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**EAGLE TIMES***Focused on Local News*HARVEY HILL, *Publisher*ARCHIE MOUNTAIN, *Managing Editor*MARK WALKER, *General Manager*PATRICK O' GRADY, *Local News Editor***A win for the taxpayers**

**F**or the small minority who spend their waking hours dreaming up conspiracy theories and criticizing the city administration, fervently hoping for bad news, last Tuesday must have been a dark day.

But for majority of residents it was welcome news to learn that the city had won its tax abatement case filed against it by the former New Hampshire — Vermont Solid Waste Project. To use a vernacular we will hear often during the season of March Madness, it was a slam dunk. The judge in the case not only rejected the project's abatement request but calculated an assessed value on the Wheelabrator incinerator roughly \$2 million more than what the city had on its books.

The decision saved the city from having to write a check to the project for between \$750,000 and \$1 million. More importantly, the ruling on the value of the Grissom Lane plant will strengthen the city's position after the current tax property agreement with Wheelabrator expires in 2012.

For those who sound like a broken record charging that the city litigates too much or isn't willing to reach a settlement, this case and the eminent domain one before it offer solid proof that it is worth going to court rather than just rolling over, particularly if you have the experience in land appraisal that city manager Guy Santagate has from his work in Massachusetts.

The 29-town project, of which the city is a member, paid the taxes on the incinerator for 20 years. The valuation for nearly all of that time was around \$14 million. But it wasn't until the state Department of Revenue Administration appraised the plant at under \$3 million that the project sat up and took notice. It eventually filed a tax abatement with the city, seeking around \$400,000 in each of the tax years of 2004 and 2005. Had it won, the project would have had its hand out for refunds for 2006 and 2007, the last year the project was in existence. The city denied the abatement and the project went to court.

The case hinged on whether the millions in income the waste-to-energy incinerator generated through its sale of power could be factored in when determining what the facility was worth. With a resounding yes, the judge said it could, and ruled that the true market value of the incinerator is more than \$18 million. The project was arguing that its value was less than \$6 million. This ruling comes on a successful outcome for the city in the eminent domain case with Wheelabrator last September in which the city came away with 44 acres of industrial property, road access and five years of guaranteed property tax payments. Not a bad record for an administration that is accused by a few of getting the city tied up in litigation that is costly and frivolous.

Santagate acknowledged he took a risk in both these cases and in going to court, rather than settling, in the tax abatement one. But as he said after each decision was announced, this was about going to bat for the taxpayers. We are sure nearly every taxpayer is pleased, except for maybe that small minority.

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