APPROVED

MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, SEPTEMBER 22, 2014
7:00 P.M.

SELECTMEN PRESENT: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Julie Quintero-Schulz, Chief Mason, Sgt. Considine, Carolyn Carey, Barbara-Anne Foley, Eric Beebe, Larry Cole, Ted Keon, Lee Culver, John Mahan, Frank Crowley, Sarah Niemesto, Eileen Connell, Jack Connell, Officer Lincoln, Officer Brickley, Officer Petell, Barry Worth, Maggie Downey, and others.

MEETING CALLED TO ORDER at 7:00 p.m. by Chairman Ballantine.

WEEKLY BRIEFING

Mr. Cole reported on last Thursday's annual meeting of the Cape and Vineyard Electric Coop and noted that all the documents are on the website.

Mr. Doherty, representative to the CCRTA, reported that ridership on the Flex Route is down and reminded the public that the service is available.

Mr. Urbano commented on our students' test scores and said we should ask for a plan for increasing scores in reading and math. He asked for it to be put on the Board's agenda and for the Town Administrator to send a letter to the School Committee. Chairman Ballantine responded that he needs to take his concerns to the School Committee.

CONSENT AGENDA

A. Approve Minutes – September 8, 2014 Regular Session
B. Vote to confirm the Town Administrator's appointment of Gregory Mello as Distribution Laborer for the Water Department

Mr. McManus moved approval of the Consent Agenda and the recommended actions thereon. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS (Not earlier than 7:00 P.M.)

A. Letter of Support regarding the Monomoy Comprehensive Management Plan
Presentation by Mr. Ted Keon, Director of Coastal Resources, Chatham

Chairman Ballantine explained that the town of Chatham has asked for us to forward a letter of support (attached) to the U.S. Fish and Wildlife Service who controls Monomoy and he has asked Mr. Ted Keon, Director of Coastal Resources of Chatham to give a brief overview of what the

issues are. Mr. Keon provided the attached presentation and took questions from the Board. Mr. Hughes moved to send a letter of support regarding the Monomoy Refugee Draft CCP/EIS. Mr. LaMantia seconded the motion and the motion carried by a 4-0-1 vote with Ms. Cebula abstaining from the vote.

B. Annual Meetings:

1. Community Center Facilities Committee

Lee Culver delivered the annual report of the Community Center Facilities Committee. He and Carolyn Carey took questions and comments from the Board.

2. Council on Aging

Adrienne Johnson delivered the annual report of the Council on Aging. She and Barbara-Anne Foley took questions and comments from the Board.

3. Recreation and Youth Commission

John Mahan delivered the annual report of the Council on Aging. He took questions and comments from the Board.

C. Show Cause Hearing – Cape Cod Claddagh Inn and Irish Pub Liquor License – *discussion and possible vote*
D. Show Cause Hearing – Cape Cod Claddagh Inn and Irish Pub – Weekday and Sunday Entertainment Licenses – *discussion and possible vote*

Chairman Ballantine described the hearing process. Mr. McManus read the notice of disciplinary hearing letters for both the hearings. Chairman Ballantine opened the hearings. The Town Clerk swore in all those giving testimony. Mr. Clark noted that the Police Chief would be acting as the prosecution.

Chief Mason provided the opening statement in which he reported that the Police Department has responded to the Claddagh Inn on 22 occasions since March 2014 regarding excessive noise, disturbance, alcohol consumption in the parking lot, fireworks and over service complaints from neighboring residents and Police observations. He noted that during the investigation, officers observed that music could be heard off-premise in violation of the licensing restrictions approved by the Board of Selectmen and the Town Noise By-Law, alcohol consumption outside of licensed areas, discharge of fireworks, and assaults. He said that the Police Department responded to four times more complaints at the Claddagh Inn during this period than all other liquor/entertainment licensed businesses in the Town of Harwich combined. He stated that the Police Department has attempted to work with the management and owners of the Claddagh Inn without formal criminal complaints, however, these efforts have failed to improve the conditions or reduce the need for law enforcement response and with this in mind, officers have been instructed to seek criminal charges and/or other formal court action as appropriate at future responses. He noted that Officer Keith Lincoln, Officer Brendan Brickley, and Officer Peter Petell were all responding officers and

would be providing testimony on what they observed had occurred while they were responding to the Claddagh.

