

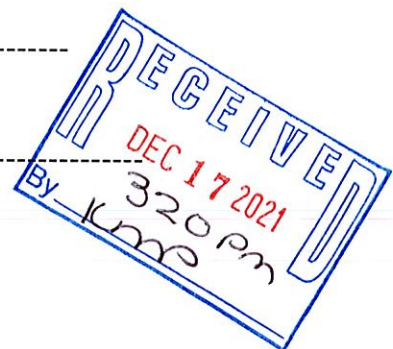
Bickerman

BRIEF AMICUS CURIAE OF

Robert Bittar
1146 Main Street Readfield

Robert Bittar

Approved - Leah Hayes



SSMH

Petitioner

v

TOWN OF READFIELD

Respondent

State of Maine
Board of Appeals
Kennebec, ss

Readfield

Civil Action

I. INTRODUCTION

Act of libel and Defamation to the character of Helen and Robert Bittar in order to deny property use to SSMH at 26 Mill Stream Road ("MSR") the ("Property") Readfield'.

Neighbor Eric Dyer conducted a four year campaign of public libel against Helen Bittar and Robert Bittar culminating in the current Town Website which publishes statements which allege "State Crimes and Local Crimes" committed by Helen Bittar and Robert Bittar during the construction of a philanthropic building to be used as a CC by the people of Readfield.

EVERY STOP WORK ORDER CITED BY TM DYER IS INNOCENT AND EASILY EXPLAINED. Two volunteers pursue a legal, imaginative project that would create a new cultural and historic center of the town. Imagine these two people would spend their life savings toward this end. Imagine that a few volunteers who controlled the town boards lived there. Imagine neighbors joined by the powerful Town Manager were fearful. The MSR "free land" they claimed may occasionally be used by others.

ERIC Dyer and his CEO monitored the construction. ERIC approved and sat in on the CEO discussions to change the MSR zone. **CEO GARY and ERIC suggested a more aggressive zone change. YES. GARY QUINTAL CEO AND Town Mgr ERIC DYER SUGGESTED AND APPROVED A MORE AGGRESSIVE ZONE CHANGE THAN Town Mgr. STEFAN PAKULSKI. The Planning Board ("PB") website is an attempt to say that Helen and Robert designed a zone change. NO! We only wanted a CC.** CEO Gary and Eric Dyer proposed a Village Zone! They said this was the best and most legitimate path for the town plan.

TM Dyer's FALSE INFORMATION concerning the Bittar SINGLE FAMILY PERMIT:

Robert Bittar states: I NEVER MISLED THE TOWN! The Town Lied. After Helen died in 2018, I

submitted an application for a non-profit corporation for a Community Center CC. The PB said because Eric Dyer and Gary submitted the Change of Zone, the PB said they believed that I would commit a crime and illegally open a commercial pizza business. They said that I would lie about creating a non-profit center. After 35 years in this town, they concluded that I really wanted a bigger pizza business. Helen (sick and dying) and we would spend almost \$400,000 for a community center to devote our remaining years building a bigger pizza business with music. The Planning Board wrote that I would commit a crime and steal the money from the non-profit.

CEO Gary Quintal worked for 3 years on the Mill Stream Project. Gary knew us and knew it was legal. At the end of that PB denial of a Community Center ("CC"), **GARY SAID: "this is wrong. You should have received a permit. I can give you a single family home permit...THEN you can play all the music you want. Just don't have more than 500 people and don't collect any money. Put in a bath and a bed. " I did. GARY gave me a permit.** I had one evening of piano by a famous pianist as memorial music night for Helen. Then small groups of people were invited to listen and play music.

Eric DYER would not permit this even though it was legal. He evicted me. He fired the CEO and THREATENED HIM FROM TESTIFYING!

I tried to follow Stefan Pakulski's suggestion of getting a petition to change the zone to Rural. But TM Eric, the Select Board and PB spent our tax dollars to stop that by hiring lawyers to create another "interpretation" that's what lawyers call an opinion. A sad commentary on Readfield.

