

# **2016 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 8, 2016, at 7:00 a.m. to act on Articles 1 through 6 below. The voting on Articles 1 through 6 will be by official ballot, and the polls will open at 7:00 a.m. and will remain open until 7:00 p.m. for the receipt of your ballots.

You are hereby notified to meet at the Pittsfield Elementary School Gymnasium at 34 Bow Street in said Pittsfield on Saturday, March 12, 2016, at 10:00 a.m. to act on the remaining Articles below.

### **TO BE TAKEN UP TUESDAY, MARCH 8, 2016**

#### **Article 1:**

To choose by ballot the following officers:

- one Cemetery Trustee for a three (3) year term
- one Library Trustee for a three (3) year term
- one Moderator for a two (2) year term
- one Planning Board member for a three (3) year term
- two Selectmen for a three (3) year term
- one Selectman for a two (2) year term
- one Supervisor of the Checklist for a six (6) year term
- one Trustee of the Trust Funds for a three (3) year term
- one Zoning Board of Adjustment member for a three (3) 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: comprehensive revision of the zoning ordinance articles listed at the end of this amendment description to make them more clear, specific, and lawful under state law. The amendment avoids changes in what the regulations do except as necessary to conform to state law or to satisfy the apparent intent of the ordinance where the ordinance is vague. This amendment mostly affects zoning ordinance article 2, Zoning Districts, and article 3, Definitions, but the amendment also affects zoning ordinance article 1, General Provisions; article 4, Non-Conforming Structures; Lots and Uses; article 6, Special Exceptions; article 7, Variances; article 8, Cluster Developments; article 10, Manufactured Housing; article 14, Storage Containers; article 17, Pittsfield Floodplain Development Ordinance; and article 19, Shoreland Protection Ordinance. The purpose of this amendment is to make the affected parts of the zoning ordinance clear, specific, and lawful under state law.

(Recommended by the Planning Board 5-0)

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## **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:

- (1) amend article 2, Zoning Districts, and article 3, Definitions, to replace the term “combined dwelling and business” with the term “dwelling above business” so as to require that apartments in buildings with a principal-use business must be on the second or higher story of the building, and
- (2) amend article 16, Parking Regulations, to eliminate parking requirements for apartments above businesses in the Commercial District.

The purpose of this amendment is to support businesses on Main Street and elsewhere by allowing apartments in business buildings but requiring the apartments to be on the second or higher story of the building.

(Recommended by the Planning Board 4-1)

## **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:

- (1) amend article 3, Definitions, and article 19, Adult Business Establishments, to replace the term “adult business establishment” with the term “sexually oriented business”;
- (2) renumber and rename current article 19, Adult Business Establishments, as article 20, Sexually Oriented Businesses; and
- (3) remove current unlawful requirements for adult business establishments/sexually oriented businesses.

The purposes of this amendment are to state the current lawful restrictions on sexually oriented businesses clearly and to remove unlawful restrictions that could make the lawful restrictions void.

(Recommended by the Planning Board 5-0)

## **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: amend article 9, Signs, to replace vague permitting conditions with objective numerical permitting conditions for the brightness and emission of noise from commercial signs, and to eliminate the zoning board of adjustment’s authority to decide whether a commercial sign is permitted. The purposes of this amendment are to eliminate vague permitting conditions for commercial signs and to eliminate the zoning board of adjustment’s authority to decide whether a commercial sign conforms to those vague conditions.

(Recommended by the Planning Board 5-0)

## **Article 6:**

Do you favor adoption of the town manager plan as provided in chapter 37 of the Revised Statutes Annotated? (By citizen petition)

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TO BE TAKEN UP SATURDAY, MARCH 12, 2016

## Article 7:

To see if the town will vote to rescind the authorization to issue bonds or notes or revenue bonds or notes for the balance of the unissued debt in the amount of **five hundred seventy-one thousand, nine hundred dollars (\$571,900)** from the authorization granted by the 2001 Town Meeting Warrant Article 4, which was:

