

**Lebanon, Maine
Select Board Meeting
Town Office Conference Room
Minutes –Meeting
October 27, 2022**

SB
ML
EJ

Members Present

Paul Philbrick – EXCUSED
Ernest Lizotte, Jr. – Selectman
Shelli Boucher – Selectwoman
Michael Walsworth – Selectman

Others Present

Laura Bragg
Scott Couture
Chris Gilpatrick
Timothy Bragdon
Deborah Wilson

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

- 1) 6:05PM Pledge of Allegiance (There was a delay in starting the meeting due to the computer rebooting for the live feed)
- 2) Public Hearing
 - a) November 5th Event 4x4 Proving Grounds/Vermont State
 - i) Selectwoman Boucher nominates Selectman Walsworth as the presiding officer. Selectman Lizotte seconds the nomination. Vote taken, all in favor, nomination passes.
 - ii) Selectman Lizotte makes a motion to open the Public Hearing. Selectman Walsworth seconds the motion. Vote taken, all in favor, motion passed.
 - iii) Selectwoman Boucher makes a motion to end testimony and deliberation. Selectman Lizotte seconds the motion. Vote taken, all in favor, motion passed.
 - iv) Selectwoman Boucher makes a motion to grant the applicant Randy Oakley a Mass Gathering Permit for the event at the 4x4 Proving Grounds on November 5th, 2022. Selectman Lizotte seconds the motion. Vote taken, all in favor, motion passed.
 - v) Selectwoman Boucher makes a motion to adjourn the public hearing. Selectman Lizotte seconds the motion. Vote taken, all in favor, motion passes.
- 3) Department Head Briefing - NONE
- 4) 6:16PM Public Participation
 - a) Scott Couture – The owner of Dozia Farms was in again to plead that the selectboard find a solution to inspections on marijuana facilities for licenses. It is his understanding that the board can appoint someone to inspect facilities, he is asking the board to entertain that idea moving forward.
 - b) Timothy Bragdon – Presented to the board that he needs a marijuana inspection. From August 23rd, 2021, to August 20th he has paid over \$100,000.00 to the town and cannot get someone out to do inspections. On November 18th, 2022, his license is up for renewal and is wondering what he is going to do. He is asking the board for a time frame on when they will be inspecting facilities.
 - c) Chris Gilpatrick – Voices his concern on if there should be ethical violations for a member of the Republican party to get involved with the event at the library. He also

wants to know who covers mowing for Forest Grove Cemetery because it looks terrible. He is also concerned if there are contracts between the roadside mowing and the selectboard?

- d) Deborah Wilson – Trunk or Treat Saturday October 29, 5:30 – 8:00PM. There are three more spaces to sign up for handing out candy. Carol Harris who lives on Oak Hill Road there is a walk thru Halloween display. November 19th Toys for Lebanon Kids kick off. Santa Jeff will be there. 15\$ for green signs for houses to help identify addresses for the Fire Department. Donations for Toys and food will be accepted.

5) Department Head Briefing

- a) Chief Flynn - The protective vests are in and there was a situation tonight where they were required to be worn.
- b) Community Connect is up and running. There are opportunities for people to sign up and offer important information to first responders. For example, if there is a child in a home who may have special needs you can sign up on the program as to special requests in emergency situations. Bedroom locations, how many children are in the home, floors, stairways. All information can help emergency responders in the event of an emergency.
- c) It was fire prevention week at the schools and the fire department visited with emergency vehicles. The fire department is working on getting more involved with the community. There is a possibility of starting back up breakfast at the fire department for the public.
- d) If anyone in the town needs help with smoke detectors, please call the fire department. They can assist with installing batteries and making sure they are operational.
- e) First Due is coming along. The Fire Department is looking to bring on more Per Diems.