Eileen Connell gave an opening statement on behalf of the Cape Cod Claddagh Inn and Irish Pub focusing on the family history of management of the inn. She commented that she was not able to find out who placed the complaint calls to the Police Department and that information was redacted from the reports she requested. She also noted that the Claddagh Inn has called the police on occasions as well.

Sgt. Considine gave an overview of the 22 responses to the Claddagh Inn (see attached). Sgt. Considine and Chief Mason described an occurrence on June 13, 2014 in which a patron brought in alcohol to the Claddagh, a disturbance ensued, there was an accusation that a person tried to run over another person with a vehicle and another accusation that a machete was used to damage the property of the alleged perpetrator. Officer Brickley gave details on that matter. He reported that at 12:45 a.m. on June 13, 2014 he responded to a fight in progress which was a 911 call by the individual who ended up bringing the charges. He said it was reported by the individual who made the call that another individual had a weapon and was attacking him. Officers responded and were able to separate the parties and were able to discern that the individual who called 911 brought his own alcohol to the establishment which is illegal. He stated that there was an argument about him bringing the alcohol to the Claddagh and a physical altercation ensued while inside the bar in which tables and flowerpots were thrown. He stated that one individual chased him outside of the bar, got in his car, the other individual went back inside the bar to retrieve the weapon and went back to chase after the other individual who was in the car and struck the car several times with the said weapon and that individual stated that the person in the car attempted to run him over. Officer Brickley described other situations where he had been at the Claddagh and his observations including on July 14, 2014 at 1:05 a.m. there was excessive noise and the band was still playing; on July 28, 2014 he viewed approximately 100 people in the parking lot drinking some people getting into cars and he observed at least 2 vehicles doing "donuts" in the lot and there was excessive noise.

Officer Peter Petell described his observations including self-initiated calls on July 2, 2014 at 1:06 a.m. when he and Officer Lincoln observed several patrons on the side patio with beers and the bouncers then told them to go back inside; on July 4, 2014 at approximately 1:05 a.m. he observed a few people in the parking lot setting off fireworks including Delmar who then ran behind the tiki bar; on September 10, 2014 at 1:05 a.m. he observed a group at the side door, a bouncer came up to him to talk and Delmar told him to get away from him at which time the bouncer turned and walked away; on September 14, 2014 at 1:06 a.m. he observed 5 or 6 people exit the bar from the basement and go into the main area.

Officer Keith Lincoln said he responded to two assaults, one was a fight in progress on May 6, 2014 in which someone got punched in the face and had a large laceration on their forehead and nose. He said he interviewed Sara Niemesto outside and she stated that Mr. O'Reilly had become intoxicated and began to irritate other patrons in the bar area, was argumentative with patrons and picked up a bar stool and threw it across the room. He said that Ms. Niemesto stated that she took him outside to talk to him and Officer Lincoln said he was concerned that she allowed him back in the establishment; on May 31, 2014 he observed 6-10 people in the parking lot with beer bottles

in hand with glasses. He said that one person announced himself as the bouncer but in fact was not and later admitted so. Officer Lincoln said he cleared the area and the party continued at a Grey Neck Road residence.

Sebastian Mudry of Smith Street said he made one call to the Police Department because his wife couldn't sleep but she was disturbed several nights from the music and fireworks but didn't call. He equated the Claddagh to the UMASS Blarney Fest.

Chairman Ballantine called for testimony from the Claddagh Inn. Ms. Niemesto stated that on May 6, 2014 she had 2 disorderly customers come in and she served them one beer each. She said it was open mic night and one sang karaoke while his friend began to intimate the customers, including an elderly woman about 80 years old whom he grabbed at the top of the head and was shaking. She asked him to come out and talk and he picked up stool and threw it at her at which point some customers became irate and she asked them to calm down. She said things got a little out of hand, they never made it outside and she called 911 for help. With regard to the June 13, 2014 incident, she said the manager who is also her fiancé, Delmar, was accused of having a machete but he was the one to call the police. Ms. Niemesto stated that they have had an issue with customers bringing their drinks outside and they have a small ramp and deck outside the bar where they did allow our customers to smoke and bring their drinks outside. She said it's a rule she threw up at the bar and a lot of her rules come from watching her past two generations' actions. She said they now don't let their customers take any beverages outside at all. As for Delmar telling the bouncer not to talk to the Police, she said the bouncer no longer works for them so they didn't want him getting involved in that situation, but he is still a friend and patron and they didn't want anything to get misconstrued. She said that as the summer season is over, they now only have entertainment on Tuesday and Friday and that is karaoke. She said on Saturday and Sunday they still have a D.J.

