

SB 77-LOCAL – AS INTRODUCED

2015 SESSION

15-0873

08/10

SENATE BILL 77-LOCAL

AN ACT authorizing the creation of a special purpose village district within the town of Danbury.

SPONSORS: Sen. Forrester, Dist 2; Rep. Karrick, Merr 25

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill authorizes the creation of a special purpose village district within the town of Danbury.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT authorizing the creation of a special purpose village district within the town of Danbury.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Legislative Findings and Purpose.

I. The general court recognizes and finds that it is beneficial to the state of New Hampshire and its political subdivisions to encourage the development of seasonal, recreational resorts, including vacation homes and second residences.

II. The general court also finds that it promotes the development, marketability, value and environmental integrity of such projects, and the health, welfare and well-being of the residents of such projects, if the projects include infrastructure improvements serving the residences, including, without limitation, water supply, sanitary sewer, and wastewater treatment facilities.

III. The general court also finds that New Hampshire law unnecessarily restricts the ability to finance the construction of such infrastructure improvements using municipal bonds where the proposed project is located on undeveloped parcels of land with no domiciliaries to form a village district under RSA 52 to issue such bonds.

IV. The general court also finds that it is in the best interest of the state and its political subdivisions to provide specific statutory authority for the establishment and operation of a village district as a part of the planning and financing of such projects and for the governance of the district during the project's planning and development as well as after the sale of the residential units.

V. It is the purpose of this special legislation to enable the developer of a planned cluster residential development at Ragged Mountain in the town of Danbury to establish a village district encompassing the proposed development, use municipal bond financing for the design, engineering, planning, construction, operation, maintenance and repair of water supply, sanitary sewer, and wastewater treatment facilities within the district, and prescribe the governance of the district during planning and development as well as after the sale of a determinate number of residential units.

2 Definitions. In this act:

I. "Project property" means those contiguous parcels of real property located on Ragged Mountain Road, New Canada Road, Plowman Road and Deckman Road in the town of Danbury, consisting of those parcels described as of April 1, 2014, on Danbury Tax Map 415 as Lot 18 and Tax Map 416 as Lots 42, 51, 60, 60-3, 60-4, 60-7, 61, 61-1, 61-2, 62, 63, 64 and 72.

II. "Interim village district commission" means the 3-member commission established pursuant to paragraph II of section 3 of this act.

III. "Interim village district manager" means any person appointed pursuant to paragraph III of section 3 of this act as either an employee of or an independent contractor with the village district.

IV. "Transition date" means that day falling 180 days after the date on which the deed to the fifteenth new residential unit within the village district is recorded in the Merrimack county registry of deeds.

V. "Village district" means the Ragged Mountain water and sewer district established under this act.

VI. "Water and sewer systems" means the water supply, sanitary sewer, and wastewater treatment facilities to be constructed, operated, and maintained by the village district on the project property.

3 Establishment of a Special Purpose Village District.

I. There is hereby established within the town of Danbury the Ragged Mountain water and sewer district for the purpose of designing, engineering, planning, constructing, owning, operating, maintaining, repairing, and replacing a district-wide water supply, sanitary sewer, and wastewater treatment and for no other purpose. Such district shall be comprised of the project property. The village district shall be a body corporate and politic and shall have all the powers in relation to the objects for which it was established that towns have or may have in relation to like objects and all that are necessary for the accomplishment of its purposes.

II. Within 60 days of the effective date of this act an interim village district commission shall be established. The Danbury board of selectmen shall appoint one member of the interim village district commission and the owner(s) of the project property shall appoint 2 members of the interim village district commission. Thereafter, and until the transition date, the commissioners of the interim village district commission shall have the same powers, duties and responsibilities of selectmen of towns as are granted or required pursuant to RSA Title III and shall have the power and authority to raise and appropriate money, levy and collect service charges, and other charges, borrow funds and issue bonds, notes and other obligations of indebtedness necessary for the accomplishment of the purposes of the village district contained in paragraph I, such powers to be exercised in the manner and subject to the limitations provided by the general laws of the state applicable to towns and cities. In the case of a vacancy in the office of commissioners before the transition date, a replacement commissioner shall be selected by the entity that appointed the commissioner whose office is vacant.

III. Within 90 days of its establishment, the interim village district commission shall appoint an interim village district manager who shall manage the affairs of the village district until the transition date and shall have the same powers and duties within the village district as a town manager has under RSA 37:6.

