

1
2
3 **APPROVED**
4 **TOWN OF PELHAM**
5 **BOARD OF SELECTMEN–MEETING MINUTES**
6 **JANUARY 2, 2024**

7 **CALL TO ORDER** – Chairman Cote called the meeting to order at approximately
8 6:30pm

9
10
11 **PRESENT:** Jaie Bergeron, Heather Corbett, Kevin Cote, Jason Croteau, Charlene Takesian,
12 Town Administrator Joseph Roark

13
14
15 **ABSENT:** None

16
17
18 **PLEDGE OF ALLEGIANCE**

19
20
21 **MEETING MINUTES REVIEW**

22
23 December 19, 2023

24
25 **MOTION:** (Croteau/Bergeron) To approve the December 19, 2023 meeting minutes as is.

26
27 **VOTE:** (5-0-0) The motion carried.

28
29
30 **OPEN FORUM**

31
32 Bob Lamoureux came up to wish the Board of Selectmen a Happy New Year.

33
34
35 **APPOINTMENTS**

36
37 **Public Hearing: Vote on changes made to the Hawker and Peddler Town Ordinance**

38
39 Chairman Cote explained that the Board of Selectmen have already held two public hearings
40 regarding the Town’s updated Hawker and Peddler Ordinance. The Board of Selectmen will now
41 be voting to adopt the new ordinance.

42
43 **MOTION:** (Corbett/Bergeron) To accept the Itinerant Vendor, Hawker and Peddler
44 Ordinance as presented.

45
46 **VOTE:** (5-0-0) The motion carried.

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91

Appointment of Heather Corbett to the Nashua Regional Planning Commission (NRPC) as a Volunteer Commissioner/Representative.

Town Administrator Roark explained that this is a volunteer position, previously held by Dave Hennessey, with the NRPC. This person will represent the Town of Pelham’s interests within the group. He added that Ms. Corbett filled out an application to be the Town’s representative as she was interested in the position. Town Administrator Roark stated that Ms. Corbett has many years of experience, as she has been a member of the Board of Selectmen for many years and also has completed many years of volunteer service for the Town. Ms. Corbett would like to bring her experience to the NRPC and help bring any useful information or programs back to Pelham. Her goals are to promote Pelham’s interests and development plans within the region. Her application was unanimously accepted by the Planning Board. Town Administrator Roark believes Ms. Corbett will be a great candidate.

MOTION: (Croteau/Takesian) To appoint Heather Corbett to the Nashua Regional Planning Commission (NRPC) as a Volunteer Commissioner/Representative for a four-year term.

VOTE: (4-0-1) The motion carried.

Gate and lock discussion on Class A trails and Class VI roads

Chairman Cote noted that there will not be any discussion regarding Class VI roads, there will only be discussion regarding Class A trails as it pertains to the warrant article passed two years ago for Spaulding Hill and Tower Hill. He read the warrant article language, adding that it was recommended by the Board of Selectmen and voted on by the Town with 1,511 yes votes to 623 no votes.

Chairman Cote explained that there has been no formal authorization to lock these gates, as the Board of Selectmen never voted on or authorized the gates to be locked. He noted that he does believe the intent of the warrant article was to put up gates and lock them, but it was never formally voted on by the Selectmen to lock them.

Ms. Corbett explained that she received information from the Forestry Committee about the number of repairs that were needed in this area prior to the gates being locked. She stated that before the gates were locked there was over \$10,000.00 in damage to the trails.

Ms. Takesian noted that there were only two instances after the warrant article was put into place where damage had to be repaired. She added that she can see both sides of the issue, but she believes the warrant article’s intent was to have the gates locked to prevent damage and the use of motorized vehicles on the trails.

92 Mr. Croteau agreed with Ms. Takesian. He noted that he helped with some of the repairs and
93 knows that ATVs and other motorized vehicles are causing damage to the trails. Mr. Croteau
94 explained that although he sees this side of the issue, everyone in Town bought the land and no
95 one group of people should be able to dictate how the land is used. He added that the Selectmen
96 have received threatening and nasty emails from residents in Town about this issue, and
97 everyone needs to try to co-exist and get along. Mr. Croteau noted that the warrant article
98 language does allow locking of the gates on Class A trails, but everyone needs to try and
99 understand where both sides are coming from. Mr. Croteau explained that he understands ATVs
100 are a lot different than they used to be but believes there should be a place in Town where people
101 can use them. He believes there should be places in Town for everyone's hobbies.

