

**Town of Litchfield  
Selectboard Meeting Agenda  
April 1, 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); Scott Weeks.

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

**2.0 Minutes of March 11, 2024**

There was a motion made by Scott to approve the minutes from March 11, 2024. This was seconded by Gary, vote 2-0 (Rick abstained)

**3.0 Reports and Correspondence**

**3.1 Town Manager**

A. Kelly reports there are now weekly meetings with FEMA regarding the damage from the December storm as there is a 60-day window to identify damage to municipal properties. He will be keeping all updated on the status of the plans moving forward.

B. FY23 Audit is in the final stages, most of the work is in the hands of the auditors currently and Kelly can't provide a completion date. However, he believes the work will be done soon.

C. RSU4 gave a presentation after the last school board meeting. Kelly attended and provided a brief update. Regarding the additional local formula, the town of Sabattus is catching up to Litchfield (their student population and valuation numbers are both increasing faster than Litchfield's so Sabattus contribution percentage is increasing). Overall, RSU4 reworking the budget with a 7% increase as their target. This is based on guidance from the most recent schoolboard meeting where at the budget as discussed would lead to an 11% increase.

D. In anticipation of the coming winter storm Kelly noted that the Town Office will likely be closed Thursday of this coming week.

**3.2 Code Officer/Plumbing Inspector**

A. Per Kelly, Steve will attend the April 8<sup>th</sup> meeting with his report of the March permits. There is nothing significant to report otherwise.

**3.3 Road Commissioner**

A. Tree cutting has commenced on Dennis Hill Road, Larry reports there has been quite a bit done so far. There has been a favorable response to the proactive steps the town and team have taken to inform the residents of the road about the steps being taken to improve the road.

B. There is another storm coming which is going to slow the process for the road crew in all aspects of their work. Larry polled the Select Board to see if they think the "road posted" signs should be removed or not. There is no frost left in the roads, however there is the storm still to come. The board indicated it makes sense to wait a week until the storm has passed.

C. Larry will be out of the office next week, when he returns the posted signs will be one of the first things he evaluates, they likely will be removed then.

D. Larry lastly reports there is an update on guardrails as he was contacted by Superior Construction Services. They stated they can do the 300 feet of railing for \$14,000.00 and would have time soon in their Spring line up. The roads needing the railings are Buker Road and Dead River Road, however, this isn't in the current budget.

E. If this storm pans out to be what they are predicting it will be wet heavy snow, and the crew will be one man short. Everyone needs to take their time getting where they are going and show down.

F. Kelly brought up Gustin Road Bridge construction and asked Larry to give an update. Larry expects bridge delivery not earlier than the middle of April due to the storms and need for the ground to dry out.

#### 3.4 Fire & Rescue

A. Chief Sherman gave an update on Engine 65. The frame replacement and getting the truck back together is nearly complete. They are on track for the return date. He will be headed down to pick the truck up April 13<sup>th</sup> barring any major issues. The company doing the repairs runs the truck for a good 50-60 miles to be sure all is in working order before giving the truck back.

B. After many years of fundraising the fire association has purchased a boat which will be gifted to the fire department. This will be very useful in town. The association raised roughly \$15,000.00 for the boat, which is a zodiac type boat that a 3 – 4-man crew can carry down and launch into the water without the need of a boat launch.

#### 3.5 Emergency Mgmt.

A. Nothing new to report.

#### 3.6 Assessing Agent

A. Ellory was in attendance during this meeting, discussion was saved for scheduled business.

#### 3.7 Transfer Station

A. Planning has continued for the attendant building.

B. Per Kelly there was nothing unexpected this week, and no bins needing to be emptied.

C. The Transfer Station will likely be closed Friday for snow removal/clean up after the impending storm.

#### 3.8 Other Town Committees

### **4.0 Scheduled Business (4.5 taken out of order)**

4.1 Discuss assessing options for adjusting property valuations – RJD Appraisal (Rob Duplisea, Ellery Bane)

Ellery started the conversation off with an explanation of the history of the evaluations as well as why the process is what it is. There was time for discussion and questions. Also, Rob went over what his idea is for the road ahead. He will be getting a quote together for Kelly to present to the Select Board regarding the cost of doing a full valuation of the full town of Litchfield all at once. There again was time for discussion and questions. Ellery and Rob will be back to discuss further if needed.

