

**Board of Selectmen**  
**Meeting Minutes**  
**Monday, January 30, 2023**

**Approved**



**1) Open Meeting**

Selectman Guptill called the meeting to order at 6:30 pm. Board members present: Michelle Dudek, Chair; Andy Guptill; Jim Delaney.

Also present: Recording Secretary Lisa Meier, Town Administrator Kimberley Edelmann, Highway Supervisor Frank Bryson, Nancy Walsh-Robart, Lee Wells, Nancy Teach, Jesse Schust, Seth Currier, Todd Goings, Jon Champagne, Mark Cowdrey, Josif Bicja from Hoyle Tanner, Kathryn Bennett

**2) Minutes**

Selectman Delaney made a motion to approve the minutes of January 11, 2023, with correction of the year. Selectman Guptill seconded. The motion passed with all in favor.

Selectman Delaney made a motion to approve the minutes of January 23, 2023, with correction of the year. Selectman Guptill seconded. The motion passed with all in favor.

**3) New Business**

**a. Selectman Resignation & Appointment**

Selectman Guptill announced that the Board had received and accepted with regret a letter of resignation from Selectman Dudek. He explained that because of the timing of her resignation, her position would be on the ballot for voters to fill in March.

Noting that her participation in the lead up to and at Town Meeting was desired, Selectman Guptill made a **motion** to have Michelle Dudek appointed to the Selectboard until the conclusion of the Town Meeting. Selectman Delaney **seconded**. The **motion passed** with both in favor.

**b. Conservation Commission Petition Article**

Nancy Walsh-Robart addressed the Board, presenting a petition article which read:

"To see if the Town will vote to place the town owned 6.3-acre lot #15-582-198 (also referred to as the McDonough parcel or the Dyer's Crossing parcel) into a non-lapsing Conservation Easement."

The petition article was emailed earlier to TA Edelmann for review with Department of Revenue Administration. Ms. Edelmann said she spoke with the DRA Rep who said she would not proofread it and that Town Counsel should be used instead.

Guptill advised the Warrant Article would need to go to the Town Clerk no later than February 7, 2023 for submission of printing.

Ms. Walsh-Robart stated that wetlands specialist Earle Chase gave a write-up of his findings as a conservation scientist. Chair Dudek recommended that the Conservation Commission bring the full information to Town Hall.

Ms. Walsh-Robart asked what would happen if the Article did not pass. Selectman Guptill replied that it would be up to the Select Board at that time.

Nancy Teach said she wanted to invite the public to view the materials at an upcoming Conservation Committee meeting. She also wanted to post information the Town website.

#### **c. Closing Town Offices Due to Inclement Weather**

Triggered by a bad storm, the Select Board noted there was no procedure in place for closing the Town Offices during inclement weather. It was recommended that other Towns be asked what procedures they had in place.

#### **d. Appoint Planning Board Alternate**

Planning Board Chair Donna Duclos (unable to attend the meeting) had recommended appointing Jessica Rand as an alternate member of the Planning Board. It was noted that the appointment would result in two people (Ms. Duclos and Ms. Rand) being on both the Planning Board and the Budget Committee.

Selectman Guptill made a **motion** appointing Jessica Rand as an alternate member of the Planning Board, contingent on checking the RSA's regarding membership on multiple boards. Selectman Delaney **seconded** the motion and the board voted **unanimously in favor** of appointing Jessica Rand as an alternate member of the Planning Board.

#### **e. Lakes Region Mutual Fire Aid Association**

Selectman Guptill noted the LRMFA had one representative from each of the 34 towns in the association on the Board of Directors. The Andover representative was recently retired Chief Rene Lefebvre. A new representative and member of the Board of Directors for LRMFA was needed.

Selectman Guptill made a **motion** to appoint Chief Steve Barton as the new LRMFA representative and member of the Board of Directors. Selectman Delaney **seconded**. The **motion passed** with all in favor.

### **4) Highway Supervisor Report**

#### **a. Posting Roads**

Highway Supervisor Frank Bryson stated that a landowner on the Class VI portion of Beech Hill contacted him regarding damage to the road. The issue was from a couple years back and was addressed. That was why Todd Goings and Jon Champagne were at the meeting. Also, the area was presently snow covered, so there was nothing to see.

Todd Goings stated that the landowner had been given a letter from the Town Attorney previously about this subject. Selectman Delaney stated that the landowner didn't want four wheelers in the area and had come to the Board of Selectmen before. Chair Dudek said the Board would be happy to have another discussion with him.

