



TOWN OF WINCHESTER
Board of Assessment Appeals
Held Remotely (Via Zoom)
and was streamed live on YouTube:

<https://www.youtube.com/channel/UCT1ffiBjMTBQM5OEXSgKlqg/videos>

March 24, 2021 – 5:00PM
Meeting Minutes

1. CALL TO ORDER:

Selectman Todd Arcelaschi, liaison to the Board of Assessment Appeals, called the meeting to order at 5:18PM.

2. ROLL CALL:

Roll call was completed by John Herman. Present at the meeting in addition to him were Jackie Mulvey, Joel Stewart, and Alternates Glenn Albanesius and Melissa Reagan.

Also present were Assessors Cory Iacino and Jill Healey.

3. ELECTION OF OFFICERS:

Mr. Stewart and Ms. Mulvey suggested that Mr. Herman chair this Board. Mr. Herman graciously agreed.

4. AGENDA REVIEW:

The agenda was modified to take up the application on 851 East Wakefield Boulevard as the first item of business as Mr. Closson was present and the applicants ahead of him had not yet joined.

5. APPEAL HEARINGS:

A. (Real Estate) Closson, Craig and Janet 851 East Wakefield Boulevard, Map 044, Block 108, Lot 6+7.

Mr. Closson appeared before the Board regarding this application. He explained that this was a lot he had purchased in December, 2020 for \$37,500. The previous owner had held the lot for eleven years and had paid \$26,500 for this parcel, according to Mr. Closson. He noted that it was just over a half-acre. Mr. Closson opined that the current valuation of the land by the Town at ±\$90K was too high based off two arms-length transactions. He noted that examples of other sales were also included in his appeal application which were not valued anywhere near \$90K.

Mr. Herman questioned whether this lot had a foundation on it currently. Mr. Closson confirmed. Mr. Herman questioned whether a house was being constructed. Mr. Closson confirmed. Ms. Mulvey questioned whether the lot had been cleared. Mr. Closson confirmed. Mr. Herman recalled there being a nice view of Highland Lake from this lot. Mr. Closson indicated his view was somewhat blocked due to the trees across the street, on the lake side. Mr. Herman questioned whether it was an advertised sale. Mr. Closson reported the land being on the market for a number of years and was listed with a real estate company in Winsted for quite a while.

Mr. Stewart referenced a note indicating a driveway easement and questioned whether the appellant's property was subject to an easement. Mr. Closson explained that his surveyor, John DiCara, indicated that a house in the back had previously accessed through the dirt road as part of their driveway had been on this property. He reported it had been straightened out prior to his purchase. Mr. Stewart questioned whether the property was flat or was hilly. Mr. Closson noted that it was not flat and was sloped. Ms. Mulvey questioned whether the driveway was accessed from East Wakefield Boulevard. Mr. Closson confirmed. Mr. Stewart opined that if the property had been publicly listed for a period of time, and then sold for \$37,500, this was the value that is closer to where it should be from a market perspective. He suggested to the fellow board members that the condition factor of 1 should be reviewed if there is a chunk of this applicant's property missing or being utilized via an easement. If parts of it are not perfectly flat land, then that should be something this Board can work with, according to Mr. Stewart.

Mr. Closson noted that both transactions, his and the former owners', were arms-length transactions that did not include family members. Mr. Herman questioned whether he could access the Multiple Listing Service (MLS) to research the property. Mr. Stewart indicated that he could. Ms. Mulvey questioned whether the assessed value was based on a certain date.

Mr. Stewart provided an explanation as to how VISION APPRAISAL completes their assessments for the towns, noting that the smaller the acreage, the higher the value of the property per acre. He opined the multiplication factor can get ridiculous. He suggested that what this Board should work with is the condition factor.

Mr. Stewart questioned how much of the total property was affected by the easement. Mr. Closson noted that it was a very small percentage and explained that it needed to be clarified for the title so there would be no issues.

