

**Town of New London**

**Docket No.: 18488-01RA**

**ORDER**

On July 14, 2003, the board held a telephone conference pertaining to the “Motion for Compliance Hearing . . .” (the “Compliance Motion”) filed on behalf of more than 50 property owners in the “Town” by Attorney Donald E. Gartrell of Gallagher, Callahan & Gartrell. The Compliance Motion references the board’s Order for Reassessment dated September 4, 2001 (the “Reassessment Order”), which prescribed completion of a “2002 Update of Waterfront-Related Properties” and a “2003 Complete Reassessment” pursuant to the board’s authority under RSA 71-B:16, IV. The Compliance Motion challenges the legal sufficiency of the 2002 update performed by the Town.

Prior to the conference, the board received an Appearance, a “Motion to Allow Late Filing of Objection,” and an “Objection” to the Compliance Motion filed by Attorney Barton L. Mayer of Upton & Hatfield on behalf of the Town. The board grants the late-filing motion and will consider the Town’s Objection as further set forth below.

In the telephone conference, the board received input from Attorneys Gartrell and Mayer, as well as from April D. Whittaker, the lead petitioner in the proceedings resulting in the

Reassessment Order entered in 2001. The Town Administrator (Jessie W. Levine) and Selectmen were also part of the telephone conference, but did not address the board.

The board advised the participants of its scheduling constraints and questioned whether the procedural and substantive issues raised by the Compliance Motion and the Objection could be decided after the submission of briefs and without a hearing. When the participants agreed to this proposal, the board proceeded to order the following schedule for the exchange of documents and the submission of briefs pertaining to the issues raised and discussed in the telephone conference:

- (i) August 15, 2003 – exchange of documents any participant to the conference intends to rely upon to support its position on these issues, with a copy of each document also supplied to the board; and
- (ii) September 12, 2003 – submission of briefs (original and four copies to the board), with copies to the other participants.

Upon review of these items, the board will proceed to decide any unresolved issues pertaining to the Compliance Motion and the Objection.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

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Paul B. Franklin, Chairman

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Michele E. LeBrun, Member

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Douglas S. Ricard, Member

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Albert F. Shamash, Esq., Member

**CERTIFICATION**

I hereby certify that a copy of the foregoing order has been mailed this date, postage prepaid, to: Donald A. Gartrell, Esq., Gallagher, Callahan & Gartrell, P.O. Box 1415, Concord, NH 03302-1415, attorney for the property owners; Barton L. Mayer, Esq., Upton & Hatfield, P.O. Box 1090, Concord, NH 03302-1090, attorney for the Town of New London; Chairman, Board of Selectmen, Town of New London, P.O. Box 240, New London, NH 03257; April D. Whittaker, 992 County Road, New London, NH 03257, Lead Petitioner; GuyPetell, Department of Revenue Administration, 45 Chenell Drive, Concord, NH 03301 and Mark J. Bennett, Esq., Department of Revenue, 25 Capitol Street, Room 202A, Concord, NH 03301, Interested Parties.

Date:

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Anne M. Bourque, Deputy Clerk