Eileen Connell said the Board doesn't have a clue as to what having an Innholder's license entails. She said they have to provide hay and food for horses and accept that everyone has the right to ask for food so they must have cook on premises. She said an Innholder's License allows you to serve liquor anywhere within the confines of your property not just the building and they exercise that right. She said they have a tiki bar outside by the pool and have lived up to every rule and regulation regarding the pool and the Health Department gave them AAA findings for the year 2014, everyone has to have CPR and they have educated their staff. She said that when someone is having a cocktail outside on the porch that is their houseguest at their inn or if they are walking in the parking lot they are houseguests. She said they don't abuse their Entertainment License and they were told they can't have drums and they can't have Irish or Reggae music without drums. She said its impossible to adhere to the rules and regulations. Ms. Connell pointed out that she and her husband Jack are the owners.

Jordan Mitchell, bartender, spoke to July 4th incident and said there was a tropical storm that night and it was the people across street who set off fireworks, not them.

Chief Mason reiterated that there were 22 calls for one location over a very small period of time. He noted that the officer actually observed an employee of the Claddagh discharging fireworks in the parking lot and this was not something that was happening at another location. He noted that

other businesses in Town have a better ability of keeping this under control and not necessitating these types of calls for service. Chief Mason stressed that this is not something new, and during his 14 years as Chief he has personally been down there with officers and selectmen and has tried to work with them and tried not to use the court system. He recommended that some appropriate action be taken against both licenses.

Mr. Jack Connell noted the Claddagh is up for sale for $595,000.

Mr. Hughes noted that it was calm at the Claddagh for a while and questioned what has changed. Ms. Niemesto responded that it was the busiest summer ever, they have a very young staff and they are moving in the right direction to make changes including checking ID's at the door. Mr. Hughes noted that the Police reports state that there have been 100 people there which exceeds the limit. Ms. Niemesto responded that they have never had 100 people there. Mr. Hughes stated that the entertainment is supposed to stop at midnight and asked the Police if they have observed otherwise. Officer Lincoln said he can still hear music past 1:00 a.m. when he is across the street. He questioned what their practice is for shutting down entertainment. Ms. Mitchell stated that they have a house stereo that does go a little bit louder but the security guard checks every 20 minutes by going across the street to check the bass level to see if it can be heard across street. She said the D.J. shuts down at midnight but they use the house system after that. Mr. Hughes asked the Board's interpretation of that in regard to the Entertainment License. Chairman Ballantine said they are in violation of the Noise By-Law. Ms. Cebula said it is clear that the license says entertainment will cease inside the building at 12:00 a.m. Mr. Hughes asked the Chief how many officers are on duty at night and how many would have to respond to the Claddagh. Chief Mason responded that there are four officers on duty and they would all have to respond. Mr. Hughes stressed that the Chief indicated that all the Police resources in the Town are used at that time for the one location and they are tying up the entire Police force. Chief Mason added that they also have had to call for assistance from outside agencies.

Chairman Ballantine asked if patrons bring their own liquor and Ms. Mitchell responded that if patrons have alcohol in their cars they wouldn't know that.

Mr. McManus noted that the license indicates they can have live or recorded music and the radio plays recorded music.

Chairman Ballantine stated that there doesn't seem to be the control needed to adhere to the license requirements or Noise By-Law. Ms. Niemesto stated that she doesn't think they are ever going to get control over the noise problem and they have been fighting off noise complaints for years. She said if they don't have entertainment they might as well not be open. She stated that the noise problem will never ever get solved because they keep coming back here year after year. Mr. Hughes stressed that they need to understand what the license says. Ms. Niemesto said she fully understands but feels they are being personally persecuted. Mr. Hughes explained that the midnight ending time for entertainment is to allow the patrons to wind down and have a more orderly exit.

Mr. McManus said he has been dealing with this topic for the 11 years he has been on the Board. He said the Police reports all have to do with noise at 1:00 in the morning when there isn't supposed

to be any music. He stated that what is most disturbing to him is that until now there has never been this level of physical violence and fights and that is disappointing. Mr. McManus moved to close the hearing. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Chairman Ballantine stated they would take up the matter of the Liquor License first. Mr. Clark pointed out that we are trying to assist 12,000 people in this community and not just one establishment but they are also trying to do a better job and sell the business. He recommended as a first offense suspending the Liquor License for 3 to 5 days and to make sure it is on a weekend.

