

Minutes of Board of Assessment Appeals Meeting - 04/13/22

Date and time: 04/13/22 06:00 pm to: 04/13/22 09:00 pm
Present: Brooke Stevens, Recording Secretary, Patrick Hughes, Chair, Mike Bekech, Kim Kalajainen, Gary Cicchiello
CC: Absent: Suzanne Szupiany
Location: East Lyme Town Hall (Downstairs- Thomas Lee Room)
108 Pennsylvania Avenue, Niantic, CT, 06357
Link: <http://app.meetingking.com/meetings/374869>

Topics

1. Call to Order

Note Mr. Hughes called the meeting to order at 6:00 p.m.

Decision MOTION (1)

Mr. Bekech moved to add the Assessor 2021 Grand List Corrections to this evening's agenda.
Mr. Cicchiello seconded the motion.
Motion carried, 3-0-0.

1-1. Assessor 2021 Grand List Corrections

Note The following 2021 account changes are to correct clerical errors that were identified after the grand list was signed and are submitted by Diane Vitagliano, Assessor:

Real Estate

1. List #9888 20 Farm Meadow Rd- Correct the inconsistent land lines.
2. List #4844 44 W Pattagansett Rd GNB- Remove the additional sketch left on the field card.
3. List #4741 239-2 Main St- Remove the additional sketch left on the field card.
4. List #5743 8 Bellaire Rd BPBC- Correct the sketch according to the new construction.

Decision MOTION (2)

Mr. Bekech moved to accept the Assessor 2021 Grand List Corrections as submitted.
Mr. Cicchiello seconded the motion.
Motion carried, 3-0-0.

FILED

Note Ms. Kalajainen arrived at 6:15 p.m.

April 20 20 22 AT 8:35 AM/PM
(Signature)
EAST LYME TOWN CLERK

2. Appeals by Appointment Only

2-1. 6:00 PM- APPEAL 7870, MAUREEN SPITZER; 4 TANGLEWOOD DR

Note Mr. Hughes swore Ms. Spitzer in.

Note Ms. Spitzer said her assessment is too high and compared her property to 21 Rose Lane which sold for \$480,000 on 10/13/21.

Note Ms. Spitzer discussed how her deck needs to be redone and she provided photos and noted that she has been quoted a repair price of \$15,500. She said her driveway needs to be redone and the general condition of her home is nowhere near Rose Lane.

Note Mr. Hughes said he viewed her home today and the Appellant said she thinks \$470,000 is a more reasonable fair market value.

Note Mr. Cicchiello asked which home is in better shape and Ms. Spitzer replied that the condition of her house isn't comparable, and she detailed some of the differences between the two homes.

2-2. 6:00 PM- APPEAL 7870, MAUREEN SPITZER; 4 TANGLEWOOD DR Deliberation

Note Mr. Hughes discussed how the assessment of the land remained the same, but the house increased.

Decision MOTION (3)

Mr. Bekech moved the change the grade of the home from good to above average.

Ms. Kalajainen seconded the motion.

Motion carried, 4-0-0.

3. Further Appeals by Appointment Only

3-1. 6:15 PM- APPEAL 9617, PAZZ & CONSTRUCTION LLC; 24 DARROWS RIDGE

Note **Rescheduled for April 14th, 2022**

3-2. 6:30 PM- APPEAL 3155, 283 BPR LLC; 14 CHURCH LN

Note **Rescheduled for April 14th, 2022**

3-3. 6:45 PM- APPEAL 3156, 283 BPR LLC; 23 CHURCH LN

Note **Rescheduled for April 14th, 2022**

3-4. 7:00 PM- APPEAL 44384, PAZZ CONSTRUCTION; 172 BOSTON POST RD

Note **Rescheduled for April 14th, 2022**

3-5. 7:15 PM- APPEAL 8742, DAVID & BRIGID CRAIG; 205 N BRIDE BROOK RD

Note Mr. Hughes swore Mr. and Mrs. Craig in.

Note Mr. Craig said their home is assessed higher than other capes on the street. They detailed how they found a mistake Vision Appraisal made; they have an upper window, so Vision assumed it signified a living space, which is not the case. The Appellants took photos to prove it isn't a living space and they lowered it to the present \$490,400.