Former Road Agent Jon Champagne provided some history. He said a logger had exposed tree roots and was supposed to repair the damage, but the logger had not. A letter was sent to the logger, but he refused stating that he planned to log again in another couple years.

Mr. Champagne also said he had told the landowner that a gate could be put up, but it could never be locked. He also noted that only registered vehicles are allowed on the Class VI roads, whether they are skidders or four wheelers. The landowner was welcome to contact the police if he felt unregistered vehicles were using the road.

HS Bryson reported that the landowner requested that he post the road. HS Bryson told the landowner that the road would still get rutted up and there was no way to know who did the damage.

HS Bryson said the landowner implied that by the Town plowers pushing snow off the road and onto the trail, that the Town was maintaining the trail. That was not maintenance. Selectman Guptill added that the road provided emergency access for Fenvale, adding that if that section of the road was maintained for “emergency access” it was not considered maintenance.

#### **b. Paving / Shimming**

Highway Supervisor Bryson stated he had met with a paver regarding shimming parts of Depot Street and Cilleyville Road. Doing so would add another 10 – 15 years life to the roads. It would also be less expensive than paving the whole road. Once the weather warms up, he and the paver would get back together and measure the roads.

HS Bryson would also like to do the bottom half of Flaghole Road, shimming. The potholes showing are only the top coat lifting. Shimming would be a sufficient repair. Selectman Delaney recalled that there were problems when the road was paved, possibly related to cold weather.

#### **c. Time Cards**

HS Bryson asked for clarification on completing time cards. He was given a sheet with a note that said, "To be filled out when taking any time off." He felt he was not being trusted and wondered why he wasn't expected to report when he was on duty, as well.

Chair Dudek clarified that the intent with time cards, and it applied to all employees, was to track when people worked and when they take time off. HS Bryson noted that the note was confusing and he'd be happy to fill out time cards.

#### **d. 4WD Issues with Grader**

HS Bryson reported that the grader failed to get into four wheel drive recently. 4WD is used both when grading and plowing. The grader is a 2006 model.

Selectman Guptill recalled that in 2005, the previous 1989 grader cost the Town \$83,000 in repairs.

Chair Dudek stated they need to start looking into a replacement for the grader. HS Bryson said he would not go with as big of a grader as the current one is too wide for some of the roads.

Selectman Delaney recommended contacting Caterpillar regarding the grader. Jon Champagne said there had been issues in the past.

#### **e. Daily Meetings**

TA Edelmann reported that she meets with the Highway Supervisor almost everyday. She also shared that she had spoken with Salisbury's Road Agent, Bill MacDuffie Jr, to offer to initiate networking between him and HS Bryson. RA MacDuffie said he would be happy to do that and commented that he felt HS Bryson was doing a good job with what he had to work. To hear that from another town was good.

#### **f. Road Scholar Classes**

Selectman Delaney indicated he is looking into the UNH Road Scholar classes for HS Bryson to attend. They were expected to start up in the Spring.

Jon Champagne said that part of the Road Scholar program was something called Road Service Management System (RSMS). The DMI for that was installed in Arch Weathers' truck and was still in that truck. It should be moved to HS Bryson's truck so that he could measure the roads.

#### **g. Communications Radios**

Selectman Delaney asked if there was an update about the radios. There was nothing new to report.

## **h. White Oak Site - Overhead Wires**

HS Bryson reported that there were overhead wires at the HW site that he would like to have rerouted. He felt the current positions were potential hazards, especially when dumping salt. The Select Board recommended waiting until the construction project gets going.

## **5) Town's Financial Audit**

TA Edelmann reported that she had contacted the auditors to learn the status of the audit of 2021 which was required to be included in the 2022 Annual Report. The auditor provided feedback about responsiveness to their requests, to which TA Edelmann promised improvements in the next audit.

One item identified as a deficiency in 2021 was in regards to time cards; both filling them out and getting them signed by department heads and selectmen. The time cards are one of the things the auditors will test.

It was also pointed out that they look to see if the amount paid to staff match what was budgeted. If not, flags go up. TA Edelmann shared that some Towns budget the known wages on one budget line, and also use an overtime wages line. The known wages would be fixed and pass the test. The overtime wages would be variable but with documented processes being followed would also pass. The HW Department was most likely to pay overtime wages. The auditor supported the idea of adding an overtime line to the budget.

