

SELECTMEN'S MEETING AGENDA*

Executive Session 5:00 P.M.

Public Hearing 5:30 P.M.

Tuesday, May 4, 2021

REMOTE PARTICIPATION ONLY
HEARING WILL BE BROADCASTED LIVE ON CHANNEL 18
OPEN PUBLIC FORUM – PLEASE READ

1. First, send an email to: comment@town.harwich.ma.us (send emails at any time after the meeting agenda has been officially posted)
 - a. In the subject line enter “request to speak, your name”
 - b. In the body of the email please indicate which specific agenda item you wish to speak on.
No further detail is necessary.
2. After the Chairman has opened the floor to those wishing to speak callers will be taken in the order the emails are received.
Use *6 to mute and unmute your phone
When you join the meeting by phone you should turn off Channel 18 or your computer if streaming the meeting.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/247110125>

You can also dial in using your phone.

United States: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 247-110-125

I. **CALL TO ORDER**

II. **EXECUTIVE SESSION**

- A. Executive Session pursuant to G.L. c. 30A, §21(a) (3) to discuss litigation strategy with respect to the case of 3137, LLC, et al. (Ember and Port) v. Town of Harwich, et al., United States District Court, C.A. No. 1:21-CV-10473, if discussing the matter in open session will have a detrimental effect on the Town’s litigating position and the chair so declares.

III. **PUBLIC HEARING (NO EARLIER THAN 5:30 P.M.)**

- A. Port Restaurant and Bar, 541 Rt. 28 - Public hearing on applications for renewal of the Seasonal All Alcoholic Beverages License and the Seasonal Entertainment License; discussion and possible vote to order discipline based on Town Administrator’s February 8, 2021 findings and recommendations.

IV. **ADJOURNMENT**

****Per the Attorney General’s Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following “New Business.” If you are deaf or hard of hearing or a person with a disability who requires an accommodation contact the Selectmen’s Office at 508-430-7513.***

Authorized Posting Officer:

Danielle Delaney, Executive Assistant

Posted by: _____
Town Clerk

Date: _____
April 30, 2021

LICENSE APPLICATIONS



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021
Retail License Renewal

License Number: 00074-RS-0506	Municipality: HARWICH
License Name : Port Restaurant And Bar Inc	License Class: Seasonal
DBA :	License Type: Restaurant
Premise Address: 541 Route 28 Harwich, MA 02646	License Category: All Alcoholic Beverages
Manager: Justin R Brackett	

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).



 Signature
 Justin Brackett

 Printed Name

03-02-2021

 Date
 President

 Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



Joseph F. Powers, *Town Administrator*
Meggan Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

MEMO

TO: Board of Selectmen

FROM: Danielle Delaney, Executive Assistant – Licensing

CC: Joseph F. Powers, Town Administrator
Meggan M. Eldredge, Assistant Town Administrator

RE: 2021 Seasonal Entertainment License Renewals

DATE: March 22, 2021

The licensee below was contacted via email to outline the times and location (inside or outside) of where they are requesting to have entertainment.
All information below was emailed directly to staff. Included below is what the Board of Selectmen approved in 2020.

Port Restaurant & Bar
541 Route 28, Harwich Port

Requesting: Weekday 10AM – 10PM Outside & 10AM – 12AM Inside
Sunday 10AM – 10PM Outside & 10AM – 12AM Inside

Recorded or Live Music with amplification

Approved in 2020 by the Board of Selectmen
Weekday: 6PM – 10PM Outside
Sunday: 10AM-12AM Inside & 10AM-10PM Outside



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530

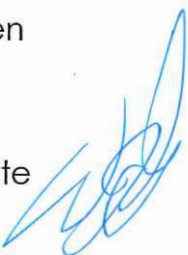


DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Board of Selectmen

FROM: David J. Guillemette
Chief of Police 

DATE: March 17, 2021

SUBJECT: Application for renewal of Entertainment Licenses for weekday and Sunday entertainment both inside and outside at The Port.

Mr. Chairman and members of the Board. I have major concerns about issuing the above requested entertainment licenses to The Port. During last spring and summer The Port was allowed to extend into their back parking area with a large tent. This resulted in increased complaints of noise from crowds inside the tent, increased traffic on Sea Street because of the limited parking, ongoing reports of COVID violations and reports of intoxicated individuals causing disturbances at closing time. People living in the area described it as a "night club atmosphere" that was extremely disturbing.

Through my correspondence with neighbors in the area and my review of calls for service from last season, it is readily apparent that steps need to be taken to reduce the impact of this establishment on the neighborhood.

I will make myself available for any questions regarding my concerns.



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR ENTERTAINMENT LICENSE

- Weekday Entertainment (\$75) _____ 1 day (\$25) _____
_____ Batters Box (\$50)
_____ Go Carts (\$50)
_____ Miniature Golf (\$50)
_____ Trampolines (\$25)
_____ Theater (\$150 per cinema)
_____ Automatic Amusement:
_____ Juke Box (\$100 each)
_____ Video Games (\$100 each) _____ Other _____
- New application _____
Renewal
Annual _____
Seasonal
Opening Date April 1, 2021

Business Name THE PORT Phone 508-430-5410
Business Address 541 ROUTE 28
Mailing Address HARWICH, MA 02646
Owners Name & Address JARED BRACKETT
Email Address Jgbrackett@aol.com
Managers Name & Address _____

TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):

ENTERTAINMENT TYPE: (Check all appropriate boxes)

- _____ Concert _____ Dance _____ Exhibition _____ Cabaret _____ Public Show _____ Other
_____ Dancing by Patrons
_____ Dancing by Entertainers or Performers
 Recorded or Live Music
 Use of Amplification System
_____ Theatrical Exhibit, Play or Moving Picture Show
_____ A Floor Show of Any Description
_____ A Light Show of Any Description
_____ Any Other Dynamic Audio or Visual Show, Whether Live or Recorded

At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

___ Yes No

If Yes, answer questions 1 through 4 below. Attach a separate sheet and/or exhibits if necessary:

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: _____

2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: _____

3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: _____

4. Identify whether and how you will regulate access by minors to the premises: _____

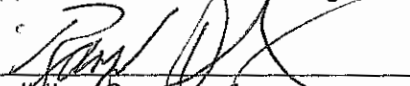
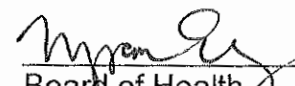
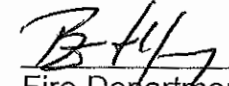
Days/Hours of Business Operation _____

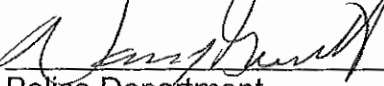
Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Signature of applicant & title	Federal I.D. #
Signature of individual or corporate name	Federal I.D. #
Signature of Manager	Federal I.D. #
Signature of Partner	Federal I.D. #

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

 Building Commissioner	 Board of Health	 Fire Department
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Police Department

comments: See attached Memo

Required signatures to be obtained by the applicant prior to submission of new applications.



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR SUNDAY ENTERTAINMENT LICENSE

- | | |
|--|--|
| <input type="checkbox"/> Music 1PM or After (Municipal Fee \$85/State \$50) | New application <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Music prior to 1PM (Municipal Fee \$175/State \$100) | Renewal <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Go Carts (\$50) | Annual <input type="checkbox"/> |
| <input type="checkbox"/> Miniature Golf (\$50) | Seasonal <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Trampolines (\$25) | Opening Date <u>April 1, 2008</u> |
| <input type="checkbox"/> Theater (\$150 per cinema) | |
| <input type="checkbox"/> Automatic Amusement (\$100) | |
| <input type="checkbox"/> Juke Box (\$100 each) | |
| <input type="checkbox"/> Video Games (\$100 each) | Other _____ |

Business Name THE PORT Phone 508-430-5410

Business Address 541 ROUTE 28

Mailing Address HARWICH, MA 02646

Owners Name & Address JARED Brackett

Email Address Jbrackett@aol.com

Managers Name & Address _____

TIMES OF ENTERTAINMENT (Please specify where music will be located on your property and what type of entertainment such as live, DJ, recorded)

ENTERTAINMENT TYPE: (Check all appropriate boxes)

- Concert Dance Exhibition Cabaret Public Show Other
- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Theatrical Exhibit, Play or Moving Picture Show
- A Floor Show of Any Description
- A Light Show of Any Description
- Any Other Dynamic Audio or Visual Show, Whether Live or Recorded

At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

___ Yes No

If Yes, answer questions 1 through 4 below. Attach a separate sheet and/or exhibits if necessary:

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: _____

2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: _____

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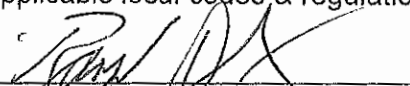
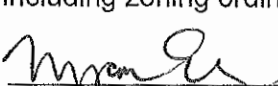
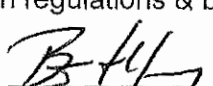
Days/Hours of Business Operation _____

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Signature of applicant & title	_____	Federal I.D. #	_____
Signature of individual or corporate name	_____	Federal I.D. #	_____
Signature of Manager	_____	Federal I.D. #	_____
Signature of Partner	_____	Federal I.D. #	_____

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

 Building Commissioner	 Board of Health	 Fire Department
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Police Department

comments: See attached
MEMO

Required signatures to be obtained by the applicant prior to submission of new applications.

2021

Request for continued Expansion of Outdoor Table Service

Establishment name: THE PORT

Establishment address: 541 ROUTE 28

If your establishment would like to continue expanded outdoor table service, please fill out below.

Please note this form is only for establishments that have completed the Board of Selectmen's application process.

Indicate that you are requesting to continue with expanded outdoor table service. YES

Indicate that you are continuing with what was previously approved by the town. If you would like to further expand your outdoor seating area, please contact staff for an application. SAME

Indicate if you will or will not be serving alcohol on the expanded outdoor premise. WILL

Indicate the dates from start to end of season when you will be utilizing the expanded outdoor area. May 28 - Oct 11

Manager: 

Date: 3-2-2021

MEMO'S
FROM
POLICE
DEPARTMENT



HARWICHPolice

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Board of Selectmen

FROM: David J. Guillemette
Chief of Police

DATE: March 17, 2021

SUBJECT: Application for renewal of Entertainment Licenses for weekday and Sunday entertainment both inside and outside at The Port.

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Through my correspondence with neighbors in the area and my review of calls for service from last season, it is readily apparent that steps need to be taken to reduce the impact of this establishment on the neighborhood.

I will make myself available for any questions regarding my concerns.



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530




DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Joseph Powers
Town Administrator

Meggan Eldredge
Assistant Town Administrator

FROM: David J. Guillemette
Chief of Police 

DATE: February 25, 2021

SUBJECT: 2021 Seasonal Liquor License Renewals

In response to your memo dated February 23, 2021 regarding seasonal liquor license renewals, the Police Department has identified issues with the following establishments from the provided list.

Ember
500 route 28, Harwich Port

Perks
545 Route 28, Harwich Port

Port Restaurant and Bar
541 route 28, Harwich Port

EMAILS
AND
LETTERS

Raymond Tomlinson

From: Jake Domos [REDACTED]
Sent: Friday, April 30, 2021 2:14 PM
To: Raymond Tomlinson
Subject: Fwd: Port and Ember

----- Forwarded message -----

From: Jake Domos [REDACTED]
Date: Wed, Feb 24, 2021 at 12:47 PM
Subject: Fwd: Port and Ember
To: <letters@capecodonline.com>

----- Forwarded message -----

From: Nancy [REDACTED]
Date: Sat, Feb 20, 2021 at 3:23 PM
Subject: Port and Ember
To: [REDACTED]

I have recently become aware of some misinformation regarding The Port Restaurant and Ember Coal-fired Pizza and Wings in Harwich Port. As an employee and manager, I can confirm that at both establishments we were always diligent to be actively following the most up-to-date COVID-19 protocols as advised by the state. This includes closely following Governor Charlie Baker's COVID-19 updates through press statements, the Mass.gov COVID-19 updates and information webpage, Baker's and the Department of Health's Twitter accounts, and staying in close contact with the town for local mandates. Locally Meggan Eldredge was a huge help in keeping us actively informed as to how we could best be running in a safe environment for both employees and guests as all summer long she was the Town of Harwich's Health Director.

In compliance with the COVID-19 safety precautions, both establishments at all times had signs at all entrances stating that masks covering the nose and mouth were required at all times unless seated and actively dining. We also had clear signs and arrows on the floor of Ember in the spring while Take-out was the only restaurant practice allowed to aid customers in spacing safely apart to come to pick up their take-out. At both establishments, there were always hand sanitizer pumps at every entrance and exit and our host/hostess actively encouraged guests to use them upon entry. To reduce contact at both restaurants hosts also instructed guests to use our online menu, either by scanning our QRcode or pulling up our website on their smartphone. All tables were at all times six feet apart or more in accordance with the state and town's COVID-19 protocol, and as all restaurants were required to do so before being allowed to seat patrons for service the town had to approve our seating plan.

While I cannot think of one instance where a patron chose to not dine with us because they thought us lacking in safety measures; I can think of multiple occasions where patrons chose to leave us because they felt we were too strict. At no time were patrons allowed to stand without a mask on, stand with a drink in hand, or really stand at all unless actively seeking the restroom as throughout the 2020 year we were solely operating as a dining establishment. At no time could a customer behave like they were in a bar, something that many people were often upset with us about even when we explained that our safety precautions were as much for their benefit as for our staff. Large families on vacation together refused to eat with us if they could not all dine together and in accordance with the state and town for a majority of summer and fall 2020 only 6 people could dine to a table.

As a manager, I made sure my staff was following the rules at all times. If there was ever a mask slip by an employee it was immediately addressed. Should someone forget a mask or more often than not if it broke from wear and tear as masks were often worn over 10 hours for a shift, they were given a new one by management immediately. This was not a huge issue for our staff as we all wanted to be at work and be open. This went for patrons as well, and most guests welcomed the gentle reminders as we all made efforts to settle into what is now our new normal. Those that did not after repeated reminders were asked to leave as the safety of our guests and staff always came first.

Anyone saying that the Port or Ember did not abide by these rules must recheck their information. It is now the end of February, both the Port and Ember have been closed for almost two months. The Port as it has traditionally been a seasonal establishment, and Ember because it simply could not stay open with the 25% capacity. So both establishments have been closed for almost two months and yet, I STILL have severe anxiety dreams about having people yell, scream and threaten me for having the audacity to follow the COVID-19 rules. I had people spit on me this summer for not allowing them to sit at a table that had not yet been sanitized. I had a mother and daughter tell me I was the worst server they had ever had because I reminded them they had 20 minutes left if they wanted to order dessert due to the 90-minute dining rule, also I was a manager and not their server but not the point. A man I asked to leave for not wearing a mask and continually trying to order at a service bar instead of being waited on by a server at a table told me I would never make it in the real world for being a vulgar term I cannot repeat. And yet, there are those of you out there that dare say the Port and Ember ignored COVID-19 protocol?

I was berated for doing my job which was not made easy as the rules to stay open and more importantly keep those around me that I care about safe, continued to change as we learned more about the virus. Had it not been for the owners and Meggan Eldredge constantly keeping us up-to-date and new ways to implement protocols that challenge would have been almost impossible.

I would like to end this by simply saying thank you to all of those of you who also actively are trying to curb COVID-19 numbers while keeping small businesses open. It is an impossible task and small communities like ours should be trying to help one another instead of tearing each other down.

And to those of you spreading misinformation without checking facts yourself, the library is now open so maybe read a book.

Regards,

Nancy Spalt

--

Best,

Jake Domos

personal phone- [REDACTED]

----- Forwarded message -----

From: **Jake Domos** [REDACTED]
Date: Sat, Feb 20, 2021 at 3:48 PM
Subject: The Port 2020
To: <[REDACTED]>

“Our feeling is this was very flagrant. They ignored the whole of Covid-19 regulations.” -referring to The Port and Ember Restaurants in Harwich Port

Waking up and reading the above statement from a Selectman in my hometown the other morning, sure did strike a nerve. I have worked for the owners of these restaurants for 10 years. We are a family, and I felt my family was under attack. I needed a couple of days to really give it some thought before I put my feelings down on paper. An article so misleading, written to destroy two businesses that have sparked the growth of little old Harwich Port, surely required a response. May thru December, I was there everyday-100 hours a week- absolutely grinding. My wife was there with me. It's our livelihood! The Port and Ember employ many people I love and care about...I NEEDED to respond. I would like to give you my account of what it was like to work in a restaurant last year, specifically The Port Restaurant.

We usually open up in early April, however this year we had to adjust to the new take-out only regulations the state enforced. We delayed opening until we were totally ready to follow all guidelines. The planning and adjustments needed were extensive. We needed to basically open a whole new restaurant outdoors. We needed to create an environment that made all of our customers feel safe and comfortable. We needed our staff to feel safe and comfortable as well. The owners primary concern from day 1- Safety. As the manager, my job turned from bartender, to Host/Covid rules officer overnight.

“Please pull your mask up.”

“I'm sorry no you can't just go see your friend at another table they already have 6 people”

“I understand you all live together but unfortunately you can't all sit at the same table”

“Buddy for the last time PLEASE sit down or I'm gonna have to ask you to leave”

If you dined at The Port this summer, there's a good chance I greeted you at our hostess stand. Every customer I greeted was immediately given my spiel, “Masks must be worn unless you are eating and drinking ,We have a 90 minute limit” and anything else the state and town were advising restaurants to do at that time. Our owners and managers were constantly shifting gears as the state and town directives changed. This is not something we “ignored.” This was our main priority. Our livelihood depended on making it all work! As a team, we tried so hard. I watched as our staff gave it all they had. Enforcing these rules all summer took a toll on all of us, emotionally and physically.

On a positive note- our restaurant was clean, busy, and a happy place to visit. Not one customer left because they felt unsafe. Not one patron got sick. When we had a part time employee test positive for Covid, our whole staff was tested. I remember being in the office with the owners as all staff negative tests kept pouring in. Our efforts were paying off. I was so proud of our team.

The article written in the Cape Cod Times did NOT describe the place I worked at. Mr. Ballentine, I wish you had dined with us to see first hand how we were dealing with Covid regulations. Your statement was irresponsible, untrue and hurtful to so many hard working people in your town.

Jake Domos

Raymond Tomlinson

From: Jake Domos [REDACTED] >
Sent: Friday, April 30, 2021 2:15 PM
To: Raymond Tomlinson
Subject: Fwd: The port

----- Forwarded message -----

From: Jake Domos [REDACTED]
Date: Mon, Feb 22, 2021 at 3:47 PM
Subject: Fwd: The port
To: [REDACTED]

----- Forwarded message -----

From: [REDACTED] (Nita Diverio)
Date: Sun, Feb 21, 2021 at 5:24 PM
Subject: The port
To: [REDACTED]

Hey jake! I wanted to answer some of your questions since I also saw the article recently.

You guys were very quick in providing all of the staff masks, and I felt safe working there all summer. There were signs posted everywhere, and I, along with the rest of the staff always told people to put masks on when they got up from their table or use the bathroom.

Honestly, the issues that arose were usually in regards to customers not wanting to follow the rules regarding social distancing at tables or forgetting their masks, and I saw the managers constantly trying to speak with those people and remind them of the rules.

From my point of view, you guys told us (staff) of any government changes in rules and we all adjusted and worked to follow those rules as the summer went along.

It is also definitely of note that there was never any direct bar service (as I saw an article mention), and the outdoor bars were simply used as a seating area / table for 1 party.

I hope things work out okay with the port and ember!!

Best,
Nita

--
Best,

Jake Domos
personal phone- [REDACTED]

--
Best,

Jake Domos

personal phone- 774-722-2509

February 22, 2021

To whom it may concern,

I am writing today on behalf of The Port Restaurant and the managerial team. I am a server who has had the pleasure to work closely with both owner and manager for four seasons. I feel confident in expressing my full support of both in regards to the allegations of non-compliance during covid-19 2020.

As an immune compromised server it was extremely important to me that all guidelines set in place by the CDC were adhered to not only for my personal safety, but my co-workers and of course our clientele. During my shifts I experienced a level of care and seriousness that put my mind at ease knowing that I would feel safe coming to work. The owner graciously provided masks for the staff and our manager set into place all the guidelines required by the CDC. That in itself was no easy task as the guidelines were constantly changing. But, he happily kept us informed and updated daily. Tables were immediately removed, signs regarding mask wearing were posted, personal spacing fulfilled, drinking with food only implemented, etc. etc. Day in and day out our manager worked tirelessly to ensure the safety of us all. It was also the responsibility of the staff to work with the manager in keeping everyone safe and informed. At no time did I personally witness any non-compliant behavior.

I am deeply saddened of not only the accusations that have been set into place, but of the possibility of losing such an iconic and community minded establishment of Harwich Port. Locals and tourists alike consider the Port their home away from home, as do I. I hope all support for the Port Restaurant is taken into consideration.

With gratitude,

Rebecca Scanlan

Raymond Tomlinson

From: Jake Domos [REDACTED]
Sent: Friday, April 30, 2021 2:14 PM
To: Raymond Tomlinson
Subject: Fwd: port/ember misinformation
Attachments: chronicle response.docx

----- Forwarded message -----

From: Jake Domos [REDACTED]
Date: Wed, Feb 24, 2021 at 1:35 PM
Subject: port/ember misinformation
To: <info@capecodchronicle.com>

To the Cape Cod Chronicle,

see attached file in response to your article this week.

--
Best,

Jake Domos
lifelong harwich resident
personal phone- [REDACTED]

--
Best,

Jake Domos
personal phone- [REDACTED]

In response to your article this week on The Port and Ember, I would like to give a first hand account of how we responded to COVID rules and regulations this year.

I have worked at The Port/Ember for the past 10 years, and both restaurants operate as a family. We care about one another and work hard year-round to provide locals with safe, welcoming places to go enjoy themselves. These allegations saying we did not follow, even ignored regulations from the state are completely untrue.

Normally a manager/bartender- this year I was a host. I was the guy greeting every single person at our entrance. I would immediately give our speech about needing to wear mask at all times, be seated 6 feet apart etc. We could not have been more adamant about enforcing these safety protocols. Signs were posted everywhere, and staff was very clearly instructed on all safety measures that needed to be taken. It is not easy providing an enjoyable dining experience while also being a COVID rules enforcement officer, but I am so proud of our staff because I know we were successful at it.

Every day the managers at both places were in contact with owners regarding any new guidelines. This is our livelihood and we went above and beyond to be as safe and cautious as possible. Not one patron all season complained, left, or even mentioned safety concerns to us.

In summary, I am so proud of our team.

Best,

Jake Domos

Raymond Tomlinson

From: Jake Domos [REDACTED]
Sent: Friday, April 30, 2021 2:13 PM
To: Raymond Tomlinson
Subject: Fwd: Paula's Statement
Attachments: paula statement.docx

----- Forwarded message -----

From: Paula Ribeiro [REDACTED]
Date: Mon, Mar 1, 2021 at 9:40 PM
Subject: Paula's Statement
To: [REDACTED]

--
Best,

Jake Domos
personal phone- [REDACTED]

My name is Paula Ribeiro, and I am writing in support of myself, employers, and co-workers at The Port and Ember Restaurants. I have been a restaurant worker for 20 years on Cape Cod, in Vail Colorado, and Aspen Colorado. I have worked for the Brackett family for almost nine years now.

This past summer of 2020 was the most challenging time I have ever experienced as a waitress and bartender. After being out of work for months following restaurant closures in March of 2020, I was both nervous and eager about returning to service. As an asthmatic single mother, the fears I had regarding possible exposure to COVID19 were very real. Conversely, being out of work and not being able to support my daughter was terrifying as well. After meetings held with the restaurant owners, managers, and staff prior to re-opening for in-person service I felt confident all steps were being taken to provide a safe working environment. My managers, Jake and Molly Domos had worked closely with Griffin and Judd Brackett to put innumerable safety measures in place. We had signs posted everywhere regarding mask rules etc, there were designated entrances and exits, hand cleaning stations everywhere, masks were provided for staff if they did not have their own, non-latex gloves provided to staff, table spacing had been measured and marked, digital menu stickers on the tables, disposable flatware, and all staff were clearly advised of the guidelines to be followed in accordance with the CDC. We began the season unsure of what to expect for business volume, but feeling safe and ready to provide safe service.

We were busy! My co-workers and I ran our tails off in extreme heat, never taking our masks down. The kitchen staff smoldered in a 100 plus degree kitchen in long pants, long sleeves, gloves, and face masks. We had to make changes constantly to accommodate unforeseen obstacles in service and ever-changing guidelines implemented along the way by the state. My manager, Jake, served as a host all summer and fall and into the winter months, 7 days a week, open to close, in order to have his eyes on the restaurant at all times. All of this while navigating the usual difficulties that accompany being a busy hot-spot bordering a residential area on Cape Cod. We have noise complaints called in on us constantly- often not because of music but because of joyous patrons. This season it seemed to be far more constant and erroneous! People were especially happy to be out this past summer after a long quarantine, and we were forced to utilize outside seating to survive! This created more noise than usual perhaps? Jake had policemen arriving telling him to ask paying customers to be quiet while enjoying dinner, which is not an easy task to accomplish gracefully. He did it! We had no live entertainment. Speaker music was off by 10pm. There were NO drinks served without food. Ever! We had accusations made to the contrary. Clearly by people who do not understand that food and drinks come from separate areas, so often drinks arrive to a table before the food- creating the appearance people were sitting just to drink. Or food may be cleared before drinks are finished and while a bill is being paid- again creating the appearance to a non-restaurant person that drinks are being had without food service. We offered food prepared in our kitchen from open to close every day, and not one table was served unless there was food ordered. Not one table was served if they attempted to exceed the party maximum of 6 patrons. Tables were presented bills if they were attempting to exceed the time limit- regardless of the fall out that inevitably ensued in the form of negative Yelp reviews or employees being cussed out. I do not think any of us made it the whole season without crying at least once- it was HARD! Every shift was preparing for battle, and I am proud of what we accomplished as a team and as a family. We spent our summer both serving and enforcing table maximums and time limits to customers who felt frustrated that they could not have the dining experience that they wanted. We placated, argued, and sometimes outright fought with customers. This was by far the hardest any of us have ever worked- but we did it happily because we were feeling blessed to be working! Our employers bent over

backwards for us to be sure we were safe and able to support ourselves, and we in turn bent over backwards for them to maintain quality and safety at their business. It is incredibly insulting to read the allegations made against The Port, Ember, and frankly every single of us who worked SO HARD under lousy circumstances to feed our families and keep our livelihoods intact.

I never felt unsafe at work. I had most everyone I served tell me how wonderfully we were handling the situation, often comparing their experiences to other Cape establishments they had felt unsafe at. Most of the customers I served came back time and time again, choosing our restaurant as their 'spot' because of the high bar we had set for ourselves.

Again, I am personally insulted by the accusations made against us largely by people who have no idea what it is like to work at a busy restaurant on Cape Cod in the summer, let alone during a Pandemic. Trying to have our liquor licensing revoked after the work we put in is abhorrent. The number of families The Port and Ember employ that would be harmed by this?! I am sick over it. I have to believe that the truth will prevail here; because what I have been reading in the news are absolutely NOT the facts.

Paula Ribeiro, CAREER WAITRESS



From: Brackett
To: Raymond Tomlinson
Subject: 250 Letters of Support in 48 hours (1-24)
Date: Friday, March 26, 2021 10:15:26 AM
Attachments: IMG_0920.PNG
IMG_0923.PNG
IMG_0924.PNG
IMG_0925.PNG
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8:52 📶 🔋 99%

< 16 2020 at The Port and E... ^ v

To: <jbrackett@aol.com>

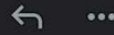
Griff,
Hope your winter is going well.
I just wanted to drop you a note having read the latest update/assault on The Port and Ember in the Cape Cod Times. It is frustrating for me and my friends, colleagues and summer rentals to read of this, having visited The Port and Ember so many times last summer and early fall (as we do every year). I am a frequenter of many restaurants (before and during Covid) and I have not experienced any establishments that were more cautious and vigilant, in these challenging times, than your restaurants. Clearly the narrative of the reports and what we have experienced in person do not match up. Keep up the hard work and thanks again for bringing these two great establishments to Harwich Port.

All the best,
Paul



me 12:53 PM

to mmacaskill



Hello,

As a tax paying, property owner in Harwich, close enough to hear the incredible live music from **Ember** every night, I think what is being done to these two restaurants is a shame. We need them in town and we ENJOY them in town. Please stop this nonsense and let small business succeed in our community. Now is not the time for politics, it's the time to come together and have a successful summer amidst a pandemic.

Meghan Rothschild

President & Chief Badass

Chikmedia

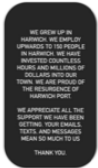
www.chikmedia.us

(she/her/hers)



4:41 PM

Replied to your story



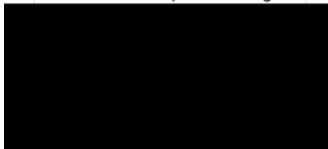
Keep fighting!!! 🙌 words can't express how great full I am to be a part of this amazing family... each year you guys go above and beyond to make things happen for US as staff and US as a community... #ThePort/Ember





5:00 PM

My husband and I love your restaurants and we love Molly and Jake! We go to the Nauti Bar all the time. We joined the first public hearing and there was no representation from you, but then we read a letter to the Chronicle stating that you didn't know about that hearing which is unacceptable. We joined the hearing last night to try to figure out what is going on and it was postponed. What can we do for you? Our town would be nothing without the two upscale restaurants in the Port. You bring people and money to Harwich Port. We are so upset. Please get

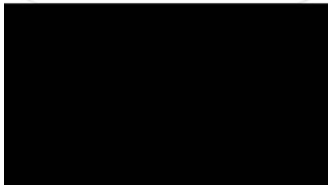


5:09 PM

Replied to your story



they hate us...cause they ain't us. Harwichport NEEDS ember & port



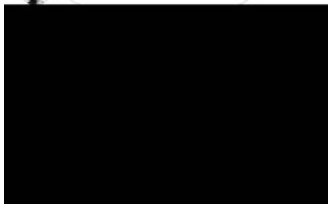


5:11 PM

Replied to your story



THE PORT AGAINST EVERYBODY LFG



5:11 PM

Replied to your story



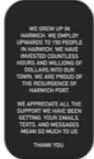
My brother and I are so grateful to be 2 of your employees. Working at the port has been the best job experience I've ever had. I hate to see that the town is trying to jeopardize that. We are counting down the days until we start work again. Thank you for all that you do!



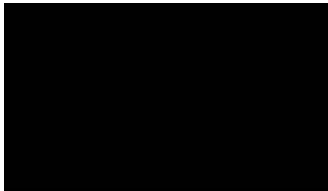


5:22 PM

Replied to your story

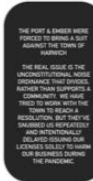


It has been sickening to see the town of Harwich treat the Port and Ember this way - ESPECIALLY during a time when the town should be doing everything they can to support the livelihood of their own local restaurants. It is so evident to anyone who is a customer how much hard work and dedication has gone into making these restaurants successful. You all have so much support. 💙💙 All of my love.

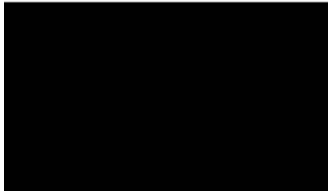


5:27 PM

Replied to your story



UNCONSTITUTIONAL



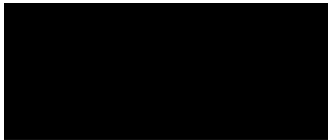
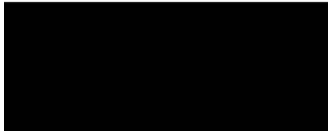


5:36 PM

Replied to your story

WE GREW UP IN HARWICH. WE EMPLOY UPWARDS TO 150 PEOPLE IN HARWICH. WE HAVE INVESTED COUNTLESS HOURS AND MILLIONS OF DOLLARS INTO OUR TOWN. WE ARE PROUD OF THE RESURGENCE OF HARWICH PORT.
WE APPRECIATE ALL THE SUPPORT WE HAVE BEEN GETTING. YOUR EMAILS, TEXTS, AND MESSAGES MEAN SO MUCH TO US.
THANK YOU.

we love you guys!

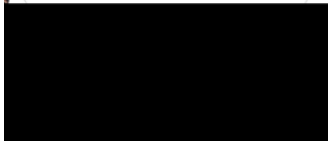


5:37 PM

Replied to your story

WE DO OUR BEST TO BE GOOD CORPORATE CITIZENS WITH OUR EMPLOYEES AND OUR COMMUNITY.
WE ARE COMMITTED AND DEDICATED TO OUR TOWN AND TO OUR EMPLOYEES.
WE ARE PROUD OF THE SUPPORT WE HAVE BEEN GETTING FROM OUR COMMUNITY.
WE APPRECIATE ALL THE SUPPORT WE HAVE BEEN GETTING FROM OUR COMMUNITY.
WE ARE PROUD OF THE RESURGENCE OF HARWICH PORT.
WE APPRECIATE ALL THE SUPPORT WE HAVE BEEN GETTING FROM OUR COMMUNITY.
WE ARE PROUD OF THE RESURGENCE OF HARWICH PORT.
WE APPRECIATE ALL THE SUPPORT WE HAVE BEEN GETTING FROM OUR COMMUNITY.

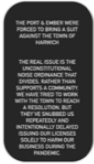
The Brackett Brothers have done so much to improve the town of Harwich Port. We thank you for employing so many people and so many people appreciate your business. It is beyond a shame to see this happening in such a difficult time. 💕💕💕





5:48 PM

Replied to your story

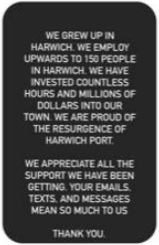


As a sales manager at Wychmere I obviously can't speak on behalf of my work haha BUT I am always telling everyone to check out the port and ember and we get so many clients because Harwichport is such a great area for a fun wedding weekend! Keep fighting and we (as staff) will be in this summer! ❤️❤️❤️



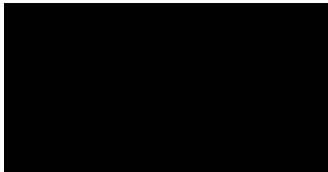
5:48 PM

Sent theportrestaurant's story



I wouldn't vacation in Harwich Port if it weren't for you, let us know how we can support!



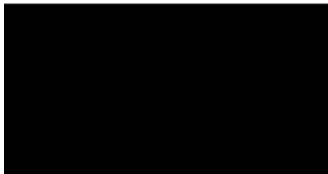


5:51 PM

Replied to your story

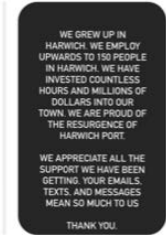


What are the noise ordinances?
Huge supporter! I just don't keep
up with these things so would be
helpful to know what's wrong
now to know how To best
support 😊

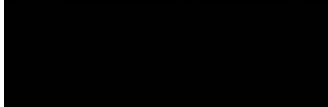


5:51 PM

Sent theportrestaurant's story



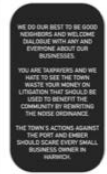
Ughhh this breaks my heart. We
used to rent in Chatham but now
own in Harwich. Over the past 10
years we have loved what the
port and ember have down for
harwich port. It has made
harwich a destination and lively
downtown! Counting down the
days til \$1 oysters 🍷





5:55 PM

Replied to your story



HARWICH NEEDS the port and ember. Where would you go if these places didn't exist? Not HARWICH.

Run by locals- employing locals- supporting locals



5:55 PM

Replied to your story



love you guys!! I tell anyone and everyone to check out The Port. You guys are my absolute favorite restaurant. Lots of love and support to you all!!!



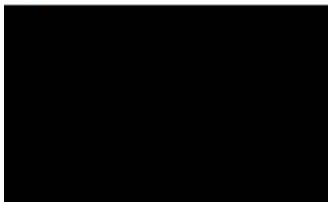


5:57 PM

Replied to your story



We love you!!!! Always on your side! The Port/ Ember > anywhere else



5:53 PM

Replied to your story



This town need to GROW UP. There is a reason the town is thriving and property value has gone up the port and ember





5:56 PM

Replied to your story



We love you!!! Always on your side!



5:45 PM

Replied to your story

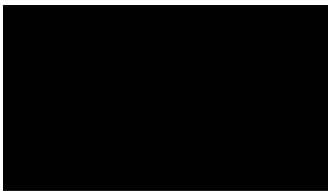


THE PORT & EMBER WERE
FORCED TO BRING A SUIT
AGAINST THE TOWN OF
HARWICH

THE REAL ISSUE IS THE
UNCONSTITUTIONAL NOISE
ORDINANCE THAT DIVIDES,
RATHER THAN SUPPORTS A
COMMUNITY. WE HAVE
TRIED TO WORK WITH THE
TOWN TO REACH A
RESOLUTION, BUT THEY'VE
SNUBBED US REPEATEDLY
AND INTENTIONALLY
DELAYED ISSUING OUR
LICENSES SOLELY TO HARM
OUR BUSINESS DURING
THE PANDEMIC.

Good for you for standing up for
yourselves and small businesses.
Thank you.



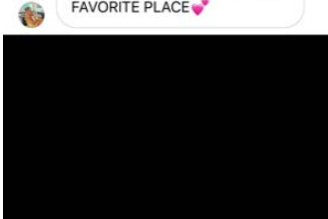


6:07 PM

Replied to your story

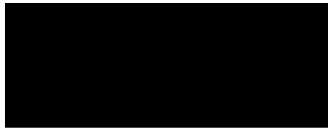


Please let us know how we can support! The Port is down the street from my house and is my FAVORITE PLACE 🍷

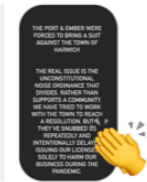


Sent from my iPhone

From: Brackett
To: Raymond Tomlinson
Subject: 25-48
Date: Friday, March 26, 2021 10:15:55 AM
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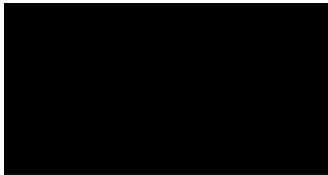


Reacted to your story



You guys have changed the entire sleepy town that Harwich Port once was. Whoever keeps doing this clearly doesn't care about what's best for the town and the people who live there over the summer AND year round.



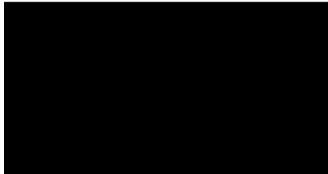


6:24 PM

Replied to your story



THE DALYS OF CHATHAM ARE WITH YOU 🤝🤝 FIGHT THE GOOD FIGHT



6:27 PM

Replied to your story



As always let me know if I can do anything to show support for you guys! I was at the Port and Ember multiples times this past summer....as a Family Nurse Practitioner who has been working with COVID-19 patients in Lynn, MA (the Epicenter of the virus) I can confidently say I witnessed every and all employees practicing ALL the state guidelines and necessary safety precautions. Let me know if I can write in to anyone!



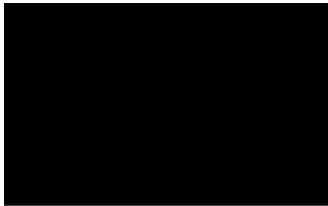


6:19 PM

Replied to your story



I am SO angry about this. Ember and The Port are two of the most profitable businesses in Harwich-maybe even on the Cape. I am sorry you guys are dealing with this and I hope the town realizes what both restaurants are doing for the town ❤️



6:35 PM

Replied to your story



Cape Cod wouldn't be the same without Ember/The Port. Rooting for you!





6:37 PM

Replied to your story

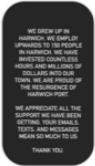


Love you!!!! ❤️❤️❤️ family forever



6:40 PM

Replied to your story



I just don't understand how other businesses in town have been doing the exact same things as the Port and Ember and are NOT facing the Harwich board of selectman!!!! It doesn't make any sense.





That's pretty lame if the town doesn't provide equal opportunity. I live in California but bought a place in Harwich exactly because of the vibe you're trying to create in town. Harwich isn't a drive through town any more for vacationers, it's a destination now.



6:41 PM

Sent theportrestaurant's story

WE GREW UP IN HARWICH. WE EMPLOY UPWARDS TO 150 PEOPLE IN HARWICH. WE HAVE INVESTED COUNTLESS HOURS AND MILLIONS OF DOLLARS INTO OUR TOWN. WE ARE PROUD OF THE RESURGENCE OF HARWICH PORT.

WE APPRECIATE ALL THE SUPPORT WE HAVE BEEN GETTING. YOUR EMAILS, TEXTS, AND MESSAGES MEAN SO MUCH TO US.

THANK YOU.

#FreeThePort!!!!





I am just seeing your stories about the lawsuit you guys had to file. I'm so sorry that it has come to this! You guys put Harwichport on the map and people from all over come there just to go to The Port or Ember. How stressful! Thinking of you guys!!! xoxo

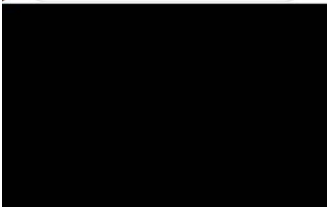


6:51 PM

Replied to your story



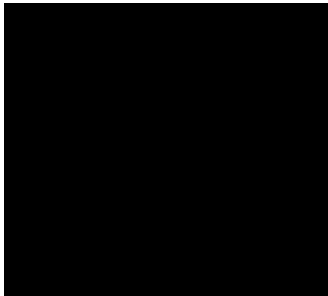
We love you guys!!! Best spot on the Cape!!



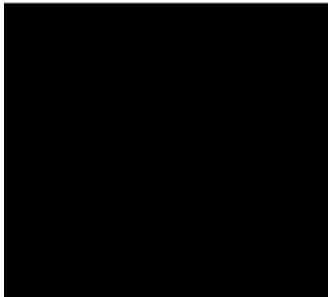


6:48 PM

Thank you guys for putting up a fight for what's right in Harwich — unfortunately it seems this is the case everywhere on the Cape, they are determined to make it harder for small businesses to succeed. We need the port to stay and you have a ton of support ready to rally around you



Sending all my love and support to you guys!!! Summer wouldn't be the same without The Port ❤️❤️❤️



7:03 PM

Replied to your story



The noise ordinance across the cape is such a joke. Try enjoying a night at the woodshed and now leave a sweaty mess because they have to close the windows to keep the sound in.

We got married at Oceans Edge in the permanent tent and our wedding had to end at exactly 10pm due to the noise ordinance. Such a joke!!

I love the port/nauti bar so much, I was so happy we were able to swing by this past summer and enjoy some food and cocktails while abiding by the struck state guidelines.

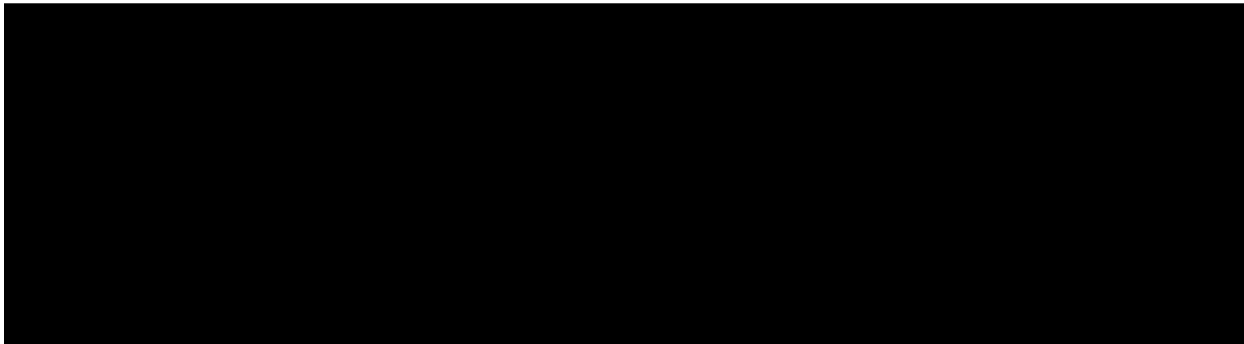
You know how important you are to the scene in Harwich Port.... a huge reason why we wanted to be in the space we are in....

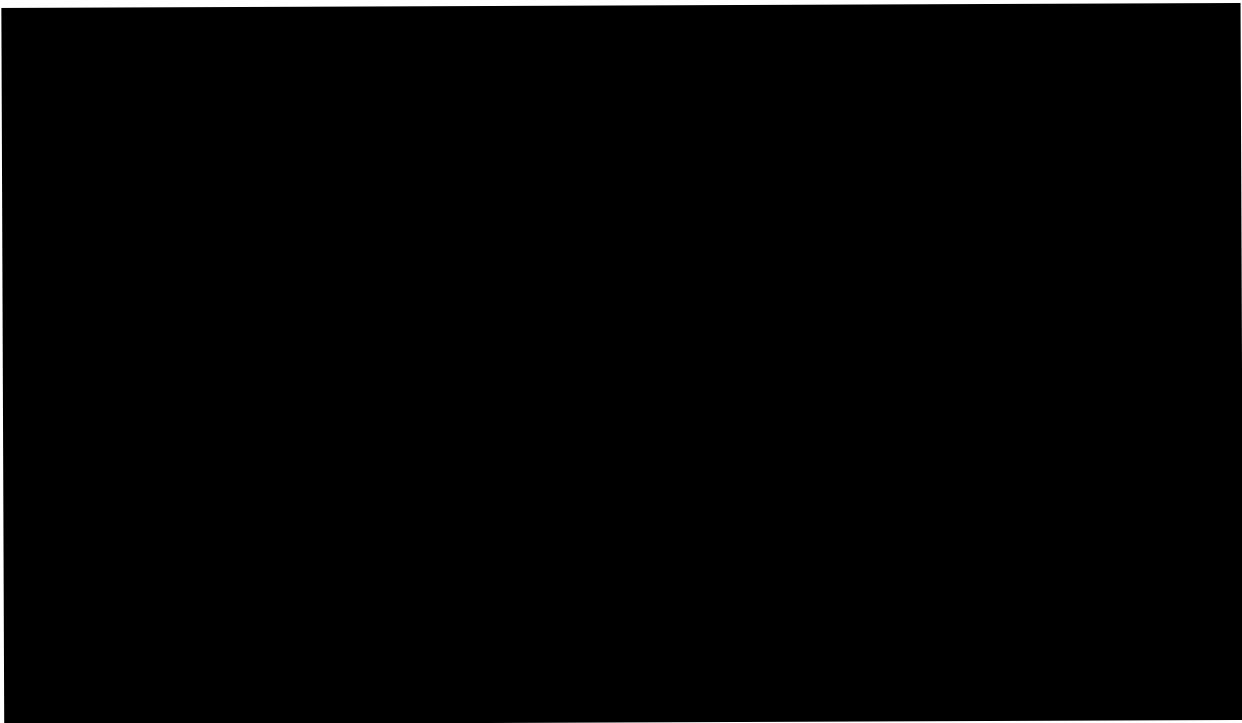




7:10 PM

We love you guys!!! Cannot wait to be back! So sorry you are going through this!!!! We would be lost without you!!!





Replied to your story



PORT FOR LIFE 🔥🔥



7:13 PM

Replied to your story



Love you guys and all that you do for harwich and the greater cape area! You have my support always 🙌





Replied to your story



 PORT FOR LIFE 🔥🔥



7:13 PM

Replied to your story



 Love you guys and all that you do for harwich and the greater cape area! You have my support always 🙌





7:13 PM

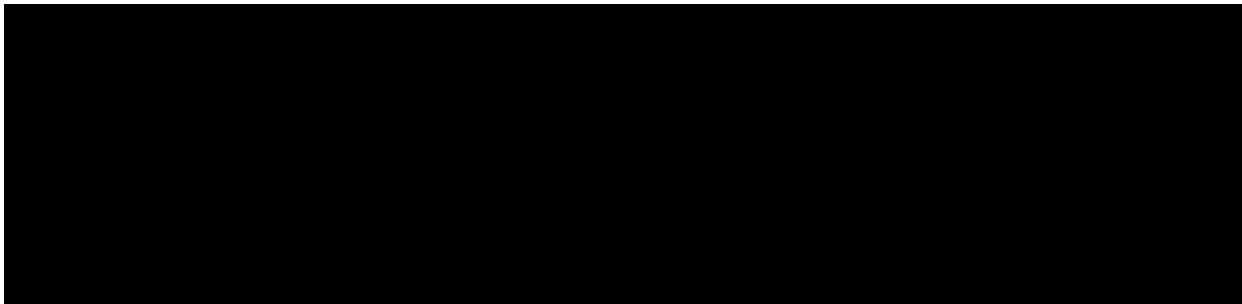
Replied to your story



Love you guys and all that you do for harwich and the greater cape area! You have my support always 🍷



"The Port & Ember have revitalized this community, and made Harwich Port a place that new generations of visitors will boast about. This legal battle is frivolous, cost prohibitive on behalf of the taxpayers, damaging to small business, and it should end now. Please accept their adherence to respect the neighborhood, while also allowing them to boost tourism, while employing locals, by a locally owned establishment. Do not make room for corporate chains to take over and destroy the charm that this town has. Please allow Ember and The Port to continue to contribute to the community, and allow these establishments to employ locals, providing jobs, and boosting tourism. Please and Thank You, Daly Family, Over 100 years in Chatham, and The Port & Ember are what bring us to Harwich Port."

