

Lebanon, Maine  
Select Board  
Town Office Conference Room  
Minutes –Meeting  
November 17, 2022

HP  
MLW  
SJB

Members Present

Paul Philbrick – Chairman  
Ernest Lizotte, Jr. – Selectman **EXCUSED**  
Shelli Boucher – Selectwoman  
Michael Walsworth – Vice Chair

Others Present

Laura Bragg  
Karen Gerrish  
Chris Gilpatrick, Sr.  
Heather Brown

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

6:00 Pledge of Allegiance

Public Hearing scheduled for Dozia Farms is cancelled due to lack of quorum. This will be rescheduled to November 29, 2022 at 6:00 pm.

Department Head – Chief Flynn updated the Board about the generators. Chief Flynn worked with CMP to find where specific charges came from. The charges are for the lights showing cars at the intersection of Center Rd. and Carl Broggi Highway. Chief advised that the Fire Department has a subscription to Vectors Training which offers many trainings. Chief would be willing to let the Town Employees use this as well. There are currently 5 members working toward their EMT and should have it by January. Vice Chair Walsworth thanked Effingham Fire Dept. for covering the town while our department was at Sanford High School due to the school shooting hoax.

6:20 Karen Gerrish addressed the Board regarding an update on New Bridge Road. Ms. Gerrish asked about the audits. Chair Philbrick advised her that the Board authorized \$20,000.00 for the extra work that is required. The auditor expects the work to be done in June 2023 and it will bring us current to 2021. Ms. Gerrish advised that a previous Board let these auditors go. Ms. Gerrish read a letter (attached to these minutes) regarding a FOAA request submitted 9/17/2022.

6:40 Unfinished Business was reviewed and updated.

7:00 Individual Select Board Member Issues – Selectwoman Boucher discussed the Community Connect program and that people could sign up. Chief is still looking for water sources. The fire department sells green reflective signs for \$15.00 to make your property more visible to emergency services.

Vice Chair Walsworth addressed Chris Gilpatrick Sr. about his request for a refund of a building permit fee. Vice Chair Walsworth read documents which he interprets as that neither the Board or the Code Officer can refund the building permit money. There is nothing in the ordinance about this and in order to change it this would need to go before the voters. Vice Chair Walsworth discussed the unstamped lumber. Vice Chair Walsworth read information that stated that unstamped lumber can be used as long as it is inspected and certified as safe. Vice Chair Walsworth addresses conflicting information regarding the shoreland zoning issue on Jim Grant Road. He is gathering information for informational purposes.

Chair Philbrick advised that the December 1<sup>st</sup> meeting will be at 5:00pm for an executive session with legal. Chair Philbrick made a motion for the Town of Lebanon to hold a special election on January 24, 2023 to fill an unanticipated vacancy on the Select Board using the special procedure for shortening the

nomination process to fill the vacancy. Nomination papers to be available on December 1, 2022 and a filing deadline to be December 20, 2022. The petition to be filled will complete the term of the June 2021 elected official and will terminate June 2024 after the annual Town election. Vice Chair Walsworth seconded. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

The Board agreed the Town Office will no longer be closed from 12:30pm – 1:30pm beginning January 1, 2023.

7:25 Paperwork – Selectwoman Boucher made a motion to accept the Minutes of November 3, 2022. Vice Chair Walsworth seconded. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried. Two-time off requests and a training request for GA were signed.

Chair Philbrick stated that the Board will be going into several Executive Sessions but will come back into public session at the end.

7:30 Chair Philbrick motion to enter into Executive Session for Personnel Matters Pursuant to 1 M.R.S.A. 405(6) (A). Fire employee. Selectwoman Boucher seconded. Vote taken; vote carried. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

7:48- Vice Chair Walsworth made a motion to exit executive session. Seconded by Selectwoman Boucher. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

7:48 – Chair Philbrick made a motion to return to public session. Seconded by Vice Chair Walsworth. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

7:49 – Chair Philbrick and Vice Chair Walsworth made a motion to enter into executive session for Personnel Matters per 1 MRSA 405(6)(A)- possible disciplinary action against a Town employee. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

7:58 – Vice Chair Walsworth made a motion to exit executive session. Seconded by Selectwoman Boucher. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

7:59 – Chair Philbrick made a motion to return to public session. Seconded by Vice Chair Walsworth. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

8:00- Chair Philbrick made a motion to enter into executive session for Personnel Matters per 1 MRSA 405(6)(A) – Marijuana Enforcement Officer/applicant. Seconded by Selectwoman Boucher. Motion failed due to only 2 votes, Vice Chair Walsworth recused due to marijuana topic.

