



Town of Gilford, New Hampshire  
Deliberative Session "First Session" Minutes  
February 7, 2017

Moderator Sandra McGonagle called the meeting to order at 7:00 p.m. and asked the audience to stand while Fire Chief, Steve Carrier led in the Pledge of Allegiance. McGonagle pointed out the exit signs and went over the evacuation plan in the event of an emergency. She also asked that there be no food, drink, or smoking in the building or on the grounds and to silence cell phones. McGonagle introduced the Board of Selectmen, Richard Grenier, Chan Eddy and Town Administrator, Scott Dunn present on the stage along with Chairman of the Budget Committee, Norm Silber and Town Clerk Denise Gonyer. Dunn introduced the Department Managers in attendance: Fire Chief, Steve Carrier; Police Chief, Anthony Beane-Burpee; Director of Planning and Land Use, John Ayer; Director of Public Works, Peter Norse; Director of Public Library, Katherine Dormody; Town Clerk – Tax Collector, Denise Gonyer; Finance Director, Glen Waring; Parks and Recreation Director, Herb Greene.

McGonagle explained the checking in of registered voters and the voting cards that were issued. McGonagle explained the rules of the meeting and debate. She explained that each speaker would have to state their name and address for the record and would have five minutes to speak the first time. Anyone wanting to speak again would have two minutes to speak after everyone that wanted to speak has spoken. McGonagle further explained that any amendments would need to be submitted in writing and stated in the positive. She also explained that once the discussion on the Article was finished that the Article would be placed on the official ballot and she would move to the next Article. McGonagle explained to the membership how to overrule the Moderator and encouraged voters to ask for assistance with anything procedurally they were unsure of wanting to do and went over the rest of the rules of the meeting.

The Moderator read Article 1 as follows:

**ARTICLE 1:** To choose the necessary Town Officers for the following year; to wit:

One Selectman for a three year term;  
RICHARD A. GRENIER  
One Town Clerk – Tax Collector for a three year term;  
DENISE MORRISSETTE GONYER

One Treasurer for a three year term;  
KIMBERLY L. ZYLA  
One Trustee of Trust Funds for a three year term;  
DONALD CLARKE  
One Library Trustees for a three year term;  
ELIZABETH "BETTY" TIDD  
One Cemetery Trustee for a three year term;  
DORIS "DEE" L. CHITTY  
One Fire Engineer for a three year term;  
DONALD SPEAR  
Three Budget Committee Members for three year terms;  
GEOFF RUGGLES  
SUSAN C. GREENE  
SKIP MURPHY

The Moderator read Article 2 as follows:

**ARTICLE 2:** Are you in favor of the adoption of Amendment Number 1 as proposed by petition for the Gilford Zoning Ordinance as follows?

Amend the Zoning Map of the Town of Gilford by changing the zoning from Single Family Residential (SFR) to Resort Commercial (RC) of approximately 9.44 acres of land located at 60 Kimball Road on the easterly portion of Tax Map & Lot #215-020.000, as shown on a plan prepared by Steven J. Smith & Associates, Inc., entitled "Proposed Boundary Line Adjustment between Meadowbrook Farm, LLC, 52 Meadowbrook Lane, and Barry Dame, Jr., 60 Kimball Road, Gilford, Belknap County, New Hampshire", dated October 27, 2016. (The Planning Board recommends adoption of this amendment.) (An official copy of the entire proposal is on file at the Town Clerk's Office and on display at the meeting place on the date of the Town Meetings and may be viewed at [www.gilfordnh.org](http://www.gilfordnh.org).)

Discussion: Howard Epstein, 231 Sagamore Rd. asked about the height limit and John Ayer explained that there was no building on this parcel.  
There being no other discussion the Moderator moved to the next Article.

The Moderator read Article 3 as follows:

**ARTICLE 3:** Are you in favor of the adoption of Amendment Number 2 as proposed by the Gilford Planning Board for the Gilford Zoning Ordinance as follows?

