

2017 TOWN MEETING MINUTES

Town Moderator Frederick Okrent called the 2017 Town Meeting to order at 10:05 a.m. on Saturday, March 18, 2017 in the Pittsfield Elementary School Gymnasium. The Pittsfield Girl Scout Troop 10540 led the *Pledge of Allegiance*.

Moderator Okrent thanked those who came out to vote during the storm Tuesday, stating it was a testament to the dedication of the voters. He reviewed the "Rules of Procedure" he had made available to the public previously and the voting instructions for the meeting. He also asked newly elected officials to come to the front after the meeting to be sworn in.

Moderator Okrent introduced the people on the stage: Select Board Chairman Larry Konopka, Selectman Carl Anderson, Selectwoman Carole Richardson, Selectman Gerard LeDuc, Selectman James Allard, Fire Chief Peter Pszonowsky, Superintendent of Public Works George Bachelder, Police Chief Jeffrey Cain, Town Clerk/Tax Collector Erica Anthony and Town Administrator Cara Marston.

Moderator Okrent read the introduction to the posted 2017 Town Meeting Warrant:

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

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Moderator Okrent read the results of the March 14, 2017 Town Elections:

One Cemetery Trustee for a three (3) year term –
Cedric Dustin, III elected – 353 votes

One Cemetery Trustee for a two (2) year term –
John “Pat” Heffernan elected – 330 votes

One Library Trustee for a three (3) year term –
Sandra Adams elected – 334 votes

One Library Trustee for a two (2) year term –
Carol L. Grainger elected – 269 votes
J.W. “Bill” Miskoe – 105 votes

One Planning Board Member for a three (3) year term –
Paul A. Nickerson elected – 301 votes

One Selectman for a three (3) year term –
Gerard A. LeDuc elected – 196 votes
Adam Gauthier – 172 votes

One Selectman for a one (1) year term –
James Conrad Allard elected - 254 votes
Eric R. Nilsson – 137 votes

One Town Treasurer for a three (3) year term –
Cindy M. Houle elected – 356 votes

One Trustee of Trust Funds for a three (3) year term –
Scott Brown (write-in) elected – 63 votes

Two Zoning Board of Adjustment Members for a three (3) year term –
Jason R. Rokeach elected – 170 votes
Noreen S. Rollins elected – 241 votes

One Zoning Board of Adjustment Member for a one (1) year term –
Philip Edward Boncer elected – 178 votes
John Buatti – 120 votes

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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 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 2 passed – Yes (244) – No (95)

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 3 passed – Yes (289) – No (92)

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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 4 passed – Yes (282) – No (91)

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:

- (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 5 passed – Yes (258) – No (115)

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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 6 passed – Yes (276) – No (96)

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)

Article 7 failed – Yes (232) – No (170)

Linda Small made a motion “to see if the Town will vote to discontinue the expendable trust fund established in 2008 under provisions of RSA 31:19a (known as the Property Acquisition and Redevelopment Expendable Trust Fund) with said funds and all accumulated interest to be transferred to the General Fund and used in its entirety to offset the tax rate. It is requested that this vote be taken by secret ballot in accordance with RSA 40:4a (Majority vote required).” Ms. Small presented a written request signed by five registered voters: Linda Small, Marilyn Roberts, Greta Sarte, Geoffrey Roberts and Danielle Roberts.

Budget Committee member Louis Houle called for a point of order. He questioned whether this motion should be addressed at the end of the meeting under Article 28 – “Other Business”.

Moderator Okrent explained any business contracted under Article 28 would be non-binding and advisory only. He stated this motion would have had to be on the original warrant in order to be legally binding. The voters need to have prior “warning” before binding articles are to be voted upon. He explained that this motion would have to be presented as a citizens’ petition on next year’s warrant or a special town meeting would have to be held in order for it to be legally binding.

Motion was not considered.

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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)

Budget Committee member Louis Houle called for a point of order. He felt the article should read “NOT Recommended by the Board of Selectmen 2-3-0”.

Moderator Okrent read Article 8. Motion made by Selectman Gerard LeDuc to move Article 8 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Keith Donovan presented a written request signed by five registered voters: Carl Anderson, Valerie Anderson, Keith Donovan, Kathy Traynor and Clayton Wood that the vote for Article 8 be taken by secret ballot.