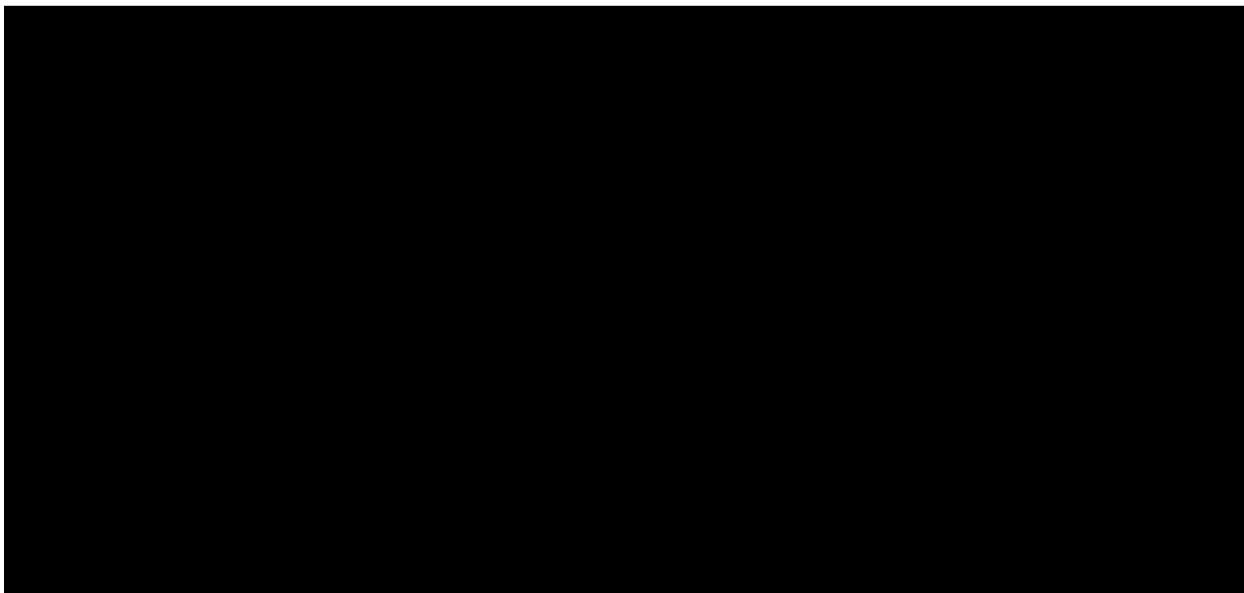


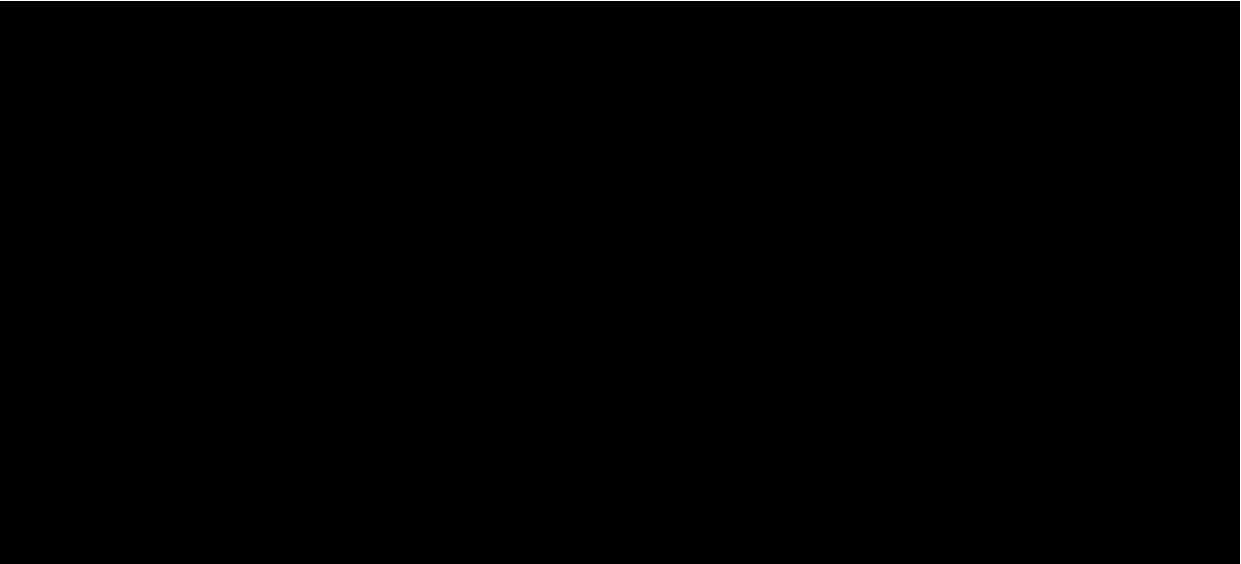


7:25 PM



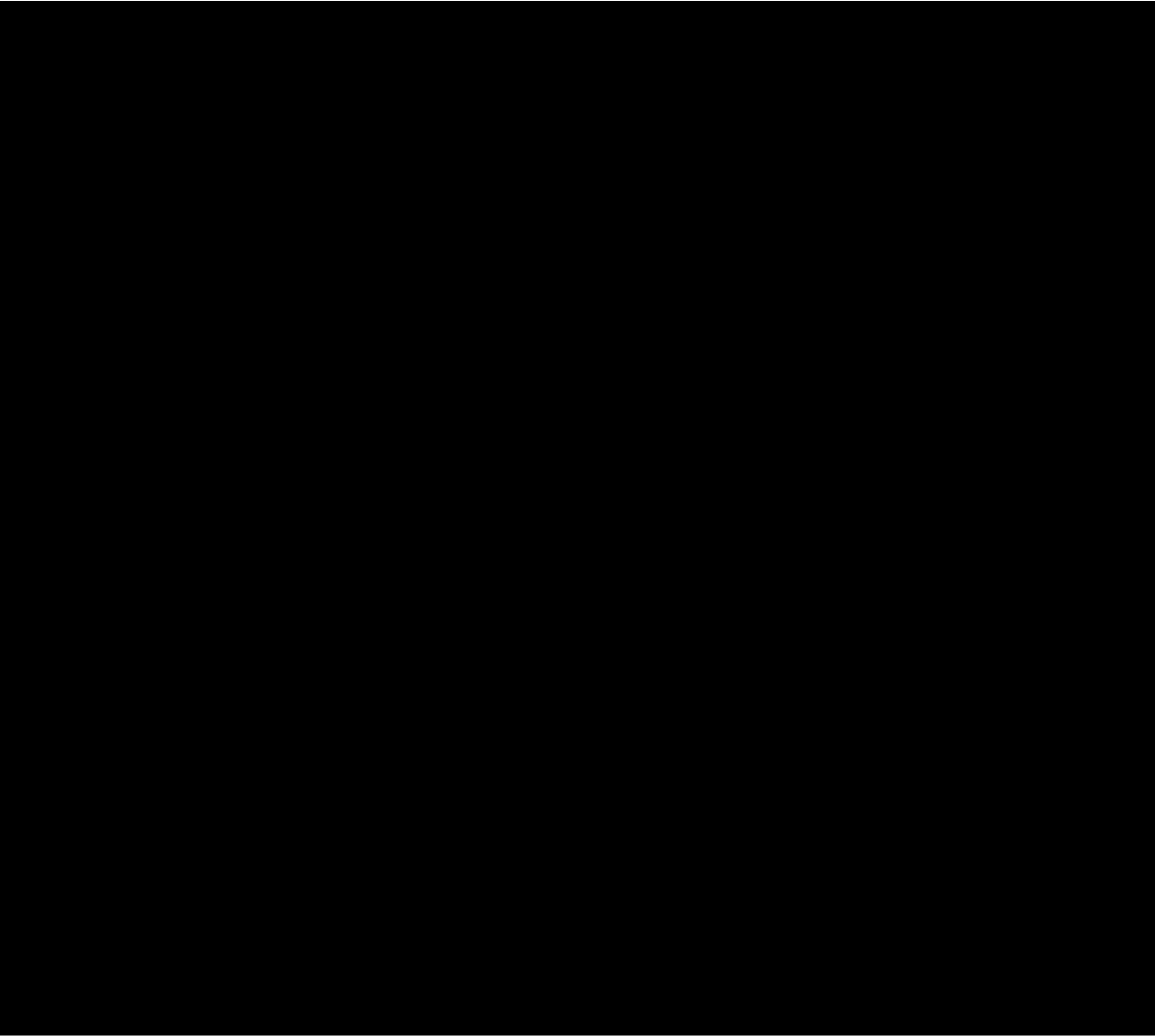
Buckle me in I'm ready to fight
for The Port and Ember!





Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 49-72
Date: Friday, March 26, 2021 10:16:39 AM
Attachments: [IMG_0969.PNG](#)
[IMG_0970.PNG](#)
[IMG_0971.PNG](#)
[IMG_0972.PNG](#)
[IMG_0973.PNG](#)
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[IMG_0987.PNG](#)
[IMG_0988.PNG](#)
[IMG_0989.PNG](#)
[IMG_0990.PNG](#)
[IMG_0991.PNG](#)
[IMG_0992.PNG](#)



7:33 PM

Supporting you all 100% and



everyone in Harwich and (Cape Cod) should too!!



False

Investigators with the ABCC did not find any Harwich restaurants in violation of COVID-19 regulations except for The Port and Ember, Powers said.

**THE ABCC DID NOT
REPORT OR FIND ANY
VIOLATIONS AT
EMBER**

iMessage
Today 7:37 PM

Hey...just catching up on all this BS!
I'm sure you're crazy so I won't tie you up...but you know how we feel.
Can't wait until you guys are open...and looking forward to enjoying another great season with you.
Catch up with you soon



7:33 PM

Replied to your story

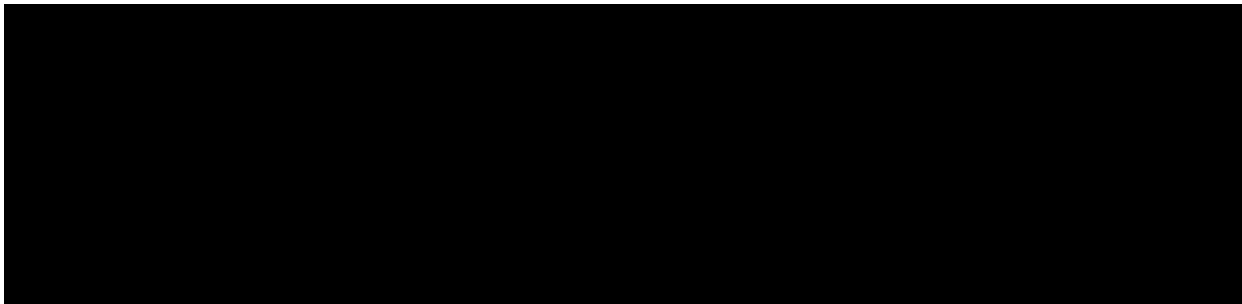


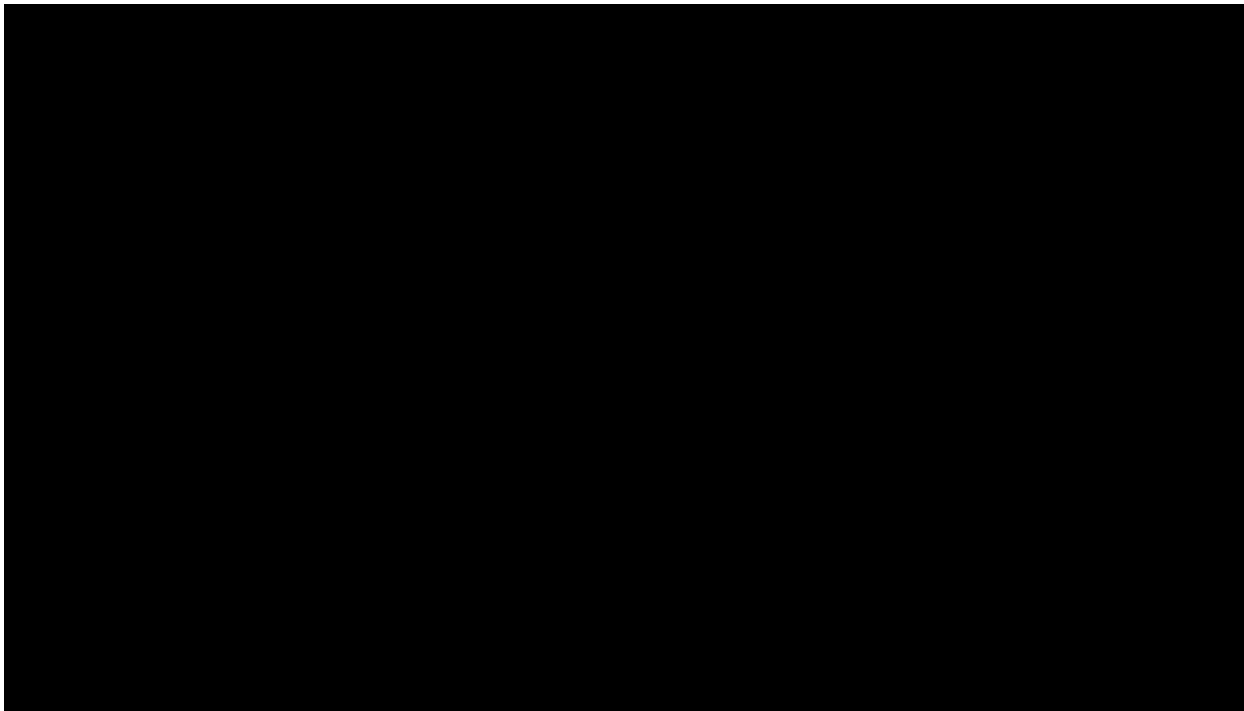
This is ridiculous and the town administration pushing this BS should be ashamed of themselves. A year ago my wife and I purchased a rental property in Harwich after falling in love with the downtown - with The Port and Ember anchoring it. This is an opinion shared by many and I now fear for the other awesome small businesses the town could turn to next. Both these places ARE Harwich and have our full support.



7:33 PM

How can we help with the town of Harwich? We love your spots and every time we have friends in town, we're at The Port and Ember. And if we can't get a seat...there are bunch of other great places because all boats rise, and you've helped build an awesome community in Harwich Port! Please let your followers know how we can help!

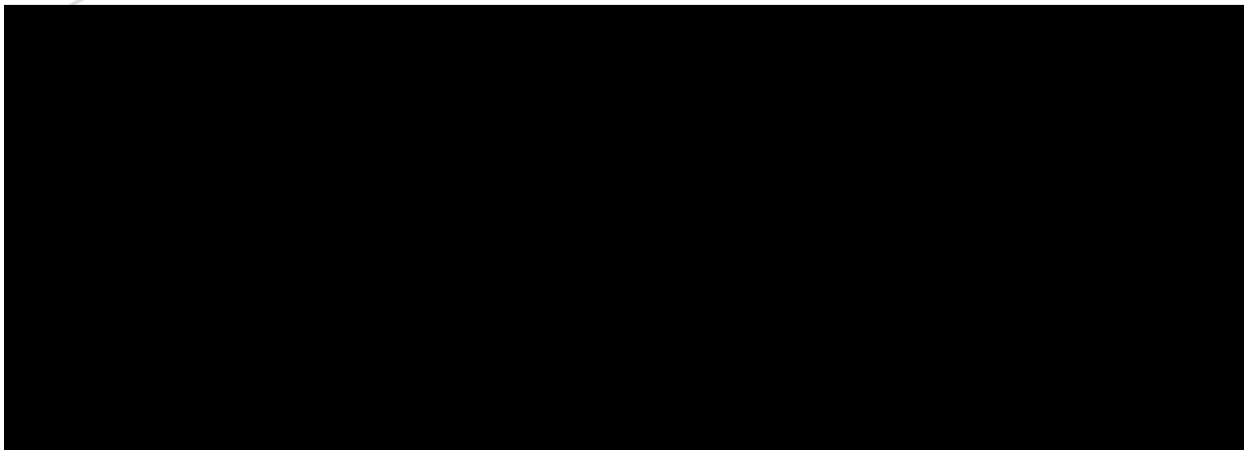


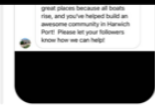
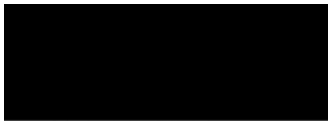
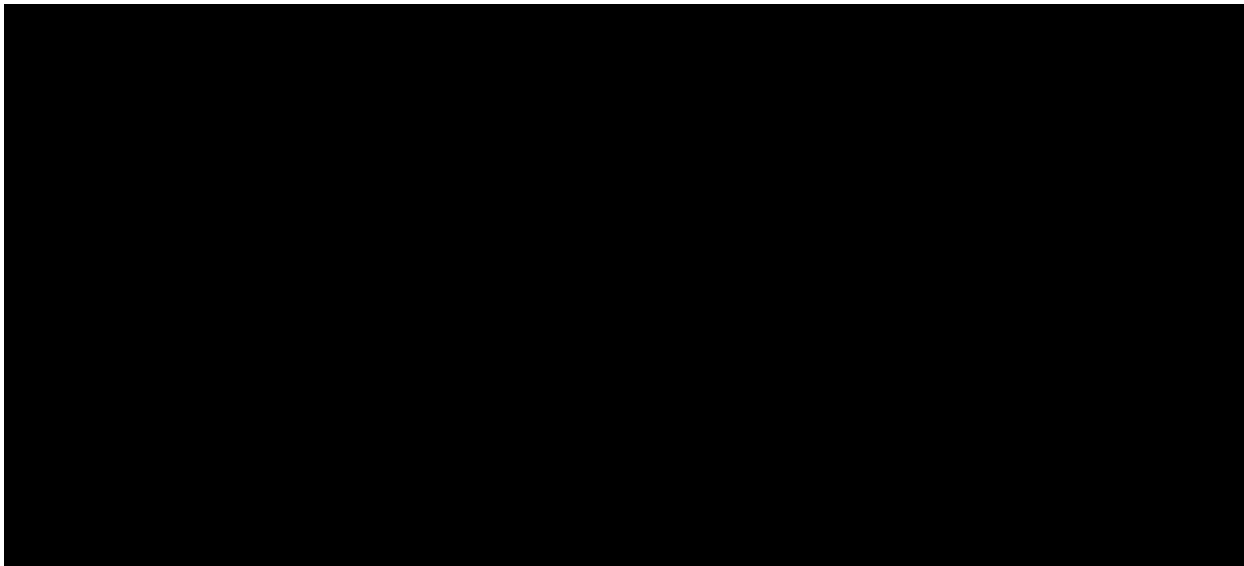


6:54 PM

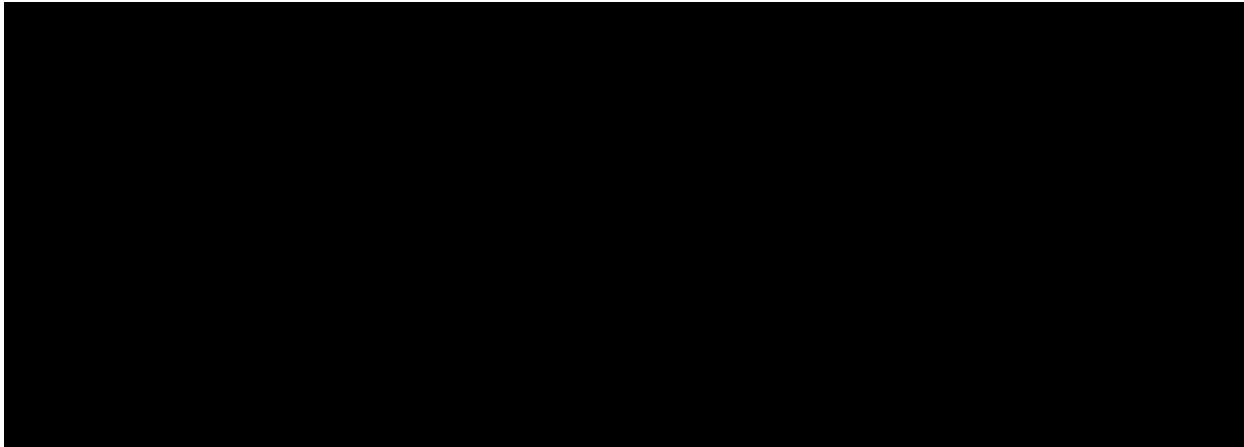
#FreeThePort

It's time to stop voting for the same people in small town politics!





The Port has the FULL SUPPORT of the Black family! We moved to Harwichport 3 years ago from West Yarmouth and have watched our family and friendships absolutely thrive. The Port and Ember are the anchors to this town and are integral to its future. The Town needs to wrap its arms around these institutions and support them! We shared our best of the summer at the Port and we were able to let loose for an hour BECAUSE we felt so safe! No one in town did a better job to bring some joy to a dark summer and they should be celebrated! PLEASE let us know what we can all do to help!



7:50 PM

We love coming down the road to visit you guys at The Port and Ember! We have two young children who are usually in tow and your staff at both restaurants has always welcomed us with open arms. We support you!

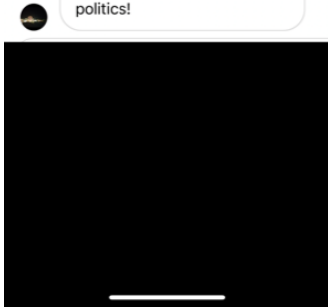




6:54 PM

#FreeThePort

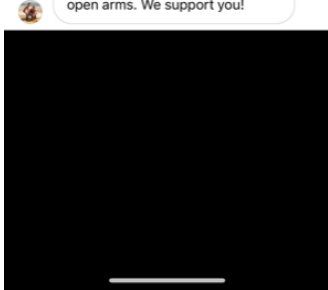
It's time to stop voting for the same people in small town politics!





7:50 PM

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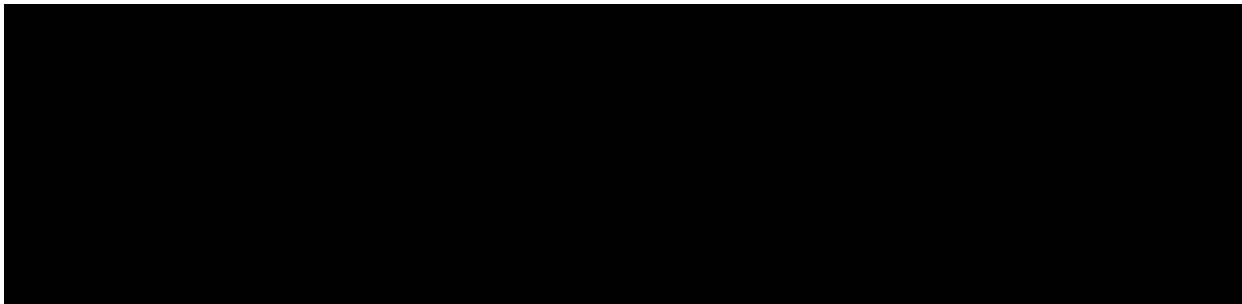


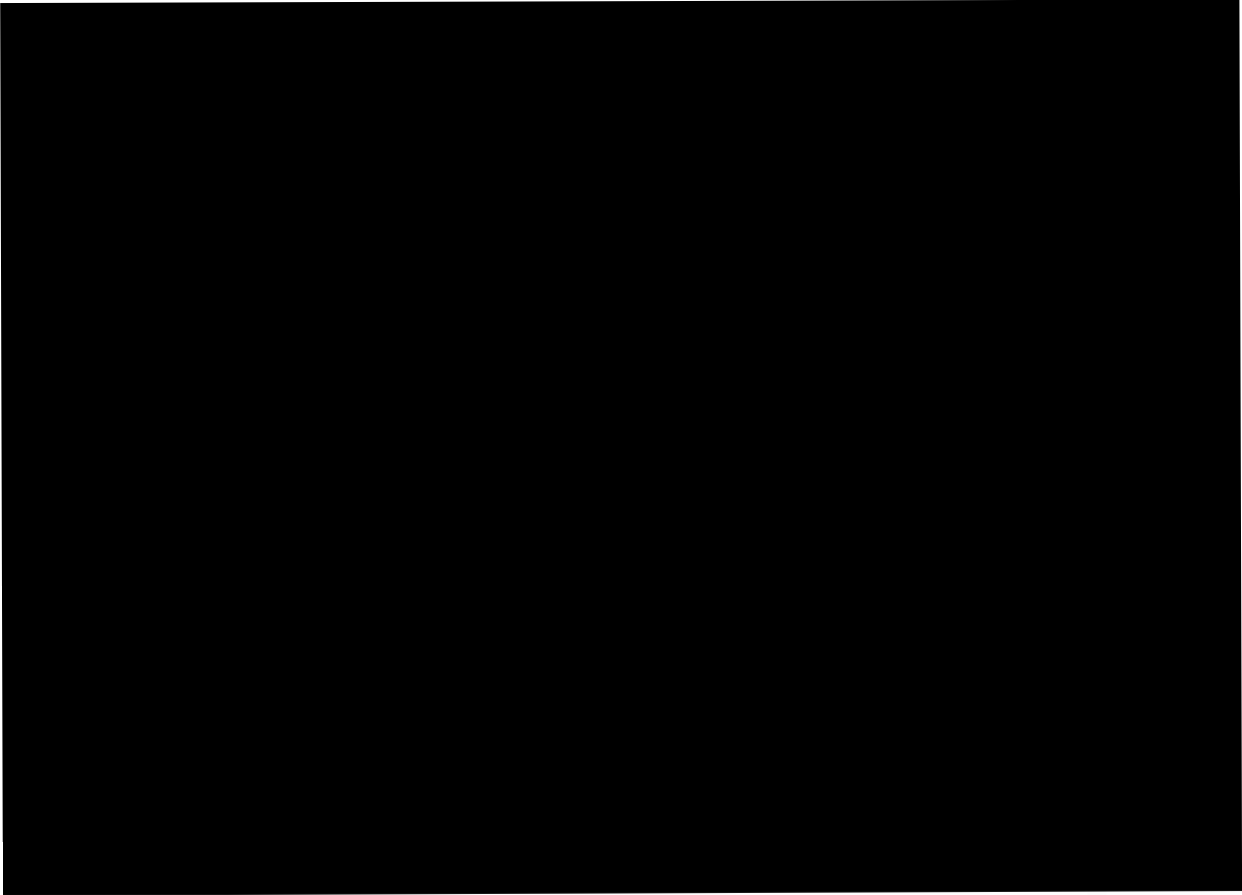
8:10 PM

Replied to your story



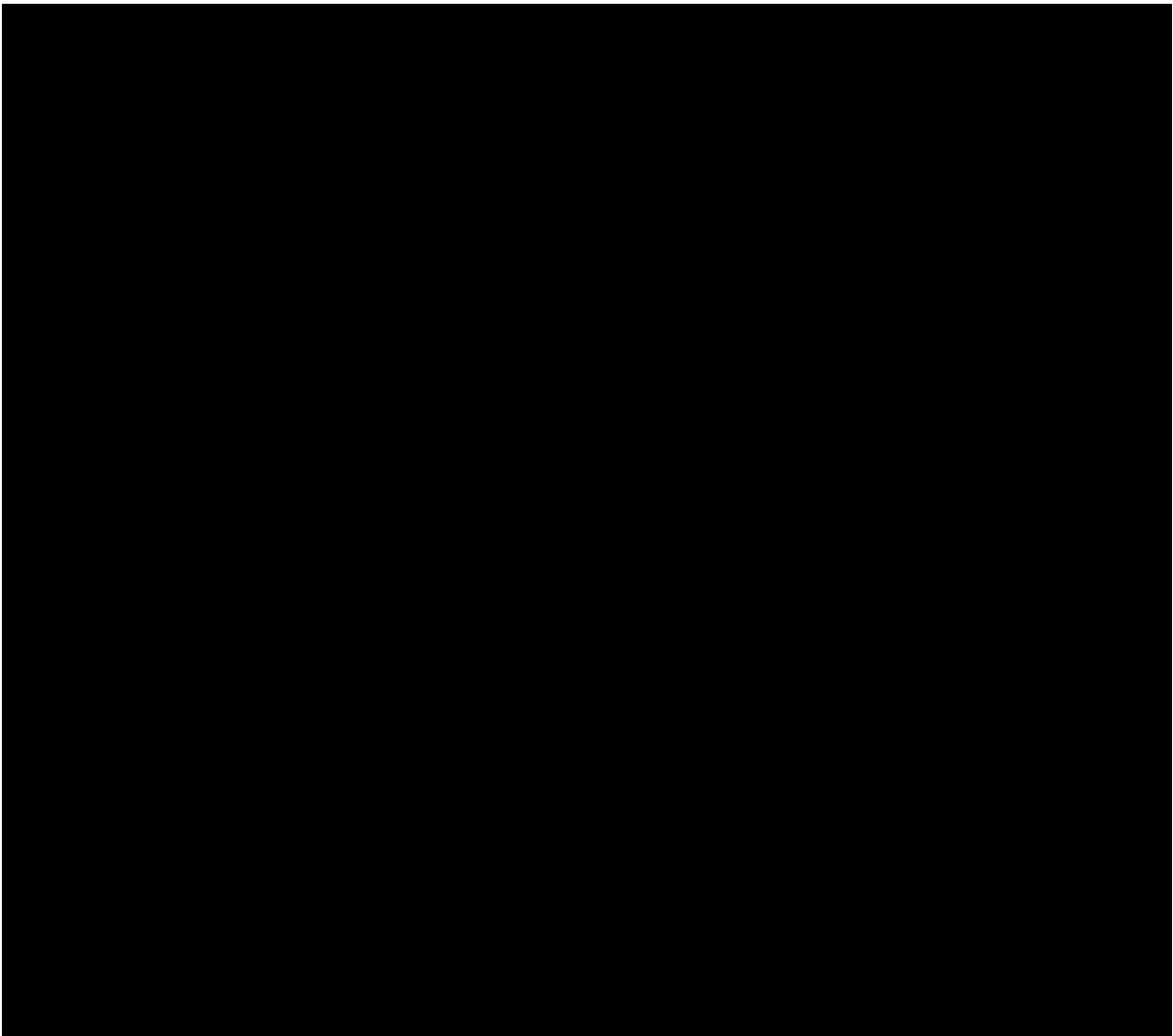
My yearly family vacation would not be the same without these two restaurants. We eat at both of these places the entire week! It has been a tradition that we look forward to every summer.





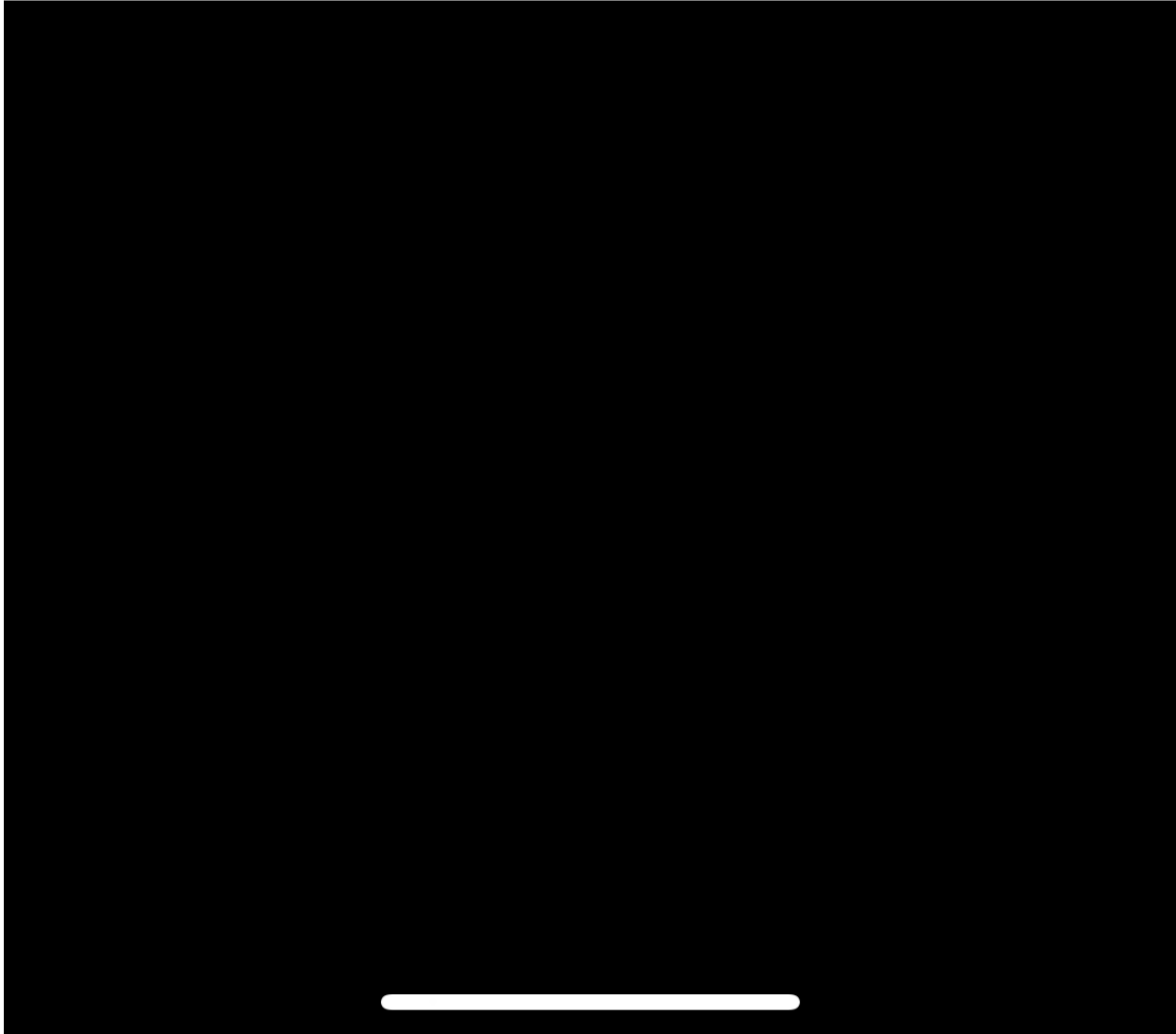
Fight the good fight! Full support
my wife and I love you guys 🦊





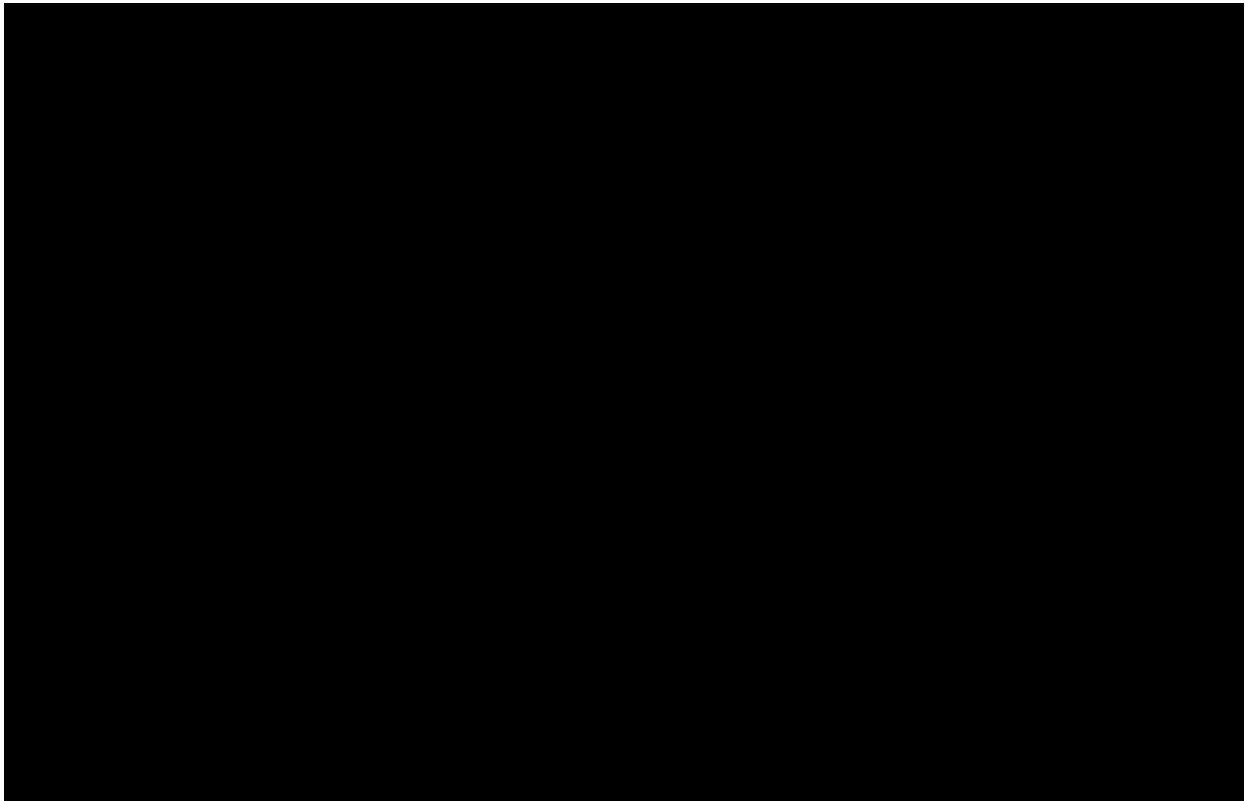
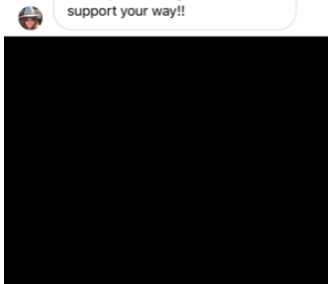
8:17 PM

Get a lawyer. You are in a business district. They can eat shit. Good luck and got speed. Fight for your right to part.





I'm disgusted to hear what the town has been doing to your businesses. We are in Wellfleet for the summer but close friends have a house in Harwich Port and they introduced us to Ember and The Port. We are huge fans. Ember is one of our fave spots on the Cape. Sending lots of support your way!!



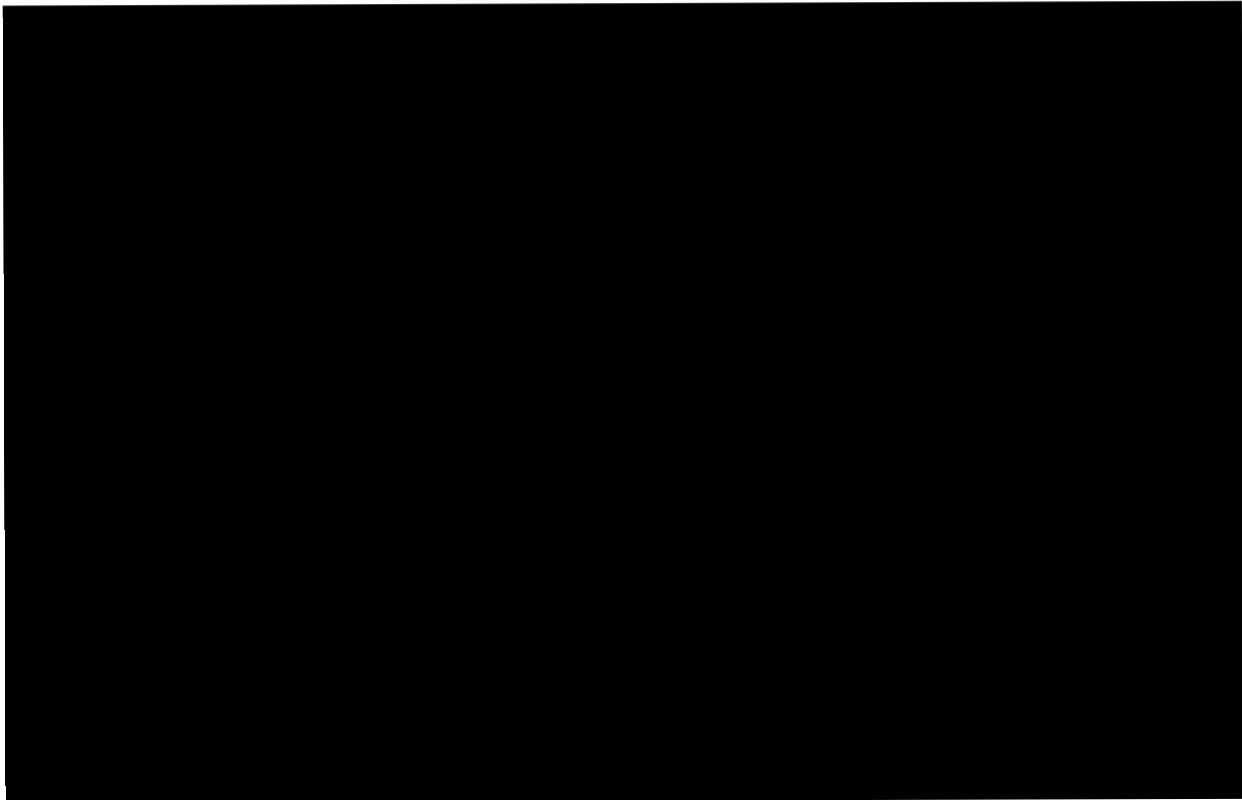
8:04 PM

Replied to your story



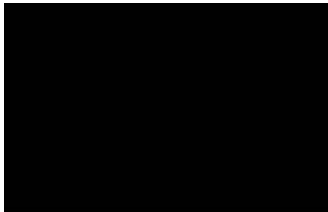


Omg what happened?!? I go to Orleans every summer and ember is our favorite





I'm disgusted to hear what the town has been doing to your businesses. We are in Wellfleet for the summer but close friends have a house in Harwich Port and they introduced us to Ember and The Port. We are huge fans. Ember is one of our fave spots on the Cape. Sending lots of support your way!!



8:04 PM

Replied to your story



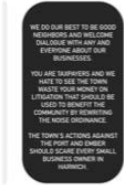
Omg what happened?!? I go to Orleans every summer and ember is our favorite



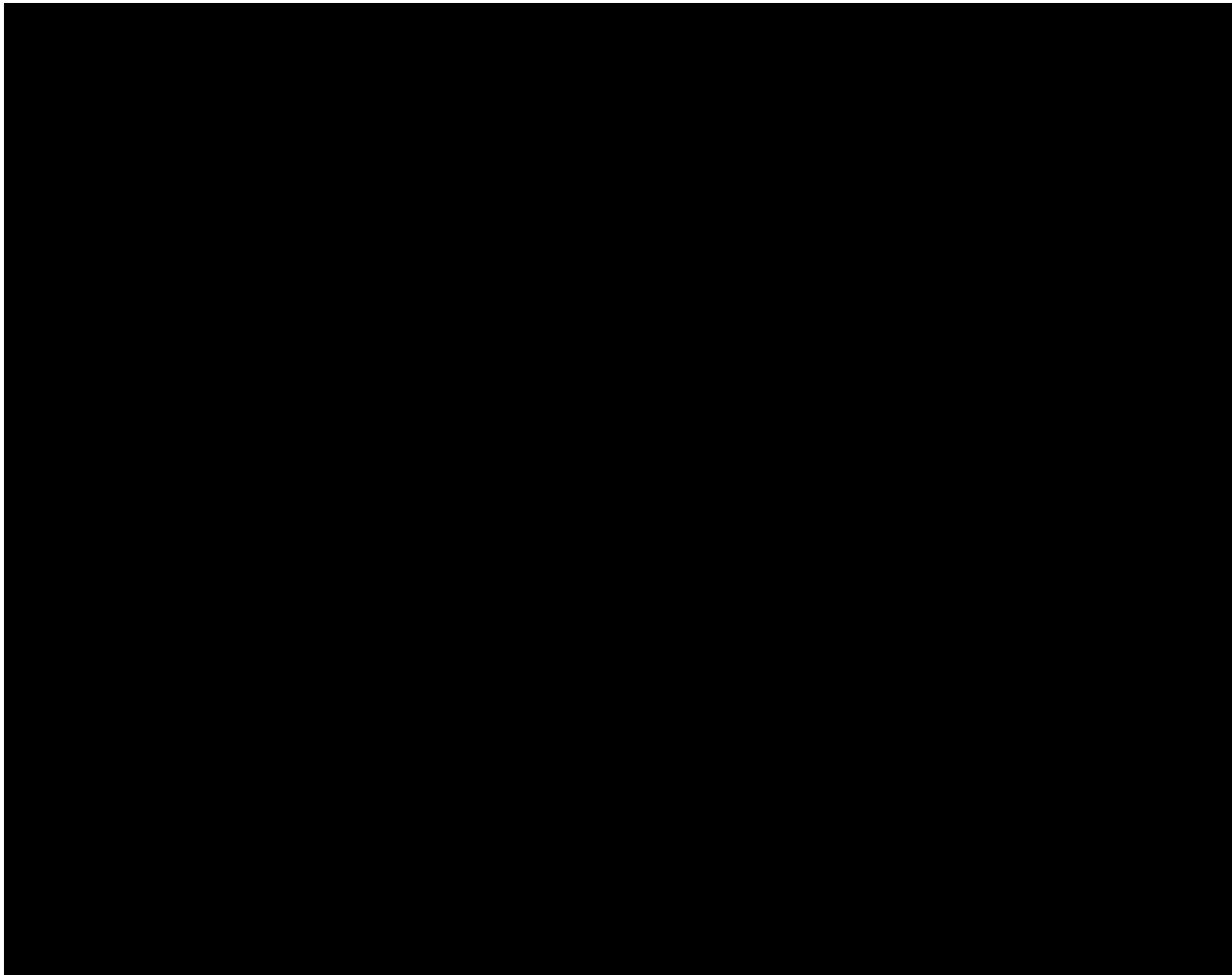


8:25 PM

Replied to your story



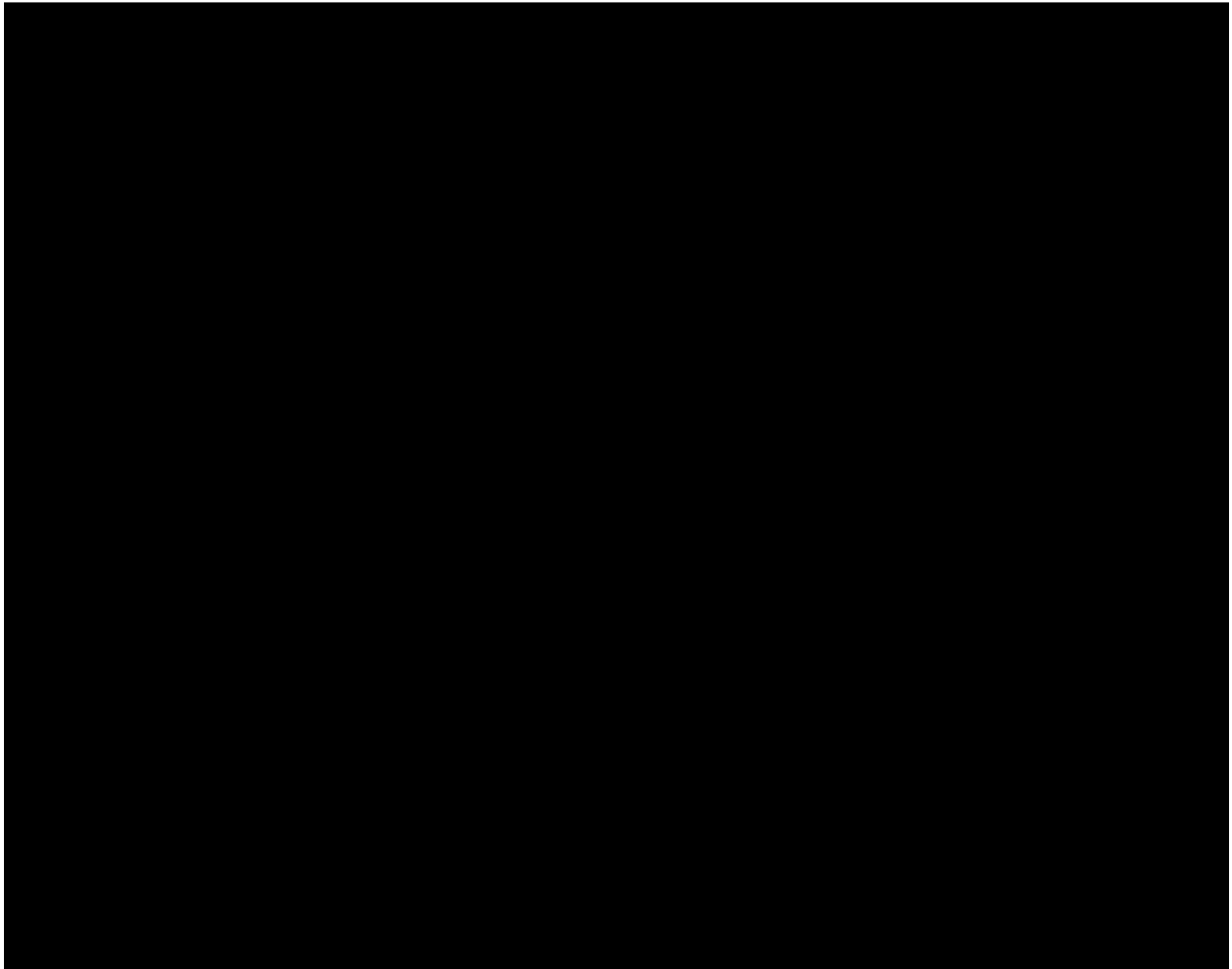
#FreeThePort !!!!



Imagine Harwich without the
port/ember

No thanks 🙅

HA
HA





WE DREW UP AN
ANNOUNCEMENT TO THE PEOPLE
IN HARRISBURG. WE HAD
INVESTED OVER \$100 MILLION
AND HUNDREDS OF
DOLLARS INTO OUR
TOWN. THE ONE PHRASE OF
THE ANNOUNCEMENT
WAS:
WE APPRECIATE ALL THE
SUPPORT WE HAVE BEEN
GIVEN AND WILL
MEAN SO MUCH TO US
THANK YOU

literally my favorite two
restaurants on the whole cape,
always the best food and such a
good time ❤️❤️❤️



8:42 PM

Replied to your story

THE PORT & DERRY WERE
PUSHED TO MAKE A
PROMISE TO THE TOWN OF
HARRISBURG
THE REAL ISSUE IS THE
COMMUNITY
WANTS TO KNOW THAT
THEY CAN TRUST THE
TOWN OF HARRISBURG
WITH THE TRUTH TO
BE TOLD. BUT
THE TOWN OF HARRISBURG
WANTS TO KNOW THAT
THEY CAN TRUST THE
TOWN OF HARRISBURG
WITH THE TRUTH TO
BE TOLD.

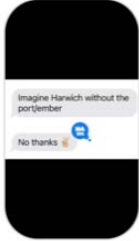
Absolutely disgusting and
sickening to see how the town is
treating LOCAL SMALL
BUSINESS during a PANDEMIC.
You guys have done so much
good for the area over a long
period of time and will always
have my support. Looking
forward to getting back soon!



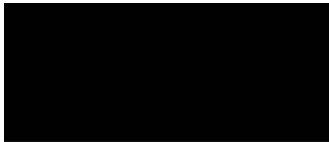


8:43 PM

Replied to your story



Love you guys !!!!



8:42 PM

Replied to your story



Absolutely disgusting and sickening to see how the town is treating LOCAL SMALL BUSINESS during a PANDEMIC. You guys have done so much good for the area over a long period of time and will always have my support. Looking forward to getting back soon!





Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 73- 96
Date: Friday, March 26, 2021 10:17:42 AM
Attachments: [IMG_0992.PNG](#)
[IMG_0993.PNG](#)
[IMG_0994.PNG](#)
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[IMG_1014.PNG](#)
[IMG_1015.PNG](#)
[IMG_1016.PNG](#)
[IMG_1017.PNG](#)

8:52



Lauren Malone
malone13



Replied to your story



I feel that harwich port has really built up its lifestyle and has accomplished such a great livelihood and attraction for the location. Which is great for cape cod and local business! Which is what local businesses strive for on and off seasons. It's locations like these that people always want to come back to enjoy. I love the progress that is being built in to this harwich port location. I hope this can strongly bring locals and visitors in to a wonderful cape cod experience with shopping, dining and night life affair ! Harwich port deserves a cape cod experience!



Message...





8:52 PM

Replied to your story



We visited the Port frequently this summer and every time your staff was adhering to policy and enforcing the rules! My favorite place to go it's unfortunate this is happening the past year was hard enough for bars and restaurants I'm team Port all the way can't wait to be back buying mudslides soon ❤️❤️❤️



8:52 PM

Replied to your story



I feel that harwich port has really built up its lifestyle and has accomplished such a great livelihood and attraction for the location. Which is great for cape cod and local business! Which is what local businesses strive for on and off seasons. It's locations like these that people always want to come back to enjoy. I love the progress that is being built in to this harwich port location. I hope this can strongly bring locals and visitors in to a wonderful cape cod experience with shopping, dining and night life affair ! Harwich port deserves a cape cod experience!