Delete Sections 4.6.12, Family Apartment, and 4.7.6 (d), Family Apartment, to comply with RSA 674:72,VIII which prohibits a municipality from requiring a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit. (An

official copy of the entire proposal is on file at the Town Clerk's Office and on display at the meeting place on the date of the Town Meetings and may be viewed at [www.gilfordnh.org](http://www.gilfordnh.org).)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 4 as follows:

**ARTICLE 4:** Are you in favor of the adoption of Amendment Number 3 as proposed by the Gilford Planning Board for the Gilford Zoning Ordinance as follows?

Amend the existing provisions of the Gilford Zoning Ordinance pertaining to Accessory Apartments to comply with RSA 674:71 through :73 by making the following changes:

- a. Amend Section 4.6.17, Accessory Apartment, by making Accessory Apartments a permitted use in the Island Residential (IR), Professional Commercial (PC), and Resort Commercial (RC) zones where the use is currently not permitted;
- b. Amend Section 4.7.6(p), Accessory Apartment, by deleting the requirement in Paragraph 5 that an Accessory Apartment shall not exceed forty percent (40%) of the gross floor area of the building in which it is located;
- c. Amend Section 4.7.6(p) by adding a new Paragraph 7 requiring an adequate water system serving an Accessory Apartment;
- d. Amend Section 4.7.6(p) by renumbering the paragraphs after Paragraph 7;
- e. Amend Section 4.7.6(p) by deleting the restriction in the renumbered Paragraph 11 (currently Paragraph 10) which prohibits Accessory Apartments within Cluster Development and Senior Housing developments;
- f. Amend Section 4.7.6(p) by adding a new Paragraph 15 requiring an interior door between the principal dwelling unit and the Accessory Apartment;
- g. Amend Section 4.7.6(p) by adding a new Paragraph 16 which states that Accessory Apartments are not permitted in a zone where the use is not listed as a permitted use in Section 4.6.17; and
- h. Make other related changes to bring these regulations into compliance with RSA 674:71 through :73 and to clarify existing provisions in the ordinance.

(An official copy of the entire proposal is on file at the Town Clerk's Office and on display at the meeting place on the date of the Town Meetings and may be viewed at [www.gilfordnh.org](http://www.gilfordnh.org).)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 5 as follows:

**ARTICLE 5:** Are you in favor of the adoption of Amendment Number 4 as proposed by the Gilford Planning Board for the Gilford Zoning Ordinance as follows?

Amend Section 22.6, Penalties, by clarifying the means by which monetary fines, penalties, and judgments for violating the Gilford Zoning Ordinance may be secured and enforced as provided for by State law. (An official copy of the entire proposal is on file at the Town Clerk's Office and on display at the meeting place on the date of the Town Meetings and may be viewed at [www.gilfordnh.org](http://www.gilfordnh.org).)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 6 as follows:

**ARTICLE 6:** Shall the Town vote to raise and appropriate the sum of nine hundred fifty thousand dollars (\$950,000) for improvements to the Recycle Center; including the establishment of a solid waste transfer station; and to authorize the issuance of not more than nine hundred fifty thousand dollars (\$950,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act, (RSA 33); and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon? *[3/5 Vote Required]*  
(Recommended by the Board of Selectmen by a vote of 3 to 0)  
(Recommended by the Budget Committee by a vote of 8 to 2)

Discussion: David Horvath, 28 Timber Lane asked about spreadsheet itemizing cost of construction, staffing and cost savings. Selectman Grenier outlined the savings and Dunn made Mr. Horvath aware that there had already been a public hearing regarding this Article and that there is currently information on the Town's website. Horvath spoke in opposition and wanted printed information at the available at this meeting.

Skip Murphy, 9 Gilford Glen Rd. inquired about the overall debt of the town and how many notes were coming due etc. Dunn referred Mr. Murphy to the annual town reports and further explained a few of the notes that are done and further explained that this will add to the overall debt but will not be over the statutory amount.

Sandy Morrissey, 300 Cherry Valley Rd., asked about any environmental impacts to that area and potential odor. Grenier explained that it would be build on the high land area and would not impact any part of the landfill and that the trash would be inside a building with a compactor and there would be no odor.