Sandy Wingate stated he understood the need to watch the tax rate and recognized that the Selectmen and Budget Committee went through the budget for countless hours. Everyone should have reviewed the budget in the town report before now. He believed it would be very difficult to find anywhere in the budget to save more money. He believed it would be cost effective to keep the officer in the school. He encouraged people to support this article.

Moderator Okrent asked for a motion to allow non-voters and non-resident town employees to speak. Sandy Wingate made the motion, seconded by Dave Simpson. Moderator Okrent opened the floor for discussion. There being none, he called for a card vote. A card vote passed to allow non-voters and non-resident town employees to speak.

Clayton Wood asked if the noted tax impact was accurate and if the article passed, would it be legally binding.

Town Administrator Cara Marston responded there would be a \$72,000.00 revenue offset. Moderator Okrent stated he was not certain if a yes vote would be legally binding. It was confirmed that if the article passed, it would be added to the budget.

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Dan Schroth stated that while the Selectmen and Budget Committee were working hard on the budget, there were several people in the community and the school working together on the Wellness Coalition to address the opioid and substance abuse problem. He believed people need to either get involved with programs like the Wellness Coalition to address these issues or leave it to the Police Department to deal with it.

Merrill Vaughan asked if this article was approved, would the student resource officer position be restored. He also asked if the town would have to pay a penalty for breaking the contract with the COPS grant.

Town Administrator Cara Marston responded that the position was still in place and the COPS grant was still active. Any changes to be made depended on the results of the vote on this article.

Merrill Vaughan believed businesses would be hesitant to come to Pittsfield if there wasn't a full police force. He felt a flat line budget would hurt the town in the long run, and that common sense was needed.

Scot Palmer asked how many of the officers were full time and how many were part time.

Police Chief Jeff Cain answered the department currently has nine full time positions – the Chief, two sergeants, five patrolmen and the student resource officer. He explained if this article did not pass, two current full time positions would be eliminated, the student resource officer and one patrolman. He stated two full time positions were currently vacant. Sergeant Walter retired the end of last year and that position had not yet been filled, and Officer Webber recently resigned. He stated there were four part time patrolmen.

Carl Chapman stated he has seen officers on Route 28 and felt they should be patrolling in town instead and voiced a concern that some officers are not held to the same expectations as other drivers.

Police Chief Cain responded the officers spend 80% or more time in the downtown area. He explained his department is part of two federal highway safety grant programs aimed at the Route 28 and Route 4 corridor. He stated that a majority of the illegal drugs coming into Pittsfield are transported via Route 28. 2006 was one of the busiest years. His department made 406 arrests, 56 of which were felony level complaints. In 2016, 332 arrests were made, but 114 of those arrests were felony level complaints. A good portion involved drugs including methamphetamine and heroin which are embedded in our community. There have been a number of drug arrests resulting from vehicle stops made on Route 28. Police Chief Cain stated all police officers should be held to the same standards as other drivers.

Budget Committee Chairman Bob Schiferle explained the overriding reason the Budget Committee did not support this article was they felt the financial impact on the taxpayer and tax rate did not warrant approving this article and expenditure. It was about protecting the taxpayer.

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He acknowledged the COPS grant pays a portion of the expense, but that the grant is temporary and the Budget Committee was concerned about the long term tax impact.

Randy Severance voiced his concern about the wording of the article. He encouraged the Body to support the recommendation of the Budget Committee and Selectmen. He believed businesses were not coming to town because of the tax rate, not the size of the Police Department.

Victoria Marcotte stated she owns a home in Pittsfield, is a taxpayer, and a parent of children in the school system, but is not a citizen and therefore not a registered voter. She encouraged those that could vote to support this article. She and her children have benefited greatly by the presence of the Student Resource Officer in the school.

Cara Peterson expressed the same sentiment as Ms. Marcotte and asked if the loss of the Student Resource Officer would also mean the loss of the D.A.R.E. program.

Police Chief Cain responded that there would not be a D.A.R.E. program this year.

Tanner Van Nest stated he lives outside the downtown area and the police have been very present in his neighborhood. He believed with the current drug crisis it did not make sense to eliminate the student resource officer and reduce the police department.

