

Lebanon, Maine Select Board
Town Office Conference Room
Minutes –Meeting
Thursday, September 23, 2021

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Members Present

Paul Philbrick – Vice Chair
Ernest Lizotte, Jr. – Selectman
Jeffrey Adams – Selectman -
James DuPrie – Selectman

Others Present

David White
Michael Walsworth
Chris Gilpatrick
Matthew Leggett
Corinna Cole
Laura Bragg
Jerry Lanoie
Melissa Warren
Karen Gerrish
Rickie Pelletier
Deborah Wilson
Jeri Basko

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

5:30 Pledge of Allegiance

5:30 Selectman DuPrie motioned to accept the Minutes of 9-16-2021 as written. Selectman Adams seconded. Vote taken; vote carried.

5:31 Paperwork – time off, Memo for paying fire dept. charges with no receipts, catering permit. Document for Auditor bids provided to BOS for review and discussion next week.

5:45 Old Business – List reviewed and additions to the list (attached)

5:46 Individual Selectmen Issues – Selectman DuPrie advised the BOS that Animal Control Officer, Carol Harris paid a veterinarian bill with her personal credit card in the amount of \$700+ and will submit it for reimbursement. This was for a dog rescue of a St. Bernard in the woods that needed to be sedated. Selectman DuPrie discussed a complaint of a business that didn't qualify for a Marijuana License and a letter from the businesses' attorney. Selectman DuPrie would like to get the opinion of the town's council. The BOS agrees to this. Vice Chair Philbrick provided the BOS with the BOS Bylaws (2018) for their review in order to update the document. The bylaw document will be discussed at next weeks meeting. Vice Chair Philbrick, as a point of interest, advised that the tax bills are being printed and should be in the mail next week. Selectman DuPrie discussed the Marijuana Lottery and the Public Notice that was posted last Friday, Sept. 17, 2021. Selectman DuPrie stated there is information on his campaign Facebook page. Vice Chair Philbrick discussed the November 2nd ballot and the need for a Public Hearing. Vice Chair Philbrick recommended Saturday October 9th outside the town office and Saturday October 16th as a rain date. The Public Hearing would be at 10:00am and last approximately 2 hours. The BOS agreed that Richard Nass should be asked to be the moderator. The BOS discussed changing the start of the BOS meetings to 6:00pm. Selectman Adams motioned to change the Board of Selectmen's Meetings to 6:00 pm on Thursday evenings. Selectman DuPrie seconded. Vote taken; vote carried. This will be effective September 30, 2021.

5:50 Selectman DuPrie motioned to recess until 6:00pm. Selectman Adams seconded. Vote taken; vote carried.

6:00 Selectman DuPrie motioned to reconvene. Selectman Adams seconded. Vote taken; vote carried. Vice Chair Philbrick stated that the Agenda Item is for Minors Diner. Selectman Adams motioned to open the Public Hearing for Minors Diner Special Amusement Permit. Selectman DuPrie seconded. Vote taken; vote carried. Public Hearing Open. The BOS reviewed the documents. Selectman DuPrie motioned to accept and sign the Permit for Special Amusement. Selectman Adams seconded.

Discussion – Chris Gilpatrick asked about a possible conflict of interest with Selectman DuPrie and Adams. Mr. Gilpatrick stated that Selectman Adams and his band play at Minor's. Mel Warren stated there is no conflict. Vice Chair Philbrick states that the BOS must decide if there is a conflict. The Board reads the definition of conflict and advises the public that per the definition there is no conflict. Selectman Adams states that he volunteered his time for fundraising. The BOS signs the Permit. Vice Chair Philbrick motioned to close the public hearing Selectman DuPrie seconded. Vote taken; vote carried.