Kevin Leandro, 143 Lake St., spoke in support of the Article.

There being no further discussion the Moderator moved to the next Article.

Gretchen Gandini asked about the process of obtaining a price estimate or confirmation of a price not to exceed. Grenier explained the bidding process followed.

The Moderator read Article 7 as follows:

**ARTICLE 7:** Shall the Town vote to raise and appropriate the sum of seven hundred twenty-five thousand dollars (\$725,000) for improvements to the two sewer pump stations on Varney Point; and to authorize the issuance of not more than seven hundred twenty-five thousand dollars (\$725,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act, (RSA 33); and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon? Funds for future payments shall come from sewer user fees and no amount shall be raised from taxation. *[3/5 Vote Required]*

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 8 as follows:

**ARTICLE 8:** Shall the Town vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$12,414,164? Should this article be defeated, the default budget shall be \$12,145,615, which is the same as last year, except for certain adjustments required by previous action of the Town or by law; or the Board of Selectmen may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 10 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 9 as follows:

**ARTICLE 9:** Shall the Town vote to authorize the Board of Selectmen to enter into a five year lease purchase agreement in the amount of \$538,650 for a fire engine, contingent upon such an agreement having a non-appropriation clause in accordance with the provisions of RSA 33:7-e; and to raise and appropriate the sum of fifty thousand dollars (\$50,000) for the first year's payment for that purpose? This sum to come from fund balance and no amount to be raised from taxation. It is anticipated the

final payment of \$200,000 in the year 2021 will come from existing money in the Fire Equipment Capital Reserve Fund upon future Town Meeting approval.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 10 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 10 as follows:

**ARTICLE 10:** Shall the Town vote to raise and appropriate the sum of one hundred seventy-five thousand dollars (\$175,000) to purchase a medium duty dump truck with plow and accessories? This sum to come from fund balance and no amount to be raised from taxation.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 11 as follows:

**ARTICLE 11:** Shall the Town vote to raise and appropriate the sum of four hundred fifty thousand (\$450,000) for phase 2 of the Town Hall improvement project, to include new heating and cooling fixtures, water system upgrades, hallway flooring, sidewalks and ADA compliant entry doors? This sum to come from fund balance and no amount to be raised from taxation.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Not recommended by the Budget Committee by a vote of 8 to 2)

Discussion: Skip Murphy wanted to have an explanation of the Budget Committee's "not to recommend" position. Norm Silber explained from the beginning of the process and discussed the bids that were received during the discussion. Silber further explained the Committee's position and the lack of confidence in the quotes.

Kevin Leandro spoke in opposition of the current dollar amount and proposed an amendment as follows:

**Amendment:** "Shall the Town Vote to raise and appropriate the sum of Three Hundred and Eighty-Five Thousand Dollars (\$385,000) for phase 2 of the Town Hall improvement project, to include new heating and cooling fixtures, water system upgrades, hallway flooring, sidewalks and ADA compliant entry doors? This sum to come from fund balance and not amount is to be raised from taxation."

**Second:** David Horvath

Discussion: Grenier explained the Board of Selectmen's position to use fund balance instead of capital improvement; purposely chose to use fund balance and save capital reserve fund for a later date. Grenier made reference to the last page of the handout and further explained the difference between the estimates.

Kevin Hayes, 7 Given Dr., spoke in opposition to the Amendment and cheapening the project.

David Horvath questioned the funds being used for the impoundment for PD and wanted to know why it was needed. Grenier explained about the serious accidents and the need to sore the evidence.

Norm Silber, 243 Mountain Dr., expressed his concern about the appropriation being public and available to contractors prior to the bidding process.

Larry Routhier, 9 Sleeper Hill Rd., spoke in opposition to the Amendment and further explained his position as Chairman of the Capital Improvement Committee. He explained that this project has been ongoing and was to be done in phases as outline in the project for the past 4-5 years.