Note The Craig's said the assessments seem subjective and not scientific, and they believe the fair market value is \$400,000.

Note Mr. Hughes noted that the house itself is what increased, and Mr. Craig said they want their assessment to be in line with everyone else's.

Note Mr. Cicchiello asked about the condition of the home and Mr. Craig replied it's average; the home was built in 2000.

Note The Board and Appellant further discussed the appeal.

3-6. 7:30 PM- APPEAL 4379, KAREN HORAN-SILVA & EDUARDO SILVA; 84 LAURELWOOD DR

Note Mr. Hughes swore Karen Horan-Silva and Eduardo Silva in.

Note The Appellant said there is inaccurate information on the property card, they no longer have a fireplace, and they think the appraised value should be \$290,000.

Note The Board and Appellant discussed the layout and condition of the home.

Note Mr. Hughes observed that the land assessment only went up \$8,000 and it's the increase in the dwelling assessment that has caused a significant increase.

Note The Appellants said they had a small addition so they understand the assessment will go up, and that it was only when they looked at comparables that they started to question the value.

Note The Appellants added that they don't have a garage and submitted photos to prove they no longer have a fireplace. Mr. Horan said their home is nice, but the work is not completed.

4. Decisions/Deliberations if time permits

4-1. 7:15 PM- APPEAL 8742, DAVID & BRIGID CRAIG; 205 N BRIDE BROOK RD

Note Mr. Bekech noted it's difficult to determine what is driving their numbers up.

Note The Board discussed the appeal and how best to address the assessment issues they see.

Decision MOTION (4)

Mr. Cicchiello moved to reduce the depreciation code from good to average.

Ms. Kalajainen seconded the motion.

Motion carried, 4-0-0.

4-2. 7:30 PM- APPEAL 4379, KAREN HORAN-SILVA & EDUARDO SILVA; 84 LAURELWOOD DR

Note Ms. Kalajainen said the fireplace needs to be removed and questioned whether the depreciation code is correct.

Decision MOTION (5)

Ms. Kalajainen moved to remove the fireplace from the field card and change the depreciation code from very good to good.

Mr. Cicchiello seconded the motion.

Motion carried, 4-0-0.

5. Further Appeals by Appointment Only

5-1. 7:45 PM- APPEAL 5992, KAREN & BRIAN BROUSSEAU; 5 COVE HILL RD

Decision This Appellant did not appear; no action taken.

5-2. 8:00 PM- APPEAL 8884, YUHENG LEE; 3 HARVEST GLEN

Decision This Appellant did not appear; no action taken.

5-3. 8:15 PM- APPEAL 9460, PATRICIA DESFORGES TRUST; 29 WHITING FARMS LN

Note Mr. Hughes swore Rich Desforges in.

Note The Appellant said the town has the property appraised at \$450,000 and they had a professional appraisal done in June of 2021 set the value at \$374,000, and the purchase price was \$395,000.

Note The Appellant said their real estate agent did a market analysis and said that the \$395,000 was pretty close. He explained that they previously lived at 49 Whiting Farms Ln, sold it, and purchased 29 Whiting Farms Ln; since the homes are comparable, they were surprised by the \$450,000 value.

Note The Board and Appellant briefly discussed the differences between 29 & 49 Whiting Farms Lane.

Note The Appellant said the homes in Spinnaker raised by 2 to 3% while the Whiting Farms neighborhood went up by 10 to 20%.


Note The Appellant detailed the basement present in 29 Whiting Farms Lane and noted that 49 Whiting Farms Lane doesn't have a basement.

Note The Board and Appellant further discussed the property.

5-4. 8:45 PM- APPEAL 1625, DAVID GODBOUT; 15 CARDINAL RD

Note Mr. Hughes swore Mr. Godbout in.

Note Mr. Godbout provided each Board Member with a copy of paperwork he had prepared entitled "Motion to Disqualify."

 [Godbout Attachment 20220419 0001.pdf](#)

Note Mr. Godbout said the first order of business is the motion he would like to file, and Mr. Hughes explained that the Board doesn't entertain motions from the public.

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Note Mr. Godbout said Mr. Hughes is incorrect; our state Supreme Court has noted that in administrative hearings such as this our 14th amendment rights to a fair and impartial hearing for a tribunal such as this, is paramount to our rights for fair and impartial hearing. He stated that the motion to disqualify should be considered.

