2019 ANNUAL TOWN MEETING DELIBERATIVE SESSION MINUTES

Town Moderator Cedric Dustin III called the First Session of the 2019 Town Meeting to order at 7:00 p.m. on Monday, February 4, 2019 in the Pittsfield Elementary School Gymnasium. Moderator Dustin welcomed those in attendance and led the *Pledge of Allegiance.* He explained the rules of procedure.

Moderator Dustin read the introduction to 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 for the first session of the annual meeting, to be held in the Pittsfield Elementary School Gymnasium at 34 Bow Street in said Pittsfield on Monday, February 4, 2019, at 7:00 p.m. This first (deliberative) session, for the transaction of all business other than voting by official ballot, shall consist of explanation, discussion, and debate of each warrant article as allowed by law. In the event of inclement weather, the snow date for the first session will be Tuesday, February 5, 2019 at 7:00 p.m. at the same location.

You are also notified to meet for the second session of the annual meeting, to be held in the Town Hall Meeting Room at 85 Main Street in said Pittsfield on Tuesday, March 12, 2019, to vote on all of the 2019 annual town meeting warrant articles by official ballot. The polls will open at 7:00 a.m. and will close at 7:00 p.m.

Moderator Dustin emphasized that final voting on each article would not happen at this meeting, but would occur by ballot on voting day in March. He also stated that if no amendments are made to the following articles it will be assumed the articles are approved as written and no vote will be necessary.

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 Planning Board member for a three (3) year term
- two Board of Selectmen members for a three (3) 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
- one Zoning Board of Adjustment member for a two (2) year term
- one Zoning Board of Adjustment member for a one (1) year term

Article 01 was read by Moderator Dustin.

A motion was made by Selectman Gerard LeDuc to approve Article 01 as read, seconded by Select Board Chairman James Allard.

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Moderator Dustin opened the floor for discussion.

No discussion.

Moderator Dustin stated the following zoning amendment articles cannot be legally changed during this meeting. He stated there was a prior public hearing to discuss the proposed amendments. He explained that the Legislative Body may discuss and ask questions, but no amendments may be made.

Article 2 - proposed Pittsfield Zoning Ordinance amendment #1

Are you in favor of **amending** the zoning ordinance, as proposed by the Select Board, **Article 3, Section 3(b)(6), Table of Uses and Districts,** as follows:

(1) change DWELLING, SINGLE FAMILY, from prohibited (N) to **permitted by right (Y)** in both the Commercial and the Light Ind./Commercial Districts.

(2) change HOME OCCUPATION from prohibited (N) to **permitted by right (Y)** in the Comm. and Light Ind./Comm. Districts.

(3) change BED-AND-BREAKFAST from prohibited (N) to **permitted by right (Y)** in the Comm. and Light Ind./Comm. Districts.

(4) change ACCESSORY APARTMENT from prohibited (N) to **permitted by special exception (E)** in the Comm. and Light Ind./Comm. Districts.?
(Not Recommended by the Planning Board 2-3-0)
(Recommended by the Board of Selectmen 5-0-0)

Article 02 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 02 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Article 3 - proposed Pittsfield Zoning Ordinance amendment #2

Are you in favor of **repealing**, as proposed by the Select Board, **Article 2, Section 3 (c) (5)** of the zoning ordinance which presently reads; The ACCESSORY APARTMENT shall not be rented.?
(Not Recommended by the Planning Board 2-3-0)
(Recommended by the Board of Selectmen 5-0-0)
Article 03 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 03 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Article 4 - proposed Pittsfield Zoning Ordinance amendment #3

Are you in favor of **repealing** from the zoning ordinance, as proposed by the Select Board, **Article 4, Section 5, Development of Nonconforming Conventional Lots, (a)** The subject LOT is not CONTIGUOUS to any other LOT under common ownership. (see Vachon v. Concord, 112 N.H. 107, 289 A.2d 646 (1972), and repealing **Article 4, Section 5, Development of Nonconforming Conventional Lots, (b)** The subject LOT has not been CONTIGUOUS to any other LOT under common ownership since the date when the subject LOT was first a NONCONFORMING LOT or since the effective date of adoption of this condition (March 14, 2017), whichever date is later.?
(Not Recommended by the Planning Board 2-3-0)
(Recommended by the Board of Selectmen 4-0-1)

Article 04 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 04 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Article 5 - proposed Pittsfield Zoning Ordinance amendment #4

Are you in favor of **amending** the zoning ordinance, as proposed by the Select Board, **Article 3, Section 3, (c)** Number of Principal Structures Permitted on a Single Lot, and **Article 3, Section 3, (e)** Number of Uses Permitted on a Single Lot, as follows:

Article 3, Section 3, (c): No more than one PRINCIPAL ***RESIDENTIAL*** STRUCTURE shall be on any single LOT except as provided in article 2, section 3, RENEWABLE-ENERGY POWER PLANT, (b); article 18, Telecommunications Equipment and Facilities, section 18.4, B; or article 4, Nonconforming Uses and Lots.