Another deficiency in 2021 was in regards to history of employee wages, pay changes, and approvals. To address that, TA Edelmann updated a payroll form to include much more information about employees and their wages. When changes are to be enacted, the selectmen would be expected to review and sign.

Another was that the fact that not everyone who was handling cash receipts was bonded. This was resolved in 2022. TA Edelmann will check with Primex to ensure all of the current Town Office staff are on the list of bonded employees.

Regarding time sheets, TA Edelmann noted that in her first 3 weeks in the job, she had not seen a time sheet to sign. That would need to change. The auditors need to see confirmation that the department heads are approving payment to staff, even if they are salary employees. The auditors want to be able to prove and confirm that the Town of Andover was managing taxpayer dollars correctly. Time cards are part of that proof.

TA Edelmann said the Town needed to make the auditors happy. And the reason, in part, was because if and when the Town decided to pursue a bond, a Bond Attorney would be deciding whether to recommend the Town to bond investors or not. And part of how he would decide that was based on the audit reports.

TA Edelmann asked the Board of Selectman to sign an engagement letter for audit services for the 2022 audit. The letter would be mailed out the next day.

## **6) Old Business**

### **a. Lawrence Street Bridge Project**

Present for the discussion were Josif Bicja from Hoyle Tanner and property owner Kathryn Bennett of 79 Lawrence Street.

Mr. Bicja introduced himself as the new Project Manager who would be working on the project. He wanted to meet with Ms. Bennett as her property was adjacent to the bridge. He noted that a few years ago, there was a public session where corrective action options to address the bridge's condition were discussed. It was decided to "phase" repairs, rebuilding one traffic lane of the bridge at a time, preventing closure of the bridge. He wanted to share the major impacts of the project, most of which would be on Ms. Bennett's property.

Mr. Bicja said there there would be major impact to the adjacent property. He shared with Ms. Bennett the details of the diagrams he brought and the plans. He wanted to answer any questions and address any concerns. He noted that the road

would be wider with 10 foot travel lanes and 5 foot shoulders. Some trees would be removed. Safety rails would be added. The nearby steep slope would need to be modified.

Ms. Bennett brought the design of her existing septic system to the meeting, sharing it with Mr. Bicja. He noted that he was unaware that a septic system was close to the road.

Chair Dudek recommended having an informational public meeting with the project being the topic. That was agreed to be a good idea.

It was also agreed that Ms. Bennett and Mr. Bicja would walk the site together to better understand the details. Members of the Selectboard would also try to attend. Meeting times and dates to be decided offline.

Mr. Bicja reiterated that the Town would be getting 100% funding on the project. Only 23 communities were granted that out of the 257 communities that applied.

Jon Champagne, former Road Agent, commented that they strategically paint areas of the bridge to watch for signs of deterioration. He felt the bridge was in bad shape.

#### **b. Buswell Property**

Seth Currier stated he was still interested in purchasing all six acres of the property. He noted it was land he knew well and enjoyed as a child. He asked for confirmation that the property would be sold to him and not go through auction or Town Meeting. Chair Dudek noted that the Select Board had decided in December that he would be the purchaser.

Chair Dudek stated she had submitted all documents to the Town Attorney for review. August 2023 would be ten year anniversary of the Town deeding the property. Therefore, as recommended by legal counsel, the process would be to sign a Purchase & Sales Agreement in April 2023 and close in August 2023. After the 10 year mark, no one would be able to bring complaints or claims against the Town.

Jon Champagne asked what the sale price was and the response was that it had not been determined yet.

Seth Currier asked why everything was waiting until April. The response was everything would have calmed down from Town Meeting. It would also move everything closer to the ten year mark when the paperwork would be completed.

Mr. Currier stated that he had been reading *RSA 80:88 Distribution of Proceeds From the Sale of Tax-Deeded Property* and learned that the municipality could not take excess proceeds from the sale of a tax-deeded property. The Select Board was aware of that. With that in mind, Mr. Currier made a verbal offer to cover the back taxes. Selectman Delaney noted that the Town also needed to cover the cost of legal fees, notices, and other related expenses. Chair Dudek said it would take time to calculate the full costs. Selectman Guptill stated a final figure would be provided to Mr. Currier.

TA Edelmann asked if there was any type of legal document or agreement in place and the response was not at this time but that it should be done. Selectman Guptill felt that was a good idea and should be completed before the new Select Board was in place.

