

2017 TOWN MEETING WARRANT

STATE OF NEW HAMPSHIRE TOWN OF PITTSFIELD

To the inhabitants of the Town of Pittsfield in the County of Merrimack, in said State, qualified to vote in Town affairs:

You are hereby notified to meet at the Town Hall Meeting Room at 85 Main Street in said Pittsfield on Tuesday, March 14, 2017, at 7:00 a.m. to act on Articles 1 through 7 below. The voting on Articles 1 through 7 will be by official ballot, and the polls will open at 7:00 a.m. and will remain open until 7:00 p.m. to receive your ballots.

You are hereby notified to meet at the Pittsfield Elementary School Gymnasium at 34 Bow Street in said Pittsfield on Saturday, March 18, 2017, at 10:00 a.m. to act on the remaining Articles below.

TO BE TAKEN UP TUESDAY, MARCH 14, 2017

Article 1:

To choose by ballot the following officers:

- one Cemetery Trustee for a three (3) year term
- one Cemetery Trustee for a two (2) year term
- one Library Trustee for a three (3) year term
- one Library Trustee for a two (2) year term
- one Planning Board member for a three (3) year term
- one Selectman for a three (3) year term
- one Selectman for a one (1) year term
- one Town Treasurer for a three (3) year term
- one Trustee of the Trust Funds for a three (3) year term
- two Zoning Board of Adjustment members for a three (3) year term
- one Zoning Board of Adjustment member for a two (2) year term

Article 2:

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board for the town zoning ordinance as follows:

Amend the permitting conditions for an accessory apartment stated in article 2, definition of "accessory apartment," by adding the following permitting conditions:

- (1) The ACCESSORY APARTMENT shall have an interior door between the PRINCIPAL DWELLING UNIT and the ACCESSORY APARTMENT, but this door is not required to remain unlocked. (RSA 674:72, III.)
- (2) The ACCESSORY APARTMENT shall have a gross floor area that is less than or equal to 750 square feet. (See RSA 674:72, VII.) In this condition, "gross floor area" of an ACCESSORY

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APARTMENT means the sum of the areas of all floors of the ACCESSORY APARTMENT, as measured from the exterior faces of the walls or from the center line of a wall separating the ACCESSORY APARTMENT from the PRINCIPAL DWELLING UNIT.

- (3) The ACCESSORY APARTMENT shall be in a DWELLING where the owner of the DWELLING has his principal place of residence. The owner's principal place of residence may be either the PRINCIPAL DWELLING UNIT or the ACCESSORY APARTMENT. (See RSA 674:72, VI.)

The purposes of Amendment No. 1 are (1) to conform to state law (RSA 674:72, III) by requiring a door, which is not required to remain unlocked, between the principal dwelling unit and the accessory apartment and (2) to impose conditions of size and owner occupancy in order to ensure that a permissible accessory apartment is truly accessory to the principal dwelling unit and is not half of a duplex.

(Recommended by the Planning Board 4-0-0)

Article 3:

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board for the town zoning ordinance as follows:

Amend article 2, definition of "open space," to add the phrase "other than fences more than 50 years old and permanent boundary markers" as indicated following by underlining:

OPEN SPACE: "OPEN SPACE" means land where no STRUCTURES other than fences more than 50 years old and permanent boundary markers are on or in the land.

The purpose of Amendment No. 2 is to permit old fences and permanent boundary markers on or in land designated as open space.

(Recommended by the Planning Board 5-0-0)

Article 4:

Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board for the town zoning ordinance as follows:

Amend article 2, definition of "street," as follows:

(1) reorder the currently listed New Hampshire Supreme Court cases and

(2) add the following citation of Gossler v. Miller: Gossler v. Miller, 107 N.H. 303, 221 A.2d 249 (1966) ("A sidewalk is a component part of the highway...")

The purpose of Amendment No. 3 is to make clear that a sidewalk is part of the adjacent highway.

