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2
3 **APPROVED**
4 **TOWN OF PELHAM**
5 **BOARD OF SELECTMEN–MEETING MINUTES**
6 **DECEMBER 19, 2023**

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 5, 2023

24
25 **MOTION:** (Croteau/Corbett) To approve the December 5, 2023 meeting minutes as is.

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

28
29
30 **OPEN FORUM**

31
32 No one came forward in open forum.

33
34
35 **APPOINTMENTS**

36
37
38 **2nd Public Hearing: Proposal to update the Hawker and Peddler Town Ordinance**

39
40 Chairman Cote explained that this was the second public hearing regarding the Town’s updated
41 Hawker and Peddler ordinance. The Board of Selectmen will vote on this ordinance on January
42 2, 2024.

43
44 Town Administrator Roark explained that they discussed the changes to the ordinance in the
45 previous meeting, and there were some suggestions from Board members. Town Administrator
46 Roark stated that one of the suggested changes was to list “food truck” under the definition of

47 Hawker and Peddler. He also explained that the State of New Hampshire no longer issues
48 Hawker and Peddler licenses. He noted that, in the past, if someone was applying for a Hawker
49 and Peddler license in Pelham they would ask for their license from the State first. He added that
50 the State required a criminal background check for applicants. Town Administrator Roark
51 explained that now the State no longer does this, the Town needs to require a criminal
52 background check for all applicants. They added a paragraph into the ordinance stating that
53 applicants shall submit to a State criminal record check and provide the Town with a public
54 criminal history record information authorization form and fee, as provided by the Division of
55 State Police, which authorizes the release of the applicant's criminal history record information.
56 He added that they also do a local police check, but this is not their full criminal record. Another
57 suggested change they added was to make it clearer that food trucks must possess a valid Town
58 of Pelham Hawker and Peddler permit to operate. They also changed "July 4th" to Independence
59 Day celebrations. Another change suggested by a resident was to add a section under penalties,
60 explaining that any itinerant vendor, hawker, or peddler who deliberately ignores posted signage
61 prohibiting soliciting or trespassing is subject to revocation of their respective Town permit by
62 the Chairman of the Board of Selectmen. Town Administrator Roark noted that a resident
63 complained that a Town permitted Hawker and Peddler ignored the no solicitation sign on his
64 house.

65
66 Chairman Cote opened the discussion to the public.

67
68 Ken Stanvick came before the Board to discuss the ordinance. Mr. Stanvick asked if the Boy
69 Scouts or Girl Scouts selling cookies will be affected by this ordinance. Chairman Cote
70 explained that there is a stipulation in the ordinance for non-profits, exempting them from the
71 ordinance.

72
73 Chairman Cote closed the public discussion.

74
75 The Board of Selectmen had no further comments.

76
77
78 **Public Hearing: Tammy Penny, Finance Director - Acceptance of a one-time highway**
79 **payment for maintenance, construction and reconstruction of Class IV and V Highways in**
80 **accordance with House Bill 2 in the amount of \$99,305.34.**

81
82 Ms. Penny explained that all municipalities in the State of New Hampshire that have Class IV
83 and V roads received a distribution. These monies were attached to House Bill 2 and can be used
84 for the maintenance and construction of Class IV and V roads, including sidewalks attached to
85 those roads. The distributions were based on population and road milage. These funds must
86 supplement and not supplant budgeted funds, which is why there is a public hearing being held
87 to accept the funds.

88
89 Chairman Cote opened the discussion the public. No one came forward. Chairman Cote closed
90 the public discussion. There were no comments from the Board of Selectmen.

91

92 **MOTION:** (Corbett/Croteau) To accept and expend a one-time highway payment for
93 maintenance, construction and reconstruction of Class IV and V Highways in
94 accordance with House Bill 2 in the amount of \$99,305.34
95

96 **VOTE:** (5-0-0) The motion carried.
97
98

99 **Tammy Penny, Finance Director - Compensated absence expenditure request**
100

101 Ms. Penny explained that the Trustees of the Trust Funds have custody of the compensated
102 absent fund, which was established in 1991 for the purpose of funding accrued leave time for
103 terminated employees as required. Ms. Penny explained that there are departments this year who
104 cannot absorb the costs like they could in previous years. There is a department who does not
105 have the funds to cover a long-term employee who exited in November. Ms. Penny stated that
106 since the Board of Selectmen are the agents to expend, it needs to be discussed and voted on
107 before she can move the paperwork to the trustees.
108