Paul Blandford, 9 Olde English Ln., spoke in opposition to the Amendment and explained the competitive bid process and the different products for pricing.

Selectmen Eddy spoke in opposition to the Amendment.

Chris McDonough, 16 Knollwood Dr., asked about the Police Dept. impoundment and vault shelving not being listed in the warrant article; McDonough stated that he wants the project done but doesn't want to spend extra money; McDonough spoke in support of the Amendment.

Skip Murphy asked about funds for impoundment yard and vault shelving, Gretchen Gandini asked about the bidding process. Scott Dunn explained the bidding process and Selectmen Grenier further explained the Board's position and the scope of doing the whole project.

Leandro spoke in opposition to using money from Phase 2 for impoundment yard and wants it to be separated from this project.

There being no further discussion the Moderator called for the vote on the Amendment changing the dollar amount from \$450,000 to \$385,000. The vote was **29 YES** to 27 NO; the Amendment was in the **AFFIRMATIVE** and passed.

There being no further discussion the Moderator moved to the next Article.

The Moderator read Article 12 as follows:

**ARTICLE 12:** Shall the Town vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be added to the Building Repair Capital Reserve Fund previously established in 2007? This sum to come from fund balance and no amount to be raised from taxation.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 13 as follows:

**ARTICLE 13:** Shall the Town vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be added to the Fire Water Supply Maintenance Capital Reserve Fund previously established in 2008 for town-wide fire suppression purposes? This sum to come from fund balance and no amount to be raised from taxation.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 14 as follows:

**ARTICLE 14:** Shall the Town vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Recreation Facilities Maintenance Capital Reserve Fund previously established in 2008? This sum to come from fund balance and no amount to be raised from taxation.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 15 as follows:

**ARTICLE 15:** Shall the Town vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Glendale Boat and Launch Ramp Facilities Maintenance Capital Reserve Fund previously established in 2008? This sum to come from fund balance and no amount to be raised from taxation.

(Recommended by the Board of Selectmen by a vote of 3 to 0)

(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 16 as follows:

**ARTICLE 16:** Shall the Town vote to raise and appropriate the sum of fifty-eight thousand dollars (\$58,000) to be added to the Lakes Business Park Capital Trust Fund previously established pursuant to the terms of the Inter-Municipal Agreement that was approved under Article 18 of the 2001 Annual Town Meeting?  
(Recommended by the Board of Selectmen by a vote of 3 to 0)  
(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: Skip Murphy asked how much longer to pay and Selectmen Grenier was not sure of the ending date. Norm Silber said that he has researched the unsold properties and will be working on a proposal to the Governing Board of Gilford and Laconia and spoke in support of the article to adhere to the legal obligations.

There being no further discussion the Moderator moved to the next Article.

The Moderator read Article 17 as follows:

**ARTICLE 17:** Shall the Town vote to raise and appropriate the sum of ten thousand dollars, (\$10,000), to be added to the Sewer Maintenance Capital Reserve Fund previously established in 2007? This sum to come from sewer fund balance and no amount to be raised from taxation.  
(Recommended by the Board of Selectmen by a vote of 3 to 0)  
(Recommended by the Budget Committee by a vote of 8 to 0)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 18 as follows:

**ARTICLE 18:** Shall the Town vote to raise and appropriate the sum of nine thousand dollars (\$9,000) to support the operation of the Laconia Area Center of Community Action Program? The Laconia Area Center staff provides low income, elderly and disabled residents of Gilford assistance with basic needs such as fuel assistance, electric assistance, home weatherization, security deposits for housing, emergency housing assistance and maintains a food pantry accessible every day during business hours. In 2016 residents of Gilford received more than \$332,507 in services through the programs of Community Action Program, Belknap-Merrimack Counties, Inc., and the Laconia Area Center. [*Submitted by petition*]  
(Not recommended by the Board of Selectmen by a vote of 3 to 0)  
(Not recommended by the Budget Committee by a vote of 9 to 1)

Discussion: Judith Scothorne, 2393 Lakeshore Rd. #14 and Director of Laconia Area Center of Community Action Program explained the benefits and services set forth in the warrant article and spoke in support of the Article. Norm Silber explained the Budget Committee's position of leaving it up to the voters to support or not support and further explained the town's welfare budget.