Fallon Reed stated she works for the New Hampshire Department of Homeland Security and Emergency Management. She oversees numerous grant programs, including school preparedness programs. She stated that since the 2012 shooting at Sandy Hook Elementary School in Connecticut, there have only been four states that have not had an active shooter incident, and NH is one of those states. She believed eliminating the Student Resource Officer position could be detrimental. This position does not only involve law enforcement, but they also serve as educators and counselors and do emergency preparedness in schools. She believes that it is only a matter of time before there is a serious incident in NH and would hate for that to happen in Pittsfield because we took away this resource from the schools. She stated that forfeiting this grant may be looked upon unfavorably and hurt our chances of receiving other grant funding.

Ed Trzcinski felt the police were doing the best they could and need the voters' support. He stated the nine officers are not all on duty at the same time.

Martha Brennan stated the police have a very large area to cover and appreciates their presence. She believes the kids need a positive police presence.

Budget Committee member Noreen Rollins stated she voted against this article. She believed the Police Chief could place an existing officer in school with his existing budget.

Matt St George asked for a breakdown of the costs.

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Town Administrator Marston stated \$.12 of the cost comes from the school budget.

Sean Asdot encouraged the Body to support of the Student Resource Officer position.

Selectman Carl Anderson stated the Select Board discussions started with a proposal not to fill an officer position that had been vacant since August. They then learned the Student Resource Officer position would be eliminated in the process. He believed the Body needs to look long term and that the grant funds would not be available long term. He believed the budget numbers were a "shell game", and that the town would not lose money by removing these two positions as has been implied. He believed the town would actually save more than \$500,000 over the next four years by not filling these positions. He stated the last thing the Select Board and Budget Committee were going to do was put friends and family in harm's way.

Sharon Matras believed concerned parents could be the resource, and that they needed to come together. She felt common sense could go a long way. She felt as a parent she needed to make difficult choices of what they could and couldn't afford to have, and the town has to make some of those same choices and operate under a balanced budget.

GEF Freese asked Police Chief Cain and Fire Chief Peter Pszonowsky of the potential impact of the loss of these officers.

Fire Chief Pszonowsky stated his department relies on police presence before responding to domestic violence situations.

Police Chief Cain explained if this article did not pass, it would bring the department down to seven full time officers. The voters approved the eighth officer in 2003 due to the increases in demand and call volume. He stated he did not have control over demand placed on the department, and that they could only respond. He explained the Merrimack County Sheriff and Merrimack County Attorney spoke of the high demand in Pittsfield during a Selectmen's meeting. Police Chief Cain stated setting aside the potential loss of the student resource officer, which would be a loss to the youth in the community and the school, the additional loss of the full time patrolman would set the department staffing back to the early 2000 levels, which will spread the department resources thin. He believed the loss of these positions will result in the loss of other officers, and there isn't a line item in his budget to offset increased overtime costs which could potentially mean a loss of 24 hour coverage. He agreed he did not need the COPS grant to put the Student Resource Officer in the schools, but the current demands do not allow for moving an existing officer off the street and into the school. Right now, he believes public safety for the community still outweighs having an officer in the school. Cutting the positions would not reduce the workload, it just spreads the resources thinner, and services will be affected.

GEF Freese expressed his concern for the safety of his employees. He did not believe businesses would come into Pittsfield if the town could not protect them adequately, and the town needs more business to reduce taxes.

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Select Board Chairman Larry Konopka stated his support for this warrant article. He did not see the cost savings by cutting the officers. He believed any savings would not offset the cost to pay back the grant and the increase overtime costs. He believed public safety was of the utmost concern.

Budget Committee member Mary Paradise stated she voted in favor of this article. She stated the people who attended the public hearing supported it, and she felt she needed to represent them. She called for the question.

Dave Simpson asked if the part time officers were limited to the number of hours they could work.

Police Chief Cain responded there are limits to the number of hours part time officers can work. He stated when he took this position he took an oath that he would present a budget that he believed was needed to provide the public safety for this community and that he would be as frugal as possible with that budget. Every year he has been Chief he has come in under budget and turned money back to the general fund. He believed the amount turned back in 2016 was \$77,000. This year in spite of increases in retirement and insurance costs, he submitted a budget that was less than last year. He stated he would support cutting \$105,456.00 elsewhere in his budget, which would reduce this request to less than \$50,000 in order to keep the department fully staffed.

Budget Committee member Mary Paradise reiterated her request to call the question. Helen Schoppmeyer seconded the motion. Moderator Okrent stated he would allow those already in line to speak before calling the question.