109 Ms. Penny stated that the total amount of the two withdrawals is \$30,251.88.
110

111 **MOTION:** (Croteau/Bergeron) To approve the withdrawal of \$30,251.88 from the
112 compensated absent fund.
113

114 **VOTE:** (5-0-0) The motion carried.
115
116

117 **Tammy Penny, Finance Director - 2023 Encumbrances**
118

119 Ms. Penny explained that the 2023 encumbrances are things that were budgeted and there are
120 contractual obligations for but were not completed. She noted that they try to hold the funds so
121 the project can move forward without impacting the 2024 budget.
122

123 The first encumbrance is for the Forestry truck. The balance needing to be carried over is
124 \$68,733.51. Acting Fire Chief Ignatowicz anticipates delivery of the truck during the first quarter
125 of 2024, but it is not guaranteed.
126

127 Ms. Takesian noted that the truck is a 2022, and asked why it has taken so long to get the truck.
128 Town Administrator explained that when the truck is built it will actually be a 2023, and the Fire
129 Department stated that the trucks have not been available due to parts being out of stock.
130

131 **MOTION:** (Corbett/Croteau) To encumber \$68,733.51 for the Forestry truck.
132

133 **VOTE:** (5-0-0) The motion carried.
134

135 The next encumbrances are from the Planning Department. The first item is for the MS4
136 Stormwater Structure professional services. She explained that they had \$38,000.00 in the budget
137 for this project, then the Budget Committee took it out of the budget, which brought it back to

138 default. Since they are unsure what will happen at reconsideration, the Planning Director asked if
139 they could carry these funds forward in case the project goes forward. Ms. Penny noted that if
140 the project does not go forward the funds will default to the fund balance next year. She is
141 looking to encumber the difference between the contract and what was spent to date, which is
142 \$9,690.86.

143

144 **MOTION:** (Croteau/Bergeron) To encumber \$9,690.86 out of the originally budgeted
145 \$18,500.00 for the MS4 Stormwater structure project.

146

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

148

149

150 Ms. Penny explained that the next encumbrance for the Planning Department is for the
151 consultant. They used GeoInsight as their consultant, and their contract was for \$20,500.00. This
152 item was in their 2023 budget. The project is ongoing, and the Planning Director requested to
153 encumber the difference in the contract of \$17,862.00.

154

155 **MOTION:** (Takesian/Corbett) To encumber \$17,862.00 of the remaining GeoInsight
156 consultant contract.

157

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

159

160

161 Ms. Penny explained that the next item is actuary services. This item was in the 2024 budget
162 request for half of the year. She explained that actuary services are required for financial audit
163 obligations, and every two years the numbers are updated so the Town can have financial reports
164 required by law. Because they are technically in default status due to the actions of the Budget
165 Committee, they are looking for ways to use 2023 funds to offset the 2024 budget. This contract
166 was for \$6,100.00, with the same actuary they used in the past two years. Ms. Penny stated that
167 she had good experiences using this company in the past and would like to use them again. The
168 \$6,100.00 contract covers both years, and they could use 2023 funds to pay for it. She noted that
169 there is more than enough money in the Board of Selectmen budget to cover these costs due to an
170 HR position being vacant for multiple months.

171

172 **MOTION:** (Takeisan/Corbett) To encumber \$6,100.00 for an actuary service contract for
173 2023 and 2024.

174

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

176

177

178 The Board of Selectmen paused the 2023 Encumbrances appointment to hold a scheduled public
179 hearing.

180

181

182 **Public Hearing: Tammy Penny, Finance Director - Acceptance of a one-time bridge aid**
183 **payment for maintenance, construction, or reconstruction of municipally owned bridges in**
184 **accordance with House Bill 2 in the amount of \$68,313.83**
185

186 Ms. Penny explained that this is more money Pelham received attached to House Bill 2. These
187 funds can be used for the maintenance of bridges and culverts, and these funds must supplement
188 not supplant budgeted funds. Ms. Penny explained that the Board of Selectmen need to vote to
189 accept these funds so the Highway Director can spend the funds as the need arises.

190
191 Chairman Cote asked if the funds can only be spent specifically on bridges. Ms. Penny noted that
192 they can be spent on bridges and culverts.

193
194 Chairman Cote opened the discussion the public. No one came forward. Chairman Cote closed
195 the public discussion.

196
197 Ms. Takeisan asked if there was a time limit to spend the funds. Ms. Penny stated that there was
198 not.

199
200 **MOTION:** (Corbett/Bergeron) To accept and expend the one-time bridge aid payment for
201 maintenance, construction, or reconstruction of municipally owned bridges in
202 accordance with House Bill 2 in the amount of \$68,313.83.