Ms. Cebula moved to suspend their liquor license from October 10th to October 13th. Mr. Hughes seconded the motion. Mr. LaMantia asked the Police Chief to bring forward new offenses immediately and cautioned the Claddagh that the third offense is punishable up to revocation of the license. Mr. Hughes said he would hope they would have a plan on how these issues would be addressed for the coming year if they are planning to apply for license renewal.

Mr. Clark recommended the same suspension time for the Entertainment Licenses. Ms. Cebula moved that all Entertainment Licenses be suspended from October 10th to October 13th. Mr. Hughes seconded the motion. Mr. LaMantia said he has a problem with that as they say they can't control it. Ms. Mitchell said it is their goal to control it and it is not something that will happen the next day, it will take a little time and a lot of work. Ms. Cebula stated that they will be looking for a very concrete plan before this license will be reissued. She stated that these things should have been put in place by now. The motion carried by a unanimous vote.

E. Comments on Cape Light Compact and CVEC – Barry Worth

Mr. Worth and Ms. Downey reviewed their response for the concerns voiced by Leo Cakounes (see attached). The Board was satisfied that the documents requested are available to the public. Mr. Clark agreed to respond to Mr. Cakounes.

OLD BUSINESS

A. Letter concerning the Cape Light Compact and CVEC – discussion and possible vote

Mr. Clark reported that the letter has been forwarded to Liz Argo of CVEC and we are waiting for a response. The Board agreed to take this up when we hear from Ms. Argo.

NEW BUSINESS

A. Harwich Community Center Code of Conduct – discussion and possible vote to approve

Ms. Carey reported that the document was reviewed by the Community Center Departments and Boards. Ms. Cebula suggested defining certain items such as offensive language and Mr. LaMantia agreed. Ms. Carey agreed to bring back this item.

B. Harwich Community Center Emergency/Disaster Plan – discussion and possible vote to approve

The Board took no action on this plan.

C. Selectmen/Finance Committee - Joint meetings for departmental budget presentations – discussion and possible vote

After discussion it was agreed that Chairman Ballantine and Mr. Clark would come back with a proposed schedule for joint meetings with the Finance Committee.

TOWN ADMINISTRATOR'S REPORT

A. Architectural Advisory Committee – Review of advisory role

Mr. Clark reported that the Committee was created by Town Meeting vote and some plans are required to go to them. He said we will make sure we keep them in the process.

ADJOURNMENT

Mr. Hughes moved to adjourn at 9:58 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