Dave Simpson spoke about the Wellness Coalition. He stated Pittsfield is above average in Merrimack County and the rest of the state for incidents involving drug and alcohol abuse and domestic violence. He urged everyone to support the article.

Eric Nilsson stated the majority of the Select Board rejected a \$75,000.00 gift from Globe Manufacturing that would have covered this cost.

Keith Donovan stated seven officers were enough to provide full time coverage in the town where he previously lived and felt it should be enough for Pittsfield.

Budget Committee member Louis Houle reminded the Body that the Budget Committee has explained each year the only way to significantly cut the budget is to cut personnel. He stated the Committee recommended these cuts along with reducing a full time position to part time in another department this year because taxes are high, and the only way to save money is to make these cuts. He explained these are not easy decisions, but that the town does not currently have the revenue to support this article.

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Ammy Ramsey reiterated that Police Chief Cain came in under budget, and that all the department heads work hard to keep a responsible budget. She believed if the voters did not support the dedicated town employees they have, they will lose them and will end up with employees that do not provide the same dedicated service. She stated the Budget Committee did not ask department heads what the potential impact of these proposed budget cuts would have on the community.

Chris Ward believed this article was a good value for the money. He applauded the efforts of the Selectmen and Budget Committee. He mentioned the Selectmen's meeting when the County Sheriff spoke, and voiced his concern of the length of time it would take the state police to respond should they have to provide coverage. He stated he has served as an on call fire fighter for the last five years, and that they rely on the police to keep them all safe when servicing a traffic accident. He expressed his concern regarding the motive to turn down a financial gift that would have supported these positions. He encouraged voters to support this article.

There being no further discussion, Moderator Okrent re-read Article 8 and reminded the voters that this vote would be by secret ballot. He asked that all voters check in with the Supervisors of the Checklist to receive their ballot.

Article 8 failed by secret ballot Yes - 99 No - 124

Keith Donovan made a motion to restrict reconsideration of Article 8, seconded by Clayton Wood.

Moderator Okrent explained per RSA 40:10, a vote to "restrict reconsideration" meant that no vote or warrant article subject to such restriction could be reconsidered until at least seven days after the adjournment of this meeting.

Moderator Okrent opened the floor for discussion on the motion to restrict reconsideration.

Selectman Larry Konopka asked if he could still propose an amendment to Article 25 to reduce the budget by \$36,000 and apply that same amount to reinstate these two positions, should this motion to restrict reconsideration pass.

Budget Committee member Louis Houle called for a point of order. He stated restricting reconsideration of Article 8 does not impact Article 25.

Clayton Wood called for a point of order. He stated people voted not to reinstate these two positions in this article, yet there is talk of bringing it up again under a different article. The people have a right to know what could happen later in the meeting.

There being no further discussion, Moderator Okrent called for the vote to restrict reconsideration of Article 8.

Card vote passed to restrict reconsideration of Article 8.

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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)

Moderator Okrent read Article 9. Motion made by Selectman Gerard LeDuc to move Article 9 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Budget Committee Chairman Schiferle reminded the Body that Budget Committee member Louis Houle recommended the Body not put money in capital reserve funds last year in order to reduce the overall tax impact after a large unanticipated expense was incurred. This year, however, after careful review by the Budget Committee, they recommend supporting these capital reserve funds. He explained that these capital reserve funds serve as a savings account toward very large purchases in the future, avoiding a big tax increase all at once.

There being no further discussion, Moderator Okrent called for the vote.

Article 9 passed by card vote.

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)

Moderator Okrent read Article 10. Motion made by Selectman Gerard LeDuc to move Article 10 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

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Phil Gordon stated he recently retired from the Highway Department, and that they have not had this plow for three years, and it is needed. He stated Superintendent of Public Works George Bachelder would not ask for the truck if he did not truly need it.

Scot Palmer asked why the Budget Committee did not recommend this article.

Budget Committee Chairman Schiferle responded that Superintendent Bachelder has been using his own truck. The Budget Committee did not feel it was prudent to purchase or lease a brand new truck and thought maybe a used truck would be more fiscally responsible.

Superintendent Bachelder explained he has been road agent since 1986. He started receiving a \$3900.00 stipend to use his own truck after eleven years of not receiving any compensation. He has since realized that it was not a good idea use his own truck, since it costs him more to maintain the truck than he receives from the stipend. He will retire at some point, and no one else would probably use their own vehicle. He stated no other town uses a personal vehicle. This truck would allow another employee to help clean the parking lots during the bigger storms. He also forewarned the voters that he planned to ask to amend Article 25 to get his full time employee back that was reduced to part time by the Budget Committee. He said his priority was his loader and his employee position.