**Amendment:** Norm Silber made a motion to change the dollar amount requested from \$9,000 to \$1.00.

**Seconded** by: Skip Murphy.

Further Discussion: Murphy spoke in support of the Article and spoke against the original warrant Article.

Scothorne spoke against the amendment and explained that by not supporting the original warrant Article it would make the Town's Welfare budget increase in ensuing years.

Grenier explained the Board of Selectmen's position of leaving it to the voters if it is supported or not and spoke against the Amendment.

Fred Butler, 65 Yasmin Dr. asked for cost analysis and reiterated that the voters support funding year after year.

Scothorne further explained the funding from towns served in the state and federal funding through grants.

Silber asked if there was any funding from Belknap County and Scothorn answered no.

Everett McLaughlin, 270 Belknap Mtn. Rd., spoke in opposition to the Amendment and asked that it be left up to the voters to decide on funding.

The Moderator called for the vote and the Amendment FAILED

There being no further discussion the Moderator moved to the next Article.

The Moderator read Article 19 as follows:

**ARTICLE 19:** Shall the Town vote to raise and appropriate the sum of three thousand dollars, (\$3,000.00), for the purpose of supporting services provided to residents to access counseling and family support services, without regard to income from Child and Family Services. Child and Family Services provides accessible and affordable programs to children, youth and their families leading to stronger family connections, improved school performance and better citizenship. From July 1, 2015 – June 30, 2016 seventeen, (17), Gilford residents received 140 hours of free and reduced service valued at over \$9,100 from Child and Family Services. These services protected

children from abuse and neglect, strengthened families, prevented out of home placements, provided adolescent substance abuse prevention and treatment services and offered school year and summer enrichment programs for children. [*Submitted by petition*]

(Not recommended by the Board of Selectmen by a vote of 3 to 0)

(Not recommended by the Budget Committee by a vote of 9 to 1)

Discussion: None, the Moderator moved to the next Article.

The Moderator read Article 20 as follows:

**ARTICLE 20:** Shall the Town vote to raise and appropriate the sum of twenty-one thousand dollars, (\$21,000), in support of Genesis Behavioral Health for the delivery of Emergency Mental Health Services? These services include access to Master's level clinicians and psychiatrists by individuals, police, fire, schools, hospitals and others, 24 hours per day, 7 days per week. Services are provided to anyone in need, regardless of their ability to pay. Genesis Behavioral Health is designated by the State of New Hampshire as the community mental health center serving Belknap and Southern Grafton Counties. We served 3,976 children, families, adults and elders in Fiscal Year 2016, 221 of whom were Gilford residents. Genesis Behavioral Health provided emergency services to 51 Gilford residents in Fiscal Year 2016. We provided \$35,797 in charitable care to Gilford residents. [*Submitted by petition*]

(Not recommended by the Board of Selectmen by a vote of 3 to 0)

(Not recommended by the Budget Committee by a vote of 8 to 2)

Discussion: Meg Jenkins, 32 River Rd., spoke in support of the Article and said that it was a critical service and has been supported by the taxpayers.

Deb Pendergast, 51 Marjorie's Walk, spoke in support of the Article and referred to the level funding and for caring for our neighbors.

There being no further discussion the Moderator moved to the next Article.

The Moderator read Article 21 as follows:

**ARTICLE 21:** Shall the Town adopt the following policy: Effective July 1, 2017, no person who serves in any elected position at the State and Federal level shall concurrently serve in any elected position within the Town of Gilford? The purpose of this article is to ensure that power concerning town matters is not concentrated in "the hands of a few" and to encourage broader civic participation within Gilford's citizenry. [*Submitted by petition*]

(Not recommended by the Board of Selectmen by a vote of 3 to 0)

Discussion: Skip Murphy spoke in opposition to the Article and explained that NH is not a home rule state and referred to the NH budget laws.

