

Approved

Town of New Boston Selectmen's Meeting June 28, 2016

<u>PRESENT:</u>	Joe Constance	Selectman
	Rodney Towne	Selectman
	Christine Quirk	Selectman
	Peter Flynn	Town Administrator

Present in the audience for all or part of the meeting Dan Donovan, Sr., Dan Donovan, Jr., Brandon Guida, Esq., and Town Counsel Bart Mayer, Esq.

A. APPOINTMENTS:

Item 1: Donovan-Discussion Re: Tax Abatement:

Rodney Towne stated that the Donovans were planning on building another facility in Town and had discussed the possibility of being granted tax abatement. He explained that following discussions with Town Counsel it had been determined that a tax abatement could not be granted. He continued that Dan Donovan had requested to speak with the Board to determine if there was anything else that could be done.

Dan Donovan stated that he had purchased and renovated his first facility in 1995, built his second facility in 2006 and built his third facility in 2015. He gave a brief history of how each facility was established and explained the services provided to the residents of his facilities. He explained that there were extraordinary upfront costs associated with the start-up of his facilities. He asked if there was anything the Town could do to assist him monetarily during the start-up phase of the process.

Dan Donovan's attorney, Brandon Guida, asked Town Counsel to explain the Town's conclusion on the abatement of tax and good cause. Town Counsel referenced the case *Barksdale v. The Town of Epsom* and explained that the New Hampshire Supreme Court had said that in the past 150 years there had only been two ways to receive a tax abatement, either inability to pay or disproportionate taxation. Attorney Guida asked for a brief fact background of the case. Town Counsel stated that the Town of Epsom was offering abatements to families who withdrew their children from the public schools and sent them to private schools. He continued that the Court had ruled that withdrawing children from public schools was not a basis for receiving abatement.

Town Counsel suggested that the Town Assessor be consulted for the possibility of using an income approach to value the project, i.e., review the income and expenses for the first few years of the business and "ramp up" the value as the income became stabilized. Rodney Towne believed the Board should discuss this possibility with the Town Assessor.

Attorney Guida acknowledged that the Supreme Court had made a ruling with regard to good cause shown but noted that the Supreme Court was not responsible for writing laws. He did not believe that the legislature had limited the basis for allowing tax abatements to either an inability to pay or disproportionate taxation.

Joe Constance stated that he was not against this, as he believed good cause had been shown but he was concerned with the precedent the Board would be setting. He wanted to move forward with a conservative approach and speak with the Town Assessor.

Dan Donovan stated that he would move forward with his project in New Boston because New Boston was important to him. Rodney Towne stated that he wanted to find a way to reward the business owners in Town that operated reputable businesses.

Item 2: Request for non-public session.-

Joe Constance moved to go into per RSA 91-A:3, II, (a) (b) (c)-Personnel and Legal
Roll Call –Christine-yes, Rodney-yes and Joe - yes
Board went into Non-Public at 2:30PM

Board came out of non-public at 2:44PM

Joe moved to seal the minutes for five years, seconded by Rodney. Board voted 3-0 to seal the minutes for five years.

Joe Constance moved to adjourn at 2:45PM seconded by Rodney Towne. All were in favor 3-0

Prepared by Valerie Diaz