

**Lebanon, Maine Select Board  
Town Office Conference Room  
Minutes –Meeting  
Thursday, August 12, 2021**



Members Present

Charles Russell, Jr. – Chairman  
Paul Philbrick – Vice Chair  
~~Ernest Lizotte, Jr. – Selectman~~ EXCUSED  
~~Jeffrey Adams – Selectman~~ EXCUSED  
James DuPrie – Selectman

Others Present

Bethany Patstone	Michael Walsworth
Chris Gilpatrick	Becky Batchelder
Mr. Bragdon	Deborah Wilson
Bettie Harris-Howard	James Cray
Mr. & Mrs. Brasko	Mr. & Mrs. Bruedele
Teri Poirier	B. Scott
Aaron Carvalho	Chief Flynn
Lorrie Edwards	

*For complete meeting minutes please view the meeting in full at <https://www.youtube.com/c/TownofLebanon>*

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5:34 Pledge of Allegiance

5:34 Public Participation – a moment of silence for Mary Kinney, Animal Control Officer, who passed away. Michael Wadsworth asked if the public is able to ask questions during the Public Hearings and was advised yes. Mr. Wadsworth asked about another venue for BOS meetings to accommodate the public, discussions with the Town Attorney that the BOS never advises the public of the answers, DOT project on 202/Long Swamp, New Bridge project, LED lighting, definition of Home Rule, what Ordinances are being used for Adult Use, can BOS put moratorium on licensing, why was Chair Russell paid over \$5500 on July 1<sup>st</sup>. Chair Russell answers questions – payment of over \$5500 was almost 1 years' worth of pay that he didn't put in for weekly, can't put moratorium on licensing without a vote of the people, street light project contract signed and CMP stated this would be done in late fall, New Bridge contract was signed – this is NH & ME Dot project with NH leading the way. Having the town attorney available for residents' questions would be too expensive. Home rule can be stricter than state statute but not less strict. DOT project is being considered. Chris Gilpatrick asked that Vice Chair explain that when Mr. Gilpatrick was mowing the cemetery, he never stole money – Vice Chair Philbrick stated that the contract was with the Cemetery Assoc. and the Town. Vice Chair Philbrick stated that the Cemetery Association was very happy with the work, as was the Town and he isn't aware of any stealing of monies. Teri Poirier came in for Public Participation. There is a No Trespass Order against Ms. Poirier and Chair Russell advised her that she is in violation and can't be here. Ms. Poirier refused to leave. 5:50 Chair Russell motioned to adjourn. Selectman DuPrie seconded. Vote taken; vote carried.

6:00 Chair Russell motioned to reconvene. Selectman DuPrie seconded. Vote taken; vote carried.

6:01 Chair Russell motioned to accept the Minutes dated 7-29-2021 as written. Selectman DuPrie seconded. Vote taken; vote carried.

6:01 Paperwork signed – Letter to ME DOT regarding 202 proposed projects, memo to pay credit card bill without receipts from Fire, catering permit, BYOB for private event, Policy on Property Tax, Deed for LOT 132 D2 at Forest Grove Cemetery sold \$2800.00.

6:09 Minors Diner – CANCELLED 508 Higher Education event to be held at 4x4 Mass Gathering – discussion and questions. Permit signed. Eddie B's Junkyard/Recycler – discussion and questions.

Permit signed. Chair Russell motioned to grant Eddie B's Towing a Junkyard Permit. Selectman DuPrie seconded. Vote taken; vote carried.

6:23 Selectman Philbrick motioned to enter into Executive Session for Legal Consultation pursuant to 1 MRSA 405(6)(E). Chair Russell seconded. Vote taken; vote carried.

6:44 Selectman DuPrie motioned to reconvene. Chair Russell seconded. Vote taken; vote carried. Chair Russell discussed Marijuana Ordinances. The vote was for the changes, 2 of the changes to ordinances passed and 1 did not. The BOS will be rolling out the Ordinances now. 1) Adult Use (changes voted down) the only portion of the which one ordinance that will be using the severability clause is the Residency requirement as this was found unconstitutional. Applications will be available on 8/23/21. Registered Caregivers will be available 8-30-2021. Adult use will be Sept. 7. There are preferences given to grandfathered businesses. The 4 grandfathered businesses are Natures Gift, Harvest Goddess, Tier One and Naturally Holistic. Retail will be restricted to 202. Mr. Brasko addresses 2 selectmen being absent. Mr. Brasko asks if there is requirement for attendance – Chair Russell states that there isn't. Bette Harris-Howard asks about Recall Election. Chair Russell states that are going to be addressed.

