

**TOWN OF LYMAN BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
MAY 26, 2021 – 6:00 p.m.
LYMAN TOWN HALL**

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall. Minutes are not verbatim. Minutes may be paraphrased for clarity. Minutes are draft until approved by the Board of Selectmen.

SELECTMEN PRESENT: Chairman William Single, Vice-Chairman Ralph Blackington, Thomas Guillemette, and David Alves.

SELECTMEN ABSENT: John Tibbetts.

PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 p.m. with the Pledge of Allegiance. Attendance was taken; a quorum was present.

ITEM #1 **Amendment to Contract Zoning Agreement between Town of Lyman and Funky Bow Brewery & Beer Co., LLC – Adding additional uses: Retail sales of merchandise**

William Single reported the Planning Board has approved the contract changes relating to zoning. The following action was taken:

A **MOTION** was made by David Alves, seconded by Ralph Blackington, to approve the changes to the Funky Bow Brewery Contract Zoning Agreement. Motion passed 4-0-0.

ITEM #2 **Position of Code Enforcement Officer for the Town of Lyman**

Patti McKenna came forward to speak of her employment with the Town of Lyman and working conditions thereof, which led to her resignation. A copy of her statement was submitted and is attached hereto and made a part hereof.

David Alves spoke in follow-up to Patti McKenna's statement. A copy of his statement was submitted and is attached hereto and made a part hereof.

A **MOTION** was made by David Alves and seconded by Ralph Blackington to approve proposal of the offer as written (in statement attached). Motion passed 4-0-0.

Bob St. Onge asked for confirmation that the keys were going back to the Town Clerk and the Town Clerk would be responsible for the vault and no longer in the possession of the Selectmen. William Single indicated that was correct.

Allen Goodwin stated what was presented sounded good with the exception of working from home; having her work from home is a cop-out, what should be done is whatever it takes to make working at Town Hall the way it should be.

Paul Lorrain stated that he believes every town employee should have a safe environment to work in.

Bob St. Onge stated citizens have the right to come in and out of the Town Hall building to conduct their business, but they do not have the right to berate the employees and the people doing this need to be addressed by the Select Board and told if they continue they are not coming back into this Town Hall. He added that these people work for us but that does not give us the right to come in here and lay into them for doing their job. He stated the Board of Selectmen need to look into this, and it needs to be addressed at their level if it continues.

William Single noted the following: (1) The Town Charter specifies protections for employees from other employees with oversight given to the Select Board; (2) The Personnel Policy protects employees from other employees but nothing protecting employees from Board of Selectmen and no consequences for their actions; (3) This is reason we need to change the Town Charter; and (4) He has been Chairman since October - nobody told him it would take 20-30 hours per week to work here as the Chairman - that the town should have changed this six years ago with the Charter when the Select Board at that time stopped it from going through - and now it was time for a change.

Electrical Inspector Marcel Desrosiers stated he works with Patti McKenna sharing an office and was witness to the individual she had named take her out of the office and berate her - and she has come back in tears. He added he has taken her out of the Town Hall on inspections with him to get her away from some of the people because he knew they were coming after her. He stated she had asked him to keep it in confidence because she did not want to raise a ruckus. He reported she has gone through a living hell.

Ashley Childres stated Patti McKenna and Marcel Desrosiers provided exceptional service to her through countless calls and site visits going over and above providing all the information she needed to build her home from the ground up making sure everything was done by code. She spoke very highly of the genuineness of both individuals.

Allen Goodwin noted he mentioned earlier about the town providing for a safe place to work and wanted to know what was going to be done. William Single stated the Select Board is working on it. Mr. Goodwin stated he will check back.

Peggy McDonald asked if permits, etc. will be able to be issued after Patti McKenna's last day. William Single stated the Select Board is aware the town must still be able to conduct business and they are working on that.

Polly Weiss asked what the staff at Town Hall can tell the onslaught of people that will come in looking for Code Enforcement. William Single stated the Select Board is working on it and needs some time.

ADJOURN

A **MOTION** was made by Thomas Guillemette, seconded by David Alves, to adjourn the meeting at 6:37 p.m. Motion passed 4-0-0.

I would like to thank you for coming tonight.

This is my opinion only;

I would like to talk about Patty Mckenna, our CEO, Building inspector, Plumbing inspector, Health inspector, 911 coordinator, Planning board Clerk, and Deputy treasurer.

