TOWN of ANDOVER
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Incorporated 1779

SELECT BOARD

Regular Meeting Minutes

May 21, 2026 @ 6:10 PM

Andover Town Hall

MEMBERS PRESENT

Dana Swenson, Chairman
Les Fenton, Vice Chairman
Jim Delaney, Member
Charlie Stewart, Member
Mark Cowdrey, Member

STAFF PRESENT

Don Sieburg, Town Administrator (recorded minutes in the absence of the Town Clerk)
Jeremy Cornell, Highway Supervisor

MEMBERS OF THE PUBLIC

Donna Duclos, Janet Moore, Karen Brule, Donna Baker-Hartwell, Brad Hartwell, Doug Phelps, Jim Danforth, Dale Perkins, Cristy Perkins

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I. CALL TO ORDER

Chairman Swenson called the meeting to order at 6:10 PM. Roll call confirmed all five members of the Select Board present: Swenson, Fenton, Delaney, Stewart, and Cowdrey.

Chairman Swenson reviewed the agenda. Additional agenda items added: follow-up on the options for the town-owned property on Bradley Lake, discussion about a building inspector for Andover, and a follow-up on the Strategic Planning discussion.

II. REVIEW AND APPROVE MINUTES

April 16, 2026 – Typographical corrections were identified, and a revision to the reference made regarding the “Code of Conduct” lacked specificity; it was agreed that the language would be updated to read “Code of Conduct for Board and Committee Members.” Chairman Swenson entertained a motion to approve the minutes as amended, moved by Selectman Fenton, and seconded by Selectman Cowdrey. The motion carried unanimously.

April 26, 2026 – No discussion. A motion was made by Selectman Fenton and seconded by Selectman Stewart to approve the minutes as presented. The motion carried unanimously.

May 7, 2026 – No discussion. A motion was made by Selectman Fenton and seconded by Selectman Stewart to approve the minutes as presented. The motion carried unanimously.

III. PUBLIC COMMENTS

Donna Duclos asked for an update on the Town's efforts to collect delinquent taxes, noting that at the previous meeting there had been concern about meeting school payment obligations. Chairman Swenson indicated that the Town is being prompt in issuing new tax bills and that, while he did not have specific delinquency figures on hand, he believed the Town was in a reasonably good position and expected to make its school payments on time, even without full tax collection. Delinquency rate tracking was noted as a strategic planning-level item.

Janet Moore passed along her appreciation to the Highway Department for the recent ditching work, noting that she now understood the reasoning behind it. Her comments were well received.

IV. NEW BUSINESS

a. Donna Baker-Hartwell – Tree Removal Along Tucker Mountain Road

Donna Baker-Hartwell appeared before the Board to request that the Town consider sharing the cost of removing five large pine trees located across the road from her home at 222 Tucker Mountain Road. Ms. Baker-Hartwell explained that the trees, located on the road-side of a stone wall along a steep bank, had reached full maturity with dead branches at the tops and shallow root systems. She expressed concern that ongoing highway maintenance, specifically the progressive ditching and bank-cutting along Tucker Mountain Road, had destabilized the trees, which she believed posed a genuine threat to her home. She engaged contractor Billy Partridge last November, who removed the five trees for $4,500. Baker-Hartwell acknowledged that the work was done without prior Board approval and asked the Board to visit the site and consider whether partial reimbursement was appropriate given the Town's role in the maintenance activities that contributed to the trees' instability.

Regarding Tucker Mountain Road, Donna Baker-Hartwell noted that the recent ditching work had extended very close to the Old Schoolhouse, resulting in a trench near the entrance that could make access difficult, as well as a large boulder within the ditch line.

The Board engaged in discussion. Selectman Stewart expressed concern that, because the work was completed without the Town's prior knowledge or approval, there was no opportunity to assess whether the trees were truly a Town responsibility. Selectman Fenton also noted that the Town's procurement policy requires solicitation of at least three bids for work of this nature. He indicated he was not sure how the Town could take financial responsibility for a decision that was made unilaterally. Chairman Swenson indicated he had not yet visited the site but would do so.

No vote was taken, nor a decision made.