Ammy Ramsey stated the Budget Committee did not speak with the department heads before making these recommendations. She felt decisions were made without getting all the information.

Budget Committee member Adam Gauthier stated he voted against this article in order to use the funds to put the employee position back to full time.

Fred Hast stated Superintendent Bachelder did not speak accurately. Mr. Hast stated the vehicle that would be purchased has 4 wheel drive and a plow, and that Superintendent Bachelder's current truck does not have 4 wheel drive nor a plow. He encouraged everyone to support this article.

There being no further discussion, Moderator Okrent explained there needed to be a 2/3 majority vote to pass this article and that it would be by secret ballot. He asked everyone to see the Supervisors of the Checklist at the back of the room to receive their ballots.

Article 10 passed by secret ballot vote Yes - 132 No – 58

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.

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(Majority vote required)

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

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

Moderator Okrent read Article 11. Motion made by Selectman Gerard LeDuc to move Article 11 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Budget Committee Chairman Schiferle stated this article was an example of planning ahead. He stated members of the Budget Committee visited each department at the beginning of the budget season. These visits helped them to make the decision to support this capital reserve articles.

Ammy Ramsey reiterated the Budget Committee only met with the department heads once at the beginning of the budget process and did not ask to meet with them again to find out what the impact the recommended cuts would have on the community.

Ed Trzcinski stated the town would soon have to pay for costly repairs on the current loader if the voters did not support purchasing the new loader now.

There being no further discussion, Moderator Okrent called for the vote.

Article 11 passed by card vote.

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)

Moderator Okrent read Article 12. Motion made by Selectman Gerard LeDuc to move Article 12 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

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No discussion.

Moderator Okrent called for the vote.

Moderator Okrent felt the card vote was too close to call and asked the Supervisors of the Checklist to do a physical count.

Article 12 passed by card vote Yes- 101 no- 90

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)

Moderator Okrent read Article 13. Motion made by Selectman Gerard LeDuc to move Article 13 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Lee Corson questioned whether this fund would be necessary for future cruisers.

Town Administrator Cara Marston responded that the special detail revolving fund was created during a previous town meeting that would help fund future cruisers.

There being no further discussion, Moderator Okrent called for the vote.

Article 13 passed by card vote.

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)

2017 TOWN MEETING MINUTES

Moderator Okrent read Article 14. Motion made by Selectman Gerard LeDuc to move Article 14 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Scot Palmer asked of the projected savings, and asked if all the street lights would be upgraded.

After conferring with Town Administrator Marston, Moderator Okrent responded that an energy audit would be conducted. It is not known what the actual savings would be at this point.

Budget Committee Chairman Schiferle stated Eversource proposed the project. There is currently grant money available to help fund the project that may not be available at a later date. He stated that this project would pay for itself within three years. He projected the town would save approximately \$12,500.00 in electricity costs after that three year period.

Dan Schroth thanked those who proposed the article. He is happy with the effort to address the global warming issue. The school district has already invested in upgrading to LED lighting.

Sharon Matras stated global warming is still being debated. She asked why the lights would be replaced if they are still working. She stated LED lights are expensive.

Teresa Palmer stated incandescent bulbs are being phased out. She changed over the bulbs in her home and is saving money. She believed it would also save the town money, and strongly recommended that all the lights be upgraded at once.

There being no further discussion, Moderator Okrent called for the vote.

Article 14 passed by card vote.

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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Moderator Okrent read Article 15. Motion made by Selectman Gerard LeDuc to move Article 15 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Linda Small asked where the \$14,095 unanticipated revenue came from.

Selectwoman Carole Richardson responded she has collected \$74,000.00 in private funds for the cemetery fence. \$14,095 of the \$74,000 was collected after the town took over ownership of the cemetery. \$59,905 was collected when the cemetery was owned by the private cemetery association. She is still collecting funds in hopes to reach her \$80,000 goal. The \$375 is the stipend she receives as Selectwoman.

Linda Small commented on how nice the new fence looks. She wanted to make sure the funds were raised through donations and not through taxation.

Selectwoman Richardson confirmed that these funds were given as private donations and were not raised through taxation.

