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2  
3 **NOT 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 Hawkers and Peddlers 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 that 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 Hawkers and Peddlers permit to operate. They also changed "July 4<sup>th</sup>" to  
59 Independence Day celebrations. Another change suggested by a resident was to add a section  
60 under penalties, explaining that any itinerant vendor, hawker or peddler who deliberately ignores  
61 posted signage prohibiting soliciting or trespassing is subject to revocation of their respective  
62 town permit by the Chairman of the Board of Selectmen. Town Administrator Roark noted that a  
63 resident complained that the Town permitted a Hawker and Peddler who was ignoring the no  
64 solicitation sign on his 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 explained  
70 that there is a stipulation in the ordinance for non-profits, exempting them from the ordinance.

71  
72 Chairman Cote closed the public discussion.

73  
74 The Board of Selectmen had no further comments.

75  
76  
77 **Public Hearing: Tammy Penny, Finance Director - Acceptance of a one-time highway**  
78 **payment for maintenance, construction and reconstruction of Class IV and V Highways in**  
79 **accordance with House Bill 2 in the amount of \$99,305.34.**

80  
81 Ms. Penny explained that all municipalities in the State of New Hampshire that have Class IV  
82 and V roads received a distribution. These monies were attached to House Bill 2 and can be used  
83 for the maintenance and construction of Class IV and V roads, including sidewalks attached to  
84 those roads. The distributions were based on population and road milage. These funds must  
85 supplement and not supplant budgeted funds, which is why there is a public hearing being held  
86 to accept the funds.

87  
88 Chairman Cote opened the discussion the public. No one came forward. Chairman Cote closed  
89 the public discussion. There were no comments from the Board of Selectmen.

90

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

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

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

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

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

110 **MOTION:** (Croteau/Bergeron) To approve the withdrawal of \$33,251.88 from the  
111 compensated absent fund  
112

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

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

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

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

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

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

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

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

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

142

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

145

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

147

148

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

153

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

156

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

158

159

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

170

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

173

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

175

176

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

179

180

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

184

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

189

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

192

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

195

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

198

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

202

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

204

205

206 **Tammy Penny, Finance Director - Compensated absence expenditure request**

207

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

212

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

218

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

221

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

223

224

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

228

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

231

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

234

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

236

237

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

242

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

244

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

246

247

## 248 **DISCUSSION**

249

### 250 **The Town will be in Default for 2024**

251

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

254

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

267

268 Ms. Corbett asked if it was the responsibility of the Budget Committee to deliver a line-by-line  
269 budget to the public. Ms. Penny confirmed that. Ms. Penny noted that she has reached out to the  
270 Department of Revenue, and they have never seen something like this happen, and it is kind of a

271 grey area. She added that there will be reductions in services if this does move forward the way  
272 that it is.

273

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

276

### 277 **Locks on Class VI Gates**

278

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

285

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

292

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

299

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

302

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

304

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

312

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

315

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

318

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

320

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

325

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

328

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

330

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

332

333

334 **SELECTMEN AND TOWN ADMINISTRATOR REPORTS**

335

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

339

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

344

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

350

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

354

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

357

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

359

360 **REQUEST FOR NON-PUBLIC SESSION**



361  
362 **MOTION:** (Corbett/Croteau) Request for non-public session per RSA 91-A: 3, II (a):  
363 personnel

364  
365 **ROLLCALL VOTE:**

366  
367 Selectman Corbett– Yes  
368 Selectman Bergeron– Yes  
369 Chairman Cote– Yes  
370 Selectman Takesian – Yes  
371 Selectman Croteau – Yes

372  
373 (5-0-0) The motion carried.

374  
375 It was noted that when the Board returned, after the non-public session, the Board would not take  
376 any other action publicly, except to seal the minutes of the non-public session and to adjourn the  
377 meeting. The Board entered a non-public session at approximately 7:27 p.m.

378  
379  
380 **ADJOURNMENT**

381  
382 Respectfully submitted,  
383  
384 Makayla Clougherty  
385 Recording Secretary