Article 3, Section 3, (e), (2): The number of PRINCIPAL ***RESIDENTIAL*** STRUCTURES on the LOT shall be no more than one except as provided in article 2, section 3, RENEWABLE-ENERGY POWER PLANT, (b); article 18, Telecommunications Equipment and Facilities, section 18.4, B; or article 4, Nonconforming Uses and Lots.?

(Not Recommended by the Planning Board 2-3-0)
(Recommended by the Board of Selectmen 5-0-0)

Article 05 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 05 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Moderator Dustin stated a synopsis of each of the following zoning articles proposed by the Planning Board will appear on the ballot instead of the full written article as it appears in the warrant. He asked the Body if he may read the ballot question version of each zoning amendment article instead of the full warrant version. The Body agreed.

Bill Miskoe asked why the voters were called together if they are not permitted to in any way modify or amend the articles.

Moderator Dustin responded there is a legal responsibility to bring forth every article written in the warrant. He explained most of the articles following the proposed zoning ordinance amendments are subject to debate and modification.

Ed Trzcinski called for a point of order. He stated Article 05 references residential properties, but the implications are for commercial activity.

Selectman Carl Anderson explained the intent of Article 05 is to allow one residential dwelling on a lot, but there could be more than one commercial use on that same lot.

No further discussion.

Article 6 - proposed Pittsfield Zoning Ordinance amendment #5

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

(1) Add citations of New Hampshire Supreme Court cases that were important to cases that the Pittsfield Zoning Board of Adjustment decided in 2018.
(2) Revise citations of state statutes (RSAs) that the state legislature has recently renumbered.
(3) Revise the zoning ordinance to agree with state statutes (RSAs) that the state legislature has recently revised or adopted.

(Recommended by the Planning Board 4-1-0)
(Not Recommended by the Board of Selectmen 0-5-0)

With approval from the Legislative Body, Moderator Dustin read the condensed version of Article 06 as it will appear on the official ballot.

A motion was made by Selectman LeDuc to approve Article 06 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Dan Welch asked why the Planning Board and the Select Board did not agree on the recommendations for the proposed zoning amendments.

Planning Board Chairman Clayton Wood explained Article 06 does not change allowable use as stated in the current zoning ordinance, but makes the ordinance consistent with state statute, court decisions and Zoning Board of Adjustment decisions. He stated it is mainly a housekeeping article. He believes the difference in opinion between the boards is in regard to the addition of court case citations.

Donna Keeley asked why the Select Board did not recommend this article.

Select Board Chairman Allard stated the Select Board stated the disagreement stems from the citation of case law. The addition of case law is not recommended by our town attorney. The Select Board believes the zoning ordinance needs to be simplified. Our current zoning ordinance is one of the largest in the state. It is equal in size to the zoning ordinances of Manchester and Nashua.

Selectman Anderson stated the Select Board feels the average citizen should be able to easily read and understand the zoning ordinance and the addition of case law creates unnecessary confusion.

Planning Board Secretary James Pritchard stated Concord's zoning ordinance is much larger than ours. He said the town attorney references case law, and the case law can be easily looked up online.

Bill Miskoe stated case law can change with every court decision. If it is going to be used, in his opinion it needs to be kept up to date as decisions are made. He asked how that was possible.

Hank Fitzgerald stated the issue with case law is that we are not all attorneys.

Larry Konopka stated he was at the public hearing for the zoning amendments, and the majority of those in attendance asked the Planning Board to eliminate the case law. The Planning Board did not follow the recommendation of the people.

Planning Board Secretary Pritchard stated case law does not change as often as implied. He stated it is the town's job to stay on top of case law changes.
Carole Dodge asked how many Planning Board members are licensed attorneys. She would prefer someone with a legal degree interpret case law.

Richard Guild believes the zoning ordinance should be simple to understand, not more confusing.

Selectman Anderson stated he has looked at the zoning ordinances from many communities including Portsmouth, Manchester and the surrounding towns, and we are the only town that routinely cites case law in their zoning ordinance. He believes the effort should be to make the zoning ordinance as easy to understand as possible for the general public.

Bill Miskoe stated that if we vote to include case law into our zoning ordinance we would need to employ the town attorney to update the ordinance for us. He stated that it is an expense we could avoid.

No further discussion.

Article 7 - proposed Pittsfield Zoning Ordinance amendment #6

Are you in favor of the adoption of Amendment No. 6 as proposed by the planning board for the town zoning ordinance as follows: amend article 2, section 3, Definitions, definition of "principal use," to add the words indicated following by underlining and to delete the words indicated following by strikethrough:
PRINCIPAL USE: "PRINCIPAL USE" means a use that, on the LOT where the use ~~is conducted~~ exists, is not occasioned by or not subordinate to any other use ~~conducted~~ on the same LOT. (See Salem v. Durrett, 125 N.H. 29, 480 A.2d 9 (1984); Treisman v. Kamen, 126 N.H. 372, 493 A.2d 466 (1985); Treisman v. Bedford, 132 N.H. 54, 563 A.2d 786 (1989).)
The purpose of amendment no. 6 is to delete unnecessary words.
(Recommended by the Planning Board 5-0-0)
(Recommended by the Board of Selectmen 3-2-0)

With approval from the Legislative Body, Moderator Dustin read the condensed version of Article 07 as it will appear on the official ballot.

