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2  
3 **NOT APPROVED**  
4 **TOWN OF PELHAM**  
5 **BOARD OF SELECTMEN–MEETING MINUTES**  
6 **DECEMBER 5, 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 November 7, 2023

24  
25 **MOTION:** (Croteau/Takesian) To approve the November 7, 2023 meeting minutes as  
26 amended.

27  
28 **VOTE:** (4-0-1) The motion carried.

29  
30  
31 November 14, 2023

32  
33 **MOTION:** (Bergeron/Croteau) To approve the November 14, 2023 meeting minutes as  
34 amended.

35  
36 **VOTE:** (4-0-1) The motion carried.

37  
38  
39 **OPEN FORUM**

40  
41 No one came forward in open forum.

42  
43  
44 **APPOINTMENTS**

45  
46 **Public Hearing: Council on Aging’s donation of pickleball courts to the Town**

47 Ms. La-Garde stated that the Council on Aging is thankful for the support they have received  
48 from the community. They are proud to announce the completion of their newest project: the  
49 construction of four pickleball courts. She explained that they started projects in 2021, and they  
50 raised \$80,000.00 to build a shade pavilion at Hobb's Community Center. They went on to raise  
51 \$144,000.00 to build four pickleball courts adjacent to the Hobb's Community Center. They  
52 raised an additional \$52,000.00 for irrigation and landscaping. Ms. La-Garde pointed out that no  
53 taxpayer dollars were used for any of these projects. Ms. La-Garde stated that the Council on  
54 Aging is asking the Board of Selectmen to accept the donation of the four pickleball courts, with  
55 the landscaping and irrigation, minus any of the memorial plants, as a gift to the Town of  
56 Pelham. The Council on Aging believes that these facilities will not only add to the recreational  
57 opportunities for residents, but also contribute to the overall beauty and vitality of the Town.

58  
59 Chairman Cote opened up the discussion to the public.

60  
61 Roger Levasseur, 28 Currier Road, approached the Board. He stated that he has invested a lot of  
62 time into the pickleball courts project. He explained that he hopes the Town accepts the donation  
63 and is able to maintain the cleanliness and integrity of the courts. He also hopes they can  
64 eventually resurface the rest of the courts.

65  
66 Chairman Cote closed the discussion to the public.

67  
68 **MOTION:** (Takesian/Croteau) To accept the four pickleball courts, irrigation system and the  
69 landscaping and its maintenance as agreed upon, for a total of \$111,459.00.

70  
71 **VOTE:** (5-0-0) The motion carried.

72  
73

#### 74 **Public Hearing: Board of Selectmen to accept Wildwood Road as a Town Road**

75  
76 Chairman Cote stated that the Board of Selectmen is considering accepting Wildwood Road as a  
77 Class V public highway in accordance with RSA 674:40 A, this includes Wildwood Road from  
78 the intersection of Katie Lane to the cul-de-sac.

79  
80 Ms. Beauregard, Town Planning Director, is asking the Town of Pelham to accept Wildwood  
81 Road as a Town Road. It was a 13-lot conservation subdivision and has 2 open space lots that are  
82 owned by the Homeowner's Association. Their documents were reviewed by Town Council.  
83 This was approved back in 2018, and their final inspection was completed in October of this  
84 year. In November, the Planning Board voted unanimously to recommend that the Board of  
85 Selectmen accept Wildwood Road.

86  
87 Ms. Beauregard explained that they are holding a maintenance bond for one year, and the road  
88 will be inspected again next year to make sure there are no problems. She added that it will come  
89 back to the Board of Selectmen to release the bond.

90  
91 Mr. Bergeron asked if there had been any complaints from abutters about the road. Ms.  
92 Beauregard stated that there have not been any complaints.

93  
94 Chairman Cote opened the discussion up to the public. No one came forward.  
95

96 **MOTION:** (Corbett/Croteau) To accept Wildwood Road from the intersection at Katie Lane  
97 to the cul-de-sac as a Class V public highway.  
98

99 **VOTE:** (5-0-0) The motion carried.  
100

101  
102 **Public Hearing: Proposal to update the Hawker and Peddler Town Ordinance**  
103

104 Chairman Cote stated that the notice of public hearing was given in accordance with RSA 41:14-  
105 B, and the Board of Selectmen will hold two public hearings. The second public hearing will be  
106 on December 19, 2023 at 6:35pm in Sherburne Hall. These hearings are to discuss updating the  
107 Town's Hawker and Peddler ordinance. The Board of Selectmen will vote on this matter on  
108 January 2, 2024.  
109

110 Town Administrator Roark explained that RSA 321:1, which is cited in almost every Town  
111 ordinance for Hawkers and Peddlers, was repealed in September of 2023. It was repealed  
112 because it was redundant with RSA 31:02-A, which allows for the enabling legislation for these  
113 types of ordinances. Town Administrator Roark stated that they must remove anything that  
114 references RSA 321:1 from the ordinance.  
115

