



## **TOWN OF GILFORD, NH**

### **WINTER MAINTENANCE POLICY STREETS, SIDEWALKS, & PUBLIC PROPERTY**

#### **SECTION 1. AUTHORITY**

1.1 The Board of Selectmen hereby adopts this policy pursuant to the provisions of RSA 41:11, 231:92-a, and 507-b:2. (See Appendix A)

1.2 This policy also incorporates, by reference, the following existing Town of Gilford Ordinances:

- Chapter 24 – Parking Regulations; Section 24.4.2 – Winter Parking Ban (See Appendix A)
- Chapter 29 - An Ordinance Prohibiting the Placement of Snow or Ice on Public Highways (See Appendix A)

#### **SECTION 2. PURPOSE**

2.1 This policy is established to develop a good faith plan for Town Officials to respond to hazards caused by snow, ice, and other types of winter weather to mitigate, in so much as possible, the adverse effects of such conditions on public streets, sidewalks, rights-of-way, and public property, including, but not limited to walkways, recreation facilities, and parking lots.

2.2 This policy is also intended to serve as a set of guidelines in the prioritization of clean-up efforts during and after winter weather events; however, nothing herein is intended to prevent or otherwise limit the exercise of discretion or judgment on the part of the Director of Public Works or other employees and officials who are responsible for such maintenance activities.

2.3 This policy is not intended to apply to private roads, private property, Class VI highways, County highways, County-owned property, State highways, or State-owned

property, for which the Town assumes no duty of care whatsoever and no liability related thereto.

### SECTION 3. REPEAL OF PREVIOUS POLICIES

3.1 This Winter Maintenance Policy shall supersede and replace the previous Winter Maintenance Policy as adopted by the Board of Selectmen on December 13, 1995.

### SECTION 4. MAINTENANCE STRATEGIES

#### 4.1 Use of De-Icing Agents and Aggregates

- A. From time-to-time, the Town may use road salt (sodium chloride) and/or calcium chloride (in liquid or flake forms), or other treatments as de-icing agents when deemed necessary by the DPW Director. Nothing herein is intended to obligate the use of such products in the event of budget limitations or inventory depletion or as otherwise set forth herein.
- B. The Town acknowledges that potential adverse environmental impacts may result from the application of various de-icing agents; and therefore the use of such agents shall be minimized to the greatest extent practical throughout the winter season. Accordingly, the application of de-icing agents by mechanical devices shall be calibrated to use the minimum effective dosage for public safety as may be determined by the DPW Director.
- C. The DPW Director is authorized (but not required) to have DPW staff apply de-icing agents (and other aggregates) to bare roads ahead of winter storms, to facilitate the melting process whenever practical. Special emphasis may be placed on hills and intersections. Such agents may be mixed with aggregates (to prevent freezing and increase efficiencies) and applied as necessary.
- D. The DPW Director is authorized to have DPW staff eliminate the application of de-icing agents while plowing activity is taking place until such time as precipitation has significantly diminished and the streets have been mostly cleared of snow.
- E. The DPW Director is authorized to have DPW staff eliminate or minimize the application of de-icing agents in lakefront areas and along local roads situated within close proximity to environmentally sensitive watersheds, to include streams, ponds, lakes, and drinking water supplies as set forth in Appendix B. Such streets shall have warning signs that indicate they are either a LOW SALT road or NO SALT road using his/her discretion, unless otherwise directed by the Board of Selectmen. (See Memorandum of Public Works Director dated September 14, 1995 attached as Exhibit C-1

and Resolution of the Board of Selectmen as approved on September 27, 1995 attached as Exhibit C-2.) However, nothing in this Policy is intended to prohibit the DPW Director from authorizing DPW staff to apply de-icing agents on these roads at a reduced rate to the extent necessary or at full strength under extraordinary circumstances.

- F. Once a winter storm has passed and all public roads have been plowed at least once, another application of de-icing agents on streets may be made. If temperatures are too low for the effective use of de-icing agents, aggregates may also be applied as necessary, (particularly on steep hills, bridges, and intersections) to enhance vehicle tire traction until climate conditions warm sufficiently for de-icing agents to work properly.
- G. De-icing agents will not be applied to gravel roads.
- H. From time-to-time, the Town may use aggregates to enhance vehicle tire traction along public roads as deemed necessary by the DPW Director. Nothing herein is intended to obligate the use of such products in the event of budget limitations or inventory depletion.
- I. The authority to use de-icing agents and aggregates as otherwise set forth herein shall apply to the full limits of Town-owned rights-of-way that are maintained as Town highways.
- J. The removal of sand remnants at the conclusion of the winter season is authorized (but not required) to the extent practical, (depending upon the availability of budgeted funds and/or personnel), in order to enhance vehicle tire traction and for the maintenance of drainage structures.
- K. DPW staff shall be trained on the techniques necessary to implement these policies.