IV. All operating costs, including professional fees, incurred by the village district before the transition date shall be levied and assessed by the village district against the property within the village district in the same manner as property taxes are levied and assessed pursuant to RSA 76; except to the extent, that any such costs are recovered through charges to residents of the village district for water and sewer service as authorized by law. Payment of tax revenue from the town of Danbury to the village district shall be governed by RSA 52:16. The village district shall bear any incremental costs the town incurs for assessing, billing, collecting, holding, or distributing taxes for or to the village district.

V. The interim village district manager shall, with the supervision and approval of the interim village district commission:

(a) Oversee the design, engineering, planning, permitting, financing, construction, operation, maintenance, repair, and replacement of the water supply, sanitary sewer, and wastewater treatment facilities to completion.

(b) Contract with qualified persons and firms for those professional services reasonably necessary for the design, engineering, planning, permitting, financing, construction, operation, maintenance, repair, and replacement of the water supply, sanitary sewer, and wastewater treatment facilities or for the completion of such services.

(c) Employ or otherwise contract with such persons or firms as is reasonably necessary for the accomplishment of the purposes of the village district.

VI. Prior to the transition date, the commissioners of the interim village district shall publish and submit to the property owners within the village district and the Danbury board of selectmen an annual report containing the information required by RSA 52:3-a, I-a.

VII. If the transition date does not occur within 5 years of the effective date of this act, the village district shall be dissolved, and the village district's obligations shall be met thereafter as provided in RSA 52:21.

VIII. The interim village district commission shall call a meeting pursuant to RSA 52:2 at least 60 days before the transition date solely for the election of 3 village district commissioners. The commissioners so elected shall assume their offices on the transition date, and the interim village district commission shall thereupon be dissolved. Any employment or independent contractor agreement between the village district and the interim village district manager shall expire no later than the transition date.

IX. After the transition date, the village district shall be governed by RSA 52, and shall have all of the powers, duties and responsibilities of a village district established pursuant to RSA 52 as if the village district had been established pursuant thereto; provided, however, that any natural person owning real property in his or her own name, whether individually or as trustee of a trust, within the village district shall be a voter for all purposes under RSA 52.

X. In no event shall the town of Danbury have any liability for any debt or obligation of the village district, and the town's obligations under RSA 52:21 shall not be construed to require the town to pay the village district's bonds, notes, bills, or other obligations with any funds other than revenues it has received from taxes and assessments imposed by or in the stead of the village district.

4 Effective Date. This act shall take effect upon its passage.

Amendment to SB 77-LOCAL

1 Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

2

3 I. "Project property" means those contiguous parcels of real property located on Ragged
4 Mountain Road, New Canada Road, Plowman Road and Deckman Road in the town of Danbury,
5 consisting of those parcels described as of April 1, 2014, on Danbury Tax Map 415 as Lot 18 and Tax
6 Map 416 as Lots 42, 51, 60, 60.03, 60.04, 60.06, 60.07, 60.08, 61, 61.01, 61.02, 62, 63, 64, 64.01,
7 64.02, 64.03, and 72.

8

9 Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

10

11 I. There is hereby established within the town of Danbury the Ragged Mountain water and
12 sewer district for the purpose of designing, engineering, planning, constructing, owning, operating,
13 maintaining, repairing, and replacing a district-wide water supply, sanitary sewer and wastewater
14 treatment system and for no other purpose. Such district shall be comprised of the project property.
15 The village district shall be a body corporate and politic and shall have all the powers in relation to
16 the objects for which it was established that towns have or may have in relation to like objects and
17 all that are necessary for the accomplishment of its purposes. Nothing in this act shall be construed
18 to exempt the village district, including its water supply, sanitary sewer and wastewater treatment
19 facilities, or the project property from the lawful site plan, subdivision, and zoning regulations of the
20 town of Danbury or from the requirements of any development agreement with the town relating to
21 the project.

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23 Amend paragraph IV as inserted by section 3 of the bill by replacing it with the following:

24

25 IV. All operating costs, including professional fees, incurred by the village district before the
26 transition date shall be levied and assessed by the village district against the property within the village
27 district in the same manner as property taxes are levied and assessed pursuant to RSA 76, except to the
28 extent, that any such costs are recovered through charges to residents of the village district for water and
29 sewer service as authorized by law. Payment of tax revenue from the town of Danbury to the village
30 district shall be governed by RSA 52:16. The village district shall bear any incremental costs the town
31 incurs for assessing, billing, collecting, holding, or distributing taxes for or to the village district.