The Body thanked Selectwoman Richardson for her efforts.

Dave Simpson felt these funds should go back to the general fund.

Selectwoman Richardson reiterated that the funds were private donations sent to her to complete phase four of the project and not taxpayer money.

Fred Hast encouraged people to support this article.

There being no further discussion, Moderator Okrent called for the vote.

Article 15 passed by card vote.

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)

Moderator Okrent read Article 16. Motion made by Selectman Gerard LeDuc to move Article 16 as read, seconded by Selectman Jim Allard.

2017 TOWN MEETING MINUTES

Moderator Okrent opened the floor for discussion.

No discussion.

Moderator Okrent felt the card vote was too close to call and asked the Supervisors of the Checklist to do a physical count.

Article 16 passed by card vote. Yes – 114 No – 57

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)

Moderator Okrent read Article 17. Motion made by Selectman Gerard LeDuc to move Article 17 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Budget Committee Chairman Schiferle stated there would have been a \$.06 reduction in the tax rate if only the articles recommended by the Budget Committee passed, including these Capital Reserve articles. With the approval of the purchase of a new truck in Article 10, the reduction is \$.02 of the current tax rate if the rest of the Budget Committee recommended articles pass. He clarified that the tax impact is an estimate, as the tax rate is not set until the fall.

There being no further discussion, Moderator Okrent called for the vote.

Article 17 passed by card vote.

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)

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Moderator Okrent read Article 18. Motion made by Selectman Gerard LeDuc to move Article 18 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

No discussion.

Article 18 passed by card vote.

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)

Moderator Okrent read Article 19. Motion made by Selectman Gerard LeDuc to move Article 19 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

No discussion.

Article 19 passed by card vote.

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)

Moderator Okrent read Article 20. Motion made by Selectman Gerard LeDuc to move Article 20 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

2017 TOWN MEETING MINUTES

Scot Palmer asked if this would be a different truck from the one voted upon in Article 10.

Superintendent Bachelder confirmed it would be a different truck.

There being no further discussion, Moderator Okrent called for the vote.

Article 20 passed by card vote.

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)

Moderator Okrent read Article 21. Motion made by Selectman Gerard LeDuc to move Article 21 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

No discussion.

Article 21 passed by card vote.

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)

Moderator Okrent read Article 22. Motion made by Selectman Gerard LeDuc to move Article 22 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

No discussion.

Article 22 passed by card vote.

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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)

Moderator Okrent read Article 23. Motion made by Selectman Gerard LeDuc to move Article 23 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Lee Corson asked the cost of a new backhoe.

Superintendent Bachelder responded it would be approximately \$150,000 – \$160,000.

There being no further discussion, Moderator Okrent called for the vote.

Article 23 passed by card vote.

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)

Moderator Okrent read Article 24. Motion made by Selectman Gerard LeDuc to move Article 24 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

No discussion.

Moderator Okrent felt the card vote was too close to call and asked the Supervisors of the Checklist to do a physical count.

Article 24 failed by card vote. Yes – 80 No - 102

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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)

Moderator Okrent read Article 25. Motion made by Selectman Gerard LeDuc to move Article 25 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Linda Small stated she came up with a figure of \$10.88 instead of \$10.12.

Town Administrator Marston responded that the total, with the articles that have passed and if this article passes as is, would be \$10.92. She explained that the \$10.12 references only this article and does not include any other article. The \$10.88 is what the total would have been if only the Budget Committee recommended articles passed. The passage of Article 10 is in addition to the \$10.88. Ms. Small still found a discrepancy. Town Administrator Marston offered her a copy of her spreadsheet to help clarify.

Keith Donovan presented a written request signed by six registered voters: Keith Donovan, Clayton Wood, Carl Chapman, Carl Anderson, Peter Osborne and Tracy Huyck that the vote for Article 25 be taken by secret ballot.

Budget Committee Chairman Schiferle reiterated that after the votes taken so far, the tax rate is currently at $-\$.02$ from last year. He stated the Budget Committee worked very hard to keep this budget manageable.

Select Board Chairman Konopka stated he had decided not to request an amendment.

Superintendent Bachelder stated he would not ask to increase this budget based on the assurance from the Select Board that they would find the funds elsewhere in the budget to retain his full time employee.