IV. NEW BUSINESS (cont.)

b. Doug Phelps – Coach Transfer / Potter Place Festival & HUB Pothole

Historical Society Coach Transfer & Potter Place Festival

Doug Phelps appeared before the Board representing the Andover Historical Society. Phelps advised the Board that the Historical Society is prepared to take possession of the antique coach currently owned by the Town, and requested the Board's cooperation in working out the formal transfer. It was noted that the coach has been in the Town's possession following a transfer from the Lions Club, and the Board agreed that legal counsel should be consulted to ensure the transfer is handled properly.

Phelps indicated that the Historical Society plans to have the coach house ready prior to the Potter Place Festival, scheduled for Saturday, June 27, 2026 at 11:00 AM. He requested that one or more members of the Select Board attend to participate in a ceremonial transfer of the coach at that event. The Board expressed willingness to accommodate the request. The Town Administrator will engage town counsel to identify the appropriate process for the transfer.

Andover HUB – Pothole at Driveway Entrance

Chairman Swenson recused himself from this portion of the discussion, as he serves on the Board of the Andover HUB. Phelps asked whether the Town would consider filling a persistent pothole at the driveway entrance to the Andover HUB. The HUB has been unable to get contractors to address the problem and has had difficulty managing it independently.

The Board noted that the pothole in question is located within the State right-of-way, not on Town property, which raises concerns about the Town's authority and liability in addressing it. The general consensus was that the proper avenue would be to contact the New Hampshire Department of Transportation and request a repair.

Highway Supervisor Cornell offered to connect Phelps with his contact at NHDOT to raise the issue, noting that the Town has a good working relationship with the State. The Board expressed appreciation for Cornell's offer while reiterating that the Town should not take on repair of State infrastructure as a matter of policy, citing concerns about setting a precedent. Chairman Swenson rejoined the meeting following this discussion.

V. OLD BUSINESS

a. Town-owned Property on Bradley Lake

The Board revisited the issue of the Town-owned property on Bradley Lake that abuts the Sirard property. Following a prior work session at which the Select Board met with representatives of the Conservation Commission, those representatives returned to the full Conservation Commission with the options discussed. The Town Administrator reported that the Conservation Commission has since indicated unanimous agreement that granting an easement to the abutting property is their preferred path forward.

V. OLD BUSINESS (cont.)

a. Town-owned Property on Bradley Lake

The next step will be for the Town Administrator to contact Town Counsel to determine whether a property easement of this nature is a legally viable path and to obtain guidance on how to proceed. If legal counsel confirms viability, the Board will be briefed on next steps. Should the easement approach prove unworkable, counsel will be asked to outline available alternatives.

b. Building Inspector Discussion

The Board took up the long-running question of whether the Town should pursue hiring a building inspector. Jim Danforth was present and offered a detailed, candid briefing on the subject, drawing on his direct experience with these issues as both a contractor and a former elected official.

Danforth explained that under New Hampshire law, a small municipality that does *not* employ a building inspector operates under a “fee only” system in which the Town’s enforcement authority is limited to ensuring that permit applications are submitted, not to verifying construction compliance. Critically, he noted that once the Town designates someone as a building inspector, it assumes significant legal liability for that person’s actions, including any advice given or decisions made. For a small town without the infrastructure to vet credentials, purchase additional insurance, and establish proper protocols, this liability exposure can be substantial and has historically been the reason municipalities have opted out.

Danforth recounted that Andover previously moved away from having a building inspector when a significant liability situation arose, and the Select Board at that time elected not to continue in that capacity. He noted that the State Legislature, recognizing the burden this places on small towns, has expressly provided that towns below a certain tax base threshold may operate under the fee-only system without mandating full inspection services. Under this system, liability for construction compliance rests with the builder or homeowner, not the Town.

Danforth outlined what the Town can and should be doing under the current system: ensuring that building permits are pulled for new construction and improvements, that permit fees reflect actual administrative costs (including assessor visits), that permits have defined expiration periods to prevent indefinitely open projects, and that unpermitted construction is documented and remediated. He emphasized that the goal of enforcing the permit process is not inspection compliance but rather ensuring that new structures are captured on the tax rolls, noting that this is the Town’s primary legal interest and the function Avatar (the Town’s assessor) is set up to perform.