TM Dyer's Activities that he denies:

- manipulated information to deny his leadership and participation in the rezoning plans for MSR
- monitored the development of the MSR CC,
- conspired with a neighbor Matt Nazar to request an illegal raid by officers of the State of Maine Fire Marshal's office with false information to raid and evict Robert Bittar
- directed his subordinate CEO Gary Quintal to sign and submit false charges against his use of the property to create false claims concerning the use of the property at 26 MSR
- delayed the use of the property for a year until the Article 38 vote to remove the legal permitted use of Bittar property
- created an illogical abusive arbitrary sidewalk law to make the MSR CC unusable by SSMH this year.

2. The first challenge relates to the denial letter issued September 5 by the Town's Code Enforcement Officer ("CEO") to SSMH. The SSMH August 2020 PB application submitted at the Town Office for a permit to use 26 MSR as a CC was rejected. The TM wrote an illegal "Consent Order" which he wrote and threatened to deny use of the building until I signed it.

II. FACTUAL AND PROCEDURAL HISTORY

"Property Owner " Dr. Helen Bittar devoted her life savings to a project which she felt would benefit the people of Readfield. As an American historian, scholar SHE restored Mill building to be a Readfield colonial legacy. It was for this reason that she devoted the majority of her savings to a project on a dead end Readfield road and participated in its development and restoration of the county's oldest building until her death in April 2018.

“Property Owner ” Robert Bittar continued her work.

TM Dyer prevents the owner's occupancy of the building. The SSMH rental is essential to provide income needed for the maintenance (Fire Sprinkler System, utilities, insurance and repair of the property. SSMH is registered under the Maine State Registry as a non-profit corporation. It's membership consists of 50 members and officers. It's mission is focused opening a facility for the LGBTQ+ community and those who may be identified as minority members of the community. The owner is prevented from donating the use of this property to a non-profit organization which is important to his family.

PB- No Property Violations Exist at the Property

On Nov 3 2021, Finding of Fact pg 7: the PB stated there are no violations, no conditions in the building which would prevent occupancy. This hearing will review the legitimacy of each Stop Work Order and Town Manager /CEO order and the attempt to discredit the Landlord through association with the SSMH LGBTQ organization.

SSMH has Standing

SSMH negotiated a lease to rent property located at 26 MSR in the Town of Readfield (“the Property”). The property includes one of the oldest building in Maine and The oldest building in Readfield restored for use as a CC and an attached barn. The Plaintiff wishes to use the Property as a CC. A CC is a permitted use within the Readfield Land Use Ordinance for this Rural Residential District. In August 2020 the plaintiff submitted a PBapplication at the Town Office for a permit to use 26 MSR as a CC.

An important PB admission: A Community Center is a legal and appropriate use for a structure in the Rural Resource District.

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(“Director, Taylor Quezada and Partner Gwen Rothert“) received their marriage license at the Readfield town office. In the months that followed, the Readfield CEO denied occupancy of the “Property” as a single family residence to Taylor, her children and partner. Taylor and Gwen were known to TM Dyer and CEO. The CEO sent Taylor a notice that required her to remove the “Black Lives Matter” sign from her Readfield rental unit. Taylor submitted an application permit to rent the Property at 26 MSR in April 2020 as a single family home for her, her child and and her wife Gwen. If Taylor were to obtain a rental permit, Town ManagerDyer would be one of Taylor and Gwen's closest neighbors. Taylor's current rental lease in Readfield had four months remaining. If Taylor and her family were to move it was necessary to obtain a permit to use the property for rental. Taylor's Permit Application was delayed in the TM Office from April until August 2020. Her lease was about to expire. The TM and CEO took four months to write a 10 page statement of requirements that stated conditions needed if the building were to be occupied by Taylor. Among those requirements was the Consent Order which the TM and Select Board required that I sign. The TM / CEO never submitted Taylor's application to the Planning Board. Taylor was forced to continue the same rental lease and was unable to occupy 26 MSR, a building neighboring the TM residence. She subsequently moved away from Readfield. Was her removal from Readfield, one of the TM Dyer's goals. No family, in Readfield's history, has been required to fulfill these rigid standards to rent a new single family building which had already been previously been approved for occupancy by a CEO.