203
204 **VOTE:** (5-0-0) The motion carried.

205
206

207 **Tammy Penny, Finance Director - Compensated absence expenditure request**
208

209 The next encumbrance is for Planning Department renovations. There is a balance of the
210 encumbrance made last year of \$70,299.67, because the project is still ongoing. Ms. Penny added
211 that ARPA funds are being used to complete the project, but this amount will not be close to
212 enough to complete the project.

213
214 Town Administrator Roark explained that this project began in early 2022 or end of 2021, and
215 the original deal was with a contractor who was going to do the remodel in exchange for HVAC
216 work, but the deal fell apart. In December of 2022 the Town moved away from that contract and
217 went with Roland Soucy to complete the project. He noted that they have made great strides in
218 completing the project over the past year.

219
220 **MOTION:** (Croteau/Bergeron) To encumber \$70,299.67 for the Planning Department
221 renovation project.

222
223 **VOTE:** (5-0-0) The motion carried.

224
225

226 Ms. Penny stated that the next encumbrance is for the prime wetlands study. The Conservation
227 Commission asked for the encumbrance of \$2,220.00 for a contract for prime wetland mapping
228 with West Environmental.

229

230 Mr. Croteau asked if they had a plan for when this would be done. Ms. Penny stated that it would
231 happen sometime in 2024, but she is not sure exactly when.

232

233 **MOTION:** (Bergeron/Corbett) To encumber \$2,220.00 for the contract for prime wetland
234 mapping with West Environmental.

235

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

237

238

239 Ms. Penny stated that the last encumbrance request is for the phone system replacement balance.
240 She explained that this was in the 2023 budget, but the project is not complete yet. She noted that
241 Brian Demers anticipates the project being completed in the beginning of 2024. The balance left
242 is \$14,871.00.

243

244 **MOTION:** (Croteau/Bergeron) To encumber \$14,871.00 for the phone replacement project.

245

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

247

248

249 **DISCUSSION**

250

251 **The Town will be in Default for 2024**

252

253 Ms. Corbett stated that the Town will be in default next year due to the actions of the Budget
254 Committee. Ms. Corbett asked Ms. Penny to explain further what this means.

255

256 Ms. Penny explained that the 2024 budget request was very carefully developed, and they
257 encouraged budget cuts from the start. She stated that when the budgets reached the Board of
258 Selectmen \$648,000.00 was cut from the operating budget. Ms. Penny added that the Town's
259 portion of the tax rate was only estimated to go up about 3.8% or \$80.00 per household. Ms.
260 Penny explained that there was a motion at the Budget Committee meeting to go back to the
261 2023 funding without consideration given to the default budget. Department heads brought up
262 promises made through collective bargaining agreements and other contracts. She explained that
263 the motion was then changed to be equivalent to the number that was presented as the default
264 budget on that day. The Chair of the Budget Committee had a list of cuts she was going to
265 propose, but she did not get the votes to move forward with it. The difference between what was
266 requested, and health insurance was somewhere around \$489,000.00, Ms. Penny explained. Ms.
267 Penny also noted that they have reconsideration on January 11, 2023.

268

269 Ms. Corbett asked if it was the responsibility of the Budget Committee to deliver a line-by-line
270 budget to the public. Ms. Penny stated that it was and that she reached out to the Department of
271 Revenue about the Budget Committee's decision to go to default, and they said they have never

272 seen something like this happen. She added that there will be reductions in services if this does
273 move forward the way that it is.

274

275 Ms. Corbett recommended that residents who are concerned with this show up at meetings in the
276 future.

277

278 **Locks on Class VI Gates**

279

280 The second item Ms. Corbett wanted to discuss was in regard to Class VI gates being chained.
281 Ms. Corbett explained that there was a Class A chain that had a lock cut off, and this falls to the
282 Board of Selectmen as to which gates get locked. She noted that the Board of Selectmen has not
283 sat down to discuss what they want to do in these situations. She suggested that they replace the
284 one single lock that was vandalized and removed at Tower Hill until such time they either
285 address it or until the ground freezes to prevent further damage.

286

287 Mr. Croteau asked if there were any complaints on record or damage done. Ms. Corbett stated
288 that she only heard a complaint about the lock being removed and does not know about anything
289 else. Mr. Croteau asked what brings up this discussion. Ms. Corbett explained that it is the
290 responsibility of the Board of Selectmen to decide about locked gates. She further explained that
291 they do not currently have any information about whether or not it should be locked, so once the
292 Board gets more information they can make a more informed decision.

