



TOWN OF MIDDLEBURY

Board of Assessment Appeals

March 24, 2015

Meeting Minutes

Members present:

Brendan M. Browne
Stephen R. Ferrucci, III
Robert J. Flanagan, Jr.

1. Chairman Stephen R. Ferrucci, III called the Board of Assessment Appeals meeting to order at **7:04 p.m.**
2. The following assessment appeals were heard by the board. Each appellant was delivered the statutory oath by Chairman Ferrucci.

Appeal of: Lot 193 Lake View Drive

Lots 003, 012, 032, 048, 096 Lake Shore Drive

Lots 046, 050, 053, 064, 078, 081, 092, 108, 127, 167, 177, 179, 181 Washington Drive

Present: Attorney Donald McGill (executor)

Reason for appeal: Attorney McGill said these are 20 X 100 "T" lots. The lots used to be designated as forest land. A forester has determined these lots are no longer forest land. The new definition of forest land has stricter conditions. These are randomly isolated lots. He would like to see the lots grandfathered back into forest land designation since they had been that way for forty years. Twenty to thirty lots have been sold over the years to abutting land owners. There are no houses near these lots and no interested buyers. They are landlocked, isolated in the woods and inaccessible by car. Attorney McGill has put a value for each lot at \$400 to \$500.

Decision: The board is waiting to make a decision at this time.

Appeal of: Lot 145 Washington Drive

Present: Attorney Donald McGill (executor)

Reason for appeal: Attorney McGill stated this particular lot is currently not a building lot. It is 1.88 acres and has the potential to be a building lot even though there are wetlands on the property. The town has the assessed value of the property at \$81,500 which he does not agree with. This lot is one of the many "T" lots he is appealing.

For the record:

S. Ferrucci: "We are talking specifically about Map 2 Block 00 Lot 145 which is frontage on Washington Drive after Walnut Road."

Decision: The board is waiting to make a decision at this time.

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Appeal of: 1050 Straits Turnpike

Present: Richard Elderkin

Reason for appeal: Mr. Elderkin said he filed his personal property declaration on time with the assistance of the Assessor's Office Clerk. He wants the board to rule on the 25% (twenty-five percent) penalty for non-filing. He does not agree with the assessor's value of \$5,000 for the payloader. Mr. Elderkin submitted a \$1,700 appraisal for the payloader from Davis Auctions, Inc. and Appraisal Service.

Decision: VOTED: Unanimously on a motion by R. Flanagan and seconded by B. Browne that the board reduce the pay loader to \$1,700 and waive the 25% (twenty-five percent) penalty due to a stamped in property declaration as of October 24, 2014 by the Middlebury Assessor's Office.

For the record:

R. Flanagan: "Changing the loader to \$1,700 gives an assessed value on the loader of \$1,190 and a fair market value of \$1,700."

Appeal of: 13 Yale Avenue

Present: Steven Ford

Reason for appeal: Mr. Ford estimates the value of his equipment to be between ten and twelve thousand dollars. He thinks the town's value is too high for the amount of equipment he owns. He has a 2013 Scag lawn mower, two backpack blowers, two weed whackers, shovels and rakes. His two trucks and trailer are assessed separately.

Decision: VOTED: Unanimously on a motion by R. Flanagan and seconded by B. Browne that the board reduce the assessment from \$16,687 to \$11,092 fair market value of the equipment.

Appeal of: Lasky Construction Company, Inc. – 767 Watertown Road

Present: Robert Cappelletti, CPA (authorized representative)

Reason for appeal: Mr. Cappelletti said Mr. Lasky's personal property is overvalued due to age. He estimates it is worth \$32,200. Mr. Cappelletti stated a fax machine valued at \$195 has been gone for years and its value should be removed. A Mitsubishi excavator was sold in August of 2014 and the \$16,500 value should also be removed.

