

Lebanon, Maine
Select Board
Town Office Conference Room
Minutes –Meeting
Thursday, February 24, 2022

Members Present

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

Others Present

Deborah Wilson
Laura Bragg
Michael Walsworth
Tabitha Estes
Eric & Molly Flynn
Fred LaPierre
Corinna Cole
John Slate

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 2-17-22 as presented. Chair Philbrick seconded. Vote taken; vote carried.

6:03 Paperwork – time off requests signed. C Haven Tier 3 LLC & C Haven Tier 4 LLC requested an extension of their licenses as construction is delayed. Selectman DuPrie motioned to grant extensions for C Haven Tier 3 LLC & C Haven Tier 4 LLC for 1 year from the application/anniversary date. Selectman Lizotte seconded. Vote taken; vote carried.

6:09 Public Hearing for North Country Cannabis ME – Chair Philbrick read instructions on electing a Chair and read the procedure of the hearing. Selectman DuPrie motioned to appoint Paul Philbrick as Chair. Selectman Lizotte seconded. Vote taken; vote carried.

Selectman DuPrie motion to open the North Country Cannabis ME public hearing. Selectman Lizotte seconded. Vote taken; vote carried.

Chair Philbrick read the regulations and the ordinance title governing this public hearing which is the Adult Use Ordinance 2/8/22. Chair Philbrick asks if there are any conflicts and there are not. The representative of North Country Cannabis present to speak are Eric & Molly Flynn and Fred LaPierre. Selectman DuPrie reviews paperwork and advises that everything is there. Molly Flynn states that their store is on 1 Wiggin Way (borders Rt. 202) and they have followed all mandates by the State and Town. Because the Code Officer is unable to be present, Selectman DuPrie reads a letter from the Code Officer that all inspections are done and he doesn't contest granting the license. Public Comment – Michael Walsworth reaffirms his opinion that Selectman DuPrie and Selectman Lizotte should recuse themselves from any marijuana decisions because they have open Ethics Complaints around this topic. Mr. Walsworth feels if they won't recuse themselves, they should explain why. Chair Philbrick asked Selectman Lizotte & DuPrie if they wanted to comment – neither did. Chair Philbrick motioned to enter into deliberation and make a decision. Selectman DuPrie seconded. Vote taken; vote carried. Selectman DuPrie motioned to grant the license application as submitted. Selectman Lizotte seconded. Vote taken; vote carried. Selectman DuPrie motioned to closed the public hearing for North Country Cannabis. Selectman Lizotte seconded. Vote taken; vote carried.

6:30 Selectman DuPrie read a letter from North Country Cannabis ME LLC requesting an extension of the marijuana applications for North Country Cannabis Cultivation LLC and North Country Cannabis ME LLC to the year anniversary date from which they first applied. Selectman DuPrie motioned to grant the extension to North Country Cannabis Cultivation LLC and North Country Cannabis ME LLC to the 1-year anniversary date of the applications. Selectman Lizotte seconded. Vote taken; vote carried.

6:31 Selectman DuPrie motioned to enter in Public Hearing for Mainezilla Gardens LLC. Selectman Lizotte seconded. Vote taken; vote carried. Chair Philbrick explains the process and the ordinance governing this hearing is Lebanon Registered Caregiver Licensing 6/8/2021. Chair Philbrick asked about conflicts of interest, there are none. The application is for a 500 sq. ft. grow and small manufacturing facility. Selectman DuPrie reviews the paperwork and determines everything is paid and all documents are there. Joshua Slate and Tabitha Estes state that they have done everything they need to get the final license. Because the Code Officer is unable to be present, Selectman DuPrie reads a letter from the Code Officer that all inspections are done and he doesn't contest granting the license. Public Comment – Michael Walsworth asks that Selectman DuPrie & Selectman Lizotte answer why they will not recuse themselves. Selectmen Lizotte & DuPrie had no comment. Deborah Wilson asked the address of the business. Tabitha Estes advised it is on Maggie Way – it is a grow only and there is no signage (not required). Selectman DuPrie motioned to enter the deliberation and decision process. Selectman Lizotte seconded. Vote taken; vote carried. Selectman DuPrie motioned to grant the application as presented. Selectman Lizotte seconded. Vote taken; vote carried. Selectman DuPrie motioned to end the Public Hearing for Mainezilla Gardens LLC. Chair Philbrick seconded. Vote taken; vote carried.

6:37 Chair Philbrick addressed the abatement that was approved last week. The Clerk needs a memo signed by the Board to waive fees and interest to document that it is ok to do this. The Board signs the document.