In August 2020 SSMH submitted a permit to rent 26 MSR. August 2020 SSMH submitted a brief to the Appeals Board concerning CEO/TM summary denial of their rental permit application . The Town

administration has taken one year and three months to write their denial of the SSMH permit request. SSMH claimed the denial by the CEO/TM was based upon discrimination since one of SSMH LGBTQ directors and her partner (“Director, Taylor Quezada and Partner Gwen Rothert”) were known at the Readfield town office. Nevertheless, The PBdecision containing alleged errors of fact, discretionary judgments denies the SSMH permit. Many people in Readfield are aware of Helen and my family. One son is a prominent member of the LGBTQ society. He maintains a residence here in Monmouth with his two children and partner. Publicity and suggestions of illegality of SSMH LGBTQ potential occupants are designed to compromise our family relationships within the Maine Community.

- The Board of Appeals Ordinance states that a variance may be requested where a relaxation of terms of the LUO would not be contrary to the public interest .

Why it should be granted?

- SSMH asks that the Board of Appeals acts in **the Public Interest to protect interests of the town and state and to protect the rights of all people including the LGBTQ and minority community.**

26 Mill Stream Road is one of the five “oldest houses in Maine” (1770 ca). (Wikipedia dates The Bray House – Maine oldest 1720 Kittery) The restoration details and concepts were thoughtfully monitored by American Historian, Dr. Helen Bittar.

IV. ARGUMENT

A. The August 2020 CEO and TM notice of denial of the PBApplication was an error of law.

1. Discrimination against SSMH.

The constitutional claim of Discrimination raised by SSMH in September 2020 is valid for review in this appeal. For more than one year, the TM continued a process of delays, misrepresentation, and coordinated activity to deny our family interest in providing an LGBTQ-focused center access to this Property.

The rental agreement to SSMH was reliant upon use of the Parking Lot on MSR. The TM and PBcreated conditions which make the use of that lot impossible. Together they stated that our right to grant use of the 26 Mill Stream buildings to people who will use the parking lot is no longer safe. These are discriminatory arbitrary determinations are designed to deny SSMH access to an important facility essential to use of the entire CC. They are used to prevent the use of 26MSR property.

the Union Meeting House- TM Dyer's own CC. His December 23 letter says he has been a dues-paying an active member since 2017? (5Years?). It has a tiny parking area for cars and when members. The problem increased with Union MH violation of the LUO by inviting the public to its Event Center increasing the need for parking. Dyer's solution to no Union Club parking has been to create laws to reasons to prevent Mill Stream parking.

The Chairman of the Readfield Board of Appeals reviewed the CEO/TM August 2020 SSMH rejection without a hearing. The lack of Appeals Board jurisdiction prevented a hearing and removed it from public record. Nevertheless the basis of the requested hearing and the Chairman's direct review and written directive to the CEO/TM are clear. SSMH requested the hearing specifically on the basis of a claim of discrimination by the Town Administration. The Chairman was cautious not to use the word “prejudice” or “discrimination”. Chairman Bickerman sent explicit instructions to both the TM and his

subordinate CEO to follow the law: If there is a question concerning the permit application, send it to the Planning Board. His directive was clear. It was supported by law. The TM/CEO did not follow the law. At every opportunity The TM delayed and subverted the legitimacy of the application. Even during PBhearings the TM misrepresented the nature, mission, scope and character of SSMH intended activity.

TM Dyer has stated his connections to the Union Meeting House. other PBand Select Board members are also members of the UMH. There remains an issue of Conflict of Interest.

The Town Manager ("TM") delayed the SSMH Application from PBreview for 10 months. During that time, he sent two letters which suggested his willingness to aid SSMH. Those letters were veiled threats to Bittar and SSMH. The Dec 23 letter was 29 pages long. Almost all of it was a collection of documents although innocent on the surface could be used as a indictment against Bittars. TM threatened to taint SSMH reputation by association with a history of Bittar "illegal activity". Dyer's Dec. 23, 2020 letter specifically threatens Bittar to cease installation of the sprinkler system and his need to sign the "Consent Order". He warns that if a Fire Safety system is installed, Bittar may never be able to rent the 26 MSR building. The Fire Safety system was approved by the State Fire Marshal and his office of investigators and engineers. Fire Safety systems are required even in single family homes in some cities. They guarantee the safety of occupants. They are not installed as a sign of illegality or criminal activity. Even the single family home of one of the current Select Board members, contains a fire sprinkler system in every room in the house. But TM Dyer threatens to ban the use of 26 Mill Stream because a Fire safety system is installed. This is an extremely prejudicial and arbitrary abuse of power. Mill Stream is a building built for safety. TM Dyer's Union Meeting House has only one door for 200 people and no fire safety measures. Is Dyer's involvement a conflict of interest?