Note Mr. Godbout said in the BAA minutes for the 18th of September 2021 the Board stated they don't accept motions. He said they already accepted a motion since this appeal was supposed to be heard last week; obviously they made a motion to approve the changing of the hearing date.

Note Mr. Hughes clarified that motions can be entertained from members of the Board but not from the public.

Note Mr. Godbout cited Murach versus Planning and Zoning Commission of the city of New London and Clisham versus Board of Commissioners of the Borough of Nantucket as support of his argument.

Note Mr. Hughes asked Mr. Godbout what his appeal is.

Note Mr. Godbout asked if everyone is refusing to hear his motion to disqualify and said he doesn't think he can have a fair hearing until this motion has been heard and decided on by the Board.

Note Mr. Godbout said he has issues with some of the Board members here and Mr. Hughes asked that the record show that he as Chairman, has no problem making a decision on this appeal in a fair and impartial manner based on the facts.

Note Mr. Godbout referenced the September 13th, 2021, BAA Hearing for motor vehicles and said three members of the Board, including Mr. Hughes, conspired to deprive him of his 14th amendment rights by refusing to hear his motion to disqualify.

Note Mr. Godbout said he's a veteran and has sworn to defend the Constitution United States, which he is doing.

Note Mr. Godbout further described the violations he perceives Mr. Hughes and Mr. Bekech made, as outlined in his motion to disqualify request.

Note Mr. Hughes reiterated that the Board has no power or authority to accept motions from the public and explained that members of the public can request that a Board member recuse themselves.

Note Mr. Hughes asked if Mr. Godbout is asking that he recuse himself and Mr. Godbout said he is not, he's looking for the Board to disqualify Mr. Hughes.

Note Mr. Hughes repeated that they don't accept motions from the public and Mr. Godbout replied that he can't allow that answer to stand. He asked if everyone has that same answer.

Note Mr. Hughes said that as the Chairman, he is telling him that they will not be entertaining his motion. He asked him what his appeal is, and Mr. Godbout replied that this is a violation of his constitutional rights.

Note Mr. Hughes said the Board is not here to argue this and Mr. Godbout said he is here to argue this.

Note Mr. Hughes said he's not going to hear his motion and Mr. Godbout said he's placing him under citizen's arrest for disorderly conduct. He then went on to say that he's placing everyone here under citizen's arrest.

Note Mr. Godbout referenced how he believes the Board violated the FOI Act as outlined in his motion to disqualify request.

Note Mr. Hughes asked what Mr. Godbout's appeal is and Mr. Godbout said he's laying out all his charges for citizen's arrest.

Note Mr. Hughes said let the record show the Appellant refuses to give his appeal.

Note Mr. Godbout asked if everyone understands that they're all under arrest.

Note Mr. Godbout discussed how not filing meeting minutes within 7 days is a violation and Mr. Hughes responded that they're here for his appeal only.

Note Mr. Godbout said he's motioning right now for summary judgment on his appeal since the opposing party isn't in attendance.

Note Mr. Hughes asked if Mr. Godbout is appealing his old assessment and he replied that this requires a de novo review.

Note Mr. Hughes said his application states that the assessment is void and irrelevant. Mr. Godbout said he contacted the town and asked for the comparables they used when they assessed his property, and they couldn't identify any documents that were used; that leads him to believe they just picked the number out of the air and can't substantiate the value.

Note Mr. Hughes asked Mr. Godbout about his field card which he objected to since he hasn't seen it and can't substantiate the values. He asked who wants to introduce it as evidence.

Note Mr. Hughes explained that field cards are available on the town website. Mr. Godbout asked who gave the Board the field card and Mr. Hughes said the Assessor. Mr. Godbout replied that the Assessor is not here to introduce the card into evidence and he therefore objects.

Note Mr. Hughes asked details about the house such as number of bedrooms, square footage, and the like.

Note Mr. Godbout said Mr. Hughes continues to look at a document he objects to and that hasn't been introduced into evidence.

Note Mr. Godbout said he objects to the appraised value of \$409,100 and the assessed value of \$286,370 since the town doesn't have any evidence that those values are accurate.