Patty Mckenna is leaving her job because in my opinion she is being forced out by certain individuals that she has had to deal with for many years.

As a group they have belittled, besmirched, demeaned, slandered and intimidated her for doing her job. This woman has put in multiple complaints that this board has not acted on until very recently.

Although this abuse was taking place for years

I feel this board was too slow to protect her the way an employee of the town should have been protected.

As far as I am concerned, we did too little too late. No one should have to go through what she has.

This woman is well respected by many and I want to give her the respect she deserves.

Some say that she is overpaid, I say she has earned every dime. Her yearly salary can easily be justified by the 60-75k a year that she has collected in permit fees over each of the past few years.

I have so much more to say but I would like to try and work up a possible solution and make an offer to her to help with the difficult work conditions she had to endure.

I propose, if she was even willing to consider, that the town offer a 30-day paid leave of absence, with no interference or contact from anyone regarding work. If, after 30 days she is feeling better and is willing to stay working for the people of Lyman, we offer her the option of working from home. If documents are needed, the town will pay for an insured courier to bring documents back and forth.

I feel she is being forced out of her job with only a few years left before her retirement.

I also propose that these actions from these individuals be investigated by a third-party legal team to see if any law was broken with their actions.

All keys to the files and offices should be taken from all selectmen, locks should be changed. Files should be protected from theft and tampering. New keys should be given to the clerks. If someone needs the information in a particular file, there should be at least one witness and a log that should be signed, why, who, and for what property or person the file is being looked at.

I feel the slander that she has had to deal with over the years is worthy of this small offer. If she accepts this town would have dodged a loss that would be felt for many years to come. If there are any nay Sayers, I say to them, this is the least we can do as a town to thank an employee that has given so much to this town. I would like to make a motion as written.

discussion or rude. Although I feel a veiled threat was made to me when he told me to be careful with my emails because he could demand to seize all my personal devices. I was emotionally exhausted by this and broke down. He emailed me minutes after leaving town hall and thanked me for our conversation stating, He felt better. John Tibbetts also thanked me after our conversation that day in the parking lot and that he felt better after we talked. I need to say here, they talked, and they felt better. I did not walk away from either conversation feeling better about anything. I am not here to make people feel better about attacking and bullying me. it's absurd to me. I had to take the next two days off, from the emotional toll of that conversation and it was the last straw for me. The day I came back, I submitted my resignation. I am weary from trying to mend fences I didn't take part in breaking.

With all this being said, I can't wait until I don't have to hear what is being said about me. Whose pocket I'm in, what favors I am giving to get people to go along with me, how I am retaliating, how I am helping bullies to feel better about bullying me, how indebted I should be for coming to my defense, I could go on. It's not so much that I care what people think of me. That comes with the job to an extent. It's that other people who don't know me at all are believing these lies, or at least they are spreading them without even giving me the benefit of the doubt. A local realtor came to me recently after meeting with a potential buyer at an open house in Lyman who said "I don't like the things I am hearing about that CEO of ours. Heard she might be getting some favors." Bad apples spoiling the whole barrel. I would love to know how it is these people think I am benefitting from being in David Alves pocket. It is so ridiculous its laughable and honestly, I feel sad for people who must resort to such belittling of a woman because they don't have any true facts to use against her.

I will end this with a story that John Tibbetts shared with me about how he views my work. When I helped a couple of years ago when the previous treasurer left for the same reasons I am leaving, and when I helped out when the previous Selectmen clerk was out of work for a couple of months, he compared me to the work horse in the field who always takes the bit willingly. That is the work horse that gets worn out first. I really didn't mind the analogy that much. I am a work horse. What I am not. is the cow that follows the farmer shaking the can of sweet oats to the slaughterhouse.

I would like to end this on a positive note and sincerely thank all of those who I have gotten to know and like in this town. The list would include probably 4,400 of the residents, with a handful of people I could have lived without ever having crossed paths with. I have enjoyed my time in Lyman. I will think of my time here with fondness once I'm over the bitterness of why I am forced to leave. I've had many laughs, and tears with so many of you. This wasn't just a job, or just a paycheck. When I talk to people and say my town, I meant Lyman, not the town I live in. Getting to know people and hopefully doing a little bit of good while I was here will outweigh all this negativity and that is what I will take with me when I move on. I only ask you to do your own research, before believing or repeating something you hear. The information at town hall is all public information. Turn this town into the positive place it was when I first started working in the community.

that as calling me a liar in front of everyone. That is mild compared to some of our conversations but it is the most recent example. During the conversation with all three of us, David Dulong told me not to forget who came to my defense when there was a group of people trying to cut my raise at town meeting. Saying, "John and I came to your defense". We were supposed to be talking about why I wanted to leave my job. What it turned into was manipulation and trying to make me feel beholden to them for that, and to not continue with my complaint against John.