He also noted that for large commercial projects, the Town has the option, as it did when Proctor Academy constructed a dormitory during his tenure, to require the applicant to fund a licensed outside building inspector who reports to the Town but is paid by the developer. This approach allows the Town to have oversight on significant projects without taking on the liability.

V. OLD BUSINESS (cont.)

c. Strategic Planning

Chairman Swenson advised the Board that he had circulated a draft strategic plan framework and requested that Board members review it and submit feedback no later than Wednesday, May 27. He described the framework as organized around four to five key focus areas, with a goal of moving the Board toward a governance-oriented model over time. Elements discussed include quarterly town updates, improved communication and transparency initiatives, performance metrics, and an inventory of ongoing policy and operational projects. A dedicated work session, separate from a regular meeting, will be scheduled to work through the document, with the first meeting in June excluded to accommodate a Board member's travel.

VI. NEW BUSINESS

a. 2026 Paving Bids – Opening & Acceptance

The Board opened and reviewed the 2026 paving bids. Three bids were received, covering shim and overlay work on Elbow Pond Road, Flaghole Road, and Plains Road (with Maple Street included in the solicitation but subsequently deferred to 2027). Bids were submitted by R&D Paving, Blaktop Inc., and GMI / Peckham Road Corporation.

Rejection of R&D Paving Bid

It was determined that R&D Paving's bid was non-conforming in two material respects: they did not break out each project individually as required, and their bid for Plains Road was based on a width of 21 feet rather than the specified 24 feet, a discrepancy that seemed to account for a significant difference in material and cost. Selectman Cowdrey made a motion to reject the R&D Paving bid on the grounds that it was non-conforming. The motion was seconded by Selectman Stewart. The motion carried 4–1, with Selectman Delaney opposed. Selectman Delaney noted for the record that he was opposed given that the Town had previously cancelled two contracts with R&D Paving, and that rejection of this bid compounded those prior actions.

Comparison of Remaining Bids

The Board compared the remaining two bids from Blaktop Inc. and GMI/Peckham Road Corporation, with Maple Street excluded from both for budgetary reasons. The bids were approximately $358,570 (Blaktop) and $382,836 (GMI), a difference of approximately $24,266.

Discussion focused on the fact that GMI's bid reflected a greater tonnage of material across all projects than Blaktop's, indicating that GMI proposed to put down more product, a meaningful consideration given the degraded condition of the roads, particularly Plains Road. The effective cost per ton was comparable between the two companies. The Board noted that the Town worked with GMI the prior year on several road projects with satisfactory results.

The discussion also touched on the need to standardize bid forms in future years so that all contractors are responding to the same specifications on the same document, making comparison straightforward. The Board acknowledged this as a process improvement for next year.

VI. NEW BUSINESS (cont.)

a. 2026 Paving Bids – Opening & Acceptance

Award of Bid

Selectman Fenton made a motion to award the 2026 paving contract to GMI/Peckham Road Corporation for the agreed scope of work (Elbow Pond Road, Flaghole Road, and Plains Road, excluding Maple Street), subject to Highway Supervisor Cornell's review and verification of the bid documents. The motion was seconded Selectman Delaney. The motion carried unanimously (5–0).

The Board authorized Highway Supervisor Cornell to negotiate with GMI regarding the possibility of a small material overage order to supply the Town's new pothole patching equipment, within the available budget buffer.

b. Highway Supervisor Report

Highway Supervisor Cornell provided a brief verbal report covering current department activities:

Ongoing Operations: The crew has been active with ditching and grading. The department also attended an equipment show during Public Works Week, and the Town Administrator was able to visit.

New Pothole Patching Machine: The recently purchased pothole patching unit was completed and on display at the equipment show the morning of the meeting. The Board expressed enthusiasm about the new equipment and agreed to take a field trip to view it following the meeting.

Vehicle Fleet: The surplus 'red truck' listed for sale has received offers in the $5,000 range; Cornell indicated the department intends to hold out for a better price. The truck acquired from the Town of New London is in service, with some body work and parts repairs anticipated.

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Loader: The repaired loader has seen limited use to date, primarily moving gravel at the shop. No significant issues reported.

