

# **TAX BOARD OF REVIEW**

**DECEMBER 19, 2005**

## **MINUTES**

**The regular meeting of the Tax Board of Review was held on Monday, December 19, 2005 at the Town Hall, 100 Old River Road, Lincoln, RI.**

**Tax Assessor Elaine Mondillo opened the meeting at 6:00 p.m. The following members were present: Peter Certo, Thomas Heskin, and Michael Hill. Margaret Weigner kept the minutes.**

**Brian Krivitsky**

**6 Middlebrook Lane**

**Lincoln, RI 02865**

**Plat 44 Lot 130**

**Mr. Krivitsky stated that he applied for the homestead exemption before the deadline of April 15, 2005 and was shocked that he was not given the homestead exemption on his tax bill issued on July 1, 2005. He did everything that was required on the form. He purchased the home on January 28, 2005. He stated that he spoke to the former Tax Assessor David Robert and Mr. Robert told him that he would speak to the Town Administration for clarification. Mr. Robert advised him to file an appeal.**

**Ms. Mondillo informed the Board that the form has since been changed and reflects the dates of December 31st and April 15th. The property must be owned by December 31st to qualify for the homestead exemption. Mr. Certo questioned the fact that buyers could not file upon purchase and the exemption may be delayed for a year. Ms. Mondillo advised the Board that the old form never stated that the property had to be owned on December 31st in order to receive the homestead exemption.**

**Mr. Heskin explained that the Board will review the information and notify him in writing of their decision.**

**After reviewing the information, the Board voted unanimously to abate the taxes for the homestead exemption.**

**Albert & Gertrude Kelley**

**35 Southwick Drive**

**Lincoln, RI 02865**

**Plat 45 Lot 120**

**Mr. Kelley stated that his assessment went from \$245,900 in 2004 to \$251,300 in 2005 after the grade was changed from 1.05 to 1.10. He talked to Mr. Robert in 2004 and his assessment was lowered from \$245,900 to \$239,800. Ms. Mondillo stated that after meeting with Mr. Kelley, she reviewed his file and could not duplicate the same assessment of \$239,800 as Mr. Robert had. She did a drive by and an**

**evaluation of the property and reversed the grade change back to 1.05 and assessed the property at \$245,900.**

**Mr. Kelley stated that the town had the total number of beds, baths, and rooms listed incorrectly. He provided a copy of the tax bill with the changes from Mr. Robert handwritten on it. Ms. Mondillo advised the Board that the number of rooms and baths is correct on the computer. She stated that Mr. Robert lowered the assessment without changing the grade, and, once the grade was changed, the assessment jumped to \$251,300.**

**Mr. Heskin explained that the Board will review the information and notify him in writing of their decision.**

**After reviewing the information, the Board voted unanimously to deny the appeal.**

**Creative Computing**

**100 Middle Street**

**Lincoln, RI 02865**

**Tangible**

**Mr. David Doucette was present at meeting. He stated that he owns a computer consulting business. His assessment on tangibles was \$274,890; in 2004, his assessment was \$229,075. He stated that he feels the correct assessment should be \$46,564.**

**Ms. Mondillo explained that the return for 2005 was filed late – July 11, 2005. For the tax years 2004, 2003 and 2002, there was no return filed with the Town. For the tax years 2001 and 1999, the return was filed late. His assessment was bumped every year due to failure to file.**

**Mr. Doucette explained that his former wife used to file all the tax returns and the controller that he hired never filed the returns as required. The controller has since been fired. He stated that he has a small computer consulting business consisting of eight offices, with desks, personal computers, filing cabinets and fax machines. Back in 2000, his business did have big servers and equipment that was leased to handle the computer rollovers for the year 2000. The equipment is no longer in the business. Mr. Doucette stated that he would be sure to file a return on time for 2006.**

**Mr. Heskin explained that the Board will review the information and notify him in writing of their decision.**

**After reviewing the information, the Board voted unanimously to deny the appeal.**

**James & Joann Larivee**

**2 Juniper Lane**

**Lincoln, RI 02865**

**Plat 29 Lot 266**

**Mr. and Mrs. Larivee were present along with their attorney Michael Horan. Mr. Horan stated that the property was purchased on March 31, 2005 and the Larivees filed for a homestead exemption on April 1, 2005. Mr. Horan advised the Board that he sent a letter to the Town on October 18 and received a reply from the Town but there no explanation as to why the homestead exemption was denied. Mr. Horan further stated that there is no cut off date listed in the ordinance. He asked the Board abate the taxes for the homestead exemption.**

**Ms. Mondillo advised the Board that Mr. Larivee filled out the older form that did not list that property had to be owned on December 31st to qualify for the homestead exemption.**

**Mr. Heskin explained that the Board will review the information and notify them in writing of their decision.**

**After reviewing the information, the Board voted unanimously to abate the taxes for the homestead exemption.**

**Agnes Ayrassian, et al**

**20 Southwick Drive**

**Lincoln, RI 02865**

**Plat 45 Lot 236**

**Mrs. Ayrassian stated that her assessment went from \$344,700 to \$320,600 to \$317,100 in 2005. She stated that she has owned the property for over 40 years, and that the front of her property floods. She showed the Board pictures of her property. She stated that she is unable to finish her basement or make improvements due to the amount of water that gets into her basement. She further stated that she can not use the property in back of her home due to an easement to Narragansett Electric. Her home is not hooked up to the sewer, even though she gave the town a sewer easement. Her son suggested that the Town divert the water or collect it before it reaches her property.**

**Ms. Mondillo visited the property and noted the water marks in the basement. There is a drain nearby, but if it is not kept clean of debris, the water goes by the drain and onto her property.**

**Mr. Heskin explained that the Board will review the information and inform her in writing of their decision.**

**After reviewing the information, the Board voted unanimously to deny the appeal.**

**LB Lincoln Mall Holdings/Sovereign Bank**

**624 George Washington Highway**

**Lincoln, RI 02865**

**Plat 41 Lot 7A**

**Sovereign Bank was not present at the meeting. They mailed in documents to explain the reason for their appeal.**

**After reviewing the documents, the Board felt that the rent paid by Sovereign Bank is below market value.**

**After reviewing the information, the Board voted unanimously to deny the appeal.**

**There being no further business to discuss, it was unanimously voted to adjourn. Meeting adjourned at 8:15 p.m.**

**Respectfully submitted,**

**Margaret Weigner**