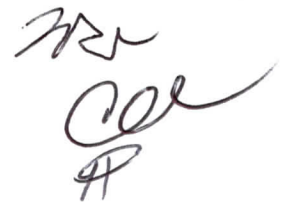


Lebanon, Maine Select Board
Town Office Conference Room
Minutes –Meeting
AUGUST 19, 2021



Members Present

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

Others Present

Deborah Wilson
Stephen Nugent
Michael Walsworth
Lori Edward
Tim Bragdon
Chris Gilpatrick Sr.

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

5:30 Pledge of Allegiance

5:31 Public Participation – Michael Walsworth addressed the Ethics Complaint that he and others previously submitted. Mr. Walsworth states that he will not be withdrawing his complaint and will provide his complaint in writing to Vice Chair Philbrick. Mr. Walsworth state that it isn't up to the resident to be concerned with the amount spent on an investigation. The BOS should police themselves so that this doesn't happen and the burden is on the BOS. Mr. Walsworth asked about a resident that was here last week stating that he had his business shut down a couple of years ago. This resident was asking about being grandfathered – Mr. Walsworth would like to know if the BOS has the ability to go backward and override the Code Enforcement Officer? Chairman Russell didn't feel the BOS has that authority. Mr. Walsworth asks about the difference in permit rates. He is asking about a property on Emmons Lane Map R11 Lot 13H. Mr. Walsworth states that this was listed as a garage and wants to know if they change the use to a marijuana grow, will they be charged the higher fee. Chair Russell brought David Salvatore, Code Enforcement Officer in to address this. Mr. Salvatore stated that if they change use, they will have to pay the fees. Mr. Walsworth asked David Salvatore if he was promised the job of Marijuana Enforcement Officer. Mr. Salvatore stated that he wouldn't say "promised". Mr. Walsworth stated that the incident with Eric Kelley wasn't the first time Selectmen took other residents' property. Mr. Walsworth discussed a mobile home on Maple Street that was raided by the feds. Mr. Walsworth stated that members of the BOS asked the park manager for a key so that they could remove property. Chairman Russell states that it was not him. Mr. Walsworth addressed the post by a BOS member that the Marijuana Businesses should contact their attorney to negotiation the fees down if they feel they are too high. Mr. Walsworth states that is "backdooring" lowering of fees. Mr. Walsworth feels that Selectman DuPrie is doing an injustice to the taxpayers by assisting the businesses in paying lower than the Ordinance allows. Mr. Walsworth states that the Selectmen have been saying that we will have lawsuits, but it is the Selectmen that are helping to bring them. Deborah Wilson addressed an accusation that the Chief Flynn played favorites when he would not allow residents to get signatures on petitions but allowed Deborah Wilson on the property for the Red Cross Blood Drive and the Vaccination event. Ms. Wilson stated that neither of these events were her events. Chris Gilpatrick asked Chair Russell about a check Chair Russell received for over \$5000 and that this was for Chair Russell's pay for the year. Mr. Gilpatrick reminded the BOS of a BOS Meeting on 7-23-2020 when the treasurer addressed the 16 days in which a company has to pay an employee. Mr. Gilpatrick states that it is the law that the timesheets be turned in timely. Mr. Gilpatrick addressed the issue that when the BOS comes out of executive session, the BOS is not letting the public know and some members continue to meet behind closed doors with the curtain closed. Mr. Gilpatrick asked Chair Russell if he has taken the anti-harassment class and Chair Russell advised that he hasn't but he will take it next week. Mr. Gilpatrick addressed the allegation that \$600,000 was stolen from the Town by a former selectman.