4.2 Review Transfer Station attendants building purchase request.

Kelly wanted to bring this to the Select Board's attention to be sure he was following the correct protocol(s). Kelly let the Select Board know they have been able to find a building/shed that will work great for the staff to move into as an office space. There also will be two Conex Boxes that will be placed within the current footprint of the Transfer Station. These will be covered with a shared roof as well as a back wall and a door on the front. This will provide a garage for the tractor as well as a workshop and storage for the Transfer Station and crew. It was noted that this solution solves the problem of the inability over the past two years to get a contractor to commit to building a permanent facility. The board agreed

that the requirement for due diligence had been met in finding the prefab building vendor as several vendors had been contacted and only one was able to provide a fully finished solution.

There was a motion made by Rick to accept New England Rent to Own's quote of 25,302.99. This was seconded by Scott, vote 3-0.

#### 4.3 Review Roads budget

Per Toby the previous budgetary outline given in January of 2024 contained an overstated estimate of the remaining maintenance funds. A new outline has been drafted after the new number was provided. There is roughly \$300,000.00 less than previously stated. The plan is still to complete Gustin Road bridge as well as getting Dennis Hill Road. Dennis Hill Road reconstruction will save the final wear surface until next season (similar to how Pine Tree Road has been done). Toby went through the rest of the plan for this season and spoke of the issues starting next season. There was time for questions and comments. Rick wants to make sure that we are still looking ahead at the big picture for maintenance moving forward. There needs to be a plan for budgeting for all the projects that used to get pushed off that we are now trying to catch up to. Larry added that they would like to have the equipment needed to do the projects and keep the maintenance budget at a simplified cost. According to Larry after this year everything for the road budget should be all for maintenance, except "special projects" such as a project like Gustin Road.

#### 4.4 Review Recreation Committee Budget

Vicki Russell handed out a job description for a Recreation Director as well as the budgetary request that the Recreation Board had put together. The budget calls for \$10,500 for a rec director; \$10,000 for field maintenance (mowing); and \$1,000 for supplies.

#### 4.5 Review letter to Senator and staff regarding OSHA regulation (Please see attached letter).

This is a topic to be followed, there will be an ongoing conversation and evaluation of a plan moving forward. Chief Sherman has spent a lot of time reviewing the numerous 600 page proposed OSHA update of the Fire Brigade regulation that OSHA is forcing implementation of by June of 2024.

There was a lengthy discussion had throughout the room with thoughts, suggestions and a review of a letter that will be sent to elected officials to try and get them to push back on our behalf, specifically to request more time. Chief Sherman gave an overview again of how the Litchfield department runs and how they have higher standards than the average volunteer department. Time was given for questions and comments on this issue.

Some of the major concerns are:

- \*The time allowed to review the document and make public comment is not adequate.
- \*Time frame requirements to get programs in line with the proposed regulations are not realistic.
- \*The amount of time needed to get rural firefighters trained as though they live in a large city such as NYC is also not realistic as most of the volunteers have full time jobs that they volunteer around.
- \*Physical and mental health screenings for all volunteers, regardless of assigned duties.
- \*Regionalization a possible consequence- If Litchfield closes due to inability to comply, then your fire department will be much further away, increasing response times. And homeowner's insurance premiums will change drastically.
- \*The cost of running a non-volunteer department is astronomical.

There was a motion made by Rick to adopt the letters as a resolution of the Select Board to be signed and sent out. This was seconded by Scott, vote 3-0.