7:15 Old Business – Chris Gilpatrick asks who the licensed forester is – Chair Russell advises that Mr. Gilpatrick will need to wait for Selectman Lizotte to answer that question. Entire list reviewed. Fred Lapierre addressed the BOS and stated he was the first business on 202 to open. Mr. Bragdon confirms this. Mr. LaPierre advised that a former Code Enforcement Officer shut his business down. He believes illegally and now he would have to go into a lottery to get a town license. He will seek legal advice and a possible law suit. The BOS discussed the solar fees – Vice Chair Philbrick states that the fees must go to town vote – this will need to put on the November Ballot. Vice Chair Philbrick advised that the only road to be paved with this year's budget is Chick Road due to funding.

7:23 Selectman Issues - Selectman DuPrie addressed a resident complaint about checking the transfer station stickers. Chair Russell a resident that missed the date to pay back taxes for property at U10-014. The resident will have the monies to pay the entire bill – Chair Russell would like to give 21 days to pay all fees and costs. Chair Russell motioned to allow the resident of U10-014 to have 21 days from August 13, 2021 to pay taxes all costs in full to retain the property. Selectman DuPrie seconded. Vote taken; vote carried. Vice Chair Philbrick presented a document regarding revamping the payroll for the fire department. Selectman DuPrie questions this and would like to have a conversation with Chief about this. Code Officer, David Salvatore, addressed the BOS about fines for U02-23. Chair Russell motioned to allow Code Enforcement to proceed with the fines to the owners of U02-23. Selectman DuPrie seconded. Vote taken; vote carried. Mr. Salvatore discussed an ongoing issue of Mayflower Lane/Wizard Hut. This issue has been going on for a couple of years. It was between Berwick & Lebanon until it was finally agreed it is a Lebanon property. Mr. Salvatore has been trying to work with the owner for a few months, but it is apparent the owner isn't going to comply. The BOS agrees to proceed with fines, but reduces it to \$1000.00 per day – property R2-32-14C. Selectman DuPrie motioned in regards to R2-32-14C to impose fine of \$1000.00 per day starting August 16, 2021 for violations on record. Chair Russell seconded. Vote taken; vote carried. Fire Chief Flynn is invited to the talk and arrived. Selectman DuPrie discussed the payroll issue for the Fire Department – he has concerns about giving another raise this soon after the last one in July. Selectman DuPrie states that the last raise didn't solve the shortage issue and why do we think this will. Chief Flynn explained that he announced these new increases and it has already brought new employees to the department. Selectman DuPrie agreed to sign the document but states that this would be the last pay increase for this fiscal year. The Chief addressed the recent issues with the Department and social media. Selectman DuPrie addressed the missing credit card receipts – Chief stated that he met with Vice Chair Philbrick and the Treasurer today and he is addressing this. Selectman DuPrie motioned to accept the Fire Department salary changes effective 8/8/2021. Chair Russell seconded. Chair Russell stated that

he wouldn't be in favor of another increase this fiscal year either. Chief advises that the station will be available as a cooling station.

8:05 Vice Chair Philbrick discussed setting a date for the Recall and sending that to the Town Clerk for scheduling. Vice Chair Philbrick states that with 3 selectmen up for recall, there isn't a quorum to vote on the date. The statute allows for the Town Clerk to set this – she has 45 days.

8:06 Good of the Town – the Boy Scouts will be having their mum sale – there is information on Farmfield Greenhouses' website. There will be a Celebration of Life for Mary Kinney at 4x4 Proving Grounds on September 7, 2021 at 10:00 am. Mr. Bragdon asked if the BOS could use a private venue for BOS meetings. Vice Chair Philbrick stated that could be problematic because the files and information are here in the office if needed. Vice Chair Philbrick address the complaints and the investigation per the Ethics Policy. An independent Attorney advised Vice Chair Philbrick that it is clear that the Board Members are designated to do the investigation. The BOS could vote to appointment and independent person – however there isn't a quorum. Vice Chair Philbrick asked if the complainants would accept the Recall as the deciding factor. The two complainants that are present advised they will give their answer next week.

8:20 Vice Chair Philbrick motioned to enter into Executive Session for Personnel Matters pursuant to 1 MRSA 405 (6) (A). Selectman DuPrie seconded. Vote taken; vote carried.

9:00 Chair Russell motioned to adjourn. Selectman DuPrie seconded. Vote taken; vote carried.