The TM December 23 Letter implies a warning that SSMH must move to a different part of town or they will suffer restrained activities, inability to function within the community, and join his own organization. SSMH members are stripped of all protection when the installation of the Fire Sprinkler System is used as a threatened device to eliminate their access and use of the building. The TM concludes his demand concerning the Fire sprinkler system that any "assembly use" for a CC will not be approved. TM Dyer a new law – a legislative edict denying the First Amendment - that the LGBTQ Readfield Community cannot "assemble" in their town CC.

The TM also offered assistance in moving to other locations rather than his neighborhood the Elite Kent's Hill Road. (In Am. History this mode of discrimination is called "Steering" and performed by those who seek to "cleanse" a neighborhood of its undesireables.)

2 This town PB website information was built to illustrate and support the PB declaration of Bittar illegality and through that SSMH illegality. The town has pursued a publicity campaign against Bittar and the SSMH. They suggest LGBTQ criminal intent to use of the Property with disruptive activities. You are directed to the website to receive "the truth about the Bittar Property" immediately after any inquiry is made concerning the PBactivity or the SSMH permit.

The PB website "history" implies a renegade Bittar family plot to build an illegal commercial CC site at Mill Stream. The website documents attempt to

illustrate criminal intent by Helen Bittar and Robert Bittar. **The Property is suggested by the PBwebsite as a clandestine criminal operation unknown and unsupported by Town Managers and in violation of CEOs and in violation of town law. THIS IS FALSE. Both Town Managers Stefan Pakulski and Eric Dyer knew every detail of construction plans goals from the very start. It was to be a Community Center. It was never hidden.** They were partners and **participated** at every juncture. They were aware that the Bittar's **plans to apply for a Change of Use application when the single family house structure changed** sufficiently to justify such a change of use. **They suggested and led Bittars to apply for a change of zoning and TM Dyer /CEO Quintal were most influential in suggesting an aggressive change of zone.** Helen Bittar and Robert Bittar followed their advice. They understood the need for timing of that application. ALL Town Managers and CEOs participated in frequent reviews of the activity. Any "Stop Work Order" was answered immediately, repaired and/or dismissed by the town CEO as a misunderstanding or error.

3. Abuse of Discretion – THE CONSENT ORDER

TM Dyer requires that Robert Bittar sign a consent order. That consent order is designed to be punitive and inflict the pain of home and kitchen by eliminating those things that establish the extraordinary details of a beautifully appointed kitchen.

Among the Consent Order demands:

- Remove all Commercial Kitchen Equipment. It is commonplace even in Readfield for many new single family homes to include commercial kitchen appliances. I have been a professional cook for 35 years. Commercial equipment is standard home equipment in most kitchens of professionals.
- Pay the town 5,000 for the right to return
- Sign a personal waiver to agree to pay penalties to anyone in the town administration to sue me for penalties if I were to write a note about the administration
- Never protest against the abuse of reputation which the Town Manager and Boards continue to publicize about my wife and me
- Never protest against the administrative actions that prevent me from returning to the Mill Stream building
- Prohibited from parking in the parking lot or permitting friends who visit from parking in the Parking Lot on MSR

4. Abuse of Discretion by the PB is clear in the PB demand for construction of a "sidewalk" into the wetlands. Alexis Bittar is owner of the SSMH Parking Lot. He has granted use of this property to the SSMH-LGBTQ organization. It was granted without a rental fee so that members of the organization would be able to park their automobiles without disturbance of the neighbors. Use of the 26 Mill Stream Properties are dependent upon the parking lot.

Union Meeting House ("UMH") a private corporation and CC/club has no parking lot for events. After

permitting 20 years of unsupervised street parking, the town this year said that Union must use a parking lot.... The Problem: They have none. TM Dyer A Member and Volunteer worker at UMH is in active support of UMH and its needs. Did TM Dyer arrange for the Select Board "Approval" of UMH Change of Use to an EVENT CENTER with sale of good, Public Admission and No Parking Violations. Is there any requirement that they limit events to members and not open to the Public (As Demanded in the LUO)? The UMH has occupancy rights to the Readfield Town Library Parking Lot! Was this another executive order? And of course they have a \$5000/ year town tax gift. The MSR Parking Lot on an deserted DEAD END..gravel road is declared a safety hazard and requires improvements which were never installed in the Church Road Ball Field Lot . Lighting, ground conditions etc.