102
103 Chairman Cote opened up the discussion to the public.

104
105 Dale Gallaher, 265 Windham Road, came before the Board to discuss this issue. Mr. Gallaher
106 stated that the reason the warrant article came about was because there was a forest fire in this
107 area and the Fire Department was unable to get into the forest due to all of the damage. Mr.
108 Gallaher agrees that there should be a place for ATV riders, but this issue more concerns the
109 four-wheel-drive trucks that come from all over New England. He agrees that the warrant article
110 clearly states the gates can be locked. He is worried about the state of the trails if they unlock the
111 gates and the risk of forest fires.

112
113 Dave Hennessey, 71 Dutton Road, came before the Board to discuss this issue. Mr. Hennessey
114 explained that he worked closely on the Hinds Lane purchase, and they walked this land
115 recently. He noticed that the trails in this area had been destroyed by a truck driving around on
116 the trails in the mud. He said he is not sure who did it but believes some of the land needs to be
117 blockaded due to the large amounts of rain we have got. Mr. Hennessey noted that the Town put
118 a committee together two years ago to help find a place for ATV riders, but he is unsure what
119 happened to the committee. Mr. Hennessey believes the gates should be locked.

120
121 Beth Jussame, 15 Hinds Lane, came before the Board to discuss this issue. Ms. Jussame asked
122 the Board of Selectmen to carefully consider locking the gates. She noted that the Town's
123 website lists one of their goals is to protect the Towns' forests. She added that the forestry plans,
124 which are written by a licensed forester, clearly discourage the use of ATVs due to the damage
125 they cause. She explained that the Town is blessed with many beautiful forests, but the Town has
126 to protect them.

127
128 Mr. Fisher approached the Board. Mr. Fisher explained that there was a gate installed at Gowing
129 Road, and this was installed illegally and locked on a Class VI road. He went on to explain that
130 when Spaulding Hill and Tower Hill were closed off to Class A trails he never was approached
131 about this by the Forestry Committee, even though he is an abutter to this land. He believes
132 Forestry only told abutters who were in favor of the gate, and purposefully kept him out of the
133 loop. He also explained that he was reluctantly given the code to the gate, but it was then taken
134 away and they told him he did not need the code. Mr. Fisher stated that according to the RSAs he
135 should have the codes since it abuts his property. He also stated that he has received backlash
136 from people when he is riding his dirt bike on his property. Mr. Fisher added that there should
137 never have been a wetlands violation in this area because it is costing the Town a lot of money to

138 fix the issue. Chairman Cote asked Mr. Fisher if he supported the gates being locked or not. Mr.
139 Fisher stated that he thinks the gates should be there, but that they should not be locked.

140
141 Tim Cronin, 71 Simpson Mill Road and Spaulding Hill Road, approached the Board to discuss
142 this issue. Mr. Cronin explained that he owns land after the locked gate and has been paying
143 taxes on this land for over forty years. He explained that he and his wife were hounded by the
144 Town to donate their land as conservation land for the Town. Mr. Cronin believes that no one is
145 thinking about the landowners in this area, and laws have been violated. Chairman Cote assured
146 Mr. Cronin that if the Board of Selectmen lock the gates all abutters will have access to the code.
147 Chairman Cote asked Mr. Cronin if he was in support of locking the gates or not. Mr. Cronin
148 explained that he had been traveling on that road in his truck for years, and now he cannot, due
149 to the dam.

150
151 John Pickard, 46 South Shore Drive, approached the Board to discuss this issue. Mr. Pickard
152 explained that he is opposed to any locked gates in Town due to emergency access. He stated
153 that trying to get through the locked gates will be a big problem if there is an emergency out
154 there. He thinks the locked gates, rocks, and other things put into place to block access will be a
155 safety concern during an emergency. He added that he is not out there to destroy the woods. Mr.
156 Pickard explained that the roads were always open for people to use, and this should not change.

