

Town of Milford

Docket No.: 17330-97RA

ORDER

On June 15, 2004, the Town filed a “Request for Waiver of Rule Rev 603.17(c)” (“Request”) in essence asking the board’s May 16, 2003 reassessment order (“Order”) be amended to that effect.

Rev 603.17(c) states: “When a property owner elects to appeal their assessment to the board of tax and land appeals or superior court, and when such appeals have been timely filed, the company shall provide a representative to support the estimated values, without cost to the municipality.”

The Town argues in its Request that strict compliance with this defense of assessment requirement would unnecessarily increase the cost to do the reassessment that has already been contracted with Vision Appraisal Technology, Inc. (“Vision”).

The board has reviewed its file copy of the April 12, 2004 contract (“Contract”) between the Town and Vision and finds that paragraph 3, “Exceptions and Clarifications,” of the Contract adequately and reasonably addresses the defense of new values by committing Vision to five days of litigation, providing for an additional per diem cost of \$800 for defense time (beyond five days) and a joint review procedure of abatement requests by the Town and Vision. The

board finds this Contract provision and the fact the Town has a full-time assessor provides for an adequate abatement review process and appeal defense.

Consequently, the board amends the Order at p. 7, par. 4 to read: “4) [t]he reassessment procedures, including the provisions contained in any contract entered into by the Town for the reassessment, must be compliant with all applicable statutes and rules, including the DRA’s 600 rules *with the exception of Rev 603.17(c).*”

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Chairman

Michele E. LeBrun, Member

Douglas S. Ricard, Member

Certification

I hereby certify that copies of the within Order have this date been mailed, postage prepaid, to: William R. Drescher, Esq., Drescher & Dokmo, P.A., Post Office Box 7483, Milford, New Hampshire 03055, counsel for the Town; Michael Lambert, Esq., Sheehan, Phinney, Bass and Green, P.A., 1000 Elm Street, Post Office Box 3701, Manchester, New Hampshire 03105-3701, co-counsel for the Town; Chairman, Board of Selectmen, Town of Milford, 1 Union Square, Milford, New Hampshire 03055; Vision Appraisal Technology, 44 Bearfoot Road, Northborough, Massachusetts 01532, Contracted Assessors; Roy W. Tilsley Jr., Esq., William H. Kelley, P.A., Post Office Box 3280, Manchester, New Hampshire 03105, counsel for Cole-Layer-Trumble, Interested Party; and Guy Petell, Manager, Bureau of Assessments, Department of Revenue Administration, 57 Regional Drive, Concord, New Hampshire 03301, Interested Party.

Date: June 29, 2004

Anne M. Stelmach, Deputy Clerk