A motion was made by Selectman LeDuc to approve Article 07 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Article 8 - proposed Pittsfield Zoning Ordinance amendment #7

Are you in favor of the adoption of Amendment No. 7 as proposed by the planning board for the town zoning ordinance as follows:
(1) Codify the zoning board of adjustment's decision in 2018 that the zoning ordinance currently permits accessory apartments in business buildings by right in all zoning districts as an "ACCESSORY USE, ACCESSORY STRUCTURE, or other accessory object not explicitly regulated." (Article 3, section 3, (b), (6), Table of Uses and Districts.)

(2) Establish objective standards for permitting accessory apartments in business buildings.

The purposes of amendment no. 7 are (1) to clarify that accessory apartments in businesses are permitted accessory uses and (2) to establish standards for permitting accessory apartments in businesses to ensure that the residential occupancy of such apartments is truly accessory to the business use.
(Recommended by the Planning Board 3-1-1)
(Not Recommended by the Board of Selectmen 0-5-0)

With approval from the Legislative Body, Moderator Dustin read the condensed version of Article 08 as it will appear on the official ballot.

A motion was made by Selectman LeDuc to approve Article 08 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Article 9 – proposed Pittsfield Zoning Ordinance amendment #8

Are you in favor of the adoption of Amendment No. 8 as proposed by the planning board for the town zoning ordinance as follows: amend article 4, section 3, (b), Abandonment of Nonconforming Activities, and article 4, section 3, (d), Abandonment of Nonconforming Structures, to improve the notice that the town must give to a property owner who has changed a nonconforming use so as to violate the zoning ordinance, with the improved notice being that the property owner may lose his right to resume the nonconforming use in its the prior lawful condition if the property owner continues the violation.
The purpose of amendment no. 8 is to ensure that property owners who change nonconforming uses so as to violate the zoning ordinance know the possible consequences of such unlawful activity.
(Recommended by the Planning Board 5-0-0)
(Not Recommended by the Board of Selectmen 0-5-0)

With approval from the Legislative Body, Moderator Dustin read the condensed version of Article 09 as it will appear on the official ballot.

A motion was made by Selectman LeDuc to approve Article 09 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

No discussion.

Article 10 – voters' petition to repeal the Pittsfield Zoning Ordinance

Are you in favor of the repeal of the Pittsfield Zoning Ordinance as proposed by petition of the voters of this town?
(inserted by voters' petition)
(Not Recommended by the Planning Board 0-5-0)
(Not Recommended by the Board of Selectmen 1-4-0)

Article 10 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 10 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Dan Schroth believes the zoning ordinance is too restrictive and not forward thinking. He stated it goes against everything he believes in.

No further discussion.

Article 11 – rescind bond authorization

To see if the town will vote to rescind the authorization to issue bonds or notes for the unissued debt in the amount of **$288,324** from the authorization granted by the 2011 Town Meeting Warrant Article 10, which was:

> To see if the Town will vote to raise and appropriate a sum of Two Hundred Eighty Eight Thousand Three Hundred Twenty Four Dollars ($288,324) for the purpose of financing the rehabilitation of the South Main Street Pump Station; and to authorize the issuance of not more than Two Hundred Eighty Eight Thousand Three Hundred Twenty Four Dollars ($288,324.) of bonds or notes in accordance 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. This project is intended to be supported by an ARRA CWSRF loan from the State Department of Environmental Services to the Town of Pittsfield for the South Main Street Pump Station project in the amount of $288,324, of which up to 50% ($144,162) of the funds utilized would be available for principal forgiveness to be applied at the time of the first loan repayment; further, without limiting the general obligation nature of the bonds, it is the intent and the expectation that fifty (50%) percent of Pittsfield's debt service payments will come from sewer user fees. (2/3 Ballot Vote Required)(Recommended by the Board of Selectmen 5-0-0)(Recommended by the Budget Committee 11-1-0)
> (the ballot vote of this 2011 Warrant Article 10 was Yes: 127 No: 14)

(2/3 ballot vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 11 was read by Moderator Dustin. A motion was made by Selectman LeDuc to approve Article 11 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Chairman Robert Schiferle stated this is a housekeeping article. Because grant money was used to pay for the project, it was unnecessary to apply for the loan.

There being no further discussion, Article 11 shall appear on the ballot as written.

Article 12 – Municipal Operating Budget

Shall the town raise and appropriate as an operating budget, not including the appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **$4,505,380**? Should this article be defeated, the default budget shall be **$4,461,231** which is the same as last year, with certain adjustments required by previous action of the town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.
Estimated tax impact is $10.16 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Budget Committee 11-0-0)
(Recommended by the Board of Selectmen 5-0-0)

Article 12 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 12 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Chairman Schiferle explained the difference between the proposed municipal budget and the default budget. If the majority vote yes for this article the proposed budget amount of $4,505,380 will be approved. If the majority vote no for this article, the default budget amount of $4,461,231 will be approved. The default budget is last year's operating budget plus previously approved contractual and legal obligations, minus one time expenditures. He gave the example of the highway department. Because the highway department is no longer part of a town meeting approved contract, their proposed salary increases are not included in the default budget. There are strict guidelines when developing the default budget.