Note Mr. Godbout discussed the use of Vision Appraisal as town agent and how he didn't have a hearing with them since he cannot allow them on his property without a warrant.

Note Mr. Godbout discussed comparable properties.

Note Mr. Godbout said he noticed reference to him having oil heat and he said he uses a coal stove to heat his home not oil; he uses a boiler to heat hot water.

Note Mr. Hughes said they feel they have enough information and that this concludes his appeal. He thanked Mr. Godbout for his time.

6. Adjournment

Decision MOTION (6)

Mr. Hughes moved to adjourn the April 13th, 2022, Board of Assessment Appeals Meeting at 9:04 p.m.
Mr. Bekech seconded the motion.
Motion carried, 4-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

David Godbout)	East Lyme
)	Board of Assessment Appeals
v.)	
)	No Case # assigned
Town of East Lyme)	
)	13 APR 22

MOTION TO DISQUALIFY

Members of the Board of Assessment Appeals Are Subject to Disqualification

The Board of Assessment Appeals (BOAA), in their 18 SEP 22 hearing concerning Mr. Godbout’s case before the BOAA regarding a 2014 Chevolet Volt. The BOAA refused to adjust the assessment of Mr. Godbout’s vehicle. The minutes of the BOAA 18 SEP 21 meeting note, regarding the 2014 vehicle the board voted **“to take no action”**. Even though sufficient undisputed evidence was provided to the BOAA regarding the condition of the vehicle that would have required an adjustment and lowering of this vehicle’s assessment.

The BOAA, members present and active in the 18 SEP 22 BOAA hearing on Mr. Godbout’s 2014 vehicle included: Mr. Bekech, Mr. Attanasio, and Mr. Hughes of the BOAA with Ms. Brooke Stevens as secretary.

Prior to the hearing regarding Mr. Godbout’s 2015 vehicle, Mr. Godbout presented a written Motion to Disqualify and orally presented a motion to disqualify. The two motions’ subjects were to disqualify Mr. Bekech, Mr. Attanasio, and Mr. Hughes.

The BOAA refused to accept the motions, claiming that litigants before the BOAA **“cannot make motions”**, see minutes of 18 SEP 22 BOAA meeting.

The law, however, is very clear that motions to disqualify administrative tribunal members go to the very heart of our Fourteenth Amendment due process rights.

Motions to disqualify go to the due process, constitutional rights, of litigants before the BOAA and other administrative tribunals. As noted in the Clisham case, the state supreme court noted:

The dispositive issue in this appeal is whether the named defendant, the board of police commissioners of the borough of Naugatuck (board), acted with the impartiality mandated by the constitutional guarantees of due process when it voted to remove the plaintiff, Dennis E. Clisham, from the office of chief of police of the borough of Naugatuck ...

We conclude, to the contrary, that the plaintiff's constitutional right to a fair hearing before an impartial tribunal must be preserved by a remand for a new administrative hearing. The board does not contest the seriousness of the plaintiff's property interest in retention of his position as chief of police. It would be a miscarriage of justice to uphold the board's actions in this instance merely because the town has not provided a procedure for replacing disqualified board members.

Dennis E. Clisham v. Board of Commissioners of the Borough of Nantucket ET AL., 233 Conn. 354 (1992)

And the state's High Court also noted in Boleslaus J. Murach, Jr. ET AL. v. Planning and Zoning Commission of the City of New London ET AL., 196 Conn. 192 (1995), the High Court noted it is preferred that litigants before administrative tribunals file motions to disqualify at the administrative level.

More FOIA Cases and FOIA Law Relevant

The BOAA and Town of East Lyme has been ordered by the Freedom of Information Commission to conduct its hearings in strict compliance of CGS Sec. 1-225. See Godbout v. East Lyme BOAA, FIC Docket # 2012-504, with the commission ordering:

- 1. Henceforth the respondents shall strictly comply with §1-225, G.S., in conducting hearings and meetings concerning tax appeals.**

Violating an order of the commission is a crime under CGS Sec. 1-240 that states:

(b) Any member of any public agency who fails to comply with an order of the Freedom of Information Commission shall be guilty of a class B misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense.

