

Lebanon, Maine Select Board
Town Office Conference Room
Minutes –Meeting
December 16, 2021

Handwritten signatures and initials:
J. S. V.
P.

Members Present

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

Others Present

Michael Walsworth	Corinna Cole
Deborah Wilson	Mel Warren
Allyn Gee	Teri Poirier
Paul Morrisette	Dana Brearley
Tom Cusano	Dorothy Bebin
Jeri Basko	David Salvatore

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

6:04 Pledge of Allegiance

6:05 Selectman DuPrie motioned to accept the Minutes of 12-2-2021 as presented. Selectman Adams seconded. Vote taken; vote carried.

6:05 Paperwork – Letter to Lebanon business that is using the transfer station for commercial waste to stop per ordinance – letter signed. Purchase Order for 3 air cleaners for the town office, documents presented. Selectman DuPrie motioned to accept the purchase orders as presented. Chair Philbrick seconded. Discussion about the product. Vote taken – 2 in favor Philbrick & DuPrie; 1 opposed Adams. Corinna Cole asked about the covid money plan for the town. Chairman Philbrick said that he will address this later in the meeting.

6:17 Public Hearing – discussion about the number of people in attendance. Selectman DuPrie motioned to move to the parking lot, some attendees went into the main office. Selectman DuPrie retracted his motion.

6:20 Selectman DuPrie motioned to enter into Public Hearing for Allyn Gee. Selectman Adams seconded. Vote taken; vote carried. Chair Philbrick advised he will be presiding and read the procedure taken from MMA website. Chair Philbrick stated that the BOS will be using the Marijuana Ordinances that passed on 7-14-2020 and make their decision based on that.

Lebanon Adult Use Business Ordinance – Outline

- Present Application
- Process Per Application
- Meet with the Marijuana Enforcement Officer
- Public Hearing
- BOS action after
- Standard in Ordinance

6:25 Allyn Gee called to the table – Mr. Gee advises the BOS because he started the business. Mr. Gee would like to help adults over 21. He runs his business correctly and follows all the rules. Mr. Gee states that he has two things to complete from the Planning Board but these have been stalled due to COVID. Mr. Gee would like to obtain his license now. Selectman DuPrie states he missing documents from the checklist and advises that there is paperwork that is needed (however Mr. DuPrie knows the documents exist). The documents needed are: 1) proof of age 2) The Planning Boards Fact & Findings 3) Odor Mitigation & Waste Disposal Plan 4) Need food license because you are selling edibles

Selectman DuPrie asked about the green trailer and the mobile home on the foundation. Mr. Gee stated the trailer is being removed tomorrow and the mobile home is being used for storage, security and breaks. Selectman DuPrie would like to make the license contingent that the license will be surrendered if anyone lives in the mobile home. Selectman Adams no questions.

Public – Teri Poirier asked why we don't have the paperwork in our possession, since Selectman DuPrie states he has seen it and knows it exists. David Salvatore, Marijuana Enforcement Officer states he doesn't have it in his files either. Selectman DuPrie states Mr. Gee didn't produce the 3 documents needed. Mr. Gee states he will provide copies tomorrow. Ms. Poirier asks why we are having the Special Election if we are going to grant licenses? Chair Philbrick states that the question is irrelevant to the Public Hearing. Michael Walsworth asks about the 2 items from the planning board and the final plan. Jeri Basko asked if all of Mr. Gee's employees are 21 or over? Mr. Gee states that they are. Ms. Basko asked if Chuck Russell's son was 21 when he began working for Mr. Gee? Mr. Gee states that he was and that the State has all the documents on his employees' proof of age. Mr. Walsworth would like to clarify Selectman DuPrie's past statement that issuing licenses is best for the Town and that not issuing them will cost more money in lawsuits. Selectman DuPrie states we have moved passed that issue. Mr. Walsworth states that there are two letters from Amy Tsao, Town Attorney, that the decision on the marijuana is a policy decision by the Board and not a legal opinion from the Attorney. Mr. Walsworth feels David Salvatore should recuse himself as the Marijuana Enforcement Officer as he is not impartial. Chairman Philbrick states that issue is not relevant to the proceedings. Mr. Walsworth stated that Mr. Salvatore & Selectman Lizotte took marijuana plants from Eric Kelly and that Selectman Adams has undisclosed conflict of interest, which he never declared and they all continue to vote. Selectman DuPrie should abstain regarding giving advice. Mr. Walsworth provides document as part of the record. Mr. Walsworth states that Selectman DuPrie has a Marijuana Page on which he has bullied others with differing views and has 2 Ethics Complaints filed against him. Mr. Walsworth states that they should recuse themselves from voting on Marijuana and if they do not, they are subject to review by a Maine Superior Court Justice. Mel Warren congratulated Mr. Gee on getting here. No more questions.