There being no further discussion, Moderator Okrent reminded the voters that this vote would be by secret ballot. He asked that all voters check in with the Supervisors of the Checklist to receive their ballot.

Article 25 passed by secret ballot Yes – 136 No - 57

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Linda Small made a motion to use \$529,468 from undesignated fund balance to offset the tax rate. Seconded by Steve Adams.

Sandy Wingate suggested that this motion be addressed under Article 28.

Moderator Okrent stated Town Administrator Marston was contacting legal counsel to advise whether or not the motion was allowable.

Budget Committee member Mary Paradise made a motion to restrict reconsideration of Article 25.

Moderator Okrent responded Ms. Small's motion needed to be addressed first.

Town Administrator Marston was advised by legal counsel that the motion to use undesignated fund balance could be considered but would be an advisory measure to the Selectmen only, and not legally binding. It would be up to the Select Board to take this motion into consideration when they set the tax rate in the fall.

Budget Committee member Houle stated the Select Board withdrew approximately \$399,000 from fund balance a few years ago. The fund ended up with a negative balance after all expenses were paid that year. That began the tax problems we had over the past years. That issue has finally been corrected. He strongly believes careful consideration needs to be given as to the use of those funds at the time the tax rate is set. He doesn't believe just suggesting an amount at this time is prudent. He believed the town would end up in the same predicament as before.

Linda Small explained her rationale of using this fund balance. She stated as the Legislative Body, we have the responsibility to hold our elected officials accountable. She stated it is recommended by the NH Government Finance Officers Association that between 8% - 17% be kept in fund balance to account for any emergencies and keep taxes stable, and we currently have 19% in fund balance. She stated our taxes had been fairly stable until last year. She recommended 13% remain in the fund balance, which would be in the middle of the recommended amount. This would be a solution to keep our finances stable. She asked the voters to encourage the Selectmen use this fund balance amount.

Select Board Chairman Konopka mentioned \$120,000 of fund balance was used last year to offset the tax rate.

Superintendent Bachelder voiced his concern if too much was taken from fund balance the town could be caught in a very difficult financial position should an unforeseen major weather event or other crisis occur.

Linda Small stated she is fiscally conservative as well, but there are many in a very difficult financial situation now.

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Matt St. George asked how much was currently in the fund balance and what would be left if the recommended funds were taken out.

Town Administrator Marston responded that the financial records for 2016 had not yet been audited, but there is approximately \$1,600,000 in the fund at this time. If \$500,000 was used it would leave \$1,100,000.

Budget Committee member Houle stated the fund balance also includes uncollected taxes, it is not all cash and readily available. He stated both he and Town Administrator Marston worked together at the last minute before the town meeting last year to come up with recommendations for the Body after unanticipated costs surfaced. The Police Chief graciously gave up vehicles last year and we cut most of the warrant articles to keep the tax rate down. Fund balance and surplus funds were still used to keep the tax rate increase down to \$1.00. He stated everyone worked hard to keep the tax rate down responsibly. There is no way to know what the fund balance will be when the tax rate is actually set in the fall.

There being no further discussion Moderator Okrent called for the vote on the motion to use \$529,468 from undesignated fund balance to offset the tax rate. He stressed this request was advisory only and not legally binding.

Card vote failed to advise Select Board to use \$529,468 from the undesignated fund balance to offset the tax rate.

Budget Committee member Mary Paradise restated her motion to restrict reconsideration of Article 25, seconded by Budget Committee member Louis Houle.

Moderator Okrent opened the floor for discussion.

No discussion.

Card vote passed to restrict reconsideration of Article 25.

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.

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Moderator Okrent read Article 26. Motion made by Selectman Gerard LeDuc to move Article 26 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Paul Nickerson asked for an explanation of this article.

Selectman Gerard LeDuc explained this article would include those veterans that served in between the war time eras.

Budget Committee member Houle explained the credit would be deducted from the tax bill of those who apply and qualify. The amount deducted would be redistributed over the remaining tax bills.

Chris Hill stated he served for 23 years in the NH National Guard working in homeland defense, so he fell in between the qualifying years and never deployed. He believed all who have enlisted are prepared to go wherever asked to protect this country, and that this article should be approved as a small token of thanks to all who have served.

Mitch Emerson stated though he is a 100% disabled combat veteran, he has not taken advantage of this credit. He reminded voters that those who serve are in harm's way regardless of whether or not we are technically at war. He stated this credit would benefit surviving spouses as well. He encouraged the voters to support this article.