U.S. Fish & Wildlife Service

Monomoy National Wildlife Refuge

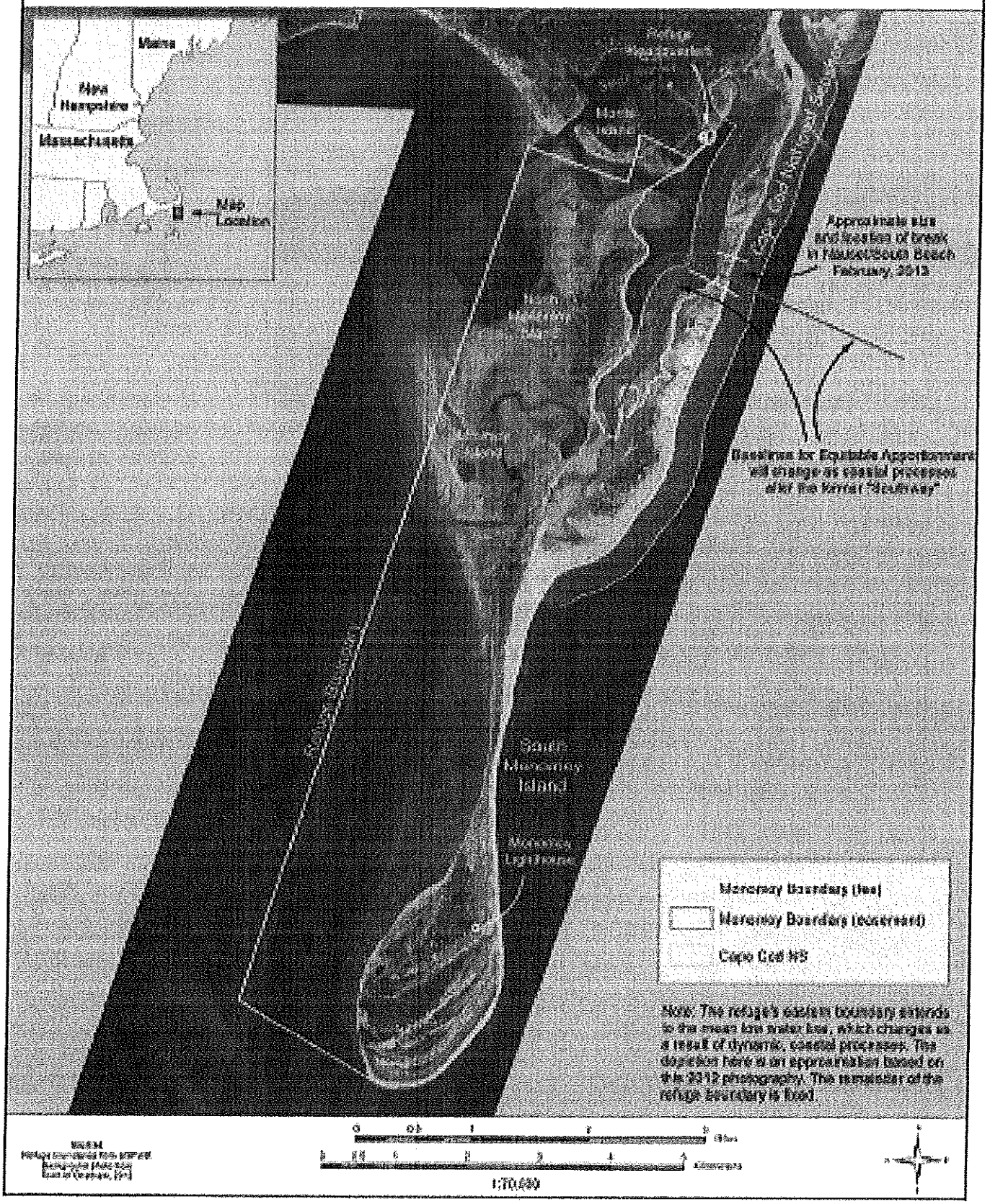
Draft Comprehensive Conservation Plan and Environmental Impact Statement

Volume 1—Chapters 1 through 6

including Bibliography, Acronyms, and Glossary

March 2014

Monomoy National Wildlife Refuge



MONOMOY COMMENTS

Libby Herland, Project Leader
U.S. Fish & Wildlife Service
73 Weir Hill Road
Sudbury, MA 01776

- *Via Email:*
  northeastplanning@fws.gov
- *or FAX:*
  (978) 443–2898

[DATE] – *Please note comments are due by October 10, 2014*

Ms. Libby Herland, Project Leader
Eastern Massachusetts National Wildlife Refuge Complex
73 Weir Hill Road
Sudbury, MA 01776

[Via Email - northeastplanning@fws.gov or FAX (978) 443–2898]

RE: Monomoy Refuge Draft CCP/EIS

Dear Ms. Herland:

The Board of Selectmen of the Town of _____ is responding to the request of the US Fish and Wildlife (FWS) for public comment regarding the Monomoy National Wildlife Refuge (MNWR) Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS). Though the MNWR solely lies within the borders of the Town of Chatham, the lands and waters surrounding the MNWR are utilized by all Cape communities. These areas have provided vital fishing grounds for local commercial fishermen as well as important recreational opportunities for generations of Cape Cod residents and visitors.

Among many other issues, the draft CCP/EIS contains two major and troubling assertions concerning the re-defining of ownership and jurisdiction over certain lands and waters adjacent to the MNWR. If implemented, these changes would have a substantial adverse effect on Chatham and its citizens and would likely cause reverberating effects throughout all the Cape communities.

First, the FWS has laid claim to 717 acres of Chatham-owned land know as South Beach. If left unchallenged, those activities which are currently allowed and enjoyed by ALL Cape visitors will be greatly restricted as these lands would now be managed as a federal Wilderness Area. Picnicking, jogging, kite flying and various other beach sports are only a few of the recreational activities that have been enjoyed by the public for many years on South Beach but would now be prohibited under the recommendations of the draft CCP/EIS. We respectfully support Chatham in its claim of their continued ownership and management over all of South Beach.