To see if the Town will vote to raise and appropriate the sum of One Million Two Hundred Thousand Dollars (\$1,200,000.00) for the construction and original equipping of improvements to and the cleaning of the wastewater lagoons at the Wastewater Treatment Facility, and to authorize the issuance of not more than One Million Two Hundred Thousand Dollars (\$1,200,000.00) of bonds or notes or revenue bonds or notes or any combination thereof in accordance with the provisions of the Municipal Finance Act (RSA 33) and the Municipal Revenue Bonds Act (RSA 33-B) and to authorize the Board of Selectmen and Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon; furthermore to authorize the Board of Selectmen and Treasurer to borrow in anticipation of the issuance of such bonds and notes and to apply for, receive and expend as a part of this authorization grants, aid and gifts to be applied to such project to decrease the sums to be bonded or borrowed and to authorize the Board of Selectmen and Treasurer to take any and all actions necessary to carry out and complete the project authorized by this article. The costs to repay any bonded amount shall be repaid 50% by the taxpayers as a general obligation of the Town and 50% by the sewer users as an obligation of those connected directly to the sewer system as users.

(The ballot vote of this 2001 Warrant Article 4 was Yes: 237 No: 11.)

(2/3 ballot vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 8:

To see if the town will vote to rescind the authorization to issue bonds or notes for the unissued debt in the amount of **four hundred twenty-eight thousand dollars (\$428,000)** from the authorization granted by the 2009 Special Town Meeting Warrant Article 1, which was:

To see if the Town will vote to raise and appropriate an additional sum of Four Hundred Twenty-Eight Thousand Dollars (\$428,000) for the purpose of financing the construction and original equipping of improvements to and the cleaning of wastewater lagoons at the Wastewater Treatment Facility (which together with the \$1,200,000 appropriated by Article 4 passed at the 2001 Town Meeting for the same purpose), will result in a total appropriation of \$1,628,000, and to authorize the issuance of an additional \$428,000 of bonds or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et. seq., as amended; to authorize the Board of Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof; to authorize the Board of Selectmen to take any other action or to pass any other vote relative thereto and see if the

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Town will vote to amend Article 4 passed at the 2001 Town Meeting in order to clarify the intent of the Article to authorize the issuance of general obligation bonds of not more than One Million Two Hundred Thousand Dollars (\$1,200,000) of bonds or notes under and in compliance with Municipal Finance Act of, RSA 33:1 et. seq., as amended. The total appropriation of \$1,628,000 shall be funded, in part with general obligation bonds in lieu of any revenue bonds issued under RSA 33-B and it is anticipated that \$945,900 of the total cost will be paid in the form of grants from the United States Department of Agriculture/Rural Development. Without limiting the general obligation nature of the bonds, it is the intent and expectation that fifty (50%) percent of the debt service payments will come from user fees.

(The ballot vote of this 2009 Warrant Article 1 was Yes: 37 No: 2.)

(2/3 ballot vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 9:

To see if the town will vote to raise and appropriate the sum of **three hundred eighty-six thousand, five hundred forty-one dollars (\$386,541)** to construct sidewalks on Catamount Road, Tilton Hill Road, Berry Avenue, and Oneida Street and to put new signs on Catamount Road, Tilton Hill Road, Berry Avenue, and Oneida Street and to authorize the acceptance of the same amount from a Safe Routes to School Program grant set forth by the New Hampshire Department of Transportation. This appropriation will be nonlapsing per RSA 32:7, IV.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 10:

To see if the town will vote to raise and appropriate the sum of **three hundred twenty-five thousand dollars (\$325,000)** for the replacement of NHDOT Bridge #089/135, which carries Shaw Road over Kelly Brook, and to authorize the receipt of NH State Bridge Aid in the amount of \$260,000, and also to authorize the withdrawal of \$65,000 from the Shaw Road Bridge Capital Reserve Fund for this purpose. This appropriation will be nonlapsing per RSA 32:7, IV, and RSA 32:7, VI, and will not lapse until the earlier of project completion or December 31, 2020.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 11:

### Article 11 is not to be addressed if the preceding Article 10 fails

To see if the town will vote to discontinue the Shaw Road Bridge Capital Reserve Fund created at the 2007 Town Meeting Warrant Article 16. If the preceding Article 10 passes, authorizing the withdrawal of \$65,000 from the Shaw Road Bridge Capital Reserve Fund, the funds remaining would be \$2,240 as of December 31, 2015. This \$2,240, with accumulated interest to date of withdrawal, is to be transferred to the municipality's general fund.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

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## Article 12:

To see if the town will vote to raise and appropriate the sum of **ten thousand dollars (\$10,000)** for the purpose of building renovations at the Josiah Carpenter Memorial Library.