#### 4.6 Request for funds for consultant – Ad Hoc RSU4 Withdrawal Investigation Committee

Tom, via Zoom, said the committee has identified two possible consultants, and would set up interviews. He requested funds for a stipend to pay mileage for one of the consultants who is not local to attend the interview.

There was a motion made by Gary to give the authority for a \$200.00 stipend to come from contingency for the travel fee associated with a consultant to come help the RSU4 Ad Hoc committee. This was seconded by Scott, vote 3-0. The Committee will be meeting tomorrow night to discuss this further and get the ball rolling.

4.7 Review Mowing Contracts to put out for bid.

These were handed out previously but there has been a slight adjustment of an option to renew the contract annually. Kelly would like to get this settled by next meeting (April 8, 2024) so the bids could be received on April 22, 2024.

4.8 Review Road Ordinance

Kelly handed the draft ordinances out for review and would like to get any comments and corrections by the next meeting. Scott gave his suggestions for alterations and there was time for discussion and other questions. A public hearing was recommended for April 22, 2024 at the Select Board meeting. Kelly and Larry will make sure they are happy with what the ordinance says, and the Select Board will review it at the next meeting to approve it for the public hearing.

4.9 Abate R03-001-ON-2, Susan Bryer, \$139.05 (incorrect year on mobile home)

There was a motion made by Scott to approve the abatement for R03-001-ON-2 for Susan Bryer in the amount of \$139.05. This was seconded by Rick, vote 3-0.

4.10 Municipal Quitclaim Deed for 44 N. Greenleaf, Morris Greenleaf (taxes paid, property sold)

There was a motion made by Scott to approve the Municipal Quitclaim Deed for 44 N. Greenleaf, Morris Greenleaf. This was seconded by Rick, vote 3-0.

4.11 Waive Transfer Station land use permit fee (attendant building and waste oil)

Kelly explained that the town is not exempted from land use permits, but the fee may be waived.

There was a motion made by Scott to waive the Transfer Station land use permit fee. This was seconded by Rick, vote 3-0.

## **5.0 Unscheduled Business**

5.1 Scott wanted to go over the trash removal contact. The Select Board members discussed, and Kelly made notes. This will be discussed at a later meeting.

## **6.0 Appointments/Resignations**

6.1 Appoint Dave Wilson to Ad Hoc RSU4 Withdrawal Investigation Committee

There was a motion made by Scott to appoint Dave Wilson to the Ad Hoc RSU4 Withdrawal Investigation Committee. This was seconded by Rick, vote 3-0.

## **7.0 Warrants**

7.1 Town Warrant #27 \$ 123,756.35

There was a motion made by Scott to approve Town Warrant #27 in the amount of \$123,756.35. This was seconded by Rick, vote 3-0.

7.2 Town Payroll #19 \$ 33,070.57

There was a motion made by Scott to approve Town Payroll #19 in the amount of \$33,070.57. This was seconded by Rick, vote 3-0.

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

8.1 Budget Workshop scheduled for Monday April 8, 2024, at 7am.

8.2 Our registrar has recommended a new voting station (four booths in a foldable circular configuration) that would make set up easier and allow for an increase in booths in anticipation of voter registration reaching 3000. Four booths are required per 1000 registered voters and the 12 booths we have now are aging. The plan is to purchase 1 new station in FY24, then 2 more in FY25 and a final one in FY26.

## **9.0 Future Agenda Items**

9.1

## **10.0 Adjournment at 9:00pm**

Respectfully submitted by Angela Parker

## EXAMPLE LETTERS TO ELECTED OFFICIALS REGARDING THE OSHA PROPOSED REGULATION OF FIRST RESPONDERS

April 4, 2024

U.S. Senator Angus S. King, Jr.  
40 Western Avenue  
E.S. Muskie Federal Building  
Room 412  
Augusta, ME 04330

Dear Senator King:

OSHA has not substantially changed the First Responder Rules for Fire and Emergency Service providers since 1980.

