

10/30/24

To Whom It May Concern,

I request once again that this letter and supporting documents not be shared with the complainant or any representative of their party out of concern for personal retribution.

I'd like to respond and to provide additional clarification regarding the Dr. Summerbell report. The request for Dr. Summerbell's review was made on September 16<sup>th</sup>, in **direct response** to the September 5<sup>th</sup> report *Report on the Geographical Impact of Baudoinia near Wiggly Bridge Distillery*, by Sarita Frey, paid for by Wiggly Bridge Distillery, and submitted to the York Planning Board on September 9th.

I had been in touch with Dr. Summerbell since September of 2023, and contacted him again on September 16, 2024, to share the Frey report, along with an earlier report required by the Town of York, *Spatial Analysis of Whiskey Fungus Testing for the Town of York, Maine, Tora Johnson, PhD, July 20, 2023*, asking him if he could help our group understand why the results of these reports would be so different from each other. He reviewed both and issued his response on September 23, 2024.

The history of competing reports goes back two years to when the Planning Board first required a fungus sampling to be done of an abutting building in the Fall of 2022, and each subsequent report has been connected to the previous one. This has all taken place within the framework of Planning Board applications, long before the Citizen's Initiative was even suggested to our group by the town.

In response to the complainant's note, *"the [Summerbell] report was not timely submitted to, reviewed by, or discussed by the board at its September 26, 2024 meeting. The application at issue was for the construction of a new kitchen and storage building at the distillery, neither of which has any bearing on the baudoinia issue,"* I've attached a letter from the complainant's legal representative Matthew Altieri requesting that the Planning Board consider the Frey report, **to which Summerbell's report was a direct response**, at that meeting, ending his letter with, *"We appreciate your attention to this matter and consideration in connection with the pending site plan application, [emphasis added] and we look forward to answering any questions concerning the report at the next Planning Board meeting at which Wiggly Bridge is heard."*

It should be noted that the Planning Department advised the Planning Board that the Frey report should not be considered—though that did not stop the complainant from requesting that it be included with their application—and if there was a chance that the Planning Board *would* consider it, I requested that they also consider Dr. Summerbell's response. I provided you my email to the Planning Board with the documents I shared previously. The Planning Board did in fact vote to accept the report, among other documents submitted late, as part of the complainant's application. And again, that application has since been approved.

Per the language of 21-A M.R.S. § 1052(3)(A), the Dr. Summerbell report **was not initiated to influence the election**, and **was not paid for**. The fact that it has been referenced within the context of the election does not violate 21-A M.R.S. § 1052(3)(A).

It was referenced in *one* spot on the website ("all references" is misleading) as shown in the complainant's screenshots, and it has since been removed out of courtesy and goodwill to the complainant. I have no knowledge of any Facebook posts being removed, though I will say that advocates for No on 12 have referred to us as "communists," publicly threatened lawsuits, and suggested that we "pack up and leave."

Finally, for the complainant to suggest that the issue of whether they are or are not responsible for the presence or lack of Baudoinia is the "central issue of the Article 12 campaign" is also blatantly false. The proposed ordinance makes no mention of the complainant and is designed to protect York residents from **all risks** associated with distillery structures being situated in close proximity to homes. As noted on the website and in other literature, other risks include barrelhouse fires and collapses. Regarding Baudoinia, whether it currently exists or not has no

bearing on whether it could impact residents' private properties and/or health in the future, through expanded distilling operations from *any* distiller.

It is very clear through their words and actions that the complainant desperately wants this ballot referendum to be centered squarely on them, but if you review any materials, or read the proposed ordinance itself, it is designed to protect the community from future development within the industry of spirit distilling in York.

A handwritten signature in black ink, appearing to read "Adam Flaherty". The signature is fluid and cursive, with the first name "Adam" written in a larger, more prominent script than the last name "Flaherty".

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Wayne Boardman  
Planning Board Chair  
Town of York  
186 York Street  
York, Maine 03909

**RE: Wiggly Bridge Distillery Application for Site Plan Amendment – Report of Dr. Serita Frey Concerning DNA Analysis of Baudoinia**

September 9, 2024

Dear Chair Boardman and Members of the Planning Board,

On behalf of Wiggly Bridge Distillery, I enclose a report, along with the underlying data, of a DNA analysis of blackened and moldy surfaces in a 1.5 km area centered on Wiggly Bridge to determine the presence or absence of *Baudoinia Compniacensis*. This report, including all aspects of the data collection and analysis, was prepared by Dr. Serita Frey from the University of New Hampshire. Dr. Frey, who is one of the most frequently cited researchers in the country and holds a doctorate in ecology, specializes in the study of mycology and the effects of the human environment on microbial soil composition. Dr. Frey concludes in the study:

No samples contained *Baudoinia compniacensis* or any other species in the genus *Baudoinia*, indicating that this fungus is not a member of the fungal communities associated with moldy surfaces found in the sampled area. If *Baudoinia compniacensis* or any other species of *Baudoinia* were present in "moldy growths" within the area nearby the distillery, it would have been detected in this testing.

The highly sensitized DNA analysis identified more than 1,300 different fungal species in the samples taken, and not a single incidence of *Baudoinia*. Dr. Frey also concluded that previous investigations relying on microscopy as the method of identifying *Baudoinia* were fundamentally deficient because *Baudoinia* cannot be definitively identified without DNA sequencing.

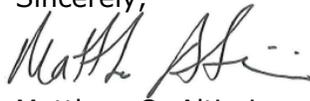
To be clear, the conclusions of Dr. Frey's DNA analysis are unsurprising: the Town last year requested additional input from Dr. James Scott, who informed this Board that "Bond warehouses with holdings of less than 20,000 barrels tend not to have much of an issue" with *Baudoinia*. Moreover, on at least two occasions, representatives from the Code Enforcement Office visited Wiggly Bridge and determined there is no ongoing violation of an ordinance provision prohibiting staining on nearby property. We anticipate that a final

review of the property will be made by Land Use Technician Heather Ross and understand that she has completed that review but no report has yet been issued.

Opponents of Wiggly Bridge's very modest expansion plans have adamantly rejected these conclusions and basic scientific truths for over a year, and have pointed to every incidence of staining as evidence of "whiskey fungus." In light of this, we ask that you make this report, together with the underlying data and photographs<sup>1</sup> of the sampled areas, publicly available on the Town website.

We appreciate your attention to this matter and consideration in connection with the pending site plan application, and we look forward to answering any questions concerning the report at the next Planning Board meeting at which Wiggly Bridge is heard.

Sincerely,



Matthew O. Altieri

Cc: Mary Costigan, Esq.  
DeCarlo Brown, Town Planner

Enclosures:

S. Frey, Report on the Geographical Impact of *Baudoinia* near Wiggly Bridge Distillery.

DNA Sequence Results: Report on the Geographical Impact of *Baudoinia* near Wiggly Bridge Distillery

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<sup>1</sup> I have copied a link providing access to the dropbox containing the original pictures in the email sending this correspondence. Please notify me immediately if there are any troubles accessing the photographs.