In Freedom of Information Case, Docket # 2018-0177, Christopher Peak ET AL. v. Chairman, Finance and Operations Committee, Board of Education, City of New Haven ET AL the commission noted that speaking in low tones, making the speech of the members of the agency inaudible, is a violation of CGS Sec. 1-225, noting:

11. It is concluded that the respondents violated Sec. 1-225, G.S. by failing to post the agenda in a timely manner and by discussing agency business inaudibly during the meeting of February 16, 2018.

In Freedom of Information Case, Docket # 2017-0318, Stacey Joseph v. Chairman, Planning and Zoning Commission, Town of Stafford ET AL, the commission found, relating to agency members not speaking in a manner that allows people attending the meeting to hear the proceedings, the following:

8. It is found that no member of the public, including the complainant, informed the PZC members that they could not hear the conversation between the members, described in paragraph 7, above.

The commission in case 2017-0318 indicates that when persons attending a meeting where they cannot hear the members of an agency during the conduct of their business in a meeting that they inform the agency members of this fact.

In Freedom of Information Case, Docket # 93-331, the commission noted that inaudible meetings are not open meetings, noting:

8. It is found that at that time, the respondents engaged in a discussion lasting several minutes, and although not explicitly alleged in the complaint, it is found that the discussion was inaudible to the audience and therefore not open to the public within the meaning of 1-21(a). G.S.

In Freedom of Information Case, Docket # 2015-790, the commission noted that issues related to meeting minutes are continuing violations, noting:

6. This Commission has held that “the responsibility to create minutes and make them available for public inspection is a continuing one and that the failure to meet such responsibility of a continuing violation...” See William J. Beach v. Chairman, Winsted Zoning Board of Appeals and Winchester Building Inspector, Docket FIC # 1988-362 (1998)...

Facts 1 Relied Upon Regarding Members Attanasio, Bekech, and Hughes 13 SEP 22

All three members conspired to deny Mr. Godbout's Fourteenth Amendment rights to due process by refusing to accept the motions to disqualify presented against all three members on 18 SEP 22 during a car assessment hearing before the BOAA.

Facts 2 - Relied Upon Regarding Members Attanasio, Bekech, and Hughes 13 SEP 22

All three members refused to speak in a manner that allowed the audience at the 13 SEP 22 BOAA meeting to hear to proceedings. This violated CGS Sec. 1-225 and also was a crime as this was a similar issue to the FOI Commission case 2012-504, Godbout v. East Lyme BOAA ET AL. The BOAA was ordered to conduct its assessment hearings in accordance with CGS Sec. 1-225 provisions and willingly and wantonly did not, disobeying the prior order of the commission. A crime under CGS Sec. 1-240.

Mr. Godbout also informed the BOAA during its 13 SEP 22 meeting that the audience could not hear what the 3 members were saying. Mr. Godbout was sitting in the seating arraigned by the BOAA for its meeting and could not hear what the BOAA members were saying during deliberations processes.

The BOAA, instead of taking corrective action such as talking louder, allowing the audience to move closer to the BOAA members, etc. , instead, the BOAA directed the BOAA secretary to contact the police and file a complaint with the police with the hope of Mr. Godbout getting arrested.

The BOAA secretary contacted Mr. Kevin Seery, acting First Selectman immediately after the members directed the BOAA secretary to call the police.

The police showed and required Mr. Godbout to remove himself from the audience. No wrongdoing was found by the police regarding Mr. Godbout. The police were simply called to clear out the audience so that the BOAA could continue to conduct business without the prying eyes and ears of the audience being allowed to attend the meeting of the BOAA. Such action by the BOAA is a violation of CGS Sec. 1-225. And the second violation of CGS Sec. 1-240 of the members of the BOAA on 18 SEP 22.

The secretary contacted Mr. Seery via a phone text message. Mr. Godbout sought the text message from Ms. Brooke Stevens shortly after 18 SEP 22. Ms. Stevens destroyed the

record rather than provide it to the public through Mr. Godbout's public record request. This is a crime under CGS Sec. 1-240 by Ms. Stevens, the BOAA secretary.

Mr. Godbout also contacted Acting First Selectman Seery for the text message he got from Ms. Stevens (as stated in his call to the police, a copy of which Mr. Godbout obtained through a record request from the East Lyme Emergency Management Services shortly after 18 SEP 22. Mr. Seery also destroyed the text message. Another violation of CGS Sec. 1-240 that makes the destruction of public records a crime.

