



Town of Pelham

Fall Special Town Meeting Minutes

Monday October 21, 2019 7:00 PM

Historic Old Town Hall

Fall Special Town Meeting was called to order at 7:02 pm by Pelham Police Chief Gary Thomann

Moderator Dan Robb presided.

This is the 276<sup>th</sup> Fall Town Meeting in this Historic Town Hall building. The first meeting changed the name of the town from New Lisbon to Pelham.

He called for a moment of silence to remember Roger Conant and his commitment to the Town of Pelham. He believed in democracy and brought articles for Town Meeting to the Board. Also he wanted to remember Eli Kwartler for his commitment to the Town of Pelham. He was a Selectman, on the Finance Committee and was the Outreach worker for the Town of Pelham. He will be remembered for his honest answers.

He then reminded everyone that in order to vote at Town Meetings one must be a registered voter in Pelham and sign in and get a voter card. He reviewed the Parliamentary Procedures from Town Meeting Times; including that one must address all comments to the Moderator, and must Rise and be recognized by the Moderator and state name and address each time to speak.

He then called on different Board Members and Chairs to have a word about relevant items as he has always wanted a gathering time for voters at town meetings. Karen Willard-Ribeiro BOS chair, thanked Alisa Pearson for her service on the Board of Selectmen. She said Alisa brought diversity to the town volunteers, and invited Karen to be elected to the BOS. Karen spoke briefly about the Completion of the Community Hall project, the Connect Pelham event with a video, the Public Safety Complex lighting issues, the Green Community Grant and a BOS Round Table with Boards and Committees to streamline processes with agendas. Bob Agoglia BOS member, spoke about the Special Election on Jan 4<sup>th</sup> for a Selectman position to fill Alisa's term; and about the Acceptance of the Local Occupancy tax at 6% and about the property at 18 Daniel Shays Highway that is now owned by the town. Gary Thomann introduced Steve Hughes the new Town Constable, .and friend of his and Donald Clark. Bill Martell of the Finance Committee said that they are gearing up to start getting set for the May Annual Town Meeting, and introduce the new member Cara Castenson. Tilman Lucas from the Housing Committee spoke about the meeting the next night with the Home City Developer and the 40B project that is in the draft stages.

## **Article 1**

To see if the Town will vote to adopt the following Enforcement bylaw to be added as a new Article in Chapter 1 of the Pelham Code.

Any- bylaw of the Town of Pelham, or rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the Town official who is the appropriate

enforcing person, be enforced in the non-criminal disposition method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal penalty for each violation, if not otherwise specified in such by-law, rule or regulation, shall be \$75.00 for the first violation, \$125 for the second violation, and \$175 for the third and subsequent violations. Each day that a violation exists shall constitute a separate offense.

“Enforcing person” as used in this by-law shall mean: The Town of Pelham police and fire chiefs or their designees; the Building Inspector and his/her designee; the members of the Board of Health, its Health Agent or other designee; the Conservation Commission; the Planning Board; the Zoning Board of Appeals; the Select Board or its designee; and such other officials as the Select Board from time to time designate, each with respect to the violation of by-laws, rules, and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be the enforcing person with respect thereto.

Article 1 moved and seconded. Comments: This article was brought to the Board of Selectmen during Spring ATM as there was no enforcement policy in the Code of Pelham. This article was written by Town Counsel for the Board of Selectmen, it was noted that there is no provision for a challenge/hearing. Pelham tried to get this provision years ago. Now if there would be a provision so the official can say that they can take it to court if not followed. Another comment was that the Town needs to set up regulation procedures.

## **PASSED WITH MAJORITY VOTE WITHOUT OPPOSITION**

### **Article 2**

To see if the Town will vote to amend the Code of Pelham Chapter 170 section 170-1, by adding the following sentence, “whenever a two-thirds vote is required on any matter and whether such quantum of vote is required by state statute, Town By-law, by rules of parliamentary procedure, or otherwise, the Moderator may. Without an actual count, declare that such matter has been adopted by a vote of 2/3 of the number of persons present and voting. This method can only be used for a 2/3rds vote. If the vote is unanimous, a count need be taken. Comments include a question about unanimous vote, which does not apply; and the Moderator explained that a count could always be requested by the voters if there was any question even with this provision in the by-laws.

## **PASSED UNANIMOUSLY**

**Motion to Adjourn at 7:46 PM passed unanimously**

Respectfully submitted

Kathleen Martell

Town Clerk