(Majority vote required)

(Recommended by the Board of Selectmen 4-1) (Recommended by the Budget Committee 13-0)

## Article 13:

To see if the town will vote to raise and appropriate the sum of **twenty-six thousand, eight hundred dollars (\$26,800)** for the purpose of demolishing the town-owned building at 42 Chestnut Street and to authorize the acceptance of the same amount from a Hazard Mitigation Grant available through the New Hampshire Department of Safety, Homeland Security and Emergency Management, and the Federal Emergency Management Agency. This appropriation will be nonlapsing per RSA 32:7, IV.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 14:

To see if the town will vote to change the purpose of the existing Ambulance Replacement and Equipment Fund, an RSA 31:95-c special revenue fund, the change being to restrict **thirty thousand dollars (\$30,000)** in revenues from ambulance billings to expenditures for the purposes of ambulance replacement and the ambulance equipment necessary to be licensed by the State of New Hampshire. Such revenues and expenditures shall be accounted for in the existing Ambulance Replacement and Equipment Fund, which is separate from the General Fund. Any surplus in the Ambulance Replacement and Equipment Fund shall not be deemed to be a part of the General Fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from the Ambulance Replacement and Equipment Fund for a specific purpose related to the purpose of the fund or source of revenues.

(2/3 vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 15:

### To be considered if the preceding Article 14 fails

To see if the town will vote to raise and appropriate the sum of **one hundred thirty thousand, nine hundred ninety dollars (\$130,990)** for the purpose of funding 1.) ambulance repair, 2.) eight hours of the forty-eight hour work week, 3.) ambulance overtime, 4.) on-call personnel, 5.) paramedic intercepts, and 6.) replacement of ambulance vehicles; and further to fund this appropriation by authorizing the withdrawal of that sum from the Ambulance Replacement and Equipment Special Revenue Fund previously created, with no amount to be raised by taxation. This article is designated as a special warrant article, and the appropriation shall not lapse until adjournment of the 2017 Annual Town Meeting.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

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## Article 16:

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of Fire Department Small Equipment and to raise and appropriate the sum of **five thousand dollars (\$5,000)** to be placed in this fund.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 12-1)

## Article 17:

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

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 18:

To see if the town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of Fire Department Tanker and to raise and appropriate the sum of **ten thousand dollars (\$10,000)** to be placed in this fund.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 19:

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

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 20:

To see if the town will vote to raise and appropriate the sum of **fifteen thousand dollars (\$15,000)** to be added to the Small Highway Truck Capital Reserve Fund previously established.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 21:

To see if the town will vote to raise and appropriate the sum of **thirty thousand dollars (\$30,000)** to be added to the Dump Truck Capital Reserve Fund previously established.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 22:

To see if the town will vote to raise and appropriate the sum of **ten thousand dollars (\$10,000)** to be added to the Loader Capital Reserve Fund previously established.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

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## Article 23:

To see if the town will vote to raise and appropriate the sum of **fifteen thousand dollars (\$15,000)** to be added to the Grader Capital Reserve Fund previously established.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 24:

To see if the town will vote to raise and appropriate the sum of **five thousand dollars (\$5,000)** to be added to the Backhoe Capital Reserve Fund previously established.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 25:

To see if the town will vote to raise and appropriate the sum of **ten thousand dollars (\$10,000)** to be added to the Sidewalk Tractor Capital Reserve Fund previously established.

(Majority vote required)

(Recommended by the Board of Selectmen 5-0) (Recommended by the Budget Committee 13-0)

## Article 26:

To see if the town will vote to raise and appropriate the sum of **four million, five hundred fifty-eight thousand, nine hundred and four dollars (\$4,558,904)** 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.

(Majority vote required)

(Recommended by the Budget Committee 11-2)

(Not recommended by the Board of Selectmen 0-5)

The Board of Selectmen recommends the amount of **four million, five hundred seventy-four thousand, six hundred and six dollars (\$4,574,606)** to fund the general municipal operations. This sum does not include appropriations contained in special or individual articles addressed separately in this warrant.

## Article 27:

Are you in favor of authorizing the planning board to approve or disapprove, in its discretion, plats and to approve or disapprove plans showing the extent to which and the manner in which streets within subdivisions shall be graded and improved and to which streets, water, sewer, and other utility mains, piping, connections, or facilities within subdivisions shall be installed? (See RSA 674:35, I.) If this article passes, then the town clerk shall have the duty to file with the register of deeds of Merrimack County a certificate of notice showing that the planning board has been so authorized and giving the date of such authorization. (RSA 674:35, II.) The purpose of this article is to revise the planning board's authority to regulate the subdivision of land according to current RSA 674:35, I. The planning board's current authority to regulate the subdivision of land is according to RSA chapter 31, sections 19-29, effective 1955, which the town meeting granted on March 10, 1964, under warrant article 13.