Merrill Vaughan asked for all veterans to stand and be recognized. He believed this credit was a small token of thanks to our veterans.

Paul Nickerson asked if there were State funds set aside for this credit.

Town Administrator Marston clarified there was not and the estimated cost to taxpayers was \$65,000.

There being no further discussion, Moderator Okrent called for the vote.

Article 26 passed by card vote.

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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, 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.

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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)

Moderator Okrent read Article 27. Motion made by Selectman Gerard LeDuc to move Article 27 as read, seconded by Selectman Jim Allard.

Moderator Okrent opened the floor for discussion.

Ed Trzcinski asked for clarification of "compact area". He lives in a very rural area, but his neighbor's house is 500 feet away.

Dan Schroth voiced his concern about his free range chickens and dog who watches over them.

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Tanner Van Nest asked what would happen if his dogs get out while he is out of town and can't be reached within 24 hours.

Police Chief Cain stated he does not have the facility or means to keep animals for an extended period of time. The SPCA has the facilities to keep animals longer term.

Michael Drew expressed his appreciation for this article. His neighbor's chickens come into his yard and ruin his gardens. He has not had recourse for this issue up until now. He believed this article was not directed toward those who have an occasional loose animal. It is for those who do not have consideration for their neighbors or neighborhood.

Dan Mullen asked about the definition of a compact area.

Selectman Carl Anderson stated no one should have to tolerate other people's animals on their property. He believed everyone has a right to own animals, but under their control. He suggested amending the phrase "compact area" to "urban zone".

Police Chief Cain offered the definition of a "compact area" as six or more residential dwellings that are within a 300 foot area.

Selectman Anderson withdrew his amendment based on the definition provided by Police Chief Cain.

Budget Committee member Gail Nickerson questioned the fees if the police department was not going to house the animals more than 24 hours.

Jim Pritchard suggested not defining compact area, unless it was made clear which state statute was referenced.

Steve Adams asked for confirmation of what sections included proposed changes.

Police Chief Cain clarified that the items in gray (red) were the changes made after the public hearing. He explained the original ordinance did not include the new sections 7 & 8. Areas in gray (red) are changes made after the public hearing.

Robin Doucette questioned the date to register dogs. She noted the ordinance states by April 1st.

Town Clerk/Tax Collector Erica Anthony responded that per state statute, the date to register dogs is before May 1st.

Sandy Wingate made a motion to amend the ordinance as follows: Section 1. a.) to read "Compact area of the town shall be as defined by State statutes governing NH Fish & Game.

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Section 4. d.) in the 6th Circuit - District Division – Concord. Section 7. Add “shall be prohibited.”
Selectman Gerard LeDuc seconded the motion.

Moderator Okrent opened the floor for discussion on the amendment.

Jim Pritchard suggested not amending the ordinance and that it should go back to the drawing board.

There being no further discussion, Moderator Okrent called for the vote on the amendment.

Card vote passed to amend Article 27 with the changes Section 1. a.) to read “Compact area of the town shall be as defined by State statutes governing NH Fish & Game. Section 4. d.) in the 6th Circuit - District Division – Concord. Section 7. Add “shall be prohibited.”

Budget Committee member Adam Gauthier made a motion to amend Section 2 removing “on or before April 1 of each year.” Seconded by Town Administrator Cara Marston.

Moderator Okrent opened the floor for discussion on the amendment.

Dan Schroth asked if this would remove the deadline.

Town Clerk/Tax Collector Erica Anthony responded that the noted statute references the deadline.

There being no further discussion, Moderator Okrent called for the vote on the amendment.

Card vote passed to amend Article 27 removing “on or before April 1 of each year” From Section 2.

There being no further discussion, Moderator Okrent called for the vote of Article 27.

Amended Article 27 passed by card vote.

Article 28 – other business

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

Moderator Okrent read Article 28. Motion made by Selectman Gerard LeDuc to move Article 27 as read, seconded by Selectman Jim Allard.

Moderator Fred Okrent asked all elected and appointed officials to come to the front to be sworn in. He expressed his thanks to the website committee for the new and approved town website.

No further discussion.

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Motion made to adjourn by Scot Palmer. Seconded by Teresa Palmer.

Meeting adjourned at 3:20pm

Respectfully Submitted,

Erica B. Anthony
Town Clerk