6:45 Old Business – Selectman DuPrie read a letter from a resident asking for the Select Board to put into writing that Wittum Way is a town road and maintained by the town. Selectman DuPrie motioned to provide a letter stating that Wittum Way is a town road. Chair Philbrick seconded. Vote taken; vote carried. Chair Philbrick discussed the Forest Grove Cemetery price list – it expired and the Board needs to sign a new one. The Board agrees to keep the current prices for another year. Selectman DuPrie motioned to accept the Forest Grove Price list from last year. Selectman Lizotte seconded. Vote taken; vote carried. Chair Philbrick presented a request from a resident for an abatement of excise tax. The resident claims that the sticker price he presented a year ago was not correct and would like to use the corrected sticker price. The board would like to see both stickers (at the very least) as they question why the price went down and why it took so long to determine this. Chair Philbrick discussed the budget item for the Road Commissioners salary and the fact that the Budget Committee would like to have it at \$40,000 and the Select Board would like it at \$48,150 (this includes 7% COLA). Selectman DuPrie reviews the budget worksheet with Selectman Lizotte and explains that the Board and Budget Committee will not be able to agree on a number so there will be both amounts on the Ballot for June. The voters can choose. Selectman DuPrie motioned to set the Road Commissioner's salary for the 2023 budget at \$48,150.00. Chair Philbrick seconded. Vote taken; vote carried. The Board informs the public that they will be going into Executive Session for legal and personnel and will not be coming back into public session.

7:01 Public participation – Deborah Wilson questioned the Board on changes to the transfer station and the money that was approved by the voters. The Board advises Ms. Wilson that they have until 2024 to spend the funds. They are looking at the whole picture and determining what needs to be done. Ms. Wilson advised that the volunteers for the fire department roof project are ready to go. Ms. Wilson asked if the Board could do something to educate the residents about LD1. Corinna Cole discussed recycling and that she spoke with Pete from Waste Management and he advised that he hasn't heard

from the town since June 2021. Ms. Cole states that recycling is back and there is a market and we could have been saving money. Ms. Cole asked the board when recycling will be re-implemented. The BOS advised that they are working on more pressing things at the moment but will be getting there. Ms. Cole suggested they form a committee.

7:20 Good of the Town – Ms. Wilson informs the Board that Lebanon Clean Up day will be April 23, 2022. Everyone should meet at the Town Office at 8:00 am. There was discussion of port-a-potties.

7:30 Selectman DuPrie motioned to enter into Executive Session for Personnel Matters pursuant to 1 MRSA 405(6)(A) and Legal Matters pursuant to 1 MRSA 405(6)(E). Selectman Lizotte seconded. Vote taken; vote carried.

8:42 Motion made by Selectman Lizotte to exit Executive Session, Seconded by Selectman DuPrie. Vote taken: vote carried

8:43 Motion made by Selectman DuPrie to adjourn the Select Board meeting, Seconded by Chair Philbrick. Vote taken: vote carried

IN THE MATTER OF:

Business Name: Mainezilla Gardens LLC Applicant/Representative/Owner: Tabitha Estes Type of Business: Registered Caregiver – Grow and Manufacturing Location: 20 Maggies Ln	Finding of Fact and Conclusions of Law By the Town of Lebanon Select Board Decision: Approved
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Pursuant to the provisions of the LEBANON REGISTERED CAREGIVER LICENSING ORDINANCE – Section 11 adopted by the Town of Lebanon voters on June 8, 2021, the Town of Lebanon Select Board has considered the application submitted by Tabitha Estes, including its supportive data, public hearing testimony, and other related materials contained in the record and makes the following Fact and Conclusion of Law:

1. APPLICATION SUMMARY

- A. Mainezilla Gardens LLC submitted a Registered Caregiver Application for the following license(s):
 - a. Grow – Up to 500 SF
 - b. Small Manufacturing - Up to 500 SF

2. APPLICATION REVIEW PROCESS

- A. Town Appointed Officer scheduled a Public Hearing for February 24, 2022
- B. Public Hearing held by the Select Board on February 24, 2022
- C. Select Board acted upon the license request on February 24, 2022

3. APPLICATION REVIEW FINDINGS/ACTIONS

- A. Town Appointed Officer upon receipt of the completed application and checklist scheduled a Public Hearing for February 24, 2022 per section 11 of the Lebanon Registered Caregiver Licensing Ordinance
- B. Select Board conducted the Public Hearing on February 24, 2022, with the Acting Chair presiding. The hearing was conducted using the Public Hearing procedure taken from the Maine Municipal Manual guidelines.
- C. Town Appointed Officer presented informational packages to each Select Board member which contained the requesters application and supporting documentation.
- D. Applicant presented their request for license approval.
- E. Select Board responded to presentation
 - a. All required paperwork was in the package.
- F. Marijuana Officer/Code Enforcement presentation.
 - a. Marijuana Officer/Code Enforcement submitted a letter stating that he had inspected the Mainezilla Gardens LLC location and found that they have met the requirements required for a homecare marijuana business set forth in the Lebanon, ME Marijuana Ordinances. He did not contest the granting of the license by the Select Board.
- G. Public presentation:
 - a. Question about Select Board members legality in participating in the Public Hearing process and requested to recuse themselves as previously requested on 12/16/2021.
- H. Select Board responded to Public presentation

- Date: 3/3/2022

SELECT BOARD:

Ernest L. Hart

John T. C.