8:57 PM

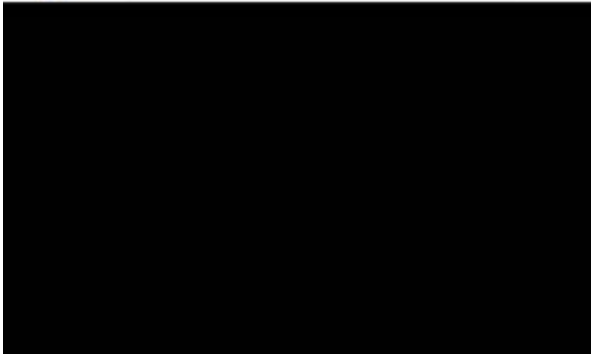
Replied to your story

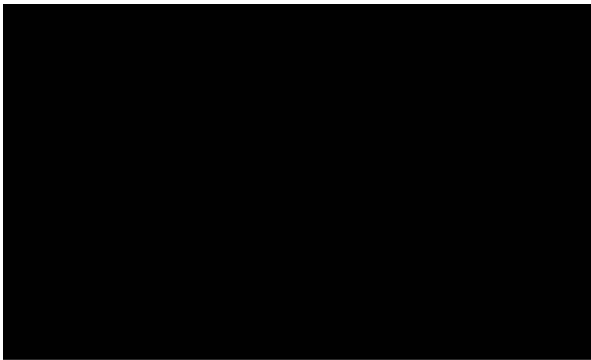
WE GREW UP IN
HARRISBURG. WE EMPLOY
SPONSORED TO THE PEOPLE.
IN HARRISBURG WE HAVE
INVESTED COUNTLESS
HOURS AND MILLIONS OF
DOLLARS INTO OUR
TOWN. WE ARE PROUD OF
THE RESILIENCE OF
HARRISBURG POST.

WE APPRECIATE ALL THE
SUPPORT WE HAVE BEEN
GETTING. YOUR EMAILS,
TEXTS, AND MESSAGES
MEAN SO MUCH TO US.

THANK YOU.

I am so sorry guys. Small businesses do not deserve this grief right now. Keep fighting, we love you!! ❤️ #portnights



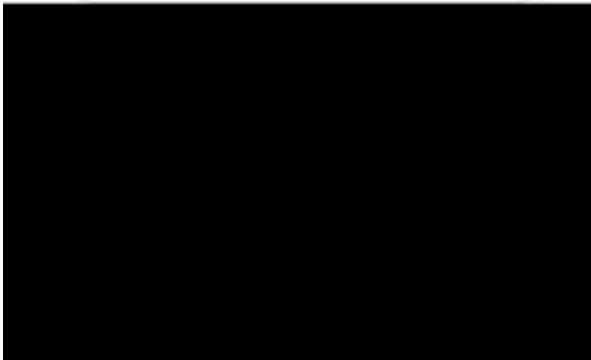


9:02 PM

Replied to your story



Team port and ember! Absolutely terrible! Over a noise complaint?!????





<  **Wilki**
wilki.music



9:03 PM

Replied to your story



Sent all three of these posts to the barstool fund's IG handle. Really hope the reply back! If you have not already, reach out to them. Family run small businesses like yours are exactly who they are trying to help get through this pandemic.



@barstoolfund





9:08 PM

Replied to your story

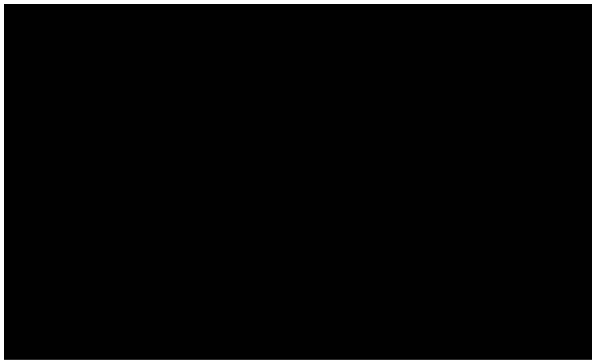
WE GROW UP IN HARWICH. WE SWAP UPWARDS TO THE PEOPLE IN HARWICH. WE HAVE INVESTED COUNTLESS HOURS AND MILLIONS OF DOLLARS INTO OUR TOWN. WE ARE PROUD OF THE RESURGENCE OF HARWICH PORT.

WE APPRECIATE ALL THE SUPPORT WE HAVE BEEN GETTING. YOUR EMAILS, TEXTS, AND MESSAGES MEAN SO MUCH TO US.

THANK YOU

When I think of harwichport, I think of you guys. My family's had a home here for 7 or 8 years now and the changes that have occurred to revitalize the downtown during that time have a lot to do with the port and ember thinking outside the box to make HarwichPort the place to be on the cape! Keep fighting! Can't wait for your summertime vibes! 🌞 🍷 🍂





9:02 PM

Replied to your story



Team port and ember! Absolutely terrible! Over a noise complaint?!????





9:08 PM

Replied to your story



When I think of harwichport, I think of you guys. My family's had a home here for 7 or 8 years now and the changes that have occurred to revitalize the downtown during that time have a lot to do with the port and ember thinking outside the box to make HarwichPort the place to be on the cape! Keep fighting! Can't wait for your summertime vibes! 🌞 🍷 🍁



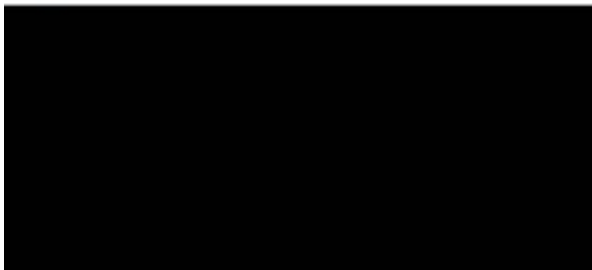


9:25 PM

Replied to your story



This is terribly unfortunate. The Port is my favorite restaurant in town. I love the nauti bar and having drinks by the massive fire pit at Ember. My family and I will continue to be faithful patrons and support your awesome businesses that have helped lift and shape what Harwich is today!



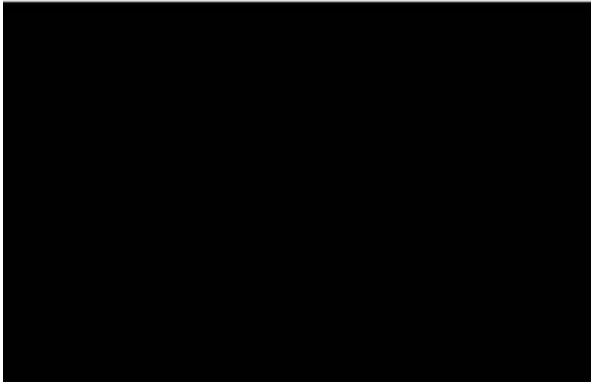


9:31 PM

Replied to your story



I love the port and ember!!!❤️
two of the best places on cape!!!!





9:33 PM

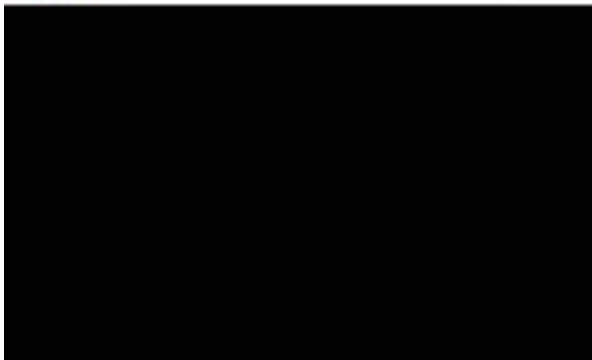
Replied to your story

WE DO OUR BEST TO BE GOOD
NEIGHBORS AND WELCOME
SALADUE WITH ANY AND
EVERYONE ABOUT OUR
BUSINESS.

YOU ARE SUPPORTERS AND WE
WANT TO SEE THE TOWN
RIGHTS YOUR RIGHTS IN
LITIGATION THAT SHOULD BE
USED TO BENEFIT THE
COMMUNITY BY REMOVING
THE NOISE ORDINANCE.

THE TOWN'S ACTIONS AGAINST
THE PORT AND CHARGE
SHOULD SCARE EVERY SMALL
BUSINESS OWNER IN
HARWICH.

We love The Port! Our favorite spot in Harwich! Please post what all your supporters can do to help! [#portnightsforever](#)





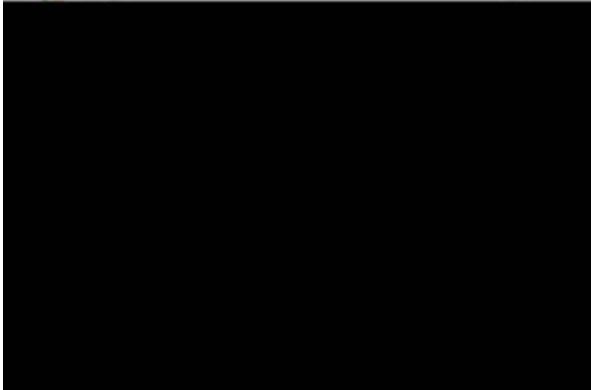
9:37 PM

Replied to your story

THE PORT & EMERIS HAVE
 FORCED TO BRING A SUIT
 AGAINST THE TOWN OF
 HANCOCK

THE REAL ISSUE IS THE
 UNCONSTITUTIONAL
 STATE INTERFERENCE THAT
 EMERIS, RATHER THAN
 SUPPORTS & COMMUNITYS
 WE HAVE TRIED TO WORK
 WITH THE TOWN TO REACH
 A RESOLUTION, BUT
 THEY'VE RECALLED US
 REPEATEDLY AND
 INTENTIONALLY DELAYED
 HOLDING OUR LICENSES
 SUBJECT TO HAVING OUR
 BUSINESS THROUGH THE
 FINANCING.

always loved going to the port in
 the summer! Let me know if I can
 help in anyway





9:25 PM

Replied to your story



This is terribly unfortunate. The Port is my favorite restaurant in town. I love the nauti bar and having drinks by the massive fire pit at Ember. My family and I will continue to be faithful patrons and support your awesome businesses that have helped lift and shape what Harwich is today!





9:31 PM

Replied to your story



I love the port and ember!!!❤️
two of the best places on cape!!!!





9:33 PM

Replied to your story

WE DO OUR BEST TO BE GOOD
NEIGHBORS AND WELCOME
SALADUE WITH ANY AND
EVERYONE ABOUT OUR
BUSINESS.

YOU ARE SUPPORTERS AND WE
WANT TO SEE THE TOWN
RIGHTS YOUR BIRTHDAY
LITIGATION THAT SHOULD BE
USED TO BENEFIT THE
COMMUNITY BY REMOVING
THE NOISE ORDINANCE.

THE TOWN'S ACTIONS AGAINST
THE PORT AND CHAIR
SHOULD SCARE EVERY SMALL
BUSINESS OWNER IN
HARWICH.

We love The Port! Our favorite spot in Harwich! Please post what all your supporters can do to help! [#portnightsforever](#)





9:37 PM

Replied to your story

THE PORT & EMILIE WERE FORCED TO BRING A SUIT AGAINST THE TOWN OF HANCOCK

THE REAL ISSUE IS THE UNCONSTITUTIONAL, BIAS DISCRIMINATION THAT EMILIE, RATHER THAN SUPPORTS & COMMUNITYS WE HAD TO GO TO WORK WITH THE TOWN TO REACH A RESOLUTION, BUT THEY WERE DENIED OR REPEATEDLY AND INTENTIONALLY DELAYED BRINGING OUR LICENSES TO SELF TO HAVE OUR BUSINESS THROUGH THE FINANCING.

always loved going to the port in the summer! Let me know if I can help in anyway





9:48 PM

Replied to your story

WE GREW UP IN
 HARRACK WE EMPLOY
 UPWARDS TO 700 PEOPLE
 IN HARRACK WE HAVE
 INVESTED COUNTLESS
 HOURS AND MILLIONS OF
 DOLLARS INTO OUR
 TOWN WE ARE PROUD OF
 THE RESILIENCE OF
 HARRACK PORT.

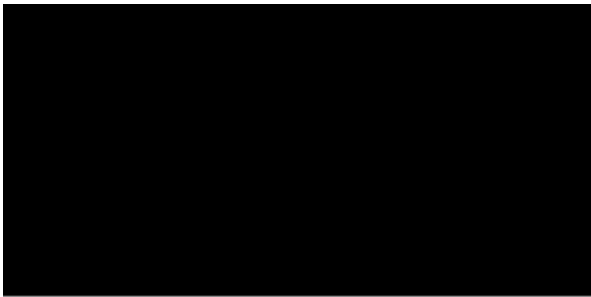
WE APPRECIATE ALL THE
 SUPPORT WE HAVE BEEN
 GETTING YOUR EMAILS
 TEXTS AND MESSAGES
 MEAN SO MUCH TO US

THANK YOU



Can't wait to come in this
 Summer with all my friends to
 support the Port!





9:59 PM

Replied to your story

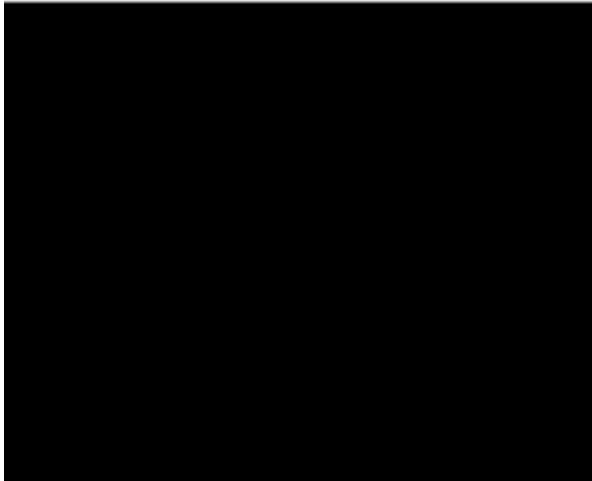


Complete BS! We love coming down to the two restaurants - we bring our kids, celebrate my dads 75th or just come down with friends for fun. No matter what audience you have, both places accommodate and everyone eats well and has a great time. This is a joke





My first time at both places this summer and it was the absolute best! Went back multiple times throughout and can't wait until this summer to return- sending you all the support!! Protect small businesses! ❤️





9:58 PM

Sent theportrestaurant's story

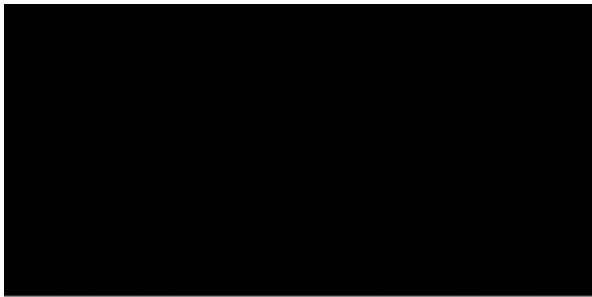
WE DO OUR BEST TO BE GOOD NEIGHBORS AND WELCOME DIALOGUE WITH ANY AND EVERYONE ABOUT OUR BUSINESSES.

YOU ARE TAXPAYERS AND WE HATE TO SEE THE TOWN WASTE YOUR MONEY ON LITIGATION THAT SHOULD BE USED TO BENEFIT THE COMMUNITY BY REWRITING THE NOISE ORDINANCE.

THE TOWN'S ACTIONS AGAINST THE PORT AND EMBER SHOULD SCARE EVERY SMALL BUSINESS OWNER IN HARWICH.

Just moved to Harwich from Georiga. This is absolutely absurd and will be part of anything needed to help out these two restaurants.





9:59 PM

Replied to your story

THE PORT & CARRY WERE
 FORCED TO BRING A SUIT
 AGAINST THE TOWN OF
 FERRISBORO

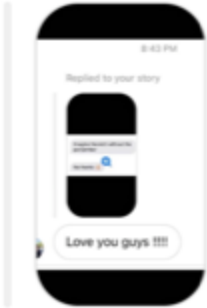
THE REAL ISSUE IS THE
 UNCONSTITUTIONAL
 NOISE ORDINANCE THAT
 DENIES BUSINESS FROM
 SUPPORTS A COMMUNITY
 WE HAVE TRIED TO WORK
 WITH THE TOWN TO REACH
 A RESOLUTION BUT
 THEY'VE DEMANDS US
 REPEATEDLY AND
 INTENTIONALLY DELAYED
 BRINGING OUR LICENSE
 SUIT TO HEAR OUR
 BUSINESS BEFORE THE
 JUDICIAL

Complete BS! We love coming
 down to the two restaurants - we
 bring our kids, celebrate my dads
 75th or just come down with
 friends for fun. No matter what
 audience you have, both places
 accommodate and everyone eats
 well and has a great time. This is
 a joke



10:13 PM

Replied to your story



Port and ember have made Harwich port what it is today. They have transformed it into a go to spot! A few angry people are trying to ruin people's lively hoods with misinformation. How can a handful of no fun people have such clout! I can't wait to be outside a one of those bars enjoying what cape cod is all about

10:33 PM

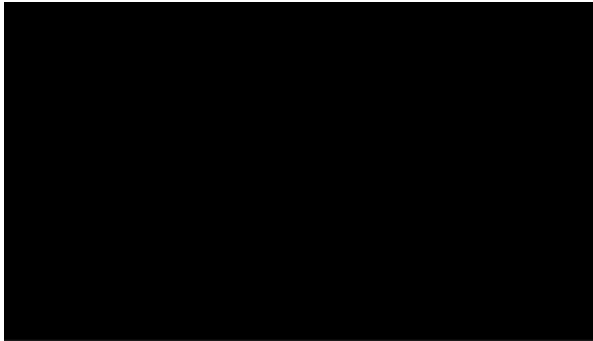
Replied to your story

WE DO OUR BEST TO BE
GOOD NEIGHBORS AND
WELCOME OURBOUR
WITH ANY AND EVERYONE
ABOUT OUR BUSINESSES.

YOU ARE TRAVELERS AND
WE HATE TO SEE THE
TOWN WASTE YOUR
MONEY ON LITIGATION
THAT SHOULD BE USED TO
BENEFIT THE COMMUNITY
BY REWRITING THE NOISE
ORDINANCE.

THE TOWN'S ACTIONS
AGAINST THE PORT AND
EMBER SHOULD SCARE
EVERY SMALL BUSINESS
OWNER IN HARTWICH.

I don't know all of the details of the situation but I just wanted to say that my husband and I ate inside of a restaurant for the first time since covid hit a few weeks ago. We had a baby in February of 2020 so we've been very cautious and safe. Do you want to know where we ate? Ember! It was our first time there and we were very impressed. We felt very safe inside and the food was amazing. You have our support and we will definitely be back!

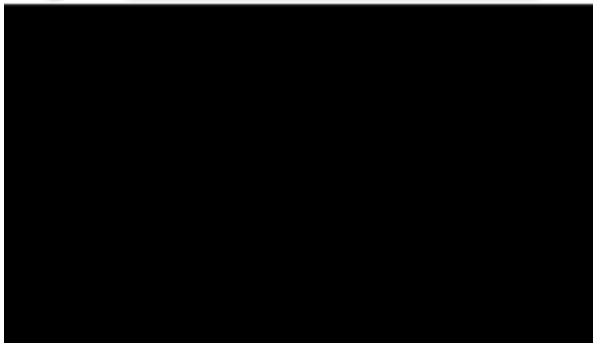


10:36 PM

Replied to your story



You guys have brought lots of life and love to Harwich, also employment and help to the local economy. You have my support always ❤️



Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 96-120
Date: Friday, March 26, 2021 10:18:48 AM
Attachments: [IMG_1018.PNG](#)
[IMG_1019.PNG](#)
[IMG_1020.PNG](#)
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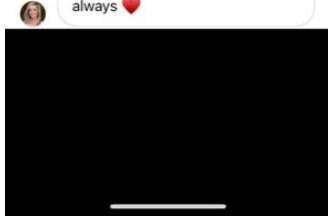


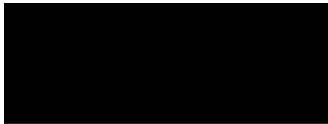
10:36 PM

Replied to your story



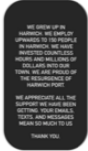
You guys have brought lots of life and love to Harwich, also employment and help to the local economy. You have my support always ❤️



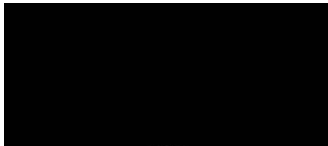


6:00 AM

Replied to your story



I'm not 100% clear on what the town is doing, but the first time I came to Harwich was to visit The Port, and immediately I wanted to buy a house there. Restaurants are the backbone of communities and towns. The Port & Ember are exactly that. If they both don't exist in Harwich we won't be back to visit. ❤️

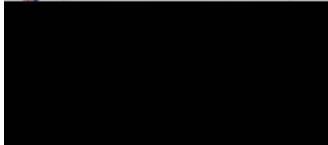


6:00 AM

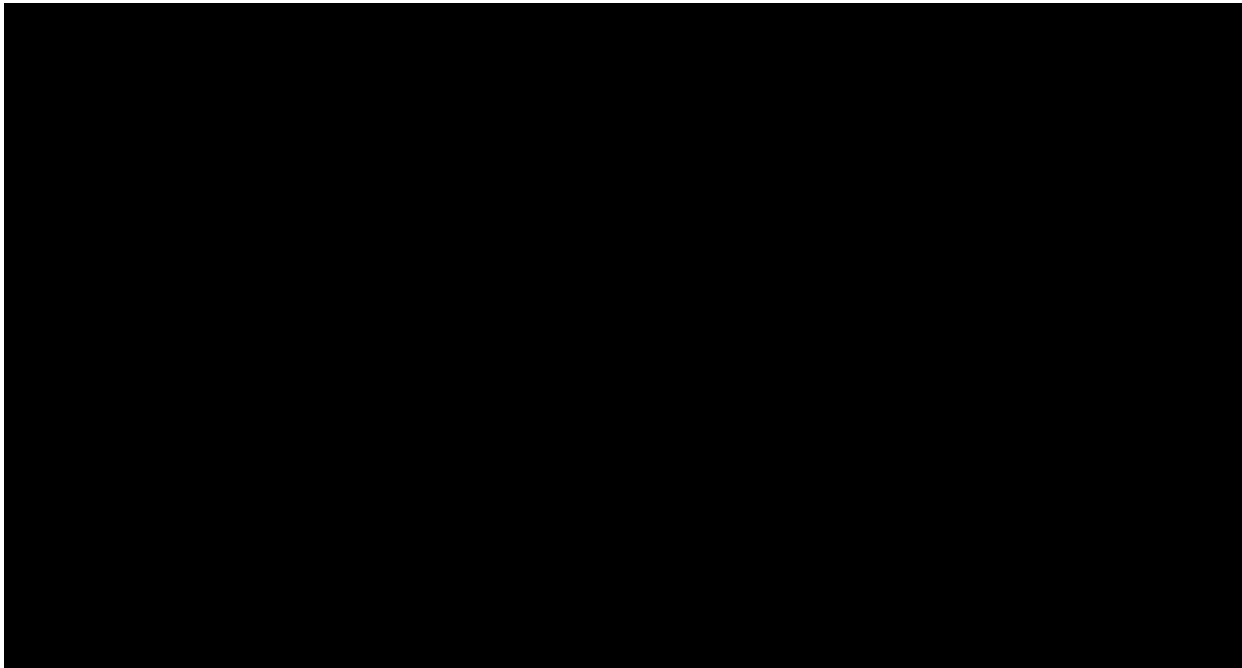
Replied to your story



Our summers wouldn't be the same without the port/ember. We usually have our 2 young kids in tow and staff has always provided us with superior customer service often giving our kiddos special attention. We just love the good vibes and positivity. Sorry to hear all this is happening. We support you guys! #theportisforthepeople

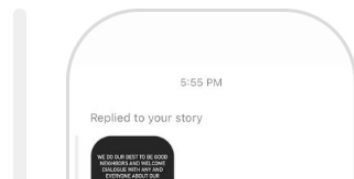


I am fortunate enough to spend quite a bit of time on the cape during the summer months. Throughout that time I've gotten to know some amazing small and seasonal business owners. People who pride themselves on giving non-locals like myself that animated feeling of excitement as the summer months approach. The thoughts of a Friday night dinner at Ember or mid-day lunch out back of the Port are enough to get you through a harsh winter. That being said, watching what Ember/Port's amazing staff was able to this past summer taking the proper precautions to make the restaurant enjoyable, but more importantly safe, was truly amazing. The constant creativity to provide amazing nights for many people like myself, as well as employ so many people throughout the year should not be taken for granted. I fully support, and will continue to support the direction in which these restaurants are bringing the town of Harwichport. Although I can only give an outsiders perspective, I hope the town is able to see this as well.



7:06 AM

Replied to your story

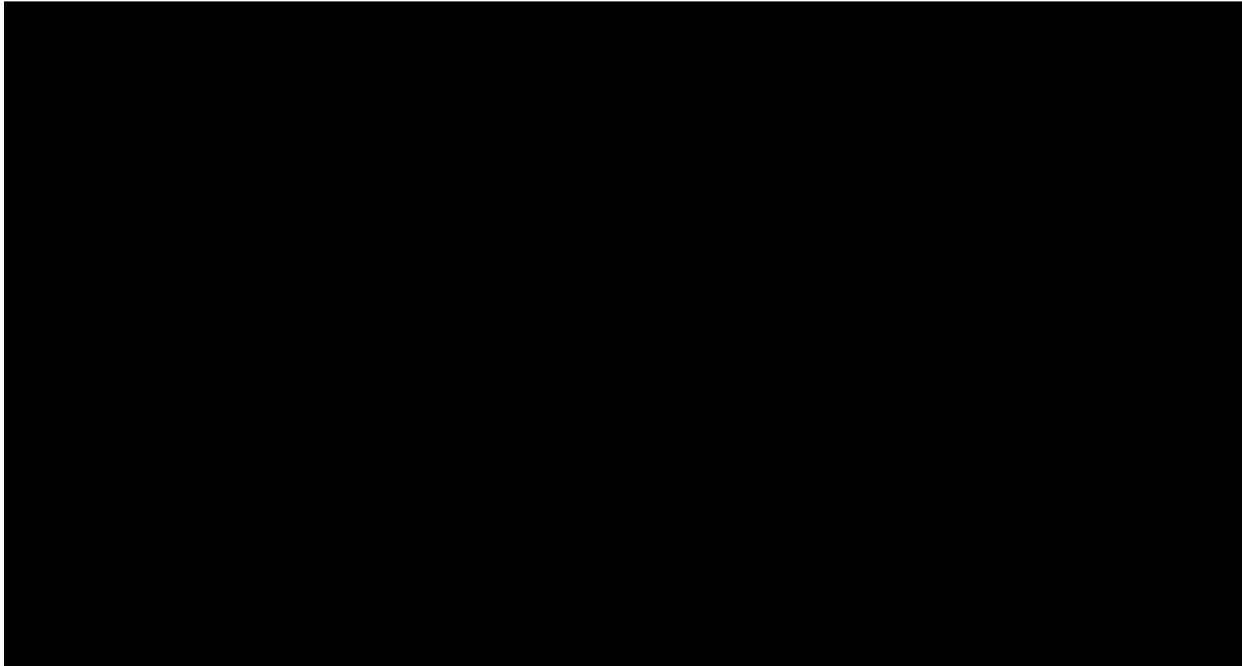




HARWICH NEEDS the port and ember. Where would you go if these places didn't exist? Not HARWICH.

Run by locals- employing locals- supporting locals

This comment 🙌🙌 You guys put Harwich on the map. Unbelievable you are still fighting the town on such BS after all these years. I recommend The Port and Ember to anyone I know going to the Cape!



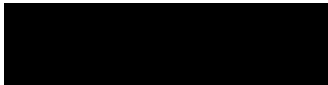


7:06 AM

Replied to your story



This comment 🙄 You guys put Harwich on the map. Unbelievable you are still fighting the town on such BS after all these years. I recommend The Port and Ember to anyone I know going to the Cape!



Coming from Long Island, NY, I've always looked forward to visiting the PORT- which to me, was the absolute quintessential establishment that embodied and protected that "Cape feel"- yet was a place of business that added so much to this bucolic, historic town. And seeing the measures that the PORT and EMBER took to remain within the guidelines, to remain safe and compliant during the trying times of last summer, although the restaurant lost some of the magic they had, it was still abundantly clear that the town came out in droves to support these fine establishments. I have visited many of restaurants and bars over my years, but I am still hard pressed to find one that captures the spirit and tradition of a town, while still embracing all its residents and upholding the values that are near and dear to Harwich Port. To suggest anything otherwise is blasphemy and criminal



I am fortunate enough to spend quite a bit of time on the cape during the summer months. Throughout that time I've gotten to know some amazing small and seasonal business owners. People who pride themselves on giving non-locals like myself that animated feeling of excitement as the summer months approach. The thoughts of a Friday night dinner at Ember or mid-day lunch out back of the Port are enough to get you through a harsh winter. That being said, watching what Ember/Port's amazing staff was able to this past summer taking the proper precautions to make the restaurant enjoyable, but more importantly safe, was truly amazing. The constant creativity to provide amazing nights for many people like myself, as well as employ so many people throughout the year should not be taken for granted. I fully support, and will continue to support the direction in which these restaurants are bringing the town of Harwichport. Although I can only give an outsiders perspective, I hope the town is able to see this as well.



Yesterday, 11:27 PM

Replied to your story



Love and support you guys! 💕💕





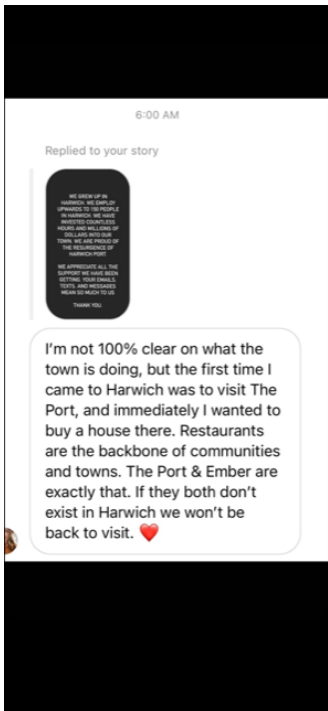
covid protocol . If they can stand back and with a straight face say that the employees themselves did not care about getting covid or implementing Covid protocol then I would put money that not one of them stepped foot in either establishment all summer and they are simply going by hear say which amounts to nothing .



<  Meg Dutcher...  

I've been managing nights were police were called ,and never had entertainment booked . I've also been managing when it's a holiday weekend on a Saturday and the board of health, building inspector and board members show up for their "inspections" during prime dining hours . So it's funny that we've never been in violations when things are hectic and during the light of day but suddenly when night falls they find all these violations . I literally dined at Ember/Port all summer and never did I see no masks or a disregard for any covid protocol . If they can stand back and with a straight face say that the employees themselves did not care about getting covid or implementing Covid protocol then I would put money that not one of them stepped foot in either establishment all summer and they are simply going by hear say which amounts to nothing .







Eddie Gallagher
@EddieGallagher

If you dined there at all last year, you saw how trying it must've been for them to keep their doors open but the restrictions were obvious. Like everyone else, they adhered to the restrictions. They received 0 warnings from the town re violations. They employ upwards of 150 ppl...

8:28 AM · 3/24/21 · [Twitter for iPhone](#)



Eddie Gallagher
@EddieGallagher

Hopefully towns everywhere are trying to help businesses out As opposed to punishing without warning. It is hard enough to be an entrepreneur in non-Covid times. The restaurant industry is getting crushed. If they have an issue, There is a process. Follow it! Unreal.

8:28 AM · 3/24/21 · [Twitter for iPhone](#)



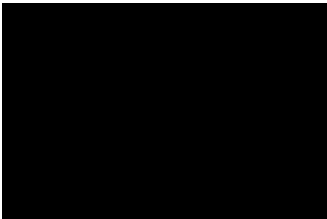


Eddie Gallagher
@EddieGallagher

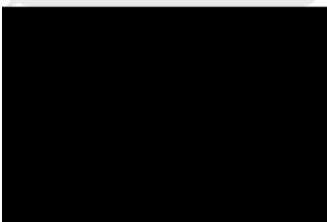
harwich-ma.gov/home/webforms/...

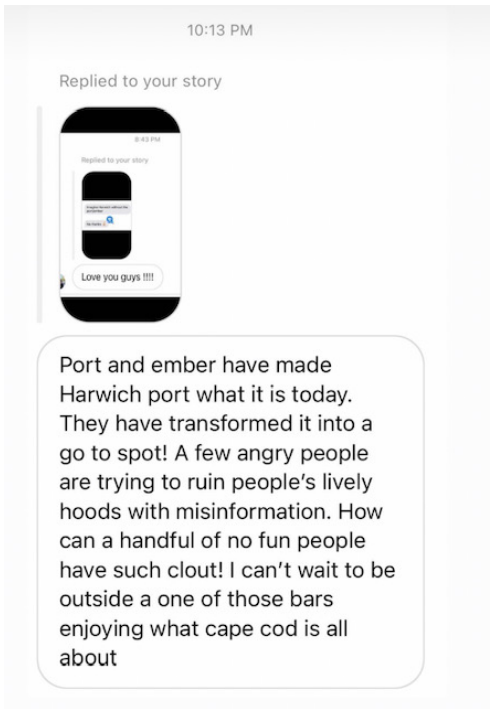
For anyone who has dined at either ember or the port in Harwich Port, please select "town" in the drop-down box and send a note of support for these restaurants. The town provided no warnings but is trying to revoke licenses because of Covid. continues...

8:28 AM · 3/24/21 · Twitter for iPhone



I'm glad you're fighting back. It's ridiculous. you employ so many people And draw so many patrons to the town, you would think there would be a certain level of gratitude from the town. And even if they were a beef, they need to follow the process otherwise who in the world would want to open a business in the town?!

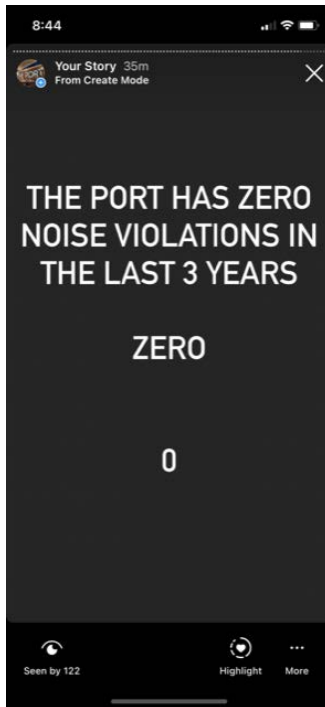




'I AM REACHING OUT TO YOU IN SUPPORT OF THE PORT RESTAURANT AND THE BRACKETT FAMILY. I LIVE ON SEA STREET AND HAVE SPENT EVERY SUMMER IN HARWICHPORT FOR THE PAST 30 YEARS. I HAVE GROWN UP ON THIS AMAZING STREET AND MY FONDEST CHILDHOOD MEMORIES INCLUDE SUMMERS IN HARWICHPORT. I HAVE PERSONALLY WITNESSED HOW THE PORT TRANSFORMED THIS TOWN IN SUCH A POSITIVE WAY. THE OWNERS GRIFFIN AND JUDD, ARE NOT ONLY RESPECTFUL AND GREAT NEIGHBORS; THEY ARE GOOD PEOPLE. IT'S NOT ONLY SHOCKING TO READ ANYTHING NEGATIVE ABOUT THIS ESTABLISHMENT BUT IT IS INFURIATING BECAUSE IT IS ALL BASED ON LIES.....'

'IT IS ABSOLUTELY SICKENING TO READ WHAT THE ARTICLES IN THE LOCAL PAPERS ARE SAYING ABOUT THE "COVID VIOLATION CONCERNS". SUMMER 2020 I WAS LIVING IN HARWICHPORT ON SEA STREET WITH MY 6 MONTH OLD BABY AND 4 YEAR OLD SON. THE FIRST RESTAURANT I EVER TOOK MY BABY TO WAS THE PORT BECAUSE I TRUSTED THEM AND KNEW THAT THEY WOULD DO THINGS THE RIGHT WAY. I KNEW THAT THEY WOULD FOLLOW ALL THE STATE RULES AND GUIDELINES (MASKS, SOCIAL DISTANCING OF 6 FEET AND ONLY 6 PER TABLE). TO READ THAT THEY "FLAGRANTLY DIDN'T FOLLOW RULES" IS ASTONISHING CAUSE IT COULDN'T BE FURTHER FROM THE TRUTH....'

'I'VE NEVER SEEN A GROUP OF PEOPLE WORK HARDER THEN THE STAFF AT THE PORT DID THIS SUMMER. THEY DID EVERYTHING THEY WERE SUPPOSED TO DO TO KEEP THEIR STAFF AND DINERS SAFE. IT BREAKS MY HEART TO KNOW THE TOWN IS DOING THIS TO THEM BECAUSE IT SEEMS SO INTENTIONAL AND WRONG. I HAVE FAITH THAT THIS WILL ALL WORK OUT AND THINGS WILL GET RESOLVED SOON AND IN THE MEANTIME I STAND WITH THE PORT. I WILL DO WHATEVER I PERSONALLY CAN TO FIGHT FOR WHAT IS RIGHT AND SUPPORT THESE AMAZING BROTHERS AND RESTAURANT.'



MY FAMILY AND I ENJOY REGULAR TRIPS TO HARWICHPORT TO DINE AS A FAMILY AT EMBER AND THE PORT. WE LIVE IN SANDWICH BUT WE COME TO THESE RESTAURANTS SPECIFICALLY FOR THE FOOD, AND SERVICE, BUT GENERALLY FOR THE WALKING THROUGH THE VILLAGE. FROM TIME TO TIME, WE ENJOY CHECKING OUT THE OTHER STORES OR GETTING AN ICE CREAM.

WE ENJOYED THESE RESTAURANTS MANY TIMES OVER THE LAST YEAR. IT WAS AN EXTRAORDINARILY DIFFICULT YEAR TO BE IN THE RESTAURANT BUSINESS SO WE DID OUR BEST TO SUPPORT OUR FAVORITE PLACES. AT NO TIME DID WE FEEL IN ANY WAY UNSAFE. QUITE THE CONTRARY. OUR HOPE HAS BEEN THAT THESE BUSINESSES AND THEIR EMPLOYEES WOULD BE ABLE TO WEATHER THE COVID STORM GIVEN ALL OF THE OBVIOUS, CUMBERSOME RESTRICTIONS BEING EMPLOYED. THIS WAS VERY NOTICEABLE TO US AT BOTH THE PORT AND EMBER.

MY HOPE IS THAT THE TOWNS ACROSS THE STATE ARE LOOKING TO ASSIST THESE BUSINESSES WHO BOTH SERVE AND EMPLOY SO MANY PEOPLE AS OPPOSED TO LOOKING FOR WAYS TO PUNISH THEM FOR THINGS THAT DIDN'T EVEN MERIT A WARNING. AND ESPECIALLY GIVEN THE EXTRAORDINARILY DIFFICULT CIRCUMSTANCES THESE BUSINESSES WERE FORCED TO ENDURE THROUGH NO FAULT OF THEIR OWN. THANK YOU FOR HAVING SUCH A GREAT PLACE TO VISIT DOWN CAPE.

Sent from my iPhone

From: Brackett
To: Raymond Tomlinson
Subject: 121-144
Date: Friday, March 26, 2021 10:19:44 AM
Attachments: IMG_1042.PNG
IMG_1043.PNG
IMG_1044.PNG
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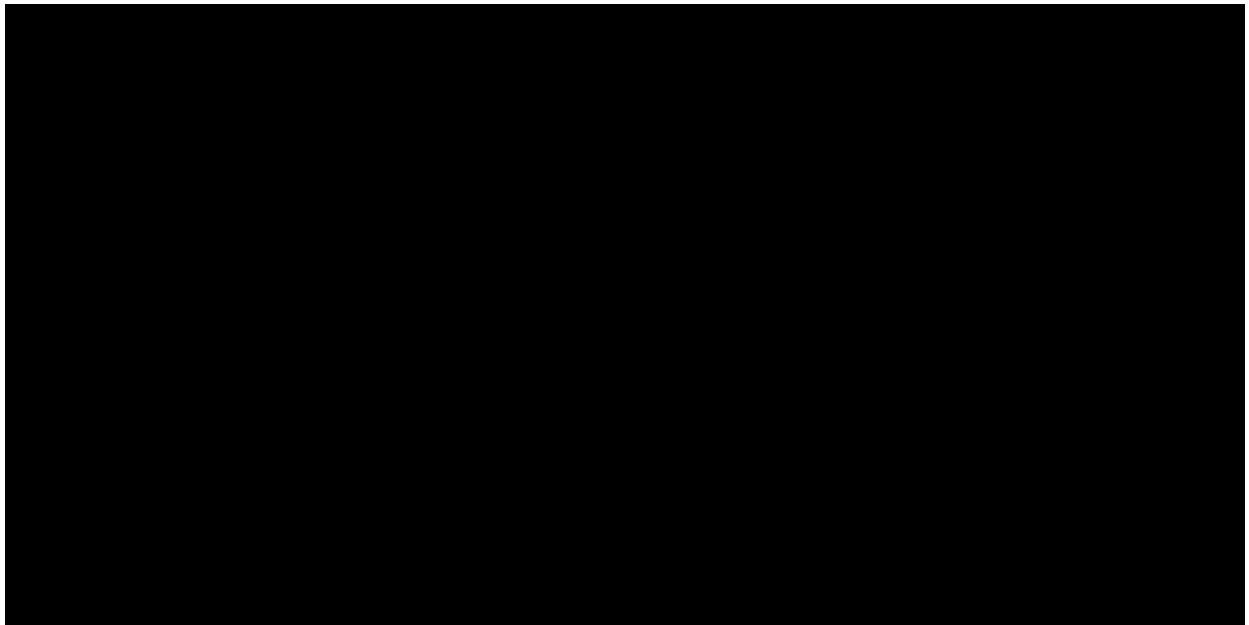


8:42 AM

Replied to your story

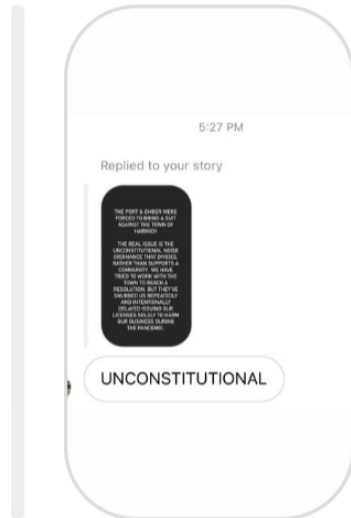


Can you link this in your bio?
Definitely want to help 🙏



8:52 AM

Replied to your story



Shame on town of Harwich!!!!!!
You guys have created a
restaurant empire and name for
yourselves. Love supporting your
business!!!



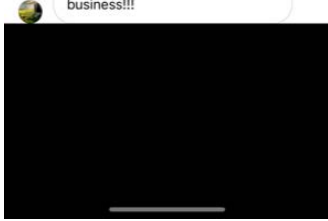


8:52 AM

Replied to your story



Shame on town of Harwich!!!!
You guys have created a
restaurant empire and name for
yourselves. Love supporting your
business!!!



Mark Leach

The Bracket family has spent a lot of money breathing new life to buildings that were in poor condition. Starting with Brax Landing which opened in 1975. Formerly as I was told a large home which was used by Thompson's Clam Bar as dormitory for their staff. Later on they bought the former Butner's building in Harwichport and with another large amount capital built the Port an upscale restaurant which improved the downtown. Finally they took over the former Nick and Dick's restaurant and with another large rebuild made a great restaurant in the Embers. Hundreds of good jobs were established from these efforts not mention the many suppliers who have employed many more. Shame on the short sighted and those who obviously have a grudge against this family. Looking at the real estate values Harwichport is a great place to own a home.

Janelle the selectman who was on the board when the Bylaw was written

The same person who owned a spa and sold packages to customers that included bottles of champagne without having a liquor license?

That Janelle

How many times has she been arrested?

She should know the law. She has been on the wrong side of it more than most

'SENT THIS TO THE TOWN-

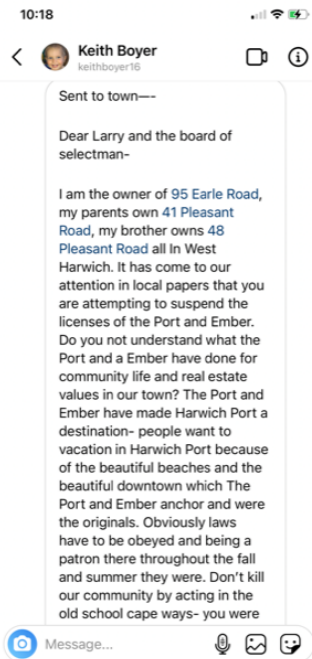
TO WHOM IT MAY CONCERN:
I HAVE READ QUITE A BIT ON THE TOWN OF HARWICH TRYING TO CLOSE TWO SMALL BUSINESSES IN HARWICHPORT. THEY HAPPEN TO BE TWO OF THE BEST RESTAURANTS ON THE CAPE (THE PORT AND EMBER). DURING THIS COVID PANDEMIC SMALL BUSINESSES INCLUDING RESTAURANTS WERE UNDISPUTEDLY TARGETED AND HUNDREDS OF THOUSANDS ACROSS THE US WERE FORCED TO CLOSE THEIR DOORS FOR EVER....'

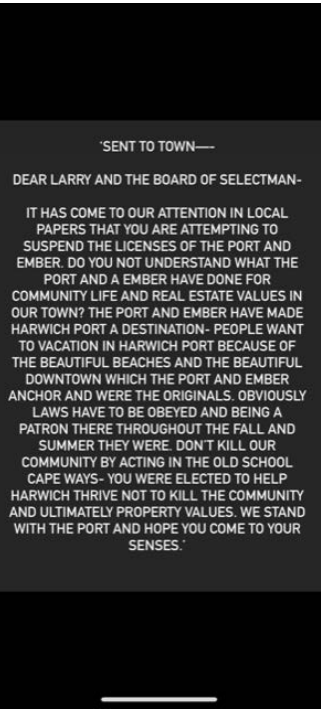
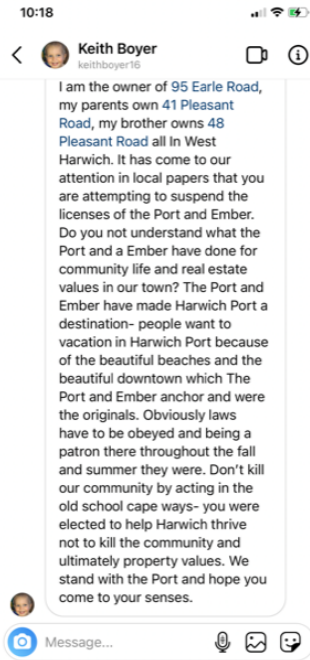
" SO LET'S CHANGE GEARS AND FACE WHAT THIS REALLY IS ABOUT, A PERSON VENDETTA FROM A FEW "IMPORTANT PEOPLE" TO PUNISH AND ATTEMPT TO DESTROY TWO LOCAL SMALL BUSINESSES WHICH EMPLOY AND PROVIDE GOOD PAYING JOBS FOR HUNDREDS IN THE COMMUNITY. THE TRUE STORY OF THE TWO OWNERS AND THEIR SUCCESS WAS THE EPITOME OF THE AMERICAN DREAM AND SHOULD BE CELEBRATED, SHARED, AND INSPIRING...."

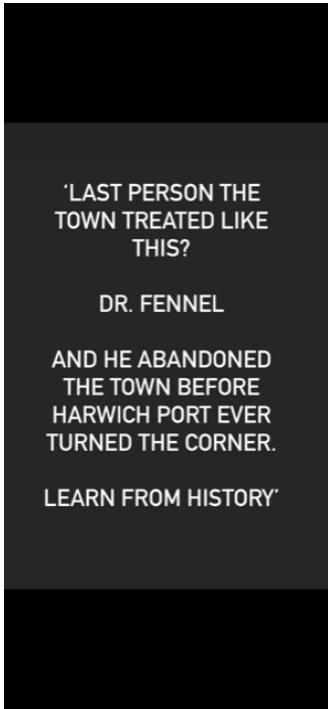
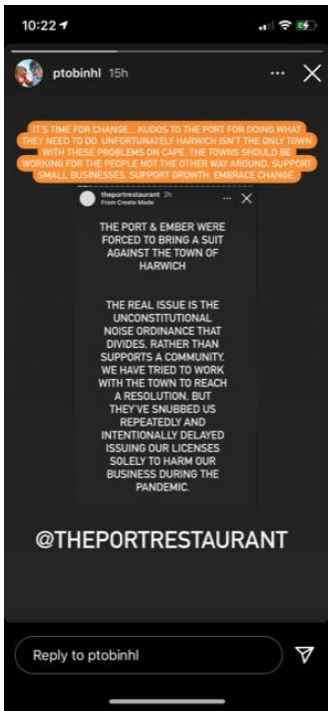
MESSAGES now
Judd
iMessage

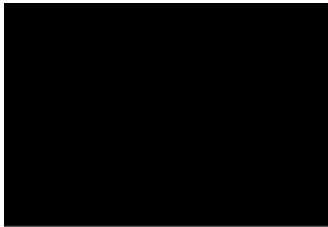
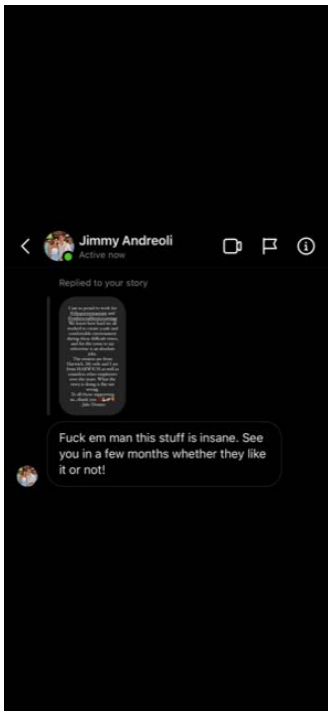
"THEY TOOK THE RISK, THEY WORKED SO HARD TO ACHIEVE SUCCESS, AND LIKE ALL TO OFTEN IN THIS WORLD TODAY, WHEN SOMEONE ACHIEVES THAT SUCCESS, SOMEONE SURFACES TO TRY TO TEAR THEM DOWN. THAT'S WHAT THIS IS ABOUT AND IT'S SAD. I'M CONFIDENT THE TOWNS TIME AND RESOURCES COULD BE FAR BETTER SPENT, AND HOPEFUL THEY WILL COME TO THEIR SENSES AND PROTECT SMALL BUSINESSES AND GOOD JOBS IN THE COMMUNITY, NOT TRY TO TEAR THEM DOWN IN THE MOST DIFFICULT TIMES IN THIS GENERATION."

THEY TOOK THE RISK. THEY WORKED SO HARD TO ACHIEVE SUCCESS, AND LIKE ALL TO OFTEN IN THIS WORLD TODAY, WHEN SOMEONE ACHIEVES THAT SUCCESS, SOMEONE SURFACES TO TRY TO TEAR THEM DOWN. THAT'S WHAT THIS IS ABOUT AND IT'S SAD. I'M CONFIDENT THE TOWNS TIME AND RESOURCES COULD BE FAR BETTER SPENT, AND HOPEFUL THEY WILL COME TO THEIR SENSES AND PROTECT SMALL BUSINESSES AND GOOD JOBS IN THE COMMUNITY, NOT TRY TO TEAR THEM DOWN IN THE MOST DIFFICULT TIMES IN THIS GENERATION.'

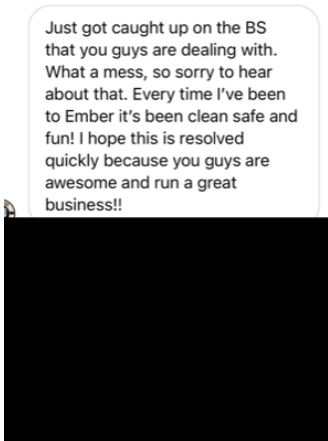








10:32 AM



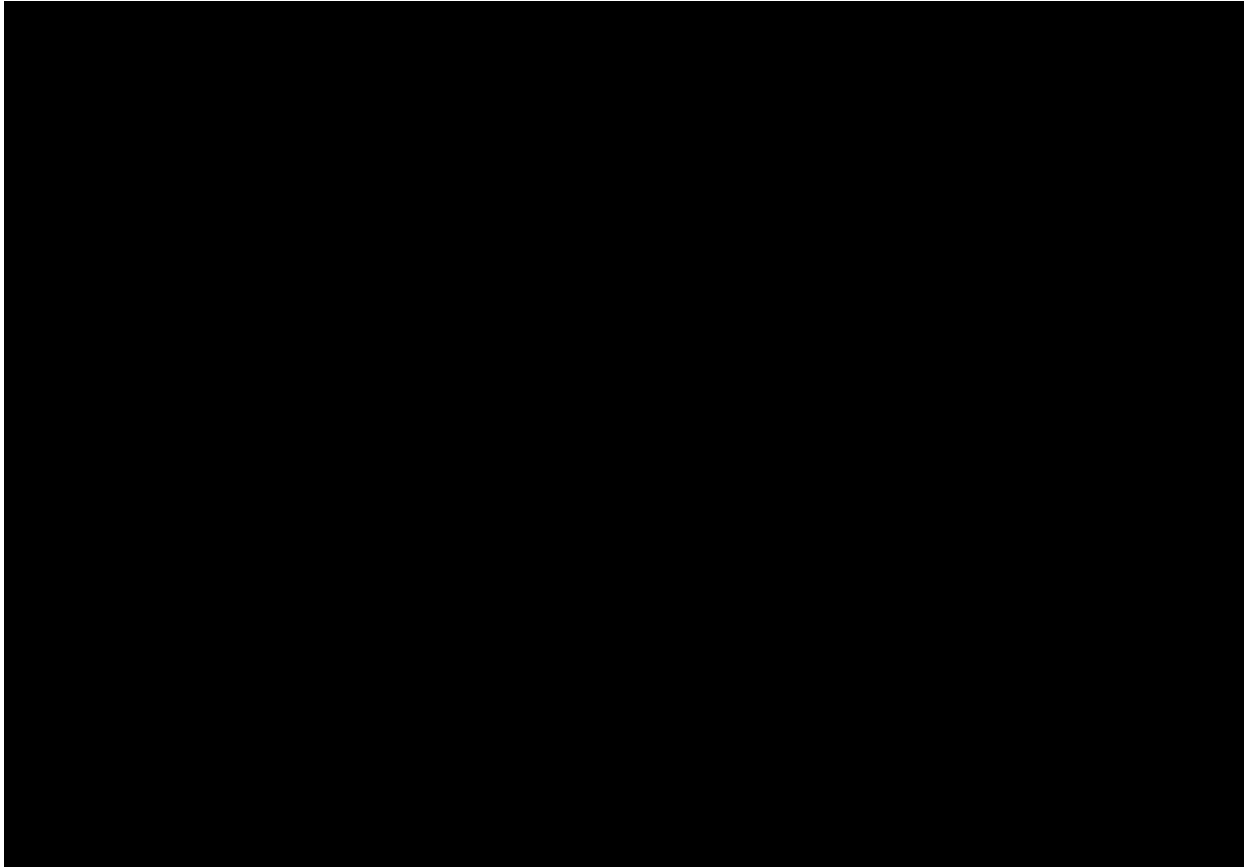


10:37 AM

Replied to your story



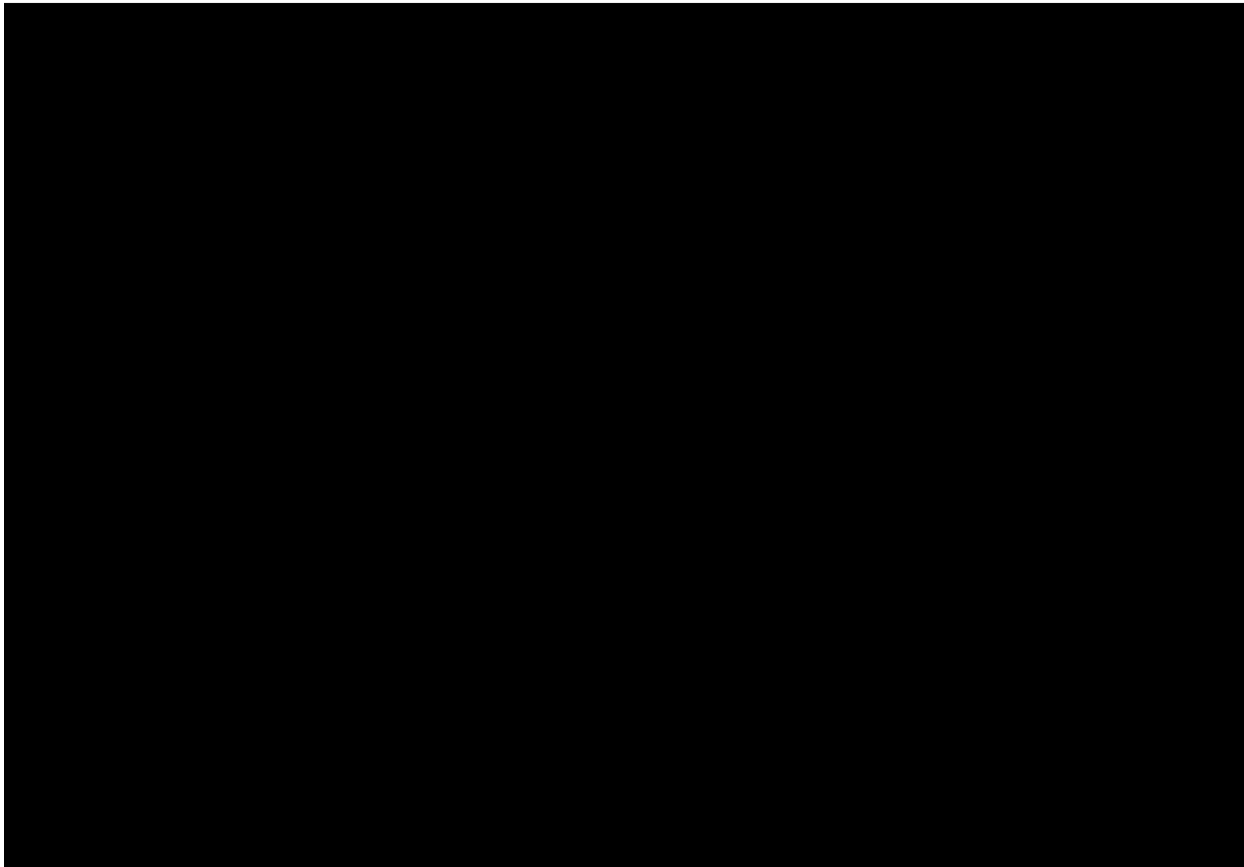
I can't believe what the town is doing. We've emailed Larry expressing our full support of both the Port and Ember. Both are essential to our town and really looking forward to working for such an awesome community. Let us know any other ways we can support you!!!

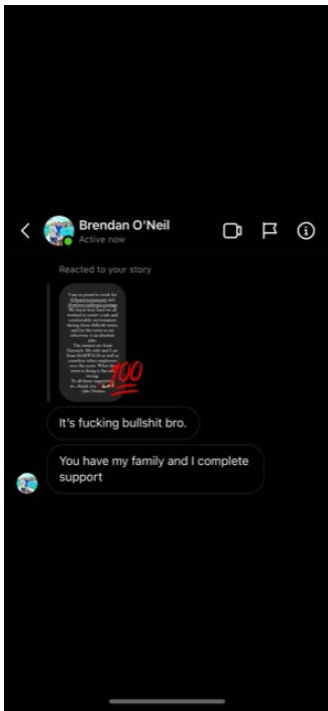


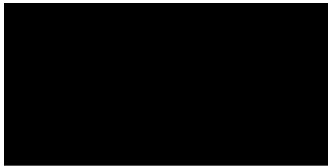
10:50 AM



The Port is the heart of Harwich!
I've made some of the greatest
summer friends at the port in the
last few years and I can't imagine
Harwich without a night at the
port. Last year I felt so
comfortable and safe during the
peaks of covid, the staff and
owners have their customers top
of mind.





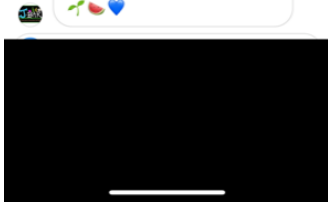


11:30 AM

Replied to your story

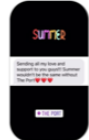


The town can be so disrespectful to us small businesses !! Its unreal ..Cant they see we make up the town - you guys are landmarks here - thanks for being such great neighbors to J.Bar ...we support you always

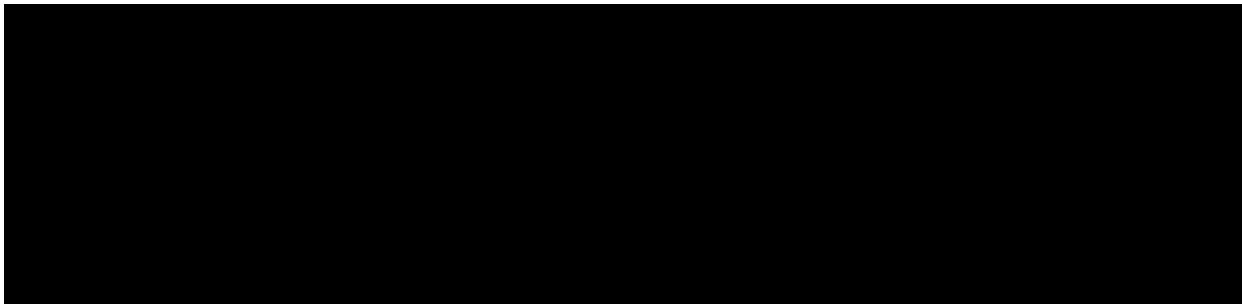


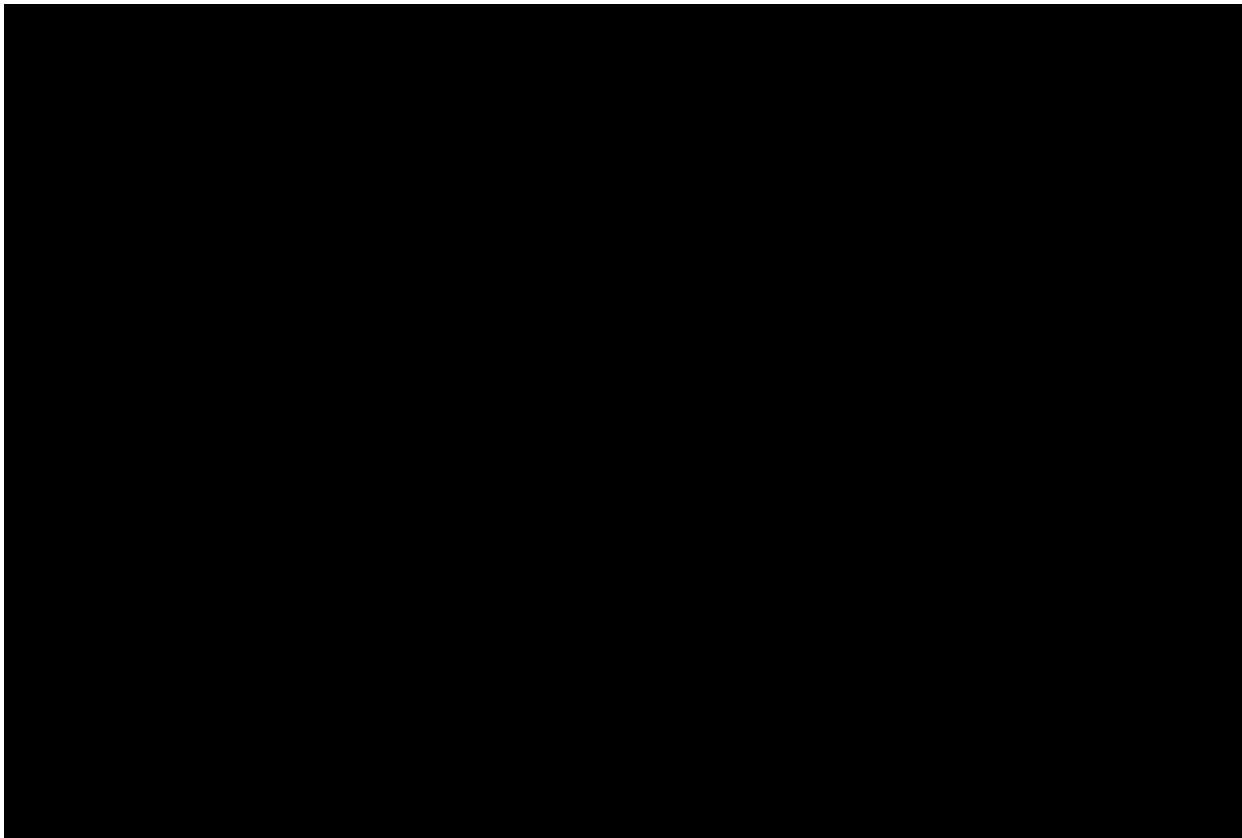
11:47 AM

Replied to your story

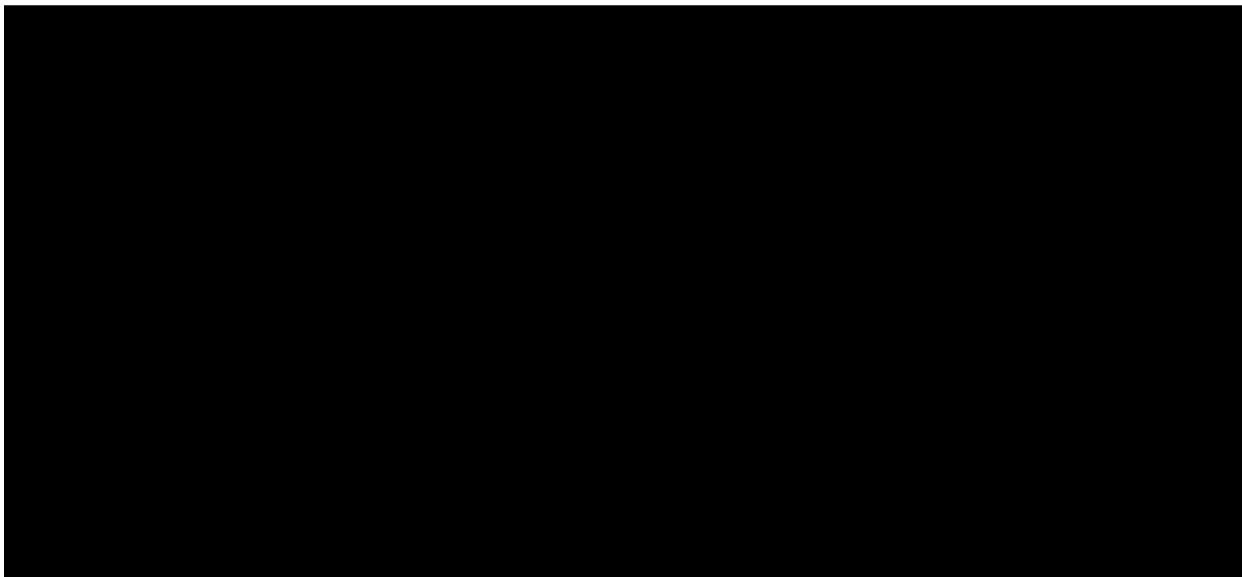


the two best bars in the entire state, counting down the days until opening night! thank you for making it such an awesome spot!





Let us know anything else we can do.
Values in the town are up huge and the
downtown restaurant / music scene has a
lot to with it

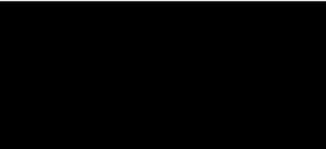




I am writing to address my concern for what is happening to our favorite restaurants in your town. The Port and Ember are the two best places to gather, eat, and enjoy outdoor music and entertainment. We had never even considered visiting Harwich Port until we learned about The Port and Ember. It's now a multiple times a year trip. In season and off. We drive 3 hours to visit The Port on a Saturday afternoon for live music and stroll about the town and visit the local shops. You are doing your town a serious injustice by preventing them from operating their businesses as usual. The presence these establishments hold all over the country is not something you find everywhere. They put your town on the map. Don't take yourself off the map by killing small businesses that do more for your town than your paper pushing town officials.

I would love to hear your side of the story and how and why you are preventing The Port and Ember from making your town flourish.

Thank you for your time.



Sent from my iPhone

From: Brackett
To: Raymond Tomlinson
Subject: 145-168
Date: Friday, March 26, 2021 10:20:58 AM
Attachments: IMG_1066.PNG
IMG_1067.PNG
IMG_1068.PNG
IMG_1069.PNG
IMG_1070.PNG
IMG_1071.PNG
IMG_1072.PNG
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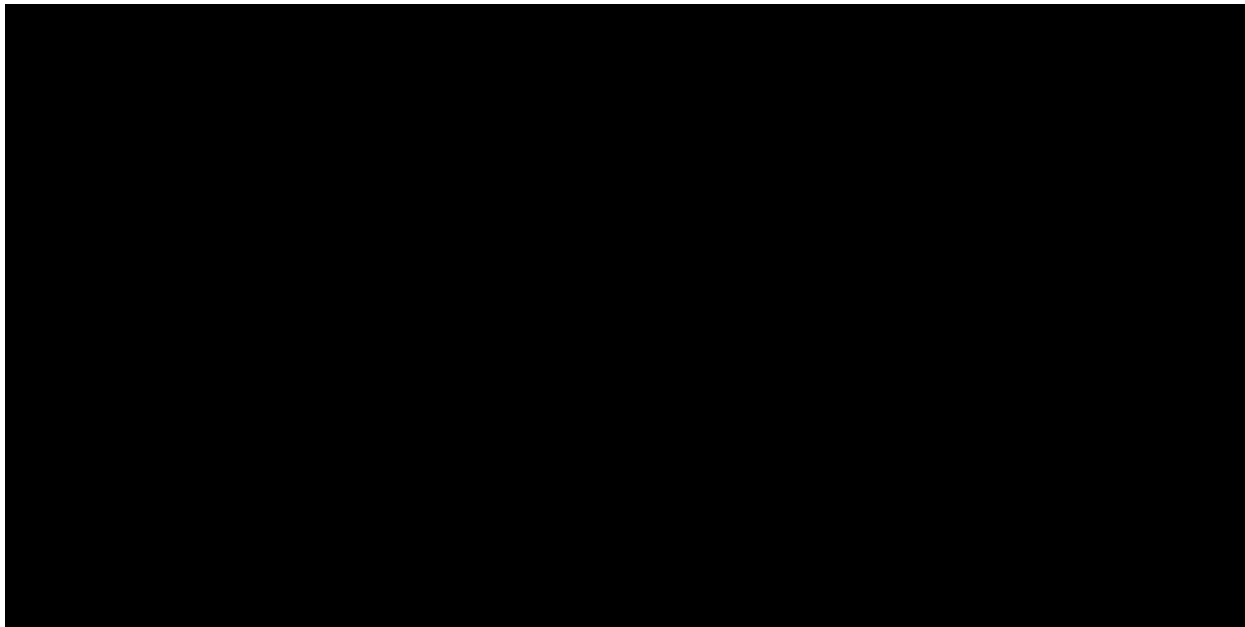


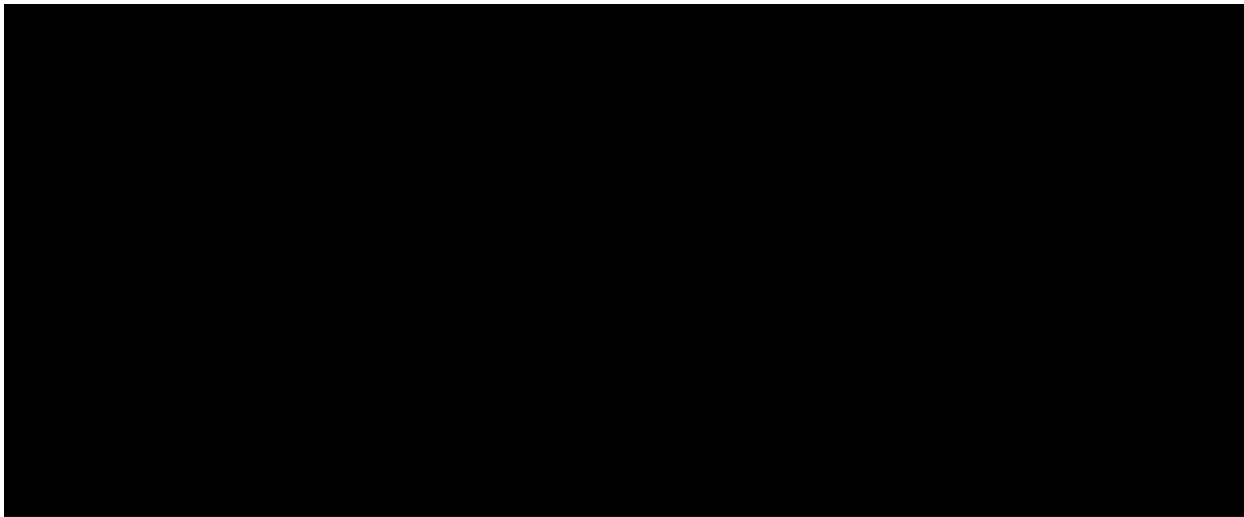
12:06 PM

Replied to your story



#FreeThePort favorite restaurant out there ❤️

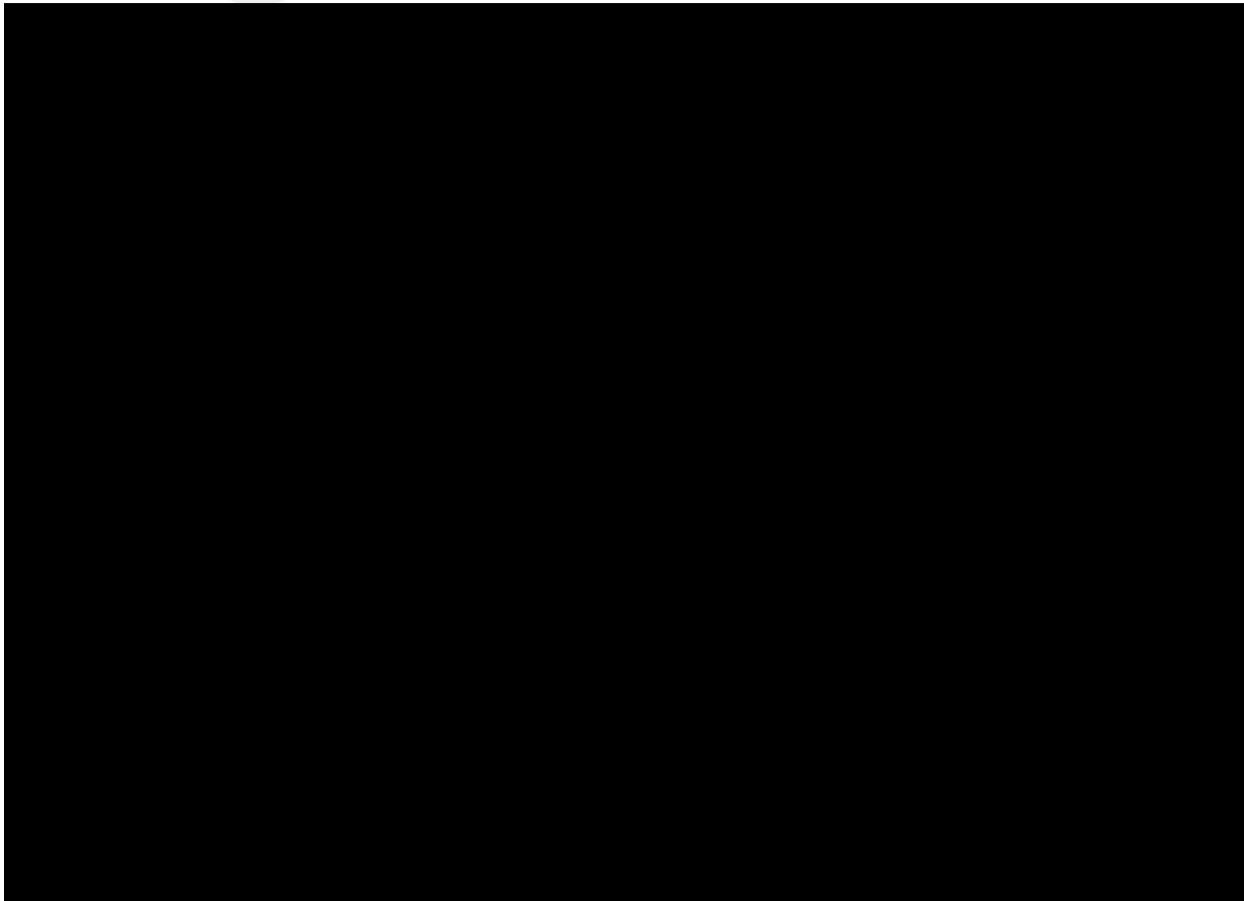




12:16 PM



This is blowing up in your favor!!!
Yes!!! Way to go!!

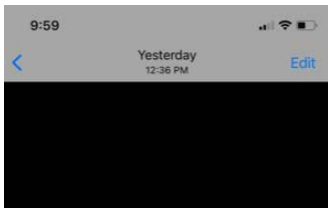




I am writing this on behalf of The Port & Ember after hearing of recent news going on with their licenses getting suspended due to lack of COVID regulations.

My family stayed in Welfleet this summer, but because the Port & Ember have become such staples in our summer tradition, we willingly drove 45min+ each way to visit the restaurants during our stay. My sister & cousin are both ICU nurses in Boston, working on the front lines throughout this pandemic. During our meals at the Port (back tent outside) and by the fire pit at Ember, they both called out how above & beyond the staff at both restaurants were going in order to ensure they were following protocol. My sister in law was pregnant, and therefore high risk. She also mentioned how the Port was one of the only restaurants she went to all summer where she truly felt comfortable & safe.

I can only speak to my personal experience, but to have 3 separate family members make a point to say how well both restaurants handled such uncharted territory should be a pretty good sign as to how these hardworking teams responsibly navigated an incredibly difficult summer. All so that people like US were able to make the trip to Harwich

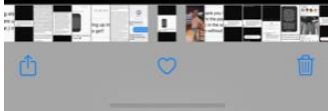


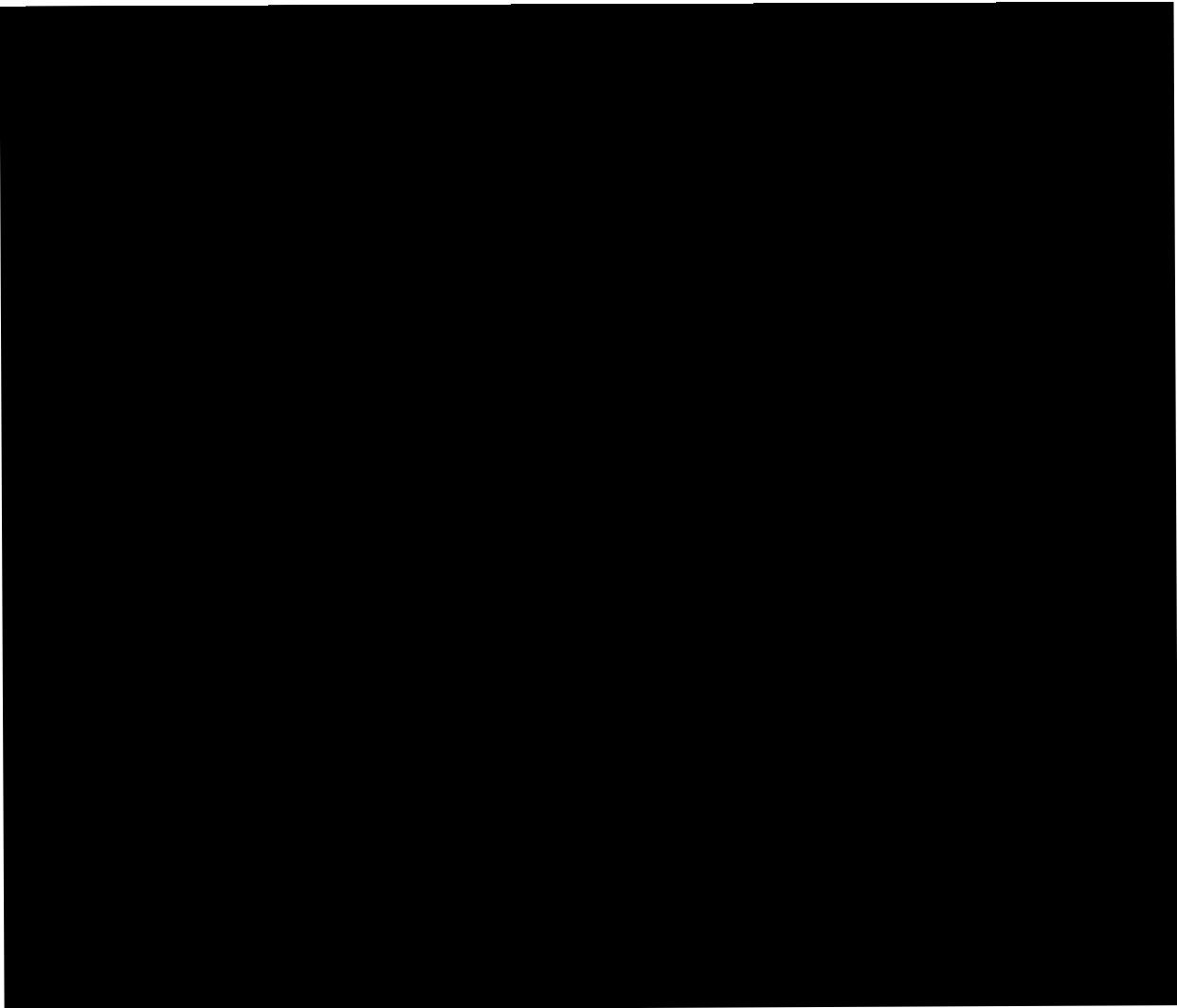
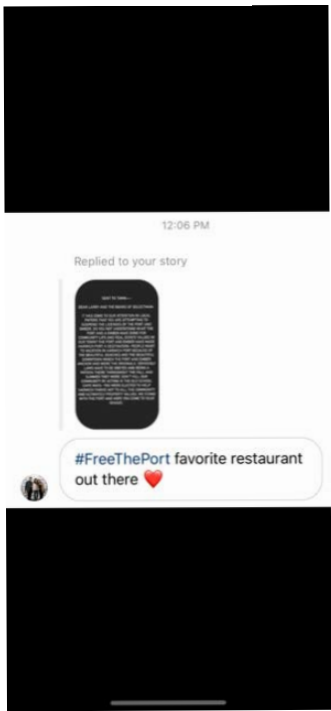
12:06 PM

Replied to your story



#FreeThePort favorite restaurant out there ❤️





Will do - thank you for the info!
We frequent the port and ember
every week in the summer - can't
imagine life without you!





Will do - thank you for the info!
 We frequent the port and ember
 every week in the summer - can't
 imagine life without you!

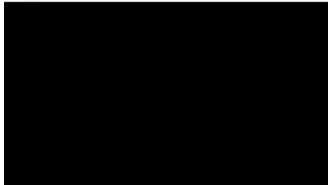


WE GREW UP IN
 HARWICH. WE EMPLOY
 UPWARDS TO 150 PEOPLE
 IN HARWICH. WE HAVE
 INVESTED COUNTLESS
 HOURS AND MILLIONS OF
 DOLLARS INTO OUR
 TOWN. WE ARE PROUD OF
 THE RESURGENCE OF
 HARWICH PORT.

WE APPRECIATE ALL THE
 SUPPORT WE HAVE BEEN
 GETTING. YOUR EMAILS,
 TEXTS, AND MESSAGES
 MEAN SO MUCH TO US.

THANK YOU.

I wouldn't vacation in Harwich
 Port if it weren't for you, let us
 know how we can support!



1:02 PM

Truly cannot believe what I am reading about what the town of Harwich is doing to our favorite restaurants, The Port & Ember. We are extremely fortunate to be able to spend the majority of our summers on the Cape. With that being said, our favorite restaurants are these two, not only is the food, drinks and ambiance amazing but the staff is what truly makes it superb. They go above and beyond to provide each customer top notch service while making you feel like part of the family. During such a tough year for establishments, this is the time to come together. Thank you guys for standing up for what is right, you have our full support and we will do whatever we can to help. #FreeThePort
-The Desrosena's



I'm writing to support the local establishments of both the Port & Ember. I've frequented both locations numerous times since their inception. Additionally I recall what preceded them. Both establishments have led to an increase in consumerism and tourism within Harwich.

I strongly encourage the town to re-evaluate their stance on both locations. The Port was critical in establishing the burgeoning restaurant scene in Harwich. The Port's well-known brand has driven increased traffic from patrons throughout the Cape. Traffic that has not only supported The Port, but numerous other businesses as well. The town has been a direct beneficiary of the attention the Port has attracted. The vibrant nature of the town has been most influenced by The Port. Consequently, increased attention to the town has directly contributed to higher property values and this is in no small part a reflection of The Port's contribution to the community.

The Ember property was previously a revolving door of restaurants such as Luscious Louie's. Ember established a friendly, largely year-round restaurant that catered to droves of excited patrons.

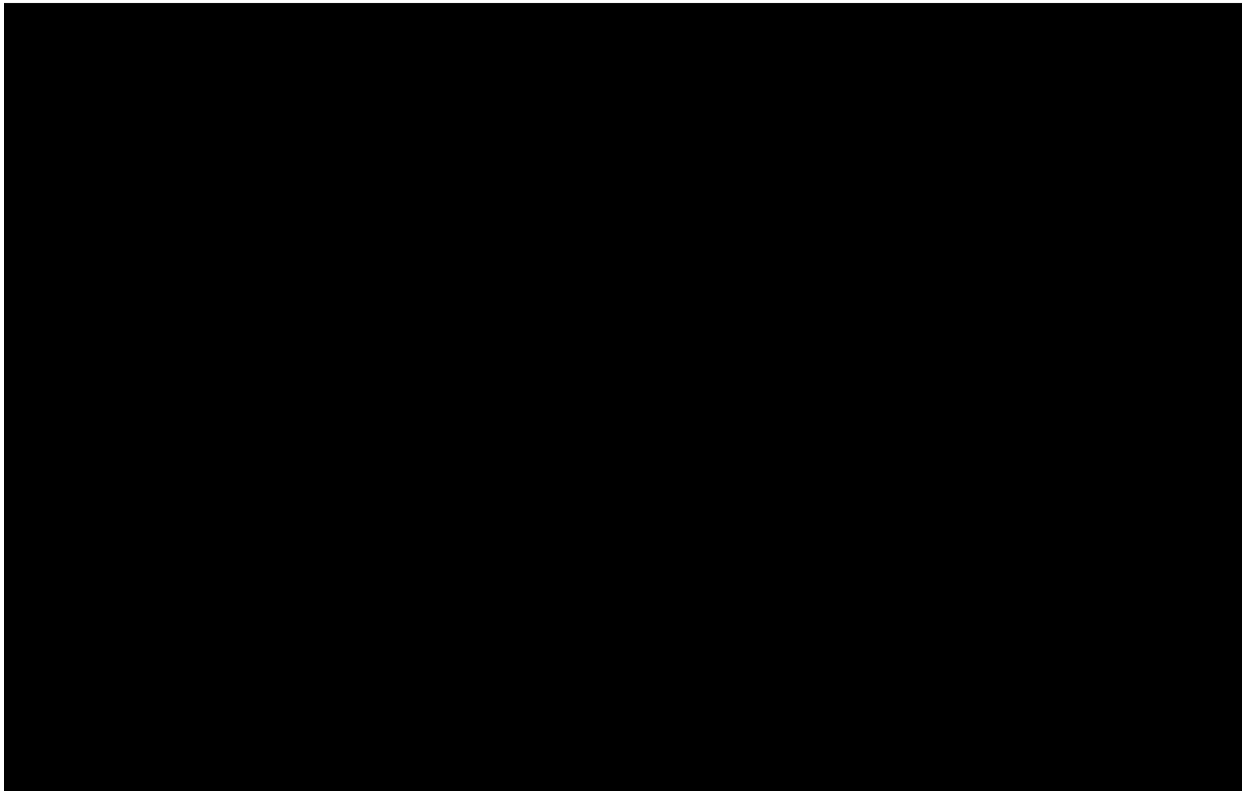
Withholding, suspending or removing the liquor licenses for these establishments would essentially be a death sentence for these businesses. I think that is unacceptable, particularly given their contribution to the community over the better part of the last two decades. It is misguided and frankly condemnable to punish a business in this way particularly given the sad number of businesses that have had to shuttered in direct response to COVID-19. Especially unfortunate is the town's prerogative towards a business and family that has long standing roots within Harwich.

I urge the town to reconsider their current course of action and with an open-mind hear the opinions and voices of the community, many of whom strongly support The Port & Ember.

1:23 PM

I 100% support the port! You guys are the reason why I drive

down to cape whether it's summer or December. Always had the best customer service here, they went well beyond exceptions. Can't forget about one of the best mudslides ever. Also, the port is the main reason why I stay in Harwich. If there is no port, then there's no tourism in the Harwich. Love this place





**NO ABCC FINDINGS OR
REPORT RELATED TO
COVID VIOLATIONS AT
EMBER**

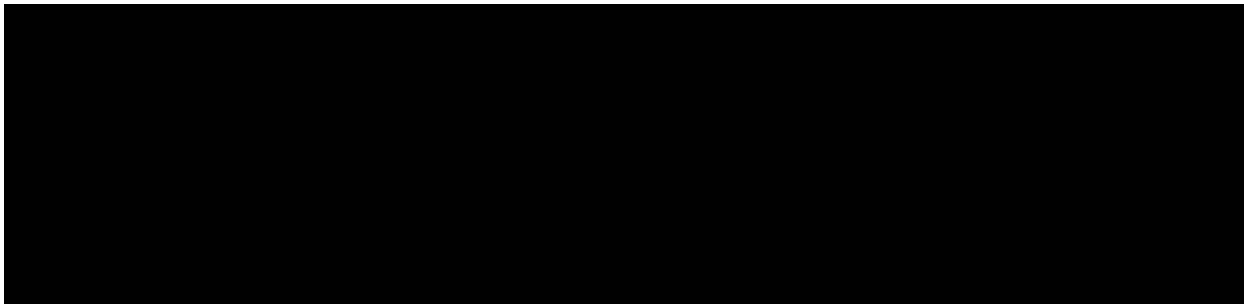
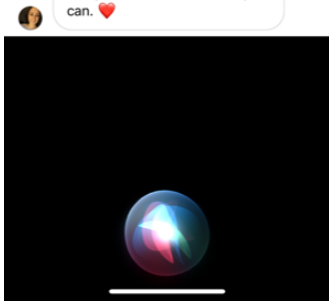
"We visited every liquor establishment in Harwich Port both evenings, undercover and overtly," Binienda said.

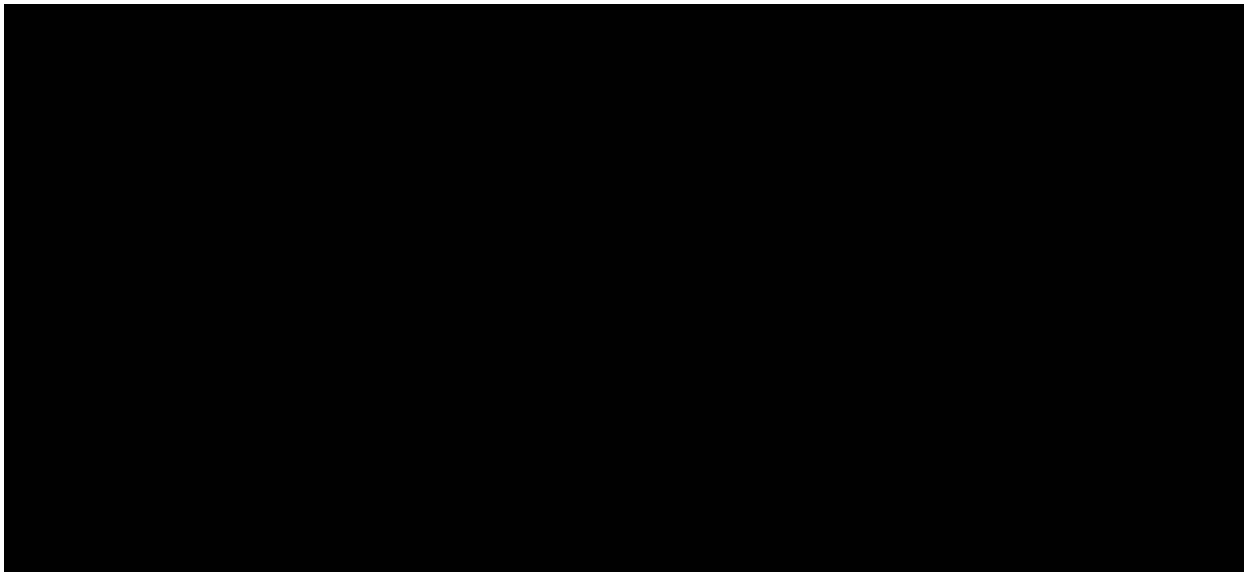
**DESPITE WHAT HAS
BEEN WRITTEN
LOCALLY IN THE
PAPERS**



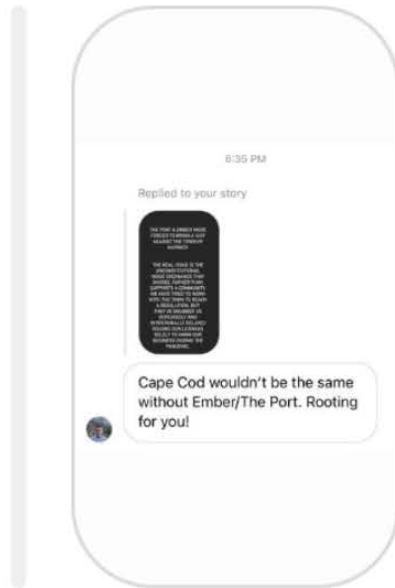
1:27 PM

We love the Port and will always back you guys! Not only do you give us a great place to go but also have awesome staff and always accommodate when you can. ❤️

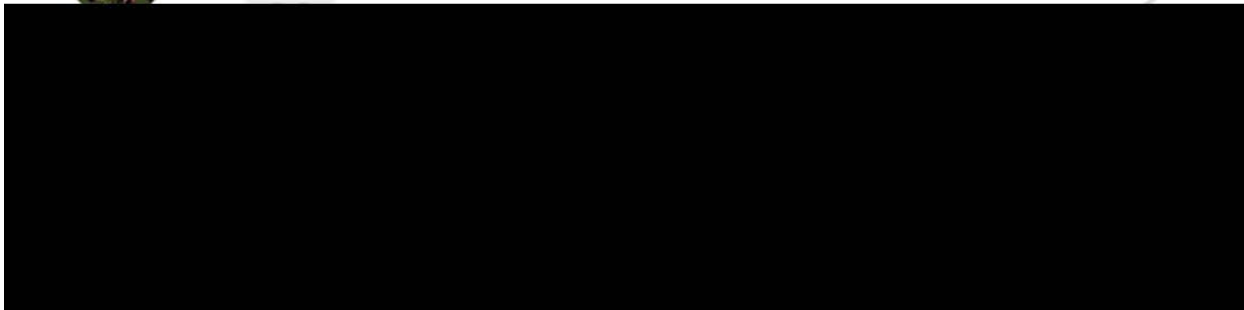




Replied to your story



The jewel of Harwichport!The P
❤️ rt



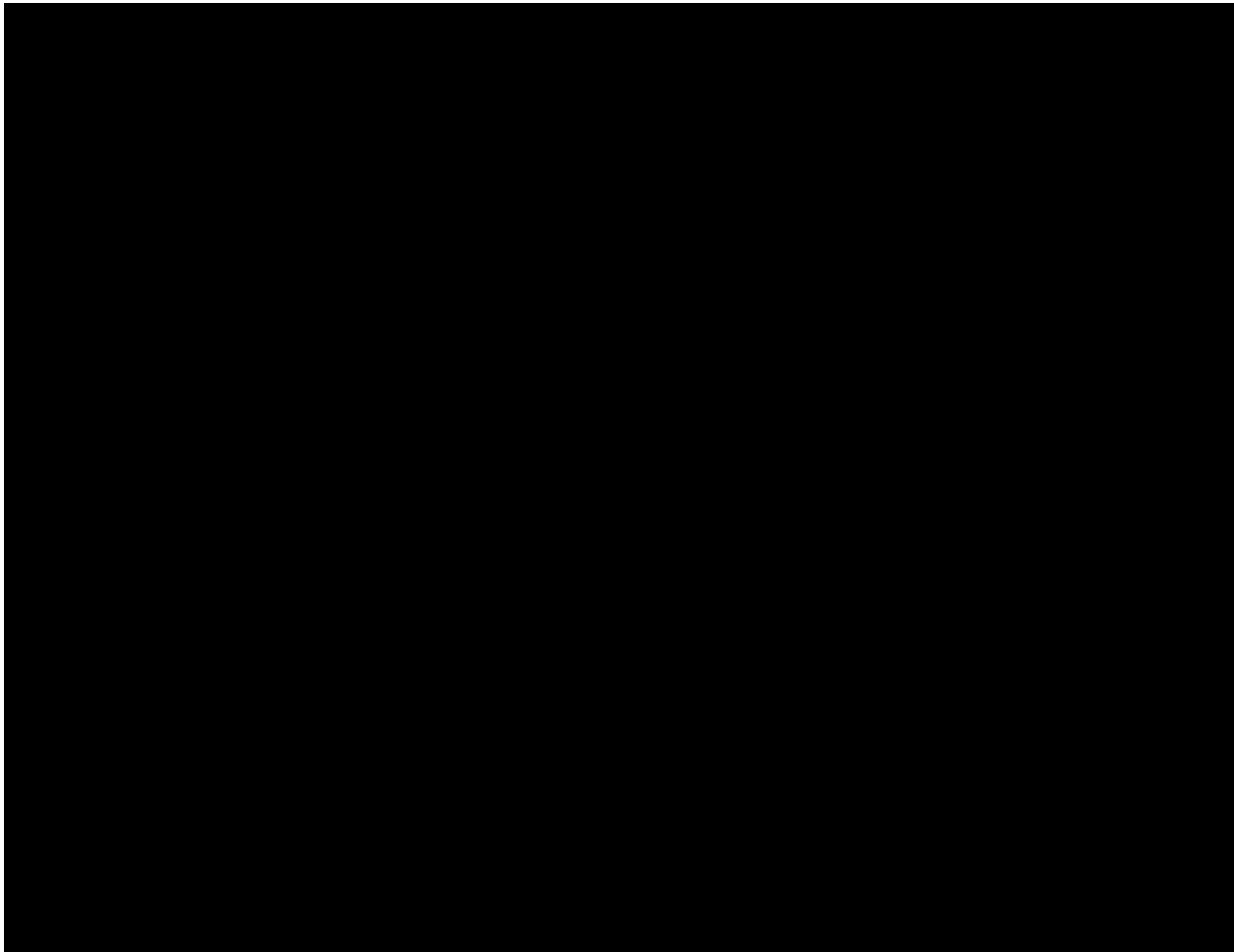


Today 10:02 PM

Hey thinking of you guys right now. Everyone worked so incredibly hard this summer to follow the changing protocols and you were at the forefront of those efforts. I think what you're doing is great and I admire how hard you are working on behalf of your staff, family, and customers. I look forward to another amazing summer working for and with you. See u soon! Karen's on the lose!

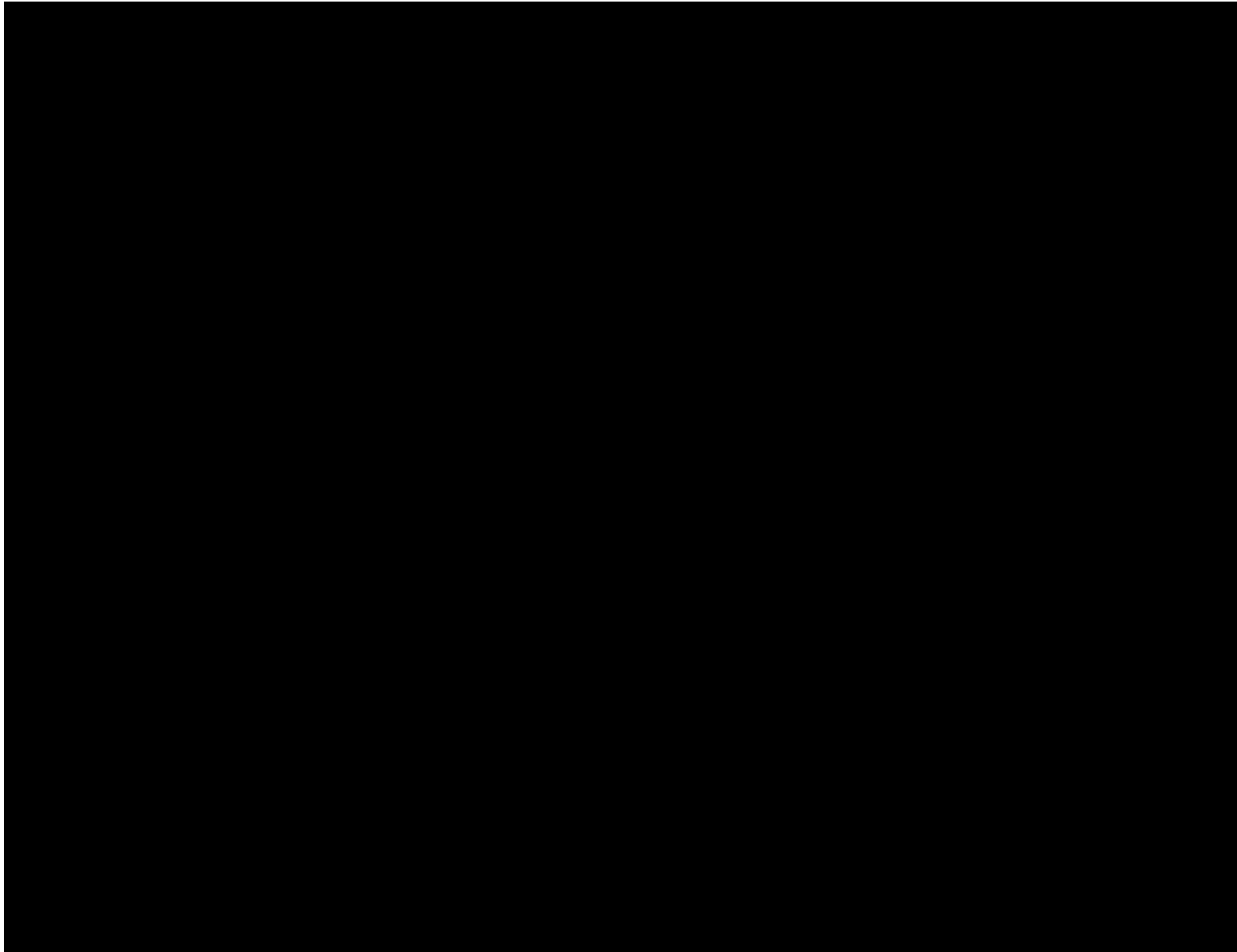


Hey Judd just figured I'd shoot you a text and say my family and I are praying and are so pissed about what's going on . My dads family has lived in harwich port since 1950 and nothing has compared to those two restaurants . I have faith you guys will win this battle ! Thank you for all the years you employed me at ember you and Griff are easily the best owners I've worked for! Can't wait till this thing gets settled ... much love to the family !!!



