

**Town of Litchfield**  
**Select Board Meeting Minutes**  
**November 25, 2024**

**1.0 Convenes 6:30 P.M.; Pledge to Flag; Selectmen and Guests present**

Selectmen: Gary Parker, Chairman; Clarence Gowell III (identified as Rick in these minutes) (late); Scott Weeks.

Staff: Kelly Weissenfels, Town Manager; Michael Sherman, Fire Chief; Larry Nadeau, Road Comm. (absent); John Upham, Transfer Station Manager (absent); Tom Wood, Chm. Budget Comm.; Steve Ochmanski, Code Enforcement Officer; and others per the sign in sheet.

**2.0 Minutes of November 12, 2024**

There was a motion made by Scott to approve the minutes from November 12, 2024. This was seconded by Gary, vote 2-0 (1 absent).

**3.0 Reports and Correspondence**

**3.1 Town Manager**

A. Kelly started off by displaying a large fragment of Sodalite that Mark and Vicki Russell found at a rock shop and donated to the Town. Kelly will look for an appropriate display case.

B. The American Legion Post that has resided in Litchfield has been weighing options to replace their building. They have decided the best way to do that is to sell the land that they have in Litchfield and move to donated land in West Gardiner. The Legion will continue to support Litchfield activities as they have in the past.

C. Jill Bouchard has stepped down from the RSU4 School Board. There are 7 months left in her term, which was up in June. Kelly will be spreading the word via the Sodalite and social media to let people know that a position is open. Kelly said he has received a letter of interest from Vicki Russell.

D. The Superintendent will be retiring at the end of this school year, she has spent 39 years in education. Kelly pointed out whomever is appointed to the board will be part of choosing the next superintendent.

E. Kelly clarified, since a comment at a previous meeting may have made the opposite impression, that the Sportsmen's Club has been giving a substantial discount for the use of the building during the elections over the years. After looking back, Kelly noted that the discount offered over the years would more than pay for the generator connection that has been installed at the Sportsman's Club, by the town. He explained that though the original plan was to remove and keep the \$900 connector as part of

EMA equipment, that it was appropriate to leave it with the club in recognition of the consideration given to the town through the years.

F. There have been several improvements to Dennis Hill Road in the recent past. One of which was ditching that has led to an issue regarding a personally owned culvert connecting to one of the town owned culverts. It was originally decided that a catch basin would be installed to aid in ease of unclogging. However, there was a miscommunication regarding which type of catch basin would be used, open vs closed. The landowner is concerned about safety with the area being open. Per Kelly, they were not happy with the town's response time on solutions, and contacted the County Commissioner. Kelly will research options and costs.

G. Following up on the parking lot guardrails, Kelly has heard back from MMA. Per Kelly they are quite happy with what they saw. Also, as a follow-up to previous meeting question about material options for the deck, MMA also noted they do not look at lumber or composite any differently from a liability standpoint.

H. Fuel Depot needs to be brought up to code. Kelly has contacted the Fire Marshall's above ground tank inspector, as well as contractors to make the determine what is changes are necessary. Scott asked how this came about. Kelly explained the Fire Marshall's office had a code review for above ground tanks and the long-established state inspector retired at the same time our project was being built. The short answer is that interpretation of the codes changed. Kelly is working on getting an engineered plan costed and should have options to present by the next Select Board meeting. Part of this project will be removal of the underground tanks that the new Fuel Depot replaced.

I. Kelly provided a status on the Department of Labor's findings from this past summer's inspection of Public Works and the Transfer Station. The final report arrived on November 1<sup>st</sup>, just before elections, and corrections are due by December 2, 2024. Gary asked if there was anything major noted on the inspection notes. Kelly said that there had not been a documented safety program for Public Works for many years, so there were significant findings. Kelly offered to provide the reports to the members of the Select Board. Also, it was noted that findings noted as "serious" have an associated fine of \$700.00 each, but there is a potential for reduction if the town provides corrections that go "above and beyond." There were 3 serious findings for Public Works, and 1 at the Transfer station, each regarding undocumented training. Kelly has kept an election assistant on as a part-time assistant, and she is tasked with creation of a comprehensive safety program for the town. There are multiple resources to pull from, including MMA's Online university.