Discussion on this application included the property having a view of the lake. Mr. Stewart noted that while no appraisal was provided, some opine that an actual sale price is a better indicator of predicting actual value. Mr. Herman agreed, if the property was exposed to the market. Mr. Herman then researched the MLS. Ms. Mulvey questioned whether there was access to the lake across the street from the applicant's property. Mr. Herman indicated that there was no mention of any. He noted that the MLS listing had included the offer of the seller to build the home for a prospective buyer.

Ms. Iacino questioned what Mr. Stewart was referring to when he discussed factor. Mr. Stewart explained that the description of the land included it being subject to easements and steep, rugged terrain. Ms. Iacino questioned whether they are able to build on it. Mr. Stewart confirmed, noting that the applicant had confirmed it had a foundation already. Ms. Iacino questioned whether there is any confirmation that the sale was an arms-length transaction. Mr. Herman reported the MLS reflecting a 2019 asking price of \$58K and in 2020, had an asking price of \$49K. Ms. Iacino questioned whether the applicant provided a copy of the easement reflecting the scope and limits of encumbrance. Mr. Stewart indicated that the notes reflect there was one. Mr. Herman noted that this lot did have a view. Ms. Iacino reminded the Board that the values they were reviewing were in the snapshot of 2017, during the revaluation period. Mr. Stewart opined that market comparisons are unnecessary in this situation as the property serves as its own comp.

B. (Personal Property) Ansari, Asim SAN, LLC d/b/a AM Citgo.

Assessor Cory Iacino reported the application was withdrawn.

C. (Real Estate) Berka, George 87 Hillside Avenue, Map 110, Block 049, Lot 014.

George Berka appeared before the Board regarding this application. He summarized his appeal was due to the eviction moratorium enacted through the governor's executive orders as a result of the COVID-19 pandemic. He explained that it was very difficult to evict tenants and noted the rental income was his primary source of income. Mr. Berka sought a pardon for the property taxes due to this reason.

Mr. Herman requested a breakdown on the applicant's typical rentals and information on the missed rentals. Mr. Berka reported having four properties including this one in Winsted, one in Middletown, and several others in Waterbury. He estimated that 60% of his rents have not been received over the past year.

Ms. Mulvey questioned whether this type of relief was within the purview of this Board. Ms. Iacino later explained that this was not something that fell within an Assessing statute that would allow this Board to handle. It would be a matter to be handled legislatively, according to Ms. Iacino. Mr. Stewart posited that when cash flow is cut, value is cut. Ms. Iacino noted that property owners across town have faced similar challenges.

D. (Real Estate) Bernstein, Carey 436 Winchester Avenue, Map 030, Block 156, Lot 004A.

Attorney Mark Needelman appeared before the Board regarding this application. He reported his client purchased this property last summer which had previously received an exemption pursuant to Public Act 490, one that had been in place for a number of years. He explained that his client had not had adequate time to hire a certified forester to prepare the required report to submit to the Assessor's Office by the mandated October 1 deadline. As a result, the exemption disappeared and the property was revalued at its fair market value, determined to be \$322,490, or a change of \$100K. Attorney Needelman indicated that there was no change to the property except for the elimination of the exemption. He characterized the circumstances as a unique hardship for someone who did not have time to contract, attain, and submit an application by the October 1 deadline.

Mr. Herman questioned the date of the closing. Attorney Needelman reported that it occurred during the middle of August. His research for this year's filing has revealed that the report can take two to three months to obtain. Mr. Herman questioned whether the exemption expires upon sale. Attorney Needelman confirmed. He further requested that the Board grant a one-year exemption and if his client should fail to apply this year, it would be lost.

Mr. Stewart questioned whether this type of temporary reprieve can be granted. He noted that as he understood it, this relief does not expire after a year. Ms. Iacino later explained that the Classification of Forestry is filed on the Land Records and should have been discovered as part of the title search. She opined that the time between the closing and October 1 should have been adequate time for a forester to provide the necessary report. Mr. Herman questioned whether the Board finds that there was not enough time to contract a forester, a temporary exemption could be granted. Ms. Iacino indicated that there is no language in the statutes that make allowance for it.