Second, the FWS now asserts jurisdiction over more than 4,000 acres of waters and submerged lands of Nantucket Sound within the area referred to as the Declaration of Takings (DOT). For hundreds of years, Chatham shellfishermen and Cape Cod fishermen have traditionally harvested fish and shellfish from these waters under the oversight and enforcement of state and local regulations. Both the local and state authorities have historically and successfully managed these fisheries in a sound and sustainable

manner. We are disappointed to read that the FWS now claims jurisdiction over these waters and proposes to prohibit many of the traditional harvesting methods undertaken within these areas; the bounties of which are shared in restaurants and markets throughout the Cape. These fisheries have been properly managed for decades and they contribute to the job security of year-round fishermen and shellfishermen which in turn benefits the economic stability of all of Cape Cod. We, therefore, respectfully support Chatham's contention that both local and state authorities maintain management over the shellfishing and fishing activities within the DOT and we DO NOT support the FWS unfounded claim of jurisdiction of these waters.

The Town of Chatham has indicated that they are willing to work with the FWS to resolve these issues in a manner that respects the interests and mission of the FWS and the wilderness character of the lands. However, these efforts must recognize the continued management and rights presently held by both the Town and the Commonwealth. We support Chatham's position and would urge you to reconsider those proposals that dramatically alter the historical boundary delineations, and work cooperatively with Chatham prior to the issuance of a final CCP/EIS.

Thank you.

Sincerely,

Cc: Senator Elizabeth Warren
Senator Edward Markey
Representative William Keating
State Senator Dan Wolf
State Representative Sarah Peake
Chatham Board of Selectmen

OFFICE OF THE SELECTMEN

PHONE (508) 430-7513
FAX (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645

VIA EMAIL, U.S. POSTAL SERVICE CERTIFIED MAIL, AND HAND DELIVERED

August 26, 2014

Mr. John F. Connell, Manager
Cape Cod Claddagh Inn & Irish Pub
P.O. Box 667
West Harwich, MA 02671

Re: Notice of Disciplinary Hearing

Dear Mr. Connell:

On September 22, 2014, at their 7:00 p.m. meeting in the Donn B. Griffin Room, Harwich Town Hall, 732 Main Street, Harwich, Massachusetts, the Harwich Board of Selectmen, acting as the Town's Licensing Board, will hold a show cause hearing to hear the following charges regarding the alcohol license issued to you for the premises located at 77 Route 28, West Harwich: (1) service of intoxicated persons in violation of G.L. c.138, §69; (2) improper management of the licensed premises in violation of G.L. c.138, §23; and (3) permitting a disorder, disturbance or illegality on the licensed premises in violation of 204 CMR 2.05(2), including the service of intoxicated persons, excessive noise and vehicular traffic and physical and/or other altercations at the premises, as well as violation of the Code of the Town of Harwich Chapter 189-1 Noise, on the dates outlined in the attached correspondence from the Harwich Police Department.

You are requested to attend the hearing. You will be given an opportunity to be heard and to introduce evidence. You may be represented by counsel if you so choose.

You are hereby informed that in the event that the allegations are proven, the Board may take disciplinary action against the license, which may include for the purpose of modification, suspension, revocation, or cancellation.

HARWICH BOARD OF SELECTMEN
Local Licensing Authority

Larry Ballantine

Larry Ballantine, Chairman

cc: William Mason, Chief of Police

Cape Cod Claddagh Inn & Irish Pub
P.O. Box 355
West Harwich, MA 02671

Cape Cod Claddagh Inn & Irish Pub
77 Route 28
West Harwich, MA 02671

OFFICE OF THE SELECTMEN

PHONE (508) 430-7513
FAX (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645

VIA EMAIL, U.S. POSTAL SERVICE CERTIFIED MAIL, AND HAND DELIVERED

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> Violations of the "Cape Cod Claddagh Sunday & Weekday Indoor Entertainment License Conditions" including but not limited to #1, 2, 3, and 8, on the dates outlined in the attached correspondence from the Harwich Police Department as well as violation of the Code of the Town of Harwich Chapter 189-1 Noise.

You are requested to attend the hearing. You will be given an opportunity to be heard and to introduce evidence. You may be represented by counsel if you so choose.

You are hereby informed that in the event that the allegations are proven, the Board may take disciplinary action against the licenses, which may include modification, suspension, revocation, or cancellation.

HARWICH BOARD OF SELECTMEN
Local Licensing Authority

Larry Ballantine

Larry Ballantine, Chairman

cc: William Mason, Chief of Police

Cape Cod Claddagh Inn & Irish Pub
P.O Box 355
West Harwich, MA 02671

Cape Cod Claddagh Inn & Irish Pub
77 Route 28
West Harwich, MA 02671

HARWICH POLICE DEPARTMENT

183 SISSON ROAD HARWICH MA 02645 508-430-7541

www.harwichpolice.com

To: Chief Mason

From: Sgt. Considine

Date: July 28, 2014

Subject: Call to the Claddagh Inn – 77 Rt. 28

The following are a breakdown of calls to the Claddagh in by month with a brief description of each call. Please see the specific call page for full information on each call (provided).

July 2014:

- July 2: Officers observed several patrons on front porch with beers at 1:06 a.m. Bouncers told the patrons to go back inside the bar. (After the 1 a.m. closing hour).
- July 4: Patrons setting off fireworks in the parking lot and upon PD arrival, they ran behind the outside "Tiki" bar.
- July 11: Area patrol, large crown and noise violation from music and DJ.
- July 11: Prior to 1 a.m., DJ and music clearly heard in parking lot area.
- July 14: Valid noise complaint from DJ/Band. Officer reports music did NOT stop until 1:05 a.m., past the 1 a.m. closing time.
- July 21: Large group moved along by officers after closing time.
- July 25: Assisted Fire Dept. with patron in the parking lot that had too much alcohol to drink inside establishment.
- July 26: Noise complaint from neighbors. Music was heard when patrons open the door to the bar. Bar manager was notified of complaint.
- July 28: Approx. 100 patrons in parking lot at closing time. Patrons drinking alcohol in parking lot after closing. Also noise violation.

June 2014:

- June 3: Noise complaint, music and yelling. Manager advised music shut off.
- June 3: Assault in the parking lot. Injured person could not leave the lot due to large amount of intoxicated person in the lot. Management was unaware that a fight occurred in lot.
- June 13: Disturbance call. Fight in progress call. See report 14-7322-OF.
- June 28: Noise complaint from 54 Smith Street. Mgt advised to turn down music.

May 2014:

- May 6: Assault and Battery call (14-5553-OF). Fist fight between two patrons in the bar.
- May 7: Area patrol. Loud voices heard by officer parked across the street. Cleared the lot.
- May 11: Area patrol. Loud but orderly crowd.

- May 13: Monitored traffic. Two males seen by officer outside of bar entrance with beer bottles in hand at 1:15 a.m. Upon seeing the police, they went back into the bar, well past closing time.
- May 25: Very large crowd at closing time.
- May 31: Officer pulled into lot to find a dozen people in the lot with beer bottles and glassed beverages in hand. Bouncer cleared the lot and sent all back inside the bar at 1:07 a.m. (after closing time).

April 2014:

- Patron made a report to PD that she was at the Claddagh and she thought her wine was drugged. Husband found her wandering out on Rt. 28. Also the women's purse was missing and never found in the bar.

March 2014:

- Large amount of cars in lot at 1:20 a.m. after bar closing time. Loud group. Large group was hanging out at a cottage with 40+ people in a small cottage on the Inn's property. Officer could clearly see the 40+ persons left the bar and went to the cottage.

December 27 2013: Person entering bar at 1:27 a.m.
December 13 2013: Noise Complaint
November 17 2013: Noise Violation. Mgt. advised and music turned down.
October 26 2013: Large crown moved along from parking lot
October 27 2013: Large crowd / Jamaican band. Loud voices. Lot cleared.

BRWorth response to concern voiced by Leo Cakounes regarding actions of the Cape Light Compact, town Representative who voted for the Town of Harwich on the issue of rejecting Attorney General's demands to respond to certain issues without asking BOS approval prior to taking such action

- The Harwich BOS had previously approved the Revised Aggregation Plan developed by the Compact
- The CLC representative (B Worth) has full authority to act for the town without asking approval from BOS. (For meaningful or controversial issues, he normally would seek such approval)
- B Worth acted on advice of CLC Counsel who determined that the questions asked by the AG were outside the scope of that which was required by DPU for the revised Aggregation Plan. B Worth voted to follow the advice and voted in that fashion along with all other board members of CLC
- The CLC has offered to meet the Attorney General's question fully, off line and apart from the document .

B R Worth
Harwich REpresentative
Cape Light Compact
9/15/14

For More Information Contact:
Lindsay Henderson (508) 375-6889
lhenderson@capelightcompact.org

PRESS RELEASE
For Immediate Release: September 15, 2014

CAPE LIGHT COMPACT ANNOUNCES POSTING OF INFORMATION FOR ATTORNEY GENERAL ON-LINE

Barnstable, MA – As part of its on-going effort to increase transparency, the Cape Light Compact announced today that it has followed up on its commitment to provide information requested by the Massachusetts Attorney General.

"For the past few months, we've been engaged in what should be a simple process for review and approval of our Aggregation Plan at the Department of Public Utilities (DPU)," Compact Administrator Margaret Downey said. "The Attorney General has sought to expand the scope of the proceeding in an effort to resolve questions of law that go far beyond the Compact. The DPU has told the Attorney General in similar proceedings that the matters of law they seek to address don't belong in an Aggregation Plan proceeding. In the spirit of cooperation, we have offered to sit down with the Attorney General and her staff and provide answers to all of their questions outside of our DPU proceeding, but thus far the Attorney General has not responded to the Compact's offer to meet. The lack of a response from the Attorney General has allowed critics to mischaracterize what is going on as the Cape Light Compact 'stonewalling' the Attorney General and refusing to provide information in the DPU case. To end the mischaracterization of what is happening, we have posted information in response to all of the Attorney General's questions on our web site at www.capelightcompact.org/AGinfo. We have also delivered the 525-page document to the Attorney General's office." Downey said the public is also able to view the information, much of which was already on-line and publicly accessible.

"We're waiting for the DPU to tell us whether or not the information contained in the answers we've posted online should be included in the DPU's current proceeding – their past decisions have excluded similar information. It's the DPU's decision to make, but, in the meantime, we're happy to provide the information the Attorney General's office has asked for outside of the proceeding," Downey said.

"Cape Light Compact posts much more information on its operations than utilities, other energy companies, or other public entities. We want to make sure that in addition to the usual questions, people can understand how we function," Downey has noted.

The posting of this information comes within the context of the Compact's continuing work to increase transparency. Most recently, the Compact began posting line-by-line revenues and expenditures on its web site. Publicly available information about the Compact includes:

- All Compact revenues and expenditures from 1997 through Fiscal Year 2014. (The Energy Efficiency expenditures have customer names redacted in order to protect the privacy of the Compact's customers. In addition the names of individuals and organizations that the Compact purchases Renewable Energy Certificates (RECs) from are also redacted to as competitively sensitive information.)
- Compact budgets
- Compact annual financial statements and audit documents
- Compact meeting agendas and meeting minutes
- Compact board meeting packets containing information provided to board members.

In addition to the resources listed above, the Compact's website includes information on the Compact's programs, such as how to request a free energy assessment, or find out about competitive power pricing or other operational information.

"Our primary focus is on the programs we run for energy efficiency, power supply and consumer advocacy," Downey said. "Our staff does that well, and we've administered award-winning programs for more than a decade that have saved consumers millions of dollars by reinvesting in our community."

Downey closed by saying, "We are dedicated to serving the public. We heard and responded to comments in regards to providing more information. We don't expect to satisfy all critics, but it is our hope that making more information available and accessible will clear up misconceptions and answer outstanding questions."

ABOUT CAPE LIGHT COMPACT

Cape Light Compact is an award-winning energy services organization operated by the 21 towns and two counties on Cape Cod and Martha's Vineyard. The Compact's mission is to serve its 200,000 customers through the delivery of proven energy efficiency programs, effective consumer advocacy, competitive electricity supply and green power options. For more information, visit www.capelightcompact.org.

Cape Light Compact
RESPONSE TO QUESTIONS
Harwich Board of Selectmen

September 22, 2014

BACKGROUND

- Aggregation Plan Revisions
- Scope of DPU 14-69 Hearing
- Attorney General's Questions
- Cape Light Compact Response

CURRENT STATUS

- All Attorney General Questions Answered
- Documents Shipped to Attorney General and Posted On Line
- Transparency:
  Continuing Communications with Towns, Media and Public

CAPE LIGHT COMPACT WEBSITE INFORMATION

- Includes all revenues and expenditures 1997 through June 30, 2014, plus all independent audited financial statements, with 2012 and 2013 coming in October
- Most important for customers—how to get a free energy audit and energy efficiency savings **1-800-797-6699**
- WEBSITE: www.capelightcompact.org