North Short Street Culvert: A failed and clogged 12-inch culvert on North Short Street, which has been on the department's tracked list, is being addressed. The culvert is not collapsed, but is fully plugged and undersized by modern standards. Cornell has ordered the necessary equipment and plans to replace rather than simply unplug it. He has posted signage, notified residents, and will coordinate with the Police Chief and Fire Chief prior to closing the road for the work.

VI. NEW BUSINESS (cont.)

c. Town Treasurer Position

The Board discussed the status of the Town Treasurer position which Town Administrator Sieburg has been filling for over a year. Chairman Swenson introduced the discussion by noting that, based on conversations earlier in the day with Finance Assistant Cristy and Finance Director Elita, the current arrangement appears to be functioning well. The Town's auditors have not objected to the arrangement, though they do not affirmatively endorse it. Having the Finance Director serve as Treasurer would create a segregation-of-duties concern; having the Town Administrator serve does not, given that three layers of financial oversight exist: Finance Assistant, Finance Director, and Town Administrator, with final approval residing with the Select Board.

Town Administrator Sieburg addressed the Board directly, noting that the Treasurer function has been running effectively and that the role has expanded well beyond check-signing to include active cash flow management, school payment negotiations, fire department billing oversight, budget preparation support, and audit coordination. He acknowledged the argument that the position adds to an already full plate, but contended that given his finance background and the efficiency of having the function handled in-house on a daily basis, the arrangement serves the Town well.

Selectman Fenton expressed support for continuing the current arrangement, noting that the improvement in financial management since Sieburg took on the role has been tangible. Selectman Delaney indicated agreement, with some reservation about whether the auditors fully support the arrangement. A discussion ensued regarding the applicable state framework (RSA Chapter 41 and related statutes), with the general understanding that the current multi-layered structure satisfies the oversight requirements.

Selectman Stewart expressed a different view, indicating that while Sieburg has done an excellent job, the Board should not be asking its Town Administrator to wear so many hats simultaneously. He did not oppose the current arrangement as a temporary measure but was not comfortable formalizing it on an ongoing basis.

Chairman Swenson made a motion to continue having the Town Administrator serve in the Treasurer role. The motion was seconded by Selectman Cowdrey. The motion carried 3–2, with Selectman Stewart and Delaney opposed.

Town Administrator Job Description and Performance Review

During this discussion, the matter of the Town Administrator's performance review was raised, noting that it is significantly overdue (originally due September 2025). Selectman Stewart agreed to redistribute the draft evaluation rubric to all Board members. The performance review will be placed on the agenda for the second Select Board meeting in June 2026.

VIII. SIGNATURES

The following items were presented for Board signature:

a. Payables Manifest 5/15/26: $441,484.41

b. Payroll Manifest 5/15/26: $45,661.73

c. Atlantic Recycling Equipment Invoice & Quote: $46,873.75 (Quote approved at the January 22, 2026 Select Board meeting)

d. Intent to Cut Timber – Map/Lot 8/586-428 (J. Koron)

e. Yield Tax Levy – Timber 26-880/420 (Kevin Hinds)

f. Current Use Assessment – Map/Lot 1/410-33 (M. Emery)

g. Intent to Excavate – Map/Lot 17/48-426 (Clough)

h. Intent to Cut Timber – Map/Lots 23/38-33, 16/48-234, 16/44-465 (G. Hersey)

IX. NON-PUBLIC SESSION AND ADJOURNMENT

There being no further public business, Selectman Stewart made a motion to adjourn the regular public session. Selectman Delaney seconded the motion. The motion carried unanimously, and the meeting was adjourned at 8:15 PM

Prior to the non-public session, the Board took a brief recess to view the new pothole patching equipment.

Chairman Swenson opened the non-public session at 8:25 PM with a roll call of the members, all were present. Chairman Swenson then motioned to enter a non-public session pursuant to RSA 91-A:3 II(j) – Consideration of Confidential, Commercial, or Financial Information. The motion was seconded by Selectman Delaney. The motion carried unanimously.

The Board reconvened in public session at 8:45 PM.

There being no further business, Selectman Stewart made a motion to adjourn. Selectman Delaney seconded the motion. The motion carried unanimously and the meeting was adjourned at 8:47 PM.

Respectfully submitted,
Don Sieburg, Town Administrator

TOWN OF ANDOVER, N.H. INCORPORATED 1779