Chair Philbrick motioned to end the Public Participation portion of the hearing. Selectman DuPrie seconded. Vote taken; vote carried.

Chair Philbrick asked if the BOS should wait until the rest of the information is provided. Discussion regarding waiting for the documents or not. Selectman Adams stated they could give Mr. Gee 90 days to get the documents with no license given at this time. Selectman DuPrie motioned to grant the Adult Use Marijuana Retail Store license to Allyn Gee contingent on 1) Proof of Age 2) Odor Mitigation Plan 3) Gee Trailer removed 4) Site Plan Review fact and findings and contingent upon the mobile home not being used as a residence, if it is, the license will be revoked. Selectman Adams seconded. Chair Philbrick wants to clarify if Selectman DuPrie or Selectman Adams are going to recuse themselves from voting. Both advised they will not. Vote taken; vote carried.

Selectman DuPrie motioned to close the Allyn Gee Public Hearing. Selectman Adams seconded. Vote taken; vote carried.

6:56 Selectman DuPrie motioned to open the Public Hearing for Minors Dairy Bar Adult Use Marijuana Retail Store. Selectman Adams seconded. Vote taken; vote carried. The same Ordinance will be used issuing this license – Lebanon Adult Use Marijuana Business ordinance dated 7/14/2020.

Melissa Warren stated that she is the owner of ECC Retail & Manufacturing and has partners, located at the formerly known Minors Diner. Dana Brearley is a business partner and feels that the checklist is

complete. Selectman DuPrie states that there are multiple licenses or only retail and manufacturing. Selectman DuPrie states that there are no outstanding issues. Ms. Warren discussed the process that a Marijuana business must go through to get a license - State, Code, Site Plan Review and BOS. Ms. Warren is asked about an enclosure around a dumpster? Ms. Warren advises that that is required if she is to obtain a dumpster. Chair Philbrick and Selectman Adams state that the paperwork seems to be in place.

Teri Poirier asked what address is being used and is advised that the address is 1716 Carl Broggi Highway. Mr. Poirier asked about issues being so close to the New Hampshire border. Mr. Brearley state that there are no current regulations surrounding that issue. Ms. Poirier states that Ms. Warren is not an ethical person. Ms. Warren spoke to this. The BOS advised Ms. Poirier that this not relevant to the public hearing. Jeri Basko questions the grandfathering of Ms. Warren's license as it originally belonged to Mr. LaPierre and that may be technically relevant. Selectman DuPrie that that is factually incorrect. Ms. Basko addressed a lawsuit regarding unpaid rent. Selectman Duprie stated that is irrelevant to the public hearing. Michael Walsworth would like to reiterate his claims against Mr. Salvatore, Selectman Lizotte and Selectman DuPrie in regard to licenses and marijuana business and would like a document to be part of the record.

Selectman DuPrie motioned to grant Adult Use Retail and Adult Use large Manufacturing to ECC Retail Lebanon & ECC Lebanon Manufacturing LLC with no conditions. Selectman Adams seconded. Selectman DuPrie motioned to amend the motion with a correction to the name to be ECC Lebanon LLC (no manufacturing in the second license) Selectman Adams seconded. Vote taken; vote carried.