Mr. Dulong's dislike of me, I believe began in 2014 when I suggested to the Board of Selectmen that he not be reappointed to the Planning Board. In 2013 a retaining wall was constructed on a property on Wadleigh Pond. It was almost completed when someone called my office to ask who was building it because it was such a beautiful wall. I began looking for this wall, knowing I had not issued any permits for any walls. When I found it, it was so big, probably 50 feet long and 30 feet high and in tiers with patios and within 3' of the pond. I asked Mr. Dulong if he saw that being constructed and he admitted he had. I asked why he didn't report it when it started. He said, it's not his job to enforce the ordinances. When his term came up on the Planning Board, I suggested to the Selectmen that he didn't uphold the oath of office he took when he was sworn in, to uphold the ordinances of this town. He again stated to the Board, it is not his job to enforce the ordinances. I stated at the time, that he is right it is not his job to enforce, but it was his job to report the violation to the person whose job it is to enforce. Finding that wall was one of the worst days of my working career. May be THE worst. Imagine what it feels like to tell a person, they should have applied for a permit for this, they probably would not be granted a permit for this and they most likely will have to remove it. After several court hearings, and years going by, the wall was partially removed and / or covered, the owner went to jail twice for contempt of court and paid upwards of \$13,000 in fines and attorney fees back to the town, the violation was mitigated. Mr. Dulong could have saved those people from all of this if he had reported it to me when he saw the wall construction at the start. But "that wasn't his job." Now it appears he has seen the light and sees enforcement as his job. People report to me that he goes around to properties asking if they have permits, asking if they've installed tamper proof electrical outlets, asking if they have permission to cut trees... etc. I have to say, I don't go out into the town asking people if John Tibbetts or Dave Dulong are talking about me. People they have talked to or said things about me to, come to me in my office and let me know what is being said.

The other bad apples are previous Selectmen. Jeff Demers came into my office to tower over me and yell that I am not doing my job protecting the residents of this town. He was highly offended that I would not allow him to step in my office and close the door after saying that, so that he may continue to bully me in private. This is all over an application in their neighborhood that they say, "not in my back yard." Most recently. Jeff called me. When I answered his question about the zoning board of appeals process he loudly said, "come on! Ms. McKenna!" I immediately said, "I'm done." And hung up the phone. He immediately emailed me and said, "why did you hang up on me? I was being friendly and nice as my recording will show". I emailed back and said I am tired of verbally sparring with people and asked for a copy of that recording. The next day he was at town hall looking for me at the start of the day. I was out doing inspections, but he came back that Wednesday evening to speak with me. Asked me to step away from my office where the electric inspector would have been a witness to our conversation. I agreed. He stated that he knows our working relationship has been ruined, that we used to work well together, but it has changed, and he wishes that were not so. He reminded me that he believes I am not doing my job to protect the residents of the town. It was not a confrontational

the letter. The letter was intended for the Planning board meeting where David Alves application was due to be voted on that week.

The planning board held the public hearing on the application a month prior to this. It is procedure not to allow public input after the public hearing is closed. Because if the board allows one person, others who may have wanted to bring additional evidence might claim we were giving unfair advantage to one and not opening up the process to all. In the appeal of this project filed by Jeff Demers, I was accused of refusing to participate in the creation of that letter and then not allowing the planning board to consider the contents of the letter. I didn't refuse to participate as he was told. I was excluded deliberately. The contents of the letter had to do with a business being allowed to be approved on a private road. The week the illegal meeting of the Staff Review Committee took place, John Tibbetts was aware that I was seeking a legal opinion on this very topic, with his and the Chairman of the Selectboard's permission. While that was happening, the treasurer was asked to ask the town attorney the very same question. When I asked the town attorney the question, he informed me the treasurer had asked the same question. Not only was I excluded from participating, another department in town hall was asked to ask the town attorney a question having to do with the planning board process. I believe I was excluded because I would have shared with the rest of the committee that before we agree to this letter, maybe we should hear what the attorney tells us on this topic, and because I would have suggested our committee follows the right to know law, and posted the meeting as the law requires. I did file a formal complaint regarding this illegal meeting, and the misrepresentation of my part in the process, and for excluding me, a voting member of that committee. There was a confrontation regarding my complaint, that resulted in an attack on the planning board process and me asking if John needed to speak to me so condescendingly. Without waiting for an answer, I left the room. The complaint I filed was never dealt with.

