't include an estimate of value as required by Connecticut General Statutes.

Mr. Pazzaglia said the land is assessed at \$223,000 while the building is assessed at \$851,000, and he thinks the land should instead be assessed at \$125,000 and the building at \$787,000. He said his office did send a value but that he will resend it.

Mr. Bekech rescinded his motion.

Mr. Hughes commented on how nice Mr. Pazzaglia's buildings are and asked what the basis of his request is. Mr. Pazzaglia said some of the following:

- With his projects he first determines a profit margin of 20%.
- He adds 20% to what it costs him to build and looks at what the market value might be.
- He thinks the figure for the land originally included the building as well- that the \$220,000 was the land and the house and when they demolished the house the value decreased.
- The land is approximately \$125,000.

Mr. Hughes said the land has been assessed at \$223,000 for the last two years while the building in 2019 was assessed at \$557,000 since it wasn't completed, and is now assessed at \$851,000 since it's now completed. Mr. Hughes confirmed that the assessed value is \$100,000 more than Mr. Pazzaglia believes it should be.

Mr. Bekech asked if any appraisals have been done or financials are available that he can supply them with. Mr. Pazzaglia says he does and the numbers are in line with the ones he gave the Board. <https://eltownhall.com/wp-content/uploads/2021/03/Pazzaglia-BAA-Supporting-Documents.pdf>

11. Orchards at East Lyme- 8:30 p.m.

Paul Caines was in attendance representing the Orchards at East Lyme as well as Tower Co LLC. Mr. Hughes swore Mr. Caines in and Mr. Hughes shared some of the following:

- The tower is owned by Tower Co LLC while the land is owned by the Orchards at East Lyme.
- He was told by the Assessor that the land portion of the account was for the tower and the tenets.
- The problem they have is that the tower was already being assessed on the personal property roll which makes it a duplicate assessment.
- They calculate the appraised value for everything with the exception of the land at \$257,312 which is based on the figures in their original filing.
- The barn and the buildings at the tower site are real property.
- So the \$257,312 is everything minus the tower.

Mr. Bekech said in the personal property appeal you're saying it should be \$97,888 for the tower only and the Town has it for \$245,000, and Mr. Caines said that is correct. Mr. Caines said based on the classification of Connecticut equipment buildings at tower sites the only personal property is the tower itself.

12. Tower Co LLC

Mr. Caines said this is a personal property account and the basis of their appeal is that the buildings are included in the original filing; the assessment is indicative of the entire cost of the tower site. He said the actual cost for the tower itself is \$97,888 because it's personal property while the buildings are considered real property.

The Board further discussed the appeals with Mr. Caines.

III. Adjournment

Mr. Hughes adjourned the Board of Assessment Appeals meeting at 8:54 p.m.

Respectfully Submitted,
Brooke Stevens, Recording Secretary