Fred Hast asked if the highway department salary is included the default budget. Select Board Chairman Allard confirmed their current salary is included in the default budget, but the proposed salary increases are not. Fred believes Superintendent of Public Works George Bachelder deserves a larger pay increase.

Linda Small asked if this is still a bottom line budget. Moderator Dustin confirmed it was. Linda Small asked for confirmation that if that is the case and the default budget is approved, the Select Board has the authority to move funds from elsewhere in the operating budget to give the highway department employees the proposed wage increases. Town Administrator Cara Marston confirmed the Select Board does have that authority.

There being no further discussion, Article 12 shall appear on the ballot as written.

Article 13 - Clark's Pond Dam remediation

To see if the town will vote to raise and appropriate the sum of **$138,828** for the purpose of reconstruction of Clark's Pond Dam to complete the remediation requirements in the Letter of Deficiency issued by the NH DES Dam Bureau.
Estimated tax impact is approximately $0.53 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 13 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 13 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Katie Bachelder stated we have already spent the money for an engineering study to determine what work must be done. If the majority of the voters vote no on this article and it does not pass, we would lose the town pool and would still need to pay for another engineering study to find out how to remove the dam and then pay to have the dam removed. It would likely cost more to remove the dam than to fix it. She believes it is important to keep the town pool open. A lot of kids and families use it and it would be devastating to the town if we lost it.

Edward Trzcinski concurred. He believes the money would be better spent to correct the issues.

Donna Keeley stated she had worked at the town pool last summer and emphasized how important the town pool is to the town. She encouraged people to vote in favor of this article.

Conservation Commission Chairman Chris Hill believes we need to do this to comply with the Department of Environmental Services mandate. He reiterated it will cost more if we do not comply.

Selectman Anderson stated the town is in a position where we must do something. We have to repair the dam or remove it. Money will not be saved money by not passing this article. This is an excellent opportunity to take care of the problem for a reasonable amount of money

considering the project. He encouraged people to get the word out to support this article. The town pool is valuable to the town and valuable to the kids.

Selectman James Adams stated the projected cost last year was approximately $468,000. $138,828 is a lot of money, but it is much less than the total cost and encouraged the voters to take advantage of this opportunity. He reiterated that it will cost more to remove the dam. He believes we should approve this article and reconstruct the dam. The town pool is an asset to the town.

There being no further discussion, Article 13 shall appear on the ballot as written.

Article 14 - Municipal Sidewalks improvement

To see if the town will vote to raise and appropriate the sum of $50,000 for the purpose of improvements to our municipal sidewalks and to authorize the withdrawal of $13,000 to come from the Municipal Sidewalks Improvement Capital Reserve Fund created for that purpose. **The balance of $37,000 is to come from general taxation.** The balance collected for the Municipal Sidewalks Improvement Capital Reserve Fund was $15,385, as of December 31, 2018.
Estimated tax impact is approximately $0.14 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 14 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 14 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 14 shall appear on the ballot as written.

Article 15 – purchase of cardiac monitors

To see if the town will vote to raise and appropriate the sum of **$65,000** for the purchase of 2 cardiac monitors and to authorize the withdrawal of **$65,000** to come from the Ambulance Replacement and Equipment Fund created for that purpose.
The balance of the Ambulance Replacement and Equipment Fund was $452,765, on December 31, 2018.
There is no estimated tax impact.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 15 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 15 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Chairman Schiferle stated the budget committee was trying to spend money more wisely by recommending this article. Instead of replacing the ambulance which normally includes a cardiac monitor, we would purchase only the necessary new cardiac monitors. He asked Fire Chief Peter Pszonowsky to explain further.

Fire Chief Peter Pszonowsky explained the current cardiac monitors are eleven years old, and technology has changed a lot in that time. It is very important to have monitors that are technologically up to date. It is critical for advanced life support and they are used for almost every call. They upload information in real time to the hospital and the emergency room doctors.

Budget Committee Chairman Schiferle stated if this article passes cardiac monitors would not need to be included with a future new ambulance purchase. These monitors would transfer to the new ambulance.

Edward Trzcinski stated as a retired firefighter/EMT he knows how critical these cardiac monitors are. He strongly encouraged everyone to vote for this article.

There being no further discussion, Article 15 shall appear on the ballot as written.