#### 4.2 Class V Highways

- A. Prioritization Schedule – The DPW Highway Division shall generally perform winter maintenance activities on Town-owned roads (prior to undertaking winter maintenance activities on other public properties) without regard to traffic volumes. However, in the event of extenuating circumstances, the Town may utilize the following order:
  - 1) Emergency Response Situations (Police, Fire, Rescue)
  - 2) School Bus Routes
  - 3) Arterial Roads\* (high volume streets that serve all or a majority of Gilford residents)

- 4) Connector Roads\* (mid-volume streets that primarily serve neighborhood traffic)
- 5) Local Roads\* (low-volume streets that primarily serve as access to adjacent lands)

\*(based upon US-DOT-FHWA Functional Classification Guidelines)

- B. Snow Storage – The DPW staff is authorized (but not required) to move and stockpile snow as may be deemed necessary by the DPW Director anywhere within a public right-of-way so as to maximize the ability of motor vehicles to freely travel along public roads. This authorization includes the use of wing plows to reduce the height of snow banks and is also intended to relieve the Town of any obligations to remove snow that has been plowed onto private driveways, near mailboxes, and/or along landscaped features.
- C. Bare Pavement Objectives – It shall be the policy of the Town of Gilford to strive towards the goal of providing bare and dry pavements along Class V highways at the earliest practical time following cessation of a winter storm. However, the Town recognizes that achieving bare and dry pavements may be virtually impossible due to uncontrollable variables such as precipitation, air temperatures, pavement temperatures, traffic, wind, sunlight and shading, availability of manpower and equipment, pavement conditions, etc. Therefore, nothing in this policy is intended to impose any obligations on the part of the Town to achieving the goal of providing bare and dry pavements along Class V highways.
- D. Damages & Liability – The Town of Gilford, its agents, officials, and employees, retain all of their immunities and defenses to liability as otherwise allowed by law. The Town, without waiving any defenses or immunities, may on a discretionary basis, grant or deny requests to repair personal property damaged by plowing or winter maintenance activities under extenuating circumstances. However, in most instances the Town will not approve requests to repair damages to private property that is located within a public right-of-way, including, but not limited to lawns, walls, fences, mailboxes, utilities, driveways, pavement, pavers, bricks, landscape features, posts, markers, etc. Upon reasonable request, the DPW Director is authorized to: (a) work with private property owners to locate such features in the safest possible location; (b) offer advice on their design/installation to minimize potential damages; and (c) repair or replace mailboxes or other landscape features at the Town's discretion and expense (in the most economical manner possible), upon verification of the circumstances that led to the damage(s). A decision to deny repairs

or replacement at Town expense may be appealed in writing to the Board of Selectmen.

4.3 Maintenance Activities Based Upon Weather Conditions – The responses noted below are to be considered goals and objectives, but not mandates. The DPW Director is authorized to deviate from the written response descriptions as he/she may deem necessary, or if other emergency situations arise.

Condition 1: Snowfall has begun and the National Weather Service forecast is estimating Town-wide snow accumulations in excess of two inches (2”) or upon the observation of more than two inches (2”) of snow accumulations by Gilford public safety personnel.

Response: Plowing of roads will begin when snow depths reach over one inch (1”) and will continue until the storm is over. Once the storm is over, plowing will continue until the DPW Director has determined such activities are no longer necessary. De-icing agents and aggregates may be applied to all paved roads as otherwise set forth herein; with the understanding that de-icing agents are unlikely to work until temperatures reach above 20 degrees.

Condition 2: Snowfall has begun and the National Weather Service is estimating Town-wide snow accumulations of less than two inches (2”) or a dusting.

Response: No plowing of roads shall be required, (unless determined to be absolutely essential for public safety by the DPW Director), but DPW staff is authorized to apply de-icing agents to paved roads as necessary; with the understanding that de-icing agents are unlikely to work until temperatures reach above 20 degrees. Gravel roads may be treated with aggregates as necessary. Special emphasis for maintenance activities may be placed on steep hills, bridges, and intersections.

Condition 3: Sleet, freezing rain and/or ice storm (whether forecasted by the National Weather Service or observed by Gilford public safety personnel.

Response: Upon authorization of the DPW Director, de-icing agents may be applied to paved roads, then gravel roads may be treated with aggregates.

4.4 Public (Town-owned & School) Parking Areas – Under most circumstances, the maintenance of parking areas at Town-owned facilities and schools is a lower priority

than highway maintenance and therefore, may not commence until after the DPW completes its winter maintenance and snow removal operations on Town roads or in conjunction with such activities if possible. However, the DPW Director is authorized (but not required) to elevate the priority status at schools to the extent necessary and he/she may further deviate from this policy by initiating winter maintenance activities using professional discretion for the safety of Town and school employees, schoolchildren, and the public in the event of a winter storm during normal business hours. Such activities shall generally consist of plowing and then sanding.