They have now just published a set of draft rules that is more than 600 pages long and spells out explicitly in the rule itself as well as by including other rules by reference that contains more than 1500 “shall and must” standards.

Volunteer Fire Departments especially have not been given nearly enough time, first to even find out that new rules are being published, let alone enough time to examine the draft to understand exactly what the draft requires.

Meaningful examination is simply not possible within the severely limited time period for public comment, let alone making knowledgeable responses.

It has taken OSHA 44 years to develop this new set of rules and for them to deliberately provide a comment period that is an unmanageable relative “instant” is simply unacceptable. Word has just seeped out that OSHA has extended the comment period by 45 days. A 90-day extension would barely give the hundreds of volunteer departments time to fairly respond, 45 additional days is nothing short of an insult.

We need your good offices to intervene in the OSHA process to grant at least an additional 90 days in the comment period.

Ask yourself, what is the good that can come out of forcing rushed analysis on the part of the affected community and inviting great resentment and chaos in all the rural communities Statewide and nationwide?

I fear that the volunteers we cherish and depend upon will simply decide that it is no longer possible to put themselves at risk on behalf of their communities only to be threatened with fines and sanctions by the Federal Government. We struggle now with finding enough volunteers for the department to remain viable. What will we do if OSHA scares away the ones we already have?

A little time to do a proper analysis is all that we ask.

April 4, 2024

Scott F. Wilkerson  
Regional Representative  
Office of U.S. Senator Angus S. King, Jr.  
Kennebec, Lincoln, Sagadahoc Counties  
Edmund S. Muskie Federal Building  
Augusta, ME 04330

Dear Scott:

Thank you for your timely response to my query concerning the OSHA draft emergency response rule.

As you have probably discerned, there are many in the rural fire and emergency response community that are digging heavily into the draft rule. A brief outline of the preliminary analysis is as follows:

There are a vast number of requirements, standards and certifications that are explicit, implicit and/or included by reference in the document. The NFPA standards included by reference have, according to some who have taken the time to look, as many as 1500 'shall' and 'must' provisions within them. These 1500 shalls and musts would need to be implemented as well by each department.

Each taken individually seems to be appropriate and reasonable to protect the health and safety of emergency responders. Taken collectively, the rule, at initial examination, seems to be a comprehensive program for health and safety.

At this level of analysis, the requirements when viewed from the perspective of volunteer services fall into four categories:

1. Requirements, standards, and certifications that volunteer departments already meet or comply with or exceed.
2. Requirements, standards, and certifications that the departments are currently engaged in actions to meet or exceed in the near future (12 to 24 months).
3. Requirements, standards, and certifications that volunteer departments are not currently pursuing due to staffing levels, lack of funding for training or where training is not reasonably available to volunteers. These requirements, standards, and certifications

could possibly be reached should some moderate level of funding and where such training would be made available to volunteers that work full time outside the departments. This necessarily includes availability of training, timing of training that would accommodate full time workers who volunteer, and implemented over a time period that is reasonable to allow sufficient numbers to complete requirements. Should the current draft rule be implemented there will be a sudden rush for all volunteer departments to train up the requisite personnel in time to meet rule deadlines.

4. Requirements, standards, and certifications that volunteer departments are unlikely to be able to meet given their current volunteer structure. Some of the requirements, standards, and certifications simply cannot be met with volunteers. Paid professional staffing would be required.