(Recommended by the Planning Board 5-0-0)

Article 5:

Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board for the town zoning ordinance as follows:

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- (1) Amend article 2, Interpretation Rules and Definitions, to add definitions for “nonconforming activity,” “nonconforming structure,” “conforming lot,” and “nonconforming lot.”
- (2) Amend article 2, definition of “nonconforming use,” to delete superseding uses from the definition of “nonconforming use.”
- (3) Amend article 4, Nonconforming Structures, Lots, and Uses, as follows:
 - (a) Rename the article as Nonconforming Uses and Lots.
 - (b) State the authority and purpose of the regulation of nonconforming uses and of nonconforming lots.
 - (c) Provide that the merger of every two or more lots shall be exempt from zoning requirements for area and frontage.
 - (d) Revise the requirements for building on contiguous nonconforming lots under common ownership so that contiguous nonconforming lots under common ownership cannot be separated in ownership and remain buildable.
- (4) Amend article 3, Zoning Districts, sections 3 and 4, to make the citations of article 4 consistent with the amended article 4.

The main purpose of Amendment No. 4 is to close the current loophole in the current zoning requirement that contiguous nonconforming lots under common ownership must be merged in order to be buildable.

(Recommended by the Planning Board 5-0-0)

Article 6:

Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board for the town zoning ordinance as follows:

Amend article 2, definition of “principal structure,” to add the words indicated following by underlining and to delete the words indicated following by strikethrough:

PRINCIPAL STRUCTURE: “PRINCIPAL STRUCTURE” means a DETACHED STRUCTURE where a ~~PRINCIPAL USE~~ is one or more PRINCIPAL USES are principally conducted.

The purpose of Amendment No. 5 is to clarify that the whole of a single connected principal structure may contain more than one principal use.

(Recommended by the Planning Board 4-0-0)

Article 7:

Shall we adopt the provisions of RSA 40:13 (known as SB2) to allow official ballot voting on all issues before the Town of Pittsfield on the second Tuesday of March?

(By Citizen Petition)

(3/5 majority ballot vote required)

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TO BE TAKEN UP SATURDAY, MARCH 18, 2017

Article 8 – (citizen petition) Restore Two Police Officers

To see if the town will vote to raise and appropriate the sum of **\$150,654.00** to hire or retain, as applicable, two police officers so that the Pittsfield Police Department is staffed and funded at a level equal to or greater than the 2016 fiscal year.

(By Citizen Petition)

(Majority vote required)

Estimated tax impact is \$0.30 per thousand dollars of assessed value.

(NOT Recommended by the Board of Selectmen 3-2-0)

(NOT Recommended by the Budget Committee 4-9-0)

Article 9 – discontinue Computer System Renewal & Replacement Capital Reserve Fund

To see if the town will vote to discontinue the Computer System Renewal & Replacement Capital Reserve Fund created at town meeting on March 15, 2008. Said funds, which were \$459.20 at December 31, 2016, with accumulated interest to date of withdrawal, are to be transferred to the municipality's general fund.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 10 – lease/purchase of work truck for Highway Department

To see if the town will vote to authorize the Board of Selectmen to enter into a long-term lease/purchase agreement in the amount of \$49,682.65 payable over a term of 5 years for a Ford F-250 with a plow, and to raise and appropriate the sum of **\$9,937** for the first year's payment for that purpose.

Estimated tax impact is approximately \$0.04 per thousand dollars of assessed value.

(2/3 ballot vote required)

(Recommended by the Board of Selectmen 4-0-0)

(NOT Recommended by the Budget Committee 2-11-0)

Article 11 – purchase of loader

To see if the town will vote to raise and appropriate the sum of **\$148,500** for the purchase of a loader for the highway department and to authorize the withdrawal of \$148,500 to come from the Public Works Loader Capital Reserve Fund created for that purpose. The balance of the Public Works Loader Capital Reserve Fund was \$171,282.76 on December 31, 2016.

There is no estimated tax impact.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

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Article 12 – purchase of police cruiser

To see if the town will vote to raise and appropriate the sum of **\$44,450** for the purchase of a police cruiser and to authorize the withdrawals of \$18,000 to come from the Police Special Detail Revolving Fund and \$1,093 to come from the Police Cruiser Capital Reserve Fund. The remainder of \$25,357 is to come from general taxation. The balance of the Police Special Detail Revolving Fund was \$18,528.34 on December 31, 2016. The balance of the Police Cruiser Capital Reserve Fund was \$1,093.06 on December 31, 2016.

Estimated tax impact is approximately \$0.10 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 3-1-0)

(Recommended by the Budget Committee 12-1-0)

Article 13 - discontinue Police Cruiser Capital Reserve Fund

Article 13 is not to be addressed if the preceding Article 12 fails

To see if the town will vote to discontinue the Police Cruiser Capital Reserve Fund created at town meeting on March 8, 1983. The balance of \$0.06 after the approved withdrawal of \$1,093 from Article 12, with accumulated interest to date of withdrawal, to be transferred to the municipality's general fund.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 14 – LED street lighting upgrade

To see if the town will vote to raise and appropriate the sum of **\$35,250** for the purpose of converting the street lights to LED fixtures.

