the office furniture and equipment located there. He owns but a fax machine, printer and telephone.

Attorney Vaccaro did not file a personal property declaration with the Bridgeport assessor for two assessment years, apparently overlooking his ownership of the aforementioned few items. Reasoning that Attorney Vaccaro "must have owned office furniture and equipment in the year(s) in question . . ., " the Bridgeport deputy assessor acted under the relevant statute to complete a declaration for him.

The deputy assessor made informed guesstimates about how much personal property Attorney Vaccaro would likely have in his law office. The deputy assessor also added a 25 percent penalty because of Attorney Vaccaro's failure to file a declaration.

Understandably perturbed by the fact that the deputy assessor was attributing to him property he did not own or lease, together with the concomitant tax, Mr. Vaccaro challenged his actions in court.

"Understandably perturbed by the fact that the deputy assessor was attributing to him property he did not own or lease, together with the concomitant tax, Mr. Vaccaro challenged his actions in court."

Judge Trial Referee Arnold W. Aronson recognized that Attorney Vaccaro was obliged to file personal property declarations but held that he did not have to list any property owned by the attorneys from whom he leased the office space. Judge Aronson based his ruling on the fact that there was "no evidence that [Attorney Vaccaro] entered into a written contract to lease the office equipment from the other attorneys."

The right to "intermittent" use of office equipment, as opposed to an ongoing lease, absolved Attorney Vaccaro from any obligation to declare it to the assessor. Moreover, the other attorneys in the office had filed appropriate personal property declarations with the assessor.

Reviewing all the information, the Superior Court reduced Attorney Vaccaro's personal property assessment from $11,719 to $60, the depreciated value of the telephone, printer and fax machine.

Vaccaro v. City of Bridgeport, Superior Court, Judicial District of Fairfield, Docket No. CV-074021160 (December 10, 2008).

Gregory F. Servodidio at (860) 424 4332 or at gservodidio@pullcom.com can answer questions about the assessment of more substantial personal property assets.

Economic Decline Has Far Reaching Effects - Another Airport Valuation Issue

The town of Plainville agreed to purchase the small general aviation Robertson Airport, really more of a landing strip, in order to keep it from being developed into tax revenue-draining, single family homes.

The purchase price was negotiated during the first part of 2008 after the town received an appraisal for $6.8 million; the family that owns the property submitted an appraisal with a higher value estimate. The town and the family agreed on $7.7 million subject to the deal going to a public referendum for approval.

A local lawyer challenged the purchase price, asserting quite justifiably that both appraisals were based on prevailing land transactions before the real estate crash of late 2008 and did not properly convey the current market value of the airport.

The Plainville town manager agreed that a new appraisal would produce a lower value but stressed that because the Federal Aviation Administration is paying 95 percent of the price and the Connecticut Department of Transportation is contributing another 3.75 percent, the town's share of the purchase price is only 1.25 percent. Thus, even a substantial price reduction would net the town very little savings.

In other words, a classic "OPM" transaction!

The town manager also cautioned voters about assuming that the current owners would agree to a lower purchase price and that funding, after new appraisals and negotiations, would not be certain. For reasons best known to the town, eminent domain was not presented as an option, or at least not mentioned in the media.

A condition to the FAA funding is that Plainville maintain airport operations, which is its plan.

The referendum held on March 31 approved the purchase. Time will tell whether the owners received the windfall which the opponent of the sale asserted.

Market adjustments to comparable sales properties can be discussed with Elliott B. Pollack at (860) 424-4340 or at ebpollack@pullcom.com.

Moratorium on Revaluations Sought

Defying conventional wisdom that community-wide revaluations should occur frequently, the town of Windsor is leading a charge to give Connecticut towns the option to extend the revaluation cycle (now a maximum of five years) by up to two years. The hope expressed by the proponents of the enabling legislation is that residential properties will thus avoid bearing the brunt of anticipated October 1, 2008, assessment value shifts between commercial and residential property as a result of the current economic downturn.

As Jacqueline Bennett's recent article in the online publication *WindsorJournal.com* notes, "[i]n towns with a large amount of commercial properties . . . revaluation is projected to further shift the tax burden from the commercial side to the residential side of the Grand List."

This initiative is difficult to track since it would appear that commercial values will decline more significantly through 2009 than will residential values. If this is correct, revaluation postponements will violate the assessor's cardinal obligations to equalize assessments.

Editor's Note

We intend to migrate Property Valuation Topics to an **email format**. If you wish to continue receiving PVT and other informational materials from our firm, please send your contact information and **email address** to contact@pullcom.com. Thank you.

Attorney Notes

Pullman & Comley's Property Valuation Department is pleased to continue as contributing editor of The American Bar Association's Property Tax Deskbook *and* Eminent Domain Compendium in 2009.

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Volume XII / Issue 2
Spring 2009
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Open Space Assessment Decision Upheld

In a recent issue of *Property Valuation Topics*, we wrote about a Superior Court ruling which prohibited an assessor from terminating the open space classification of a large parcel of land containing a former airport, even though the zoning had been changed. The basis for the decision was that an open space classification, which of course produces a very low tax assessment, is dependent on actual use rather than zoning.

Judge Trial Referee Arnold W. Aronson held that even though the "up" zoning would significantly increase the market value of the property, the open space classification had to remain until a new use had been "physically implemented."

The Connecticut Supreme Court recently affirmed Judge Trial Referee Aronson's decision.

Griswold Airport, Inc. v. Town of Madison, 289 Conn. 723 (December 23, 2008).

If you have questions about this case, please contact Elliott B. Pollack at (860) 424-4340 or at ebpollack@pullcom.com.

Industrial Appraisers' Work Reviewed

In a tax appeal involving a 170,000 square foot industrial building situated on 31 acres in Beacon Falls, the town asserted a market value of $5,587,000 as of October 1, 2006. The property owner argued, based on its own appraiser's testimony and report, that the value should be $4,400,000.

As occasionally happens, both appraisers had relied heavily on the sale of one property located in the community in developing their comparable sales valuations. The comparable property was dissimilar to the subject real estate only in terms of the size of its site (10 acres v. the subject's 31 acres) and of the building. Otherwise, the subject and the comparable property shared the same construction type, highest and best use, utilities, parking and access to limited access highways.

Determining that there was little expansion opportunity on the subject's 31 acres, thereby making the two properties more equivalent, the trial court rejected the town appraiser's negative site size adjustment reflecting the smaller size of the comparable property and reduced the adjustment from 10 percent to 3 percent, the amount of the negative adjustment adopted by the property owner's appraiser.

Sitting in the Superior Court for the Judicial District of Ansonia-Milford, Judge Trial Referee John W. Moran concluded that the comparable property "is singularly and exclusively the most appropriate comparable to calculate the fair market value of the subject property . . . ." and reduced the assessor's market value to $4,500,000.

SMSP Connecticut v. Town of Beacon Falls, Docket No. CV 074008268 (2009).

For more information, please contact Laura A. Bellotti at (860) 424-4309 or at lbellotti@pullcom.com.

Personal Property Appeal Successful

Enrico Vaccaro maintains a solo legal practice in Bridgeport in a building where he shares office space with two other attorneys. His arrangement with these attorneys includes access to and use of