157
158 Charlie Slattery, 19 Aspen Drive, approached the Board to discuss this issue. Mr. Slattery stated
159 that he is opposed to removing the locks. He stated that although he understands the emergency
160 access concern when the gates are locked, every fire truck in Town has a set of bolt cutters that
161 can be used to quickly remove the lock if needed. Mr. Slattery noted that he was in favor of the
162 ATV Committee finding a new spot to drive in, but he does not know why no one has come back
163 with any solutions. Mr. Croteau explained that the process is still ongoing, and every time the
164 committee suggests a place it is shut down by abutters. Mr. Slattery suggested the Board ask for
165 a show of hands of who is in favor or not of locking the gates, since not everyone in attendance
166 wants to get up and speak.

167
168 Chairman Cote asked everyone in favor of locking the gates to raise their hand, and then asked
169 everyone in favor of unlocking the gates to raise their hand. More people raised their hands in
170 favor of locking the gates.

171
172 Chris Gallaher, Windham Road, approached the Board to discuss this issue. She explained that
173 after the fire in the area there were many large trucks on the Class VI roads. She added that there
174 are websites advertising the trails, and people from as far as Connecticut came to ride on the
175 trails. She explained that the problem is not just the ATVs, it is people coming from all over to
176 ride the trails. She is worried that if the gates are unlocked the trails will be destroyed even more.
177 Ms. Gallaher noted that you cannot put rocks up to block vehicles because it is a safety concern
178 for emergency vehicles, so the gates need to be locked.

179
180 Rick GalupPo, 15 Aspen Drive, approached the Board to discuss this issue. Mr. Galuppo
181 explained that if the gates are locked there will be less concern about things going on in the
182 forest and does not think emergency vehicle access will be an issue if the gates are locked. He
183 added that the Town has voted overwhelmingly to put up and lock the gates.

184

185 Roger Montbleau, 44 Spaulding Hill Road, approached the Board to discuss this issue. Mr.
186 Montbleau stated that he is a direct abutter to the gate. He explained that before the gates were
187 locked they heard guns firing through all hours of the night, and he had seen firsthand the
188 damage caused to the trails. He noted that since the gates have been locked they have not heard
189 guns firing and there has not been new damage to the trails. Mr. Montbleau thinks the abutters
190 should have the access code. Mr. Montbleau is in favor of locking the gates.

191

192 Steve Carson, 25 Aspen Drive, approached the Board to discuss this issue. He stated that he was
193 an abutter to this area. He explained that before the gates were installed he noticed that ATVs
194 were not an issue, but full-sized vehicles were. These vehicles caused a lot of damage to the
195 trails. Mr. Carson noted that the warrant article that was voted on and passed stated the gates
196 should be locked, and when the gates were locked there was no damage caused to the trails.

197

198 Al Steward, 6 Vista Drive, also Chairman of the Conservation Commission, approached the
199 Board to discuss this issue. Mr. Steward asked the Board about the repair costs before and after
200 the gates were installed. Chairman Cote explained that since 2018 the Town has spent about
201 \$35,000.00 across Town repairing trail damage caused by motorized vehicles. The Town spent
202 almost \$8,000.00 repairing Class A trails this year. Mr. Steward stated that he read the RSAs,
203 and they state that they continue to be a full public right of way, and that motorized vehicles are
204 not allowed to expand. The idea of a Class A trail is to limit development. Mr. Steward stated
205 that he does not believe the locks should be there. He is also concerned about the safety issue of
206 locking the trails.

207

208 Chairman Cote read from RSA 231-A:4 Public Trail Use Restrictions. This RSA states that
209 public trail use restriction means any restrictions upon use of a trail by the general public. Such
210 restrictions may be imposed by a landowner as a condition of grant or dedication of a trail
211 required under RSA 231-A:5 or by vote of the local legislative body or its designee at or
212 subsequent to the time the trail is established or by the local governing body under RSA 41:11,
213 which is the Board of Selectmen. Such restrictions may include but are not limited to prohibition
214 of motor vehicles, prohibition of off highway recreational vehicles or other modes of travel. Such
215 restrictions, if posted using legible signs at entrances of the trail at public highways or at any
216 property boundaries where new or different restrictions become applicable, shall be enforceable
217 in the same manner as traffic violations as set forth in RSA 265. Any person violating such
218 restrictions shall be guilty of the violation.