Decision: VOTED: Unanimously on a motion by R. Flanagan and seconded by B. Browne that the board reduce the assessed value from \$59,159 to \$47,471.90 because a fax machine valued at \$195 was sold and a Mitsubishi excavator valued at \$16,500 was disposed of in August 2014. During the board's investigation, Mr. Lasky's 2014 personal property declaration was not filed by November 2014 as required and a 25% (twenty-five percent) penalty was not given. Therefore the board is applying the 25% (twenty-five percent) penalty for non-filing.

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Appeal of: Multiple Services – 10-2 Old Waterbury Road

Present: No show

Decision: VOTED: Unanimously on a motion by B. Browne and seconded by R. Flanagan that the board deny the appeal based on the fact she failed to show up for her hearing.

Appeal of: Waterbury Hospital Sleep Lab – 1625 Straits Turnpike

Present: No show

Decision: VOTED: Unanimously on a motion by R. Flanagan and seconded by B. Browne that the board impose a 25% (twenty-five percent) penalty for not filing a declaration of property.

Appeal of: 10 Tylers Cove Condo

Present: George Nybakken

Reason for appeal: Mr. Nybakken feels the value of his condo is \$500,000. The town's assessed value is \$647,000. Tylers Cove has thirty-eight units all different shapes and sizes. He presented two comparables to his unit that sold in 2014 for three quarters of the appraised value.

Decision: VOTED: Unanimously on a motion by R. Flanagan and seconded by B. Browne that the board deny his appeal on the grounds he provided insufficient information to show that the appraised value as of the last revaluation, October 2011 Grand List, is inaccurate.

Appeal of: 28 White Avenue

Present: Thomas C. Belinski

Reason for appeal: Mr. Belinski owns a very small house. He said houses in the area that are selling are newer, larger, in better condition and are appraised lower than his property. Mr. Belinski feels the value of his property is approximately half of the town's value. He said the land is worth twice as much as the house.

For the record:

S. Ferrucci: "The town has the appraised value at \$181,600 and the assessed value at \$127,100.

Decision: VOTED: Unanimously on a motion by B. Browne and seconded by R. Flanagan that the board deny his appeal because he provided insufficient information regarding sales in the year of 2011 when the revaluation was done.

Appeal of: 298 Burr Hall Road

Present: Joseph Antonios

Reason for appeal: Mr. Joseph Antonios resides at this address but is not the trustee of the property. His brother, Patrick Antonios, is the trustee but did not submit a letter for him to be the authorized representative. Attempts to get a verbal authorization were unsuccessful.

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Decision: The board denied the appeal based on the fact the appellant did not show up for his hearing.

Appeal of: Pisani Interiors – 33 White Avenue

Present: Anthony J. Pisani, Sr.

Reason for appeal: Mr. Pisani thinks his business should be assessed at \$648. The town has it assessed at \$4,800. He handed the board a list of his office equipment. He did not file his personal property declaration with the town in November 2013. Mr. Pisani said he filed every year but was told by the Assessor's Office that he put in a request not to file. He does not recall making such a request but said he was working for a firm and not doing anything for his business. Mr. Pisani has not filed his personal property declaration since 2007.

Decision: The board is waiting to make a decision at this time.

Appeal of: 36 Chesham Drive

Present: No show

Decision: The board denied the appeal based on the fact he failed to show up for his hearing.

3. **VOTED:** Unanimously on a motion by B. Browne and seconded by R. Flanagan that the Board of Assessment Appeals approve all routine expenses are to be paid.

4. Public Comment – None

5. **VOTED:** Unanimously on a motion by R. Flanagan and seconded by B. Browne that the Board of Assessment Appeals will meet in September to hear Motor Vehicle Appeals.

For the record:

S. Ferrucci: We will need to schedule and add a meeting for executive session to make decisions on open appeals.

6. **VOTED:** Unanimously on a motion by B. Browne and seconded by R. Flanagan that the meeting be adjourned at **10:10 p.m.**

A digital recording of this meeting is available in the office of the Assessor for further review.

Attest:

Nancy K. DiMeo, Recording Secretary