# Bill as Introduced

**HB 1165-FN-LOCAL – AS AMENDED BY THE HOUSE**

10feb00....3132h

2000 SESSION

00-2274
01/09

HOUSE BILL *1165-FN-LOCAL*

AN ACT reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

SPONSORS: Rep. E. Smith, Ches 6; Rep. Cloutier, Sull 8; Rep. Tholl, Coos 5

COMMITTEE: Public Works and Highways

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ANALYSIS

This bill reclassifies certain roads in the towns of Northfield, Tilton, and Waterville Valley.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

10feb00....3132h

00-2274
01/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand*

AN ACT reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

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

1 Reclassifications. The following class II highways shall be reclassified as Class V highways:

I. Summer Street in the town of Northfield beginning at the intersection with Route 132 northerly for a distance of 0.68 miles to the class V portion at the intersection with Bay Street.

II. Autumn Drive in the town of Tilton beginning at the intersection with Lancaster Hill Road northerly for a distance of 0.67 miles to the Sanbornton town line.

III. NH Route 49 in the town of Waterville Valley beginning at the intersection with Tripoli Road northerly for a distance of 1.36 miles to the end of existing NH Route 49.

2 Applicability. This act shall take effect 60 days after its passage or 60 days after completion of the reconstruction to be performed by the department of transportation, whichever is later; provided, however, that no reclassification provided for in section one of this act shall be effective until such time as the governing body of the corresponding municipality has voted to accept responsibility for the additional costs incurred by the reclassification of the road, consistent with part 1, article 28-a of the New Hampshire constitution.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. Section 2 of this act shall take effect upon its passage.

LBAO
00-2274
11/19/99

## HB 1165-FN-LOCAL - FISCAL NOTE

AN ACT reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

**FISCAL IMPACT:**

The Department of Transportation states this bill will decrease state highway fund expenditures by $9,100 and increase local expenditures by $6,600 beginning in FY 2001 and each year thereafter. There will be no fiscal impact on state, county and local revenue or county expenditures.

**METHODOLOGY:**

The Department indicates that reclassifying the roads listed in this bill from Class II to Class V will change the responsibility for maintenance from a state responsibility to a local one. The Department estimates State Highway Fund expenditures will decrease by $9,100 per year and local expenditures will increase by $6,600 per year as a result. These amounts were computed using statewide averages for state and local road maintenance.

The Department further states that the towns where these roads are located will receive credit for the additional miles when calculating the town share of Block Grant revenue. However, statewide, the total available Block Grant revenue to all municipalities will not change as a result of this bill.

# Amendments

Sen. Gordon, Dist. 2
April 4, 2000
2000-4011s
01/09

Amendment to HB 1165-FN-LOCAL

Amend the title of the bill by replacing it with the following:

An Act reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley and authorizing a certain district to issue bonds and notes.

Amend the bill by replacing all after section 1 with the following:

2 Applicability. Section 1 of this act shall take effect 60 days after its passage or 60 days after completion of the reconstruction to be performed by the department of transportation, whichever is later; provided, however, that no reclassification provided for in section 1 of this act shall be effective until such time as the governing body of the corresponding municipality has voted to accept responsibility for the additional costs incurred by the reclassification of the road, consistent with part 1, article 28-a of the New Hampshire constitution.

3 Authorization of Issuance of Bonds or Notes to Address General Fund Deficit. Notwithstanding any provision of law to the contrary, Waterville Estates Village District is hereby authorized to issue up to $450,000 in general obligation bonds or notes under and in compliance with the provisions of RSA 33 for the purpose of raising money to address the district's general fund deficit. Bonds or notes so issued shall mature not later than 5 years from their date of issuance and shall not be counted towards the district's debt limit under RSA 33:4-a.

4 Special Meeting. The district is hereby authorized to hold a special meeting without prior judicial authorization for the sole purpose of authorizing the issuance of the bonds and notes authorized under section 3 of this act.

5 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

2000-4011s

AMENDED ANALYSIS

This bill reclassifies certain roads in the towns of Northfield, Tilton, and Waterville Valley.

This bill also authorizes a certain district to issue bonds and notes.

Sen. Gordon, Dist. 2
April 24, 2000
2000-4214s
01/09

Amendment to HB 1165-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.

Amend the bill by replacing all after the enacting clause with the following:

1 Reclassifications. The following class II highways shall be reclassified as Class V highways:

I. Summer Street in the town of Northfield beginning at the intersection with Route 132 northerly for a distance of 0.68 miles to the class V portion at the intersection with Bay Street.

II. Autumn Drive in the town of Tilton beginning at the intersection with Lancaster Hill Road northerly for a distance of 0.67 miles to the Sanbornton town line.

III. NH Route 49 in the town of Waterville Valley beginning at the intersection with Tripoli Road northerly for a distance of 1.36 miles to the end of existing NH Route 49.

2 Applicability. Section 1 of this act shall take effect 60 days after its passage or 60 days after completion of the reconstruction to be performed by the department of transportation, whichever is later; provided, however, that no reclassification provided for in section 1 of this act shall be effective until such time as the local legislative body of the corresponding municipality has voted to accept responsibility for the additional costs incurred by the reclassification of the road, consistent with part 1, article 28-a of the New Hampshire constitution. The corresponding municipality is hereby authorized to hold a special meeting without prior judicial authorization for the purposes of this section.

3 Authorization of Issuance of Bonds or Notes to Address General Fund Deficit. Notwithstanding any provision of law to the contrary, Waterville Estates Village District is hereby authorized to issue up to $450,000 in general obligation bonds or notes under and in compliance with the provisions of RSA 33 for the purpose of raising money to address the district's general fund deficit. Bonds or notes so issued shall mature not later than 5 years from their date of issuance and shall not be counted towards the district's debt limit under RSA 33:4-a.

4 Special Meeting. Waterville Estates Village District is hereby authorized to hold a special meeting without prior judicial authorization for the sole purpose of authorizing the issuance of the bonds and notes authorized under section 3 of this act.

5 Authorization for Overlay for the Waterville Estates Village District. The property tax

assessment for the Waterville Estates Village District may be increased by a sum not exceeding 5 percent more than such assessment to answer any abatements that may be made by the town of Campton against property lying within the district. The governing body of the district shall annually determine the amount of overlay to be assessed, if any, up to 5 percent of the district's property tax assessment for property located in the town of Campton and shall certify such amount to the department of revenue administration at the time the annual property tax rate is established pursuant to RSA 21-J. Notwithstanding the provisions of RSA 76:6, the town of Campton may assess a sum not exceeding 5 percent more than the amount of taxes assessed by them exclusive of the Waterville Estates Village District assessment.