Article 16 – raising matching funds for a Fire Department grant

To see if the town will vote to raise and appropriate the sum of $263,280 for the purchase of replacement radios and self-contained breathing apparatus, with a grant revenue offset of $236,952 to come from an Assistance to Firefighters Grant from the Federal Emergency Management Agency, leaving $26,328 required as matching funds and to authorize the withdrawal of $5,000 from the Fire Department Small Equipment Capital Reserve Fund to put towards the matching funds amount. **The balance of $21,328 is to come from general taxation.** The matching funds amount will be spent only if the grant is received.
This article is required to be written to show the entire appropriation and offsetting grant revenue, not just the net obligation, per the gross budgeting concept for transparency.
The balance of the Fire Department Small Equipment Capital Reserve Fund was $6,022.08 on December 31, 2018.
(majority vote required)
Estimated tax impact is $0.08 per thousand dollars of assessed value.
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 16 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 16 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Schiferle explained if this article passes we would spend $26,328 and in turn receive $236,952 in grant funds if approved. He asked Fire Chief Pszonowsky to explain further.

Fire Chief Pszonowsky stated the self-contained breathing apparatus packs we have now were purchased with grant money 15 years ago and have met their life span. They must go through an inspection every two years. He applied for the grant last year but we were not selected. He hopes to apply again this year.

Budget Committee Chairman Schiferle thanked Chief Pszonowsky for his efforts in seeking out grant money and stated we should take advantage of this opportunity. He stated if we do not, the necessary equipment may have to be purchased solely from tax dollars. He encouraged everyone to vote in favor of this article.

There being no further discussion, Article 16 shall appear on the ballot as written.

Article 17 – Municipal Capital Improvement Plan
To see if the town will vote to rescind the authorization of the planning board to prepare and amend a recommended program of municipal capital improvement projects over a period of at least six (6) years in accordance with RSA 674:5 that was granted under Warrant Article 19 at the 1999 Annual Town Meeting; and further to authorize the Board of Selectmen to appoint a Capital Improvement Program Committee to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years as allowed by RSA 674:5-674:8.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 17 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 17 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Chairman Schiferle asked if one of the Selectman would explain the article.

Select Board Chairman Allard explained the current authorization to oversee the Capital Improvement Plan (CIP) was established in 1999 and is out of date. In order to move forward with the plans for municipal improvements the Select Board is asking the voters to give the Select

Board authorization to create the Capital Improvement Program Committee who would in turn review and report back what the capital improvements should be for the next 10 years.

Planning Board Chairman Wood voiced his concern with this article. He stated a lot of volunteers have worked on aspects of the CIP including the Master Plan committee and a lot of work has been done. He felt the Planning Board should have been asked to be part of the conversation in creating this article. He was not aware of this article until the budget hearing. He is concerned that an appointed board would replace an elected board. He stated he has never been summoned by the Select Board to report on the CIP. He did not realize there was a problem.

Budget Committee Chairman Schiferle stated the importance of the Capital Improvement Plan and how it should be used to plan major purchases such as fire apparatus and highway trucks. He stated the last approved CIP was updated in 2010 and after review the Budget Committee recommended that it be updated. He stated the Planning Board could do that, but they are very busy with other responsibilities as well. He believed input from the Planning Board and Master Plan is still needed and we all need to work together to get this project started. He stated the Budget Committee felt this was a very important article to help plan for the future.

Edward Trzcinski asked who would be asked to participate on this committee.

Selectman Adams stated the reason the Select Board presented this article was that there were questions why the responsibility to plan and anticipate the needs of the various departments would fall to a land use board. During discussions between the Budget Committee and the select Board it came to light that we need to take new look at how we are planning for the future. It is in no way a reflection on those who have worked on the CIP in the past. He explained the Select Board will create an advisory committee and would look to people with expertise in the various areas.

Fred Hast stated in 1999 the Capital Improvement Program Committee included a selectman, a planning board member and three citizens.

There being no further discussion, Article 17 shall appear on the ballot as written.

Article 18 – add to the Fire Department Small Equipment Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$1,000** 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 $6,022.08 on December 31, 2018. Estimated tax impact is less than $0.01 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 18 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 18 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Chairman Schiferle stated the amounts requested in Articles 18 – 27 have increased because we did not set money aside in past years. This is why CIP is so important.

There being no further discussion, Article 18 shall appear on the ballot as written.

Article 19 – add to the Fire Department Pumper Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$50,000** to be added to the Fire Department Pumper Capital Reserve Fund previously established. The balance of the Fire Department Pumper Capital Reserve Fund was $100,273.28 on December 31, 2018.
Estimated tax impact is approximately $0.19 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 19 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 19 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Fred Hast stated this is why we need the CIP. He asked the age of the truck. Fire Chief Pszonowsky stated the truck is 28 years old. Fred Hast stated costs for equipment will not decrease.

There being no further discussion, Article 19 shall appear on the ballot as written.

Article 20 – add to the Fire Department Tanker Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$20,000** to be added to the Fire Department Tanker Capital Reserve Fund previously established. The balance of the Fire Department Tanker Capital Reserve Fund was $40,109.32 on December 31, 2018.
Estimated tax impact is approximately $0.08 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 20 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 20 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 20 shall appear on the ballot as written.