4.5 Walkways & Entrances to Town-owned Buildings - Under most circumstances, maintenance of walkways and entrances at Town-owned buildings shall take place upon accumulations of at least one inch (1") of snow or upon observation of slippery conditions. Such maintenance activities shall normally consist of snow shoveling, use of de-icing agents, and/or use of aggregates. However, the DPW Director is authorized (but not required) to deviate from this policy by eliminating such winter maintenance activities after normal business hours when a building or walkway is not being used by employees or the public. In addition, the Town reserves the right to close (not maintain) certain walkways during winter months for public safety purposes in which case signs and/or barriers may be used as necessary.

4.6 Sidewalks - Under most circumstances, maintenance of sidewalks within public street rights-of-ways may commence within forty-eight (48) hours after the DPW completes its winter maintenance and snow removal operations on Town roads and parking lots. Such activities shall generally consist of snow removal and then sanding. However, the DPW Director is authorized to close (not maintain) certain sidewalks during winter months for public safety purposes in which case signs and/or barriers may be used as necessary.

4.7 Cemetery & Recreation Facilities - The Town assumes no duty of care whatsoever; and is hereby relinquished of all responsibility (and related liability) for providing winter maintenance at any of its cemeteries and recreation facilities, including, but not limited to Gilford Beach, Kimball Wildlife Forest, Stonewall Park, Arthur Tilton Ice Rink, Lincoln Park, Glendale, Potter Hill Sledding Area, Village Fields, trails, conservation areas, etc. All persons utilizing those facilities do so at their own risk. Notwithstanding this policy, the Town recognizes that certain facilities may be utilized by the public during winter months and the DPW Director is authorized to maintain such facilities at his/her professional discretion, unless otherwise directed by the Board of Selectmen.

4.8 Tax Acquired Properties - In the event that the Board of Selectmen has accepted a tax deed of real property for nonpayment of real estate taxes, the Town assumes no duty of care whatsoever; and is hereby relinquished of all responsibility (and related liability) for providing winter maintenance at such properties, regardless of whether or not such properties are occupied (under agreement with the Town) or vacant. All persons utilizing such properties do so at their own risk.

4.9 Communications - All DPW vehicles are equipped with two-way radios to enable communications between every driver, DPW headquarters, and the Police Department, as necessary. Although drivers may be flagged down in the event of a dire emergency, all other communications by members of the public must be made by calling DPW (527-4778) of Gilford Police (527-4737).

## SECTION 5. RIGHTS & RESPONSIBILITIES OF MOTORISTS & PEDESTRIANS

5.1 Duty of Care - Pursuant to NH State Law, the driver of every vehicle shall drive at an appropriate reduced speed when special hazards exist with respect to weather or the condition of the roads.

5.2 Any person may report a hazardous condition regarding winter weather conditions on public streets, sidewalks, rights-of-way, and public property, including, but not limited to walkways and parking lots. Notice may be given to the Gilford Department of Public Works at 603-527-4778 or the Gilford Police Department at 603-527-4737.

5.3 Upon receipt of notice of a hazardous condition resulting from winter weather, a Town Official shall conduct a site visit in an expeditious manner for the purpose of exercising judgment about the need for active maintenance activities in accordance with this policy. A written record shall be kept of the time/date that notice was received, the time/date that an inspection was performed, and any actions that were subsequently taken by any and all Town Officials in response to the alleged hazard, including a determination that no insufficiency exists, if applicable.

5.4 Any vehicle that is parked in a public right-of-way so as to impede maintenance operations or in violation of the Town's Winter Parking Ban Ordinance (see Appendix A), is subject to being towed at the owner's expense. In most cases, however, the Town will make a good faith attempt to locate the operator except in the event of an emergency.

## SECTION 6. EXEMPTIONS

6.1 The Director of Public Works is authorized to use his/her professional discretion in the implementation of this policy, with regards to the allocation of limited resources, (such as budgeted funds, stockpiles, and inventories), employee safety, overtime pay, winter maintenance schedules, plow routes, duty assignments, vehicle rotations, and unanticipated factors such as equipment breakdowns, staffing vacancies, and changes in weather.

6.2 The Director of Public Works is also authorized to use his/her professional discretion through an on-going process of experimentation with regards to the application of de-icing agents, aggregates, innovative equipment, technology, and alternative winter maintenance methods.