116 Chairman Cote added that they changed section 1 to specify that any application needs to be  
117 reviewed. They also added that any application expires at the end of the calendar year, regardless  
118 of when the application was submitted. Chairman Cote stated that they also separated itinerant  
119 vendors from hawkers and peddlers. In section 2, they specified that if someone is doing  
120 business on someone else's property, the property owner needs to co-sign the application.  
121 Section 3 is a State law, stating that municipal authority must require permits for itinerant  
122 vendors, in reference to RSA 31:102-A.  
123

124 Town Administrator Roark noted that there is a big difference between hawkers and peddlers and  
125 itinerant vendors. He explained that itinerant vendors are people who may sublease a parking lot  
126 or hotel conference room to sell goods like rugs or jewelry. He added that hawkers and peddlers  
127 move from house to house or other locations.  
128

129 Chairman Cote stated that they used wording from section 2 for section 4, noting this section is  
130 about issuing permits and how long the permits are good for. He went on to explain that section  
131 5 reiterates the landowner needing to co-sign the application, if the applicant is not the  
132 landowner. Section 6 references state legislation. Section 7 states that any hawker, peddler or  
133 itinerant vendor who sells, offers or exposes for sale any goods, wares or merchandise in such a  
134 manner, in the opinion of the Chief of Police, that causes the slow of vehicular or pedestrian  
135 traffic, created a health or safety hazard, or is a public nuisance should be prohibited from  
136 operating in the Town of Pelham. He added that anywhere where hawking, peddling or itinerant  
137 vending is allowed, the Chief of Police can require a paid detail to be on the scene to preserve  
138 public safety and welfare. The cost of the Police detail is to be paid to the Town of Pelham and is

139 the liability of the property owner where it is being held. Chairman Cote stated that food trucks  
140 or other mobile food vendors must provide to the Town a valid mobile food license, issued by  
141 the State of New Hampshire Department of Health and Human Services. The next section of the  
142 ordinance is the safety requirements that food trucks and other mobile vendors must comply with  
143 to operate in the Town of Pelham.

144  
145 Mr. Bergeron asked about the guideline stating that food trucks are only permitted in non-  
146 residential districts. He asked about if someone wants a food truck at their wedding, party or  
147 other events in residential areas. Town Administrator Roark explained that ice cream trucks are  
148 referenced in the ordinance, and they allow them to go into neighborhoods. Town Administrator  
149 Roark explained that he thinks if the landowner is paying for the food truck to be at their  
150 property this is allowed. If other people in the neighborhood walk up to the food truck and there  
151 starts to be customers, this is different. The food truck cannot be open to the public during this  
152 time.

153  
154 Chairman Cote stated that if food trucks are not specifically addressed in the zoning or site plan  
155 requirements, the request for food trucks may only be permitted if approved by the Board of  
156 Selectmen and Planning Director or Zoning Administrator based on a review of use, including  
157 safety, traffic, and landscaping.

158  
159 Ms. Takesian asked if the ordinance specifies if a food truck needs a Hawkers & Peddlers  
160 license. Chairman Cote stated that they do need a license. Ms. Takesian asked if the ordinance  
161 specifically says that. Chairman Cote explained that food trucks are considered Hawkers &  
162 Peddlers, and it says this in the initial definition. Town Administrator Roark confirmed this as  
163 well and added that they can specify this more if the Board thinks they should. Town  
164 Administrator Roark noted that they can add this into the section that states the other  
165 requirements food trucks must follow.

166  
167 Ms. Takesian asked if they are relying on the Planning Director to consider parking for the lot  
168 the itinerant vendor is in. Chairman Cote explained that they will rely on the agent to advise  
169 them on the site regulations and plan.

170  
171 Chairman Cote explained that section 9 states that the provisions of this section shall not apply to  
172 any non-profit corporation duly organized under RSA Chapter 292: churches and other charitable  
173 organizations provided that any officer of such corporations supplied the Selectmen's office,  
174 upon request, with official proof of such organization located within the Town of Pelham. Along  
175 with the days and times of the proposed activity. He added that this ordinance does not apply to  
176 farm stands or farmer's markets. There are also special conditions for frozen confection vending.  
177 Hawking and peddling of frozen confections is allowed in residential areas, but shall not be  
178 conducted in the traveling portion of any public roadway and shall abide by all parking  
179 instructions. To ensure public safety all selling shall be done from the curbside. The truck should  
180 be clearly marked and have all safety equipment required by the Chief of Police. Their license  
181 should be posted in a spot that people can see.

182  
183 Chairman Cote noted that they removed section 10 from the ordinance due to its redundancy.  
184

185 Chairman Cote explained that section 11 states that any Town of Pelham itinerant vendor permit  
186 or hawker & peddler permit may be revoked by vote of the Board of Selectmen.