Selectman DuPrie motioned to end the Public Hearings. Selectman Adams seconded. Vote taken; vote carried.

7:20 Chair Philbrick motion to adjourn for a 10-minute recess. Selectman DuPrie seconded. Vote taken; vote carried.

7:30 Selectman DuPrie motioned to reconvene. Selectman Adams seconded. Vote taken; vote carried.

Old Business – entire list reviewed and updated.

7:50 Dorothy Bebis addressed the lighted sign at Air Stream and that it is a distraction. Selectman DuPrie advised Ms. Bebis to contact the State as the BOS doesn't have authority.

7:52 Individual Selectman Issues – Chair Philbrick addressed the mailer being sent out prior to the Public Hearing for the Special Election being held on January 8, 2022. Ms. Poirier advised the BOS that in the past she spoke to Air Stream and they were willing to let us use their space. Selectman DuPrie stated that he believes they wanted a hefty fee. Selectman DuPrie feels the Public Hearing should be January 8, 2022 at the school. If the school isn't available, we could have it at the Town Office. If there are too many people, the meeting could be moved outside. Selectman Adams would like to propose how to spend the COVID funds. Selectman Adams would like to give \$150,000.00 to the American Legion for renovations so that the Town could use the space for meetings, elections and emergency shelter. Mr. Walsworth asks Selectman Adams if he is a member of the American Legion. Selectman Adams states that he is member, but not that particular Legion. Ms. Basko states that there is a chain of custody concern about having elections at the Legion. There was discussion about this topic and the request for more information. Selectman Adams motioned to give \$150,000.00 to the American Legion. Selectman DuPrie would like to see a bid from a General Contractor. NO SECOND.

Selectman Adams would like to give the Fire Department \$100,000.00 to be used for each station, equipment and structures. Selectman DuPrie would like to see a list of what is being done. Selectman Adams would like to give the employees a bonus for working through the pandemic. Selectman Adams would like to give the employees \$2.00 per hour for each hour they worked and \$3.00 an hour for first responders for each hour they worked through the pandemic. Selectman DuPrie would like to know what things are being left out by using all the funds for these issues. For example, expanding the Town Office. Chair Philbrick states that he planned on looking into the COVID monies in January. The Plan must be submitted in April for Federal approval and that gives the BOS some time to get through the Budget Process. Chair Philbrick states there are lots of issues to look at.

8:30 Public Participation – Ms. Basko would like to know when the Budgeting workshops are going to be held. After discussion, January 5, 2022 at 6:00pm at the Town Office was agreed upon. Mr. Walsworth discussed the topic of removing the No Trespass from Mr. Poirier and that it was addressed last week as well. Chairman Philbrick stated that he is waiting for all 4 Selectmen to be present for the vote. Ms. Poirier asks why there need to be 4. Chairman Philbrick stated that he doesn't want it to appear that he is "stacking" the vote, as 2 Selectman have stated their opinion. There was discussion about decorum of meetings and the attacking that happens. Chairman Philbrick states that with the current you vs. us, we are not getting anywhere and the Town loses. Chairman Philbrick states that he can not control the attitudes. Chair Philbrick stated that his goal was to move forward but that is not working. We need to compromise and follow the rules. Chair Philbrick stated maybe he isn't the right guy – Ms. Poirier stated he is the right guy.

8:50 Good of the Town – Discussion about holiday donations and generosity.

8:58 Selectman DuPrie motioned to enter into Executive Session pursuant to 1 MRSA 405(6)(A) for Personnel Matters. Selectman Adams seconded. Vote taken; vote carried.

9:35 Selectman DuPrie motioned to Exit Executive Session. Selectman Adams seconded. Vote taken; vote carried.

9:36 Selectman DuPrie motioned to adjourn. Selectman Adams seconded. Vote taken; vote carried.