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## Article 28:

To see if the town will vote to approve these changes to the Housing Standards Ordinance:

Chapter 1: Articles 101.4, 101.4.1, 102.3, 102.4, 103.1, 103.4.1, 103.4.2, 103.12, 103.13, 103.19

Note: ~~deleted words~~ (new wording)

101.4 ~~Administrator~~ (**Administrative assistant**): the board may appoint a housing standards ~~administrator~~ (**administrative assistant**) who shall not be a member of the Housing Standards Board.

101.4.1 Duties: The housing standards ~~administrator~~ (**administrative assistant**) shall have charge and maintain the records of the Board, issue all notices required by this Ordinance and code not otherwise required to be issued by others, schedule inspections, notify the moderator of vacancies due to term expirations prior to the annual town meeting, record the minutes of all meetings of the Board and perform such other duties as may be assigned by the Board from time to time.

102.3 Application of other codes: repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recent international building code, international plumbing code, international property maintenance code, international mechanical code, international fuel gas code, the ICC electrical code and NFPA #101 life safety code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the state of New Hampshire's (**most recent**) adopted codes or the town of Pittsfield zoning ordinance.

102.4 Existing remedies: the provisions of this code shall not be construed to abolish or impair existing remedies of the town of Pittsfield or its officers or agencies relating to the removal or demolition of any structure that is dangerous (**and/or**) unsafe ~~unsanitary~~.

103.1 General: property maintenance inspection is hereby created and the housing standards ~~chief~~ inspector shall be known as the code official.

103.4.1 Restriction of employees: an official, (**board member**) or employee connected with the enforcement of this code shall not be engaged in, directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such official, (**board member**) or employee engage in any work that conflicts with his official duties or with the interests of the town of Pittsfield.

103.4.2 Conflict of interest: an official, (**board member**) or employee connected with the enforcement of this code who is the owner of a building or property subject to inspection under this ordinance shall not perform those inspections of their properties; such inspection are to be performed by an appropriate substitute inspector.



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103.12 Inspection of owner-occupied units: any owner-occupied dwelling unit, which is located within a building that has rental dwelling units, shall be subject to inspection on the same schedule frequency as the other rental units within the building and under the same code provisions. ~~But no inspection fee shall be charged therefore. If a reinspection of said owner occupied unit is required, such reinspection, after the first reinspection and will be charged for at the same rate as non-owner occupied units.~~

103.13 Hotels, motels, bed and breakfast establishments (**and rooming houses**): The provisions of this ordinance and code shall apply to hotels, motel, bed and breakfast establishments (**and rooming houses**). Except to the extent that they may conflict with the laws of the state or with the lawful regulations of any state board or agency.

103.19 Citizen complaint: upon receipt of a signed and dated written complaint (**or an email with all pertinent information**) from any citizen alleging that a violation of this ordinance or code exists in a specific rental dwelling unit, the code official shall investigate to determine if the violation exists. The landlord shall be notified of the existence of the complaint and be given an opportunity to refute the validity of the complaint. The complainant's name shall remain confidential, if requested, unless disclosure is required by state law or a judge in a court of law. If such a determination of violation is made, the code official shall issue an order to remedy the violation. The same procedures as used for a biennial inspection shall be used in the case of citizen complaints.

## Article 29:

To see if the town will vote to approve these changes to the Housing Standards Ordinance:

Chapter 6: Articles **602.9** (new) and 603.5 of the Pittsfield Housing Standards Ordinance

Note: (**new wording**)

**(602.9 Anti-tip devices: a device to prevent any stove, old or new, from tipping is required on all kitchen stoves.)**

603.5 Portable cooking equipment: portable equipment such as hot plates, gas grills, hibachis, etc., is prohibited for primary cooking. Any portable cooking equipment employing a flame is prohibited from use on all porches or balconies on multi-story structures (**all portable cooking units shall be kept at least the minimum distance prescribed by the state fire marshal from any structure during use.**)

## Article 30:

To see if the town will vote to adopt the provisions of RSA 32:5, V-b, that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article.

## Article 31:

To see if the town will vote to adopt the provisions of RSA 72:62, for the property tax exemption on real property equipped with solar energy systems, which exemption shall be in the amount equal to one hundred percent (100%) of the assessed value of the solar energy systems.

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## **Article 32:**

To see if the town will vote to repeal the Curfew Ordinance adopted at the 2006 Town Meeting Warrant Article 30.

## **Article 33:**

To see whether the Town will enter into a lease agreement with The New Hampshire Beagle Club of Pittsfield, NH to lease a portion of Town-owned land located at Greer Road in the Town of Pittsfield, identified in the Town of Pittsfield tax records as Tax Map R11 Lot Number 2 (58.2 acres, more or less) and Tax Map R26 Lot Number 8 (74.7 acres, more or less), to allow the Club to fence off a portion of said land (up to 80 acres) for the training of beagles to find rabbits. The lease to be for 20 years, with the Town having a right to enter the leasehold premises to harvest wood, sand, gravel or stone as needed. No hunting or shooting to be allowed. (By citizen petition)

## **Article 34:**

Shall the Town establish town-owned parcels Map R-11 Lot 2 (56 acres) and Map R26 Lot 8 (74 acres) as town forests as authorized under RSA 31:110, and to authorize the Conservation Commission to manage such forests under the provision of RSA 31:112, II, and to authorize proceeds which may occur from said forest management, not otherwise restricted, to be deposited into the existing Forest Management Capital Reserve Fund, established in 1982, and be allowed to accumulate from year-to-year, as authorized under RSA 31:113. Any expenditure from said fund shall require Town Meeting approval. (By citizen petition)

## **Article 35:**

To see if the Town will vote to reduce property taxes by means of allowing and taxing the production, sale or possession of up to 8 ounces of cannabis sativa, commonly known as marijuana. Said tax to be at the rate of \$10.00 per unit produced or sold, imposed upon each transfer (production to sale), the proceeds of which are dedicated to being applied directly towards the reduction of Pittsfield's property taxes. (By citizen petition)

## **Article 36:**

To see if the Town will vote to amend the March 9, 1948 Town Meeting Warrant Article 8 establishing the Pittsfield Budget Committee by striking out the words "and, at the expiration of their respective terms not to re-appoint any person until at least one year has elapsed since the expiration of his or her previous term". (By citizen petition)

## **Article 37:**

To see if the Town will vote to establish a revolving fund pursuant to RSA 31:95-h for the purpose of funding Housing Standards. All revenues received for Housing Standards activities will be deposited into the fund, and such revenues will be used to compensate Housing Standards Inspector(s) the Housing Standards Administrator/Administrative Assistant and for associated expenses, including supplies and equipment involved in the day to day operations of the Housing Standards Agency. Any remaining monies in the fund shall be allowed to accumulate from year to year and shall not be considered part of the town's general fund unreserved fund balance. The town treasurer shall have custody of all monies in the fund, and shall pay out of the same as

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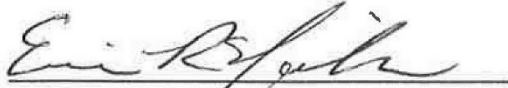
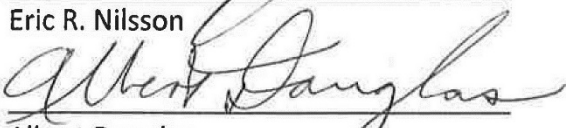
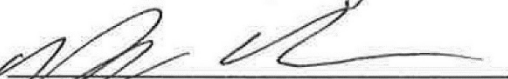
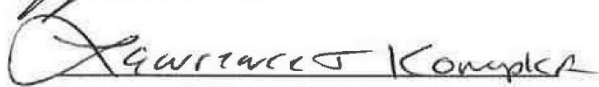
required by the Agency and no further approval is required by the legislative body to expend. Such funds shall only be expended for the purposes for which the fund was created. The Housing Standards Agency is self-funding and this has no effect on the tax rate. (By citizen petition)

(Not recommended by the Board of Selectmen 0-5)

(Not recommended by the Budget Committee 3-9-1)

## Article 38:

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

  
Eric R. Nilsson  
Albert Douglas  
Nicholas M. Hayes  
Lawrence J. Konopka

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Gerard A. LeDuc

Pittsfield Board of Selectmen