293

294 Chairman Cote noted that when they discussed this in a previous meeting they decided to keep
295 gates locked for now, except for on Class VI roads, since those cannot be locked. Chairman Cote
296 stated that he agrees with Ms. Corbett about locking the gate until they discuss this at the public
297 hearing on January 2, 2024. He added that the warrant article for Tower Hill Road states that the
298 Board of Selectmen are the only ones with the authority to lock the gate, and they have not
299 decided to lock it.

300

301 Ms. Takesian asked if they could get a list of all the gates that are locked for the next meeting.
302 Town Administrator Roark stated that he will work on that.

303

304 Mr. Croteau stated that he supports Ms. Corbett's suggestion.

305

306 Mr. Gagnon approached the Board of Selectmen to explain that Tower Hill Road runs from
307 Gowing Road to Gumpas Hill Road. Part of Tower Hill Road is a Class VI road, which is open.
308 The gate is around 2,500 feet from the beginning. This is the gate that Ms. Corbett is referring to
309 with the missing lock. There are two gates on this road, one at the Hudson end and the other at
310 the Pelham end, the gate at the Pelham end is the one that is missing the lock. Spalding Hill Road
311 is in the middle and is a Class A trail that becomes a Class V road. He explained that there are 3
312 gates with locks that keep the ends of the Class A trail closed.

313

314 Mr. Croteau asked if Mr. Gagnon knew of any complaints made about the lock. Mr. Gagnon
315 stated that he had not heard anything.

316

317 The Board of Selectmen agreed to relock the gate and discuss this further at the public hearing
318 on January 2, 2024.

319

320 **Resignation of ZBA Member Mr. John Westwood**

321

322 Chairman Cote read Mr. Westwood’s resignation letter. Mr. Westwood’s letter explained that his
323 health has been declining and he no longer feels qualified to be on the Board at this time. He is
324 thankful for the opportunity he has had working with incredible people. He especially thanked
325 Jennifer Beauregard for her amazing work on the ZBA.

326

327 **MOTION:** (Croteau/Corbett) To accept John Westwood’s resignation from the Zoning Board
328 of Adjustment.

329

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

331

332 The Board of Selectmen thanked John Westwood for his service and wished him the best.

333

334

335 **SELECTMEN AND TOWN ADMINISTRATOR REPORTS**

336

337 **Mr. Croteau** asked if this would be the last meeting before they move into the new room. Town
338 Administrator Roark stated that it should be if all work goes according to schedule. He wished
339 everyone Happy Holidays.

340

341 **Ms. Takesian** reported about the Wreaths Across American ceremony in Gibson Cemetery. She
342 explained how it was a very moving ceremony and emotional day. They put a wreath on every
343 Veteran’s grave and are planning to do it again next year. If you make your donation now for
344 next year your donation will be matched.

345

346 **Mr. Bergeron** reported that the Planning Board decided to start a sub-committee to look into the
347 Town’s well ordinance, as they would like to update it. It was adopted in 2000, and amended a
348 few times, the last time it was amended was 2013. Mr. Bergeron explained that they asked him to
349 join it, so he agreed. He noted that they are only looking to meet six times and should bring their
350 amended ordinance draft before the Board of Selectmen in a few months.

351

352 **Ms. Corbett** reported that she would like to thank the Pelham Good Neighbor Fund for standing
353 out in the pouring rain to hold their collection drive last weekend. She thanked Mr. Croteau for
354 everything he does for the Town and wished everyone a Happy New Year.

355

356 **Town Administrator Roark** thanked Mr. Westwood for everything he did for the Town and
357 wished him the best.

358

359 **Chairman Cote** had nothing to report.

360

361

362 **REQUEST FOR NON-PUBLIC SESSION**

363
364 **MOTION:** (Corbett/Croteau) Request for non-public session per RSA 91-A: 3, II (a):
365 personnel

366
367 **ROLLCALL VOTE:**

368
369 Selectman Corbett– Yes
370 Selectman Bergeron– Yes
371 Chairman Cote– Yes
372 Selectman Takesian – Yes
373 Selectman Croteau – Yes

374
375 (5-0-0) The motion carried.

376
377 It was noted that when the Board returned, after the non-public session, the Board would not take
378 any other action publicly, except to seal the minutes of the non-public session and to adjourn the
379 meeting. The Board entered a non-public session at approximately 7:27 p.m.

380
381
382 **ADJOURNMENT**

383
384 Respectfully submitted,
385
386 Makayla Clougherty
387 Recording Secretary