J. The RSU4 Withdrawal Investigation Committee will meet Tuesday, December 3, 2024, to discuss and review the report and summery that has been drafted. Kelly believes it will be finalized at this meeting.

K. State Representative Randall Greenwood, per request, was in attendance. He was asked to come and discuss a few topics, including providing for County taxes to be broken into instalments vs the currently single payment at the beginning of the year.

Rep. Greenwood said that many counties already interpret the statute differently and do allow for instalments. For example, Androscoggin County has a four-instalment program. He suggested reaching out to the County Commissioners and ask to have the current program changed. This was discussed with more questions for Rep.

Greenwood. He listened to the concerns of the Selectboard members and is willing to put in the request to change the bill. He has requested that someone from the Selectboard or the Town Manager show up to testify on the day of the hearing. Gary volunteered to do so and will sit down with Kelly to come up with how they would like to see the payments laid out.

Personal property tax was another topic. Gary started off by explaining his issue with personal property taxes. Rep. Greenwood agreed with Gary that there are major implications to not paying personal property taxes. He discussed why and gave CMP as an example of the state's largest personal property taxpayers. Gary is concerned that the tax applies to individuals' personal property. Rep Greenwood said he would check the statute, but he believes it refers to commercial enterprise. Rep Greenwood would be willing to put in a bill to eliminate personal property tax, however Gary isn't certain he wants to go that far at this time as that will NOT pass. Kelly doesn't believe that the statute allows for towns to set a minimum valuation, and doesn't believe it allows for towns to do anything (to tailor implementation). Scott would like to see Rep Greenwood look at the town attorney's opinion regarding personal liability of the Select Board personal property tax and then do some research of his own. Scott doesn't agree with the legal counsel's opinion. The end of December is the deadline for any bills that the representatives want to be discussed. That would be the last opportunity to put a bill into the process without it first going to a committee.

RSUs were discussed next. Gary asked if Rep Greenwood would also investigate helping to ease the process of extricating from the RSU for all, not just Litchfield. Rep. Greenwood reminded the Selectboard members that he has gone over the step by step process a few years ago. Gary voiced his opinion regarding the step-by-step process and how it's not easily obtained, followed and maintained. Scott also agreed that it's far too complicated. Rep. Greenwood believes the step by step was put in place so that the towns have a plan in place to be sure that the kids will be cared for.

L. Friends of Cobbossee have been communicating with Kelly. He reports that there will be some restructuring as the funds they have are not enough to continue to provide all the services that they have provided in the past. Moving forward they will be dropping education programs so that they can focus on mitigating the invasive species.

### 3.2 Code Officer/Plumbing Inspector

A. Steve presented his building permit report to the board which was reviewed and discussed briefly.

B. Per Steve, the junkyard enforcement on Hallowell Road is now completed as they are complying. There were two vehicles removed and one other registered.

C. The boat has been removed from the side of the Whippoorwill Road per a resident. However, the motor was left behind and is still there.

### 3.3 Road Commissioner

A. Larry was off for the day but will be monitoring the weather for coming storms.

B. The town crew is now down a person after a member felt the need to step down. He traded a decrease in pay for an increase in overtime hours and shorter commute. He did report in his exit interview that he enjoyed working for the town. The position will be advertised.

### 3.4 Fire & Rescue

A. Chief Sherman has appointed a new Deputy Chief Anthony Sidario Sr., who experience as Fire Chief at the Town of Wales.

B. There are four applicants pending interview(s). Two of the applicants live a significant distance from town, so that will be taken into consideration. Background checks have been completed and all came back clear.

C. There has been a heating issue in the garage bay that a technician working on during the meeting.

D. Tom reminded the Select board that they forgot to ask Rep. Greenwood about who is to get billed when there is an accident on the Turnpike. He and Chief Sherman will be reaching out to Rep. Greenwood about this.