Article 21 – add to the Fire Department Forestry Truck 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 Forestry Truck Capital Reserve Fund previously established. The balance of the Fire Department Forestry Truck Capital Reserve Fund was $6,011.72 on December 31, 2018. Estimated tax impact is approximately $0.02 per thousand dollars of assessed value. (majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 21 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 21 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 21 shall appear on the ballot as written.

Article 22 – add to the 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 $65,545.93 on December 31, 2018. Estimated tax impact is $0.06 per thousand dollars of assessed value. (majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 22 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 22 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 22 shall appear on the ballot as written.

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Article 23 – add to the Dump Truck Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$50,000** to be added to the Dump Truck Capital Reserve Fund previously established. There are currently three dump trucks in the Public Works Department that this Capital Reserve Fund supports. The balance of the Public Works Dump Truck Capital Reserve Fund was $92,465.07 on December 31, 2018.
Estimated tax impact is $0.19 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 23 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 23 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 23 shall appear on the ballot as written.

Article 24 – add to the Loader Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$10,000** to be added to the Loader Capital Reserve Fund previously established. The balance of the Public Works Loader Capital Reserve Fund was $33,068.76 on December 31, 2018.
Estimated tax impact is $0.04 per thousand dollars of assessed value.
(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 24 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 24 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 24 shall appear on the ballot as written.

Article 25 – add to the Grader Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$20,000** to be added to the Grader Capital Reserve Fund previously established. The balance of the Public Works Grader Capital Reserve Fund was $83,446.24 on December 31, 2018.
Estimated tax impact is $0.08 per thousand dollars of assessed value.
(majority vote required)

(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 25 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 25 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.
There being no discussion, Article 25 shall appear on the ballot as written.

Article 26 – add to the Backhoe Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$10,000** to be added to the Backhoe Capital Reserve Fund previously established. The balance of the Public Works Backhoe Capital Reserve Fund was $91,695.19 on December 31, 2018.
Estimated tax impact is $0.04 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 26 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 26 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

There being no discussion, Article 26 shall appear on the ballot as written.

Article 27 – add to the Sidewalk Tractor Capital Reserve Fund

To see if the town will vote to raise and appropriate the sum of **$12,000** to be added to the Sidewalk Tractor Capital Reserve Fund previously established. The balance of the Public Works Sidewalk Tractor Capital Reserve Fund was $616.34 on December 31, 2018.
Estimated tax impact is $0.05 per thousand dollars of assessed value.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 27 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 27 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Planning Board Chairman Clayton Wood asked if anyone had calculated the total tax increase if all the monetary articles pass.

Moderator Dustin responded it would be $0.76 for the capital reserves.

Budget Committee Chairman Schiferle stated there are a lot of factors that go into the determination of the tax rate so there is no short answer to explain how the tax rate is calculated. He explained the Select Board was able to use $500,000 in fund balance to offset the tax rate in 2018. We won't know if there is available fund balance this year until late fall. It is not feasible to never expect tax increases. What we can do is plan ahead with the CIP for example and to invest in economic development to help offset expenses.

There being no further discussion, Article 27 shall appear on the ballot as written.

Article 28 – add to the Floral Park Cemetery Fence Expendable Trust Fund
To see if the town will vote to raise and appropriate the sum of **$1,100** to be added to the Floral Park Cemetery Fence Expendable Trust Fund previously established. This sum is the amount of two Select Board Member stipends that were designated to be donated to this Trust Fund which are in the general fund unassigned fund balance as an unspent appropriation and no amount is to be raised by taxation. The balance of the Floral Park Cemetery Fence Expendable Trust Fund was $2,331.54 on December 31, 2018.
There is no estimated tax impact for this warrant article.
(majority vote required)
(Recommended by the Board of Selectmen 5-0-0)
(Recommended by the Budget Committee 11-0-0)

Article 28 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 28 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Budget Committee Chairman Schiferle thanked the two Select Board members for donating their stipends.

Fred Hast asked how much more money was needed to finish the project.

Selectwoman Carole Richardson stated $16,000.00 was needed to complete the project.

Fred Hast expressed his appreciation for all of Selectwoman Richardson's work and to all those who have donated funds and encouraged people to make a donation to complete the project.
There being no further discussion, Article 28 shall appear on the ballot as written.

Article 29 – increase percentage of Land Use Change Tax to Conservation Fund

To see if the town will vote to authorize 50% of the Land Use Change Tax collected pursuant to RSA 79-A:25 to be deposited into the existing Conservation Fund in accordance with RSA 36-A:5, III, as authorized by RSA 79-A:25, IV. If adopted this article shall take effect April 1, 2019 and shall remain in effect until altered or rescinded by a future vote of the town meeting. The current percentage that is deposited into the Conservation Fund is 20% as authorized at the 2006 Town Meeting Warrant Article 10. The current balance of the Conservation Fund was $22,554.99 on December 31, 2018.
(majority vote required)
(Not Recommended by the Board of Selectmen 1-4-0)
(Not Recommended by the Budget Committee 3-8-0)

Article 29 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 29 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Katie Bachelder asked for an estimate of the amount collected over the past few years.

