

# Democracy and allowing Citizens to Petition the Government in accordance with the First Amendment to the Constitution

S Sayer <[REDACTED]>

Tue 1/4/2022 7:55 PM

To: town comments <tcomments@kitteryme.org>;

Dear Council Member,

Please read the following to the public at the next Town Council Meeting. Thank you.

Dear Town Council Members,

I am finding that democracy is at risk and being degraded in the USA. The Town of Kittery had an Election on November 2, 2021. Less than 50% of the eligible voters showed up in person to vote. There were 5 people running for Town Council. I had set up a table to allow the People of the state of Maine to petition their government. Only 1 of the 5 people running for town council asked about my petition. I was wondering why none of them asked me or the other people who had set up tables what the petitions were about. This shows both a lack of curiosity and a lack of interest in democracy itself.

When I asked the Town Manager where I could set up a table to get signatures on my petition to the state legislature, she informed me that if I requested to set up a signature collection I could do it at the transfer station. To me, that is a non-starter. It is dangerous to set up a petition collecting site at the Town transfer station in my opinion. I was told by the Town Manager that I could not solicit for my petition on any Town property. I think that is a blow to democracy. I tried to solicit signatures in the parking lot at Fair Tide. They would not allow me. I do not know what right they have to tell me to move elsewhere since the property is owned by the Kittery Water District and not the town or Fair Tide. I did not press the issue, because I want to be peaceful and petition my government.

I know that many towns allow signature collections at their transfer stations. Bangor allows signature gathering at their public Library. I have been at the York Library and observed (I don't know if it was legal) signature gathering. I have gathered signatures in the parking lot at the Post Office in Kittery. However, with the closure of the PO in Portsmouth we are getting a large number of out of state people coming to town, and when it rains the petitions get wet, and the signatures are hard to verify by the Town Clerk, causing some signatures to be disallowed due to moisture.

One would think that in a democracy citizens should be allowed to gather signatures for a petition, especially on Town property. I would like permission for any citizen with a petition for improving or changing governance in the USA to be able to set up a table to gather signatures inside on Town property. My suggestions would be to set up a day and time for signature gathering at the following places

- 1) Town Library, specific hours for 2 to 4 hours at least once a month.
- 2) Town Community center, Specific hours with at least 4 hours on every weekday at least once a month (i.e. week 1, Monday and Thursday 10 to 2, week 2 Tuesday and Friday 6 am to 10 am, Week 3, Wednesday 6 pm to 10 pm, Week 4, Saturday 9 to 1 pm Sunday 1 pm to 5 pm.) Something like that.
- 3) Town Hall, specific hours 4 hours once a month
- 4) Traipp Academy specific hours (outside? for security reasons).

Petitions are used to allow citizens to bring items up to the legislature. Individual representatives may not like specific ideas that are against their business, their religious beliefs, or for some other reason. Citizens should be allowed to directly petition their government. The First Amendment to the US Constitution gives every citizen the right to petition Congress. Shouldn't the Town of Kittery allow their citizens to petition the State government as well?

Thank you for considering my request to start to develop a more robust democracy within Kittery's Town borders.

# Cannabis License

Katharine Thomas <[REDACTED]>

Mon 1/10/2022 11:31 AM

To: town comments <tcomments@kitteryme.org>; Jermaine Euland <[REDACTED]>; [REDACTED]  
<[REDACTED]>; David Leavitt <[REDACTED]>;

Hello Town Council,

We are writing to you to ask that you do not authorize any final Cannabis licenses for the Adult Use market as a result of the lottery.

We are asking the Town Council to amend the ordinance for the Adult Use License to allow Social Equity into the licensing process. We ask the Town Council for a fair equal process where multiple applications are not accepted on one land site. We ask the Town Council to look at other States and understand Social Equity so they can make Kittery a Town of Diversity. We ask the Town Council to take the initiative so others can follow in positive footsteps

The law includes a “social equity” provision intended to **provide those hurt by the prohibition of marijuana an expedited opportunity to enter the potentially lucrative cannabis market.** "

Please consider these amendments

Thank you,

Darius Gerrald, Katharine Thomas

# Jewett Lane PFAS Testing

Mike Kingston <[REDACTED]>

Mon 1/10/2022 11:54 AM

To:town comments <tcomments@kitteryme.org>;

Good evening,

Kendra has notified us that tonight's meeting is remote due to Covid, therefore I am submitting my comments electronically to the Town Council instead.

My wife and I have been residents of #9 Jewett Lane since 1995 and while our home is not directly impacted by the ongoing well testing, I wanted to comment in support of my neighbors on the poorly handled communication from the DEP and the Town of Kittery regarding the current PFAS testing on our road.

The Town Manager report from the Town Council meeting on December 13, 2021 indicated the DEP would be contacting residents to coordinate water testing after high levels of PFAS were detected around the KRRF. I was personally unaware this was happening until several occurrences of unmarked vehicles began appearing at our homes over several days mid-December requesting entry for water samples. Subsequently I learned others on our road had similar experiences and did not know about it either and were also suspicious.