6 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.



2000-4214s

AMENDED ANALYSIS

This bill reclassifies certain roads in the towns of Northfield, Tilton, and Waterville Valley.

This bill authorizes the Waterville Estates Village District to issue bonds and notes. This bill also authorizes an overlay for such district.

# Committee Minutes

Date: March 28, 2000
Time: 3:40 PM
Room: 104-LOB

The Senate Committee on Transportation held a hearing on the following:

HB 1165-FN-L reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

Members of Committee present: Senator Gordon
Senator Roberge
Senator Below
Senator Pignatelli

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The Chair, Senator Sheila Roberge, opened the hearing.
Senator Sheila Roberge, D. 9: We'll open the hearing on 1165. Is Representative Smith here?

Representative John Cloutier: No, Madam Chairman. He is on personal business today. He wasn't able to make it but he asked Representative Tholl and I to speak on behalf of the bill.

Senator Sheila Roberge, D. 9: First speaker is Representative Cloutier.

Representative John Cloutier: Alright with Representative Tholl's permission. Thank you Madam Chairman and members of the committee. For the record I'm state Representative John Cloutier from Claremont representing Sullivan County District 8. And I'm one of the co-sponsors of the bill. And I'm on the House Public Works and Highways Committee. And this bill, House Bill 1165 as amended would reclassify certain roads in the towns of Northfield, Tilton and Waterville Valley.

I want to be honest with you as far as answering a lot of technical questions I believe there's a Representative from the Department of Transportation here. So I won't be able to answer them but I was asked to co-sponsor the bill by Representative Smith. And I was told that the local communities in question approved the bill and were willing to take over the roads. And the Department of Transportation had requested this legislation. And our committee considered this bill, there were some concerns in the public hearing about applicability so we did put an amendment to the bill. That says, and it's 2 of the bill under III applicability, on the first page of the bill.

See House Bill 1165-FN-LOCAL as amended by the House.

And my understanding is I think the Department has some letters, if not I have some from the various communities in question saying that they understand the ramifications. And will take responsibility for the roads in question once the Department has done the necessary work to bring them up to standards.

And as I said it was 15 to nothing in our committee. We accepted the amendment at 15 to nothing. And the committee ought to pass and was put on the consent calendar and passed by the full House. So I don't know as I said a lot of technical questions you probably should defer to someone in the Department or Representative Tholl.

Senator Sheila Roberge, D. 9: Thank you.

Representative John Cloutier: Thank you very much Madam Chairman and members of the committee.

Senator Sheila Roberge, D. 9: Representative Tholl?

Representative John Tholl: Thank you Madam Chairman. For the record my name is John Edward Tholl Junior. I represent Coos district 5. To be brief and right to the point I concur with the testimony of the previous witness. Representative Smith had asked me to come to help represent him at this hearing. And I have copies of some of the letters from the towns from the fact that they are indeed willingly do this.

**Attachment A**, letters from the town people.

Senator Sheila Roberge, D. 9: Thank you. Ok, Jim Dodge?

Jim Dodge: I have no idea about Waterville's needs. Northfield, I went over to Northfield and talked with them because we cooperate with them very much. And they had good reasons for wanting it and if the road is in a village area, densely populated they wanted to control traffic without being encumbered by state law and parking and so forth.

But within the town of Tilton there is another story. Now I've been involved with the government for a long time. Before but during the time that I was Selectman the division headquarters would send people to us about us converting roads to class 2 state aid, to class 5. And we always explained to them that the state impacts this little town quite differently from others and this rather offsets it. We're extremely proud and happy to have the soldiers

home. On the other hand they don't pay for any of the services. They occupy a lot of land that would be developed into the type of homes that would probably pay more taxes than they will cost in services.

The state came in and took a great deal of railroad property, which I realize was a long time ago but I remember it. And took away the tax benefit we got, even though the state taxed the railroad. But they kept the right of way. The right of way is on what would be beautiful waterfront, which we would get a great deal of revenue from if it wasn't held by the state and in the non taxables. The very same thing happened with public service and we do have a hard time.

Another thing that injures us greatly in going ahead with any kind of progress is the fact that our per capita income is very low. We're at $16,000 per capita income. On the other hand we're high tax. Of course water bill is $40,000 it's a long difference.

Now would it hurt if the state stopped doing what by law are supposed to do and maintained this piece of road that was class 2, state aid. And it is a link between the populated area of Sanbornton and Route 3. And that is who it is used by. There are only 6 Tilton homes on the road. So that's the reason the phone was ringing every day about when is the town going to fix the road because very few of your people understand state aid. If the town can't fix it the state must fix it we do the winter maintenance. Well I wasn't Selectmen I wouldn't have done any different if I had been but it was a time that I was not selectmen.

The state came to them and said the only way we can fix that road is if you promise to accept it as a class 5 road when we're done. And we know very well that the state's position there again in that year 1996, 20 million dollars went from the highway gas tax to the Department of Safety. I looked up the itemized part of it and the money to build a road, built a building and did maintenance, $300,000 for the investigation of a murder. This was the constitutionally dedicated gas tax and user fees. So we went to the Department. The Department was great. I've always thought we'd have this highway Department in any state. But they have to do something to take the money away from them. So they put it onto the towns.

And from all my conversation over the years this is just the tip of the iceberg coming up through the ocean. Because certainly what's on this bill isn't going to make much difference in the amount of money that they need. The amount of money that was taken from them and of course it's not only safety all of the judges with the exception of the Supreme Court get paid from the

gas tax. And I'm sure the per capita income over to the Supreme Court is pretty good.

There are other things, I can't remember them all. Tax and land appeal. Most people are paid by the gas tax. But now the little town of Tilton is being called upon to maintain that road, to subsidize really those places that are getting highway gas tax that really should not get it.

I'm sure if any of you were here in '89 the legislature decided, I think the House told one of their Departments that were capable of doing that. And they did a study on the transfer of gas tax money to other agencies. And it's a good one. The guy who gave it to me said if they found out how you got this my career with the state will be over. But I kept it. I tried to find it. And that study the most important thing is you're doing wrong, go over to the Supreme Court and get a decision from them about how you can use this money. And that never happened. They didn't take the advice from their own people. If they got the advise they wanted that book would have been everywhere.

I've talked enough. Please don't allow this to happen now. It is entirely wrong. It is unfair. We pay gas tax just like everybody else. And now they want to take some of the benefits away from us.

Senator Sheila Roberge, D. 9: You're against this bill?

Jim Dodge: Absolutely. Well Ms. Chairman, I'm not against Northfield. If they wanted that than I can see why. I don't know why Waterville wants it. But as far as it concerns Tilton I'm against the bill. Thank you.

Senator Sheila Roberge, D. 9: Stephen Gray?

Stephen Gray: Thank you. Good afternoon, I'm Steve Gray. I'm the State Maintenance Engineer for the New Hampshire DOT. Do you want a shortened version of this?

Senator Sheila Roberge, D. 9: That would help.

Stephen Gray: These roads in this bill are ones that are on the state's secondary system in the towns of Northfield and Tilton. We do not maintain these roads in the winter, they are already maintained by the town. In the instance of Waterville Valley we do maintain that section year round.

All three of these roads were improved with state money through the state aid reconstruction program where 1/3 of it is town and 2/3 of it is state

money. In all probability we would not have expended this amount of money on these roads unless we had the indication that they were going to be taken over by the town. We spent over $400,000 in state money on Tilton and Northfield to make these roads, bringing them up to an acceptable condition.

I do not dispute the fact that all of these roads should be brought up but we just don't have the funds to do it. But if the town comes to us and says they wish to improve them and they will take over the roads we try to get the funds and we try to do the work for them.

In both instances in Northfield and Tilton initial talks with both the towns this was brought up and there was an agreement that they would be taken over. We have the minutes of the Selectmen's meeting in Tilton in August 8th in 1996 where this was discussed. We have letters from an existing Board of Selectmen and the Northfield selectmen and also a letter from the Town Manager in Waterville Valley.

These roads will be eligible for additional through the block grant that's not an awful lot but it is an additional amount. And finally these roads will then revert to the town for them to use them and regulate them as they see fit. They will not have to come to the state for any permits or any sorts of things, which some communities feel is an advantage.

That's the short version. I'd be happy to answer any questions.

Senator Sheila Roberge, D. 9: You have a question?

Senator Debora B. Pignatelli, D. 13: I just have a question about the Waterville Valley road.

Stephen Gray: Yes.

Senator Debora B. Pignatelli, D. 13: It looks like this is the road we're talking about?

Stephen Gray: That's correct.

Senator Debora B. Pignatelli, D. 13: And this dotted road, is this the one that goes over the mountain and into Sandwich?

Stephen Gray: Yes I believe it is.

Senator Debora B. Pignatelli, D. 13: So who owns this road?

Stephen Gray: I believe that's a seasonal road. I don't know if it's...

Senator Debora B. Pignatelli, D. 13: It is it's not open in the winter.

Stephen Gray: Right.

Senator Debora B. Pignatelli, D. 13: But it's open in the summer.

Stephen Gray: Yes it is. I believe it is open in the summer but closed in the winter.

Senator Debora B. Pignatelli, D. 13: And who maintains this road?

Stephen Gray: The town.

Senator Debora B. Pignatelli, D. 13: The town. So it's already a town road.

Stephen Gray: Yes.

Senator Debora B. Pignatelli, D. 13: And this was a state road?

Stephen Gray: Yes.

Senator Debora B. Pignatelli, D. 13: And now it's going to be a town road if this bill passes?

Stephen Gray: Yes. Waterville Valley was a little different. They came to use. We had that section of road on our resurfacing where we were just going to resurface the road with 3/8 of an inch of hot top or 3/4 of an inch. But anyway it was just a surface treatment. And they came to us and said we want sidewalks and we would like additional work done on the bridge. And we would like to make it so bicycles can use it. And we said we just don't have the money to do that out of our maintenance funds. And that's when they agreed to the state aid reconstruction. And that did go out to bid this winter and there was a reconstruction meeting last week and they're going to get going on it very soon.

Senator Debora B. Pignatelli, D. 13: Ok, just one further question about the different class highways. This is going from a class 2 state highway to a class 5 town road?

Stephen Gray: That is correct.

Senator Debora B. Pignatelli, D. 13: Just tell me what the class 1, 2, 3, 4, and 5 and if there's a 6 and 7, just tell me what they are.

Stephen Gray: Ok. Class 1 and 2 are state highways. Class 3 are within a state reservation or a state park. Class 4 are extensions of state roads through compacts of major cities. Class 5 are the normal town roads, which they have a duty to maintain. Class 6 as you heard previously are roads that the town does not maintain but the public cannot be excluded from.

Senator Debora B. Pignatelli, D. 13: And that's it?

Stephen Gray: That's it.

Senator Debora B. Pignatelli, D. 13: Ok.

Senator Sheila Roberge, D. 9: Thank you. Is there anybody else who wants to testify on House Bill 1165?

Jim Dodge: May I say a couple short words if no one else wishes to testify.

Senator Sheila Roberge, D. 9: No, I guess no one else wishes to but we have one more.

Jim Dodge: I think the gentleman neglected to tell you the date of the letters. That was 2 or 3 years ago, when the 3 Selectmen in Tilton agreed to that arrangement. And they told me they did so, and we had a long discussion about it, because the road was so bad that it was this or what are you going to do, because we didn't have enough money to do the job. And I was a Selectman up until town meeting. And of course we talked about it a lot and they all agreed that this should not happen, there's a great unfairness about it. If we closed the road it isn't Tilton that would holler it would be Sanbornton people.

Unfortunately they had a but they didn't show up. It is in the minutes that all of the Selectmen are in agreement that they should not have to assume responsibilities, which are truly by law the state's responsibility to take care of that road. It's depriving us of our portion of the gas tax.

Senator Sheila Roberge, D. 9: Ok. We'll close the hearing on House Bill 1165.

**Hearing closed at 4:00 PM**
*Respectfully submitted,*
*Jillian Nina Mason, Secretary*

Attachment A

# THE STATE OF NEW HAMPSHIRE
## DEPARTMENT OF TRANSPORTATION

LEON S. KENISON
COMMISSIONER

October 4, 1999

Sally D. Harris, Town Manager
Town of Waterville Valley
P.O. Box 500
Waterville Valley, N.H. 03215

OCT - 7 '99

Re: Waterville Valley, NH Route 49

Dear Ms. Harris:

Your letter of September 23, 1999 to Assistant Commissioner Murray was forwarded to me and she asked that I coordinate the effort to rehabilitate the roadway, address the reported bridge deficiencies and construct the granite curbed sidewalk along the west side of the roadway. It is understood that the Town will support legislation that will reclassify NH Route 49 to a Class V Highway beginning at the intersection with Tripoli Road northerly to the end of existing NH Route 49 upon completion of the reconstruction effort to be performed by the Department.

A scope of work outlining the agreed upon work along with conceptual plans and estimated time schedule will be developed. Once completed you will be contacted so we may sit down and discuss the project details.

If you have any questions, please feel free to contact me.

Sincerely,

John W. Clement, Director
Division of Operations

JWC:d

cc: Carol Murray, Asst. Commissioner
Robert Greer, Director of Project Development
Kenneth Kyle, District 3 Engineer

JOHN O. MORTON BUILDING - 1 HAZEN DRIVE - P.O. BOX 483 - CONCORD, N.H. 03302-0483
TELEPHONE: 603-271-3734 FAX: 603-271-3914 TDD ACCESS: RELAY NH 1-800-735-2964

TOWN · OF
WATERVILLE
VALLEY · NH

RECEIVED
SEP 27 1999
THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

September 23, 1999

9/27/99

Ms. Carol Murray, Assistant Commissioner
NH Department of Transportation
John O. Morton Building
1 Hazen Drive
P. O. Box 483
Concord, NH 03302-0483

Dear Assistant Commissioner:

As you requested when we spoke prior to my leaving on vacation, I am enclosing a copy of the "Bridge Inspection Report" which we commissioned relative to the bridge and box culverts on Route 49.

As I indicated to you in that conversation, the Board of Selectmen have voted to further pursue the Town's assumption of the responsibility for that section of Route 49 and the bridges so long as the road is rehabilitated, the deficiencies in the bridges as raised in the engineer's report are addressed, and a granite-curbed sidewalk is constructed along the west side of this road section.

It would probably be helpful to again sit down and discuss the parameters of this assumption.

Sincerely,

TOWN OF WATERVILLE VALLEY

Sally D Harris

Sally D. Harris, Town Manager
for the Board of Selectmen

CC: Ken Kyle

Post Office Box 500
Waterville Valley
New Hampshire 03215
(603) 236-4730

Selectman Money made a motion to get going with the project, seconded by Seletman Virgin. All were in favor. The Board said they will raise the money in a Warrant Article at Town Meeting. There will be a public hearing so the residents will know what will be going on. When the project is finished Autumn Drive will qualify as a class V highway which will be maintained by the Town. Mr. Morrill said this will have to go to legislation to have the road reclassified. Mr. Morrill will discuss this with Mr. Berry and inform him of the meeting and let him know they will need between $210,000. to $240,000. for this project. Mr. Berry will send a letter to the Board when he has all the information.

At 7:45 Roger Abbott joined the meeting regarding his back taxes. He presented a proposal to pay the 1993 and 1994 back taxes in full. He will deal with the 1995 taxes this year. The Board informed Mr. Abbott that the 1995 lien will remain until the taxes are paid in full. Selectman Money made a motion to accept Mr. Abbott's offer to pay the 1993 and 1994 taxes in full. Seconded by Chairman Feener. All in favor. Alice will contact Attorney Chandler to draw up the necessary paper work.

Mrs. Paplaskas sitting in the audience asked about the plans for Morrisson Ave. The Board informed her they will not take any action tonight, not until they go out to view the markers.

Mr. Caldwell asked the Board about Selectman Money's vote for the CDBG grant with Franklin for the Clinic. Alice informed Mr. Caldwell that they were not able to reach Selectman Money who was out for medical reasons and did not see the presentation. He felt he was not knowledgeable enough to vote, as there was not enough information in enough time.

Chairman Feener made a motion to adjourn the meeting at 7:55PM. All were in favor.

At this time Selectman Money made a motion to go into non-public session for the purpose of
A roll call was taken at this time. Selectman Money, yes. Selectman Virgin, yes, Chairman Feener yes.

March 28, 1996

Board of Selectmen
Town of Tilton
145 Main Street
Tilton, N.H. 03276

RE: Autumn Drive Status
formerly Pleasant Street, R.I. #57

Dear Chairman and Board Members,

You are probably well aware of a couple of inquires made to this office as what can be done to improve the subject road condition. But we also had a telephone call concerning the anticipated excess vehicle speed if the road is improved.

No question about it, the road is in rough condition. A pavement overlay would be a temporary improvement and non-cost effective since the paving quantity of tons required would be phenomenal and still not cure the problems.

Realistically the road needs to be reconstructed. Unfortunately this unnumbered state road is not listed in the State of New Hampshire's "Ten Year Transportation Improvement Program" (1997-2006). The only viable solution for reconstruction would be thru a State Aid Reconstruction (SAR) Program administrated by the Bureau of Municipal Highways and this Highway Maintenance District Office.

Funding is based on municipal participation. The State of New Hampshire will double with each dollar generated by a community. Appropriations are customarily raised and allocated to spend thru a warrant article during the annual town meeting or a special town meeting.

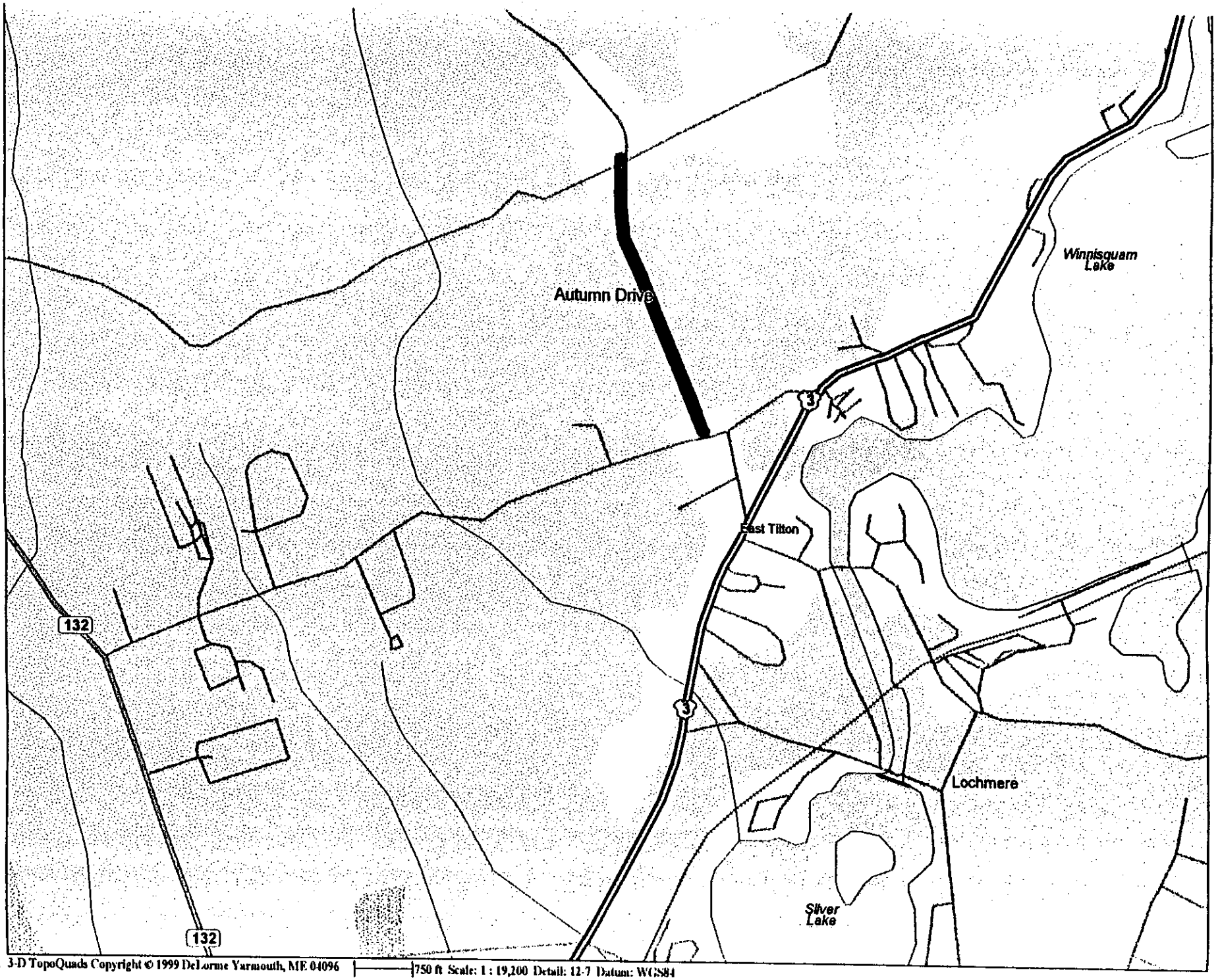
A preliminary estimate for the actual construction is approximately $192,000.00. This money would be spent on a closed drainage system, 6" crushed gravel, pavement reclamation, 3" Hot Bituminous Concrete and miscellaneous maintenance of traffic items.

If you are interested in participating in the SAR program, we would be glad to sit down and talk to you with more details and answer questions.

Very truly yours,

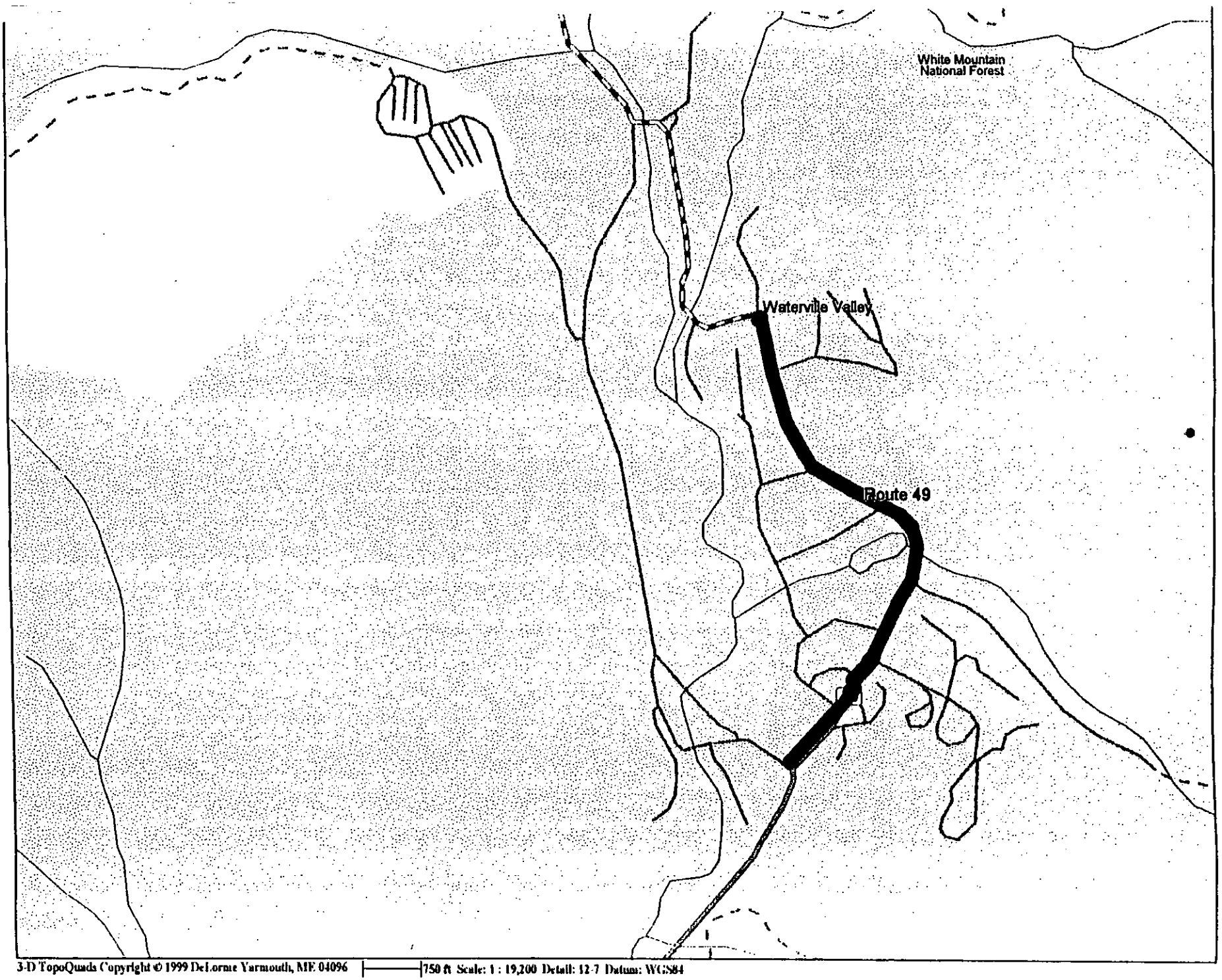
Mark P. Morrill, P.E.
Asst. District Engineer

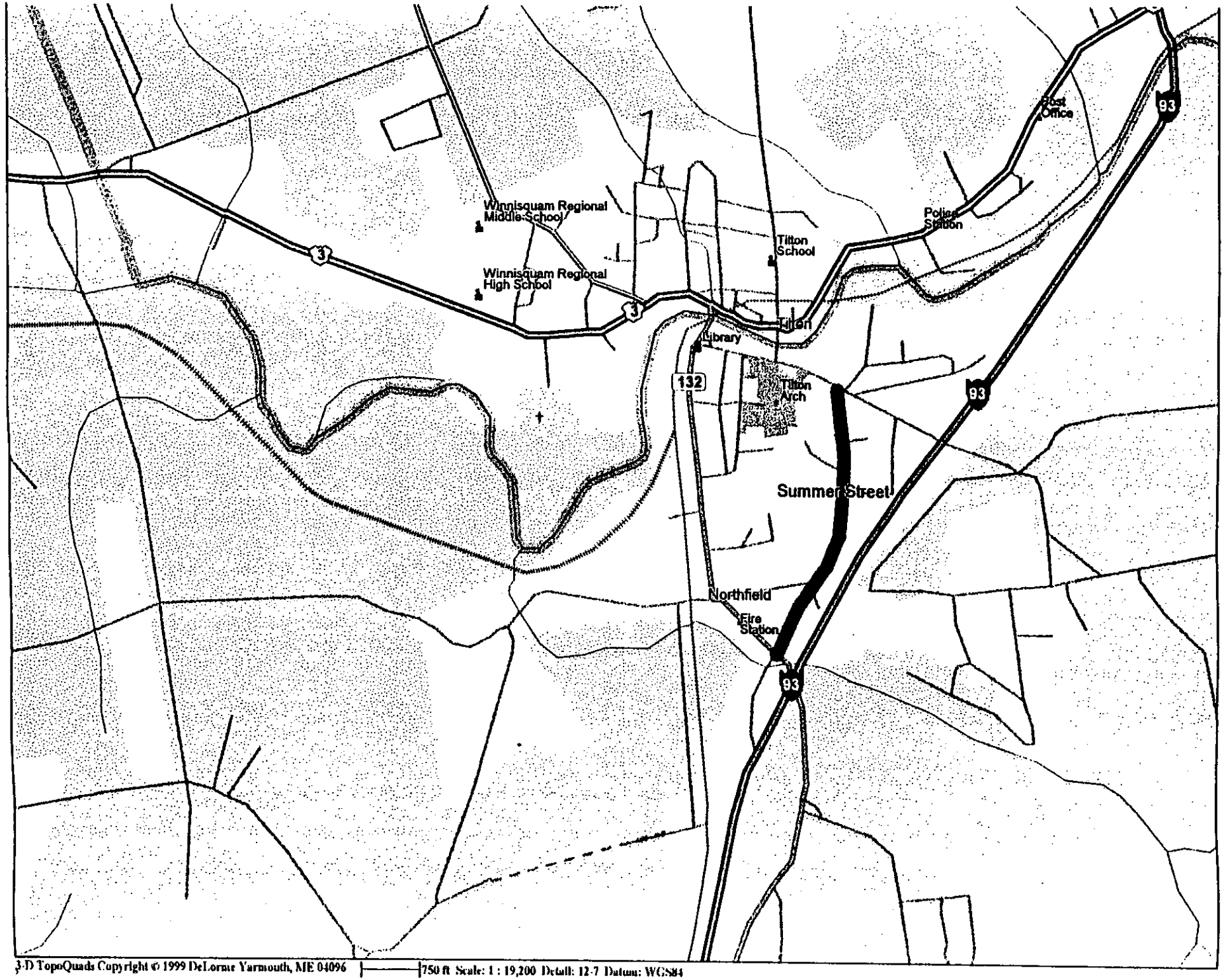
MPM/gb
pc: Kenneth Lahm
Moonlite Kennels
David Wadleigh, Tilton Road Agent
Robert Barry, Municipal Highways




3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096

750 ft Scale: 1 : 19,200 Detail: 12-7 Datum: WGS84


White Mountain
National Forest
Waterville Valley
Route 49
3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096
750 ft Scale: 1 : 19,200 Detail: 12-7 Datum: WGS84


Winnisquam Regional Middle School
Winnisquam Regional High School
Tilton School
Police Station
Post Office
Tilton
Library
Tilton Arch
Summer Street
Northfield
Fire Station
3
132
93
3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096
750 ft Scale: 1 : 19,200 Detail: 12-7 Datum: WGS84

# Transportation Committee

## HB 1165-FN-L Hearing Report

**TO:** Members of the Senate

**FROM:** Susan Duncan
Legislative Assistant

**RE:** Hearing report on HB 1165-FN-L – ***reclassifying certain roads in the Towns of Northfield, Tilton and Waterville Valley.***

**HEARING DATE:** March 28, 2000

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**Sponsor:** Representative E. Smith
Representatives Cloutier and Tholl

**What the bill does:** This bill reclassifies certain roads in the Towns of Northfield, Tilton and Waterville Valley.

**Who supports the bill:** Representative Cloutier
Representative Tholl
Stephen Gray, Maintenance Engineer, DOT

**Who opposes the bill:** Jim Dodge, Winnisquam

**Summary of testimony received:**

- This legislation was requested by the Department of Transportation.
- The House amendment added the requirement that no reclassification provided for in the bill shall be effective until the

governing body of the town has voted to accept responsibility for the additional costs incurred by the reclassification of the road (28-a issue).

- The Town of Tilton opposes the legislation.
- The roads in Northfield and Tilton are secondary system roads and are not maintained in the winter by the state. They are already maintained by the towns.
- The Waterville Valley road is maintained by DOT year round.
- These roads were improved with State money through the State Aid reconstruction program (1/3 town funding and 2/3 state).
- Earlier talks with the Towns of Tilton and Northfield indicated that the roads would be taken over by the towns.
- Some block grant monies might be available, but the amount would not be substantial.
- The Waterville Valley road is not open in the winter but is maintained by the town during the summer. It crosses over into Sandwich.
- This road is being reconstructed at the request of the Town of Waterville Valley.

**Funding:** The DOT indicates that this bill will decrease state highway fund expenditures by $9,100 and increase local expenditures by $6,600 beginning in FY 2001 and each year thereafter.

**Future Action:** The Committee took the bill under advisement.

sfd
[file: HB 1165-FN-L report]

# Speakers

# SENATE TRANSPORTATION COMMITTEE

Date 3/28/00 Time 3:15 PM Public Hearing on HB 1165-FN-L

**Appearing in FAVOR:** (Please print) **Please check box at left to speak.**

| Speaking? | Name | Address | Representing |
|---|---|---|---|
| ☑ | Stephen Gray | Concord | NHDOT |
| ☑ | Rep. John E. Thistle | W. Lebanon | Coos Dist 5 |
| ☑ | [illegible] | 13 W. Lafayette St. Claremont | against tolling part. |
| ☑ | Rep. John R. Cloutier | | Sull. #8 |
| ☐ | | | |
| ☐ | | | |
| ☐ | | | |
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| ☐ | | | |

**Appearing in OPPOSITION:** (Please Print) **Please check box at left to speak.**

| | | | |
|---|---|---|---|
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# Testimony

# The Mercier Group

*a professional corporation*

**Paul J. Mercier, Jr.**
**Certified Public Accountant**


April 17, 2000

Transportation Committee
New Hampshire Senate
State House
Concord, NH 03301

Re: House Bill 1165-FN-LOCAL

Ladies and Gentlemen:

In connection with Waterville Estates Village District's need to resolve the issue of a large deficit brought about by the Town of Campton's inability to collect sufficient Village District Taxes to satisfy the District's Assessment, we would like to provide the committee with the following testimony in favor of this legislation.

According to the current legal process, Waterville Estates Village District receives a portion (approximately 51%) of each dollar collected by the Town of Campton. It has no authority to raise overlay and thus must absorb any amounts abated or deeded by the Town. Over the past eight years, this has resulted in an accumulated operating deficit (Fund Deficit) of $212,612. As of December 31, 1999, the Village District had accumulated $475,000 in short-term borrowing in order to meet its statutory obligations. While a portion of the debt reflects borrowing against current taxes receivable, some $255,000 represents accounts that are greater than a year old and current year balances of a significant property owner that are scheduled to be deeded in July 2000 according to Town of Campton Officials.

Given the foregoing circumstances, the District is faced with higher borrowing costs and banking officials have noted uncertainty of whether the extension of future loans will be possible. Conversion of some or all of this short-term debt into a long-term obligation would take care of the Village District's current needs by allowing it to eliminate the operating deficit and to schedule repayments over several years. It is also anticipated that rates for long-term borrowing would be lower than the short-term rates.

To avert this situation in future years, the Village District needs the ability to raise overlay as proposed in an amendment to HB 1165-FN-LOCAL. As the independent auditors for Waterville Estate Village District, we encourage your committee to support this legislation.

Sincerely,

Paul J. Mercier, Jr. CPA

Cc: Board of Commissioners
Waterville Estate Village District


39 Cambridge Drive – Canterbury, NH 03224-2007

Ph(603)783-0036 · Fx(603)783-9862 · Email pjm@mercier-group.com · WWW http://www.mercier-group.com

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION • ATTORNEYS AT LAW

Victory Park
111 Amherst Street
P.O. Box 719
Manchester, NH 03105

Tel: 603-669-1000
Fax: 603-669-8547

MEMORANDUM

TO: Members of the General Court and Other Interested Parties

FROM: David H. Barnes, Esquire
Devine, Millimet & Branch, P.A.

RE: Waterville Estates Village District - Act Authorizing Issuance of Bonds or Notes for Purposes of Addressing General Fund Deficit

DATE: April 18, 2000

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Ladies and Gentlemen:

In my capacity as bond counsel to the Waterville Estates Village District (the "District"), I am writing this memorandum to explain the above-referenced bill as well as the underlying reasons for the bill.

As I believe will be made clear to you by representatives of the District and other knowledgeable parties, over the last several years the District has accumulated a general fund deficit that it will be unable to finance or otherwise provide for within the structure of current New Hampshire law.

In order to alleviate this financial problem, the proposed bill would authorize the District to issue up to $450,000 in general obligation bonds or notes for purposes of addressing this deficit. Bonds or notes issued under this authorization would mature no later than five (5) years from the date that they were issued. This special legislation is necessary because the Municipal Finance Act (RSA 33, as amended), the existing statute that describes the purposes for which bonds or notes may be issued by New Hampshire municipalities, does not authorize a municipality, such as the District, to issue long term bonds or notes for the purposes of addressing a general fund deficit.

Because bonds or notes issued under this authorization, together with debt that is already outstanding on behalf of the District, would result in an amount in excess of the District's current debt limit established under RSA 33:4-a, the proposed bill also exempts any bonds or notes issued under this Act from the District's debt limit.

Finally, in order to give the District the ability to act expeditiously to authorize and issue bonds to address its general fund deficit, the proposed bill also would authorize

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the District to hold a special meeting, without prior judicial authorization, for the sole purpose of authorizing such bonds or notes.

If you have questions or comments regarding this proposed bill, I would be happy to address them either in person, by telephone (603/695-8500) or via e-mail (dhbarnes@dmb.com).

Thank you.

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**STATE OF NEW HAMPSHIRE**

***In the Year of Our Lord Two Thousand***

AN ACT AUTHORIZING WATERVILLE ESTATES VILLAGE DISTRICT TO ISSUE BONDS AND NOTES FOR THE PURPOSE OF RAISING MONEY TO ADDRESS A GENERAL FUND DEFICIT AND TO CALL A SPECIAL MEETING WITHOUT PRIOR JUDICIAL AUTHORIZATION FOR THE PURPOSE OF AUTHORIZING SUCH BONDS AND NOTES.

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

1. Authorization of Issuance of Bonds or Notes to Address General Fund Deficit. Notwithstanding any law to the contrary, Waterville Estates Village District is hereby authorized to issue up to Four Hundred Fifty Thousand Dollars ($450,000) in general obligation bonds or notes under and in compliance with the provisions of the Municipal Finance Act, RSA 33, as amended, for the purpose of raising money to address the District's general fund deficit. Bonds or notes so issued shall mature not later than five (5) years from their date of issuance and shall not be counted towards the District's debt limit under RSA 33:4-a.

2. Special Meeting. The District is hereby authorized to hold a special meeting without prior judicial authorization for the sole purpose of authorizing the issuance of the aforesaid bonds and notes.

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

E:\Dhbarnes\6593\53721\bill.wpd

*The Board of Selectmen*

P.O. Box 127 Campton, NH 03223
603-726-3223

April 17, 2000

Transportation Committee
State House
Concord, New Hampshire

Re: Amendment to HB 1165-FN-L

Dear Members:

This letter is in support of the request by the Waterville Estates Village District for the authorization to issue a long-term bond (five years) up to $450,000.00 in order to raise monies for the deficit in the District's General Fund.

We have spoken with representatives from the District and believe that this is the best solution to the problem at hand at this point in time.

If you have any further questions, please do not hesitate to contact us.

Thank you for your time on this matter.

Sincerely,

Charles W. Cheney

Charles W. Cheney

David P. Moser

David P. Moser

Richard M. McMahon

Richard M. McMahon

c: Waterville Estates Commissioners

# *Town of Thornton*

**Office of the Selectmen**
**PO Box 1438**
**Thornton, New Hampshire 03223-1438**
**Phone (603) 726-4232**
**Fax (603) 726-2078**

**TO:** Members of the Transportation Committee

**FROM:** Board of Selectmen

**DATE:** April 14, 2000

**RE:** Amendment to HB1165-FN-L

To Members of the New Hampshire Senate Transportation Committee:

This letter is in support of a request by the Waterville Estates Village District for the authorization to issue a long-term bond (five years) in an amount up to $450,000.00. This borrowing would address a deficit in the District's General Fund.

We have spoken with representatives from the District and believe that this is the best solution to the problem at this point in time.

Thank you for your consideration in this matter. Please feel free to contact us should you have any questions.

Sincerely,
**BOARD OF SELECTMEN**

Alton G. Benton, Chairman

William D. Walker

Edward O. Pope

cc: Waterville Estates Village District

WE deficit HB1165.doc

# WATERVILLE ESTATES VILLAGE DISTRICT

**RR02, Box 1241-19, Campton, NH 03223-9705**
**Telephone (603) 726-3082, Fax (603) 726-8611**

**To:** Senate Transportation Committee
**From:** Waterville Estates Village District Commissioners
**Date:** April 14, 2000
**Re:** Special Legislation for Waterville Estates Village District

Ladies and Gentlemen:

The Waterville Estates Village District Commissioners and their representatives are before the Senate committee to request authorization to borrow over a five year period, a bond, in the amount of up to $450,000.00 in order to pay down debt in the form of tax anticipation notes that has accumulated over the past eight years. Over the course of the past eight years, the combination of delinquent tax payments in the amount of approximately $255,000 and $212,612 in an accumulated operating deficit due to abatements or deeded properties to the towns has resulted in this outstanding debt, and the District's inability to pay down principal toward the Tax Anticipation Note each year at maturity.

In an aggressive effort to resolve this matter at the advice of the New Hampshire Municipal Bond Bank, the Department of Revenue Administration, and our Certified Public Accountant, Paul Mercier, and with the support of David Barnes, Bond Counsel, Devine, Millimet, and Branch and both the towns of Campton and Thornton; we are before the committee today for your support on this necessary legislation.

Thank you for your time.

Sincerely,
**Commissioners**

Brian Young

John Michael Skaggs

Edward Cocci Sr.

# NEW HAMPSHIRE
# DEPARTMENT OF REVENUE
# ADMINISTRATION

FAX COVER SHEET PAGE: 1 OF 2 DATE: 4/18/2006

**********

TO: Susan

COMPANY: Senate

FAX: #: 95568

**********

FROM: Barbara Reid

New Hampshire Department of Revenue Administration
45 Chenell Drive
Concord, New Hampshire 03301

(603) 271- 3300

Fax #: (603) 271-6121

ADDITIONAL COMMENTS:

Another Amendment for HB1165
Regarding Lodgeville Estates
Village District

AMENDMENT TO HB 1165-FN-LOCAL

Authorization for Overlay for the Waterville Estates Village District. The property tax assessment for the Waterville Estates Village District may be increased by a sum not exceeding 5 percent more than such assessment to answer any abatements that may be made by the town of Campton against property lying within the district. The governing body of the district shall annually determine the amount of overlay to be assessed, if any, up to 5 percent of the districts' property tax assessment for property located in the town of Campton and shall certify such amount to the Department of Revenue Administration at the time the annual property tax rate is established pursuant to RSA 21-J. Notwithstanding the provision of RSA 76:6, the town of Campton may assess a sum not exceeding 5 percent more than the amount of taxes assessed by them exclusive of the Waterville Estates Village District assessment.

# Committee Report

Date: March 28, 2000 Time: 3:15 PM

The Senate Committee on Transportation held its hearing in Room 104-LOB, Concord, New Hampshire.

**BILL NO.:** HB 1165-FN-L TITLE: (New Title) reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.

Members of the Committee present: Senator Gordon
Senator Roberge
Senator Below
Senator Pignatelli

Those appearing in favor:

| Name and Address | Representing |
|---|---|
| See Attached. | |

Those appearing in opposition:

| Name and Address | Representing |
|---|---|
| See Attached. | |

**REPORT OF THE COMMITTEE:**

| | | | |
|---|---|---|---|
| ☐ | Ought to Pass | ☐ | Interim Study |
| ☒ | Ought to Pass w/ Amendment | ☐ | Continued Hearing |
| ☐ | Inexpedient to Legislate | ☐ | Postponed Hearing |

# STATE OF NEW HAMPSHIRE

# SENATE

# REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Transportation

to which was referred House Bill 1165-FN-L

AN ACT reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

VOTE: 3-0

2000-4252s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Edward M. Gordon
For the Committee

# |HB1165 Docket

Next|Prev|Results List|Main|Bill Status

**Bill Title:** (New Title) reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.

| Date | Body | Description |
|---|---|---|
| 1/5/2000 | H | Introduced and ref to Public Works; HJ5, p89 |
| 1/5/2000 | H | Copy to Chairman on 12/22/1999 |
| 1/5/2000 | H | Hearing Jan 11 11:30 RM201,LOB |
| 1/27/2000 | H | Maj Report OTP/AM for Feb 10 (vote 15-0;CC) |
| 1/27/2000 | H | Prop Comm Am{3132}; HC13, p341 |
| 2/10/2000 | H | Passed with Am; HJ16, p407 + 426 |
| 2/17/2000 | S | Introduced and Ref. to Transportation; SJ 4, [See Perm. Journal] |
| 3/1/2000 | S | Hearing March 28, Room 104, LOB, 3:15 p.m.; SC14, Pg.4 |
| 4/11/2000 | S | Hearing On Proposed Amendment, April 18, Room 104, LOB, 2:45 p.m.; SC22 |
| 4/26/2000 | S | Committee Report Ought to Pass with Amendment{4252}[New Title], 4/27/2000 ; SC25 |
| 4/27/2000 | S | Ought to Pass with Amendment{4252}, not voted on; Sen. Gordon Moved Laid on Table, MA, VV |
| 5/1/2000 | S | SJ 12, Pg.331-332 |
| 5/11/2000 | S | Sen. Gordon Moved Remove From Table, MA, VV; SJ 14, Pg.385 |
| 5/11/2000 | S | Ought to Pass with Amendment{4252}, AA, VV; OT3rdg, MA, VV SJ 14, Pg.385 |
| 5/17/2000 | H | House Conc with Sen Am, Rep E Smith MA VV; HJ45, p1365 |
| 5/18/2000 | S | Enrolled Bill, Adopted; SJ 15, Pg.495 |
| 5/18/2000 | H | Enrolled; HJ46, p1497 |
| 5/30/2000 | H | Signed by the Governor on 5/30/2000 Eff: 5/30/2000* Chap: 0197 |
| 5/30/2000 | H | *multiple effective dates, See Chapter |

Next|Prev|Results List|Main|Bill Status

*Docket Abbreviations*