Estimated tax impact is approximately \$0.13 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 15 – establish Floral Park Cemetery Fence Expendable Trust Fund

To see if the town will vote to establish a Floral Park Cemetery Fence Expendable Trust Fund under the provisions of RSA 31:19-a for the purpose of maintaining, replacing, and erecting new sections of the fence at the Floral Park Cemetery and to raise and appropriate the sum of **\$14,470** to put in the fund, with this amount to come from the general fund unassigned fund balance; further to name the Board of Selectmen as agents to expend from said fund.

There is no estimated tax impact as \$14,095 was received as unanticipated revenue and \$375 was specifically not expended from the 2016 Board of Selectmen budgeted stipend to be applied to this fund's creation.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

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Article 16 – establish Fire Department Pumper Capital Reserve Fund

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing a Fire Department Pumper and to raise and appropriate the sum of **\$50,000** to be placed in this fund.

Estimated tax impact is approximately \$0.19 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 17 – establish Fire Department Tanker Capital Reserve Fund

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing a Fire Department Tanker and to raise and appropriate the sum of **\$20,000** to be placed in this fund.

Estimated tax impact is approximately \$0.08 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 18 – establish Fire Department Forestry Truck Capital Reserve Fund

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing a Fire Department Forestry Truck and to raise and appropriate the sum of **\$1,000** to be placed in this fund.

Estimated tax impact is approximately \$0.01 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 19 – add to Fire Department Small Equipment Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$5,000** to be added to the Fire Department Small Equipment Capital Reserve Fund previously established. The balance of the Fire Department Small Equipment Capital Reserve Fund was \$1.00 on December 31, 2016.

Estimated tax impact is \$0.02 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 12-1-0)

Article 20 – add to Small Highway Truck Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$15,000** to be added to the Small Highway Truck Capital Reserve Fund previously established. The balance of the Public Works Small Highway Truck Capital Reserve Fund was \$35,256.92 on December 31, 2016.

Estimated tax impact is \$0.06 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 12-1-0)

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Article 21 – add to Dump Truck Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$30,000** to be added to the Dump Truck Capital Reserve Fund previously established. The balance of the Public Works Dump Truck Capital Reserve Fund was \$32,112.56 on December 31, 2016.

Estimated tax impact is \$0.11 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 22 – add to Grader Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$15,000** to be added to the Grader Capital Reserve Fund previously established. The balance of the Public Works Grader Capital Reserve Fund was \$53,052.75 on December 31, 2016.

Estimated tax impact is \$0.06 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 12-1-0)

Article 23 – add to Backhoe Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$5,000** to be added to the Backhoe Capital Reserve Fund previously established. The balance of the Public Works Backhoe Capital Reserve Fund was \$81,191.17 on December 31, 2016.

Estimated tax impact is \$0.02 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(Recommended by the Budget Committee 13-0-0)

Article 24 – add to Sidewalk Tractor Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **\$10,000** to be added to the Sidewalk Tractor Capital Reserve Fund previously established. The balance of the Public Works Sidewalk Tractor Capital Reserve Fund was \$103,111.74 on December 31, 2016.

Estimated tax impact is \$0.04 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Board of Selectmen 4-0-0)

(NOT Recommended by the Budget Committee 6-7-0)

Article 25 – Municipal Budget

To see if the town will vote to raise and appropriate the sum of **\$4,428,184** to fund the general municipal operations as recommended by the Budget Committee. This sum does not include appropriations contained in special or individual articles addressed separately in this warrant.

Estimated tax impact is \$10.12 per thousand dollars of assessed value.

(Majority vote required)

(Recommended by the Budget Committee 11-3-0)

(Recommended by the Board of Selectmen 3-2-0)

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Article 26 – adopt All Veterans’ Tax Credit

Shall the Town of Pittsfield vote to adopt the provisions of RSA 72:28-b, All Veterans’ Tax Credit? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who served not less than 90 days on active service in the armed forces of the United States *and* was honorably discharged or was an officer honorably separated from services *and* is not eligible for, or receiving a credit under, RSA 72:28 (Standard or Optional Veterans’ Tax Credit) or RSA 72:35 (Tax Credit for Service-Connected Disability).