For the potential life-changing consequences PFAS can have on a family, something as simple as a letter to impacted residents from the DEP or the Town of Kittery would have gone quite a way to mitigate much of the stress caused by possible PFAS contamination compounded with the general lack of information. We as residents had to go looking for it and finally got some from the Town Manager six days ago. I understand there are protocols in place between the DEP and towns for events such as this, but what of the residents? That seems to be where communication stopped.

While I'm sure the information on record is legally within its boundaries, in my opinion it was managed poorly and did not inform the residents of the full situation. It is possible future PFAS incidents could happen elsewhere, and I hope for the sake of any families affected they have more informed interactions with the DEP and their town to work toward a solution.

Regards,

Mike Kingston  
Treasurer, Jewett Lane Association

# PFAS

Kerrin Duffy <[REDACTED]>

Mon 1/10/2022 12:45 PM

To:town comments <tcomments@kitteryme.org>;

I want to know exactly when this was detected at the landfill and how often it has been tested there. I have been a resident on Jewett Lane for 21 years now. I'm on a well and want to know the first date of detection so that we KNOW how long this has been in our water if detection tests are positive - meaning over the limit. #8 Jewett

Sent from my iPhone

# Lottery process for retail cannabis pre-applications

BRJ WSPLLC <[REDACTED]>

Mon 1/10/2022 2:14 PM

To: town comments <tcomments@kitteryme.org>;

TO:

Kendra Amaral

Town Councilors

Town of Kittery

DATE: January 10, 2022

As a proponent of a *fair* lottery system for selecting applicants for retail cannabis licenses in Kittery, I am disappointed in the chaos and inequity caused by a large loophole that the Town neglected to foresee, and then to manage once revealed.

In the summer and fall of 2021, I spoke with both the Town Manager and Planner, and wrote a letter to the councilors advocating for a lottery process versus a first-come-first-served process. My intention was to support greater and more flexible opportunity for Kittery property owners, while also limiting the unintended consequence of property owners pre-vetting applicants with individual P&S deals that would most likely favor large, deep-pocket, out-of-state corporations.

I wanted to support applicants interested in my property who owned local, Maine businesses, and I was hopeful that each would be given a fair shot to be *considered* for a license on our property in the C1.

In a conversation with Bart in Planning about lottery vs. first-come-first-served, I was assured that the Town wanted to create a fair process that did not favor size/money or squeeze out the "local little guy."

When I spoke with Kendra, she insisted that she would not be changing her mind, and did not support a lottery system.

So when the Town Councilors voted to hold a lottery, I was pleased: every business, big or small, local or national, would be given the same shot—one business/one lottery ticket—so it seemed. The ordinance and eventually the FAQs, in my reading, supported such with its language detailing that "no subsidiaries" and "no associated businesses" could apply, therefore avoiding multiple pre-applications from one large entity. Follow-up conversations with Town employees confirmed, so I thought, my understanding of one business/one person/one lottery ticket.

But what ensued was hundreds upon hundreds of pre-applications from LLC's formed by two individuals from one large parent company, Theory Wellness.

On October 20, 2021, when I saw all the pre-applicants listed online, and called Craig Alfis to understand what was happening, the conversation revealed that the ploy by some was to apply for multiple units on one property. So I asked Craig if 'my' applicants could apply for units in my building, and not just with the general property address. Craig said my applicants could indeed apply for individual units in the Mural Building, as long as the spaces met the minimum square footage allowed in the ZO. He worked out with me that I have 6 allowable units for the pre-application (even though I have 8 lettable units in the building), and he updated our tax card to reflect those 6 units.

When Craig Alfis further clarified that the restriction for pre-applications was one application per property, but that multiple applications could be submitted by the same person as long as it was under a separate LLC, I then fully understood the enormous flood of pre-

applications.

So at the last minute, to try to help my applicants at least slightly increase their odds in this now-gamed process, I offered them permission letters to submit per-applications using individual units inside the building on our property as pre-application addresses. Only two businesses had enough money for the additional town pre-application fees. And only one pre-applicant using our address for his pre-application could scramble to submit additional multiple applications for our multiple units with his few existing LLCs—all to try to up his share from 1% of pre-applications for the C1 to less than 7% in the end.

Ultimately, the Town has awarded the opportunity to submit final applications for the C1 and C2, for-all-intents-and-purposes, to subsidiaries of one company, Theory Wellness. If the Town accepts and approves the applications (as well as change of use applications, etc.) for the intended properties, for these two Theory businesses, the Town will be in further violation of its own ordinance, awarding two licenses in town to one business.

I respectfully ask the Town Council, Manager, and its legal counsel to find a way to, at minimum, revoke one of the Theory Wellness associated businesses' license opportunities, OR even more in the spirit of the Town's intentions: re-hold the lotteries for the C1 and C2 with truly only one 'ticket' per business/person.

I appreciate your consideration or my feedback and hope you will rectify the situation.

Sincerely,

Barbara Jenny

Managing Member, Green Brook LLC

The Mural Building

230 US1 Bypass

Kittery