### 3.5 Emergency Mgmt.

Nothing new to report.

### 3.6 Assessing Agent

A. Ellery was in the office Thursday after the workshop, to provide the abatements / etc. that will be reviewed later in the meeting.

### 3.7 Transfer Station

A. The upgrades to the Transfer Station continue to move forward. The concrete pads that will eventually be the “garage and workshop” will likely be completed in the spring.

B. Scott said he had reached his contact, Brandon Soppa. He asked him to stop at the Transfer Station to look at the brush pile in hope he can find a solution to remove the pile.

C. Gary asked what will be happening with the waste oil. Kelly let him know the new pads and building will house the waste oil (and then they will be able to remove the old building). Per Kelly they are currently in compliance.

### 3.8 Other Town Committees

## **4.0 Scheduled Business**

### 4.1 Recreation Committee report

Andrew Moore, the Recreation Committee Treasurer, gave his report to the Selectboard. He would like to get the members more information regarding participation, as well as the budget, including donations, etc.

The Recreation Committee would like to request some of the remaining funds from the ARPA (America Recovery Plan Act). He has a quote from Buzzy's Landscaping.

Scott asked what the enrollment was for Fall sports this year. Mr More reported there were around 100 people. He said there is enrollment competition with travel teams and those teams are getting many kids that would have come to local programs.

There was a question about an ice-skating rink would be created (there was one years ago). There was a question regarding the Town's liability.

Fundraising will be an area they will start looking at to help with maintaining the baseball season and its needs. Tom reviewed the budget committee's role to help the Recreation committee with budget season.

#### 4.2 Town Office structural repair and deck bid options final

Kelly reports that the repairs are on schedule, the plan is to get started the during the end of the second week of December. The basement door will be replaced first so there will be an entry to the office. During this time Kelly will be sure that all who need to access the Town Office can. If residents are not comfortable with stairs, there is an option for a curbside meeting. However, Kelly is asking folks to wait if they are able. If residents do not need assistance immediately and can't climb stairs, please wait to come in when the repairs are done. Gary pointed out that the whole deck does not have to be completely removed for the full two-week time frame. They can remove a portion of it do the repairs and then focus on the deck last so residents can access the Town Office as long as possible. Kelly will inform Gary when the review of the job is done so he can be present.

Kelly then reviewed the options for repair. Per Kelly the primary concern is composite vs non-composite. The Town's insurance agent got back to Kelly with a report that they really do not see a difference in claims with composite vs non-composite. Scott asked if Elwell Construction is insured for the commercial work that is being done. Kelly needs to investigate this; he wasn't aware there was a difference in coverage for personal vs commercial.

Per Gary the question that needs to be answered is does the Selectboard want to spend \$6,000.00 over the original budget of \$40,000.00. Also, as a reminder the structural repairs could end up costing more as well. In Gary's opinion the composite is the best choice.

There was a motion made by Scott to accept the quote from C. Elwell Construction for \$45,775.00 to replace the front deck, skirting and substructures as needed. This was seconded by Rick.

\*\*Motion was amended to add "pending appropriate insurance approval"

The next step was to approve the payment of the overage cost from an account. Gary believes there should be enough in contingency to cover the overage, the exact location the funds will come from will be decided when the job is completed, and they have the official bottom line.

Vote 3-0.

#### 4.3 Personal property tax workshop review

There was a Personal Property Tax Workshop held on November 19, 2024. Gary wanted to remind all that in a workshop you can't make any final decisions, and he is aware of that. There was confusion about one of his suggestions of putting together a committee to investigate the Town's personal property tax rules. He then asked for the other member's opinions regarding the Town's personal property tax rules or current lack thereof.

Scott would like to get clarification from Rep. Greenwood. Kelly will make sure he gets more information from MMA and Rep. Greenwood regarding whether there can be a threshold valuation set by the town. Also, Gary would like clarification whether the tax is on ALL personal property or strictly business personal property.

The topic will be tabled for another meeting, as there is more information to be gathered.