6:10 Public Participation – Matt Leggett asks about contacting MMA regarding election disruptions and the Recall Vote being overturned. Mr. Leggett states that he would ask that the town attorney be contacted if the opinion of MMA is not clear. Mr. Leggett feels there was voter intimidation. Mr. Leggett also advised that he has asked to be put on the agenda for 10/7/2021 to discuss his mowing contract with the Town. Mr. Leggett advised that he mowed the Center Rd/202 intersection the day after he was advised that it was missed. Jerry Lanoie asked about the attorney reviewing the Hebo Hybo easement. Vice Chair Philbrick stated that the attorney needs 2 more weeks as the Town has placed a lot on her recently. Mr. Lanoie asked if the taxpayers are going to be paying the vet bill for rescuing the dog. Vice Chair Philbrick stated that the town will reimburse the Animal Control officer and then bill the dog's owner. Mr. Lanoie asked about a bigger space for selectmen's meeting. Vice Chair Philbrick asked if Mr. Lanoie would like to be on the Committee. Michael Walsworth addressed Matt Leggett's claim about conflicts with his being on the Budget Committee and Planning Board. Mr. Walsworth advises that there is no conflict as he is spending money not gaining any money. Mr. Walsworth has no financial interest as this is an Injunction not a lawsuit. Mr. Walsworth stated that he filed the injunction because he believes it will save the town money if they don't enact unconstitutional ordinances. Mr. Walsworth also advised that the Planning Board has procedures in place to recuse himself and/or they can ask that he recuse himself. Selectman Adams stated that there is a conflict of interest – Mr. Walsworth asked what the conflict is and Selectman Adams stated no comment. Mr. Walsworth asked if he would withdraw the conflict-of-interest claim Selectman Adams stated no comment. Mr. Walsworth stated that various residents had been asking for a letter with the legal opinion of the town attorney that it was ok to proceed with the implementation of the Marijuana License Ordinance. The FOAA Officer advises that there is no letter. Mr. Russell provided a letter stating that it was up to the BOS to proceed with the implementation as a policy to proceed. Mr. Walsworth asks the BOS not to fight the injunction to avoid having to pay out monies received if the town loses in lawsuits from business. If this happens the monies will have to be paid out of the General Fund as the marijuana would have already been spent. Jeri Basko thanked Vice Chair Paul Philbrick for keeping the town running and being up to date in the legalities. Corinna Cole asked about things missing from Old Business items – is the audit complete – Vice Chair Philbrick stated it is (2019). Ms. Cole asked about Bonding - Vice Chair Philbrick stated no. Ms. Cole asked about the Ethics Complaints and Censure of James DuPrie. Vice Chair Philbrick states there is a process and he is waiting for info. Ms. Cole asks about putting the Marijuana Officer Job Description on Old Business. Ms. Cole discussed a complaint and a letter from the Code Officer about a letter she received for Indian Lake Shore and a private beach. Ms. Cole states that the letter asked for all structures to be removed. This included picnic tables, volley ball net, covered trash bins etc. These items have been on the beach for at least 30 years. Ms. Cole would like to know what Code is doing about the Homeless camps in town. Selectman DuPrie advised Ms. Cole to do a FOAA regarding the complaint from Code. Ms. Cole stated she is filing a complaint against the Code Officer because there was no statute cited or a complainant named. Karen Gerrish addressed the BOS – Ms. Gerrish read a letter she prepared. (Attached) Ms. Gerrish states that for months the BOS Meetings accused her of stealing/misappropriating funds. Ms. Gerrish states that the facts are in the Town's Public Records. The funds from 2012/2013 and 2013/2014 was when she was on the BOS with Bob Frizzell and Ben Thompson. The transfer of funds was approved the BOS and transferred by a vote of the Selectmen. The auditor verified that this was appropriate and that many municipalities transfer monies to keep the mil rate down. However, the allegations are solely made

against Ms. Gerrish and she feels this is done as revenge for the filing of the first recall of Mr. Russell. If you would like to see the facts as to these transfers, they are available in the Town Report for 2012/2013 on page 57 and the Town Report for 2013/2014 on page 62.

6:40 Good of the Town – there will be a Fundraiser for Chief Flynn on 10/1 at Fire Station – spaghetti and meatball dinner. There will be two Babe Ruth games the weekend of 9/25 at George Stuart field.

Vice Chair addressed the public about his taking on the role of the Acting Chair for the next month. Vice Chair Philbrick stated that this is a natural progression as the Vice Chair. Vice Chair Philbrick stated that he is considering taking the role on but has to consider many things. Vice Chair Philbrick is very encouraged by the way the meeting went tonight. Acting Chair Philbrick motioned to appoint James Duprie as Acting Vice Chair. Selectman Adams stated that he doesn't want to vote without Selectman Lizotte present. Selectman DuPrie states he would recuse himself.

6:45 Acting Chairman Philbrick motioned to adjourn. Selectman Adams seconded. Vote taken; vote carried.

September 23, 2021

To the Lebanon Board of Selectmen,

For months now I have sat back and watched Lebanon Board of Selectmen meetings where selectmen and members of the public, as well as countless posts on social media accusing me of misappropriating taxpayer funds while I was a selectman during 2011-2014. Relying on social media, misinformed people propagate lies to fit their political agenda. While falsely impugning my character (claiming the transfers were illegal, immoral and even unethical), the misinformed fail to note the historical facts easily ascertainable (if facts matter) in the Town's records:

1. Request for transfers of funds appeared annually on the June municipal ballot, and
2. Both the 2012-2013 and 2013-14 warrants in the town reports show the voters overwhelmingly approved the transfers of unexpended funds. (\$300,000 in this case) to decrease the tax rate. Specifically in 2013 the vote was 849 in favor of the transfer and 110 against. I included a photo directly from the town report of that vote for your convenience.



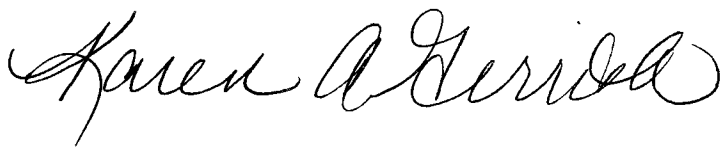
Chairman Bob Frizzell and Selectman Ben Thompson, jointly approved of the transfers. The lies target me. I found that interesting because a single selectman has no authority to do anything by him or herself. It took two of the three selectmen to vote to transfer the funds.

During the 2012-2013 year, I contacted the auditor, RHR SMITH, who indeed verified that many, if not most municipalities make such transfers from the general fund

in an effort to keep property taxes low for their residents, a very common municipal practice.

More importantly, while the focus of the misinformed social media campaign has been directed at me, not the other selectmen who jointly approved the transfers, I recognize the misinformed social media crusaders can only advance their cause by ignoring facts. Facts matter! There is little doubt in my mind the misinformed social media campaign has been directed at me because I had the temerity to challenge Chairman Russell in the first recall. The politics of revenge is cloaked with recklessness and ill-will towards the people they are supposed to serve.

Let me and the people of Lebanon see if facts matter and the Selectmen correct the public record to disavow the information about the alleged misappropriated transfers.

A handwritten signature in cursive script, reading "Karen A. Gerrish". The signature is fluid and elegant, with a large initial 'K' and a distinct 'G' at the end.

Karen A. Gerrish