E. (Personal Property) Czerwinski, Suzanne ZZ Dezin.

Suzanne Czerwinski appeared before the Board regarding this application. She explained that her daughter had received the original notices which had then been then left in the car, so she was unaware of them. Ms. Czerwinski explained that she had previously had two businesses, ZZ Design, a photography website development business and the other, a reiki business. Ms. Czerwinski reported having no assets and had never transacted any business. She noted the website for ZZ Dezin had been deactivated and the domain has since been given up. She explained that she never had any clients nor any assets with this business.

Mr. Stewart noted that \$2500 had been assigned to her business and questioned whether she ever had any assets or received any monies. Ms. Czerwinski indicated that she did not despite having reserved tables at fairs and balloon festivals. She noted that the only asset she had in this regard was her camera which she used to take classes at the college in Winsted. Ms. Czerwinski reported that she never had a client.

Mr. Stewart questioned Ms. Iacino how this came to be an assessment. Ms. Iacino referred him to the notes provided, explaining that the businesses were discovered prior to October 1st. Personal property declarations were then forwarded to Ms. Czerwinski and nothing was ever returned to the Assessor's office. In accordance with C.G.§. 12-41 and 12-42, the Assessor is to use his/her best estimate in which to gauge what equipment may be part of the business. Mr. Stewart questioned whether an assessment was assigned after just finding evidence of an LLC. Ms. Iacino explained that there need not be an LLC created. Inquiry came from the board about how the businesses are found. Ms. Iacino noted the various sources that are used.

Mr. Stewart suggested that the assessment be removed. Ms. Iacino questioned whether a determination was made that the businesses were closed prior to October 1st. Mr. Stewart indicated that there was not but noted that if a Facebook ad suffices as a business, it may not be evidence that it ever existed. Ms. Iacino explained that dissolution paperwork would have been provided to the applicant had there been advanced communication in this regard.

F. (Personal Property) Czerwinski, Suzanne River Reiki and Readings.

Suzanne Czerwinski appeared before the Board regarding this application. This application was discussed and considered in combination with the one preceding it.

G. (Real Estate) Hill, Jeffrey and Amanda Spencer Hill Road, Map 011, Block 150, Lot 061BB1.

Jeffrey and Amanda Hill appeared before the Board regarding this application. Ms. Hill explained that they were working with a forester on the 29-acre parcel adjacent to their home that they recently purchased. She noted that they would be applying for an exemption pursuant to Public Act 490 in the fall. Mr. Hill questioned whether they could file now. Mr. Herman confirmed that they could but explained that it would be effective as of October 1. Mr. Hill explained that he and his wife did not know it was classified as forest before they had purchased it. She noted that the forester visited in November and had provided a report.

Ms. Iacino noted that when the applicants had purchased the property in February of 2020, they probably should have been advised to contact a forester at that time as the exemption would have been recorded on the Land Records.

H. (Real Estate) Hills, Nancy and Frank 246 Gilbert Avenue, Map 108, Block 027, Lot 001.

Frank and Nancy Hills appeared before the Board regarding this application. Prior to their appearance, the Board reviewed an appraisal prepared for the Town of Winchester by Appraiser Robert Bartos as part of a foreclosure action reflecting a value on the property of \$35K. Mr. Herman questioned Ms. Hills about the value, noting that the Assessors value the property at \$179K, and sought details on why Mr. and Ms. Hills thought the property was not worth that. Ms. Hill noted that the house needs work. Mr. Hills indicated that he and his wife did not think the house was worth less but noted that the Town did. Ms. Hills noted that there is a stream that runs underneath the house, so a sump pump runs 24/7 at their home.

Mr. Herman again questioned what the applicants thought the house was worth. Mr. Hills indicated they thought the house was worth \$120K. Mr. and Ms. Hill indicated that they live on Social Security and have health conditions.

