

LAWS OF 1959 CHAPTER 399

As Amended

AN ACT TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE
BELKNAP COUNTY RECREATIONAL AREA.

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

399:1 Declaration of Purpose. It is hereby declared that the purposes of this chapter are to provide for a commission to operate, maintain, develop, improve and promote the Gunstock Area in Gilford, New Hampshire, owned by the county of Belknap, hereinafter called “area”, for recreational and other purposes in support of recreational activities and to further the public interest thereby.

[Amended by 1973, 263:1. Name changed from Belknap County Recreational Area to Gunstock Area.]

[Amended by 2009, 277:1. Added “and other” and “in support of recreational activities” language]

399:2 Incorporation. The Gunstock area commission hereinafter referred to as the “commission”, is hereby incorporated as a body politic and as an agency of the county of Belknap, with the powers and privileges herein provided.

[Amended by 1973, 263:2. Name changed from Belknap County Recreational Area to Gunstock Area.]

399:3 Membership of the Commission. The commission shall consist of five members who shall be resident property owners in the county of Belknap, and shall be invested with all the duties hereinafter granted to and imposed upon said commission.

399:4 Appointive Agency. The county convention for the county of Belknap, hereinafter sometimes referred to as the “appointive agency”, shall, acting as a body, appoint the members of the commission. Not more than two of the members of the commission shall be residents of the same municipality. At least one member shall be an experienced skier and at least one member shall be experienced in the field of finance, banking, or accounting. The term of office of each member shall be five years, except that initially, one member shall be appointed for a term of five years, one member for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year. Thereafter, appointments shall be made for five years. Each member shall continue in office until his successor has been appointed and qualified, and each member shall be subject to removal for cause by the appointive agency after public hearing.

399:5 Compensation. The members of said commission shall be paid twenty-five dollars for each day or portion of a day during which they shall be actually engaged in the services of the commission, not to exceed, however, the sum of one thousand dollars to any one member during any one fiscal year. The members of the commission shall also be reimbursed for actual necessary traveling, and other expenses and disbursements incurred and made by them in the discharge of their official duties. Mileage, however, shall be paid only for trips outside of the county of Belknap, and shall, in such case, be computed from the area and paid for at the same rate for which reimbursement is made to employees of the state of New Hampshire.

[Amended by 1973, 263:3 Changed “ten dollars for each day” to “twenty-five dollars for each day”; changed “five hundred dollars” to “one thousand dollars”.]

399:6 Organization. The commission shall organize, choose a chairman and a secretary, and shall make such rules and regulations for conduct of its business as it may decide.

399:7 Quorum. A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power, except that in any action upon the appointment or removal of a manager, a majority of the commission must act affirmatively.

399:8 Vacancies. If a vacancy occurs in said commission, it shall be filled for the remainder of the term in the same manner as is hereinbefore provided for original appointment.

399:9 Dealing with Area Prohibited. No member of said commission shall receive any compensation for services other than compensation herein provided, or reimbursement for personal expenses actually incurred, or have any financial interest in the area, or in its operation, either directly or indirectly.

399:10 Powers. The commission shall have power:

- (a) To sue and to be sued.
- (b) To select and have a seal.
- (c) To adopt by-laws not inconsistent with this chapter for the conduct of its business.
- (d) To construct, maintain, reconnect, improve, operate and manage the area, including all facilities and appurtenances of any description whatsoever, as are necessary or desirable thereto.
- (e) To acquire, hold and dispose of personal property for the purposes hereof.
- (f) Notwithstanding RSA 28:8-c, To acquire in the name of the county of Belknap by purchase, lease or otherwise, real property and rights or easements therein, deemed by it necessary or desirable for the purpose hereof, and to use such property and to convey, lease in accordance with RSA 72:23, 1 or dispose of real property or the rights or easements therein under terms and conditions as shall be negotiated by the commission, provided that no conveyance or disposal shall occur unless authorized by the county convention by a 2/3 vote of those members present and voting after a duly noticed public hearing, and upon a vote of the commission with at least 4 members of the commission voting in favor, and upon the approval of the Belknap county commissioners with at least 2 commissioners voting in favor.
- (g) To prescribe and publish rules and regulations governing the use of the area.
- (h) To charge and collect fees, fares and tolls for use of the area, and other services and facilities made available in connection therewith.
- (i) To make such contracts with the state, United States, other states, public corporations or bodies existing therein, and private corporations and individuals as may be deemed in the public interest.
- (j) To accept grants, permits and cooperation from the United States, state of New Hampshire, or any agency thereof, in the construction, maintenance, reconstruction, improvement, operation and financing of the area and its

appurtenances, and to do any and all things necessary in order to avail itself of such aid and cooperation.

- (k) To grant leases of all or any part of the area, or any of the facilities therein except lifts and tows which may be leased for not more than three days, to private persons, firms or corporations, upon such terms and conditions as the commission may deem advisable, for periods not exceeding five years, except that leases may be made for longer periods with the approval of the county convention.
- (l) To employ such assistants, agents, servants, professional, technical or otherwise, as it shall deem necessary or desirable for its purposes, and fix their compensation.
- (m) To solicit, receive, hold, and expend any gifts, grants, or donations from any source made for any purpose set forth in this act.

[Amended by 2003, to read as above.]

[Approved: April 11, 2003]

[Effective: April 11, 2003]

- (n) To do all other lawful acts necessary or incidental to the foregoing powers.

[Amended by 2009, 277:2 – Conveyance language added]

399:11 Limitation of Powers. The commission shall have no power to commit the county of Belknap to any obligation or liability whatsoever, except in pursuance to the authority herein contained.

399:12 Control of Public Lands. To the extent that it may be necessary to carry out the provisions of this chapter, the commission shall have power to use and control the public lands of the county of Belknap situated in the town of Gilford, known as the Belknap county recreational area, and upon the acquisition by the commission in the name of the county, or by the county directly, of any real property or interest, or right or easement therein, adjacent to such area as now or hereafter bounded, such property or rights or easements shall, without further action, and by virtue hereof, be and become dedicated to the uses and purposes of the commission.

399:13 Exemption from Levy and Execution. All property of the county of Belknap, real or personal, used or controlled by the commission, shall be exempt from attachment and levy and sale by virtue of any execution.

399:14 Appropriations and Revenues.

- (a) The county convention may, from time to time, appropriate money for the use of the commission to carry out the purposes of this chapter.
- (b) All moneys received by the commission from the operation of the area, by borrowing, from the appropriations by the county convention, or from other sources, shall be turned over to the county treasurer, shall be kept in a separate fund, and shall be paid out of the same only upon order of the commission or its duly designated agent.
- (c) The commission is hereby authorized and empowered to use the revenues from the area to carry out any and all of the purposes herein stated, and is hereby especially authorized and empowered to retain any profits from the operation of the area and invest the same for the purpose of future maintenance, operation, improvements of the area, and for working capital, except that any sums accumulated and on hand at the end of the fiscal year in excess of twenty-five percent of the average gross income of the three immediately preceding fiscal years, not required for the payment

of outstanding bills of amortization of outstanding indebtedness, shall be turned over to the county of Belknap if required by vote of the county convention.

[Amended by 1973, 263:4. Fund limit changed from “forty thousand dollars” to “twenty-five percent of the average gross income of the three immediately preceding fiscal years”.]

- (d) The commission is hereby authorized to adopt a fiscal year for accounting purposes which need not be the same as the calendar year.
- (e) All financial transactions of the commission shall be audited annually and at such other times and in such manner as the county convention may determine. The commission shall make an annual report to the county convention may determine. The commission shall make an annual report to the county convention of its financial and other transactions for the preceding fiscal year on or before the fifteenth day of the second month following the close of the preceding fiscal year. This report, and the report of such audits as shall be made as herein provided, shall be filed with the clerk of the superior court for Belknap county, after completion, and shall be open for public inspection.
- (f) If the commission at any time requests the county convention for an appropriation, or for authority to borrow money as provided in section 15, such request shall be accompanied by a complete budget of expected receipts and expenditures for the current fiscal year.

399:15 Bonds or Notes Authorized. The county treasurer is hereby authorized upon a vote of the commission, previously authorized by the county convention, with at least 4 members of the commission voting in favor, to borrow money for the purpose of carrying into effect the provisions of this chapter, and to borrow money in anticipation of revenues for a term of years determined and authorized by the county convention, issuing serial notes or bonds therefore, said bonds to be payable out of revenues received from the operation of the area. Such borrowed money may be used for any purpose for which the commission is authorized to expend money. The maturity dates of such bonds or notes shall be determined by the county convention. When borrowed money is used for capital improvements, the maturity dates of the bonds or notes issued shall be based upon the probable useful life of such capital improvements, but in no event shall any maturity date exceed 20 years from the date of issue. All such bonds or notes shall contain an express guaranty that fees, fares and tolls will be collected in accordance with the provisions hereof, until the date of maturity of said bonds or notes or renewals thereof, and until sufficient money shall have accumulated to pay the principal of said notes or bonds and the interest thereon at the date of maturity. Such notes or bonds shall be in such form and such denominations as the commission shall determine, subject to the authority of the county convention to determine the term of years for the notes or bonds, and shall be signed by a majority of the commission and countersigned by the county treasurer. Provided, however, that the county convention shall, by 2/3 vote of those members present and voting, approve the issue of serial notes and bonds prior to the issue thereof, and such serial notes or bonds shall be considered to be a pledge of the full faith and credit of the county of Belknap. All bonds and notes, and the interest thereon, issued by the commission hereunder shall be exempt from taxation. Any borrowings under the provisions of this section authorizing the issuance of bonds and notes to cover operating expenses or losses shall be limited to a one-time issuance of such bonds and notes, the authorization by the county convention for which shall occur on or before December 31, 1990.

[Amended by 1989, 4:1 and by 1990, 127:1. The effect of these two amendments was to provide for borrowing in anticipation of revenues, to allow a one-time bond issue to cover operating expenses and losses, and to make technical changes in the borrowing provisions.]

399:16 Records. The county treasurer shall keep a record of each bond or note, showing the number and amount of each bond or note, the date of maturity and the date of payment of interest. The treasurer may negotiate and sell such bonds or notes by direction of the commission in such manner as they may determine to be the most advantageous to the county. The proceeds of the sale of such bonds or notes shall be held by the county treasurer and shall be paid out by him upon warrants approved by the commission or its duly designated agent.

399:17 Powers of the County Commissioners. As long as this chapter shall be in effect, and upon the appointment of a commission by the appointive agency, the county commissioners of Belknap county shall be relieved of all duties and responsibilities with respect to the operation and maintenance of the area.

399:18 Present Assets, Loans and Other Obligations. Upon the appointment of a commission by the appointive agency, all money then held by the county of Belknap for the account of the area, shall be considered transferred to the commission for the purposes of this chapter, which shall include any accounts which are kept as capital reserve accounts, or accounts known as Belknap county recreational area fund, and any obligation for the payment of any outstanding serial notes or bonds or any other current bills at such time shall be considered to have been transferred to the commission and shall be payable out of future revenues.

399:19 Effect of Repeal. In the event this chapter shall be repealed at any time, any property which may have been acquired by the commission, real or personal, shall be deemed to have reverted in the county of Belknap, and upon repeal, any outstanding serial notes or bonds shall be considered to be direct obligations to the county of Belknap, and shall be deemed a pledge of the full faith and credit of said county.

399:20 Separability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and application of such provision to other persons or circumstances shall not be affected thereby.

399:21 Repeal of Inconsistent Acts. Laws 1953, chapter 344 as amended by Laws 1957, chapter 420, is hereby repealed, effective upon the appointment and qualification of the commission pursuant to the provisions hereof.

399:22 Takes Effect. This act shall take effect as of September 15, 1959.

[Approved June 15, 1959.]

[Effective date September 15, 1959.]

LAWS OF 1963 CHAPTER 446

AN ACT RELATIVE TO BELKNAP COUNTY RECREATIONAL AREA

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

446:1 Tax Assessment. The Belknap county recreational area in the town of Gilford shall be exempt from taxation, but in the year 1963 and in each succeeding year thereafter, the county of Belknap shall pay to the town of Gilford with respect to said area and in lieu of taxes thereon, an amount equal to the taxes assessed on said area by said town for the year 1962.

446:2 Takes Effect. This act shall take effect upon its passage.
[Approved July 2, 1963]
[Effective July 2, 1963]

NOTE: Amount if \$6586.65 per year

LAWS OF 1990 CHAPTER 144

(HB 1309)

AN ACT RELATIVE TO A PUBLIC TRUST GRANT FOR THE GUNSTOCK AREA SKI RESORTS SNOWMAKING

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

144:1 Gunstock Area Ski Resort. Consistent with the best interests of the public as a whole and with state ownership or stewardship over such water bodies, the Gunstock Area of Gilford, and its successors and assigns, is authorized to take water for implementing a system of snowmaking and other activities incidental to present use and potential expansion of ski area operations from lake Winnepesaukee, partly situated in the town of Gilford, subject to all applicable conditions and limitations incorporated in any permit issued by the state of New Hampshire, or the town of Gilford. If the department of environmental services determines that a cessation, reduction or other modification of such withdrawal is necessary for the preservation of environmental quality, protection of water quality, regulation of water quantity, or protection of habitat, the Gunstock Area and its successors and assigns shall, pursuant to written notice and order, cease, reduce or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such an order. The department shall adopt rules under RSA 541-A establishing criteria and procedures for issuing such orders for special hearings and for making such decisions. If the water withdrawals authorized by this act for the expansion of ski area operations at Gunstock Area have not commenced within 15 years of the effective date of this act, such authorization shall expire.

144:2 Private Rights. This act shall not affect any private right in Lake Winnepesaukee and shall not relieve Gunstock Area of Gilford from compliance with laws or rules under the state's police power.

144: Effective Date. This act shall take effect upon its passage.

[Approved April 19, 1990.]

[Effective Date April 19, 1990.]

[Amended January 22, 2004 to extend expiration date to April 19, 2020. Reference NH Laws 2004 Chapter 57:1]