

Lebanon, Maine Select Board
Town Office Conference Room
Minutes – Meeting
December 9, 2021



Members Present

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

EXCUSED

Others Present

Michael Walsworth
Laura Bragg
Teri Poirier
Chief Flynn

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

6:00 Pledge of Allegiance

6:01 Selectman DuPrie motioned to accept the Minutes of 11-4-2021 as submitted. Chair Philbrick seconded. Vote taken; vote carried.

6:04 Paperwork signed – Time off request; Request to Transfer Funds from Operating account ending in #4909 to the Marijuana Checking account ending in #3356 in the amount of \$395,282.20. This money is from Marijuana Application Fees from 11/15/21 – 12/6/21. Request to Transfer Funds from Marijuana checking account ending in #3356 to Operating checking account ending in #4909 in the amount of \$26,100.00. This money is from fees refunded to Marijuana Applicants that did not win the lottery. Memorandum of Understanding for one time EMS Shift Stipend of \$840.00, payable on 12/16/21. Letter to local business using the Transfer Station for commercial dumping. The contract for Pope Animal Shelter for 2022-2023. Discussion about the auditor bids – the Treasurer spoke about the one bidder we had RHR Smith & Co. and that the fees are lower than the previous auditor. Chair Philbrick motioned to accept the bid from RHR Smith & Co. for auditing 2020, 2021 and 2022. Selectman Lizotte seconded. Vote taken; vote carried.

6:18 Teri Poirier – discussion of fines imposed on her which she believes were illegal. Selectman DuPrie states that her time to file an appeal has passed and that she owes the monies or she can go to superior court. Ms. Poirier asked the BOS to have the No Trespass order removed. There was discussion by the BOS and Ms. Poirier. Ms. Poirier feels that Selectman DuPrie has a conflict as a Selectman working with the Marijuana Businesses. There was discussion about a Marijuana FB page by Selectman DuPrie. Laura Bragg asked if this is a town page. Selectman DuPrie stated the page was created prior to him being a Selectman and it is not a Town page.

6:40 Old Business – All items reviewed. There were new items added. (List attached)

6:50 Individual Selectman Issues – Selectman Lizotte discussed the issue with Center Road and it not being the towns responsibility. Selectman DuPrie discussed a letter from DoZia Farms who has 3 small marijuana licenses and they are asking for permission to combine them into 1 building. Selectman DuPrie explained the situation to the BOS. Selectman DuPrie motioned to approve the letter submitted by Scott Couture of DoZia Farms that Lebanon doesn't object to having multiple medical marijuana licenses on same property or building while maintaining compliance with Town Ordinances. Chair Philbrick second. Vote taken; vote carried. Selectman DuPrie provided the critical dates for the Special Election that will be held on February 8, 2022. Selectman DuPrie motioned to accept the Order Calling Special Election/Referendum as submitted. Chair Philbrick seconded. (See below for vote) Laura Bragg asked why the BOS is trying to omit the Impact Fees – Selectman DuPrie states that per state guidelines there may be a requirement that we have a Comprehensive Plan in order to have impact fees and that they target Marijuana Businesses. Michael Walsworth stated that the lawsuit and filings are public

record through the Court or the Town Office. Mr. Walsworth stated that the Town is victim to being legally blackmailed by the marijuana businesses. Selectman DuPrie stated it would be cheaper to settle with the marijuana businesses than to litigate. Laura Bragg asked about how the fees have been collected. Selectman DuPrie stated that the parties to the lawsuit are being charged lower fees per the court order and all the others are paying the full fees. Once the lawsuit has been settled, they will either need to pay the remaining balance or we will need to refund the overpayments. Chief Flynn came to the meeting with wording to purchase a fire truck. Chief states that there is donor who would like to donate a fire truck and the Chief would like to have this approved by the voters on the Special Election. After a lengthy discussion, it was decided that there isn't a firm plan from the donor that the BOS is comfortable moving forward with at this time. Once the donor has a solid plan, the BOS would welcome discussion with the Chief.

The BOS now has the vote on the motion calling the special election (above). Vote taken; vote carried.

Chair Philbrick stated that there is no law limiting the number of special elections held. Chair Philbrick discussed generator service that needs to be done, the BOS agrees that we should proceed. Chair Philbrick discussed putting the volunteer roof work on hold at Fire Station #1. Our insurance company has concerns about the quality of the work, a warranty of the work and liability. There was a death in Old Orchard when someone fell off the roof and the company is now facing manslaughter charges because the victim wasn't using OSHA required safety equipment. The Insurance company would like answers to these questions, see insurance from volunteers and a point person that is responsible for the entire project (general contractor). Deb Wilson advised the BOS that the volunteers are people with businesses in the field and they would be able to provide insurance.