219

220 Michelle Cooke, 14 Hinds Lane, approached the Board to discuss this issue. Ms. Cooke stated
221 that she wanted to point out that people keep voting and talking about keeping vehicles out of the
222 forest, and the same people who are in favor of ATVs and other motorized vehicles are not trying
223 to find solutions. Ms. Cooke brought up how the meeting minutes from a the OHRV Committee
224 meeting in April still have not been posted, and that they gave very little notice about when the
225 meeting was going to be held, and there has not been a meeting since April. She also noted that
226 she does not think emergency vehicle access is an issue if the gates are locked. Ms. Cooke
227 explained that she believes the gates should be locked to protect the forests. Mr. Croteau asked
228 Ms. Cooke what her opinion was on logging a forest. Ms. Cooke stated that she thinks it is
229 healthy and managing the forest is necessary.

230
231 Tim Cronin came before the Board again. Mr. Cronin stated that he barely ever sees people on
232 his land whenever he visits it. He has seen a pickup truck once and a golf cart once as well. He
233 does not understand where all the mud people are talking about is coming from, as he does not
234 see a lot of people in the area when he visits one to two times per year. Chairman Cote noted that
235 if he is only visiting this land one to two times per year, he is not going to see a lot of the people
236 misusing the trails. Mr. Cronin disagreed with Chairman Cote.

237
238 Linda Irish-Simpson, Forestry Committee member, approached the Board to discuss this issue.
239 Ms. Irish-Simpson stated that the point of the warrant article that was passed was to have locked
240 gates on the trails to protect them. She added that the Forestry Committee is not trying to
241 discourage use of the trails, and the list of activities allowed on trails is very long, as the
242 Committee has worked extensively to make the trails welcoming for everyone.

243
244 Chairman Cote closed the discussion to the public and brought it back to the Board to discuss.

245
246 Mr. Bergeron stated that he was the Selectmen Representative on the Forestry Committee when
247 they decided to make a warrant article about this issue. He noted that the biggest hangup with the
248 fire was the boulders blocking the trail, not the locked gates. He explained that this was the
249 reason they started locking gates and removed the boulders. Mr. Bergeron agrees that all abutters
250 should have access to the gates, and the Board of Selectmen will ensure that abutters do have
251 access if the gates are locked. Mr. Bergeron also stated that he thinks there should be locked
252 gates at the entrances of conservation land.

253
254 Mr. Croteau agreed with Mr. Bergeron. He also agreed that abutters and those performing trail
255 maintenance should have access to the locked gates. Mr. Croteau does not think they should
256 unlock Class A trails while they are Class A trails, but Class VI roads are a different story. He
257 noted that the warrant article was voted on and passed for a reason, and they should stick by that.
258 Mr. Croteau asked if you can get by the locked gates if you are walking. Audience members
259 stated that all activities that are allowed on the trails can get past the gates.

260
261 Chairman Cote stated that there was no formal vote by the Board of Selectmen when the warrant
262 article passed to lock the gates, but their intent was to have the gates locked. Mr. Bergeron noted
263 that if they do vote to lock the gates, they need to put someone in charge of managing the locks
264 and who has access to the locks. Ms. Corbett noted that the Board of Selectmen is supposed to
265 assign a representative from the Board to the Forestry Committee, so this person could handle
266 the locks. Ms. Takesian suggested they implement a solution like they have at Veterans
267 Memorial Park to open the gate using a card. Ms. Corbett noted that they need a power source to
268 do that, and they do not have one where the trails are. Chairman Cote asked if it should be a
269 combination lock. The Board agreed it should be a combination lock, as this is also better for
270 emergency services. Ms. Corbett suggested that whoever the representative is, they will have a
271 list of the people who have the combination. Ms. Corbett noted that if there were any issues the
272 Board would discuss them as a whole and decide what happens after that.

273
274 Mr. Bergeron stated that all abutters should have immediate access to the lock, and anyone else
275 who wants access to the lock will have to contact the Board of Selectmen Forestry Committee

276 representative. Town Administrator Roark agreed that this is a good procedure and believes they
277 can work through any challenges with the lock. He also suggested they can use keyed locks. If
278 someone wants to perform any trail maintenance they can be issued a key through the Forestry
279 Committee, and they will have a date when it needs to be returned by. He noted that this will
280 prohibit people from being able to share the gate code with other people. Ms. Corbett stated that
281 if they use a key lock they should keep the extra key at Town Hall.