Conservation Commission Chairman Hill stated there is a hand out in the back of the room explaining how the fund is used and lists the revenue collected at the current rate of 20% over the last 10 years. He explained how current use works. He stated more money is received when the economy is good and people are building. Funds are only received when owners take land out of current use. The money is used for education programs, work on town forests, and matching grants. There is no guarantee of current use tax funds in a given year. He stated that Epsom's Conservation Commission is the only one in the surrounding area that receives a smaller percentage of the land use change tax, but they do receive funds through general taxation. Commissions in other surrounding towns receive 50% or more of the land use change tax revenue. He stated the last increase Pittsfield's Conservation Commission received was in 2006. He invited everyone to the next Conservation Commission meeting.

There being no further discussion, Article 29 shall appear on the ballot as written.

Article 30 – voters' petition to discontinue the Property Acquisition and Redevelopment Trust
Motion to see if the Town will vote to discontinue the expendable trust 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).
(inserted by voters' petition)
(Not Recommended by the Board of Selectmen 0-5-0)

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(Not Recommended by the Budget Committee 0-11-0)

Article 30 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 30 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Fred Hast stated the fund was started in order to buy tax deeded properties, improve them and then resell them for a profit and get them back on the tax roll.

Community Development Committee (CDC) Chairperson Louis Houle stated the fund was created in 2008 and the funds have not been used. Since that time the committee - when it was known as the Economic Development Committee (EDC) - worked hard to get a Brownfields Grant. They were successful and a lot of the study work has been done to move forward in cleaning up environmentally hazardous properties and to make them usable and perhaps developed once again. The CDC is working on a couple of projects that could potentially lower taxes, including bringing in a solar farm which would bring in rental and tax income. They are also working on the First Impressions program. The CDC asks that the fund be kept open to help with projects that would improve the town. He asked the Body to vote no on this article to keep the fund open.

Select Board Chairman Allard stated the petitioners submitted this article with good intentions but due to legalities, if the voters vote yes on this article and the fund is dissolved, the funds can only go into the general fund. It cannot be used to offset the tax rate as stated in the petition. He stated that putting $100,000 back in the general fund would probably not have as positive impact as the potential resource for future development projects by the CDC.

Fred Hast encouraged the voters to vote no.

There being no further discussion, Article 30 shall appear on the ballot as written.

Article 31 – voters' petition to replace HSA Ordinance with State Rental Standards
Shall the Town repeal the Town of Pittsfield Housing Standards Ordinance adopted at the 1964 Town Meeting and replace said Ordinance with the State Rental Standards Established in NH RSA 48-A:14?
(inserted by voters' petition)
(Recommended by the Board of Selectmen 4-0-1)

Article 31 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 31 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Housing Standards Agency (HSA) Administrator Kim Simonds stood to speak. Moderator asked the Legislative Body if they would permit a non-resident to speak. The Body approved. HSA Administrator Simonds spoke on behalf of the HSA and expressed concerns if this article passed. She stated this article would shut down HSA entirely. She stated that without biannual HSA inspections, structural safety and health issues could be overlooked for years which would be detrimental to the landlords, tenants and neighbors to these rentals. She explained that HSA is self-funded and does not rely on tax dollars. She stated the Selectmen and the Fire Department do not have the time to address all the issues, and would not be able to provide the same personal service that she has. She stated this is not about her losing her job. She cares about this community. She stated the state standards are few and very vague. She stated Pittsfield has 530 rental units. She stated 33% of Pittsfield's population lives in rentals. The surrounding communities have less than 9% of their residents living in rental units. HSA is trying to protect everyone.

HSA Chairwoman Helen Schiff stated our HSA ordinance is stricter than state standards. She didn't think the people who signed the petition represented the full demographic of the town. She reiterated HSA is there for tenants and landlords. She urged voters to vote no on this article.

Brandon Giuda stood to speak. Moderator Dustin asked the Legislative Body if they would permit another non-resident to speak. The Body approved. Mr. Giuda stated he and his wife have strong ties to Pittsfield. The intent of this article is to improve the oversight of the apartments for both the tenants and the landlords by taking the responsibility away from HSA and moving it to the Select Board. He believes HSA has overstepped its authority and that the purpose of the HSA and its ordinance is outdated and its state statutory power limited. He could only find two other communities with a Housing Standards Agency. He stated HSA only has legal authority over dilapidated properties and those unfit for habitation. He listed instances of violations that were outside the scope of their authority. He stated HSA is not fulfilling its obligation to shut down properties that are unfit for habitation. As a landlord he wants HSA to shut those apartments down instead of spending time nitpicking. He is asking that the responsibility be shifted to an elected body. He stated HSA is imposing the same building codes meant for single family home construction to new apartments. The issue is that building codes are subject to change. The changes do not impact a single family home after it is built, but if HSA uses them for inspections they could make an apartment building that had received approval and permits for occupancy from the building inspector the year before suddenly non-compliant. He believes it is time to change an ordinance that was put in place 50 years ago.

Donna Keeley asked if there is a plan if HSA is dismantled.