Facts 2 - Relied Upon Regarding Member Hughes

On 2 MAY 17 Mr. Hughes met with East Lyme Policeman Jean Cavanaugh and provided false information to the police. As a result of the false statement made to the police, Mr. Godbout had to defend himself in a criminal matter.

While the state ultimately wished to nolle the charge against him, based on the false statements Mr. Hughes' made to the police, the court ended up dismissing the case instead on 5 JAN 18 when the court learned of the falsities that the state was trying to use to support their criminal charge. The court would have nothing to do with such improper activity and dismissed the case after Mr. Godbout filed a motion to dismiss.

Mr. Hughes further provided a court with an affidavit stating that he told the states attorney office that he had no intention of pursuing the criminal matter; this statement was made in response to a civil suit against Mr. Hughes by Mr. Godbout in connection with the criminal matter that began on 2 MAY 17 with Mr. Hughes' falsities that he told the police. However, Mr. Hughes did not seek the state to stop prosecution as evidence by the state wishing to continue having the case able to be prosecuted.

Facts 3 – 2018 Meeting of BOAA Hughes Disqualified

The meeting minutes of the BOAA of 8 SEP 18 detail the fact that Mr. Hughes has a personal bias against Mr. Godbout. The minutes show that Mr. Hughes was disqualified and recused himself from the proceedings of the BOAA related to property assessment appeals cases of Mr. Godbout.

Facts 4 – Violation of CGS Sec. 1-225, FOI Commission orders, CGS Sec. 1-240

The BOAA have held hearings on 4 APR 22, 5 APR 22, and 6 APR 22. All three hearings related to assessment appeals do not have minutes created and posted as required by CGS Sec. 1-225. Such violations disobey orders of the Freedom of Information Commission and are criminal acts under CGS Sec. 1-240.

BOAA Members Sought to Be Disqualified – Hughes and Bekech

For the reasons set fourth in this motion, including the law examined and the fact sets of 1 through 4, the following members should be disqualified.

The BOAA should take judicial notice of its own meeting minutes and judicial decisions regarding its violation of our open meetings law. The facts indicate that the members Hughes and Bekech have in the past denied Mr. Godbout's Fourteenth Amendment rights, performed numerous criminal acts in response to Mr. Godbout and his legal activities, and will continue to do so if allowed to continue in being active in BOAA cases involving Mr. Godbout.

Mr. Godbout has done nothing wrong in respect to Mr. Hughes, Mr. Bekech, and the BOAA. Insuring that open meeting laws are adhered to, insuring that Mr. Godbout's due process rights are protected, and seeking enforcement of CGS Sec. 1-240 is not reason to violation Mr. Godbout's rights as these members have done.

The past actions by the members have prejudiced Mr. Godbout and there is no indication that the members will not continue to do so.

Mr. Godbout has the undeniable right to a fair and impartial hearing before a tribunal whose members are impartial and non-biased. Yet it is clear that the tribunal cannot have the two members of Hughes and Bekech as members in cases as they have already demonstrated their willingness to deny Mr. Godbout's rights and to commit crimes and to lodge warrantless complaints against Mr. Godbout for the purpose of continuing to violate our open meetings laws.

BOAA Members Sought to Be Disqualified – Kalajainen, Cicchiello, and Szupiany

For the reasons provided in the law noted above and the set of facts noted in Fact 4 where the BOAA and its members, including these three other members of the BOAA, are willingly and wantonly continuing to violate orders of the FOI Commission and violate the rights of Mr. Godbout and the public.

Any and all of the members including Kalajainen, Cicchiello, and Szupiany could have, individually or together, created and posted minutes to comply with CGS Sec. 1-225 and avoid violations of CGS Sec. 1-240 regarding the meetings of 4th, 5th, and 6th of April 2022. They decided not to.

CGS Sec. 1-225 requires the posting of minutes seven days after the meeting's occurrence. It is beyond those required seven days within to post minutes for the April dates of 4th, 5th, and 6th.

All the members of the BOAA are responsible for the violation of not posting minutes. The lack of minutes posted gave notice to the members of the violations of CGS Sec. 1-225 and the members still took no action.

Submitted by,



David Godbout
15 Cardinal Rd.
East Lyme, CT 06333
tel. 860-691-8053