8:03 – Chair Philbrick made a motion to enter into executive session for Labor Negotiations per 1 MRSA 405(6)(A) – Discuss proposal. Seconded by Selectwoman Boucher. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

9:05 – Chair Philbrick made a motion to exit executive session. Seconded by Selectwoman Boucher. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

9:06 – Chair Philbrick made a motion to return to public session. Seconded by Selectwoman Boucher. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

Board discussed the week of Thanksgiving Board meeting schedule. The Board will not be meeting that week, but will support the staff as needed to process paperwork. The next Board meeting will take

place on November 29, 2022 @ 6:00 PM, with a regular scheduled Board meeting to be held on December 1, 2022 @ 5:00 PM.

9:09 – Chair Philbrick made a motion to adjourn. Motion seconded by Vice Chair Walsworth. Vote taken 3 in favor - Selectman Lizotte absent. Vote carried.

Honorable Karen A. Gerrish

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November 17, 2022

Town of Lebanon, Maine  
% Chairman Paul Philbrick  
15 Upper Guinea Road  
Lebanon, ME 04027

Selectman Philbrick Et al,

On September 17, 2022 I requested public information via email to your office. I requested two things. I asked for the fees paid by all of the various marijuana businesses here in town and how that fee structure is formulated. Three days later on September 20, 2022 I received an acknowledgement from the town's FOAA officer, Leslie Randazzo.

On Monday, September 26 I received another email from Ms. Randazzo, informing me that "Unfortunately we do not have a formula for the fees. We believe this may have been calculated by a board member that no longer is on the Board." I assumed she was referencing Chuck Russell who is responsible for much of the continued mess this town is in, but I digress.

That same evening I wrote back to Ms. Randazzo re-clarifying what I was asking for, knowing full well that it absolutely was public information and that Selectman Duprie had been involved in fee structure as the Chair of the town's previous marijuana committee. Naturally, if some of the current selectmen were not aware of fees, I certainly expected Mr. Duprie to respond to my FOAA. I asked the FOAA officer if I should speak with Chairman Philbrick directly for my answer or contact the state's Office of Marijuana Policy. She informed me that she would look into the matter further.

I heard nothing further from Ms. Randazzo until I contacted her over a month later on October 24, 2022. It was at that time that she informed me that the town attorney is now handling my request. Why is that?

I am before you tonight because it has now been 61 days since my FOAA request. **Sixty One Days.** For context and the public's information I contacted three other municipalities in York County last week requesting this very same information and within 15 minutes I had it from Sanford and within an hour had it from two more towns and another simply telling me over the phone. I am not a resident of those towns, yet I was able to access this pertinent public information virtually in minutes, yet here I am before you on Day 61. Why is that?

As a former selectman myself, the lack of access to this information led me to wonder how can the town treasurer balance the books without access to the fee amounts? Weren't those funds deposited in the town's bank account? How can she apply them to the right fund account if no one here in town knows what the fees were? Something is very wrong here.

I now have no choice but to believe the town has something to hide with regard to marijuana business fees here in town. Why would a simple public access FOAA be referred to the town's council? Given the history of what Lebanon has gone through with regard to our marijuana policy in this town, I have zero faith in Drummond Woodsum's ability to represent the town the way we all so deserve. I believe the town would do well to seek new council. For the record, I expect to receive nothing from the town's counsel.

I ask the selectmen, what are the legal fees associated with the town attorney handling a simple public access request? This is incredulous.

In closing, I urge all of you at this table to either become familiar or reacquaint yourself with Maine's Public Access laws. They are easy to find in Title 1, Chapter 13. You cannot keep public information from the public that you represent. Period. Should I not receive my FOAA request this evening, my next step will be the Office of the Attorney General, Public Access Ombudsman.

Sincerely,

A handwritten signature in cursive script, reading "Karen A. Gerrish". The signature is written in dark ink and is positioned below the word "Sincerely,".

Karen A. Gerrish

## SPECIAL ELECTION

I make a motion for the Town of Lebanon to hold a special election on January 24, 2023 to fill an unanticipated vacancy on the Select Board using the special procedure for shortening the nominating process to fill the vacancy. Nomination papers to be available on December 1, 2022 and a filing deadline to be December 20, 2022. The position to be filled will complete the term of the June 2021 elected official and will terminate June 2024 after the annual Town election.

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