If adopted, the credit granted shall be \$300, the same amount as the Optional Veterans’ Tax Credit voted by the Town of Pittsfield under RSA 72:28 on March 15, 2008.

Article 27 – amend Animal Control Ordinance

To see if the town will vote to adopt the following amended Animal Control Ordinance as follows:

ANIMAL CONTROL ORDINANCE

Section 1: Definitions

- a) **Compact Area of the Town:** Shall be any area where dwellings are located less than 500 feet apart.
- b) **Dog:** Shall be intended to mean both male and female.
- c) **Owner:** Shall be intended to mean any person, group, association, firm, corporation or organization maintaining, keeping, harboring or owning a dog.
- d) **Running at Large:** Shall be intended to mean off the premises, residence or property of the owner and not under the control of a responsible individual.
- e) **Livestock:** Poultry, cattle, (cows, bulls etc.) pigs, goats or any other animal or fowl which is domestically raised for the purpose of food or a food by product, as a pet or a mode of transportation such as a horse.

Section 2: Licensing

All dogs over three (3) months of age within the Town of Pittsfield shall be licensed and collared in accordance with NH RSA 466:1 on or before April 1 of each year.

Section 3: Dogs running at large

- a) The Town of Pittsfield hereby adopts a leash law in accordance to NH RSA 466:30.
- b) The Town of Pittsfield hereby enacts an ordinance prohibiting dogs from running at large in accordance to NH RSA 466:30-b.
- c) No dog shall be permitted to run at large within the compact area of the Town of Pittsfield.

Section 4: Impounded Dogs

- a) Any properly licensed dog found running at large **off the property of its owner** and within the compact area of the town shall be impounded by the Pittsfield Police Department. The police department shall promptly **attempt to** notify the owner of such dog and how the owner may reclaim the dog. **Impounded dogs not claimed by the owners within twenty four (24) hours may be taken to the SPCA in Concord.**
- b) Any owner claiming an impounded dog shall pay to the town of Pittsfield a fee of \$35.00,

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plus \$5.00 for each day the dog has been impounded.

- c) Any dog found running at large that is not properly licensed will be impounded as above. **The police department will attempt to identify and notify the owner of such dog and how the owner may reclaim the dog. Any dog whose owner cannot be identified or who is not claimed within twenty four (24) hours may be taken to the SPCA in Concord.**
- d) An owner reclaiming a dog not properly licensed in accordance with RSA 466:1 shall be issued a summons therefore to appear in **Concord District Court**; and, further, shall pay to the town the impounding fee of \$35.00, plus \$5.00 for each day the dog has been impounded.

Section 5: Animal Defecation

Owners of dogs must pick up any defecation deposited by their dogs in or on any public way, street, park, common, sidewalk or public property. Owners walking their dogs in public areas must have in their possession the means to remove any defecation deposited by their animals in such public areas specified herein. Failure of the owner of a dog to remove any defecation shall be a violation of the provisions of this section.

Section 6: Animals excluded from certain town properties

No owner of a dog shall allow the same to be **on any town owned or public property**, unless under the control of the owner by leash.

Section 7: Noise

With the exception of typical livestock noise in the rural zone, the keeping of any animal or bird which, causing frequent or long-continued noise, disturbs the comfort and repose of any person in the vicinity.

Section 8: Livestock

No person, persons, company or corporation shall **knowingly and willingly** allow any livestock as defined above to roam unconfined.

Section 9: Penalty

Any person found in violation of this ordinance shall be guilty of a violation and upon conviction shall be fined not less than \$25.00 for the first offense and not more than \$100.00 for each subsequent offense.

Section 10: Passage

- a) Section(s) 2, 3, 4 adopted by a vote of Annual Town Meeting on March 16, 1973
- b) Section(s) 2, 3-c, 4 amended by the Board of Selectmen on July 6, 1999
- c) Section(s) 5 & 6 adopted by a vote of Annual Town Meeting on March 14, 1998

(Public Hearings were held by the Board of Selectmen on this proposed amended Animal Control Ordinance on August 9, 2016 and September 27, 2016)

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Article 28 – other business

To transact any other business that may be legally brought before said meeting.



Lawrence J. Konopka



Gerard A. LeDuc



James C. Allard



Carl E. Anderson



Carole A. Richardson

Pittsfield Board of Selectmen