5:02 PM

The Port and Ember are one of the reasons we have been trying to buy property in Harwichport! We have frequented both establishments last year and so no violations. Your staples on the Main Street. This is very sad to hear! Good luck 🍀





Replied to your story



We recently purchased/renovated a home in Harwich Port - having The Port & Ember in walking distance from our house was a huge selling point!! We LOVE both restaurants - Harwich Port would not be the same with out you!!!

Prior to restaurants being open we so appreciated weekly delicious take out from The Port w/ hand written thank u notes & when we were able to dine in we always felt comfortable & safe eating at both restaurants!!!

It would be hard to image the lovely town of Harwich Port with these 2 establishments!!!!

We support you ❤️❤️❤️



6:59 PM

Absolutely my families two favorite restaurants on Cape Cod! The Brackett brothers and their amazing staff have brought Life to Harwich center!! Without these two restaurants the town will see a huge decline in visitors over the summer!! My family has a business in the Port and their business sees a huge increase once the Port and Ember are open!! It is really sad to see what is happening to two amazing business men who have created a huge business driven by so many locals and visitors to the Port!!

We stand behind you, support you and will do whatever you need to fight for your business !!



I AM WRITING ON BEHALF OF THE PORT AND EMBERS AND THE UNFORTUNATE NEWS THAT HAS FALSIFIED ABOUT THESE ESTABLISHMENTS. HAVING VISITED THE CAPE MY WHOLE LIFE I CAN HONESTLY SAY THAT HARWICH PORT WOULD NOT BE THE DESIRABLE DESTINATION IT IS TODAY WITHOUT THOSE 2 GREAT RESTAURANTS. THE LIVE MUSIC HAS ATTRACTED VISITORS FROM ALL OVER THE CAPE TO COME SPEND MONEY IN HARWICH. WHAT WAS ONCE A TOWN THAT YOU USE TO JUST DRIVE THROUGH TO GET TO CHATHAM, IS NOW THRIVING AND BRINGING IN NEW BUSINESS AND ADDITIONAL RESTAURANTS AND BARS. I REMEMBER THE DAYS BEFORE EMBERS WHEN EVERY SUMMER WE WOULD GUESS TO SEE WHAT NEW NAME WAS SLAPPED ONTO THAT PRIME PIECE OF PROPERTY IN HARWICH PORT. IT WAS A JOKE HOW MANY BUSINESSES FAILED TO SUCCEED IN THAT LOCATION.

'WHAT THE BRACKETT'S HAVE DONE THERE IS EXACTLY WHAT OTHER TOWNS WISH THEY HAD THE SPACE AND OPPORTUNITY TO DO AS WELL. IT'S FRANKLY SHOCKING THAT ANYONE WHO OWNS PROPERTY IN THAT TOWN WOULD EVER WANT ANYTHING EXCEPT SUCCESS FOR THESE 2 RESTAURANTS BECAUSE YOUR PROPERTY VALUES HAVE EXPLODED IN THE LAST 5-10 YEARS. HOMES WERE SELLING OVER ASK IN A MATTER OF HOURS LAST YEAR AND FOR ANYONE TO THINK YOU'D HAVE THAT SAME CRAZY DEMAND WITHOUT A THRIVING AND VIBRANT DOWNTOWN IS JUST NOT A LOGICAL HUMAN BEING.'

THE OWNERS AND THE STAFF OF THE PORT AND EMBERS TAKE COVID VERY SERIOUSLY. I WITNESSED IT FIRST HAND LAST SUMMER WHEN ALL RESTAURANTS WERE TRYING TO NAVIGATE THESE UNCHARTED WATERS. MY FAMILY AND FRIENDS FREQUENTED THE PORT AND EMBERS MULTIPLE TIMES A WEEK AND WERE CONSTANTLY IMPRESSED WITH THE WAY THE STAFF KEPT THE CUSTOMERS SAFE. THEY WERE CONSTANTLY CLEANING AND SANITIZING AND NEVER ONCE DID I SEE ANYONE WITHOUT A MASK. I HOPE THE TOWN SERIOUSLY CONSIDERS THE IMPACT OF PENALIZING THE 2 MOST POPULAR PLACES IN HARWICH. JUST WHEN WE ARE FINALLY STARTING TO SEE A LIGHT AT THE END OF THIS COVID TUNNEL.'



Love you guys! We totally 100% support you. Harwich Port needs YOU more than you need them.

Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 169-193
Date: Friday, March 26, 2021 10:21:43 AM
Attachments: [IMG_1095.PNG](#)
[IMG_1096.PNG](#)
[IMG_1097.PNG](#)
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[IMG_1115.PNG](#)
[IMG_1116.PNG](#)
[IMG_1117.PNG](#)
[IMG_1118.PNG](#)
[IMG_1119.PNG](#)



iMessage
Today 9:44 PM

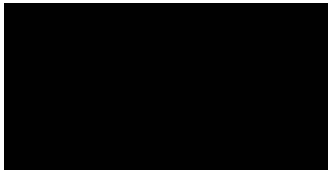
Hey Griff we are so sorry to hear about what you guys are going through. Over the past 10+ years our family always looks forward going "where everyone knows your name" and always feels comfortable and safe. Not sure what we can do to help, but if there is a petition or something going around we will always support you guys. Don't hesitate to reach out if there is anything we can do. Hang in there we hope this is behind you soon.



"Where Everybody Knows Your Name"...a slogan from Cheers but couldn't ring truer for The Port & Ember. Not a summer goes by where rushing down the Cape and settling in on The Port deck to a nice cold Whales Tale and watching friendly and familiar faces come and go isn't the remedy to a long work week. It's in the subtleties The Port excels, from the look the bartender gives you when they sense you need replenishment to an ice cold tray of oysters bringing a group together, the experience is unparalleled. As we've come to learn this year mainstays are the cornerstone of the community. So let's move on, pour a cold beer and enjoy a warm breeze in the back of The Port deck. After all...it's the little things in life...

* also felt safe and never in-doubt of Covid protocol anytime we dined there this summer*

Hey Judd, read the article in the Chronicle of what's been going on with you guys and the town. Any chance you would like for me to speak at a hearing about how important your restaurants are to the local economy let me know. Just want to let you know you have our support
Be well
Steve



Eddie Gallagher
@EddieGallagher

Replying to @insta_eich

The selectmen influenced by a couple of people in authority who aren't necessarily friendly to the Bracketts are threatening to take away liquor licenses from both restaurants. There is usually a process involving written warnings and temporary closures which hasn't happened.

6:58 AM · 3/25/21 · Twitter for iPhone



Yesterday, 10:52 PM

Replied to your story



as a bartender memorial day weekend I can reaffirm every word of this, scott & the whole ember staff made safety our #1 priority





6:21 AM

Replied to your story



If you were so loose with covid rules, wouldn't there be multiple reports of outbreak there?

Shit like this is what gives government a bad name.

We stand behind you, consider running for selectman to end the town bowing down to a few wealthy homeowners in the area!



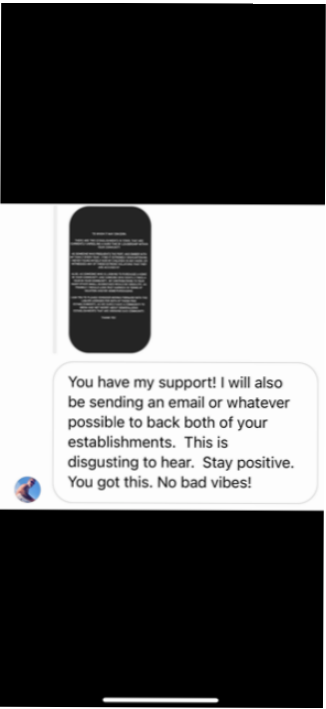
Yesterday, 10:52 PM

Replied to your story



as a bartender memorial day weekend I can reaffirm every word of this, scott & the whole ember staff made safety our #1 priority





**'YOUR DISREGARD FOR
FAIRNESS IS FLAGRANT.
THERE'S THE REAL
MEANING OF THE
WORD, MR.
BALLANTINE.'**

'DON HOWELL REFERRED TO THE PORT AS THE GOOSE THAT LAID THE GOLDEN EGG. HE UNDERSTANDS HOW VALUABLE THOSE TWO PLACES ARE TO HARWICH. NOW'S A GOOD TIME TO TAKE A STAND BEHIND THESE FINE YOUNG MEN. TIME TO DO THE RIGHT THING.'

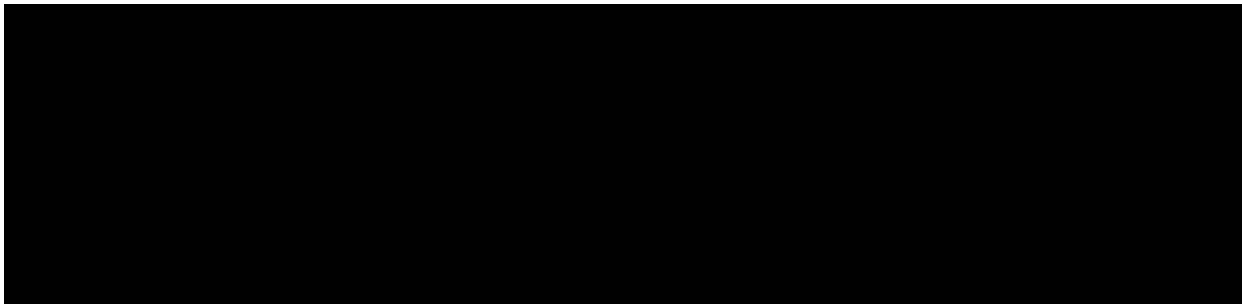


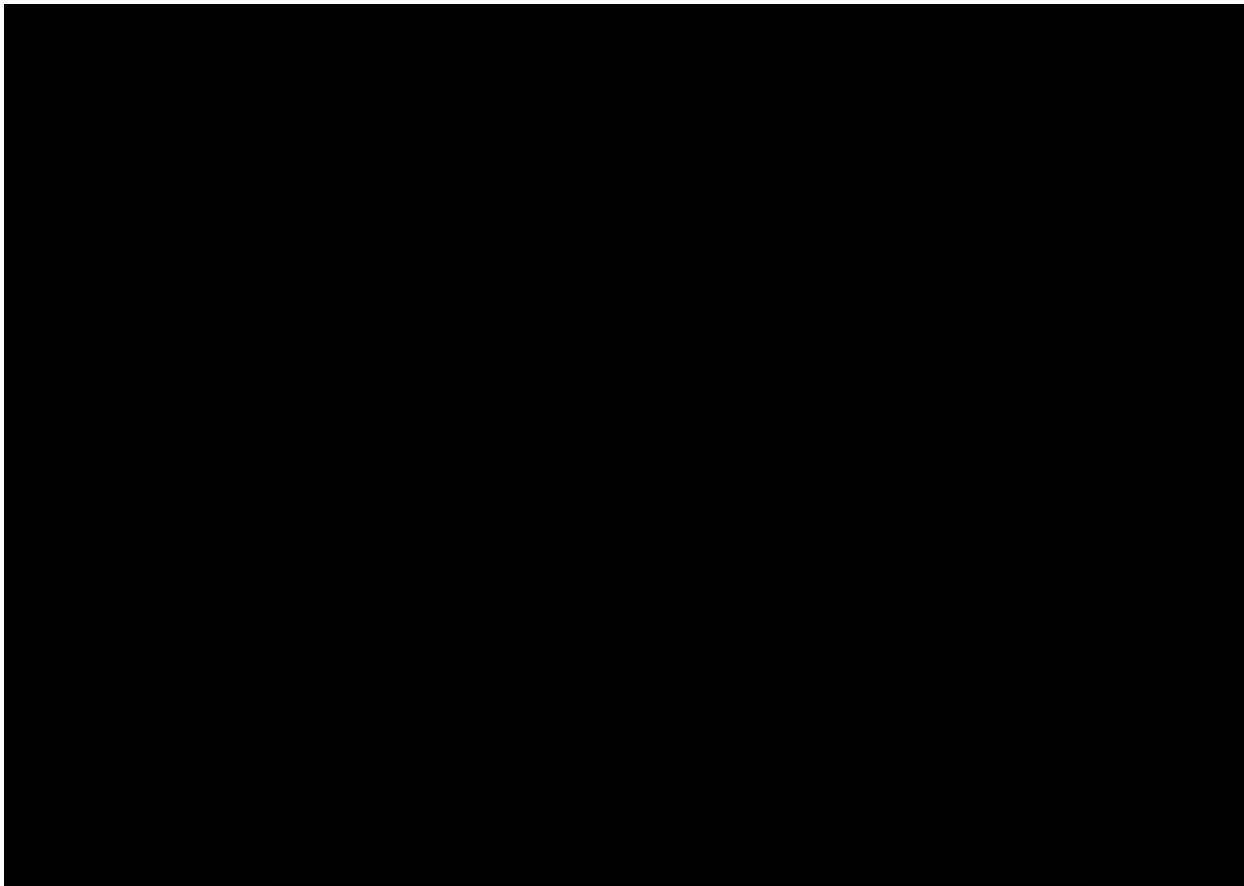
9:14 AM

Replied to your story

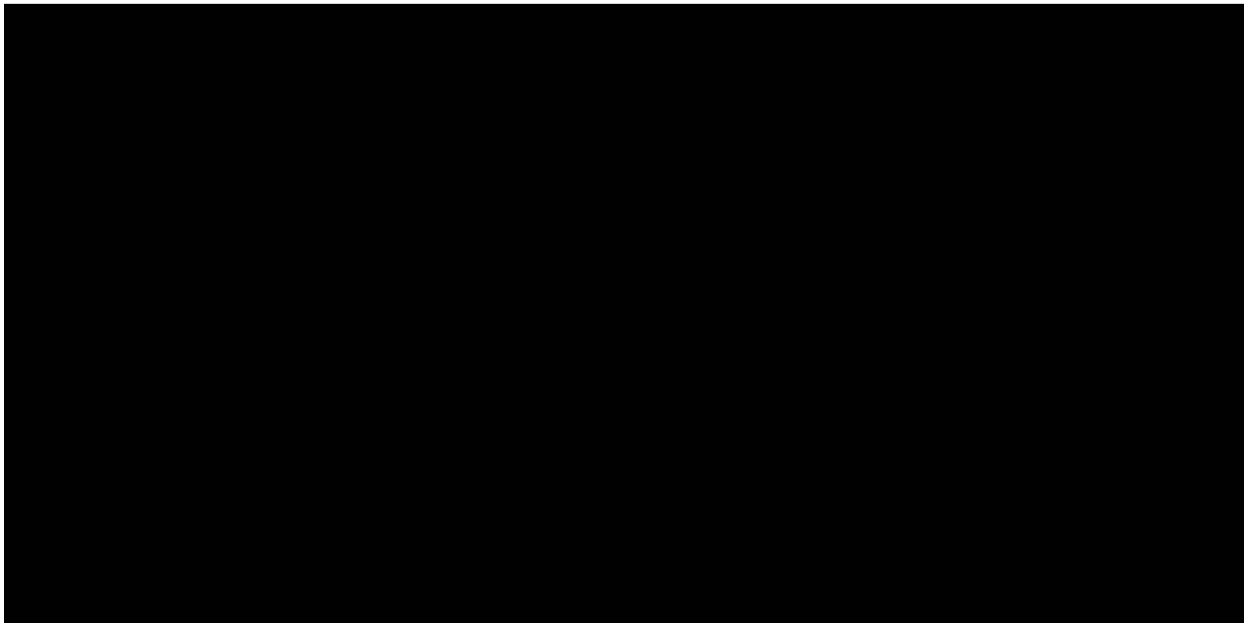


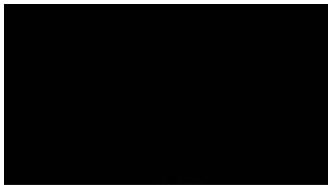
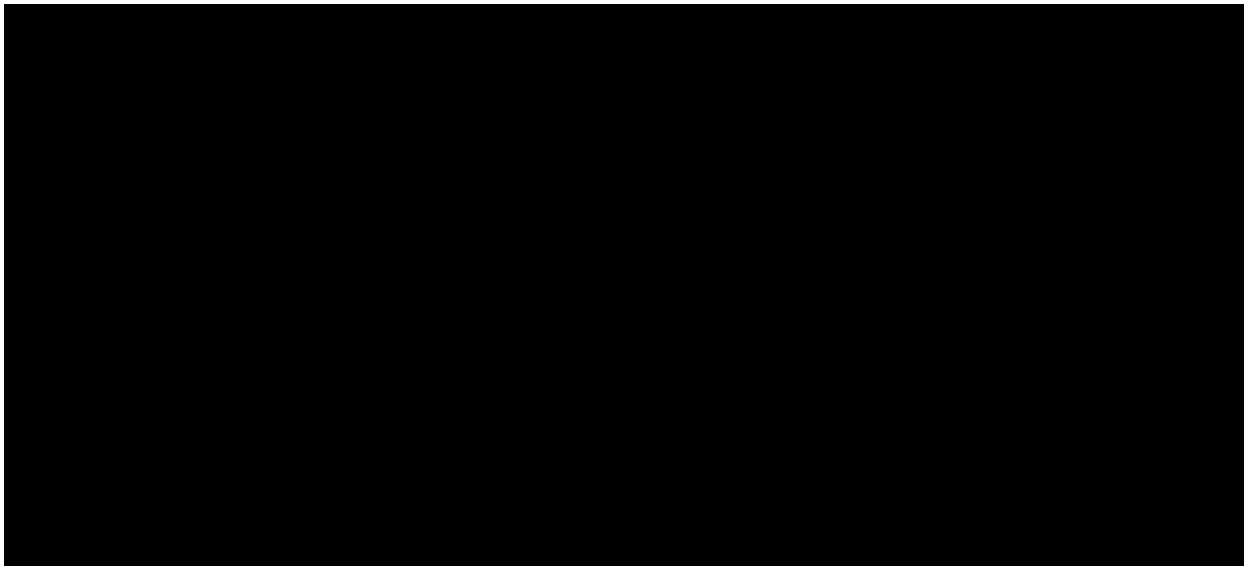
That would be such a sad day what is wrong with the town two of the best restaurants on the cape what can residents do to help





Harwich is irrelevant without Port and Ember. Sad the town doesn't realize what they have.





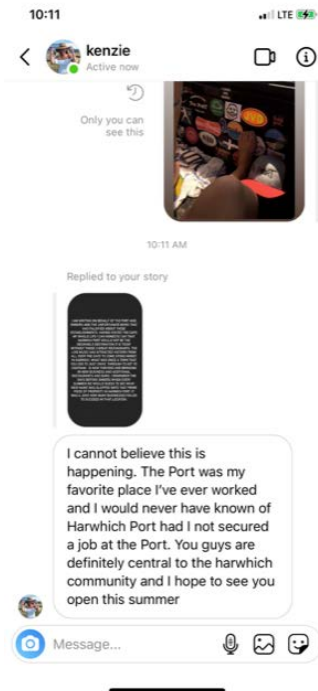
9:49 AM

Replied to your story



Sorry to see this happening to you guys. I love the port and ember, makes HP full of life even during the pandemic brought us some normality over the summer. We are with you!





Submitted on Wednesday, March 24, 2021 - 1:32pm

Submitted values are:

What does this comment regard: Town
Please include any questions or comments: I have recently heard of the action that the Town of Harwich is taking against two great restaurants, The Port and Ember. I have spent my entire life visiting the Cape and have personally worked for the Brackett brothers, and do not have one negative thing to say about them. Two of my sisters were pregnant this summer and I have another family member who is considered high risk, and The Port and Ember were among the few restaurants that we felt safe dining at. I spent a lot of my summer visiting The Port and Ember and never once felt that they were in violation with the Covid-19 safety protocols. At a time when the community should be coming together to support our local businesses that have struggled for the past year, it would be truly saddening to see additional obstacles thrown their way. I really hope the town thinks long and hard about the decisions ahead and reconsider the action they are taking against The Port and Ember. Thank you!
==Please provide the following information==
Name: Christine Gill



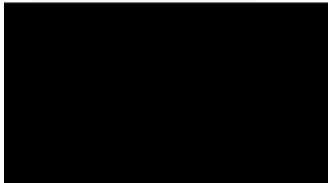
What does this comment regard: Town
Please include any questions or comments: I have recently heard of the action that the Town of Harwich is taking against two great restaurants, The Port and Ember. I have spent my entire life visiting the Cape and have personally worked for the Brackett brothers, and do not have one negative thing to say about them. Two of my sisters were pregnant this summer and I have another family member who is considered high risk, and The Port and Ember were among the few restaurants that we felt safe dining at. I spent a lot of my summer visiting The Port and Ember and never once felt that they were in violation with the Covid-19 safety protocols. At a time when the community should be coming together to support our local businesses that have struggled for the past year, it would be truly saddening to see additional obstacles thrown their way. I really hope the town thinks long and hard about the decisions ahead and reconsider the action they are taking against The Port and Ember. Thank you!



iMessage
Today 10:42 AM



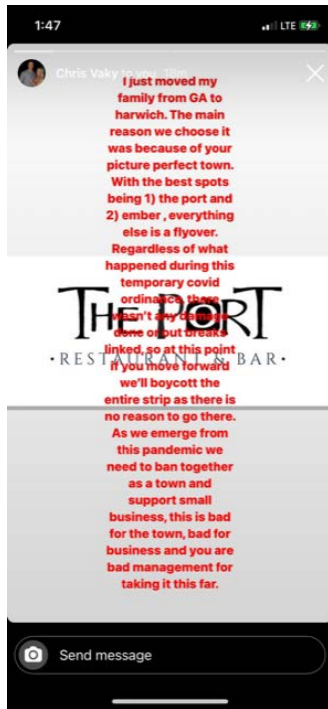
Hey Griff - I've heard about everything happening and I can only imagine you're probably getting flooded with messages from people, but I sent a message through the town form to express my supPORT for you guys and the Port and Ember. Our family loves you guys and you've been so great to us over the years, so just wanted to let you know we're thinking of you!

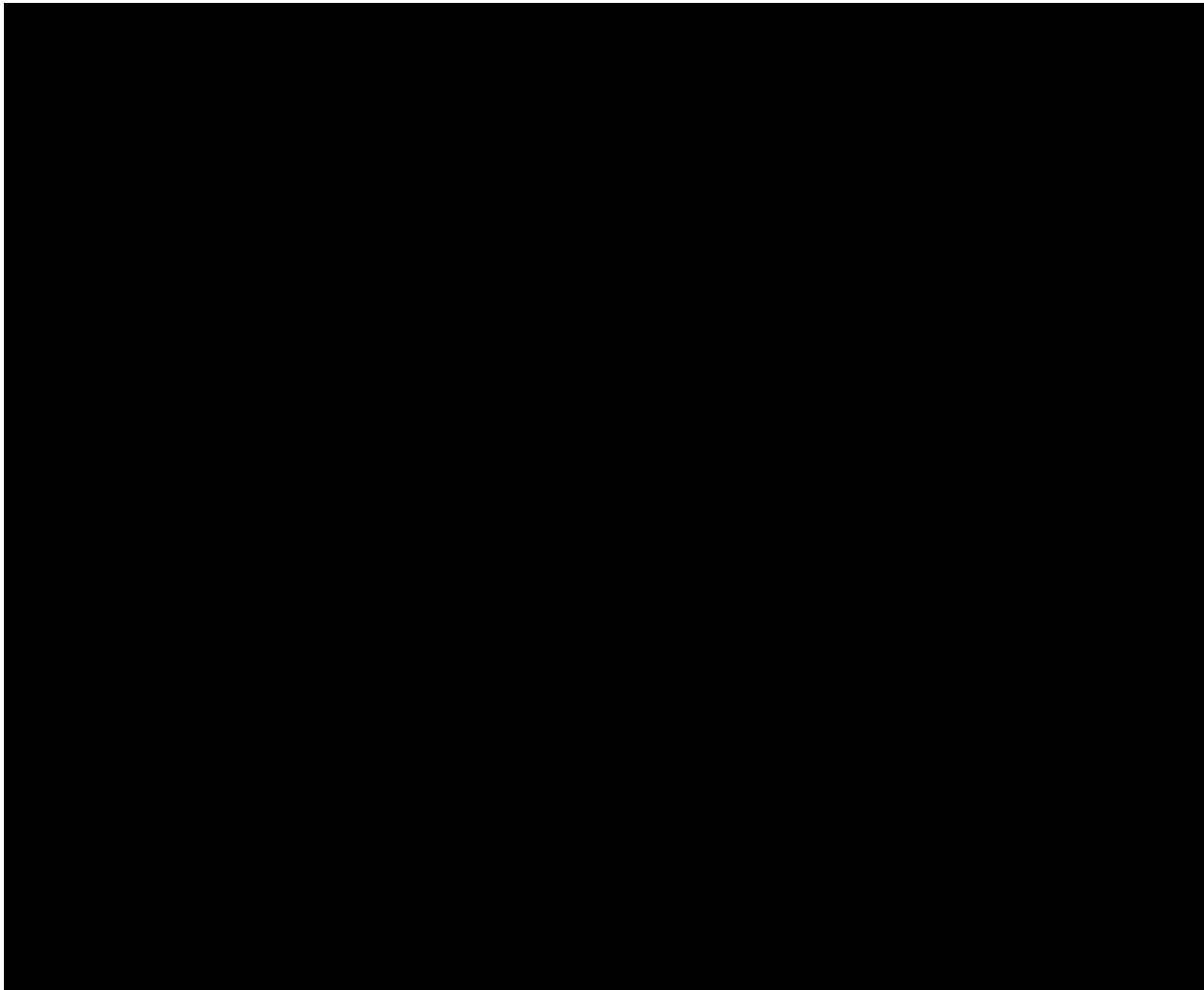
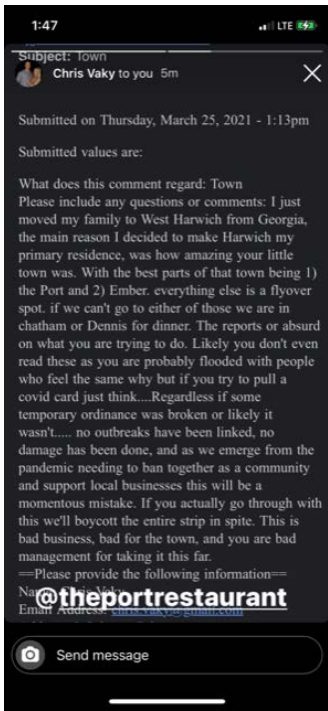


'AS I SAID. THEY DON'T LISTEN TO CONTRARY FACTS.

THERE WAS A CONTRACT PUT OUT ON YOU GUYS. THIS IS A HIT JOB.

PEOPLE NEED TO RESIGN. AND PAY LEGAL FEES. TIME TO CLEAN HOUSE. '



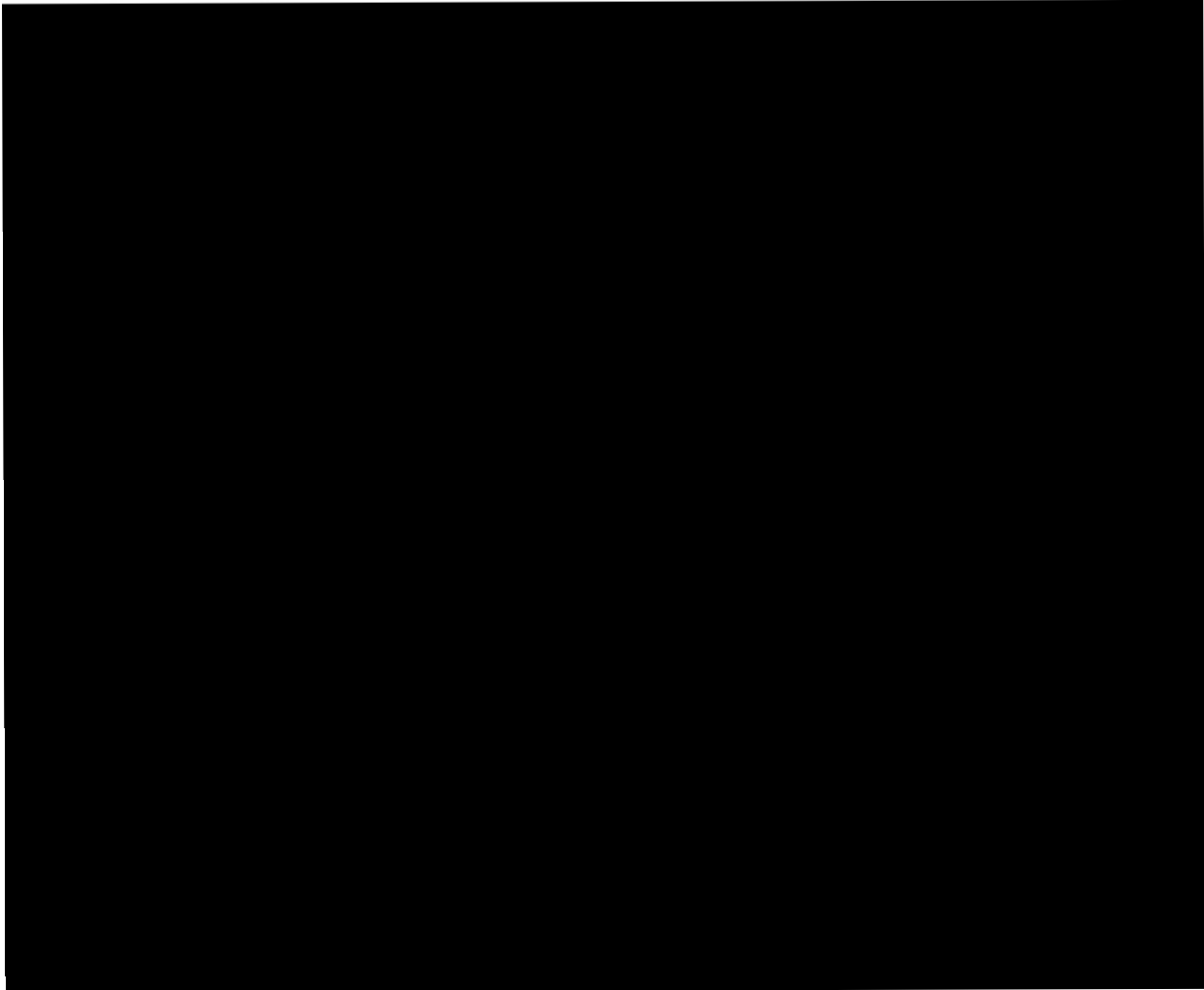


12:54 PM

Never make a trip to the cape
without stopping by the port at
least once! A staple for the town



Good luck!





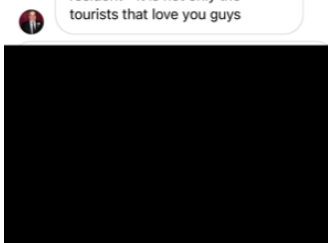
iMessage
Today 2:13 PM

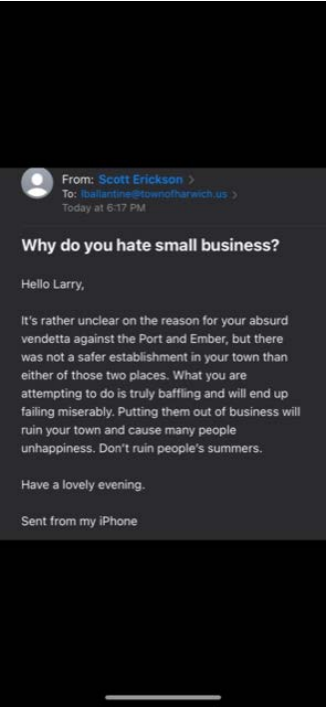
Hey Griff just wanted to personally text you and say I am praying for you and the family ! You did not deserve this shit ! You are the two best owners I have ever worked for ! You deserve justice for this



2:37 PM

Hey I haven't read the article yet but all I can say is what the hell does Harwich have against businesses surviving , thriving and bringing money into town? The people that go to your establishments are the same people that bring their money to the other local businesses- it is a witch hunt - it needs to stop- I am a year round Harwich resident - it is not only the tourists that love you guys



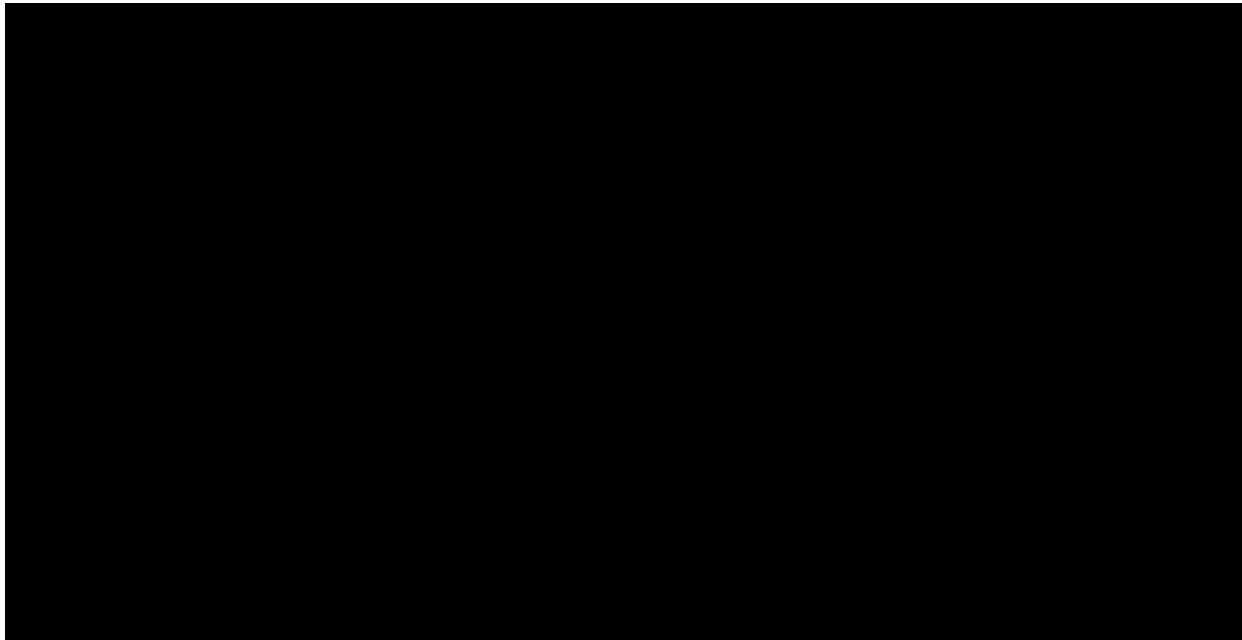


Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 193-216
Date: Friday, March 26, 2021 10:22:07 AM
Attachments: [IMG_1120.PNG](#)
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[IMG_1177.PNG](#)
[IMG_1178.PNG](#)
[IMG_1179.PNG](#)




That building that you are in has seen so much turnover... I worked as a hostess at two of the prior restaurants..... that did not make it. The building was vacant. Finally, you guys came in and took over.... instead of an empty eyesore, that building has become a lively, wonderful place to dine. I was born and raised in Harwich.. graduated from Harwich High. This is NOT FAIR. What is going on behind the scenes? Who is next? Sunday school? Is it because they want to build more condos? I'm sorry guys. You have all the locals support. ❤️

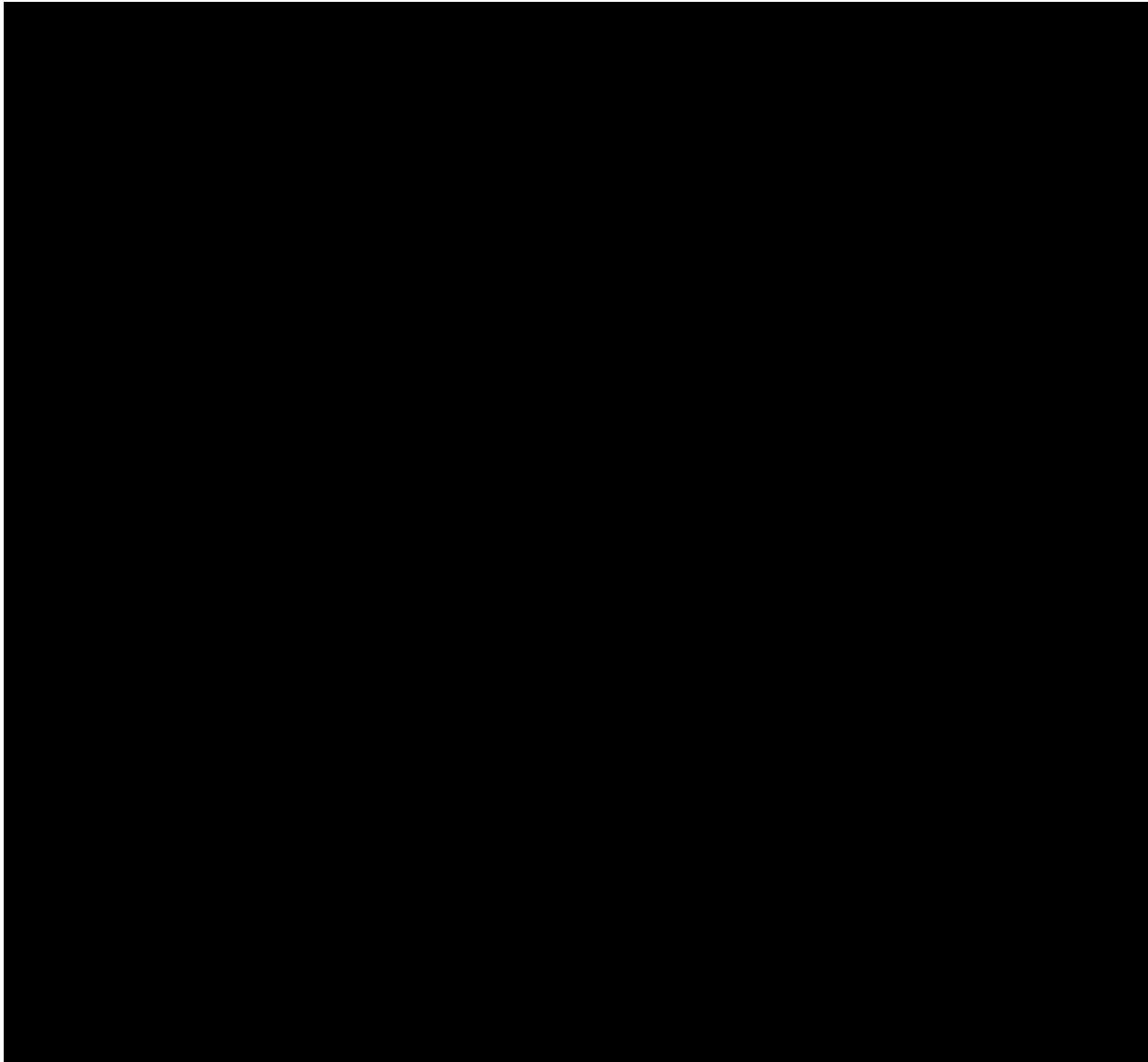




Please include any questions or comments

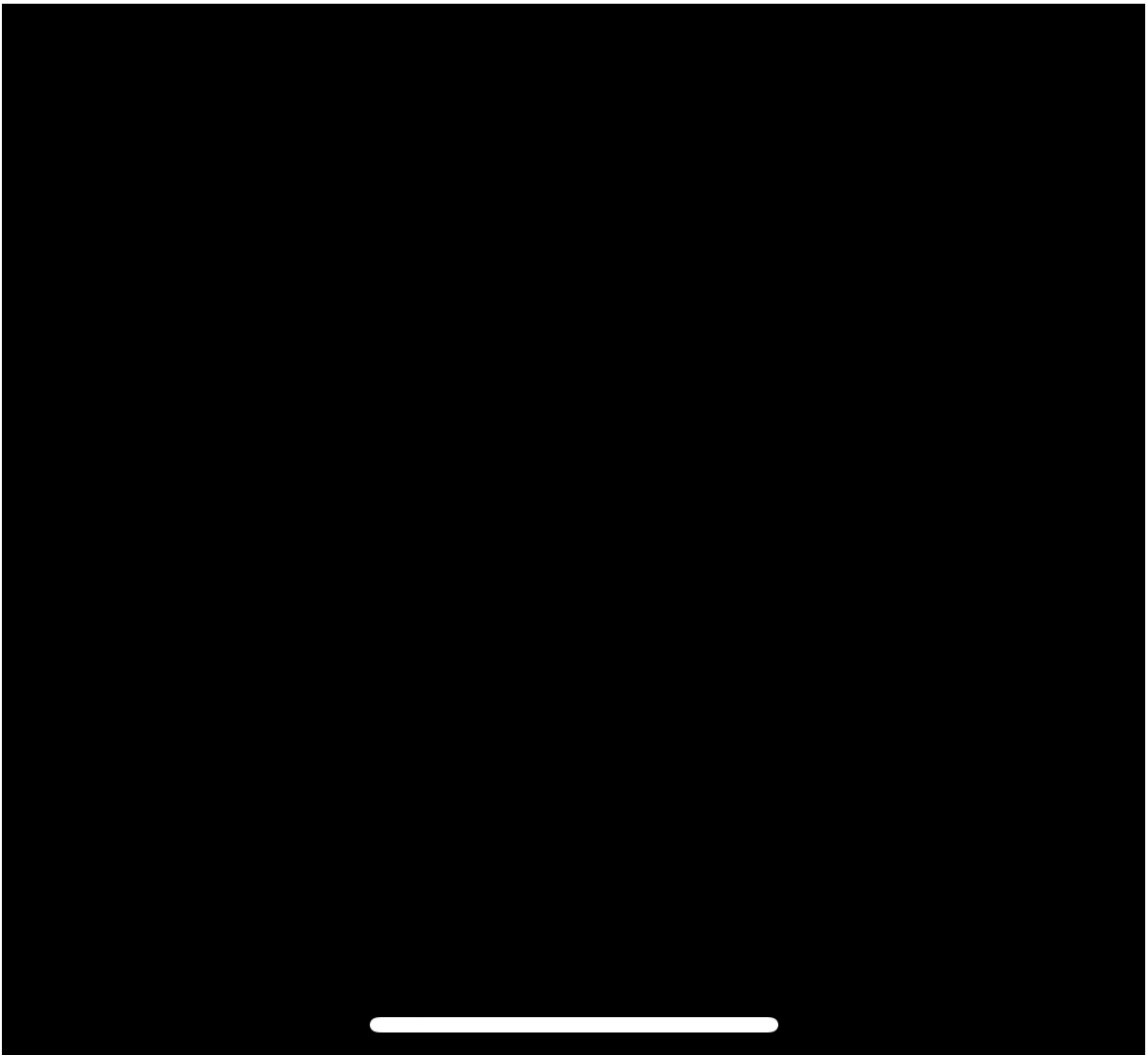
DO NOT SHUT DOWN THE PORT OR EMBER. They are the only reason I come to Harwich.





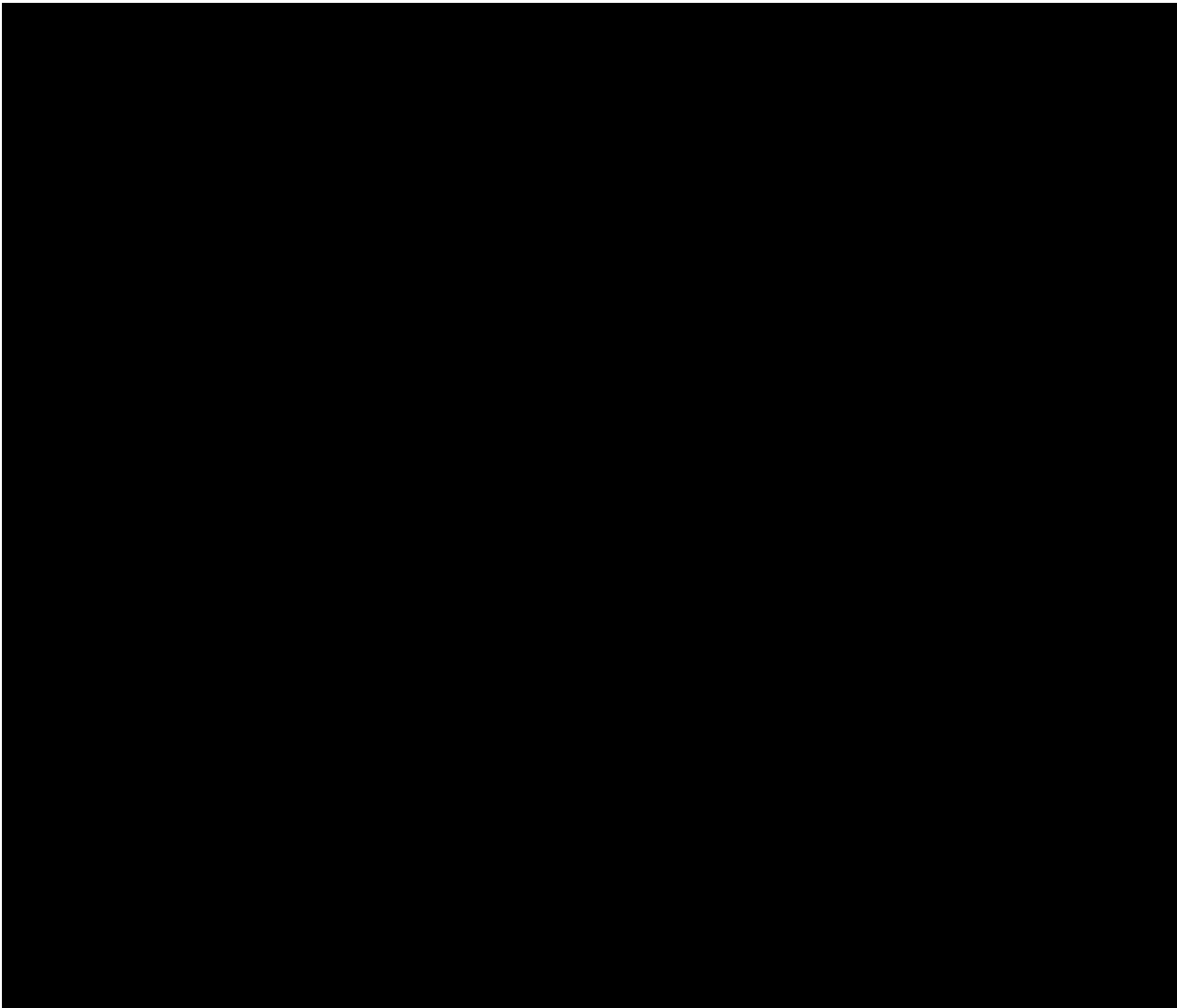
I will flip. Hang in there! So many people have your backs!





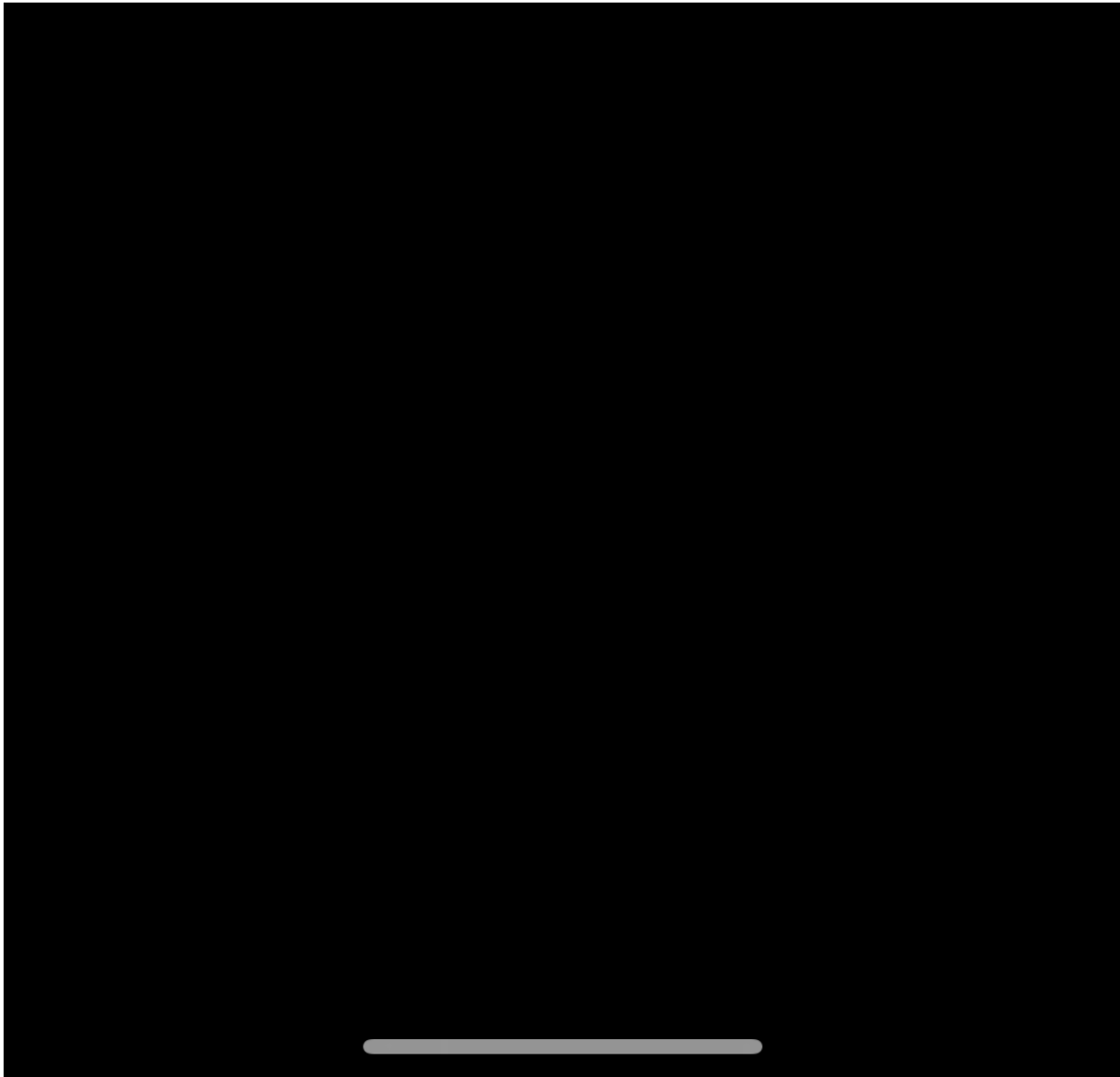


I am writing in support of outdoor entertainment at The Port and Ember.
We look forward to our nights out with our friends and family outside at these two mainstays. Our boys have grown up eating pizza and listening to music at ember.
We would hate to see that go. We have moved to Chatham now and still come back to harwichport for nights out that the Port and Ember. Thank you for your time



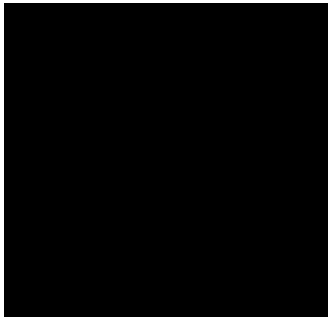



jeriben Just talking to a friend about how Harwichport is now the place to go! Downtown has been totally transformed since the Port and Ember opened years ago!

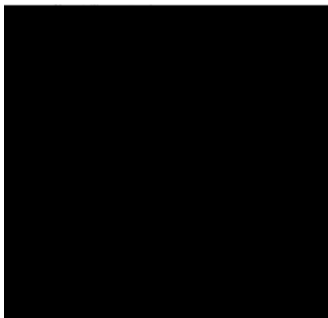





opened up The Port and completely transformed it. Now it's a destination to stroll, have dinner, cappuccinos, cocktails, bonfires, contemporary art, clothing, home decor, etc. Not sure what the story is here, but it all started with you guys and I think we can all appreciate that. 🍷🍷

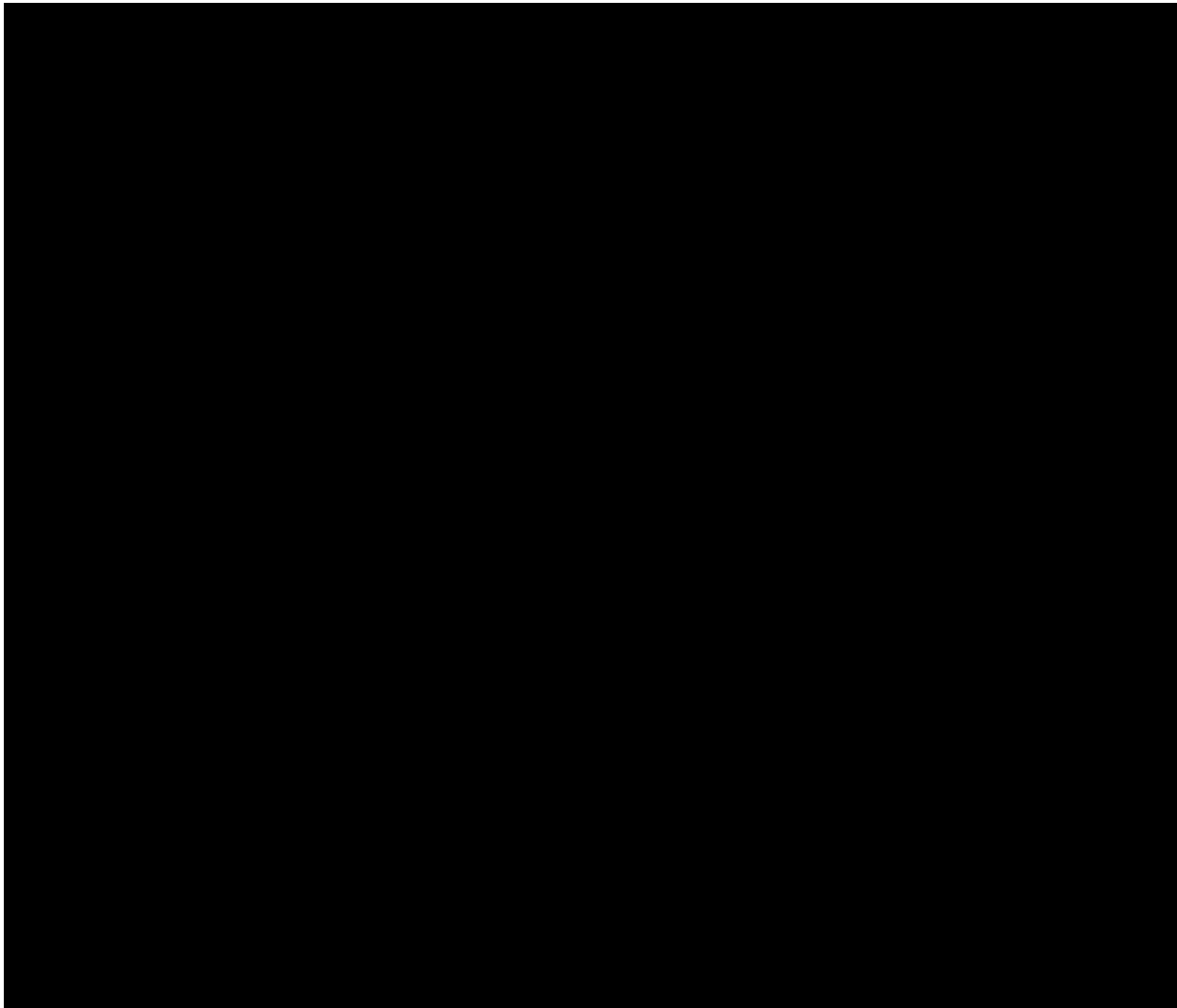


 nicolecox03 This is amazing. I love what The Port and Ember has brought to Harwichport, and so does my family. Can't wait for summer 2021!!! ❤️🔥





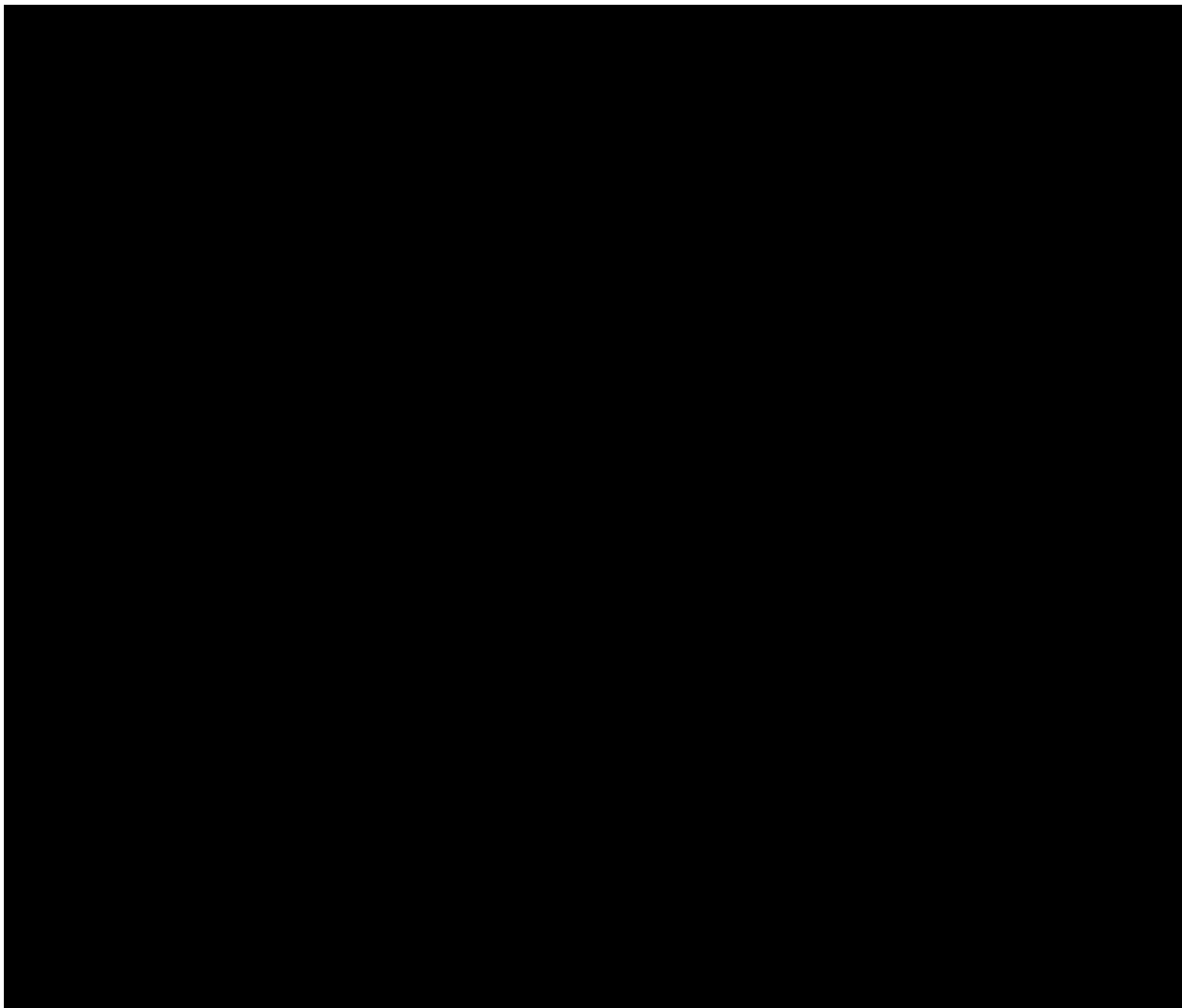
 kpietal My own husband couldn't convince me that the town you guys grew up in was cool until I stepped foot in the Port! Your restaurants having given that town LIFE. Sorry if there are haters 😊. I'm just an outsider looking in at the beauty that has sparked downtown since you guys opened!!



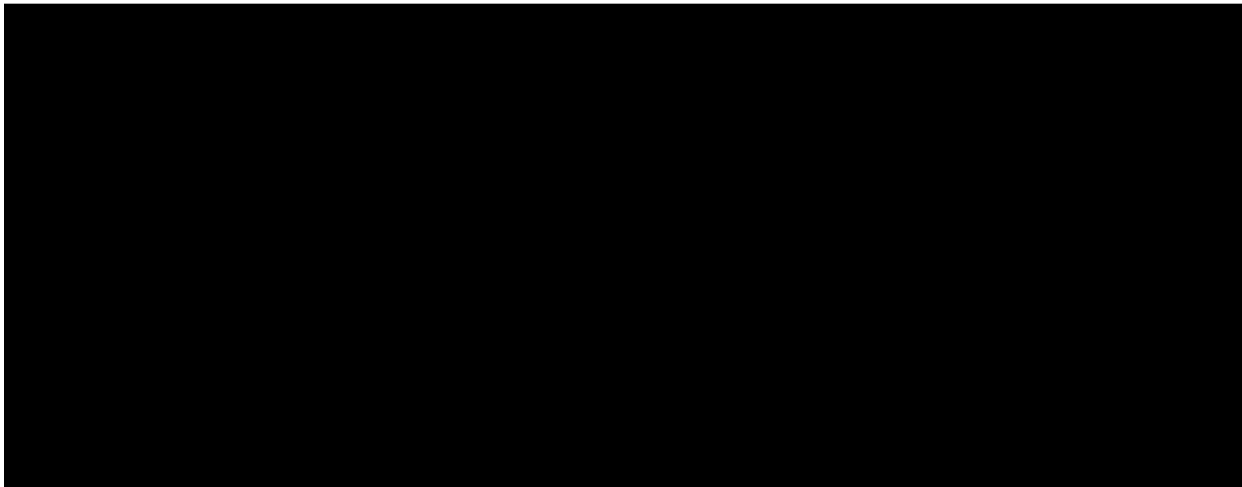


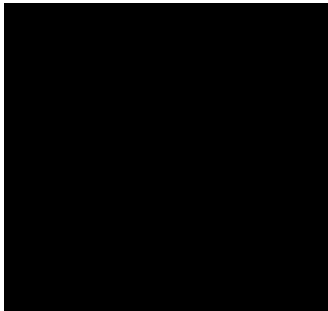
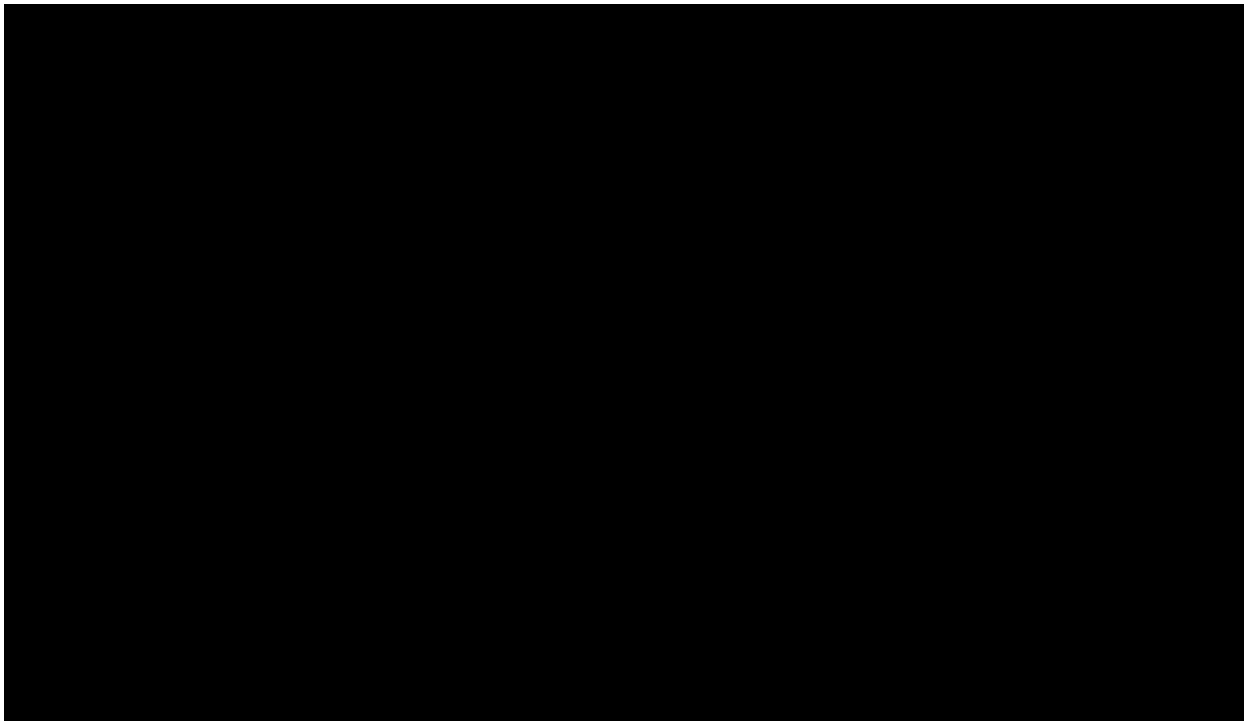
sbpurtell Love this Lucie! The good guys always win in the end ❤️ looking forward to so many more memories at the 2 places that make Harwich Port such a special place.




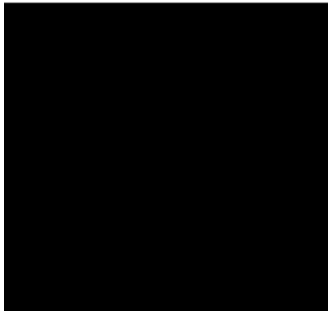


fmg7 🙌❤️ well said....love this. I'm so sorry you are all having to go through all of this...absolutely ridiculous. Much love to you and your family. ❤️🙏




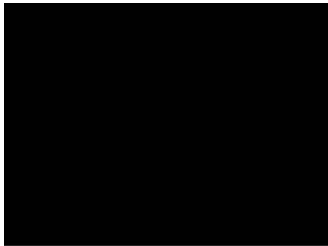
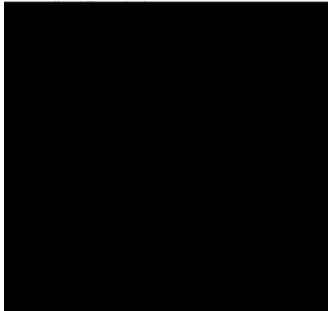


 Heidi Redfern From a born and raised Chatham Girl and husband we 100% support you guys from CT. The only place we ever consider going out to eat is The Port or Ember if we visit! This is unbelievable to us. ❤️






 katelyn_m_gleason 🙏🙏🙏 thank you for inviting me to be a part of The Port family so long! No is truer or shines brighter or loves bigger than you @ljbtrack ❤️



 megdutchter 🙏🙏🙏 You can add 🙏
 Employed a local mama and with that allowed her to be a stay at home parent AND help support her family. And ALWAYS treated as family . ❤️
 As a manager I saw first hand the donations to the raffles, clubs ,schools ,committees & local teams that were given without hesitation & purely out of support for their community . I've never seen owners give more of their heart,Soul & energy into their business' & I've never been so proud to work for a family business like this one 🙏





 **jeriben** Just talking to a friend about how Harwichport is now the place to go! Downtown has been totally transformed since the Port and Ember opened years ago! ❤️

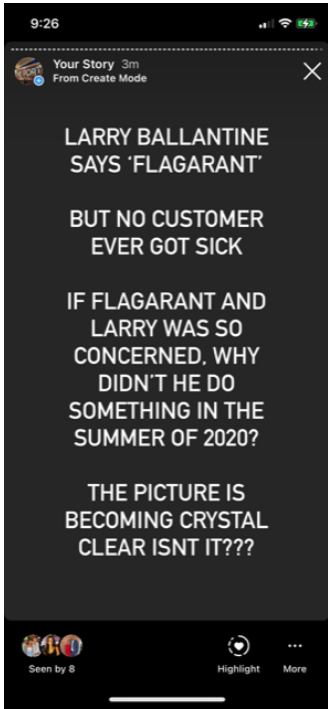
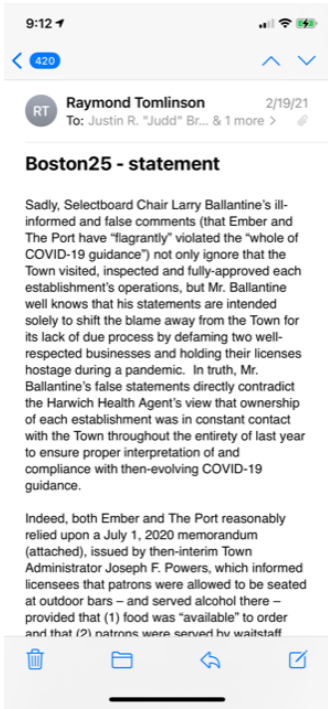


Eddie Gallagher
@EddieGallagher

Replying to [@insta_eich](#)

The selectmen influenced by a couple of people in authority who aren't necessarily friendly to the Bracketts are threatening to take away liquor licenses from both restaurants. There is usually a process involving written warnings and temporary closures which hasn't happened.

6:58 AM · 3/25/21 · [Twitter for iPhone](#)



**THE SUPPORT HAS
BEEN ABSOLUTELY**

BEEN ABSOLUTELY
INCREDIBLE

THE MESSAGES, DM'S,
EMAILS, TEXTS... HAVE
ALL MEANT SO MUCH
TO THE BRACKETT
FAMILY AND THE PORT &
EMBER TEAM

THANK YOU



[#WEAREHARWICHPORT](#)

9:42

I HAVE ALWAYS FELT SAFE DINING AT EITHER ESTABLISHMENT. THEY ARE STAPLES IN THE TOWN AND ARE A MAJOR REASON IT HAS BECOME SUCH A GREAT DESTINATION. IN FACT, MANY OF MY FRIENDS ARE LOOKING SOLELY AT HARWICHPORT NOW AS THEY ARE LOOKING TO BUY A HOME ON CAPE. AND THESE RESTAURANTS AND THE EXPERIENCES WE HAVE SHARED THERE PLAY A HUGE PART IN THAT. I SINCERELY HOPE THAT HARWICH RECONSIDERS THE ACTION BEING TAKEN AGAINST THEM. ESPECIALLY NOW, THIS SHOULD BE THE TIME WHEN WE ARE ALL SUPPORTING LOCAL BUSINESSES AND HELPING THEM THRIVE RATHER THAN CREATING OBSTACLES FOR THEM TO DO THEIR JOB FOR THEIR EMPLOYEES, THEIR NEW AND LOYAL GUESTS, AND THE TOWN. THANK YOU.

9:42

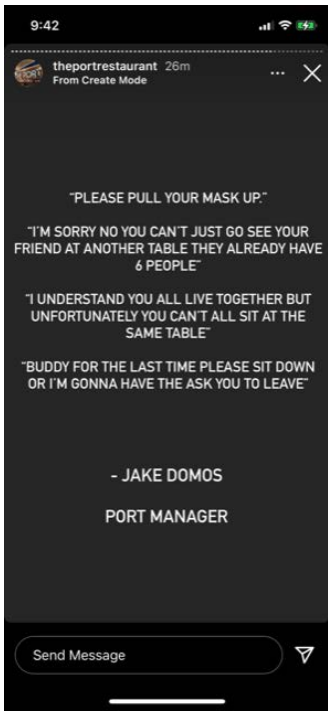
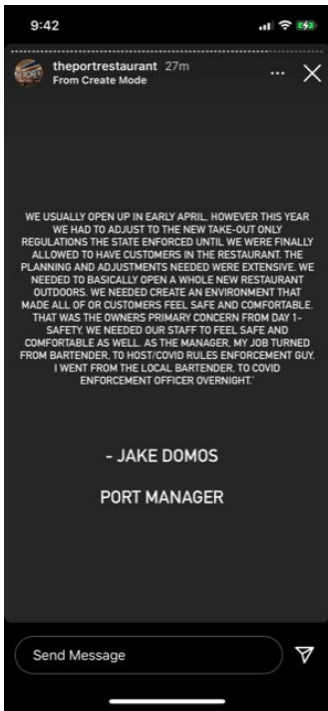
theportrestaurant 28m
From Create Mode

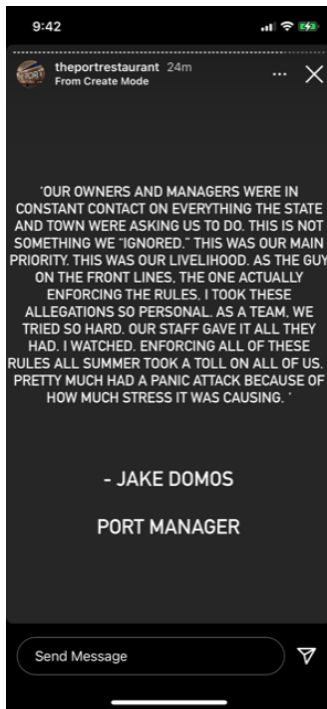
"OUR FEELING IS THIS WAS VERY FLAGRANT. THEY IGNORED THE WHOLE OF COVID-19 REGULATIONS." -PERSON WHO CLEARLY DID NOT VISIT THE PORT RESTAURANT THIS SUMMER.

WAKING UP AND READING THE ABOVE STATEMENT FROM A SELECTMAN IN MY HOMETOWN THE OTHER MORNING SURE DID STRIKE A NERVE. I HAVE WORKED FOR THE BRACKETT'S FOR 10 YEARS NOW. WE ARE A FAMILY AND MY FAMILY WAS UNDER ATTACK. I NEEDED A COUPLE OF DAYS TO REALLY GIVE IT SOME THOUGHT BEFORE I PUT IT DOWN ON PAPER. AN ARTICLE SO MISLEADING, WRITTEN TO DESTROY TWO BUSINESSES THAT HAVE SPARKED THE GROWTH OF LITTLE OLD HARWICH PORT. SURELY REQUIRED A RESPONSE. I MEAN, I WAS THERE EVERYDAY-100 HOURS A WEEK- ABSOLUTELY GRINDING. MY WIFE WAS THERE WITH ME TOO. IN FACT, THE PORT AND EMBER EMPLOY SO MANY PEOPLE I LOVE AND CARE ABOUT... I NEEDED TO RESPOND. I WOULD LIKE TO GIVE YOU MY ACCOUNT OF WHAT IT WAS LIKE TO WORK IN A RESTAURANT THIS YEAR, SPECIFICALLY THE PORT RESTAURANT...

- JAKE DOMOS
PORT MANAGER

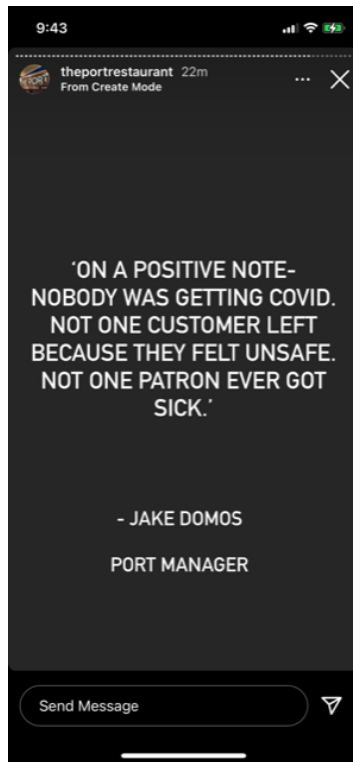
Send Message

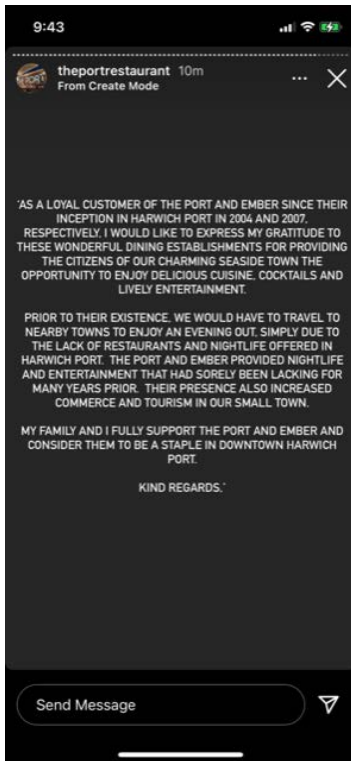
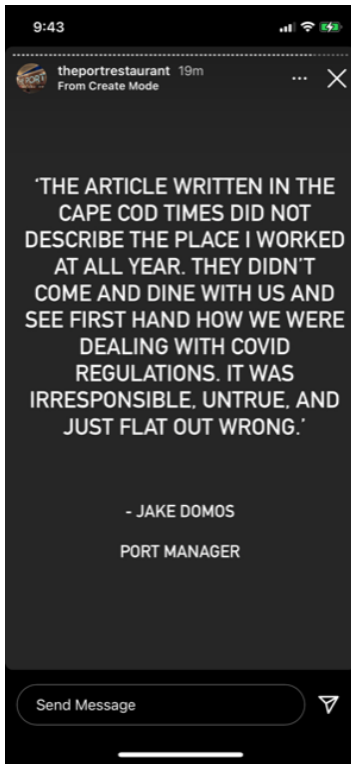


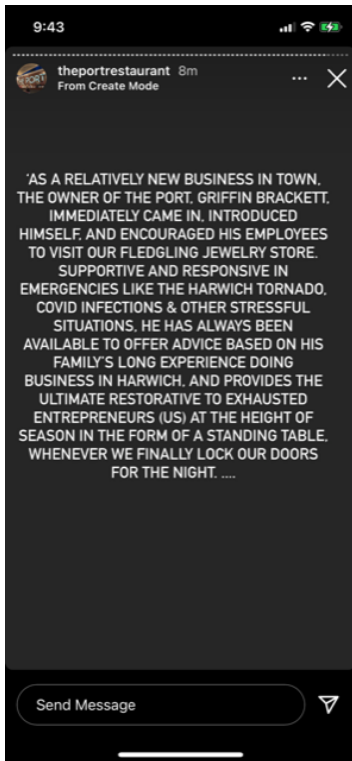
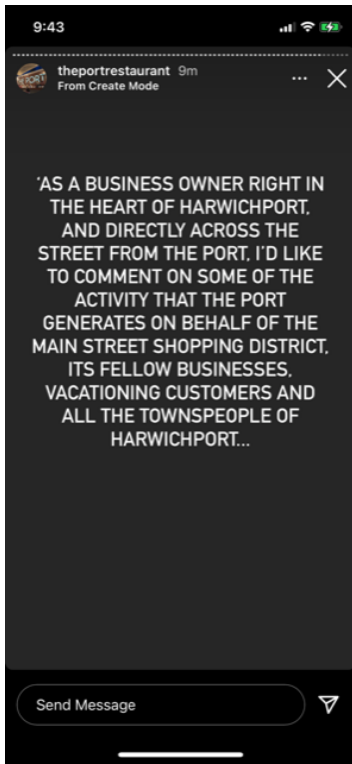


Sent from my iPhone

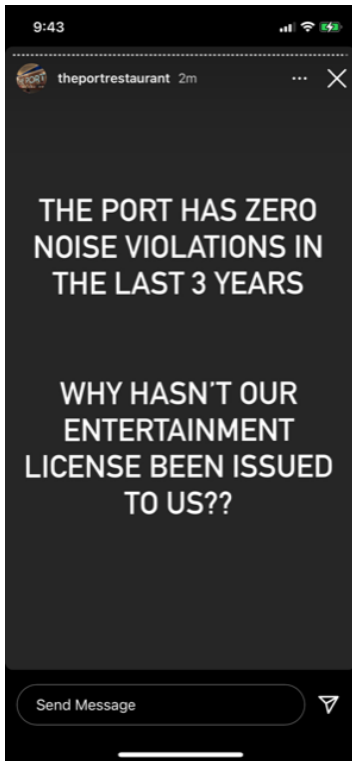
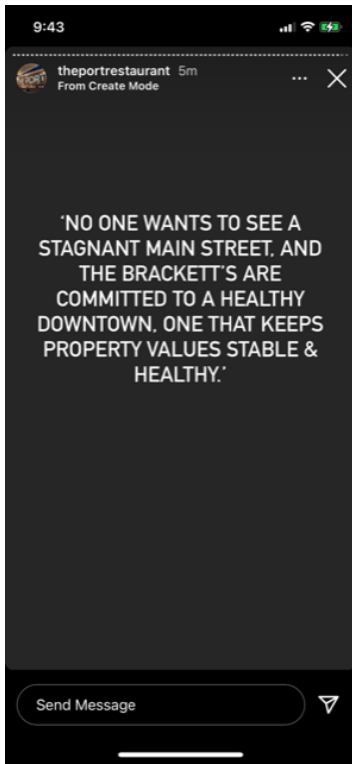
From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 217-240
Date: Friday, March 26, 2021 10:23:02 AM
Attachments: [IMG_1180.PNG](#)
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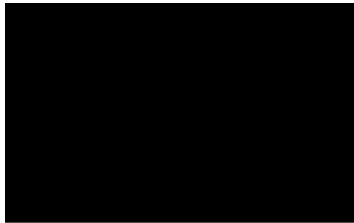




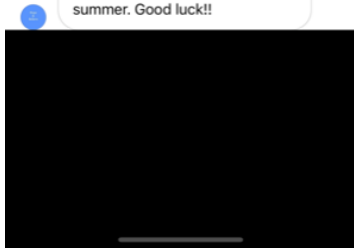




Wishing you luck with your case against the town. I did send in a letter of support via Harwich MA Gov Form. If there were flagrant violations in 2020 you should of faced consequences then. The purpose of the restrictions were to decrease the spread of covid. Issuing sanctions/consequences now just looks like abuse of power and a vendetta from the town. My parents love The Port and would go weekly during the season. Hoping they can go this summer. Good luck!!



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Reacted to your story



Know you have this completely handled and sorry that you are dealing with short sighted town officials who just want to give you a hard time but at the end of the day you have down incredible work for the entire town. Can't wait till these clowns have had their power trip and the real people can enjoy the port as you built it

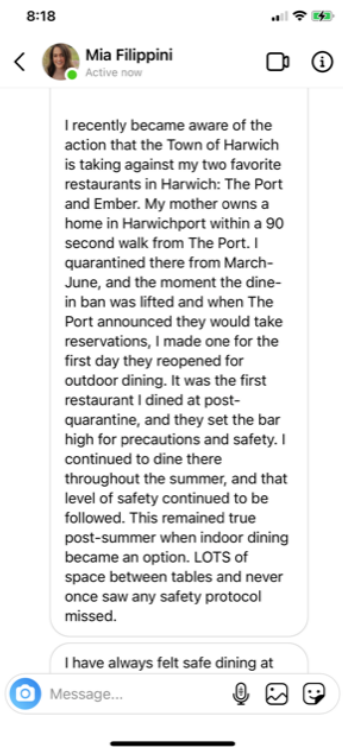


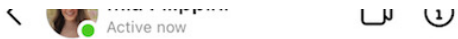
Mia Filippini

Active now



I recently became aware of the action that the Town of Harwich is taking against my two favorite restaurants in Harwich: The Port and Ember. My mother owns a home in Harwichport within a 90 second walk from The Port. I quarantined there from March-June, and the moment the dine-in ban was lifted and when The Port announced they would take reservations, I made one for the first day they reopened for outdoor dining. It was the first restaurant I dined at post-quarantine, and they set the bar high for precautions and safety. I continued to dine there throughout the summer, and that level of safety continued to be followed. This remained true post-summer when indoor dining became an option. LOTS of space between tables and never once saw any safety protocol missed.





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8:19 AM



PORT STRONG! You guys contributed to driving growth, demand and appreciation in real estate valuations. Bunch of elitists being elitists! [#PortStrong](#)



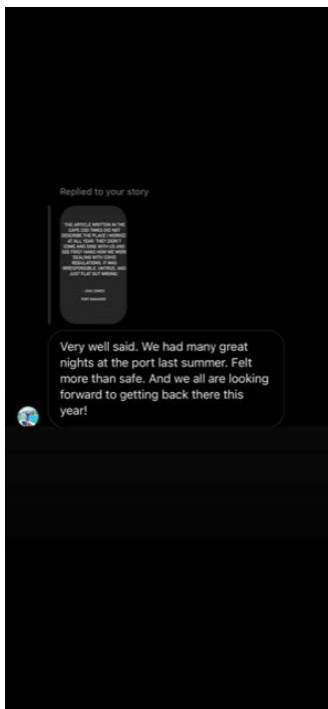
2:37 PM

Hey I haven't read the article yet but all I can say is what the hell does Harwich have against businesses surviving , thriving and bringing money into town? The people that go to your establishments are the same people that bring their money to the other local businesses- it is a witch hunt - it needs to stop- I am a year round Harwich resident - it is not only the tourists that love you guys



Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 240-264
Date: Sunday, March 28, 2021 12:36:11 PM
Attachments: [IMG_1244.PNG](#)
[IMG_1245.PNG](#)
[IMG_1267.PNG](#)
[IMG_1271.PNG](#)
[IMG_1272.PNG](#)
[IMG_1277.PNG](#)



Replied to your story

'THE ARTICLE WRITTEN IN THE
CAPE COD TIMES DID NOT
DESCRIBE THE PLACE I WORKED
AT ALL YEAR. THEY DIDN'T
COME AND DINE WITH US AND
SEE FIRST HAND HOW WE WERE
DEALING WITH COVID
REGULATIONS. IT WAS
IRRESPONSIBLE, UNTRUE, AND
JUST FLAT OUT WRONG.'

- JAKE DOMOS
PORT MANAGER

The port is my everything man. This is killing me. It's the reason my family moved to harwichport and why we love it so much. Stay up they can't hold us down.

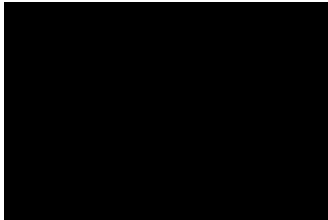


Yesterday, 9:23 PM

We have owned a home in Harwich for 11 years and Ember is our go to place! We stand behind you and want everyone to know that Harwichport would not be the same without Ember and The Port! Our family is with you and support you!



So much love and support for you guys! I personally witnessed how hard your staff worked (especially Jake and Molly) to ensure customers had a safe and fun time this summer. Out of the many restaurants I visited, I felt the most safe at The Port. Guidelines were followed to a tee. Heartbreaking to see some ignorant people attack a local business like this. 🙄



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- JAKE DOMOS
PORT MANAGER

Well said Jake. Still can't believe you have to deal with this situation. I was at The Port dozens of times last summer. I actually think your staff was exceptional with their Covid protocol.



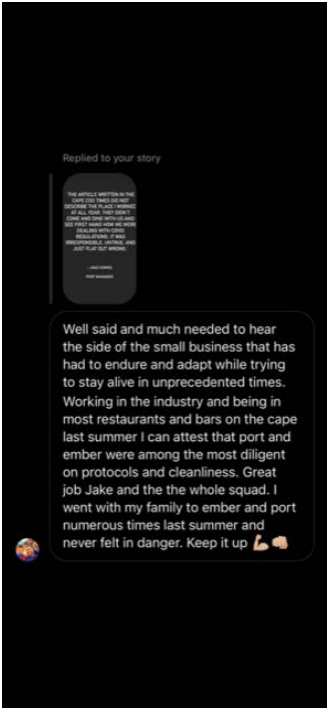
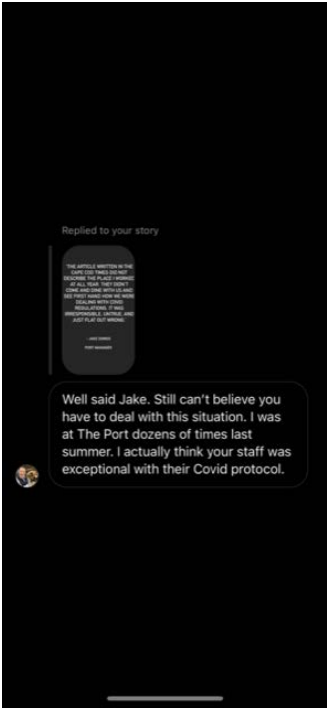
Replied to your story

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- JAKE DOMOS
PORT MANAGER

Well said and much needed to hear the side of the small business that has had to endure and adapt while trying to stay alive in unprecedented times. Working in the industry and being in most restaurants and bars on the cape last summer I can attest that port and ember were among the most diligent on protocols and cleanliness. Great job Jake and the the whole squad. I went with my family to ember and port numerous times last summer and never felt in danger. Keep it up 🍊👊





'SADLY, SELECTBOARD CHAIR LARRY BALLANTINE'S ILL-INFORMED AND FALSE COMMENTS (THAT EMBER AND THE PORT HAVE "FLAGRANTLY" VIOLATED THE "WHOLE OF COVID-19 GUIDANCE") NOT ONLY IGNORE THAT THE TOWN VISITED, INSPECTED AND FULLY-APPROVED EACH ESTABLISHMENT'S OPERATIONS, BUT MR. BALLANTINE WELL KNOWS THAT HIS STATEMENTS ARE INTENDED SOLELY TO SHIFT THE BLAME AWAY FROM THE TOWN FOR ITS LACK OF DUE PROCESS BY DEFAMING TWO WELL-RESPECTED BUSINESSES AND HOLDING THEIR LICENSES HOSTAGE DURING A PANDEMIC.'

'MR. BALLANTINE'S FALSE STATEMENTS DIRECTLY CONTRADICT THE HARWICH HEALTH AGENT'S VIEW THAT OWNERSHIP OF EACH ESTABLISHMENT WAS IN CONSTANT CONTACT WITH THE TOWN THROUGHOUT THE ENTIRETY OF LAST YEAR TO ENSURE PROPER INTERPRETATION OF AND COMPLIANCE WITH THEN-EVOLVING COVID-19 GUIDANCE.'



March 22, 2021

To whom it may concern:

I am forwarding this letter in support of The Port Restaurant & Bar, located at 541 Route 28, Harwich Port, MA 02646.

My family and I have been frequent customers at the Port and the Oyster Bar for over ten years. I can honestly attest to the outstanding operation that Griffin Brackett and his staff run. They always put the safety and interest of their customers first and foremost.

This past year, they did a remarkable job during the pandemic to offer fine dining in a safe and controlled environment. In compliance with CDC guidelines, The Port created a large, open-aired outdoor dining space where tables were properly social distanced, allowing restaurant goers to feel safe and at ease. The staff was always friendly, accommodating, and the first to call out any behavior that could have been potentially putting others at risk. Griffin Brackett and his staff put in their best effort during the summer months of 2020 to create a space where people could experience much-needed socialization, while following the safety guidelines presented by the state and local officials.

The Port is my family's go-to restaurant and will continue to be because of the safe and welcoming environment it offers. The establishment is a Harwich Port staple, bringing people in from surrounding towns to enjoy its food, drink and atmosphere, which contributes to the overall character of the town. A Harwich Port summer would simply not be the same without a drink and a dozen oysters shared with family and friends at The Port, something the Brackett's have put their hearts into creating for decades.

Sincerely,

James Andreoli, CPCU
Senior Vice President
Phone: (508) 755-6210 x 103
Email: jandreoli@quakerma.com

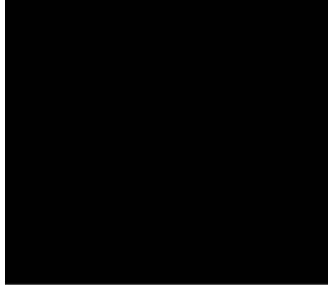
I have known Griff and Judd Brackett for over 20 years. I have known them from both a personal and business perspective. I have the highest regard for both of these men. They operate their restaurants with the highest degree of respect for their clients, the town of Harwich, and the employees they choose to hire.

The food is excellent and the atmosphere in both buildings is clean, wholesome, as well as pleasant. Harwich Port is certainly well served and represented by the high quality of management skills and all around atmosphere provided by both of these establishments.

We should all be proud of the class and distinction that both of these restaurants bring to the town of Harwich. They deserve our full support and to be thought of as a valuable asset to the town.

Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 265-289
Date: Sunday, March 28, 2021 12:37:08 PM
Attachments: [IMG_1279.PNG](#)
[IMG_1284.PNG](#)
[IMG_1305.PNG](#)
[IMG_1314.PNG](#)
[IMG_1383.PNG](#)
[IMG_1414.PNG](#)
[IMG_1415.PNG](#)
[IMG_1416.PNG](#)



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We should all be proud of the class and distinction that both of these restaurants bring to the town of Harwich. They deserve our full support and to be thought of as a valuable asset to the town.

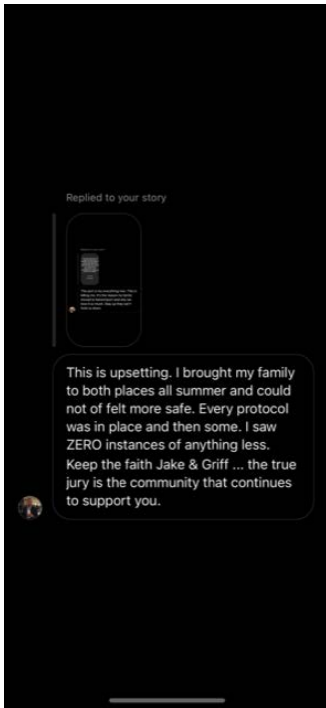


'THE PORT AND EMBER HAVE CHANGED THE LANDSCAPE OF HARWICH PORT IN THE BEST WAY POSSIBLE. PREVIOUS TO THESE TWO RESTAURANTS COMING TO HARWICH PORT EVERYONE WENT TO DENNIS OR CHATHAM TO EAT, SHOP AND WALK AROUND. NOW HARWICH PORT IS THE DESTINATION. THEY NOT ONLY BROUGHT INCOME, JOBS AND LIFE TO THEIR OWN BUSINESSES BUT FOR SO MANY OTHERS AS WELL WHO FOLLOWED IN THEIR FOOTSTEPS.'

'THIS SUMMER WILL BE MY 15 YEAR WEDDING ANNIVERSARY AND I THINK BACK TO WHEN WE HAD OUR REHEARSAL DINNER AT THE PORT. THEN, AND NOW, THE OWNERS COULDN'T BE MORE ACCOMMODATING, GRACIOUS AND APPRECIATIVE OF THEIR CLIENTS. THERE IS NOTHING BETTER THAN SPENDING A SUMMER NIGHT LISTENING TO LIVE MUSIC AT THESE RESTAURANTS AFTER EATING A FANTASTIC DINNER - WHETHER A CASUAL PIZZA AT EMBER OR A HIGH END MEAL AT THE PORT.'

'THIS YEAR OUR WORLD HAS BEEN TURNED UPSIDE DOWN AND WE'VE ALL HAD TO LEARN NEW RULES AND ONES THAT ARE CONSTANTLY CHANGING. THE RESTAURANT INDUSTRY HAS BEEN CHANGED FOREVER WITH SO MANY HAVING TO CLOSE. I CANNOT IMAGINE TRYING TO HURT THESE BUSINESSES MORE THAN WHAT THEY'VE ALREADY SUFFERED BECAUSE OF "RUMORS".'

This is upsetting. I brought my family to both places all summer and could not of felt more safe. Every protocol was in place and then some. I saw ZERO instances of anything less. Keep the faith Jake & Griff ... the true jury is the community that continues to support you.



Replied to your story

THE ARTICLE WRITTEN IN THE
CAPE COD TIMES DID NOT
DESCRIBE THE PLACE I WORKED
AT ALL YEAR. THEY DIDN'T
COME AND DINE WITH US AND
SEE FIRST HAND HOW WE WERE
DEALING WITH COVID
REGULATIONS. IT WAS
IRRESPONSIBLE. UNTRUE. AND
JUST FLAT OUT WRONG.

- JAKE DOMOS
PORT MANAGER

Waitin for them to put themselves in
your shoes homie! Not everyone can
kill it the way you guys do, should put
the place on stilts and tow it to a town
that actually has a business acumen.

Port And Ember Sue Town Over Noise Ordinance

License Renewal Hearings Put On Hold

by William F. Galvin

HARWICH—Public hearings on liquor and entertainment license renewals for the Port Restaurant and Bar and Ember Pizza were postponed Monday after the owners of the establishments sued the town in federal court.

Justin R. Brackett and Jared G. Brackett of 3137 LLC filed the action against the town of Harwich and several officials in U.S. District Court in Boston on Friday, claiming that the town's noise ordinance violates their Constitutional rights.

Selectmen discussed the suit with town counsel in executive session Monday. Afterward, Selectmen Chairman Larry Bal-

lantine said the board decided to postpone the scheduled hearings for two weeks on the advice of counsel to give the town time to develop its defense. The hearing drew 68 people to the remote session.

The time would also allow selectmen to obtain legal counsel for the federal suit, which would be provided by the town's insurance company, said Town Administrator Joseph Powers.

Powers said the selectmen will meet Friday morning in executive session to discuss legal strategy. He anticipated the hearings on the restaurants' seasonal licenses would resume on April 5.

Continued on Page 2A

'I'VE BEEN COMING TO HARWICH SINCE 2004 WHEN MY IN-LAWS PURCHASED A HOUSE NEAR RED RIVER BEACH. MY WIFE AND I HAD OUR WEDDING REHEARSAL DINNER AT THE PORT AND SINCE THAT TIME HAVE COME TO KNOW THE BRACKETT FAMILY. THE ADDITION OF EMBER TO THE TOWN IN A BUILDING THAT PREVIOUSLY COULD NOT MAINTAIN A CONSISTENT RESTAURANT WAS A WELCOME ADDITION. THE CONTINUOUS IMPROVEMENTS TO BOTH RESTAURANTS BY THE BRACKETT FAMILY HAS DONE NOTHING BUT DRAW PEOPLE, REVENUE, AND POSITIVITY TO HARWICHPORT. WE STAND BY THE BRACKETT FAMILY AND THE STAFF OF BOTH OF THESE EXCELLENT ESTABLISHMENTS AND HOPE THAT LOGIC, RATHER THAN PERSONAL AGENDAS, PREVAIL. THANK YOU.'

Replied to your story

EMBER MANAGER

'LARGE FAMILIES ON VACATION TOGETHER REFUSED TO EAT WITH US IF THEY COULD NOT ALL DINE TOGETHER AND IN ACCORDANCE WITH THE STATE AND TOWN FOR A MAJORITY OF SUMMER AND FALL, 2020 ONLY 6 PEOPLE COULD DINE TO A TABLE.'

You shouldn't need to explain yourselves.... this is clear targeting.





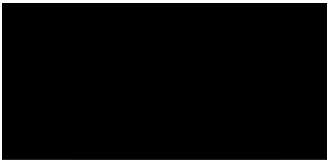
Replied to your story





You shouldn't need to explain yourselves.... this is clear targeting.



'I'VE BEEN COMING TO HARWICH SINCE 2004 WHEN MY IN-LAWS PURCHASED A HOUSE NEAR RED RIVER BEACH. MY WIFE AND I HAD OUR WEDDING REHEARSAL DINNER AT THE PORT AND SINCE THAT TIME HAVE COME TO KNOW THE BRACKETT FAMILY. THE ADDITION OF EMBER TO THE TOWN IN A BUILDING THAT PREVIOUSLY COULD NOT MAINTAIN A CONSISTENT RESTAURANT WAS A WELCOME ADDITION. THE CONTINUOUS IMPROVEMENTS TO BOTH RESTAURANTS BY THE BRACKETT FAMILY HAS DONE NOTHING BUT DRAW PEOPLE, REVENUE, AND POSITIVITY TO HARWICHPORT. WE STAND BY THE BRACKETT FAMILY AND THE STAFF OF BOTH OF THESE EXCELLENT ESTABLISHMENTS AND HOPE THAT LOGIC, RATHER THAN PERSONAL AGENDAS, PREVAIL. THANK YOU.'



Just wanted to send along a message of support. We absolutely love The Port and Ember - our oldest daughter has waitressed at The Port over the past two summers and not once last summer did we ever think you guys weren't doing everything possible to keep staff and patrons safe. We had zero issue when we ate at either place - respected and appreciated the protocols you had to implement. You have such an awesome team in place! It is mind boggling to see the town work so hard to destroy two of its most valuable assets. Keep up the good fight - you have so much support!!!



**'PLEASE LET US KNOW
IF THERE IS ANYTHING
ELSE WE CAN DO! IT'S
REALLY SHAMEFUL
WHAT THEY ARE DOING
TO YOU! WE'RE
LOOKING FORWARD TO
MANY GREAT MEALS**

MANY GREAT MEALS AND LAUGHS THIS SUMMER AT BOTH RESTAURANTS!!!!'

Please tell us what we need to do to support you as a homeowner in HP. We will be there!

We spent most nights at your restaurant and have to say that each time we were greeted appropriately guided to our table and even when we had more than six to a party you were accommodating and we would sit next to each other at a picnic table but asked to stay at our tables which was completely understandable and fine everyone that worked there was always masked we always felt safe and had amazing nights. I could not imagine my summer without you all and cannot wait to get down there again to be with you!





Please tell us what we need to do to support you as a homeowner in HP. We will be there!

We spent most nights at your restaurant and have to say that each time we were greeted appropriately guided to our table and even when we had more than six to a party you were accommodating and we would sit next to each other at a picnic table but asked to stay at our tables which was completely understandable and fine everyone that worked there was always masked we always felt safe and had amazing nights. I could not imagine my summer without you all and cannot wait to get down there again to be with you!



'MR BALLANTINE. THERE WAS NOTHING 'FLAGRANT' ABOUT THE PORT AND EMBER THIS PAST SUMMER. THEY FOLLOWED ALL COVID RULES. HOWEVER, THERE IS A RESTAURANT IN YOUR TOWN THAT 'FLAGRANTLY' VIOLATES EVERY COVID RULE AND MANY LAWS. OPEN YOUR EYES

IT CLEARLY LOOKS LIKE THE PORT AND EMBER HAVE BEEN TARGETED BY THE TOWN. I HOPE THE TOWN PAYS'



**'TO THE SELECT BOARD:
I'M WRITING IN FULL SUPPORT OF JUDD
AND GRIFFIN BRACKETT, AND TO EXPRESS
MY ABSOLUTE DISMAY AT THE TREATMENT
OF THEM BY TOWN OFFICIALS. THEY ARE AN
INCREDIBLY HARD WORKING FAMILY,AND
HAVE BEEN THE SINGLE BIGGEST
CONTRIBUTORS TO THE REVITALIZATION OF
HARWICH PORT. I HAVE HAD A HOME IN
CHATHAM SINCE 1982 AND MY FAMILY WAS
THERE FOR THE OPENING OF THE PORT IN
2004. WE HAVE FREQUENTED BOTH
RESTAURANTS EVER SINCE. ...'**

TO THE SELECT BOARD:
MY DAUGHTER WORKED AT THE PORT AS
HOSTESS AND WAIT STAFF WHILE GOING
THROUGH LAW SCHOOL. THE PORT AND
EMBER ARE THE ONLY TWO REASONS I
HAVE EVER WALKED MAIN STREET IN
HARWICH PORT. THE TWO RESTAURANTS,
IN MY VIEW, ARE THE PRIMARY REASONS
PEOPLE VISIT AND SHOP DOWNTOWN. IF
THEY ARE FORCED TO CLOSE BECAUSE
OF YOUR ACTIONS, EVERY BUSINESS IN
HARWICH PORT WILL SUFFER. I URGE
YOU TO IMMEDIATELY ISSUE THEIR
LICENSES SO THEY CAN DO WHAT THEY
DO BEST.'

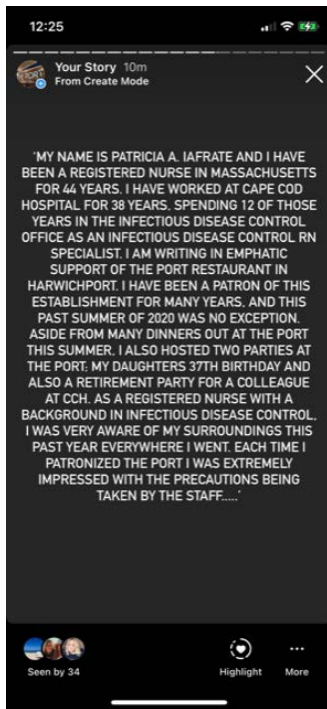
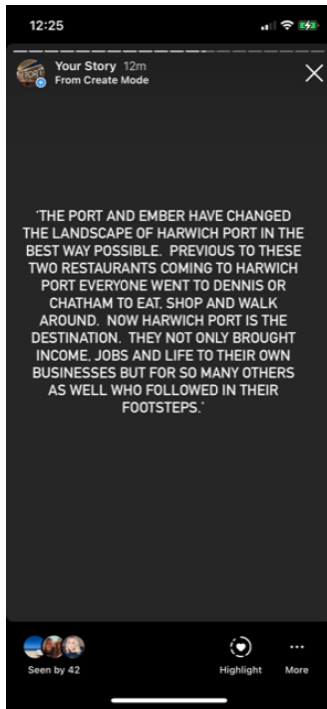
TO THE SELECT BOARD:
THE ACTIONS OF THE SELECT BOARD HAVE
BEEN- FOR WHATEVER REASON- PETTY
AND UNNECESSARILY PUNITIVE WHEN
BUSINESSES ARE STRUGGLING TO SURVIVE
THE PANDEMIC. YOU SHOULD BE HELPING
BUSINESSES- NOT PUNISHING THEM.
I STRONGLY URGE YOU TO RECONSIDER
YOUR ACTIONS IMMEDIATELY. TOURISTS
WILL BE ARRIVING ANY DAY. AND THERE
WILL BE TWO FEWER REASONS TO STOP IN
HARWICH.'

'I AM SERIOUSLY DISAPPOINTED TO SEE A THINLY VEILED POLITICAL SITUATION PLAYING OUT IN HARWICHPORT. IT WOULD SEEM TO ME FROM THE OUTSIDE LOOKING IN, (AND WITH THE PERSONAL INSIGHT I HAVE INTO THE CLIMATE AT THE PORT DURING A WILDLY DIFFICULT TIME FOR THE RESTAURANT INDUSTRY) THAT THERE ARE SOME FOLKS WHO HAVE PUBLICLY HAD IT OUT FOR THIS BUSINESS, FOR SOME TIME NOW, ARE EXPLOITING COMPLEX MOMENT IN TIME TO OPERATE A RESTAURANT AS A PLATFORM TO DESTROY A BUSINESS. HOW SAD AND PETTY? THERE ARE 20 RN'S WATCHING THIS PLAY OUT WHO ARE CALLING 'BS'.'

10:36

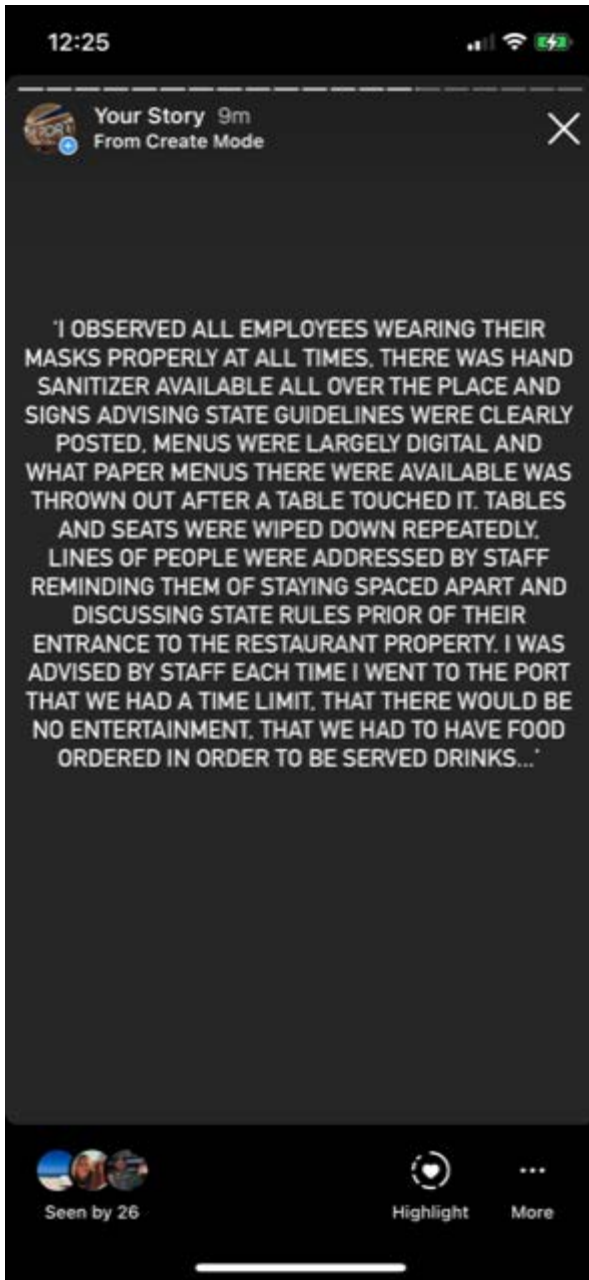
THE PORT HAS ZERO
NOISE VIOLATIONS IN
THE LAST 3 YEARS

WHY HASN'T OUR
ENTERTAINMENT
LICENSE BEEN ISSUED
TO US??



Sent from my iPhone

From: [Brackett](#)
To: [Raymond Tomlinson](#)
Subject: 289-294
Date: Sunday, March 28, 2021 12:37:37 PM
Attachments: [IMG_1417.PNG](#)
[IMG_1418.PNG](#)
[IMG_1419.PNG](#)
[IMG_1420.PNG](#)
[IMG_1421.PNG](#)



12:25



Your Story 8m
From Create Mode



'BOTH TIMES I HELD PARTIES AT THE PORT WE WERE SPLIT INTO DIFFERENT GROUPS TO MAINTAIN 6 PEOPLE PER TABLE AND WERE NOT ALLOWED TO STAND AND MINGLE BETWEEN TABLES. I OBSERVED STAFF WORKING TIRELESSLY TO RELAY THESE VERY RULES TO MANY OTHER PATRONS WHO WERE TRYING TO EXPRESS THEY FELT EXEMPT FROM THE STATE GUIDELINES. THE STAFF WAS PATIENT (THOUGH STEADFAST) BEYOND MEASURE IN THE FACE OF MUCH BACKLASH FROM VACATIONERS WHO WANTED A 'NORMAL' CAPE COD EXPERIENCE AND WERE OFTEN UNKIND WHEN DISCOVERING THERE WOULD BE NO SPECIAL EXEMPTIONS FOR ANYONE.'



Seen by 22



Highlight



More

12:25



Your Story 7m
From Create Mode



THE RETIREMENT PARTY I MENTIONED WAS A GROUP OF REGISTERED NURSES WHO HAD BEEN ENTRENCHED IN BATTLING COVID-19 FOR 6 MONTHS AT CAPE COD HOSPITAL. IF THERE HAD BEEN ANYTHING AMISS, ANYTHING OVERLOOKED, ANYTHING LAX IN THE PORTS HANDLING OF THIS PANDEMIC, WE WERE THE PATRONS WHO WOULD HAVE PICKED IT OUT. THERE WAS NOTHING, I REPEAT NOTHING, THAT THIS GROUP OF HARD-WORKING YOUNG PEOPLE MISSED. I AM SERIOUSLY DISAPPOINTED TO SEE A THINLY VEILED POLITICAL SITUATION PLAYING OUT IN HARWICHPORT. IT WOULD SEEM TO ME FROM THE OUTSIDE LOOKING IN, (AND WITH THE PERSONAL INSIGHT I HAVE INTO THE CLIMATE AT THE PORT DURING A WILDLY DIFFICULT TIME FOR THE RESTAURANT INDUSTRY) THAT THERE ARE SOME FOLKS WHO HAVE PUBLICLY HAD IT OUT FOR THIS BUSINESS. FOR SOME TIME NOW, ARE EXPLOITING COMPLEX MOMENT IN TIME TO OPERATE A RESTAURANT AS A PLATFORM TO DESTROY A BUSINESS. HOW SAD AND PETTY? THERE ARE 20 RN'S WATCHING THIS PLAY OUT WHO ARE CALLING 'BS'.



For information about COVID-19,
visit [cdc.gov](https://www.cdc.gov).



Seen by 14



Highlight



More

12:25



Your Story 6m
From Create Mode



'I AM SERIOUSLY DISAPPOINTED TO SEE A THINLY VEILED POLITICAL SITUATION PLAYING OUT IN HARWICHPORT. IT WOULD SEEM TO ME FROM THE OUTSIDE LOOKING IN. (AND WITH THE PERSONAL INSIGHT I HAVE INTO THE CLIMATE AT THE PORT DURING A WILDLY DIFFICULT TIME FOR THE RESTAURANT INDUSTRY) THAT THERE ARE SOME FOLKS WHO HAVE PUBLICLY HAD IT OUT FOR THIS BUSINESS. FOR SOME TIME NOW, ARE EXPLOITING COMPLEX MOMENT IN TIME TO OPERATE A RESTAURANT AS A PLATFORM TO DESTROY A BUSINESS. HOW SAD AND PETTY? THERE ARE 20 RN'S WATCHING THIS PLAY OUT WHO ARE CALLING 'BS'.'



Seen by 11



Highlight



More



Sent from my iPhone

Danielle Delaney

From: Bob Cohn <
Sent: Thursday, March 18, 2021 10:42 AM
To: Larry Ballantine; Michael D. MacAskill; Ed McManus; Don Howell; Stephen Ford
Cc: Joe Powers
Subject: Port and Ember Hearings
Attachments: Informal Harwich Port Noise Survey; Updated with August and September readings.doc; Nantucket Outdoor Entertainment Licenses 2018.doc

March 18, 2021

Larry Ballantine
Harwich Board of Selectmen
732 Main Street
Harwich, MA 02645

Dear Chairman Ballantine and Board Members,

I'm writing in regard to the upcoming hearings for Ember Pizza and Port Restaurant and Bar. Though I can't speak to after-hours disturbances and Covid-related violations, I can speak to entertainment noise issues.

In July 2019, I conducted the attached Informal Noise Survey, which I presented at the last Noise Containment Committee meeting prior to the pandemic. (I'm a Committee member, but this letter is mine alone.)

The map only depicts noise from Ember, mainly in July with a few days from May and June. As you'll see, entertainment noise from Ember was at times greatly excessive, and could be heard more than 1200 feet away, deep in the residential zone.

Noise readings from the Port are not shown on the map, but referring to the spreadsheet, you'll see that their noise levels were also greatly excessive.

Because the distance noise carries is also a measure of volume, noise at 750 feet is 5 times the volume and nuisance allowed under the Noise Bylaw, while noise heard at 1200 feet is 8 times the allowed limit. Yet noise from both venues reached these extremes.

The noise was often loud enough to disturb us on Pleasant St. and sometimes kept us from being able to sleep. Worse, though, was the effect on neighbors close to the venues, who had to endure incredible levels of noise on a regular basis.

I stopped doing surveys after July, but continued to note readings from my house. Based on this partial information, it seemed that noise levels from both venues began to improve toward the end of the 2019 season. Still, as the spreadsheet shows, things were far from quiet. Additionally there were significant relapses, including, I believe, a violation by Ember in September 2019. While for a week in July 2020 we regularly heard noise from the Port, 1000 feet away from their new performance area in their parking lot. Additionally there were all the crowd noise, after-hours, and covid-related issues during the 2020 season that others have reported.

It seems pretty clear that neither the Port nor Ember have made the same effort to be good neighbors as has Perks.

Still, I believe that this is as much a problem of our noise policy, which has unintentionally encouraged this sort of behavior. In fact, all the venues, including Perks and the Mad Minnow have been extremely

loud at times and made things difficult for their neighbors. The same is true for the West Harwich venues as well.

Because of this, and because of constantly changing venue management, I feel that to address *only* the current issues at the Port and Ember and fail to address the larger noise policy issues, is to treat the symptom rather than the disease.

As you're no doubt aware, there are a number of underlying problems with our outdoor entertainment policy:

- Amplified music can carry great distances outdoors;
- Live performances exacerbate this and are the main source of difficulties;
- The Town has granted a large number of outdoor entertainment licenses in close proximity to neighbors; but
- Failed to provide adequate noise management to protect neighbors from regular nuisance, specifically, proactive guidelines and restrictions, and a standardized, measurable noise threshold.

I hope we can take up these issues more fully at a following meeting, and in particular discuss the need for a Plainly Audible definition.

For now, though, if you do decide to grant outdoor entertainment licenses to the Port and Ember, I'd suggest some new license conditions be considered:

- 1) Speakers to be pointed away from neighbors at all times.
- 2) Live music restrictions:
 - a) Live music to be played only through house systems. I believe Perks has recently purchased a house system. Given the closeness of neighbors to all the venues, this may be an appropriate measure for live music throughout town.
 - b) Decibel monitors to be used by venues for self-regulation. This was suggested by Chief Guillemette a couple years ago.
 - c) Alternatively, security details, paid for by the venues, could perform the same function. This was suggested at a Noise Committee meeting.
 - d) Limit days and times for live music.
- 3) Use the bylaw's Plainly Audible definition to provide a standardized noise measure and reduce noise levels. An objectively measurable and consistent limit is key to all aspects of noise management, including the above house systems, decibel monitors, and security details.

I'm also attaching copies of Nantucket's outdoor entertainment licenses from 2018, which are individualized for each venue and may be instructive.

Thank you very much.

Respectfully,
Bob Cohn

INFORMAL HARWICH PORT NOISE SURVEY, 2019

— Bob Cohn

The Noise Survey was conducted in order to document and increase awareness of noise levels and issues in Harwich Port. While there was a significant drop-off in noise levels from the highs of 2018, it could still often be quite noisy in 2019. The survey is far from perfect, but hopefully can shine some light on the situation.

How the Survey Was Conducted

The survey was very informal. I didn't go out on a regular basis, but instead when I felt like it and/or when it was particularly noisy. By the beginning of August, I grew pretty tired of it, and did surveys less frequently.

I usually followed the same route, but not always:

- South from Pleasant St. through the Schoolhouse Rd. parking lot;
- to Perks and The Port to see which business was the source of any noise;
- South on Sea St. and then back up to Rt. 28;
- East along Rt. 28 to Freeman St./Snow Inn Rd.;
- North on Freeman to Pleasant;
- West on Pleasant and back to the start at Schoolhouse Rd.
- Except once or twice, I didn't go south of Rt. 28 on Bank or Bayview.

As I heard noise at various points along the way, I'd make a voice recording on my phone, which I'd later transcribe. I haven't yet finished transcribing the data.

I used the Noise Bylaw's plainly audible definition, but also noted relative loudness, songs, voices, crowd noise, and instruments.

Some things to keep in mind

The survey data is *very incomplete* and forms a partial picture only.

- I didn't do the survey every day, but only:
 - 3 days in May
 - 4 days in June
 - 15 days in July
- Survey was conducted fairly randomly—only on days I felt inclined.
- I didn't survey very much south of Rt. 28.
- Measurements were generally not taken inside 150-foot limit.
- Wednesday night music events aren't shown.
- The summer of 2019 was far quieter than 2018:
 - The Mad Minnow had no outdoor entertainment.
 - There appears to have been increased awareness of noise issues and some scaling back. This may have been due in part to the Noise Committee being announced.
- All measurements in the survey are approximate.

Notes about the Map

The map is intended to help visualize the survey data. Because it took a lot of time to put the map together, only the noise readings from Ember are so far shown. Thus, this is *an even more partial picture* than the survey spreadsheet itself.

A truer picture of the situation would:

- include readings from Perks and The Port, easily doubling the number of incidents;
- show readings all through the summer on a nightly basis, perhaps doubling again;
- include a fuller set of readings south of Rt. 28, adding still more; and
- include readings *inside* the blue and green circles.

Wednesday night music events might also be considered to gauge noise levels, adding another 15% on top of the above.

Further, had a 2018 version of the survey been done, it would have included readings from the Mad Minnow and a great deal more noise in general throughout the village, and would likely more than double again.

That is to say that at the peak noise levels of 2018, a map depicting an entire summer's survey might well show 8 or 10 times as many noise incidents. Perhaps more.

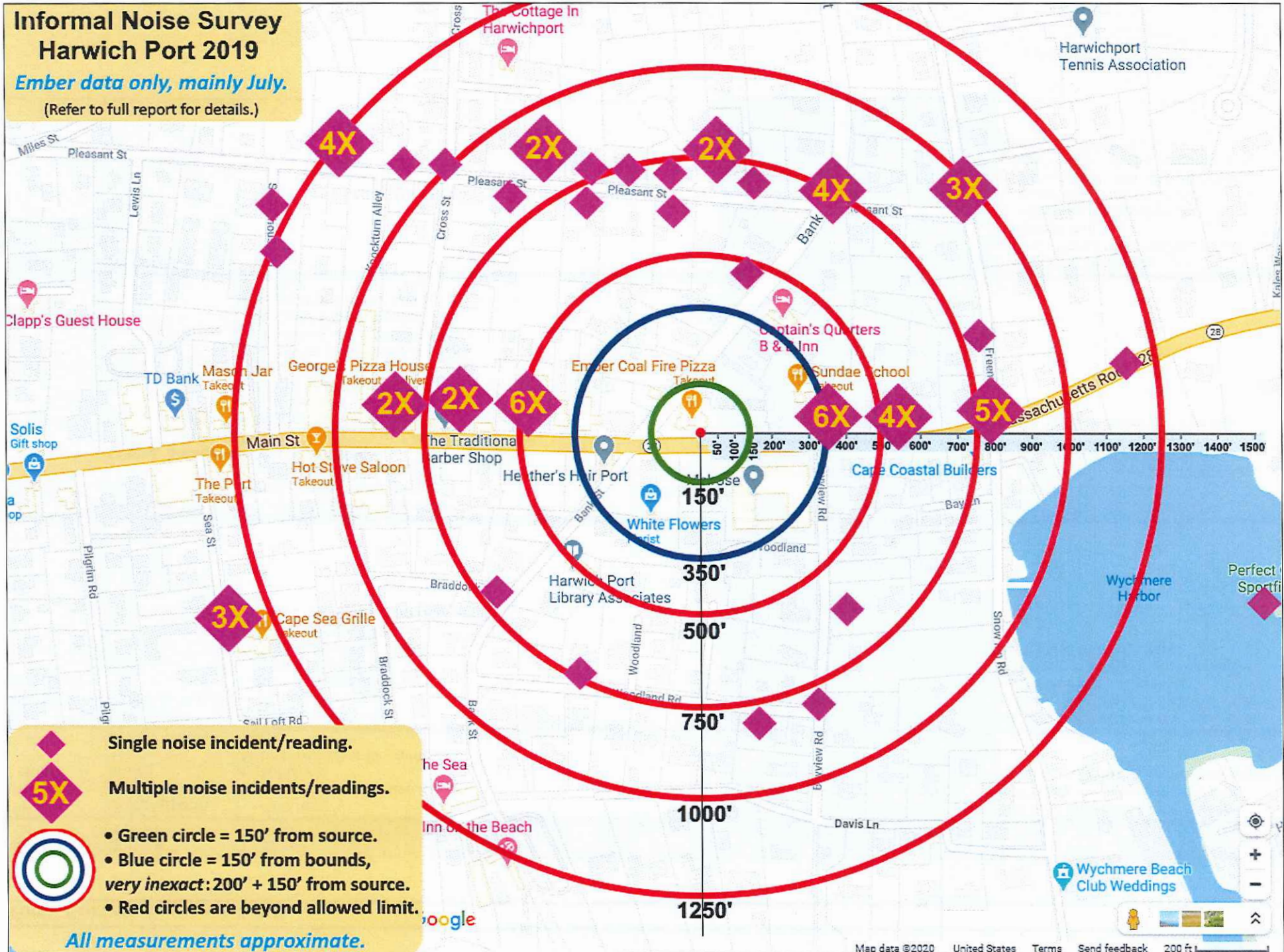
Some details:

- Circles are all centered at Ember's performance area,
 - The interior green circle has a radius of 150' from the performance area.
 - The blue circle *only very roughly* depicts the area 150' beyond Ember's boundaries. As the property line to the east is roughly 200' from the performance area, a circle of radius 350' is used (200'+ 150').
 - The red circles (500', 750', 1000', 1250') are all beyond permitted limits.
- Some addresses have been merged for easier depiction on map, e.g.:
 - George's Pizza // Cross & 28
 - 28 & Snow Inn // 28 & Freeman
 - United Gas // Cumberland Farm
- All numbers and measurements on the map are approximate.

Informal Noise Survey Harwich Port 2019

Ember data only, mainly July.

(Refer to full report for details.)



◆ Single noise incident/reading.

◆ 5X Multiple noise incidents/readings.

- Green circle = 150' from source.
- Blue circle = 150' from bounds, very *inexact*: 200' + 150' from source.
- Red circles are beyond allowed limit.

All measurements approximate.

Noise Survey, Summer 2019

Date & Time	Wind & Weather	The Port	Perks	Ember Only Data Plotted on Map	Notes
Fri. May 24 7:30p	Quite Strong Wind North to South Cool & windy	<ul style="list-style-type: none"> • ~400 feet/ Halfway up Schoolhouse Rd. lot • ~1000 feet At bottom of Sea St., almost to water 			Friday of Memorial Day weekend <ul style="list-style-type: none"> • Strong wind was pushing music away from Pleasant St., toward water
Sat. May 25 9:15-9:45	Light wind South to North Nice	<ul style="list-style-type: none"> • @29 Pleasant /~800' — Music & shouting • @Cross & Pleasant ~1000' (faint but PA) • @Cape Sea Grille /~400' • @27 Sea St./~500' — crowd shouting & carrying on 		Music PA <ul style="list-style-type: none"> • @57 Pleasant/~725' — (not faint) • @Bank & Pleasant ~700' (quite loud) • @Melrose /200+' (crowd noise PA) • @617 Rt 28/500' (fairly loud) • @Snow Inn & 28 /800' (& PA further east too) • @Cumby's /~450' 	Saturday of Memorial Day weekend <ul style="list-style-type: none"> • Music loud from The Port & Ember; — crowd noise was as well. • Performer at Perks not noticeable over noise from the Port.
Sun. May 26	South to North -Light Sunny, pleasant	<ul style="list-style-type: none"> • 4:45p: @29 Pleasant/~800' — male voice plainly audible • 6:00p: @Schoolhouse Rd & Anchorage driveway /~450' • @Cape Sea Grille /~400' • @27 Sea St./~500' • 7:30p: @29 Pleasant/~800' • 8:30: @29 Pleasant/~800' • Schoolhouse & Pleasant/~850' (faint but PA, "Brown-eyed Girl") • 36 Cross St. PA @9:45/1175' • Lewis Lane & Cape Cod 5 lot/~450' 		<ul style="list-style-type: none"> • Freeman & Pleasant /900' • Bank & Pleasant /700' • 28 & Bayview (female voice, slow music) /~325' • 28 & Snow Inn /~800' • 28 & Cross (female voice) / ~800' 	Sunday afternoon & evening of Memorial Day weekend — heard music from direction of Port/Perks while outside doing yardwork (male voice, was the same music style as heard an hour later from Port)
Wed. June 26 9:30-10pm	Little Wind Fair			<ul style="list-style-type: none"> • 29 Pleasant/~1200' — Music intermittently audible • Pleasant & Bank /~700' • 67 Pleasant/~650' • 35 Pleasant/~1150' • 28 & Bayview/~325' • 28 & Freeman/~800' • @Traditional Barber Shop/~800' • @Cape Sea Grille /~1500' 	Wednesday night late <ul style="list-style-type: none"> • Music from Ember audible all around neighborhood — venue lightly attended — single performer (I think) — singing fairly low, but amplified enough to be heard intermittently at significant distances

Date & Time	Wind & Weather	The Port	Perks	Ember Only Data Plotted on Map	Notes
Thu. June 27 8:15p-8:45p	No Wind Cool, Foggy		<ul style="list-style-type: none"> • @29 Pleasant/~800' — music light, but plainly audible • Schoolhouse lot & Anchorage drive /~400' • @Cape Sea Grille /~450' 	<ul style="list-style-type: none"> • @56 Pleasant/~750' • @74 Pleasant/~650' • Bank & Pleasant /~700' • Pleasant & Freeman /~900' (wailing guitar) • 28 & Freeman/~800' (announcement/talking on PA & music) • very plainly audible @617 Rt 28 /~500' • @Heather's Hair/~200' • @Cumby's /~475' 	<ul style="list-style-type: none"> • Just 1 performer at Ember, but he uses generated backup music • Could hear music from Perks at 29 Pleasant, from about 8:15/8:30 on — light, intermittent, but audible — became louder from 9:30 on
Fri. June 28 9:00 9:30 10:00p	No Wind Pleasant	<ul style="list-style-type: none"> • @29 Pleasant back yard/800' • Top of Schoolhouse lot (edge of woods)/~625' 	<ul style="list-style-type: none"> • 19 Schoolhouse Rd/550' (9:55 "Can't always get what you want.") 	<ul style="list-style-type: none"> • Corner Braddock & Bank/700' • 54 Pleasant/750' • 9:55p: Halfway up Schoolhouse Rd wooded lot/1300' • 6 Freeman St. 800' • 28 & Bayview/335' (heavy rhythm w/bongos) • @Heathers Rt 28/~300' (bongos) 	<ul style="list-style-type: none"> • Readings attributed to The Port may have been from Perks—walked the other direction, so not sure
Sun. June 30 8:00p	Strong Wind— Variable, but mainly North to South Nice night, but windy	<ul style="list-style-type: none"> • Chamber of Commerce/275' • Anchorage driveway/450' • 39 Sea St./275' • Cape Sea Grille/450' • Port Pines Rd & Sea St./850' • In back of Pilgrim Church, (30' away from Pilgrim Rd.) /375' 		<ul style="list-style-type: none"> • 92 Bank St./~450' ("Only the good die young") • @28 & Freeman/800' • @617 Rt 28 (heavy bass)/500' • @28 & Bayview (pretty loud: Monkees "I'm a Believer")/335' • Cumby's: "Johnny B. Goode"/475' • George's Pizza/800'— can clearly hear bass line • @Cape Sea Grille, Sea St./1400' 	<ul style="list-style-type: none"> • 4 piece band at Ember — but not that many customers—less than half full • Single male performer at Perks — <i>under umbrella</i> & not audible even in front of venue • Female performer at the Port, voice carried, highly amplified • Minnow: recorded music w/empty
Mon. July 1 7:30-10:00p	Fair amount of wind blowing South to North		<ul style="list-style-type: none"> • 8:00p @29 Pleasant back yard/800' • Schoolhouse Rd & Pleasant/800'—pretty loud • 9:15p: @19 Schoolhouse/600' — "Take a load off Fanny" etc. • Cape Sea Grille/450' — music is <i>intermittently</i> plainly audible 		<ul style="list-style-type: none"> • Single male performer at Perks — no umbrella/coverage — soulful, moaning male voice • Sent text to Sarah & Taylor Powell telling them that the music has been carrying up to Pleasant St. • Duet at Ember—pretty light, can't hear very far away
Thu. July 4 7:45p		<ul style="list-style-type: none"> • 7:45p @29 Pleasant/800' • 10:02p: @29 Pleasant /800' • Cape Sea Grille/400' — "Lord I was born a gambling man" 			<ul style="list-style-type: none"> • Spoke w/Sarah & Taylor Powell of Perks—music not very loud from Perks

Date & Time	Wind & Weather	The Port	Perks	Ember Only Data Plotted on Map	Notes
Fri. July 5 8:00p		<ul style="list-style-type: none"> • 8:00p @29 Pleasant/800': Music plainly audible inside our house • Schoolhouse Rd & Pleasant/800' • Cape Sea Grille/400' • "Rolling on the river" • 27 Sea St./650': "I'm a joker, I'm a toker..." • Sail Loft Rd & Sea St./700' 		<ul style="list-style-type: none"> • Freeman & Pleasant/975' plainly audible (may have been from The Port) • @Heathers Rt 28/~200' 	<ul style="list-style-type: none"> • Ember performer: single guy w/music/rhythm generator
Sat. July 6 2:30				<ul style="list-style-type: none"> • 7:15p: Harbor Rd. wharf /~1800' • Wychmere Harbor overlook / ~1200' 	<ul style="list-style-type: none"> • Out driving around, could hear music from Ember all around Wychmere Harbor
Sun. July 7 7:45		<ul style="list-style-type: none"> • 8:00p @29 Pleasant /800' (plainly audible inside our house) 		<ul style="list-style-type: none"> • 72 Pleasant/650' • 62 Pleasant /675' • Cross & Pleasant/950' ("You're so vain you probably think this song is about you") • 8:30p 29 Pleasant /1200'(guy talking on PA) • 9:00p 29 Pleasant—music getting loud • 9:30p 29 Pleasant, still very loud • 9:45p called police again • 26 Bank St./~1100' • Bayview & Woodland/900' • 10 Woodland/775' • 29 Woodland/775' • 25 Bayview/600' • Bayview & Rt. 28/350':pretty loud • @Cape Sea Grille /~1500' 	<ul style="list-style-type: none"> • A couple people playing at Port • Ember very loud all over HP <ul style="list-style-type: none"> — called police @9:00pm — officer didn't come by house — no noticeable change in volume — got louder at @9:45p (trying to go to bed) — called police again and was told that the officer had asked them to turn it down — but if they music was turned down, it was only very briefly — and by 9:45p, it was still louder than before, and continued louder until 10pm • made recording of music 1200' away
Mon. July 8 9:20p			<ul style="list-style-type: none"> • 29 Pleasant /~800' —moany guy plainly audible 		<ul style="list-style-type: none"> • Monday night: moaning guy at Perks
Thu. July 11 from 7:30 on	A bit of wind blowing from the south	<ul style="list-style-type: none"> • 29 Pleasant/~800' —intermittently plainly audible • Schoolhouse Rd & Pleasant/800' —very clear: bass guitar riffs • 39 Sea St./275' —deeper male voice rhythmic/thumping component • 29 Pleasant 9:30p — music from The Port — intermittent guitar licks from Ember 		<ul style="list-style-type: none"> • @Traditional Barber Shop/~800' (electric guitar licks) • 29 Pleasant 9:30p — intermittent guitar licks 	<ul style="list-style-type: none"> • Port performer quite loud • Perks performer fairly quiet • Ember went on break as I went by
Sun. July 14				<ul style="list-style-type: none"> • 29 Pleasant St./1200' —music from Ember quite loud 	<ul style="list-style-type: none"> • Music fairly loud from Ember, but didn't do survey
Mon. July 15	No wind		<ul style="list-style-type: none"> • 7:15p 29 Pleasant /~800' —moaning guy plainly audible inside house • 9:00p: ditto 		<ul style="list-style-type: none"> • 3rd Monday in a row w/Perks' moaning guy: sounds low, but w/amplification, voice carries and is quite loud —good bit louder than previously —could be heard inside house

Date & Time	Wind & Weather	The Port	Perks	Ember Only Data Plotted on Map	Notes
Sat. July 20, 2019 7:30-on	Not much wind	<ul style="list-style-type: none"> • Music plainly audible from <i>either Perks or The Port</i> for a couple/few hours /800' — periodically howling • From 9:30 to closing, music was loud enough that it was echoing off houses to the north of us and still further away 			<ul style="list-style-type: none"> • Didn't do survey
Thu. July 25, 2019 8:45p		<ul style="list-style-type: none"> • 8:45p 29 Pleasant /~800' —electric guitar, wailing, almost steel guitar; intermittent, off & on — 9:00p singing "Blue Morning" — 9:20p: quite loud in house; wailing electric guitar, male singer • 9:20p; Schoolhouse Rd & Pleasant/800' —quite loud w/electric guitar licks • 9:50p 29 Pleasant/800' — getting louder as band goes into finale, heavy drums • 10:22p: music plainly audible • @Cape Sea Grille /~400' • Cape Sea Grille; • 39 Sea/275': quite/very loud 		<ul style="list-style-type: none"> • 28 & Bayview /~325' — plainly audible • @617 Rt 28/500' — guitar licks plainly audible • 49 Pleasant/850' (or might have been from the Port at 1050') • 19 Schoolhouse (in lot)/ ~1200: quite loud, people on PA system coming from Ember • @Cumby's /~450' — plainly audible 	
Fri. July 26, 2019 8:45p		<ul style="list-style-type: none"> • 39 Sea St./275' — loud; "Stuck in the Middle with You" • 9:00pm @29 Pleasant/~800' — music plainly audible • Anchorage parking lot • 9:45pm @29 Pleasant/~800' 		<ul style="list-style-type: none"> • 52-54 Pleasant/800' (or might have been from the Port at 1150') • @Cumby's /~450' — very plainly audible • 37 Bay View: ~350' — plainly audible 	
Sat. July 27 2019 6:15p		<p>(Port OR Perks—didn't do survey)</p> <ul style="list-style-type: none"> • 6:15pm @29 Pleasant/~800' — not loud, but plainly audible 		<ul style="list-style-type: none"> • 9:45pm @29 Pleasant/~1200' — plainly audible inside house—space age-y music; trying to go to bed 	
Sun. July 28 2019 8:30p	Wind coming from south	<p>(from Port OR Perks—couldn't be sure)</p> <ul style="list-style-type: none"> • @Cape Sea Grille /~450' — "Stand by Me" — pretty loud, though wind is coming from the south 		<ul style="list-style-type: none"> • Bank & Pleasant /700' — plainly audible • 72 Pleasant/650' — "Ain't No Sunshine When She's Gone" • 66 Pleasant /675' • @United Gas /~550' — very plainly audible 	
Mon. July 29 2019 8:15			<ul style="list-style-type: none"> • 8:15: @29 Pleasant/~800' — quite loud, male voice, moany • 9:00p: ditto • 9:30p: ditto 		

Data Below **NOT** Plotted on Map

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
Thu. Aug. 1		(Port OR Perks—didn't do survey) • from 7:30-9:30p: @29 Pleasant/~800' — hearing music inside our house • from 9:15 on: heavy drums off & on			• Didn't go out on survey
Sat. Aug. 3		(Port OR Perks—didn't do survey) • 29 Pleasant 9:45p/~800' — music loud enough that it's echoing from across the street — could hear crowd woo-hoing, echoing from across the street			• Didn't go out on survey
Mon. Aug. 5				• 29 Pleasant/~1200' 9pm - 10pm: music plainly audible inside house while trying to sleep	• Didn't go out on survey, quiet most of night;
Sat. Aug. 10		(Port OR Perks—didn't do survey) • 29 Pleasant/~800' 3:00p			• Didn't go out on survey
Mon. Aug. 12			• 29 Pleasant /~800' —7:15: moany guy plainly audible <i>inside house</i> • 7:30: echoing from across street • 9:00: going to bed, can still hear inside house		• Didn't go out on survey
Thu. Aug. 15				• 29 Pleasant /~1200' —6:45: electric guitar riffs —8:45: jazzy electric guitar still going • 8:45: Halfway down Schoolhouse Rd. wooded lot: guitar whining • United Gas: guitar can be heard between cars • Sundae School: very plainly audible • 28 & Bayview: very plainly audible	
Sun. Aug. 18		(Port OR Perks—didn't do survey) • from 8:15 on: @29 Pleasant/~800' — got a little louder after 9			• Didn't go out on survey

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
Mon. Aug. 19			<ul style="list-style-type: none"> • 29 Pleasant /~800' —7:15: moany guy plainly audible — 8:00: getting louder, periodically echoing off house across street — 8:45: got quiet for 20 minutes while raining, now resumes — 9:15: raining out, but getting louder: "Whoa whoa, whoa whoa" — 9:25: getting worked up, cracky voice — 9:30: raining more, moany guy finally stops — 9:50: rain stops, moany guy starts back up 		<ul style="list-style-type: none"> • Didn't go out on survey
Tue Aug. 20		(Port OR Perks—didn't do survey)	<ul style="list-style-type: none"> • 9:00: @29 Pleasant/~800': plainly audible 		<ul style="list-style-type: none"> • Didn't go out on survey
Wed. Aug. 21		<ul style="list-style-type: none"> • Cape Sea Grille: 9:30 — music from both Perks & Port — guitar from Port 	<ul style="list-style-type: none"> • 29 Pleasant /~800' — 9:05 music quite loud *after* Wed. night music stroll • 9:30: Schoolhouse & Pleasant — Moany guy quite loud — shouting, hooting & hollering at bars, trumpet, getting louder • Cape Sea Grille: 9:30 — music from both Perks & Port — moany guy from Perks • 9:45: Pleasant & Cross: — moany guy plainly audible • 9:45: 36 Cross/~1100' — moany guy quite plainly audible • 9:45: 29 Pleasant — music echoing across street 		<ul style="list-style-type: none"> • Music quite loud *after* Wed. night stroll
Fri. Aug. 23		<ul style="list-style-type: none"> • 29 Pleasant /~800' —8:30: plainly audible —9:45: going to bed, can hear music inside house 			<ul style="list-style-type: none"> • Didn't go out on survey
Sat. Aug. 24				<ul style="list-style-type: none"> • 29 Pleasant /~1200' —8:30: plainly audible: guitar riffs, recognizable rhythms, etc. 	<ul style="list-style-type: none"> • Didn't go out on survey
Mon. Aug. 26			<ul style="list-style-type: none"> • 7:45: 29 Pleasant /~800' — moany guy: pretty faint, borderline plainly audible at 800'; most likely P.A. at 150' 	<ul style="list-style-type: none"> • 29 Pleasant /~1200' —7:45: Hooting and hollering from Ember 	<ul style="list-style-type: none"> • Didn't go out on survey

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
Thu. Aug. 29		<ul style="list-style-type: none"> • 29 Pleasant /~800' —8:20: absolutely plainly audible —9:15: plainly audible, pounding, thumping percussion • Pleasant & Schoolhouse —9:15: quite loud, heavy music • 9:20: Cape Sea Grille — Port P.A. system, plainly audible, including harmonica • 29 Pleasant /~800' —9:40: can hear music from The Port inside the house —9:45: went to Port, music was incredibly loud —9:55: music continues to be very loud inside house as we get in bed—even with windows mostly closed; loud for a couple hours, not singing loudly, just amped 		<ul style="list-style-type: none"> • 8:00pm: ~1400' /Bank St. beach, at edge of parking lot where sand begins 	
Fri. Aug. 30		<ul style="list-style-type: none"> • 29 Pleasant /~800' —8:45: hooting, hollering, a lot of screaming from one of the bars, out of control • Pleasant & Schoolhouse — 9:05: music plainly audible, crowd shouting • 9:05: Cape Sea Grille: — singer w/gruff, shouting voice, seems to encourage partygoers to join in 			<ul style="list-style-type: none"> • Didn't go out on survey
Sat. Aug. 31				<ul style="list-style-type: none"> • 29 Pleasant /~1200' —9:15: plainly audible. Starting to get louder. Performer on P.A. system going back and forth w/audience —9:15: rap music, kind of unpleasant, getting louder, definite violation — 9:20: loud drum thumping 	<ul style="list-style-type: none"> • Didn't go out on survey
Thu. Sep. 5		<ul style="list-style-type: none"> • 8:30: 50' into parking lot from Pleasant — drums, voices, plainly audible — can hear/feel drums inside house 		<ul style="list-style-type: none"> • 29 Pleasant /~1200' — 8:30 whiny electric guitar • Barbershop on 28: music from Ember plainly audible between cars • Bayview & 28: Electric guitar licks • 617 Rt. 28: plainly audible, but low 	

Date & Time	Wind & Weather	The Port	Perks	Ember	Notes
Sat. Sep. 7			<ul style="list-style-type: none"> • 29 Pleasant /~800' — 8:00: sounds like moany guy — 8:15: music plainly audible & crowd noise • 8:15: Schoolhouse Rd & Anchorage driveway, still plainly audible — same @Mason's Tree Service • 39 Sea St.: plainly audible • 43 Sea St.: plainly audible • 29 Pleasant /~800' — 9:00: plainly audible inside house w/windows closed — 9:30: still plainly audible w/windows closed, constant drumming 		
Sat. Sep. 14			<ul style="list-style-type: none"> • 8:30: @29 Pleasant /~800' — music plainly audible — @ Schoolhouse Rd & Pleasant: getting louder — 19 Schoolhouse/~600: quite loud, maybe moany guy — Cross and Pleasant/~1000 ft: plainly audible 	<ul style="list-style-type: none"> • 7:45: Lutz Gallery on 28 — music from Ember 	

Danielle Delaney

From: mike heff <mheffty@gmail.com>
Sent: Friday, March 19, 2021 10:05 AM
To: Michael D. MacAskill; Larry Ballantine; Don Howell; Ed McManus; Stephen Ford; Joe Powers
Subject: Embers and Port The time has come

Town of Harwich Port

Dear BOS:

Re: Embers and Port

Thank you for your time.

I understand that this hearing is about how the Port or Embers break all the rules during a national pandemic. It is not even a surprise. It is more a surprise that the town has done nothing to stop them. Even before this covid-19 pandemic the Port and Embers dodged town laws, rules and regulations like drunken cowboys.

Does the BOS not care about how a business operates within a town?

These owners of these establishments have made it obvious they have no intention of abiding by our town laws or regulations. The noise over the last few years is far louder than the town noise ordinance of 150 feet. It is the obligation of the town government, not its citizens, to police and punish people or businesses that break our laws and rules; Those same rules and regulations that are made for the good of the community. The Port and Embers are both known rule breakers by the BOS and everyone in town. The time has come for punishment. As a business owner I am stunned that they have not been shut down or at least fined for the infractions, no one breaks this many laws and survives.

The town should never reward bad behavior: it just leads to more bad behavior. This is exactly what the town has been doing. They ask for more and you keep allowing more bars, more liquor, more noise, more bad behavior.

A bad business establishment opens the door for more loud noisy, business establishments.

-

The legitimate, law abiding, business owners in our town, that work so hard to operate in a safe, community, oriented way; must be incredulous that you have allowed these establishments to break the laws/rules of the town.

The time has come to Shut them down. It is not as harsh as one may think. First, another better owner will likely come in and take over and run a better community oriented establishment. As an owner you have to play by the rules. When you don't, *you know* your gambling with your business. These owners are not community oriented owners.

Thank You
Mike Heffernan

Danielle Delaney

From: Joe Ganley <jganley@athenahealth.com>
Sent: Monday, March 22, 2021 3:02 PM
To: Joe Powers
Cc: Larry Ballantine; Ed McManus; Don Howell; Stephen Ford; Michael D. MacAskill; gcorbo@k-plaw.com
Subject: RE: Selectmen Packet
Attachments: FW: Request for a Phone/Video Conversation

Mr. Powers:

Reference is hereby made to my email below of 3/19. I have just reviewed the packet posted on the website, and it does not appear that my testimony previously submitted to you and the committee has been included in its entirety. I would note that the testimony was submitted on 3/5/2021, some 17 days ago. I am once again respectfully requesting that the testimony be included, in its entirety, in the formal record of this evening's hearing.

Thank you for your attention to this matter.

Joe Ganley

From: Joe Ganley
Sent: Friday, March 19, 2021 6:46 PM
To: Joe Powers <jpowers@town.harwich.ma.us>
Cc: Larry Ballantine <lballantine@townofharwich.us>; Ed McManus <emcmanus@townofharwich.us>; Don Howell <dhowell@townofharwich.us>; Stephen Ford <sford@townofharwich.us>; Michael D. MacAskill <mamacaskill@townofharwich.us>
Subject: Selectmen Packet

Mr. Powers:

I am writing regarding the upcoming hearing related to liquor and entertainment licenses for the establishment dba: The Port Restaurant 541 Route 28 Harwich Port. As you know, I submitted 8 and ½ pages of testimony to the Board on this matter at your direction, with assurances from you and the Chairman of the Board of Selectmen that such testimony would be included in the record.

In the version of the packet that was forwarded to me, it appears that only the first two pages were included. I am aware that these packets are updated in real time prior to the hearings. Still I am mindful that I submitted my testimony well in advance of the hearing. I assume this was a clerical oversight, but I am respectfully requesting that the entirety of my testimony be included in the record and minutes of the meeting. While I reserve the right to testify at the public hearing, my intention, in providing the comprehensive testimony in writing, was to be able to keep my comments brief at the public meeting, assuming the entirety of the testimony is included in the packet.

Thank you for your consideration to this matter.

Joe Ganley

Danielle Delaney

From: Marie Pasquale <pashport@aol.com>
Sent: Monday, March 22, 2021 1:37 PM
To: Michael D. MacAskill; Don Howell; Ed McManus; Stephen Ford; Joe Powers
Subject: Fwd: Tonight's hearing regarding restaurants

Begin forwarded message:

From: Marie Pasquale <pashport@aol.com>
Subject: **Tonight's hearing regarding restaurants**
Date: March 22, 2021 at 1:32:56 PM EDT
To: lballantine@townofharwich.us

Dear Mr. Ballantine,

Please submit this with all letters for tonights hearing.

We have been homeowners in Harwich Port since 1993 and as of 2016 are full time residents as well as registered voters. The purpose of this letter is to ask the board to carefully consider any change to the laws and their administration of such that would allow restaurants to have outdoor music before 6:00 pm and after 10:00 pm. There has been no legitimate attempt to curtail abuse to this rule in the past so we know that adding to the hours of outside music will be a tremendous burden on all the neighbors living near these establishments. While we appreciate the fact that restaurants enhance the community there should be a clear limit to the noise emanating from these establishments. From our house located 600 ft from route 28 in Harwich Port we can clearly hear outdoor music well past 10pm.

As mentioned, we appreciate having such establishments that are conveniently located for our use. However, it is our hope that those who are responsible for setting and enforcing the rules are considerate of the homeowners, taxpayers and voters in the area.

Sincerely,

Marie and Gene Pasquale
7 Woodland Road
Harwich Port

Danielle Delaney

From: Joe Ganley <jganley@athenahealth.com>
Sent: Monday, March 22, 2021 7:03 PM
To: rsacramone@tre.state.ma.us; kfoster@tre.state.ma.us; kyle.e.gill@tre.state.ma.us; rmelville@tre.state.ma.us; smwalsh@tre.state.ma.us
Cc: gcorbo@k-plaw.com; Joe Powers
Subject: Status of Liquor License

Gentlemen:

I am writing as a concerned abutter to understand the status of the liquor license for the establishment DBA: The Port Restaurant and Bar, 541 Main Street Harwich Port, MA.

Can you, or someone from your team answer the following questions:

1. What is the status of the liquor license for this establishment on record with the ABCC?
2. When does that license expire/when must it be renewed?

I am writing to the ABCC because the local licensing authority has been non-responsive to my requests for information, including a formal public records request currently under investigation by the Secretary of State's Supervisor of Public Records.

I am hoping that you might be able to provide an answer to these basic questions without the need for the formality of a public records request under M.G.L. Chapter 66, Section 10.

Thank you in advance for your attention to this matter.

Joe Ganley
617-893-8011

Danielle Delaney

From: Julie Gibson <jagibson219@gmail.com>
Sent: Thursday, March 25, 2021 6:24 PM
To: Larry Ballantine; Michael D. MacAskill; Don Howell; Ed McManus; Stephen Ford; Joe Powers
Subject: Noise containment in Harwich Port

Hello Board of Supervisors -

As long time residents of Harwich Port (my grandfather bought our house in 1938), I am sorry to say that the ambience in the town has disintegrated drastically in the last few years due 100% to excessive noise coming from several of the local establishments. I am specifically referring to Embers which directly affects our property, but I also understand there are other establishments in town, such as The Port, which directly impact other residents. Harwich Port has always been a small residential community known for its friendliness, safety & consideration for its neighbors. Our house at 29 Woodland Rd, is in a direct line for noise from Embers & there have been occasions when, even with all windows & doors closed, the noise has been unbearable.

I understand that people love music & it creates an atmosphere for communal gatherings, but the whole town should not have to put up with ear-splitting noise from these establishments. We residents are the tax payers, & Harwich Port's taxes are not cheap. We pay taxes year round including in summer. Why should we suffer just because the summer-only crowd wants to split their eardrums? Do any of you live in the downtown area? Are you even aware of the noise (not music, just noise when it's so loud) that Embers & others create? Would you buy a house in the immediate neighborhood? We residents have been living here & paying taxes long before Embers, The Port etc. were even thought of. It is becoming apparent that the BOS could care less about the permanent residents of Harwich Port & only is concerned about making revenue from summer visitors frequenting the bars & restaurants. The total lack of consideration on the part of the BOS & the establishments involved does not speak well for a community of any sort or for you as the town's leaders.

I hope you will take these comments into consideration when you discuss whether to allow unpleasant, abrasive & blasting music for 12 hours every day.

Julie Gibson
29 Woodland Rd, Harwich Port

Danielle Delaney

From: Jeff Black <jeffreyblack@gmail.com>
Sent: Friday, March 26, 2021 4:57 PM
To: Patti Macura
Cc: Danielle Delaney; Joe Powers; Meggan Eldredge
Subject: Re: Town - Ember / Port

Thank you Patti. This whole situation is so terribly disappointing. What a tone deaf stance the Board of Selectman has staked out for themselves. We should do everything possible to support our restaurants and encourage a cultural cluster. As a homeowner, this is as angry as I've been since I moved here with my young family. Our entire social circle was established at these anchors of Main Street and we'd just as likely have skipped over Harwichport entirely had it not been for its downtown.

On Fri, Mar 26, 2021 at 1:19 PM Patti Macura <pmacura@town.harwich.ma.us> wrote:

Dear Jeff,

Thank you for your comments – we will share them with the Board of Selectmen.

Sincerely,

Patti

Patricia Macura

Selectmen/Administrator's Office

Town of Harwich

pmacura@town.harwich.ma.us

508-430-7513 x3319

From: Jeff Black via Harwich MA [<mailto:cmsmailer@civicplus.com>]
Sent: Thursday, March 25, 2021 10:54 PM
To: Jamie Goodwin <jgoodwin@town.harwich.ma.us>
Subject: Town

Submitted on Thursday, March 25, 2021 - 10:54pm

Submitted values are:

What does this comment regard: Town

Please include any questions or comments: I am writing to support the Brackett family and their extended families at The Port and Ember. This town buzzes with an energy that is hard to find anywhere else. Elected

officials are not the arbiters of culture and quietude. There is a new generation of families that has been pulled to this town because of small business owners such as the Bracketts. Make no mistake, this is a canary in the coal mine moment for this town. To see elected and non elected officials willfully interfere with a small business that was founded by, owned by and loved by locals is just so profoundly frustrating. Y'all watched the news in 2020, right? And now is the time that you decide "you know what the restaurant industry hasn't had enough of yet, having their livelihoods attacked and willfully disregarded after they risked everything to stay open... invested in systems, protocols, COVID testing, contact tracing, you can have a drink with a pretzel, oh wait no you can only have a drink with a hot dog, oh and the town is going to give you guidance that is in direct contradiction to Gov Baker." ENOUGH! If you wanted to inspire a whole new generation that feels wildly misrepresented by their current government to get involved in local government, mission accomplished. ==Please provide the following information==

Name: Jeff Black

Email Address: jeffreydblack@gmail.com

Address: [3 John Todd Way](#)

City: Harwichport

State: Massachusetts

Zip: 02646

Phone: 6175125440

Organization:

The results of this submission may be viewed at:

<https://www.harwich-ma.gov/node/1980/submission/20192>

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Danielle Delaney

From: Pam wise <pamelaewise@gmail.com>
Sent: Friday, March 26, 2021 1:48 PM
To: Patti Macura
Cc: Joe Powers; Meggan Eldredge; Danielle Delaney
Subject: Re: Town - Ember / Port

Thank you, Patti. Embers is such a great part of the Harwich and Chatham Community.
Best,
Pam

--

Pamela Wise
Sales Associate

[126 Newbury Street, 2nd Floor](#)
[Boston MA 02116](#)
m: [781.771.9515](#)



On Mar 26, 2021, at 12:52 PM, Patti Macura <pmacura@town.harwich.ma.us> wrote:

Dear Pam,
Thank you for your comments – we will share them with the Board of Selectmen.
Sincerely,
Patti

Patricia Macura
Selectmen/Administrator's Office
Town of Harwich
[*pmacura@town.harwich.ma.us*](mailto:pmacura@town.harwich.ma.us)
508-430-7513 x3319

From: Pam Wise via Harwich MA [<mailto:cmsmailer@civicplus.com>]
Sent: Thursday, March 25, 2021 9:57 PM
To: Jamie Goodwin <jgoodwin@town.harwich.ma.us>
Subject: Website

Submitted on Thursday, March 25, 2021 - 9:57pm

Submitted values are:

What does this comment regard: Website

Please include any questions or comments: We love Embers and the Port and feel they are a vital part of our community. We want our communities to thrive and bring in new and young newcomers that want to build a summer and year round home.

==Please provide the following information==

Name: Pam Wise

Email Address: pamelaewise@gmail.com

Address: 43 chatham heights rd

City: Chatham

State: Massachusetts

Zip: 02633

Phone: (781) 771-9515

Organization:

The results of this submission may be viewed at:

<https://www.harwich-ma.gov/node/1980/submission/20177>

<image002.jpg>

Danielle Delaney

From: Jonathan Bates <jmbates08@gmail.com>
Sent: Tuesday, March 30, 2021 3:28 PM
To: Patti Macura
Cc: Joe Powers; Meggan Eldredge; Danielle Delaney
Subject: Re: Town - Ember / Port

Thank you. Again, I am happy to share my personal experiences with whomever could benefit from hearing. But bottom line, my family didn't just feel safe - we were safe.

On Tue, Mar 30, 2021 at 3:11 PM Patti Macura <pmacura@town.harwich.ma.us> wrote:

Dear Jonathan,

Thank you for your comments – we will share them with the Board of Selectmen.

Sincerely,

Patti

Patricia Macura

Selectmen/Administrator's Office

Town of Harwich

pmacura@town.harwich.ma.us

508-430-7513 x3319

From: Jonathan Bates via Harwich MA [<mailto:cmsmailer@civicplus.com>]
Sent: Friday, March 26, 2021 4:10 PM
To: Jamie Goodwin <jgoodwin@town.harwich.ma.us>
Subject: Town

Submitted on Friday, March 26, 2021 - 4:09pm

Submitted values are:

What does this comment regard: Town
Please include any questions or comments:
To whom it may concern:

It has been made aware to me that the Harwich restaurants, The Port and Ember, have been accused of various violations pertaining to the COVID-19 pandemic. My family and I spend one month each summer in Orleans

and actively choose to drive 20 minutes to both of these locations regularly. Aside from the food and service being excellent, we enjoy the environment and service. We also understand this is a family-owned operation and we believe in supporting businesses with this approach.

Having dined at both establishments multiple times during the pandemic, I never once witnessed, was a part of, or saw any sort of misguidance or violations regarding COVID-19 protocols. I never once felt at risk of infection or had any issue with their procedures. In fact, I confidently believe this group went above and beyond to ensure my family was safe during this time.

I fully hope and expect this situation to be resolved in time for our annual June stay because I look forward to many more nights at both of these locations. If not, I will no longer support any establishment in the town of Harwich and fully intend to share my displeasures and disappointments with friends and colleagues whom frequent the area.

I would be more than happy to speak further about my experiences with anyone who feels differently.

Regards,

Jonathan Bates

==Please provide the following information==

Name: Jonathan Bates

Email Address: jmbates08@gmail.com

Address: 45 Stony Corners Circle

City: Avon

State: Connecticut

Zip: 06001

Phone: 3219481992

Organization:

The results of this submission may be viewed at:

<https://www.harwich-ma.gov/node/1980/submission/20251>

▪

Danielle Delaney

From: Jeff Black <jeffreydblack@gmail.com>
Sent: Wednesday, March 31, 2021 6:05 PM
To: Patti Macura
Cc: Danielle Delaney; Joe Powers; Meggan Eldredge
Subject: Re: Town - Ember / Port

Hi Patti, I am just following up to relay my ongoing concern and disappointment with the Board of Selectman's actions with respect to The Port and Ember. This is a profoundly disappointing and embarrassing spectacle by town management that is going to kill the Harwichport resurgence and scare away any small business owner that may have been drawn to our town. It's got to stop. I look forward to mobilizing voter turnout efforts to remedy this failure of leadership at the earliest opportunities afforded to us as residents.

On Fri, Mar 26, 2021 at 4:56 PM Jeff Black <jeffreydblack@gmail.com> wrote:

Thank you Patti. This whole situation is so terribly disappointing. What a tone deaf stance the Board of Selectman has staked out for themselves. We should do everything possible to support our restaurants and encourage a cultural cluster. As a homeowner, this is as angry as I've been since I moved here with my young family. Our entire social circle was established at these anchors of Main Street and we'd just as likely have skipped over Harwichport entirely had it not been for its downtown.

On Fri, Mar 26, 2021 at 1:19 PM Patti Macura <pmacura@town.harwich.ma.us> wrote:

Dear Jeff,

Thank you for your comments – we will share them with the Board of Selectmen.

Sincerely,

Patti

Patricia Macura

Selectmen/Administrator's Office

Town of Harwich

pmacura@town.harwich.ma.us

508-430-7513 x3319

From: Jeff Black via Harwich MA [<mailto:cmsmailer@civicplus.com>]
Sent: Thursday, March 25, 2021 10:54 PM
To: Jamie Goodwin <jgoodwin@town.harwich.ma.us>
Subject: Town

Submitted on Thursday, March 25, 2021 - 10:54pm

Submitted values are:

What does this comment regard: Town

Please include any questions or comments: I am writing to support the Brackett family and their extended families at The Port and Ember. This town buzzes with an energy that is hard to find anywhere else. Elected officials are not the arbiters of culture and quietude. There is a new generation of families that has been pulled to this town because of small business owners such as the Bracketts. Make no mistake, this is a canary in the coal mine moment for this town. To see elected and non elected officials willfully interfere with a small business that was founded by, owned by and loved by locals is just so profoundly frustrating. Y'all watched the news in 2020, right? And now is the time that you decide "you know what the restaurant industry hasn't had enough of yet, having their livelihoods attacked and willfully disregarded after they risked everything to stay open... invested in systems, protocols, COVID testing, contact tracing, you can have a drink with a pretzel, oh wait no you can only have a drink with a hot dog, oh and the town is going to give you guidance that is in direct contradiction to Gov Baker." ENOUGH! If you wanted to inspire a whole new generation that feels wildly misrepresented by their current government to get involved in local government, mission accomplished.

==Please provide the following information==

Name: Jeff Black

Email Address: jeffreydblack@gmail.com

Address: [3 John Todd Way](#)

City: Harwichport

State: Massachusetts

Zip: 02646

Phone: 6175125440

Organization:

The results of this submission may be viewed at:

<https://www.harwich-ma.gov/node/1980/submission/20192>

▪

Danielle Delaney

From: Jeff Black <jeffreydblack@gmail.com>
Sent: Wednesday, March 31, 2021 6:05 PM
To: Patti Macura
Cc: Danielle Delaney; Joe Powers; Meggan Eldredge
Subject: Re: Town - Ember / Port

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Sincerely,

Patti

Patricia Macura

Selectmen/Administrator's Office

Town of Harwich

pmacura@town.harwich.ma.us

508-430-7513 x3319

From: Jeff Black via Harwich MA [<mailto:cmsmailer@civicplus.com>]
Sent: Thursday, March 25, 2021 10:54 PM
To: Jamie Goodwin <jgoodwin@town.harwich.ma.us>
Subject: Town

Submitted on Thursday, March 25, 2021 - 10:54pm

Submitted values are:

What does this comment regard: Town

Please include any questions or comments: I am writing to support the Brackett family and their extended families at The Port and Ember. This town buzzes with an energy that is hard to find anywhere else. Elected officials are not the arbiters of culture and quietude. There is a new generation of families that has been pulled to this town because of small business owners such as the Bracketts. Make no mistake, this is a canary in the coal mine moment for this town. To see elected and non elected officials willfully interfere with a small business that was founded by, owned by and loved by locals is just so profoundly frustrating. Y'all watched the news in 2020, right? And now is the time that you decide "you know what the restaurant industry hasn't had enough of yet, having their livelihoods attacked and willfully disregarded after they risked everything to stay open... invested in systems, protocols, COVID testing, contact tracing, you can have a drink with a pretzel, oh wait no you can only have a drink with a hot dog, oh and the town is going to give you guidance that is in direct contradiction to Gov Baker." ENOUGH! If you wanted to inspire a whole new generation that feels wildly misrepresented by their current government to get involved in local government, mission accomplished.

==Please provide the following information==

Name: Jeff Black

Email Address: jeffreydblack@gmail.com

Address: [3 John Todd Way](#)

City: Harwichport

State: Massachusetts

Zip: 02646

Phone: 6175125440

Organization:

The results of this submission may be viewed at:

<https://www.harwich-ma.gov/node/1980/submission/20192>

▪

Danielle Delaney

From: Gary <garyconroy53@comcast.net>
Sent: Thursday, April 15, 2021 3:31 PM
To: Joe Powers
Cc: Larry Ballantine; michael@northchathamoutfitters.com
Subject: Two Comments

Joe,

I just wanted to chime in on two topics, first is the food fight between the town and the two restaurants in Harwich Port. I don't have the details why this has been going on, but the article in the paper leads one to ask if the town is being vindictive here? If these businesses are not open this summer it will be a very bad look for the town of Harwich. Also, the timing of this could not come at a worse time. I am just speaking as a town resident who doesn't have a horse in the race. Hope you can get this resolved quickly.

Another topic is concerning the maintenance and presentation of our public spaces as we head into spring. I have said before that the town could and should take better care of its public spaces and properties. Last year, I commented on the Route 39 rotaries and the town hall as examples of substandard care. The town has many properties that can and should reflect pride and excellence. Even our cemeteries need some help.

As Dennis and Orleans have made significant investments in their communities, Harwich needs to step up and compete. I hope the new Director of Planning and Community Development can add value on these issues. Additionally, I hope the town can make substantial progress this year on this topic vs what we have accomplished over the last number of years. This is not a Covid-19 one year observation.

Wishing you and the Town of Harwich much success as we navigate the balance of the year.

Best Regards,
Gary Conroy

Danielle Delaney

From: Larry Ballantine
Sent: Monday, April 26, 2021 9:33 AM
To: Joe Powers; Meggan Eldredge
Subject: Fw: The Port
Attachments: Video.MOV

From: Maura <maurasharry@aol.com>
Sent: Sunday, April 25, 2021 7:52 PM
To: Larry Ballantine
Cc: Don Howell; macaskill@townofharwich.us; Stephen Ford; Ed McManus
Subject: The Port

Town of Harwich Selectmen,

I took a picture and video just shy of midnight this past September 4th. I called the police regarding both the noise disturbance and the clear violations of Massachusetts covid restrictions at that time. The police suggested I contact the Harwich Board of Health, and send them the photo and video, which I did.

I hope they are helpful in someway.

Best,
Maura Sharry



September 4, 2020
11:50 PM

All Photos



Danielle Delaney

From: Laurel Beloin <laurelbeloin@icloud.com>
Sent: Tuesday, April 27, 2021 9:42 AM
To: Joe Powers
Subject: Port hearing

Good morning Mr. Powers,

The Port hearing should have a Moderator, like Town Meeting has. It should not be Larry Ballantine. It should be a third party who runs the hearing, calls on people to speak, mute people who are out of order, put bully lawyers in their places etc. Someone to KEEP ORDER and keep the hearing moving forward. Would the town allow Michael Ford, if available, to keep order?

A Moderator is really the only way to avoid another train wreck like last night. Attorney Kelley took over the meeting and he will try it again. If i heard correctly, Attorney Kelley actually made a motion which was totally out of order! He's not a member of the BOS!

Regards,
Laurel Beloin

Sent from my iPhone

Danielle Delaney

From: Laurel Beloin <laurelbeloin@icloud.com>
Sent: Tuesday, April 27, 2021 3:08 PM
To: Larry Ballantine; Don Howell; Michael D. MacAskill; Ed McManus
Cc: Joe Powers; Chief David J. Guillemette
Subject: Expanded outdoor table service

Chairman Ballantine and Selectmen,

We are writing in opposition of The Port being allowed in 2021 to have continued use of expanded outdoor table service in their parking lot area which was previously approved for 2020. We have found even after live entertainment ends at 10pm crowd noise has been an ongoing issue. The rowdy crowds of people who congregated under the tent have woken us up on many nights. It seems extremely unfair to residents who live near this bar to have to put up with the unruly patrons until they are closed for the night. We would like patron noise addressed by the Board of Selectmen prior to the vote.

Regards,
Michael and Laurel Beloin

Sent from my iPad

Danielle Delaney

From: Michael D. MacAskill
Sent: Thursday, April 29, 2021 2:11 PM
To: Joe Powers
Subject: Fw: Permission to Include in Tuesday's Packet
Attachments: IMG_6324.PNG

From: Joe Ganley <jganley@athenahealth.com>
Sent: Wednesday, April 28, 2021 10:47 PM
To: Larry Ballantine; Ed McManus; Don Howell; Michael D. MacAskill
Cc: Vranos MD, William
Subject: Permission to Include in Tuesday's Packet

Mr. Chairman:

I look forward to testifying at Tuesday's hearing. Unfortunately developments have intervened. I would submit the following post from the Port Restaurant's Instagram account that includes the residential address of a resident who has raised concerns about the noise associated with this establishment. I would submit that this post is intended to garner harassment of the complainant. I would further suggest that this kind of activity should be considered by the Board as relevant evidence to the reputation of the applicant. (See Connolly v. Alcoholic Bevs. Control Comm'n., supra at 617-618, 138 N.E.2d 131)

Mr. Chairman, I recognize that reasonable people can disagree about matters of public policy, but intimidation, incitement of retribution and personal attacks on residents who are only raising reasonable concerns about noise have no place in an organized democracy. To wit, I have already submitted an email to the Chief of Police outlining my fears of retribution on my property.

I would suggest that the Board admonish the licensees for this behavior and they consider this behavior in the light least favorable to them as it considers future proceedings.

Respectfully,

Joe Ganley

Danielle Delaney

From: Jean & Joseph Foran <jnj4ncape@yahoo.com>
Sent: Thursday, April 29, 2021 10:48 AM
To: Larry Ballantine; Joe Powers
Subject: Embers/The Port

Dear Mr. Powers and Mr. Ballantine:

Please share this email with the rest of the Board.

We have been residents of Harwich Port for over thirty years and have followed the changes in restaurants and how the Board has allowed outdoor drinking and entertainment. It appears that several years ago, restaurants were encouraged to have outdoor music and bars. With that change came complaints from neighbors about the noise level by The Port and Embers and their not adhering to the allowed hours or decibel level.

Over the years, we have read about and spoken to people who have had their quality of life negatively impacted because they have residential properties near each restaurant. Also, we know Bob Nickerson and have followed his efforts.

Again, over the years, more often than not, the Selectmen have **not** supported the residents living near these establishments and sided with The Port or Embers. We believe that this has been a poor investment and decision by the Selectmen.

Knowing people who have worked at these restaurants, it has been clear that they do not care about following rules regarding Covid or the restrictions that the Selectmen have imposed regarding entertainment.

We watched the Selectmen's Meeting on April 26th and it was absolutely disturbing to see how the lawyer, William Kelley, behaved by constantly interrupting and bullying people. It was equally disturbing and embarrassing to see how he was allowed to go on and on with this tactic for hours. It was clear to us that the Selectmen lost control of the meeting and that this was Mr. Kelley's intent.

When you allow businesses to have outdoor bars and music, it is a guaranteed formula for issues and complaints. In the case of The Port and Embers, they do not care about the Town or the people they impact. This has been made clear by the lawsuits and the behavior of the people that they have hired to represent them.

From our perspective, by allowing and supporting outdoor drinking and music in restaurants that are contiguous to residential properties, the Selectmen have created the situation that we find ourselves in today. This form of entertainment has not enhanced the reputation of Harwich Port, but rather harmed it. Simply said, you "reap what we sow".

Finally, after reading the article in The Cape Cod Times regarding Monday's meeting and the response by some of the Selectmen, it is again clear that Embers and The Port have "won" again. Sad day for those of us living in Harwich Port. Sad day for the reputation of our Town.

Jean and Joseph Foran
32 Ridgeport Drive
Harwich Port, MA
508-685-5247

Danielle Delaney

From: Bob Cohn <bobcohn@broadpage.com>
Sent: Thursday, April 29, 2021 8:17 PM
To: Chief David J. Guillemette
Cc: Deputy Chief Kevin Considine; Larry Ballantine; Michael D. MacAskill; Don Howell; Ed McManus; Joe Powers
Subject: More social media attacks
Attachments: IMG_8151.jpg

Hi Chief,

I believe you talked with Bill Vranos and Joe Ganley today about social media issues, and it appears that it's my turn now--ironically, because I was misquoted in the Chronicle. Please see the attached Instagram screenshot, which reads:

WE GOT A LIST:

VRANOS ✓

GANLEY ✓

COHN ✓

Of course, this is unacceptable by any measure. That a business establishment of any nature, let alone one that holds a liquor license and is currently before the board for alleged violations, should be involved in inciting its patrons and followers against neighbors is beyond the pale.

I understand that people can get carried away on the internet. But actually targeting individuals crosses the line. If the Vranoses weren't already feeling driven from their house by the noise, what must they be feeling now?

I don't do social media, but I was forwarded quite a number of other screenshots and uploaded them to DropBox. If interested, you can view them here: [The Port's Instagram screenshots](#)

Could you please keep a closer than usual eye on my house at 29 Pleasant St.?

We've got a lot of issues to deal with off-Cape, and it's going to be a while before we can get back down. Like Joe, I think I'll be installing security cameras, but it may be some time before I'll be able to get to it.

Thank you very much for your help. I appreciate it,
Bob



theportrestaurant 3h

🎵 Eminem · 'Till I Collapse (feat. N...



ajelliss747

WE GOT A LIST:



@THEPORTRESTAURANT

VRANOS ✓
GANLEY ✓
COHN ✓

@EMBERCOALFIREPIZZAWINGS

SUPPORT LOCAL BUSINESS
CHECK THEIR STORIES



'Till I Collapse (feat. Nate Dogg)
Eminem

@MAYOROFHARWICH

@MOLLLLLLLS

Send Message @PAUL A SAYS SO



Danielle Delaney

From: Bob Cohn <bobcohn@broadpage.com>
Sent: Thursday, April 29, 2021 6:36 PM
To: Larry Ballantine; Michael D. MacAskill; Don Howell; Ed McManus
Cc: Joe Powers
Subject: Port Hearing
Attachments: Informal Noise Survey Including Map for The Port.doc

April 29, 2021

Larry Ballantine
Harwich Board of Selectmen
732 Main Street
Harwich, MA 02645

Dear Chairman Ballantine and Board Members,

I'm writing in regard to the upcoming hearing for Port Restaurant and Bar, and hope you can include this letter and the attachment in the hearing packet. While I can't speak to after-hours disturbances and Covid-related violations, I can speak to entertainment noise issues.

In July 2019, I conducted an Informal Noise Survey, which is attached, and which I presented at the last Noise Containment Committee meeting prior to the pandemic. Based on the same data, I recently put together a new map which plots noise readings for The Port only, mainly in July with a few days from May and June. See attached.

Due to the route I followed while doing the survey, most of the readings are on the north-south axis formed by Schoolhouse Rd. and Sea St. Nevertheless, it seems a reasonable assumption that the same noise propagated to the east and west as well.

Again, these were readings for a single month. I basically stopped doing surveys at the end of July, but still recorded noise I heard from my house. Over the entire season, I recorded 15 nights when noise from the Port was plainly audible 800 or more feet away. The total number is likely larger as there were another 7 nights when noise was coming from either the Port or Perks, but I didn't determine which.

800 feet is almost the length of 3 football fields laid end to end, and more than 5 times the 150-foot nuisance limit established by the Noise Bylaw. It's an intolerable noise level for immediate neighbors, and reasonable people find it extreme.

Though the Port did seem to get quieter for a while in August 2019, by the next year, the excessive noise had resumed. For a full week in July 2020, we heard music from the Port on Pleasant St., now at 1000' away from their new performance area in the parking lot. One evening I called the restaurant three times asking them to turn it down, but to no avail. The music continued until 10pm, loud enough to keep us awake.

And none of this includes all the crowd noise, after-hours, and Covid violations others have reported.

One of the difficulties the Town has had in managing entertainment licenses is that there has been no mechanism in place to prevent noise and entertainment scope creep. In fact, I believe this is a good part of what happened to a number of outdoor entertainment venues over the last few years.

The Port is a prime example of this. In May 2017 The Port came before the Board to apply for an entertainment license. At that that time they said:

- that they were only going to have music to keep people entertained while waiting for their tables;

- that the music would be only minimal, acoustic, and wasn't going to be amplified or a rock band or anything of that nature;
- that they weren't going to have loud, powerful bands;
- that they weren't going to rely on entertainment as a source of revenue or business, and it was just something to stay relevant; and
- that they were going to do everything they could to keep it under control, because it was in the best interest of everyone.

These are all direct quotes, and you can see the video at this link:

https://www.youtube.com/watch?v=qw7cdzw_zTA (starting at 19:47)

You can also see a condensed, two-minute version of the video with subtitles here:

<https://www.youtube.com/watch?v=98Prs7QBxBo>

Fast forward a few years, and unfortunately, The Port's good intentions were somehow mislaid, and noise levels had grown out of control.

Hopefully in the not distant future, the type of music that is being licensed can be specified as part of entertainment license and monitored.

I had originally planned to say of the Port as I already said of Ember, that I want their business to succeed, because they're important to the community, and I hope they find a way to be good neighbors.

Unfortunately, at this point I'm less hopeful that they can, in fact, be good neighbors based both on the belligerence at the hearing last week and various social media attacks since then.

There should be no place in this community for bullying and intimidation tactics, whether by lawyers and law suits, or by inciting people on Instagram.

Let me conclude by proposing the same license conditions I proposed last week, and which seem that much more necessary in The Port's case given last year's difficulties and the extreme closeness of a number of neighbors who have suffered for years.

If and when The Port is permitted to have outdoor entertainment again, I urge that it be done with the following restrictions:

- (1) That speakers be pointed away from neighbors.
- (2) That *live* outdoor entertainment be limited to evening hours
— and that outdoor music at all other times be limited to ambient/background music.
- (3) That *live* music be played only through house systems.
— The purpose of this is to help the venues better manage their performers—their speaker placement, volume, and so on.
— I believe Perks recently purchased a house system for just this reason, and such a system seems necessary for all three venues due to the kind of entertainment they have and the proximity of neighbors.
- (4) That venues be required to self-regulate with security details and/or decibel monitors.
- (5) And finally, it's critical that the Plainly Audible standard be enforced properly, and I urge the Town to provide HPD the policy guidelines and directives to do so.
— This is probably the most important condition, because without a well-enforced noise limit, none of the other provisions will work.

I appreciate your taking the time to consider this.

Thank you very much,
Bob Cohn

Danielle Delaney

From: Larry Ballantine
Sent: Friday, April 30, 2021 10:26 AM
To: Anne Stewart; Joe Powers
Subject: Re: Photos of back area of The Port

Thanks Anne,

I am forwarding to Joe to include in Tuesday's discussion.

Larry

From: Anne Stewart <stewsanne@gmail.com>
Sent: Thursday, April 29, 2021 5:10 PM
To: Larry Ballantine
Subject: Photos of back area of The Port

Although menu is very upscale, "Nauti Bar" and photos of their clients only look like they are looking for people who want to party. Not a gray hair in the batch. Appears parking area will be used for outdoor dining and they have set up what appears to be an outdoor bar. Many houses very close by. In your packet of a couple of weeks ago, there are many letters from residents. One includes video with sound showing how loud they are right in his backyard. I believe all of us want economic prosperity for Harwichport, but this situation seems very unfair.

















Sent from my iPhone

Danielle Delaney

From: Vranos MD, William <wvranos@CapeCodHealth.org>
Sent: Friday, April 30, 2021 3:16 PM
To: Larry Ballantine
Cc: Michael D. MacAskill; Don Howell; Ed McManus; Joe Powers; Chief David J. Guillemette

Select board,

I'm sure by now you are well aware that The Port has taken to social media to attack myself and some other residents. Included in the posting was my name and address. Seems like an odd strategy when trying to curry favor with the community.

I'm sure you can imagine what this means to us as we try to relax and feel safe in our home, knowing that the patrons in a next door bar know our names and can associate them with an address.

You have broad discretion when issuing licenses and permits. All we ever asked is that they keep the noise down. Their behavior is not rational. Please act accordingly.

William Vranos
43 Sea St

This email and any files transmitted with it are confidential, and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error contact the Help Desk for Cape Cod Healthcare.

Helpdesk@CapeCodHealth.org

7 HARDY ROAD
WELLESLEY, MA 02482

March 1, 2021

Mr. Larry Ballantine
Chairman
Board of Selectmen
Town of Harwich
Harwich Town Hall
732 Main Street
Harwich Center, MA 02645

VIA EMAIL

Dear Mr. Chairman:

I am writing to follow up on the recent enforcement hearing regarding violations of the COVID 19 regulations by the licensed establishment DBA *The Port Restaurant and Bar*, (hereinafter "The Port") 541 Route 28 Harwich Port, MA. It is my understanding that the Board of Selectmen will be conducting a public hearing on the topic of renewal of The Port's seasonal liquor license. While I reserve the right to offer testimony at such a hearing, I thought it would be efficient to send this information in advance of said hearing to 1) inform the Board of Selectmen's deliberations regarding the application for renewal of the establishment's license, and 2) to document a complete record in anticipation of further proceedings.

My family owns two properties on Sea Street in Harwich Port. We first became residents in 1975, so with respect to issues arising from operations at The Port, it cannot be said that "we knew what we were getting into". At the time our first home was purchased, the property, that is now The Port, was a clothing store.

In the past decades, the transformation of Harwich Port, and in particular, the commercial corridor between Lower County Road and Bank Street has been overwhelmingly positive. My family frequents many of the restaurants and shops in this area and we welcome the vibrant energy that these establishments have brought to our village. The nature of a mixed residential and commercial area such as Harwich Port requires cooperation between the commercial establishments and the residents.

Absent such good faith cooperation and mutual respect, a successful mixed-use area requires the appropriate town authorities to vigorously enforce the zoning, licensing and other regulations that were promulgated to ensure that the needs of commercial businesses are balanced with the desire of residents to quietly enjoy their property absent public nuisance.

Summary

The public nuisance issues that have been raised related to operations at The Port have been well-documented and communicated to the Board, the Health Department, the Harwich Police, the Ad Hoc Noise Committee and the Town Administrator. They relate to traffic, noise, the size (ever expanding), and the sort of operation (also consistently evolving) that carries the license. These issues have been getting worse instead of better in recent years and have been largely unaddressed by the local licensing authority, with the exception of occasional minor penalties such as a license suspension during non-peak times.

The Town has allowed the operations of this establishment to transform from what was once a fine dining establishment to a rowdy outdoor bar that often operates in violation of state and local regulations and license requirements.

It is now appropriate for the Board, acting in its capacity as local licensing authority to use the tools at its discretion to 1) force this establishment to comply with these regulations and licensing requirements 2) impose appropriate conditions on the establishment's license to mitigate long-standing and well documented public nuisance issues, and 3) adopt a more open and transparent dialogue with residents who wish to engage with the Town's elected and appointed leadership to address these quality of life issues.

Discussion

First and foremost, the Port routinely operates in open and flagrant violation of the Regulations of the Alcoholic Beverages Control Commission. 204 CMR 2.05 (2) I would suggest that a violation of this regulation could be identified on nearly any summer weekend inspection of the facility. Service of intoxicated persons, underage drinking, public nuisance noise, unruly crowds, are just some of the examples that have been personally witnessed by neighbors over the past several years.

Naturally then, the question becomes one of enforcement. As has been discussed at various public meetings, in considering an application for a liquor license or a renewal of a liquor license, the Board of Selectmen, acting in its capacity as local licensing authority, may consider the so-called "Ballarin Factors" arising from the Massachusetts Appellate Court in the *Ballarin, Inc v. Licensing Board of Boston* 49 Mass. App. Ct. 506 (2000).

In that decision, the Court ruled that local licensing authority's consideration may include: "...an assessment of public want and the appropriateness of a liquor license at a particular location..." (Id). The Court further held: "In making its discretionary determination, a licensing authority may take into account a wide range of factors - such as **traffic, noise, size, the sort of operation that carries the license, and the reputation of the applicant.**" (Emphasis added) See *Connolly v. Alcoholic Bevs. Control Commn.*, supra; *Great Atlantic & Pac. Tea Co. v. Board of License Commrs. of Springfield*, 387 Mass. 833 , 837 (1983); *Beacon Hill Civic Assn. v. Ristorante Toscano, Inc.*, supra; *Hub Nautical Supply Co. v. Alcoholic Bevs. Control Cominn.*, 11 Mass. App. Ct. 770 , 772-774 (1981).

At the Board of Selectmen meeting on February 16, 2021, the Board was advised by the Town's Counsel that although a license renewal generally carries a presumption that it will be granted, the Board may, at its discretion, reconsider the application (applying the Ballarin factors) to make a determination about whether to renew the license.

As the Board applies the Ballarin Factors, I would suggest it consider the following:

COVID Restrictions Violated

Upon investigation by the Harwich Police (in response to resident complaints) and the Alcohol Beverages Control Commission (ABCC,) the Town Administrator, having been appointed hearing officer by the Board of Selectmen, acting in its capacity as local licensing authority, has found that violations of the state's COVID 19 restrictions did occur. I would suggest that the number of violations last summer were far greater than the current record reflects. First, The Port openly allowed the consumption of alcoholic beverages on premises during the early summer when it was prohibited by COVID restrictions. This has been well documented.

Furthermore, once consumption of alcohol was permitted with "food prepared on premises" The Port openly violated these restrictions. This too has been documented in the record. Throughout the summer large crowds gathered consuming alcohol, singing and chanting until the early hours of the morning. With respect to food, the crowd at The Port would typically intensify at 9:30 or 10:00 with groups of young people unloading from rideshare vehicles dressed for a night out. The crowd did not dissipate until 12:30 or 1:00 on the weekends. It is doubtful that many of these patrons were seeking dinner between 9:30pm and 1:00 am, and in fact a passerby would observe the very example that Governor Baker spoke about when he said: "Bars masquerading as restaurants" should also be closed." (See: <https://www.boston.com/food/restaurants/2020/08/14/bars-masquerading-as-restaurants> downloaded 3/1/2021)

The Port's bad faith strategy to maintain an appearance of compliance with the COVID restrictions was to deliver pizzas from its sister restaurant Ember and represent that this food (not prepared on premises) put them in compliance. Residents raised these concerns with the Harwich Police, the Harwich Health Department and the MA Attorney General's COVID hotline. There was little change throughout the summer.

Violations of the Noise Ordinance/Public Nuisance

Noise issues associated with commercial establishments in Harwich Port have long been the subject of discussion over the past several years. Last summer, when the Board of Selectmen appropriately allowed for the expansion of outdoor dining, the noise issues associated with The Port were exponentially worse. I have recorded a number of videos documenting the noise issues associated with The Port here: <https://www.youtube.com/channel/UC5RGdNdx82uFHhuJUo5Y6A>

Clearly, this video and audio evidence does not depict people eating "food prepared on premises". Instead, it evidences a noisy crowded rowdy bar. It is worth noting that while there has been much discussion about the noise ordinance relative to entertainment licenses, the public nuisance noise caused by the establishment is not only attributable to live or amplified music but rather includes noise associated with rowdy, out-of-control crowds of intoxicated patrons.

This problem was exacerbated last summer by two factors: 1) the Board allowed the expansion of the establishment's service footprint into the rear parking lot, and 2) The Port management chose, in bad faith, to openly violate the COVID restrictions by permitting large crowds to gather and consume alcohol without ordering food served on premises. This practice must not be allowed to continue next season.

Public Nuisance

In addition to the crowd noise from the establishment, which appears to be in violation of the Noise Ordinance, there is an ongoing issue with rowdy patrons in the parking lot behind the Port Centre causing a public nuisance. This parking lot is adjacent to residential homes and is posted as being parking for the Port Centre and the church. Yet every Friday and Saturday evening in the summer it fills with patrons headed to The Port. After The Port's outdoor bar finally empties out somewhere between 12:30 am and 1:00 am, the intoxicated patrons take their loud conversations to the parking lot. Occasionally they venture in the backyards of homes adjacent to parking lot to relieve themselves. This happens particularly on Saturday nights. When my wife politely asked one of the patrons to please not do so in our yard, the response was "[expletive] off lady".

On Saturday, August 8th 2020, patrons going to the Port had illegally parked cars on the shoulder in front of homes on Sea Street. Numerous residents contacted the Police. The following Saturday, there was some medical emergency at The Port that brought fire trucks with lights and sirens to the scene at around 10:00 pm. Police officers kindly stayed on the scene afterward and shooed away noisy patrons from the parking lot across Sea Street.

Perhaps most disturbing is the obvious fact that many of these patrons are driving from the parking lot under the influence of alcohol. It is not uncommon for the loud conversations from the parking lot to be arguments among patrons about who is "o.k. to drive."

Finally, there is the litter. The fence along the parking lot is cluttered each weekend evening with discarded liquor bottles including "nips" and beer cans to say nothing of clothing and paper debris. Occasionally beer cans and wine glasses (presumably removed from The Port) are discarded over the fence into our backyard where our children play. Our family typically goes out once a week to clean the area along the fence of rubbish.

Traffic

In addition to the flagrant violations of COVID restrictions, and the outrageous noise levels and public drunkenness associated with the establishment is the paralytic traffic that occurs. This comes in three varieties.

First there are the constant deliveries many of which often occur as early as 6:30 am in the morning. Refrigerated trucks idling in the parking lot has come to be a constant reminder that it's Monday morning. Often these vehicles idle for some time because another truck is double-parked on Sea Street also idling and unloading. Surely the town must have restrictions on idling vehicles and what time deliveries can be made, but like other restrictions, these are flagrantly ignored.

Trucks delivering to The Port, often travel the length of Sea Street, dodging pedestrian residents walking to the beach, in order to turn around on Sail Loft Road, Port-O-Pines Road, or Sea Street Extension. Last summer, a delivery truck associated with The Port demolished several limbs of a tree on our property while traversing North on Sea Street. The driver's reaction was to pick up the large broken branch that he struck and deposit it on our front yard. This has been documented, as the town DPW kindly came and disposed of the limb.

Second are the vehicles from the staff of The Port, which routinely park on the side of Sea Street adjacent to the building's parking lot entrance. These vehicles block part of the lane of what is already a narrow street, needlessly clog the intersection of Route 28 and Sea Street and create a risk for pedestrians walking from Sea Street to the commercial district along Route 28. Last summer one of the staff of The Port had a hose and was washing his truck in front of the business, blocking almost a whole lane of traffic and making it impossible for one vehicle, let alone two to pass.

Finally, there are the drop offs. As The Port was perhaps the only establishment operating in such flagrant disregard of the COVID restrictions, the crowd size grew as word got out. Friday and Saturday nights last summer would see ride shares stacked up at the intersection of Route 28 and Sea Street dropping off or picking up groups of young people. While I certainly appreciate patrons opting for ride sharing instead of driving under the influence, the frequency and intensity of ride-share drop offs at this intersection presents a hazard to pedestrians, and unnecessary clogging of a busy intersection.

It should go without saying that Sea Street is a narrow residential street with significant pedestrian traffic to the beach at the end of the street. While we appreciate that trucks need to deliver to the commercial establishments, including the Port and the Cape Sea Grille, truck should be required to use the parking lots of these establishments to turn around.

Sort of Operation that Carries the License and Reputation of the Applicant

As discussed above, there has been no shortage of public nuisance issues associated with this establishment over the past number of years, never worse than this past summer. In considering the "sort of operation that carries the license and the reputation of the applicant" it is relevant for the Board to consider both the number and frequency of violations, as well as the behavior of the applicant in response to concerns from neighbors.

The applicant has shown little desire to peacefully coexist with its residential neighbors, and in fact a disregard for the Board's licensing authority. There are many examples of the management's rude behavior toward abutters who have raised concerns directly. Moreover, the applicant's and their counsel's documented attempts to, in bad faith, avoid public hearings related to these issues should be considered in the light least favorable to them.

Most recently, a manager of The Port wrote a letter to the editor of the Cape Cod Times, noting that the establishment "was successful" at adhering to COVID restrictions. This despite the documented findings of the hearing officer, and sworn testimony by the Harwich Police and the ABCC.

The Town is dealing with an establishment that has expressed no willingness to work with residents to address their concerns. Contrast this with the Cape Sea Grille, a restaurant that directly abuts residences and about which there have been few if any complaints. The Sea Grille does not play outdoor music, and even with expanded outdoor seating last year, (which we support) there was little if any audible noise from the patrons' conversations, and the whole operations buttoned up around 10:30 pm. Simply put, one establishment has respect for its neighbors and one does not.

Suggested Remedies

In the interest of offering concrete recommendations for how this establishment could continue to operate as a licensed establishment, while reducing the public nuisance I respectfully recommend the following provisions that could be associated with the Board's decision to grant a license renewal:

- 1. Return to Original Footprint:** The Town of Harwich is to be applauded for working collaboratively with local restaurants to support ongoing operations in response to the COVID restrictions. Specifically, the expansion of restaurant footprints, and the expansion of outdoor dining was appropriate and, in many cases, should be made permanent. That said, allowing The Port to use its parking lot to operate an outdoor bar is an obvious exception to this principle. The Port took advantage of the Town's benevolence by openly and flagrantly violating state and local law. They should be offered no further accommodation, and The Port's footprint and capacity should be returned to what it was during the Summer of 2019.
- 2. No Parking in Port Centre Parking Lot:** The Port should be required to limit its parking to the parking lot behind its establishment. Parking in the Port Centre lot for patrons of The Port should be prohibited (as currently posted) and enforced.
- 3. Paid Detail on Friday/Saturday Nights:** In order to enforce the parking prohibition outlined above, and to prevent other public nuisances associated with patrons in the residential neighborhood, the establishment should be required, at its own expense, to pay a detail of the Harwich Police Department, or other appropriate security personnel to monitor the exterior of the establishment and the adjacent parking lot behind The Port Centre.
- 4. Enforcement of the Noise Ordinance:** The Town of Harwich should aggressively enforce the noise ordinance with respect, not only to noise from amplified music, but also from patrons' unreasonably loud revelry. The same authority that would cause Police to break up a loud outdoor party in a backyard should be brought to bear to prevent public nuisance associated with noise at the Port. To the extent that zoning and licensing permits outdoor service of food and alcohol, it must be conducted in a way that does not create a public nuisance and intrude on the quiet enjoyment of nearby properties. Violations should be enforced, citations issued, and enforcement escalated with real economic consequences.
- 5. Delivery Plan:** The establishment should be required to submit to the Licensing Authority a plan for all food and alcohol deliveries that is approved by the Licensing Authority with consideration given to the disruption to the surrounding residential neighborhood. Specifically, vehicles should be prohibited from idling while making deliveries, and delivery schedules should be limited to after 8:00 a.m. on weekdays only. Delivery vehicles should be required to use the parking lot to the rear of The Port and prohibited from "double" parking on Sea Street, and/or using the parking lot at the Port Centre.

These are reasonable conditions that should enable the establishment and the nearby residents to peacefully coexist. Violations of the above provisions should be enforced with discipline commensurate with the violation, and appropriately escalating as additional violations are documented.

Failure of the Town Administrator to Address Residents' Concerns

Finally, I would be remiss if I did not address the approach that has been taken to these matters by the Town Administrator. When I first began talking to my neighbors over a year ago, I was told that "reaching out to the Town Administrator is a waste of time, he doesn't return calls."

Unfortunately, this sentiment has been confirmed by my own experience in the last several months. I have attempted to have a substantive conversation with the Town Administrator and the head of the health department regarding my concerns for many months. Despite multiple emails, submission of testimony and evidence and questions for clarification, I have received exactly two emails from the Town Administrator. The first indicated that I should watch for a notice of public hearing regarding the Port's COVID violations. The second email told me that my testimony and evidence was not "germane" to the enforcement hearing and would not be allowed.

This was despite the following statements at various Board of Selectmen Meetings:

Mr. Powers: *"If the public is willing to participate in the hearing, in some level, to talk to what they've experienced first-hand, I can incorporate that into the process, and by extension, offer it to you with any decisions that are rendered from those hearings."*

Board of Selectmen Meeting 10/26/2020 available at:

<http://harwich18.dyndns.org/cablecast/public/Search.aspx?ChannelID=1&SimpleSearch=Selectmen> (downloaded 3/1/2021)

Mr. Ganley: *"Is there an opportunity for the public to present evidence at those hearings?"*

Mr. Powers: *"Yes if it's germane."*

Mr. Ballantine: *"Mr. Ganley mentioned the ability to testify at the hearing. The answer is yes."*

Board of Selectmen Meeting 11/2/2020 available at:

<http://harwich18.dyndns.org/cablecast/public/Search.aspx?ChannelID=1&SimpleSearch=Selectmen> (downloaded 3/1/2021)

Finally, in an email on November 5, 2020 from you to me. You indicated that the Board was trying to figure out how to ***"deal with those who are obviously abusing their responsibility to control noise."*** (emphasis added) Later in the same email, you assured me as follows: ***"We will certainly keep you appraised of both upcoming hearings and BOS discussions to ensure you have a chance to participate."*** (emphasis added) Email attached.

I also specifically asked Mr. Powers on several occasions to let me know when the enforcement hearing was scheduled for. His only reply was to tell me to watch for the notice. I did watch for the local notices. The hearing set for January 12 was noticed on New Year's Eve December 31st in the Cape Cod Chronicle. (This is precisely when you would notice a hearing that you wanted the public to be aware of!!)

I was prepared to offer public testimony at the enforcement hearing (in reliance on the statements made by the hearing officer and the Chairman of the Board of Selectmen). I was told by the Town Administrator that my testimony was not germane (without any discussion of what the testimony was). When I objected that my testimony was germane because it was related to COVID-19 regulations violations, I received no reply to my email. In fact, I filed COVID-19 regulation complaints against the

establishment with the Harwich Health Department, the ABCC, the Governor's COVID Task Force, and the Harwich Police Department. Nevertheless, despite this well-documented record, Mr. Powers determined that my testimony **did not relate to COVID** and was therefore not germane. This determination was an abuse of discretion by Mr. Powers as it is not justified by the facts of the testimony which were in his possession at the time of the therefore arbitrary ruling.

Additionally, I have posted publicly, videos of the Port's operation depicting rowdy crowd noise occurring on multiple occasions long after any food prepared on premises was being served. (<https://www.youtube.com/channel/UC5RGdNdjX82uFHhuJUo5Y6A> referenced above).

This evidence has been made available to the Town administrator as part of the COVID violations hearing, particularly as one of the videos was taken on one of the dates that was a subject of the enforcement. I have heard nothing from the Town Administrator and the videos are not referenced in the findings of the hearing, nor were the videos entered into evidence during the hearing.

Against this backdrop, one may only conclude that the statements that public testimony would be accepted, made during the Board of Selectmen's meetings on 10/26 and 11/2 by the Town Administrator and the Chair of the Board of Selectmen were, at best, incorrect and at worst, misleading.

What's more, the Town Administrator hasn't been willing to discuss these matters with me personally. As recently as Monday, March 1, 2021 I wrote to Mr. Powers asking him if he would entertain a live (virtual) conversation so I could understand better the procedure that would govern the public hearing. As has been his custom, he had neither the professionalism, nor the courtesy to even reply to my email.

Instead, I have been assured, by you personally, that my voice would be heard, then told by the Town Administrator that what I have to say is not germane. His conduct through this process has been, at best, unprofessional.

Conclusion

I am supportive of the commercial establishments along the Route 28 corridor and frequent many of these businesses as a customer. I am also mindful of the challenges posed by the COVID-19 pandemic on these independent businesses, including and, in particular, restaurants. I want them to succeed and thrive and have in fact made a conscious effort to get takeout from these establishments during the period of the pandemic.

That said, it certainly appears that The Port has exploited the current situation to further its transformation from a fine dining establishment to a rowdy outdoor bar. As the Board is aware, residents have long expressed concerns about this transformation for several years. In particular, the addition of outdoor seating and dining, live music, bocce courts, the "naughti bar" and now what appears to be the construction of a second outdoor bar have all contributed to a meaningful change in the character of the establishment. The transformation of The Port from quiet restaurant to rowdy bar has been nearly completed.

The Town has both the ability and the authority to remedy this situation. Reasonable conditions on the establishments license, coupled with enforcement of violations and escalating penalties that have real consequence would I'm sure cause the establishment to reexamine its ongoing noncompliance.

Unfortunately to date, the Town's response has been both delayed and inadequate given the seriousness and the tenure of these ongoing issues.

As residents, we will continue to report license violations and public nuisances in the appropriate venues. We will call the Police when the noise and public drunkenness becomes unbearable, but I would suggest that the situation requires a higher-level involvement by the Board of Selectmen who have allowed this establishment, through approvals of license and zoning changes to completely morph from what was originally intended, and what could again be appropriate for the location.

Thank you for your attention to this matter and I would, of course, welcome the opportunity to discuss this with you. I can be reached at 617-893-8011 or jganley1@gmail.com

Sincerely,

Joseph M. Ganley

To Whom It May Concern,

2/20/2021

My name is Patricia A. Iafrate and I have been a Registered Nurse in Massachusetts for 44 years. I have worked at Cape Cod Hospital for 38 years, spending 12 of those years in the Infectious Disease Control Office as an Infectious Disease Control RN specialist. I am writing in emphatic support of The Port Restaurant in Harwichport. I have been a patron of this establishment for many years, and this past summer of 2020 was no exception. Aside from many dinners out at The Port this summer, I also hosted two parties at The Port; my daughters 37th birthday and also a retirement party for a colleague at CCH. As a registered nurse with a background in Infectious Disease Control, I was very aware of my surroundings this past year everywhere I went. Each time I patronized The Port I was extremely impressed with the precautions being taken by the staff. I observed all employees wearing their masks properly at all times, there was hand sanitizer available all over the place and signs advising state guidelines were clearly posted, menus were largely digital and what paper menus there were available was thrown out after a table touched it. Tables and seats were wiped down repeatedly, lines of people were addressed by staff reminding them of staying spaced apart and discussing state rules prior of their entrance to the restaurant property. I was advised by staff each time I went to The Port that we had a time limit, that there would be no entertainment, that we had to have food ordered in order to be served drinks. Both times I held parties at The Port we were split into different groups to maintain 6 people per table and were not allowed to stand and mingle between tables. I observed staff working tirelessly to relay these very rules to many other patrons who were trying to express they felt exempt from the state guidelines. The staff was patient (though steadfast) beyond measure in the face of much backlash from vacationers who wanted a 'normal' Cape Cod experience and were often unkind when discovering there would be no special exemptions for anyone. The retirement party I mentioned was a group of Registered Nurses who had been entrenched in battling COVID-19 for 6 months at Cape Cod Hospital. If there had been anything amiss, anything overlooked, anything lax in The Ports handling of this pandemic, WE were the patrons who would have picked it out. There was nothing, I repeat NOTHING, that this group of hard-working young people missed. I am seriously disappointed to see a thinly veiled political situation playing out in Harwichport. It would seem to me from the outside looking in, (and with the personal insight I have into the climate at The Port during a wildly difficult time for the restaurant industry) that there are some folks who have publicly had it out for this business, for some time now, are exploiting complex moment in time to operate a restaurant as a platform to destroy a business. How sad and petty? There are 20 RN's watching this play out who are calling 'BS'.

Regards, Patricia A. Iafrate R.N. [REDACTED]

TOWN ADMINISTRATORS
RECOMMENDATION
PACKET