Kevin Leandro spoke in opposition to the Article and offered the following:

**Amendment:** Shall the Town adopt following policy: Effective July 1, 2017, no person who serves in any elected position at the State and/or Federal level shall concurrently serve in any elected position within the Town of Gilford. The purpose of this Article is to: Attempt to undermine state law (RSA32:15), undo the will of the voters of two separate elections and punish the Chairman of the Gilford Budget Committee who the petitioners dislike. (Withdrawn)

**Second:** David Horvath (Withdrawn)

Grenier asked Leandro and Horvath for the withdrawal of the Amendment.

Leandro **withdrew** the **Amendment** and Horvath **withdrew** the **second**.

Further Discussion: Eddy made comment of the Board's position and Murphy questioned the Amendment. Grenier explained that because it was a petitioned warrant article it had to appear on the ballot and asked that the Article go to the voters as is and have faith in the voters.

**Amendment:** Howard Epstein submitted the following Amendment: Shall the Town vote to adopt the following policy effective July 1, 2017, any person who serves in any elected position at the State and/or Federal level shall be eligible to serve in any elected position within the Town of Gilford?

**Second:** Skip Murphy

Further Discussion: Grenier asked for the Amendment to be withdrawn.

Moderator confirmed that the Amendment does not change the subject matter of the Article.

Silber explained that as the Article is proposed it is against State Law and therefore unenforceable under State Law and urged a withdrawal.

Murphy asked about the and/or wording within the Amendment.

There being no further discussion the Moderator called for the vote. The vote on the Amendment was YES-25 and NO-15; the Amendment passed in the **AFFIRMATIVE**.

The Moderator read Article 22 as follows:

**ARTICLE 22:** Shall the Town vote to discontinue approximately 200 feet of the portion of the Class VI section of Lockes Hill Road situated on the northeasterly side of NH Route 11, (a/k/a Lake Shore Road), that traverses through lot 242-225 (currently owned by the Patricia P. Bagley Trust), and lot 242-226 (currently owned by the William A. McCloskey Trust)? The intent of this discontinuance is to permanently terminate the right of public travel over a long since abandoned and unused section of highway and to have the ownership of the discontinued road revert back to the owners of the 2 lots on which the discontinued section of the road is situated. [*Submitted by petition*]

The Moderator explained Article 23 and gave the membership ample time to read the Article as follows:

**ARTICLE 23:** Shall the Town vote to repeal the Noise Ordinance that was adopted at the 1995 Annual Town Meeting; and in place thereof, adopt the following new Noise Ordinance to be codified as Chapter 17?

KNOW ALL PERSONS BY THESE PRESENTS, the Town of Gilford hereby ordains to adopt this Noise Ordinance pursuant to the provisions of RSA 31:39, I, (n); as follows:

#### 17.1 Purpose

A. This Ordinance is intended to promote the tranquility and peaceful enjoyment of the Gilford community through the prevention of unnecessary disturbances generated by unwelcome noise that otherwise annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of residents and visitors.

B. This Ordinance shall supersede and replace the Noise Ordinance previously adopted by the Board of Selectmen in accordance with the authority of the Town Meeting vote dated March 15, 1995.

#### 17.2 Definitions

The terms used in this Ordinance shall have the meanings set forth in the New Hampshire Revised Statutes Annotated. In the event that more than one meaning is defined under State Law, the more strict interpretation shall apply. In the event no meaning is defined under State Law, the definition shall be as otherwise set forth in the most current edition of the Merriam-Webster Dictionary using the strictest interpretation.

#### 17.3 General Prohibitions

It shall be a violation of this Ordinance for any person to emit any unreasonable noise of such character, intensity or duration as to be detrimental to the peaceful enjoyment of persons of average sensibilities within earshot. The sources of such noise may include, but are not limited to the following: internal combustion engines or other motors, horns, alarms, radios, televisions, musical instruments, music players, public address systems and loudspeakers, defective exhaust systems, unnecessary or illegal screeching of motor vehicle tires, compressors, barking dogs, crowing roosters, machinery, whistles, bells, hand tools, and explosions.