Selectman DuPrie states that \$300,000 was moved from one fund to another illegally and that this was done 2 years in a row. Mr. Gilpatrick was advised that if wanted information as to what funds he would need to submit a FOIA. Mr. Bragdon stated that he believes that Bob Frizzell was also a Selectman at this time. Mr. Bragdon states that it would have taken a vote of 2 of the 3 selectmen at the time to move the money. Mr. Bragdon also states that he believes that the Town Attorney (whoever it was at that time) advised the BOS they could do this. This was done to keep the mill rate down. Mr. Bragdon states that this may have stemmed from the missing money involving Jason Cole. Michael Walsworth was commenting and Chair Russell asked him to leave the meeting for interrupting. Chair Russell motioned to adjourn. Selectman DuPrie seconded. Vote 2 in favor Russell & DuPrie and 1 opposed Philbrick. Chair Russell states he is closing it down as he has a quorum – Jerri Brasko states that there is not a quorum and it is an illegal action to shut it down. Chair Russell shut off the video and stopped the meeting.

6:15 Chair Russell motioned to re-open the meeting. Selectman DuPrie seconded. Vote taken; vote carried. Chair Russell motioned to allow Selectman Adams to participate remotely. James seconded. Vote taken; vote carried. Selectman Adams stated that anyone can participate remotely. Mr. Gilpatrick asked if they would need a quorum to move monies. Chair Russell stated you would also need the vote of the people. Tim Bragdon asked Selectman DuPrie if the BOS checked with the Town Attorney regarding the moving of the monies. Steve Nugent questions James where it states that you must have a vote to move the monies. Mr. Nugent states that he couldn't find any statute that says you need the vote. Mr. Nugent clarified with the BOS that the money wasn't stolen it was moved. Jeri Brasko asked Vice Chair Philbrick why money is being taken from one department and given to another. Vice Chair Philbrick stated that he had advised Department Heads to cease spending as one department was going over budget significantly and they had to take from another department. This was addressed as a Referendum question and the people voted for it.

6:35 Vice Chair Philbrick motioned to accept the Minutes of 8-12-2021 as written. Selectman DuPrie seconded. Vote taken; vote carried.

6:40 Paper work signed – Training Request, Warrant for Recall Election – read aloud by Chair Russell and signed by the BOS Members present at the meeting. There was paperwork for appointments to the Planning Board – these were not signed. A purchase order for Richard Nass as Moderator of the Public Hearing on 8-28-21 was signed.

6:50 Discussion about the wording for the Solar Fees to be put on the Ballot. The BOS will write up a bid for the Center Road project.

7:05 Selectman DuPrie presented Marijuana documents. The Adult Use with the severability clause – attorney states the fees are not severable. The marijuana forms were approved by the BOS. Michael Walsworth addresses concerns with the Drummond & Woodsum being involved due to conflict of interest.

7:15 Selectmen Issues - Selectman DuPrie addressed having a stationery microphone for residents to use as they speak. Vice Chair Philbrick states that the BOS needs to act on appointing Carol Harris as the Animal Control Officer. Vice Chair Philbrick motioned to move Carol Harris from Assistance Animal Control Officer to Animal Control Officer. Chair Russell seconded. Vote taken; vote carried. Chair Russell states we need to replace the Assistant Animal Control Officer. BOS reviewed the job description for Assistant Animal Control Officer.

7:20 Vice Chair Philbrick states that the deadline for putting something on the November Ballot is September 3, 2021. The BOS reviews the wording for matching funds to the Park Committee. Vice Chair

Philbrick informs the BOS that Carol Harris will be on vacation next week and there will be no Animal Control Officer. Vice Chair Philbrick motioned that the Town consents to the proposed settlement of the lawsuit currently pending in York County Superior Court and captioned *Steven McDonough v Town of Lebanon* and the Town authorizes the expenditure of \$15,000.00 to contribute to that settlement. Chair Russell seconded. Vote taken; vote carried. Selectman Philbrick has 2 written Ethic Complaints – Selectman Philbrick will bring the proposal to the BOS next week.

7:26 Michael Walsworth asked the BOS to consider moving the Executive Sessions to a different day/time than the weekly BOS meetings.

7:35 Vice Chair Philbrick motioned to enter into Executive Session pursuant to 1 MRSA § 405(6)(A). Chair Russell seconded. Vote taken; vote carried.

9:03 Chair Russell motioned to adjourn. Selectman DuPrie seconded. Vote taken; vote carried.