After I filed another official complaint against John Tibbetts for spreading a lie, a resident suggested to me that John and I talk. I thought it was too late for that, however the next day I decided to give it a try. A few residents witnessed our speaking to each other in the parking lot at town hall that day. John told me he did not say that I was in David Alves' pocket. What he admitted to saying is that some of my decisions have been questionable. I asked him, if that were so, why didn't he simply come question those decisions so that I might have been able to defend them. I can defend the decisions made during the course of my work. I asked John in the future if he might bring his questions to me and hear my side, before he goes around saying some of the code officer's decisions are questionable. I feel that a person who doesn't seek both sides of a statement or story doesn't want to know, and only wants to further their own agenda by spreading misinformation. When I told the person who informed me of John's comments, that he denied saying I was in David Alves pocket, that person was very upset. He said, he told John that he told me word for word what John said, and that John said, "Patti is in Dave Alves pocket". This person signed a written statement to that affect. What does this tell me and why am I sharing it? If people are going to mend fences, they have to start by being sincere and honest and admitting and apologizing. This is not the type of people I am dealing with when it comes to the maligning, defamation of character, creating a hostile work environment and forcing me out of my job. Ones that deprive a person of their goal of working here until she retires. Ones that deprive a person of a good paying job until that time. During our parking lot conversation, David Dulong saw us talking and decided to join the conversation and pulled up to us. I was able to tell Mr. Dulong that when he confronts me in front of coworkers and customers saying things like "I find that hard to believe", I take

I managed to find a way to stay in an atmosphere where these types of comments and other bullying have become part of everyday experience in town hall. Mr. Dulong was the person to investigate a claim filed against John Tibbetts for harassment a few years ago. Do you think someone who would say what he said about me, is a good person to investigate a similar complaint? I think not. John Tibbetts was fully aware of Mr. Dulong's comments about me. Mr. Dulong's investigation included investigating the woman who complained. It took 4 months to suggest the complaint was unfounded and nothing was done by the Board. When the previous assessor was brutally bullied by David Dulong which I, and everyone inside the building was witness to, I encouraged the employee to report the incident. He met with John Tibbetts in my office and explained what occurred. John suggested that he not speak with David Dulong alone again but always have a witness. When this employee read his statement to the Board giving his resignation, John Tibbetts accused him of exaggerating. He understated the confrontation and was too kind in my opinion. John came to me after this resignation and asked if I was aware I was going to be used as a witness to the confrontation. I told John I was not aware that he was going to say that, but that it was true, I was a witness. I reminded John of the meeting in my office with this employee and I reporting that incident. John said, "Oh. I guess I forgot about that."

I believe John Tibbetts's opinion of me changed over one application for a medical marijuana grow facility in the Wadleigh Pond area. Lyman has reviewed other applications and they have gone through uneventfully even with positive participation from this group. They stated they don't have any problems with the other grow facilities. I have to point out, that these same people, Jeff Demers, John Houy, John Tibbetts, and David Dulong were ALL part of the process when the ordinance for medical marijuana was drafted and subsequently adopted by the townspeople in June of 2019. The ordinance is not outdated as they would have you believe. It is more restrictive in some ways than Acton. They touted Acton had done such a great job, but Lyman had not. The Planning board met with the Board of Selectmen for direction before drafting the ordinance and asked if there were parts of medical marijuana they did not want to allow in town, such as extraction processing. It was John Houy who spoke up and said that he thought we should allow it. He thought it would provide jobs for people in the industry. The industry he worked in. The town did adopt a moratorium on marijuana facilities when adult recreational use law was passed, and it included medical marijuana facilities in that moratorium. The purpose of a moratorium is for an emergency, where the town has no, or inferior regulations for a use and to give it time to develop and adopt regulations. It is for a limited time and can be extended once. The planning board developed regulations, that compare to other towns. In my office is a stack of research. There is another stack of current ordinances on medical marijuana to compare. People like to say, we didn't do due diligence, we didn't research. We did a lot of research. I attended many meetings with other town officials gathering information that I shared. The town adopted the resulting ordinance. This town has a great planning board. They attend meetings, they do research, and they participate with an open mind and they treat people very fairly.