282
283 Mike Gendreau, Chairman of the Forestry Committee, approached the Board to ask them a
284 question about this issue. He noted that if they have a key all of the abutters will have it as well,
285 and there is still a risk of it being given to someone it is not supposed to. Town Administrator
286 Roark explained that there is always a risk, even if they use a combination, but their options are
287 limited. Town Administrator Roark stated that he will work towards using a key card entry, but it
288 will take some time. Mr. Gendreau stated that the Pelham Police Chief stated that the gate on
289 Tower Hill Road should be moved to an area that is on a straight away rather than on a corner.
290 Chairman Cote asked if this was the gate that is in the woods. Mr. Gendreau confirmed it was.
291 Mr. Gendreau explained that the Board should keep in mind that the gate may need to be moved
292 due to safety issues. Chairman Cote noted that this is a Forestry Committee issue, not a Board of
293 Selectmen issue. Ms. Takesian noted that the gate was placed there because the abutter did not
294 want it to be on their land.

295
296 Chairman Cote explained that the Board now needs to vote to either lock or unlock the gates on
297 Tower Hill and Spaulding Hill Road.

298
299 **MOTION:** (Corbett) To lock the gates on Gumpas Hill Road, Tower Hill Road, and
300 Spaulding Hill Road.

301
302 Mr. Croteau seconded this motion for discussion.

303
304 Mr. Croteau asked if there are restrictions that come with locking the gates. Chairman Cote noted
305 that no restrictions have been put into place at this time, and they can address restrictions at
306 another time with the Forestry Committee.

307
308 Ms. Takesian asked why only two gates are listed in the warrant article, but the motion is for
309 three gates. Chairman Cote explained that they are able to put locks on all three gates.

310
311 Ms. Corbett withdrew her previous motion.

312
313 **MOTION:** (Corbett/Takesian) To lock the Class A gates on Gumpas Hill Road and
314 Spaulding Hill Road.

315
316 **VOTE:** (5-0-0) The motion carried.

317
318 The Board decided to hold a meeting in the future to discuss the trail restrictions.

319
320 The Board decided to have the Board of Selectmen representative to the Forestry Committee
321 manage the key or lock code.

322

323

DISCUSSION

325

326 Chairman Cote asked if they still have time to add a warrant article to the Board of Selectmen's
327 recommended articles. Town Administrator Roark said there is still time. Chairman Cote stated
328 that he would like to add a warrant article to discontinue the portion of a Class VI road, St.
329 Margarets and Robinson Lane, that cuts through the gun club. By discontinuing it the road will
330 fall into the property of the gun club. He does not think people should be driving through the gun
331 range. Town Administrator Roark stated that he will work on the language for this warrant article
332 for the next meeting.

333

334 Town Administrator Roark noted that the Board will have to discuss other warrant articles from
335 residents in Town at the next meeting as well. Chairman Cote informed the Board that they do
336 not get to change any of the language from resident's warrant articles, they just vote if they
337 support them or not. They also discussed having the vote tally listed in the articles, so residents
338 know how the Selectmen voted.

339

340 Ms. Takesian asked if they could classify the trail as a Class A trail and lock it instead of it being
341 a Class VI road. Chairman Cote explained that they cannot because if it was a Class A trail the
342 public will still have access to it, and they do not want the public being able to go here due to the
343 gun range. Ms. Takesian asked if people have access to it now. Chairman Cote stated that he was
344 unsure, but it makes sense to prohibit access going forward.

345

346

SELECTMEN AND TOWN ADMINISTRATOR REPORTS

348

349 **Mr. Croteau** wished everyone a Happy New Year and noted that this was their first meeting in
350 the new room.

351

352 *Due to audio issues, the rest of the Selectmen and Town Administrator reports were not able to
353 be transcribed.*

354

355

REQUEST FOR NON-PUBLIC SESSION

357

358 **MOTION:** (Corbett/Croteau) Request for non-public session per RSA 91-A: 3, II (a):
359 personnel

360

ROLLCALL VOTE:

362

363 Selectman Corbett– Yes
364 Selectman Bergeron– Yes
365 Chairman Cote– Yes
366 Selectman Takesian – Yes
367 Selectman Croteau – Yes

368

369 (5-0-0) The motion carried.

370

371 It was noted that when the Board returned, after the non-public session, the Board would not take
372 any other action publicly, except to seal the minutes of the non-public session and to adjourn the
373 meeting. The Board entered a non-public session at approximately 8:30 p.m.

374

375

376 **ADJOURNMENT**

377

378 Respectfully submitted,

379

380 Makayla Clougherty

381 Recording Secretary