The PB demand made arbitrary and unreasonable demands to grant Bittar the right to use small Parking lot. Ground conditions which would apply to much larger properties are being made to increase the cost of use of this Parking Lot. In addition to expensive ground preparation, it will require the addition of electric power, lighting, and completion of work was estimated at a preliminary cost of 20,000.00. These fees are a deliberate attempt to bankrupt the Bittar project so the Dyer Union Club remains solvent. **Who will pay for these 200.000 costs if the Parking Lot were to be made accessible for the Union Meeting House? Who pays the annual subsidy etc?**

Abuse of Process by the TM

Fire Chief Mank altered his original requested revision of the Parking Lot "security path". Chief Mank delivered his revised reasonable path and map to TM Dyer. The revised reasonable 4' path was to be placed on the side of MSR.

TM Dyer never sent this revised path to the Planning Board.

Did TM Dyer intentionally withhold this critical revision of Fire Chief Mank's reasonable "security path" from the PB to guarantee their denial of the SSMH permit and ensure the lack of use of a beautiful Mill Stream Parking lot designed for use by LGBTQ Community? Was it to deny Bittar the rental of his property through a sustained attack against the SSMH LGBTQ members.

5. the PB Collateral Historic references are prejudicial and without merit. When the public arrives at the PB website Large Red letters invite PB members and Readfield Residents to an edited false account of what is appears to be a semi-criminal activity of two **Readfield Community "outlaws "- Helen and Robert Bittar.** **Historic town documents** concerning the Bittars and their prior activity at the Property are presented by the PB to support the claim of SSMH criminality.

THE BITTAR HISTORY IS IRRELEVANT to the issue of the SSMH Permit Application for a CC at 26 MSR! SSMH is a legal separate corporation. It has no history at the Property until its application in August 2020. SSMH has a legal right to use the Property.

The Bittar History is used to suggest criminal activity by Robert Bittar and his dead wife.

TM and others have used collateral association, to suggests that the Bittar - SSMH reputation is joined and criminal. The PB website influence the town, PB members and others to believe in the inherent criminality of the Bittars and ultimately in the SSMH organization as an LGBTQ criminal enterprise. The PB/ TM WEBSITE is a billboard announcing a Bittar and SSMH cabal to create a

criminality community. These PBWebsite declarations activities have been prejudicial to SSMH and its permit application.

SSMH is an independent non-profit entity. It has no relationship or connection with the activities at Mill Stream prior to its 2020 application to obtain a CC permit. Property history is irrelevant to SSMH membership, organization and mission. Historic references concerning Bittars are inaccurate, false and designed to create a sense of distrust and suggested illegality of the SSMH mission as well as its LGBTQ and minority focus.

V. CONCLUSION

The constitutional claims raised by SSMH in September 2020 were serious enough for the Appeals Board chairman to immediately attempt to redress the issue. This issue is valid for review in this Rule 80B appeal. The Claim of Discrimination continued until November 2021 when the PB assembled a permit denial based on a series of statements based upon errors of law, a litany of discretionary Proclamations and errors of findings unsupported by evidence.

Is any defense of SSMH possible when weighed against questionable activities of men who conspire to use false information to subvert the legal property right of occupancy? This same team committed a similar act in 2018. They called the State Fire Marshal requesting a raid and eviction of a neighbor who played music. They claimed he created a commercial site in his home at 26 MSR that his activities and building threatened the life and safety of children. State Investigators investigated in 2018. Officers declared they were given false information by TM Dyer. The incentive has not changed since 2018. Is this conspiracy designed to create a prejudiced view and threaten exposure and publication of SSMH as an organization with outlaw intent? In this way SSMH will have been denied access to the town community by a small group of influential people.

Personal reasons of a few people prevent this site from public use LGBTQ CC

The voters of Readfield reversed town law in the historic June vote and declared:

This CC is in the public interest of the entire town