6) Agenda Items- NONE

7) 6:47PM Unfinished Business

- a) Install lights at Park and Ride on 202 – Selectman Lizotte with Selectwoman Boucher marked out where poles should go. Selectwoman Boucher called Dig Safe. As soon as it is cleared setting the poles will begin
- b) Union Contract/ Negotiations – November 3rd
- c) Pest Control - follow up with Station 1, and placement of traps at Transfer Station
- d) Fire Station – Met with Engineering firm on 10/27. Waiting on their proposals for renovating and fixing Station 1 and building a new station.
- e) Office Improvements – Remove, discussing during budget season
- f) Tax Club Warrant Article – June Ballot, rephrasing the wording on the warrant article

8) 7:00PM Individual Selectmen Issues

- a) Selectwoman Boucher – Mentions moving forward with looking into other proposals for solar.
 - i) In answering Mr. Gilpatrick's questions Selectwoman Boucher has not had the opportunity to
- b) Selectman Walsworth – Site plan review for proposed new fire station is moved to November 15th, 2022

- i) December 1st is the final day to hand in applications for the Property Tax Stabilization
- ii) The town is accepting bids for fixing the roof on Station 1.
- iii) Clarification for insurance on Station 2. There is liability that covers ALL town property. The town could be found negligent if they allowed any residents into Station 2.
- iv) The public's patience is appreciated at the Town Hall. At this time, we are still only accepting excise tax and cannot offer license plates. The town is working with the state to be able to issue license plates.
- v) Selectman Walsworth reads a statement into the record.
- Chief Flynn makes mention that at Station 1 they are moving trailer onto the slab. The trailer will have chief office in the front and a bunk room in the rear. Chiefs' old office inside the station will become another sleeping quarters.
- vi)
- c) Selectman Lizotte – social media is ruining this town.
- Chris Gilpatrick raises his hand to ask when the town is mowing this year.
- Chief Flynn says that the town needs to pull together and make things right. Working together as a community has never been more important.

Review of Minutes- NONE

9) 7:23PM Paperwork

- a) Purchase order for harassment training for the entire town at a cost of \$450.00 to the town. It is a one-year subscription to an online training that employees can take when their schedules allow it.
 - i) Timothy Bragdon mentions a cheaper option to the town and is going to send the information over by email.
- b) 7:23PM Selectwoman makes a motion to accept the Hazard Mitigation Plan for the York County and Lebanon, Maine. Selectman Walsworth seconds the motion. Vote taken, all in favor, motion passed.

10) Items requiring Executive Session - NONE

11) 7:27PM Adjournment

- a) Selectman Lizotte makes a motion to adjourn. Selectman Walsworth seconds the motion. Vote taken, all in favor, motion passed

I would like to take a moment to address some issues that have been going on with the marijuana program in Lebanon. When I was elected to the select board in June of 2021, I was asked to take a leadership role in managing the Marijuana ordinance implementation. The select board that was seated at that time operated the marijuana program under a few standards. The main ones were transparency, voter support, and financial control.

Transparency is important to ensure that the taxpayers have the opportunity to understand the issues and what the select board is doing and proposing to address issues and fix problems that came up. This makes it possible for the voters to make well informed decisions when issues are brought to them. We operated as much as possible in open public session. When events required discussion in executive session, we worked to release as much information as we legally could to keep the voters informed.

Voter support is essential because the voters control the select board. The select board is supposed to be ruled by, and follow the ballot initiatives that the voters pass. With transparency, the voters have the information needed to make informed decisions that guide the select board's actions. While the marijuana issue has been contentious, I have done my best to ensure that the select board followed the voter's orders. When issues came up that needed voter input, the facts and details of the issues were presented to the voters, and the board followed the voter's decisions. In some cases, changing circumstances required that the same issues be presented to the voters more than once, but in those cases the select board made every effort to make sure that the reasons and circumstances were clearly presented and available to the voters.

Financial control is a bit more complex. The select board has a responsibility to make financial decisions that are in the best interest of the town, but, once again, ruled by the voters through ballot items. In the case of the marijuana project, one of the underlying principles has been that the program should be set up to be self-supporting, with all costs of the program covered by the fees that the marijuana businesses pay. There is to be no cost to the taxpayers. In our role as selectmen, we are required to act in the best financial interests of the town while following the voters directives.

In my opinion, the prior select board has done an excellent job in dealing with the marijuana project. They strove for transparency, kept the voters informed and involved, and exercised financially sound practices while reducing risk and minimizing liability. The voters have responded by providing direction that has stabilized the marijuana program, drastically reduced the potential for litigation and major financial risk, and maintained the financial goal of "no cost to taxpayers".

Unfortunately, with the changes to the select board this June, the board has adopted a new agenda. We have members of the select board who have lobbied against all aspects of the marijuana ordinances, filed lawsuits to attempt to override the voters passing those ordinances, and lobbied against a settlement to end a lawsuit that would have bankrupted the town. The fact that someone who prefers bankrupting the town to following the voters guidance on marijuana is now controlling the town's responses to legal challenges is particularly worrisome. The majority of the policy discussions have happened behind closed doors. There has been no public input or efforts to communicate the issues to the public – in fact just the opposite has been the case – members of the current board have tried to prevent me from communicating issues to the public. Transparency is non-existent. Likewise, voter support has been ignored. Decisions made by the voters are being subverted because current select board members have an agenda that is in opposition to what the voters have decided. Issues that should be put before the voters for resolution have been decided in executive session instead of being presented to the voters. In my opinion, the reason for this is that Lebanon voting history shows that the current agenda would be defeated if presented to the voters. Instead of following the direction that the voters have given the select board, the board has decided to circumvent the voters and do exactly the opposite. The idea of keeping the marijuana program from costing the voters anything has also been killed. The select board is making decisions that we know will lead to moving the costs of the marijuana program from the businesses to

the voters. We knowing that those decisions carry large financial risks far exceeding the marijuana funds collected. All of those risks and costs will be passed on to the taxpayers.

These actions are not only the opposite of what the entire marijuana program was based on, but are contrary to what past votes have directed the select board to do. Punishing the taxpayers of Lebanon because they supported a program which certain member of the board do not is wrong, but that is the strategy this board has adopted.

So what exactly IS the new agenda that the select board is pursuing? The goals of the new agenda are to destabilize the marijuana program, and generate voter disapproval by intentionally creating situations that will cause lawsuits, prevent our attorneys from properly responding to those lawsuits, and cost the taxpayers significant amounts of money. The board is taking actions and making decisions that directly contradict the Boards financial responsibilities to minimize risk and costs to the taxpayers. The goal is to erode voter support for the marijuana program by creating instability, controversy, and expense, in order to generate voter support to repeal or re-write the ordinances. I want to make it clear that I am not opposed to repealing, changing or modifying the ordinances. My track record demonstrates that I am more than willing to work hard to revisit, modify, and correct the ordinances with proper voter support. However, I cannot agree with methodology that the board has adopted. Instead of a transparent, open, discussion that allows the voters to make informed decisions, the current board has opted to take a "behind the scenes" approach to create plans designed to create strife, controversy, and dissent. Because rational fact based discussion has failed to achieve the current agenda, this board has adopted secrecy, deception, and destabilization. I believe that this approach is morally and ethically wrong. Instead, I continue to believe that a transparent approach with informed voter support and financial accountability is the proper way to move forward with any changes or modifications that are needed.

I regret to announce that due to the new direction that the current board has adopted, I am no longer ethically able to continue as the lead on the marijuana project. The select board should be following the will of the voters. Instead we have adopted a policy of creating crisis in order to influence to voters to change their minds. In my opinion, the current policy is an effort to subvert the will of the voters. Refusing to follow the advice of our attorneys, intentionally increasing the risk of litigation, expense, and liability simply to convince the voters that they voted "wrong" is a direct violation of my oath as a selectman. Secrecy, deception of voters, and financial irresponsibility are not actions I am willing to support or act as spokesman for. Therefore, I am resigning from the position of marijuana lead effective immediately. Of course, I will continue to perform my duties as a member of the select board, and continue to operate as a dissenting minority on the marijuana issue. Naturally, I will also continue to do what I can to keep the public informed of what is going on.

Because Mike has been the behind the scenes architect and lead on the new policy, I feel that it would be appropriate for the board to acknowledge the role has adopted and appoint him to take my place as the new marijuana project lead. Because he is the primary proponent of the new agenda, it is only right that he should be the one presenting it to the voters. Therefore, I formally nominate him for that role.

As always, I am available to anyone who wishes to discuss this in person or in groups. Please keep in mind that during discussions I will not violate the confidentiality of executive session or share any confidential information, so I may not be able to provide as much detail as some would wish. If you wish to get in touch with me, my phone is (603) 402-8610, and my email is . Please feel free to contact me with any questions or comments.

Thank you for your time
-James J.B.N DuPrie
October 20, 2022