#### **c. Town Property Sale**

TA Edelmann reported that the property sale with Mr. Santiago was complete and the Town received payment. Chair Dudek added that all properties with a Purchase & Sale Agreement had been completed.

#### **d. Keniston Covered Bridge**

Chair Dudek reported that the board was ready to move forward after backing out the bidding cost, leaving a total cost of \$130,000 which includes the construction contingency of \$7,290. This would be paid for by State funds utilizing the Capital Reserve for the balance. The plans would increase the longevity of the bridge. It would already reduce the snow load on the roof.

#### **e. Solar**

Chair Dudek reported that the original buyout cost was going to be honored. Selectman Guptill believed the buyout date was in October. For now, it would be put on the back burner.

#### **f. Transfer Station Septic**

Selectman Delaney stated that quotes were out for the Transfer Station septic. Two firms already responded.

#### **g. Town Administrator's Office Door**

Selectman Guptill reported that he approached two builders. One was not interested. He would reach out to another. Selectman Delaney also had a builder look at it. Chair Dudek noted that the work needed to get done.

### **7) Warrant Articles**

Chair Dudek noted that the Public Hearing for the budgets had been continued to February 2.

The articles had been drafted. Planning board articles needed to be added.

Chair Dudek noted that there were more articles as the group ETF / CRF articles were broken into individual warrant articles. Department heads would speak at Town Meeting to those which were related to their departments.

#### **a. Highway Department Building**

Chair Dudek shared that DuBois & King provided an update to the cost of the building designed at between \$1,500,000 and \$2,000,000. In her opinion, some of the details were not accurate. Selectman Guptill felt there were items in the price estimate which could be removed or replaced with lower cost items, such as the kitchen appliances and bathroom accessories. Selectman Guptill said that he was told the estimate was about 10% high. Also, the \$35,000 sprinkler system was not something the Town wanted. Primex already confirmed they did not require one in the building.

Selectman Guptill wondered if the Town should eat the \$80,000 spent and start all over, or to continue moving forward. If going forward, he would support asking for a bond.

Mark Cowdrey commented that \$1,500,000 - \$2,000,000 was a long way apart.

Todd Goings asked if another engineer could take a look at the cost estimate to see if it made sense. Selectman Guptill said he would check with Jon Warzocha of Horizons Engineering.

Chair Dudek said the Town had a great working relationship with Hoyle Tanner. They agreed to reach out to John Kenney again.

Chair Dudek recommended holding another working session to discuss the project longer. The Board agreed to meet just before the Budget Committee.

### **8) Correspondence / Signatures**

The following documents were reviewed / signed.

- ◆ An invoice from Capital Well for work at the Transfer Station \$5,290 was received.
- ◆ An invoice from DuBois & King for \$5,332 was received.
- ◆ An inspection notice for Jacobson's was received from DES for Farm Pond Dam at Dyer's Crossing.
- ◆ An Intent-to-Cut notice was received for Tax Map 21, Lot 074, 297
- ◆ A payroll manifest for January 13, 2023 in the amount of \$23,054.12 was signed.

- ◆ A payroll manifest for January 25, 2023 in the amount of \$28,144.37 was signed.
- ◆ A check manifest for January 27, 2023 in the amount of \$115,518.82 was signed.

All documents are available for public inspection.

#### **9) Transfer Station Septic**

Selectman Delaney stated that quotes were out for the Transfer Station septic. Two firms already responded.

#### **10) Town Offices**

TA Edelmann advised that due to IT issues she was experiencing in the office, speed tests were done on the office computers and the speeds were found to be lower than expected. Finance Director Elita Reed contacted TDS and learned that the Transfer Station was receiving high speed service, while the Town Offices and Police Station were not. This was going to be corrected. And, the new services would cost less for some reason.

The elevator was inspected earlier in the day. New batteries would be needed within the next year or two.

TA Edelmann stated she planned to look at the septic clean out schedule and would arrange a service if needed.

#### **11) Adjournment & Next Meeting**

Selectman Delaney **made a motion** to adjourn at 8:16 pm. Selectman Guptill **seconded**. The **motion passed** with all in favor. The next meeting was scheduled for Thursday, February 2, 2023 at 5 pm.

Respectfully Submitted,

Lisa Meier & Kimberley Edelmann  
Recording Secretaries

These minutes were approved at the  
Select Board meeting on February 8, 2023.