187  
188 He goes on to explain that section 12 was not changed from the previous ordinance. Section 13  
189 states that nothing in this article shall be construed as conflicting with any license duly issued  
190 under the laws of the State of New Hampshire. Section 14 is new to the ordinance. This section  
191 explains that all applicants granted a permit under this ordinance must adhere to the following  
192 regulations: hours of operation are from 9:00am to 7:00pm, hours of operations will be extended  
193 for Town celebration events to one half hour past the event completion time, anything and  
194 everything pertaining to the business operating under the granted permits will not be allowed to  
195 remain on site overnight, but exceptions may be granted for Town sanctioned events like Old  
196 Home Day, the 4th of July and more.

197  
198 Ms. Takesian noted that they should refer to the 4th of July as the Independence Day  
199 Celebration, since the Town's celebration usually does not fall on the 4th of July. Chairman Cote  
200 agreed to this.

201  
202 Chairman Cote opened the discussion to the public. No one came forward.

203  
204 Chairman Cote noted that there will be a second public hearing and a vote at the next Board of  
205 Selectmen meeting.

206  
207  
208 **Dedicated Service Award presented to former ZBA Member, Dave Hennessey**  
209  
210 Chairman Cote invited Mr. Hennessey to come before the Board of Selectmen. Chairman Cote  
211 read that Dave Hennessey joined the ZBA in 1999 as an alternate member; he served in this  
212 capacity until May of 2003. He then became a full board member and was nominated as  
213 secretary. During his 24 years on the ZBA he has served as secretary for 3 years, vice chair for 3  
214 years, and chairman for a total of 11 years. He attended conferences and workshops to keep his  
215 knowledge up to date and missed very few meetings and treated everyone fairly and with respect.  
216 The Board of Selectmen and the Town of Pelham presented Mr. Hennessey with an award.  
217 Chairman Cote and Town Administrator Roark thanked Mr. Hennessey.

218  
219  
220 **Eagle Scout seeking permission from the Board of Selectmen to sell concessions at the**  
221 **Hand Bell Concert on December 12, 2023 in the lobby area.**

222  
223 Luke Hathaway, scout from Troop 610 in Pelham, approached the Board. Luke explained that he  
224 is a sophomore at Pelham High School and has been working on his Eagle Scout project for a  
225 few months, building picnic tables for the Pelham Public Library. He would like to host a  
226 fundraiser to build three new benches.

227  
228 Ms. Corbett asked what is considered the lobby, depending on which entrance people use. The  
229 Board and Luke were unsure. Town Administrator Roark suggested giving Luke the discretion to  
230 set up where he feels will be the best area. Ms. Corbett asked if Luke will be baking everything

231 himself, or if he is accepting donations. Luke stated that he will be accepting donations from his  
232 fellow scouts.

233

234 Ms. Takesian asked Luke how much money he needed to raise. Luke stated that he needs to raise  
235 approximately \$1,000.00. He added that he will be hosting more fundraisers in the future.

236

237 The Board gave Luke permission to sell concessions at the Hand Bell Concert.

238

239

#### 240 **OPEN FORUM**

241

242 Chairman Cote noted that they did not hold an open forum at the beginning of the meeting, and  
243 anyone who wants to discuss anything should come up at this time. No one came forward.

244

245

#### 246 **DISCUSSION**

247

248 Nothing was up for discussion.

249

250

#### 251 **SELECTMEN AND TOWN ADMINISTRATOR REPORTS**

252

253 **Chairman Cote** had nothing to report but noted that the Festival of Trees was a great event.

254

255 **Ms. Takesian** reported that the Festival of Trees went very well, and they had great tree  
256 donations this year. She thanked the community for their support. They are now starting to plan  
257 for the concerts next summer. She also went to the Council on Aging holiday party, and it was a  
258 great time.

259

260 **Mr. Croteau** reported that he also enjoyed the Festival of Trees. He added that this weekend is  
261 the Pelham Good Neighbor Fund food drive outside of Hannaford.

262

263 **Mr. Bergeon** had nothing to report.

264

265 **Ms. Corbett** thanked the Pelham High School band for their performances at Town events over  
266 the weekend.

267

268 **Town Administrator Roark** reported that Jim Hoffman, Highway Director, wanted to thank the  
269 Town for their patience with the Bush Hill Road closure. This went smoothly and they did not  
270 receive any traffic complaints.

271

272

#### 273 **REQUEST FOR NON-PUBLIC SESSION**

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

277

278 **ROLLCALL VOTE:**

279

280 Selectman Corbett– Yes

281 Selectman Bergeron– Yes

282 Chairman Cote– Yes

283 Selectman Takesian – Yes

284 Selectman Croteau – Yes

285

286 (5-0-0) The motion carried.

287

288 It was noted that when the Board returned, after the non-public session, the Board would not take  
289 any other action publicly, except to seal the minutes of the non-public session and to adjourn the  
290 meeting. The Board entered a non-public session at approximately 7:30 p.m.

291

292

293 **ADJOURNMENT**

294

295 Respectfully submitted,

296

297 Makayla Clougherty

298 Recording Secretary