Jan 11

I reaffirm my statements from 12/16/2021 that Mr. Adams, Mr. DuPrie and Mr. Lizotte need to recuse themselves from the marijuana licensing process and abstain from all related votes. This is not about this marijuana business or even marijuana itself. This is not personal against any selectman. I simply believe that Mr. Adams, Mr. DuPrie and Mr. Lizotte have conducted themselves in the ways that necessitates that they remove themselves from voting on marijuana licenses.

Mr. Adams voting record is marked by abstentions over undisclosed conflict of interests on marijuana issues. Yet he casts votes at other times, giving the appearance of abstaining or voting when convenient. At this point. Mr. Adams votes do not carry the appearance of being impartial. Mr. DuPrie and Mr. Lizotte have ethics complaints filed against them related to their past conduct surrounding the marijuana issues plaguing our Town. The ethics charges implicate both men in conduct that is harmful to the Town. Until the ethics complaints are adjudicated, Mr. DuPrie and Mr. Lizotte should not be considered able to be impartial in this licensing process.

IN THE MATTER OF:

Business Name: North Country Cannabis ME LLC Applicant/Representative/Owner: Eric Flynn, Stephen Flynn, Aaron Carvalho Type of Business: Adult Use Marijuana Store Location: 1 Wiggin Road	Finding of Fact and Conclusions of Law By the Town of Lebanon Select Board Decision: Approved
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Pursuant to the provisions of the LEBANON ADULT USE MARIJUANA BUSINESS ORDINANCE – Section 11 adopted by the Town of Lebanon voters on February 8, 2022, the Town of Lebanon Select Board has considered the application of North Country Cannabis ME LLC submitted by Eric Flynn, Stephen Flynn, Aaron Carvalho, including its supportive data, public hearing testimony, and other related materials contained in the record and makes the following Fact and Conclusion of Law:

1. APPLICATION SUMMARY
 - A. North Country Cannabis ME LLC submitted an Adult Use Marijuana Business Application for the following license(s):
 - a. Adult use Marijuana Store
2. APPLICATION REVIEW PROCESS
 - A. Town Appointed Officer scheduled a Public Hearing for February 24, 2022
 - B. Public Hearing held by the Select Board on February 24, 2022
 - C. Select Board acted upon the license request on February 24, 2022
3. APPLICATION REVIEW FINDINGS/ACTIONS
 - A. Town Appointed Officer upon receipt of the completed application and checklist scheduled a Public Hearing for February 24, 2022 per section 11 of the Lebanon Adult Use Marijuana Business Ordinance
 - B. Select Board conducted the Public Hearing on February 24, 2022, with the Acting Chair presiding. The hearing was conducted using the Public Hearing procedure taken from the Maine Municipal Manual guidelines.
 - C. Town Appointed Officer presented informational packages to each Select Board member which contained the requesters application and supporting documentation.
 - D. Applicant presented their request for license approval.
 - E. Select Board responded to presentation
 - a. All required paperwork was in the package.
 - F. Marijuana Officer/Code Enforcement presentation.
 - a. Marijuana Officer/Code Enforcement submitted a letter stating that he had inspected the Adult Use Marijuana Retail Store and found that they have met the requirements required for a marijuana store set forth in the Lebanon Adult Use Marijuana Ordinance. He did not contest the granting of the license by the Select Board.
 - G. Public presentation:
 - a. Question about Select Board members legality in participating in the Public Hearing process and requested to recuse themselves as previously requested on 12/16/2021.
 - H. Select Board responded to Public presentation
 - a. Select Board members did not recuse themselves from the process

- I. Select Board ended Public Participation portion of the hearing
4. CONCLUSION OF LAW – REVIEW CRITERIA
 - A. Standards for approval, denial, revocation (Section 14 of the Ordinance)
 - a. Fails to meet the requirements of this Ordinance, including any applicable building and life safety code requirements.
 - b. Is not at least twenty-one years of age
 - c. Has had a license or registration for a marijuana establishment or medical marijuana establishment revoked by the municipality or by the state
 - d. Has not acquired all necessary state and local approvals prior to issuance of the license
 - e. Has been convicted of a Disqualifying Drug Offense
 - f. Has provided false or misleading information in connection with the license application
 - B. Based on the standards listed in Section 14 of the Ordinance as listed above, the applicant is eligible for approval of their application.
5. DECISION
 - A. On the basis of the above Findings of Facts and Conclusion of Law, the Select Board voted:
3 – Yes, 0 – No, 0 – Abstain to grant the application, subject to the following conditions of approval as listed in paragraph 6 – Conditions of Approval.
6. CONDITIONS OF APPROVAL
 - A. None
7. APPEALS
 - A. Parties aggrieved by this decision may appeal under this Ordinance to the Superior Court in accordance with 30-A M.R.S. 4482-A and the provisions of Rule 80B or the Maine Rules of Civil Procedure.

Date: 3/3/2022

SELECT BOARD:

[Signature]

[Signature]

[Signature]

[Signature]

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