Tom volunteered himself and the budget committee to do some of the research on how the statute reads.

#### 4.4 Abatement for R02-078B-1, Alan Plummer, \$342.00 (TY 2024)

There was a motion made by Scott to approve abatement for R02-078B-1, Alan Plummer, \$342.00 (TY2024). This was seconded by Rick, vote 3-0.

#### 4.5 Abatement for R02-076B-1, Alan Plummer, \$324.00 (TY 2023)

There was a motion made by Scott to approve abatement for R02-076B-1, Alan Plummer, \$324.00 (TY 2023). This was seconded by Rick, vote 3-0.

#### 4.6 Abatement for U21-027, Donald Cressey et al, \$19.95

There was a motion made by Scott to approve abatement for U21-027, Donald Cressey et al, \$19.95. This was seconded by Rick, vote 3-0.

#### 4.7 Supplement for R13-018B, Dan & Paige Stanley Jr., \$2,821.50

There was a motion made by Scott to approve supplement for R13-018B, Dan & Paige Stanley Jr., \$2,821.50. This was seconded by Rick, vote 3-0.

#### 4.8 Supplement for U21-027A, Kevin Gowell, \$89.78

There was a motion made by Scott to approve supplement for U21-027A, Kevin Gowell, \$89.78. This was seconded by Rick, vote 3-0.

#### 4.9 Supplement for R11-013A, Tycen Hill, \$389.52. Per Kelly this is the 1<sup>st</sup> of 5 annual payments.

There was a motion made by Scott to approve supplement for R11-013A, Tycen Hill, \$389.52 which is the first of 5 annual payments. This was seconded by Rick, vote 3-0.

### **5.0 Unscheduled Business**

5.1

### **6.0 Appointments/Resignations**

6.1



## **7.0 Warrants**

7.1 Town Warrant #10 \$ 93,436.42

There was a motion made by Scott to approve town warrant #10 in the amount of \$93,436.42. This was seconded by Rick, vote 3-0.

7.2 Town Payroll #10 \$35,087.92

There was a motion made by Scott to approve town payroll in the amount of \$35,087.92. This was seconded by Rick, vote 3-0.

## **8.0 Selectmen/Public Discussion/ Communication**

8.1 During the opening of the meeting Katie Slattery-Seaman asked about the minutes being posted online. Kelly let her know it had been a lower priority but would work to get better at maintaining the website with up-to-date minutes. Also, he wanted all to know that they can reach out to him at any time if they notice something is missing from the website.

8.2 Gary wanted to talk about his concerns and/or questions from the minutes of the last meeting.

8.2.A Family Medical Leave: the decision of whether the town will be paying the 1% increase fully or splitting this with the employees needs to be on an agenda so a decision and motion can be made. Kelly will add this to the next agenda.

8.2.B The boats on Lunts Hill Road, Gary would like to know if there has been any progress made with this and if measurements have been taken to be able to 100% prove that the boats are in fact in the Town's right of way. Kelly will reach out to the town's legal counsel about the property and removing the boats and what legally can be done.

8.2.C What progress has been made with legal counsel and the Lahey property? Per Kelly, the Town's legal counsel is waiting on Lahey's to come forward with a proposal for rectifying the problems on their property. Kelly will get a status.

8.2.D As previously discussed, the brush pile at the Transfer Station will be looked at by Scott's contact in the coming weeks. Also, John Upham is to speak with the person that usually takes care of the brush pile to take a closer look at the job.

8.2.E Kelly will be setting up a meeting for the RSU4 investigatory withdrawal committee to give their report.

8.3 Scott asked who made the decision to change the name of the Purgatory Fire Station. Since it used to be the Walter Red Cook Fire Station, which has now been changed to the Purgatory Fire Station. This will be investigated. Perhaps there should be a policy moving forward before signage within the town gets changed.

## **9.0 Future Agenda Items**

9.1 Tax Increment Finance (TIF) Program

**10.0 Adjournment** at 8:47 pm

Respectfully submitted by Angela Parker