I. (Real Estate) Horvay, Ryan 545 East Wakefield Boulevard, Map 038, Block 105K, Lot 173178.

Ryan Horvay appeared before the Commission regarding this application. He noted that as he began to construct his home, the appraiser and his lender advised him that one property was identified as *direct water access* while the other is *direct waterfront*. Mr. Horvay explained that his property at 544 East Wakefield Boulevard is a separately deeded property which is a lake-front property. He noted that there is a shed and a dock. He explained that his houses are at 545 East Wakefield Boulevard. Mr. Horvay explained his bank had questioned the taxes because the two parcels are separate deeds and noted the waterfront property could be sold which could leave the houses as no longer with waterfront. He reported that his lender had opined that it was double-dipping.

Mr. Herman questioned whether the mortgage encumbers both properties. Mr. Horvay confirmed. Mr. Stewart questioned why both field deeds were not submitted and whether the Board could get copies of those. He noted that the field card reflected, "both lots combined; 173-178 combined on 3/29/2011." He questioned whether they had subsequently been divided. Mr. Horvay explained that he gets two tax bills, with each being a combination of lots stemming back from the Highland Lake Realty divided parcels.

Mr. Herman questioned whether the valuation of \$232K was for the two parcels. Mr. Horvay indicated that value was just for the lot with the houses, without the waterfront. Mr. Stewart questioned whether the easement noted was for the waterfront access. Mr. Horvay indicated it was not.

Mr. Herman noted that the assessed value on the waterfront property, 544 East Wakefield Boulevard, at \$13,060. He opined that if that land were to be sold, it would likely sell for significantly higher than that.

Ms. Iacino explained that the applicant was appealing the value of the house parcel and its direct water access. She noted that there is a direct *water access* factor of 3.25. Across the street, on the lakeside parcel, Ms. Iacino explained that it was classified as vacant, unbuildable and is *waterfront* at a factor of 5.5. She noted that the house does have water access and explained there are other similar properties at Highland Lake.

Mr. Stewart noted that the two parcels were conveyed in different deeds. Ms. Iacino noted that the mortgage is based off having that water access. Mr. Stewart questioned whether the owner's independent agreement with third parties for financing affect the Town's evaluation. It was noted that because it is the same ownership, one influences the other. Mr. Stewart indicated that he understood how it could influence the other and agreed that they are more valuable together. Ms. Iacino agreed that if one of the parcels was sold separate from the other, that would be the point that the value might be reviewed.

6. DELIBERATIONS/VOTES:

A. Ansari, Asim SAN, LLC d/b/a AM Citgo.

The applicant did not attend. There was no adjustment to the assessment.

B. Closson, Craig and Janet 851 East Wakefield Boulevard, Map 044, Block 108, Lot 6+7.

The board unanimously agreed to adjust the total value to \$37,500 on this parcel, having found that it had been duly marketed over time.

C. Hills, Nancy and Frank 246 Gilbert Avenue, Map 108, Block 027, Lot 001.

The consensus of the board was to adjust the total real estate value of \$35K on the property as it was the value assigned in the appraisal provided to the Town in a separate matter.

D. Horvay, Ryan 545 East Wakefield Boulevard, Map 038, Block 105K, Lot 173178.

The board agreed that there would be no change to the real estate value assessed by the Town.

E. Bernstein, Carey 436 Winchester Avenue, Map 030, Block 156, Lot 004A.

The board agreed that there would be no change to the real estate value assessed by the Town.

F. Berka, George 87 Hillside Avenue, Map 110, Block 049, Lot 014.

The board agreed that there would be no change to the real estate value assessed by the Town.

G. Czerwinski, Suzanne ZZ Dezin.

The board agreed that the personal property value levied would be zeroed out.

H. Czerwinski, Suzanne River Reiki and Readings.

The board agreed that the personal property value levied would be zeroed out.

I. Hill, Jeffrey and Amanda Spencer Hill Road, Map 011, Block 150, Lot 061BB1.

The board agreed that there would be no change to the real estate value assessed by the Town.

6. ADJOURN:

The meeting adjourned at 7:15PM.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk