

Department of Revenue Administration

v.

Town of Winchester

Docket No.: 18412-00RA

ORDER SCHEDULING HEARING

In response to the board's November 1, 2005 order ("Order"), the "Town," on November 18, 2005, filed a "Motion for Clarification and Increase in Retainage of Bond" (the "Motion"). The board has scheduled a hearing on the Motion for Monday, January 9, 2006 at 1:30 p.m. at the board's office, 3rd Floor, Johnson Hall, 107 Pleasant Street, Concord, N.H. 03301.

At this hearing the board will hear all evidence in support or opposition to the Motion. The Town is specifically requested to present any documents or testimony as evidence in support of the facts asserted in the Motion that the Town has or will incur increased costs "in the amount of \$20,426" due to Nyberg Purvis & Associates, Inc.'s ("Nyberg") "failure . . . to perform" the 2005 update ordered by the board "in accordance with the terms of [the board's] previous orders." The November 1, 2005 Order gave the parties twenty (20) days "to show cause, in writing" regarding the \$75,000 bond posted by Nyberg and whether a specific amount (\$5,000) should be retained from this bond by the Town, but the only response the board has received to date is the Town's Motion.

Subsequent to the hearing, the board “will issue a final order in this matter” (Order at 3) including the issues raised in the Motion.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Chairman

Michele E. LeBrun, Member

Douglas S. Ricard, Member

Albert F. Shamash, Esq., Member

Certification

I hereby certify a copy of the foregoing Order Scheduling Hearing has this date been mailed, postage prepaid, to: Kathleen J. Sher, Esq., State of New Hampshire, Department of Revenue Administration, PO Box 457, Concord, New Hampshire 03302, counsel for the Petitioner; Chairman, Board of Selectmen, Town of Winchester, 1 Richmond Road, Winchester, New Hampshire 03470; Barton L. Mayer, Esq., Upton & Hatfield LLP, PO Box 1090, Concord, New Hampshire 03302-1090, counsel for the Town; Brett S. Purvis, Nyberg Purvis & Associates, 3 High Street, 2A, PO Box 767, Sanbornville, NH 03872, contract assessor for the Town; Avitar Associates of New England, Inc., 150 Suncook Valley Highway, Chichester, New Hampshire 03258, contracted assessing firm; and the following Interested Parties: Gary J. Kinyon, Esq., Bradley, Burnett, Kinyon, Fernald & Green, P.A., PO Box 666, 50 Washington Street, Keene, New Hampshire 03431; Arthur Alexander, 384 Back Ashuelot Road, Winchester, New Hampshire 03470; Marcia Ammann, 32 Michigan Street, Winchester, New Hampshire 03470; Blaise J. Barstow, 2 W Main Street #2, Orange, Massachusetts 01364-1142; Broderick Bashaw, 17 Fenton Hill Road, PO Box 18, Ashuelot, New Hampshire 03441; Jacqueline L. Beaman, 463 Old Spofford Road, Winchester, New Hampshire 03470; Scott Bradley, #30 Old Rixford Road, Winchester, New Hampshire 03470; Cary Broadbit, 34 Very Brook, Winchester, New Hampshire 03470; Bruce Caron, 126 South Parrish Road, Winchester, New Hampshire 03470; Myla Carpenter, 66 Rabbit Hollow Road, Winchester, New Hampshire 03470; Dan Carr, Box 111, 25 Main Street, Ashuelot, New Hampshire 03441; George E. Chenier, 507 Forest Lake Road, Winchester, New Hampshire 03470; Erika Cohen, The Keene Sentinel, 60 West Street, Post Office Box 546, Keene, New Hampshire 03431; Margaret Conant, 367 Keene Road, Winchester, New Hampshire 03470; Sandy Cook, 811 Manning Hill Road, Winchester, New Hampshire 03470; Phillip Earley, 4A Chapel, Winchester, New Hampshire 03470; John & Chris Frado, 259 Bolton Road, Winchester, New Hampshire 03470; Christine B. Hadley, 60 Rabbit Hollow Road, Winchester, New Hampshire 03470; Elena Heiden, Post Office Box 93, Winchester, New Hampshire 03470; Vicki Hooper, PO Box 238, Winchester, New Hampshire 03470-0238; Billie-Jo Knoll, 248 Back Ashuelot Road, Winchester, New Hampshire 03470; Robert Merchant, 242 Bolton Road, Winchester, New Hampshire 03470; John Miner, 71 Broad Brook Road, Ashuelot, New Hampshire 03441; Edward Naile, 61 Tubbs Hill Road, Deering, New Hampshire 03244; Whip Newell, 3 Old Chesterfield Road, Winchester, New Hampshire 03470; Gary R. O'Neal, 400 Schofield Mountain Road, Ashuelot, New Hampshire 03441; Brian Oates, 24 Avery Circle, Winchester, New Hampshire 03470; Henry Parkhurst, State Representative, District #4, One Parkhurst Place, Winchester, New Hampshire 03470; Guy Petell, State of New Hampshire, Department of Revenue Administration, PO Box 457, Concord, New Hampshire 03302; Rep. Stanely S. Plifka, Jr., Post Office Box 459, Scofield Road, Winchester, New Hampshire 03470; Alden Powers, 636 Warwick Road, Winchester, New Hampshire 03470; Irene Pratt, State Representative, District #4, 66 Clark Road, Winchester, New Hampshire 03470; Jill Rokes, 70 Acorn Drive, Winchester, New Hampshire 03470; Paul Sepe, PMB 242, 75 Main Street, Suite 4, Plymouth, New Hampshire 03264; Jane Severance, 84 Warwick Road, Winchester, New Hampshire 03470; Anthony F. Simon, 700 Hall Street, Manchester, New Hampshire 03104; William Struthers, 63 Ashuelot Street, Winchester, New Hampshire 03470; Brian Thompson, 23 Parker Street, Winchester, New Hampshire 03470; and Alan Willard, 35 Woodward Avenue, Winchester, New Hampshire 03470.

Date: December 1, 2005

Anne M. Stelmach, Clerk