SECTION 7. RIGHT-OF-WAY PERMITS

7.1 Except for United States Postal Service approved mailboxes, flexible reflectors and certain signs for real estate or agriculture purposes, no objects may be placed within a Town highway right-of-way without a permit issued by a Town agency with jurisdiction over such objects. Examples of objects that require a permit include, but are not limited to: soil, gravel, walls, lawns, railroad ties, rocks, markers, fences, posts, driveways, culverts, parking areas, pavement, pavers, concrete, stones, walkways, utility poles, lighting, flagpoles, signs, platforms, trees, banners, underground utilities, hay bales or siltation control devices, drainage swales, etc. The Town reserves the right to promptly remove any object placed within a public right-of-way, whether permitted or not, in the event that such an object is determined to be an immediate hazard to maintenance activities or public travel; otherwise, the Town may seek a court injunction for the removal of any unpermitted objects that encroach into a public right-of-way.

7.2 As a general rule of thumb, the Town rights-of-way are typically fifty feet (50') wide and are measured twenty-five feet (25') from the centerline of the highway. In the absence of a survey plan or boundary markers to the contrary, property owners are strongly encouraged to contact the Department of Public Works prior to placing any objects, or making any landscaping improvements within twenty-five feet (25') of the centerline of any highway.

IN WITNESS WHEREOF, this Winter Maintenance Policy is hereby approved and adopted this 27<sup>th</sup> day of February, 2013, to be effective immediately hereafter.  
ATTEST:

\_\_\_\_\_  
Gus Benavides, Chair

\_\_\_\_\_  
J. Kevin Hayes, Vice-Chair

\_\_\_\_\_  
John T. O'Brien, Clerk

UNDER SEAL OF THE TOWN, received and recorded on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Office of the Town Clerk – Tax Collector



## **APPENDIX A**

**New Hampshire RSA 41:11; Regulation of Use of Highways, etc.** – Unless regulated by the commissioner of the department of transportation as provided in RSA 236:1, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred on city councils by RSA 47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject.

**New Hampshire RSA 231:92-a; Snow, Ice and Other Weather Hazards.** – Notwithstanding RSA 231:90-92, a municipality or school district shall not be held liable for damages arising from insufficiencies or hazards on public highways, bridges, or sidewalks, even if it has actual notice or knowledge of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the municipality's or school district's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities adopted in good faith by the officials responsible for such policy; and all municipal or school district employees and officials shall be presumed to be acting pursuant to such a policy or set of priorities, in the absence of proof to the contrary.

**507-B:2-b Snow, Ice, and Other Weather Hazards.** – Notwithstanding RSA 507-B:2, a municipality or school district shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the municipality's or school district's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All municipal or school district employees, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

**Gilford Town Ordinance Chapter 24; Parking Regulations, Section 24.4.2 Winter Parking Ban** - During the period November 15 through April 1; and during such other times as snow or ice may be accumulating on the ground, it shall be a violation of these regulations to park any vehicle on a public street or way between the hours of 12:00 midnight and 7:00am.

**Gilford Town Ordinance Chapter 29; An Ordinance Prohibiting the Placement of Snow or Ice on Public Highways** - It appearing that winter road plowing and maintenance is being hampered and unnecessary expense being incurred by the placing of snow and ice on the highways, the following regulation is adopted regulating the use of public ways in the Town of Gilford: No person shall plow, shovel or put any snow or ice into any public way as defined under RSA 259:125 from any place outside thereof, except temporarily in case of necessity on account of no other place being available; and in such case he shall immediately remove the same or cause it to be removed. Any person found in violation of the provisions herein provided shall be fined no more than fifty dollars (\$50.00).

## APPENDIX B

### LOW SALT / NO SALT ROADS

#### Specific Neighborhoods:

Dockham Shore  
The Highlands  
Varney Point  
Governors Island  
The H's  
Glendale & Lakefront Vicinity  
Route 11B/Gunstock Brook

#### Specific Streets:

Baxter Court	Ironwood Drive
Belknap Point Road	Jay Drive
Blueberry Land	Larch Drive
Broadview Terrace	Lazy Brook Lane
Brook Road	Loch Lane
Casey Road	Margaret Way
Coach Road	Natalie's Way
Colmar Court	Old Lakeshore Road (Henderson to 11B)
Davis Road	Pineway
Dock Road	Roberts Road
Dockham Shore Road	Robertson Drive
Dow Road	Sanborn Road
Edgewater Drive	Scenic Drive
Glendale Place	Shore Road
Harris Shore Road	Smith Cove Road
Hatch Drive	Sturrock Place
Hawthorne Way	Summit Avenue
Hazelnut Lane	Varney Point Left
Heather Lane	Varney Point Right
Henderson Road	Varney Point Road
Highland Drive	Vincent Drive
Hook Road	Wildwood Road

**\*Amended on January 22, 2014 to add Vincent Drive**