#### 17.4 Specific Prohibitions

During the hours beginning at 10:00pm and ending at 7:00am, it shall be a violation of this Ordinance to operate off-road construction equipment or vehicles, chain saws,

lawnmowers, jack hammers, portable generators, power tools, or any other device in such a way as to disturb the peaceful enjoyment of persons of average sensibilities who are situated in close proximity on private property.

#### 17.5 Exemptions

A. The following locations are exempt from the provisions of this Ordinance: school property; church property; medical facilities; Gunstock Recreation Area; Ellacoya State Park; Meadowbrook Pavilion; Marine Patrol at Glendale; Lake Winnepesaukee; and Laconia Airport.

B. The following activities are exempt from the provisions of this Ordinance: the use of firearms; fireworks that are conducted in accordance with State Law or the Town of Gilford Permissible Fireworks Ordinance; snow removal operations; parades; lawful public assemblies; unamplified human voices; public safety and emergency response activities; federal, state, county, and municipal operations; public utility emergency activities; outdoor special events that have been authorized by the Board of Selectmen; farming activities as defined by RSA 21:34-a; and any activity that is deemed absolutely essential for the protection of life and property resulting from an unforeseen emergency situation.

C. The Board of Selectmen may, for good cause, issue a temporary exemption from the provisions of this Ordinance, provided that such an exemption is issued prior to the event taking place and after a public hearing is held.

#### 17.6 Penalties

A. Any person who fails to comply with the provisions of this Ordinance shall be guilty of a violation and subject to a penalty of one hundred dollars (\$100.00) for a first offense; provided that all such violators are given one warning and an opportunity to comply without a penalty being imposed.

B. Any person who fails to comply with the provisions of this Ordinance after having been previously subjected to a one hundred dollar (\$100.00) penalty shall thereafter be subject to a penalty of five hundred dollars (\$500.00) per violation.

#### 17.7 Enforcement

A. This Ordinance may be enforced by any duly sworn Gilford Police Officer.

B. Nothing herein is intended to prohibit the Town of Gilford from seeking a temporary order and/or permanent injunction from a court of competent jurisdiction to prohibit the continuation of any violation of this Ordinance.

C. Nothing herein is intended to exempt a property owner, tenant or any other person from the provisions of this Ordinance as a result of a site plan approved by the Planning Board.

#### 17.8 Appeals

Any person aggrieved by a citation for violating the provisions of this Ordinance may petition a court of competent jurisdiction for such relief as may be deemed necessary.

#### 17.9 Severability

If any of the provisions of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected.

#### 17.10 Effective Date

This Ordinance shall take effect upon adoption by majority vote at Town Meeting.

Discussion: Leandro asked if this was a Board of Selectmen Article or Petitioned Article.

Al Voivod, 50 Deer Run Ln., asked about the difference between the old ordinance and the new proposed ordinance.

Dunn stated that it was a Board of Selectmen warrant Article and further explained that the old ordinance was unenforceable and this new one is easier for the Police Dept. to enforce. Dunn further explained that there is additional information on the town's website.

Susan Leach, 55 Cat Path, asked about the noise from snowmobilers going through the woods and along the properties. Dunn stated that type of noise is not mentioned in the warrant article and Leach stated that it should be. Eddy referred to section 17:4.

There being no further business the Moderator moved all warrant article to the town ballot for the voting on March 14, 2017. The Moderator thanked Scott Piddington, Technical Advisor from the Gilford High School. The Moderator announced the rescheduling of the School's Deliberative session changing from Thursday, February 9<sup>th</sup> at 7:00 p.m. to Friday, February 10<sup>th</sup> at 7:00 p.m. at the Gilford High School Auditorium due to the incoming inclement weather. At 9:00 p.m. Moderator asked for a motion to adjourn, seconded and a voice vote in the affirmative.

Respectfully submitted,

Denise M. Gonyer, CMC  
Town Clerk – Tax Collector