8:35 Laura Bragg asked the BOS to consider removing the No Trespass against Teri Poirier so the Town can move forward. Michael Walsworth states he agrees with Ms. Bragg. Mr. Walsworth asked about the Marijuana Enforcement Officer & Part Time Assistant – why are we creating and hiring 2 new positions without voter approval or do you need that. They BOS stated that as long as the money has been allocated for those positions (by voter approval) they are able to create/fill positions. Mr. Walsworth feels that the BOS is strong arming voters – they are being threatened to vote a certain way. The issues with the Marijuana Ordinances are the Board's fault and not the fault of the voters. Mr. Walsworth feels the Town is suffering and Mr. DuPrie is in the middle of the marijuana scandal – the Selectman are supposed to defend the town. Mr. Walsworth filed an Ethics Complaint against Selectman DuPrie for defamation of character on a resident of town and that this is an unethical conduct and violates Oath of Office and other Town Policies. Teri Poirier asked the BOS to remove the No Trespass Order and to take a step back on marijuana issues. Chair Philbrick shared history of the marijuana issues and how split the town is on this issue. Chair Philbrick states that Selectman DuPrie is in a tough spot because the BOS asked Selectman DuPrie to take point on Code & Marijuana. Chair Philbrick feels that Selectman DuPrie has saved the town money by working with legal and marijuana businesses. Selectman DuPrie requested to be removed as temporary acting marijuana enforcement officer. Chair Philbrick motioned to relieve James DuPrie from being the Temporary Marijuana Officer. Selectman DuPrie seconded. Vote taken; vote carried.

8:50 Good of Town – Deborah Wilson reminds people to donate to Toys for Lebanon Kids or sign up if you need assistance.

9:00 Selectman DuPrie motioned to enter into Executive Session for Personnel Matters pursuant to 1 MRSA 405 (6) (A). Chair Philbrick seconded. Vote taken; vote carried.

10:02 Chair Philbrick motioned to exit executive session. Selectman Lizotte seconded. Vote taken; vote carried.

10:03 Chair Philbrick motioned to adjourn. Selectman DuPrie seconded. Vote taken; vote carried.

From: [REDACTED]
Date: Wed, Dec 8, 2021 at 05:54
Subject: talk with James Duprie
To: [REDACTED]

To Whom It May Concern

On or around the 22nd of November I received a call from Selectmen Duprie stating that my License fees for Adult Use and Medical where due , that date I believe was on a Tuesday . Since the town office is closed on Wednesday and Thursday was thanksgiving and the town was closed Thursday and Friday, payments could not be made until the following Monday the 29th of November.

[REDACTED] when we got the original call, we where in the process of building out our grow and spending substantial funds when we got the call from Selectmen Duprie letting us know the License fees where due,(approx. \$63,000) This created a real hardship for us as we had to scramble to get the funds together to pay these fees and because of logistical reasons of being in [REDACTED] it was difficult to make the transactions. I told Mr. Duprie that we where scheduled to close on our Lebanon Home on the 2nd of December and the funds for the fees would be available at that time, he told me the funds for the fees where due on the 29th and that there was a list of other individuals that wanted an adult License, he suggested I could team up in a partnership with one of these individuals , or we could forfeit the Adult use license (and lose our \$12900 deposit) he also suggested that an alternative could be available to me, his Idea was to float a promissory and secured note to the town until our house closed and then pay off the note, he stated he would have to run it by the Towns attorney to see if we could do it. Selectmen Duprie called me back and told me the Towns attorney where against that proposed Idea because it would have to apply to everyone.

The fees where not paid prior to the 90 day period (as stated in the 2020 adult use ordinance) because Selectmen

Duprie stated we could negotiate a lower fee structure with the towns attorneys as the fees in the 2020 Adult Use Ordinance where know to be excessive. (in access of 30 times greater than some municipalities). After consulting with my attorneys their conclusion was the Town has no right to negotiate those fees as the Ordinance was passed by the vote of the towns citizens and the fee structures where in that ordinance and could only be changed by another vote of the people. That is why there was two additional votes to change the adult use Ordinance to help correct the illegalities of the 2020 Adult Use Ordinance.(both failed by vote of the town) (also per the Town Clerk not one other business negotiated with the town during the 90 day period) .

To date 2 injunctions have been filed with the court, the first by a concerned citizens group and the second by a group of marijuana business (myself included) . Both injunctions where filed to correct Constitutional illegalities within the 2020 Adult Use Ordinance . The first Injunction was appealed by the town and won , but the second was accepted and is now within the court system.

The above statement is to the best of my knowledge and recollection.

[REDACTED]