John held a meeting of the Staff Review committee in December without posting the meeting, or advertising that he was holding a meeting. The public didn't have a right to attend or witness the meeting. All of its members didn't have the right to attend. He might say it wasn't a meeting because he brought a letter he typed to two of the three other committee members. This is considered a meeting by the right to know law. He excluded me from this illegal meeting as a voting member of the committee. I believe he excluded me because I would have spoken against the content of his letter with information he neglected to share with the other members of the committee who he got to sign

To the Residents of Lyman,

I would like to thank those who have reached out to me over the last few weeks, with kind words and well wishes. Being a part of this community has been a true pleasure and I have enjoyed my time working for you and with you. I have come to feel like a part of the community and feel I have been a positive contributor to a small town of family taking care of family.

What changed?

You know the term; one rotten apple can spoil the whole barrel? There is a handful of people who are doing that for me. Where does it start? Where does it end? I can only tell you where it starts for me, and where it will end for me.

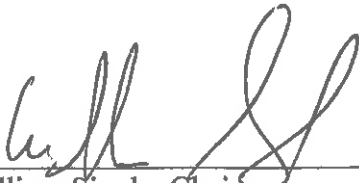
The handful of people are past selectmen and one current selectman.

I'll start with the current Selectman, John Tibbets. When John was first elected as a selectman, he came into the office to meet me. I explained to him what my philosophy of the job is. That I treat everyone fairly using the ordinances not my opinion of the person making an application to decide on the application. That I apply the ordinances with the mindset of helping people and get their projects approved. I spend more time looking for ways to approve projects and if the ordinance doesn't allow a project and I have to deny an application, I will go a step further and suggest alternative ways to accomplish their project that fits the ordinance requirements. Until very recently John has reminded me of that first conversation and has told me how he respected my philosophy of this job and supported me in how I have performed my job.

A month ago, a resident and official in the town came into my office to ask me if I was going to let "these people" run me out of my job. He said, don't let them make you give up and give them what they want. I told him I didn't intend to let that happen. Then he said, "well you know, you are in David Alves' pocket." I asked who said that to him. John Tibbetts. Now, not only is David Dulong spreading that lie, now a current selectman is also spreading it. I was furious and filed a formal complaint against John that day.

This lie started by David Dulong years ago when David Alves had a project before the Planning Board which Mr. Dulong was a member of. The Board approved the project that Mr. Dulong didn't agree with. The project was a recreational building expansion. The vote was 4 in favor and 1 against. To this day if you ask Mr. Dulong, he will tell you, the whole board was wrong, and he was right. When asked the reason why the Board all voted in favor and only he voted against, Mr. Dulong suggested that I favored the applicant, and got the whole rest of the Planning Board to vote in favor of the application. He further suggested that I was giving all of those Board members sexual favors and if I gave him the same favor, he'd probably vote with me as well. I reported this to two superiors verbally. Nothing came of that. I chose to let it go and did not file a formal complaint. I want you to know, I have kept this to myself for years with the exception of a very few people. The person he said this too would testify to this being said.

When David Dulong first ran for selectman and was elected, I told John Tibbetts of these comments and my concerns that his first order of business would be to start telling me how to do my job, to harass me further and continue his bullying tactics with a new vengeance. I was assured by then Chairman of the Board of Selectmen, Jeff Demers, and by John Tibbetts that they would not allow that to occur.



William Single, Chairman



Ralph Blackington, Vice-Chairman



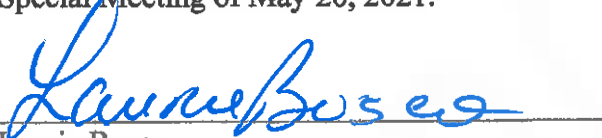
John Tibbetts

Thomas A. Guillemette



David Alves

I, Laurie Bosco, Clerk to the Select Board of the Town of Lyman, Maine, do hereby certify that the foregoing document consisting of nine (9) pages are the original minutes of the Select Board Special Meeting of May 26, 2021.



Laurie Bosco