

SB 77-LOCAL – AS AMENDED BY THE SENATE

03/12/2015 0739s

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

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ANALYSIS

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

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struckthrough~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 1 Legislative Findings and Purpose.

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

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

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

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

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

24 2 Definitions. In this act:

25 I. "Project property" means those contiguous parcels of real property located on Ragged  
26 Mountain Road, New Canada Road, Plowman Road and Deckman Road in the town of Danbury,  
27 consisting of those parcels described as of April 1, 2014, on Danbury Tax Map 415 as Lot 18 and Tax  
28 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, 64.02,  
29 64.03, and 72.

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1           II. “Interim village district commission” means the 3-member commission established  
2 pursuant to paragraph II of section 3 of this act.

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

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

8           V. “Village district” means the Ragged Mountain water and sewer district established under  
9 this act.

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

13           3 Establishment of a Special Purpose Village District.

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

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

37           III. Within 90 days of its establishment, the interim village district commission shall appoint

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1 an interim village district manager who shall manage the affairs of the village district until the  
2 transition date and shall have the same powers and duties within the village district as a town  
3 manager has under RSA 37:6.

4 IV. All operating costs, including professional fees, incurred by the village district before the  
5 transition date shall be levied and assessed by the village district against the property within the village  
6 district in the same manner as property taxes are levied and assessed pursuant to RSA 76, except to the  
7 extent, that any such costs are recovered through charges to residents of the village district for water and  
8 sewer service as authorized by law. Payment of tax revenue from the town of Danbury to the village  
9 district shall be governed by RSA 52:16. The town of Danbury shall remit all revenue to the village  
10 district from taxes collected under RSA 52:16 and shall have no obligation to distribute any tax revenue  
11 to the village district beyond that so collected. The village district shall bear any incremental costs the  
12 town incurs for assessing, billing, collecting, holding, or distributing taxes for or to the village district.

13 V. Upon the sale by the town of Danbury of property within the village district pursuant to  
14 RSA 80, the proceeds shall be applied first to accrued taxes, interest, costs and penalties due to the  
15 town, county, school district, and state prior to any distribution of such proceeds to the village  
16 district.

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

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

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

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

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

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

34 IX. The interim village district commission shall call a meeting pursuant to RSA 52:2 at  
35 least 60 days before the transition date solely for the election of 3 village district commissioners. The  
36 commissioners so elected shall assume their offices on the transition date, and the interim village  
37 district commission shall thereupon be dissolved. Any employment or independent contractor

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1 agreement between the village district and the interim village district manager shall expire no later  
2 than the transition date.

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

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

12 4 Taxation of Village District Property. Notwithstanding RSA 72:23, until 3 years after the  
13 transition date all land, buildings, and structures owned by the village district within the town of  
14 Danbury shall be subject to taxation under RSA 76 to the same extent as such property otherwise  
15 would be subject to taxation if not owned by a village district.

16 5 Effective Date. This act shall take effect upon its passage.