This gives rise to several major concerns:

1. Many, if not most of the volunteer departments constantly struggle to keep a sufficient number of volunteers engaged to maintain activities at the current level of requirements, standards, and certifications. It is feared that a sudden increase in requirements would make it even more difficult to recruit new members and would cause current members to withdraw due to the additional commitments. In some cases, departments would go out of business due to lack of certified / trained staff.
2. Departments where most or all of the volunteers work at full time jobs – in many cases outside of the community protected by the department of which they are a member – would suffer because the staff simply cannot meet the additional time away from jobs and family commitments to take on multiple new training requirements in a reasonable time frame.
3. Some of the requirements, standards, and certifications would require training from sources outside of the departments themselves. Internal training (such as basic firefighting, based in NFPA and approved by Maine’s Bureau of Labor Standards for years), even training contracted from outside sources would no longer be enough under

the new rule. All initial training (i.e., the training required by this proposed rule before a firefighter could work in an assigned task, commonly Fire I & II, Officer I & II, etc.) would need to shift to official outside sources that today cannot meet the reasonable demands of the existing programs. If there is a shift to outside specified sources that cannot meet the demand now, how can those select sources meet what will be a huge sudden demand after this rule is implemented? What is to be done to ensure that training / certification agencies will be able to meet the demand? Failing to receive the training and gain the certifications in a timetable set into rule would simply put departments out of compliance, and in effect, out of business. What would the served communities do instead?

4. What would the costs of training and compliance be? How would such costs be met? How will the training / certification agencies' expansions be funded in anticipation of the increased demand?
5. How can departments change to meet demands where volunteers are no longer sufficient to meet the standards? Will there be a demand for partial full-time professional staffing augmented by volunteers? A shift to all professional staffing?
  - a. Volunteer departments are more like families than places where paid workers work. There is a hard-won cohesion that is constantly nurtured and where individuals strive to gain, refine, and keep the skills necessary both to serve the community but also to protect the volunteer "family," to make sure that they have their fellow volunteer's back.
  - b. Where there is a mix of paid 'professional' staff and volunteer staff there always develops an "us and them" dynamic. To overcome that real tendency takes superior leadership as well as serious work and intent on the part of leadership and all parties. It is an exceedingly difficult and serious balancing act.
    - i. One only need to look to the relationships between the State Police, County Police, and local Police. The State Police always look down on and frequently disrespect the County and Local Police, the County Police look down on and disrespect the Local Police, the paid fire departments look down on and disrespect the volunteer departments, and so on.
    - ii. To build a whole new blended family of paid professionals and volunteer professionals is a daunting task and sometimes takes a generation to accomplish if it ever can be accomplished.
    - iii. To force a change to professional paid or a mix of professional paid and professional volunteers is to force a cultural change that these draft rules simply do not take into account.

6. Time, in and of itself, is meaningless; timing is everything. Some who have analyzed this rule indicate an implementation period of 16 – 24 months once the final rule is drafted after public comment closes. This period was last week extended 45 days and now closes on June 21, 2024, with OSHA's final rule to follow.
  - a. To set in motion serious changes without a reasonable accommodation of time to implement the changes (changes in training, changes in financing, changes in structure, changes in culture) will first cause communities and departments to fear a disaster. That fear will quickly turn to anger. And anger will lead to unacceptable consequences. Volunteers will simply quit. Recruitment will falter. Communities will be up in arms about their safety and well-being in the face of reduced first responders. Training will be swamped and teeter on the edge of failure. Costs will go up. There will be a huge lag in the supply of qualified professionals to meet the new demand (Many communities with paid professionals cannot find candidates today, under current conditions – where will this new population come from? When?).
  - b. The draft rules are long on standards and extremely short on implementation tactics and strategies.
  - c. Unless and until the implementation reality is recognized and dealt with, most of the good intention to ensure the safety and protection of first responders across most of rural Maine and across rural America will fail in implementation and result in placing more communities at risk.
  - d. The reputation of OSHA is at risk here, but when the high tide storm tears away the shore infrastructure; when the rains flood the rivers and roads; when the wind lays down so many trees that you can't get there from here; when the fire destroys the forest, rural/urban interface, and community; when there is a traffic pileup on the highway – and no one shows up – people won't even know OSHA ever had any reputation but a bad one.

So, the question at hand: Is there any assistance that Senator King and his good offices can provide to assist in getting the message through to OSHA? Do we just go it alone?