Fred Hast stated he was a member of HSA 50 years ago and shared the issues they had to deal with back then. He believes the agency is doing a good job. The HSA Inspector is certified. He encouraged people to vote no.

Fred Okrent stated he was formerly an HSA inspector. He stated HSA did not set their own standards. He stated that he noticed as he was phasing out of the job that the out of town landlords were not vested in the town and were only here for the money. Oversight is needed and he believes HSA is up to the job.

Planning Board Chairman Wood stated he has been part of HSA for three years as the Planning Board representative. In those three years there has only been one public hearing. He commended the HSA for their work. HSA has a revenue mechanism in place and is self-sufficient. He is voting against this article.

Paul Nickerson asked what happens to the International Building Codes that were added in 2015 if this doesn't pass. He stated the state does not include these codes.

Select Board Chairman Allard reminded the Body that this is a citizens' petition. The Select Board decided to make a recommendation on this article for two reasons. First, Pittsfield is the only town in NH that has a housing standards agency. The city of Manchester does, but no one else. He stated every other community uses the consistency of the state codes. Secondly, this gave the Select Board the opportunity to consider creating a code enforcement department, which they have been talking about for months. It would combine building inspection, property management inspections, fire inspections and health inspections. We already have a health inspector, a fire inspector and a building inspector. The system would not collapse if changes are made. The Select Board would make sure the inspectors were state certified.

HSA Chairwoman Helen Schiff voiced her concern for the safety of people if there are no inspections. She believes apartments are in better shape because of their inspector's work.

Edward Trzcinski stated we need to keep this tax neutral entity. He disagrees with removing HSA if we have nothing in place.

Steve Aubertin stood to speak. Moderator Dustin asked the Legislative Body if they would permit another non-resident to speak. The Body approved. Mr. Aubertin stated he was not advocating for the elimination of inspections. He believes safety is important, but he feels HSA is focusing on minor issues. He doesn't believe the codes are consistent and that we need to look at the bigger picture. He would like a better working relationship with the inspectors.

Larry Konopka stated his support for this article. He believed the department heads and the Select Board are qualified to take on this project.

Selectman Adams stated we need to be very cautious of potential lawsuits if there is overreach and people are being asked to do more than is legally required.
There being no further discussion, Article 31 shall appear on the ballot as written.

Article 32 – voters' petition to rescind the provisions of RSA 40:13 (SB 2)
Are you in favor of repealing RSA 40:13 known as (SB-2) way of voting and replacing it with the original way of voting of assembly of the voters to discuss, debate and everybody has the right to talk and vote (one warrant article at a time) if registered.
(inserted by voters' petition)
(Recommended by the Board of Selectmen 5-0-0)

Article 32 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 32 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Paul Nickerson made a motion to modify the wording of Article 32 to as follows: "Shall we rescind the provisions of RSA 40:13 (known as SB2), as adopted by the Town of Pittsfield on March 13, 2018, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law?" Selectman Carl Anderson seconded the motion.

Moderator Dustin explained that the amended verbiage is what is required by state statute.

Moderator Dustin opened the floor for discussion on the amendment.

No discussion.

Moderator Dustin called for a vote on the amended wording of Article 32.

The amended language of Article 32 passed by card vote.

Faith Whittier recommended that the article should state a 3/5 majority vote is required.

Moderator Dustin confirmed the statement would be added.

There being no further discussion, Article 32 shall appear on the ballot as amended.

Article 33 – voters' petition for Josiah Carpenter Library wage increase
To see if the town will vote to raise and appropriate $1123.00 ($1035.00 for wages, $88.00 for FICA) to provide the employees of the Josiah Carpenter Library with a 2% increase to their hourly wage rate? This warrant article shall only be binding, and is expressly contingent upon, the defeat of Article 12, the 2019 operating budget. Furthermore, in the event Article 12, the 2019 operating budget is approved, and this warrant article is defeated, the stated 2% increase in hourly wages for library employees shall still be paid notwithstanding "No Means No", RSA 32:10, I (e).
(inserted by voters' petition)

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(Not Recommended by the Board of Selectmen 0-4-1)
(Not Recommended by the Budget Committee 1-10-0)

Article 33 was read by Moderator Dustin.

A motion was made by Selectman LeDuc to approve Article 33 as read, seconded by Select Board Chairman Allard.

Moderator Dustin opened the floor for discussion.

Fred Hast stated he was the only Budget Committee member who voted in favor of this article. He believes the library employees deserve a raise.

Budget Committee Chairman Schiferle stated the Budget Committee supports the library, but did not believe this article is legally binding. They felt this article was a way to get around the default budget.

Select Board Chairman Allard reiterated his support for the library. He stated the best way to support the library is to pass the municipal budget. This citizen petition is not enforceable.

There being no further discussion, Article 33 shall appear on the ballot as written.

Moderator Dustin stated he will see everyone at the polls at March 12th. He encouraged anyone interested in volunteering for the Budget Committee to go to the town hall and fill out an application.

Meeting adjourned 9:37 p.m.

Respectfully Submitted,

Erica Anthony
Town Clerk