CITY OF CAMBRIDGE

CITY COUNCIL
AGENDA ● MARCH 22, 2021

Regular Meeting **Sullivan Chamber** **5:30 PM**

Cambridge City Hall, 795 Massachusetts Ave, Cambridge, MA 02139

HEARING SCHEDULE

Monday, March 22, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, March 29, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, April 5, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Thursday, April 8, 2021	5:30 PM	The Ordinance Committee will conduct a public hearing on the Cambridge Missing Middle Housing Zoning Petition (Ordinance #2021-2) **THIS HEARING WILL BE TELEVISED** **(Sullivan Chamber)**
Monday, April 12, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Wednesday, April 14, 2021	5:30 PM	The Ordinance Committee will conduct a public hearing on the Retail Uses Zoning Recommendations - Refiled (Ordinance #2021-3) and the Home Occupations Zoning Recommendations - Refiled (Ordinance #2021-4) **THIS HEARING WILL BE TELEVISED** **(Sullivan Chamber)**
Monday, April 26, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, May 3, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, May 10, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, May 17, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**

CITY COUNCIL MEETING OF MARCH 22, 2021

Monday, May 24, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, June 7, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, June 14, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, June 21, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**
Monday, June 28, 2021	5:30 PM	Regular City Council Meeting **(Sullivan Chamber)**

I. CITY MANAGER'S AGENDA

1. A communication transmitted from Louis A. DePasquale, City Manager, relative to a COVID-19 update on vaccination rollout.
   CMA 2021 #48

2. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of a grant received from the Metropolitan Area Planning Council (MAPC) Accelerating Climate Resiliency (ACR) Grant Program, in the amount of $52,250 to the Grant Fund Public Works Other Ordinary Maintenance Account which will be used for technical assistance for 1) planning and permitting the expansion of the floating wetland pilot in the Charles; 2) outlining and disseminating a permitting road map and lessons learned that can enable similar capital, resiliency projects; and 3) engagement with the wider community to support understanding of water quality and to inform the expansion process.
   CMA 2021 #49

3. A communication transmitted from Louis A. DePasquale, City Manager, relative to proposed amendments to the Tree Protection Ordinance.
   CMA 2021 #50

4. A communication transmitted from Louis A. DePasquale, City Manager, relative to recommendations for the block rates for water consumption and sewer use for the period beginning April 1, 2021 and ending March 31, 2022.
   CMA 2021 #51

5. A communication transmitted from Louis A. DePasquale, City Manager, relative to suggested zoning text amendments as well as amendments to Chapter 5.50 of the Municipal Code regarding cannabis delivery businesses.
   CMA 2021 #52

II. CALENDAR

ON THE TABLE

1. Resolution on the Death of William Leeds.
   TABLED BY COUNCILLOR SIMMONS IN COUNCIL JANUARY 11, 2021

   RES 2021 #5

2. Vaccinating CPS Staff Plan PO.
   TABLED IN COUNCIL FEBRUARY 3, 2021

   POR 2021 #21

3. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 20-64, requesting Home Rule language to allow for acoustic live entertainment performances in small businesses under certain conditions without a license.
   TABLED IN COUNCIL FEBRUARY 22, 2021

   CMA 2021 #32

4. An application was received from TD Bank, requesting permission for 4 (four) awnings at the premises numbered 617 Massachusetts Avenue. Approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutters.
   TABLED BY COUNCILLOR NOLAN IN COUNCIL MARCH 8, 2021

   APP 2021 #6

5. The Health & Environment Committee met on October 13, 2020 to discuss amending the Tree Protection Ordinance based on the findings of the Urban Forest Master Plan Task Force.
   TABLED IN COUNCIL MARCH 1, 2021 BY COUNCILLOR ZONDERVAN

6. Health &The Health and Environment Committee met on November 10, 2020 to continue discussing amending the Tree Protection Ordinance based on the findings of the Urban Forest Master Plan Task Force.
   TABLED IN COUNCIL MARCH 8, 2021 BY COUNCILLOR ZONDERVAN

UNFINISHED BUSINESS

7. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 18-108, regarding a report on offering early voting in City Council and School Committee Elections**.**
   PENDING RESPONSE FROM LEGISLATURE

   CMA 2018 #286

III. APPLICATIONS AND PETITIONS

1. An application was received from Samantha Nardone representing Boston Properties, requesting permission for a (5) five temporary banners across Main Street announcing Kendall Center Brand thru October 1, 2021.
   APP 2021 #10

2. An application was received from Brian Walsh, requesting permission for a curb cut at the premises numbered 75 Smith Place; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. No response has been received from the neighborhood association.
   APP 2021 #11

IV. COMMUNICATIONS

1. A communication was received from Emma Hartswick, regarding seeking update on safe shelter and affordable housing.
   COM 157 #2021

2. A communication was received from Judy Stitt, regarding complete and transparent forensic audit of our election process.
   COM 158 #2021

V. RESOLUTIONS

1. Resolution on the death of Frances Babalas.
   Councillor Toomey
   RES 2021 #76

2. Thanking the Cambridge Historical Society for COVID-19 Butterfly Memorial
   Mayor Siddiqui, Councillor Nolan, Councillor Simmons, Councillor Toomey
   RES 2021 #77

3. A Resolution recognizing Peter Gately and Leon Cantor on their commitment to making our community a better place
   Councillor McGovern
   RES 2021 #78

4. Resolution on the death of Joseph J. McSweeney.
   Councillor Toomey
   RES 2021 #79

5. Resolution on the death of Lucille P. Kenney.
   Councillor Toomey
   RES 2021 #80

6. Standing in Solidarity with Asian Community and Condemning White Supremacy
   Mayor Siddiqui, Vice Mayor Mallon, Councillor Sobrinho-Wheeler, Councillor Zondervan
   RES 2021 #81

VI. POLICY ORDER AND RESOLUTION LIST

1. Opposing wood-burning biomass plants
   Councillor Nolan, Councillor Zondervan, Mayor Siddiqui
   POR 2021 #53

2. In Support of the FARE Act
   Vice Mayor Mallon, Mayor Siddiqui
   POR 2021 #54

3. Making Remote Participation in City Council Meetings Permanent
   Mayor Siddiqui, Vice Mayor Mallon, Councillor Simmons, Councillor Sobrinho-Wheeler
   POR 2021 #55

4. That the City Manager be and hereby is requested to confer with the Department of Equity and Inclusion, the Economic Development Division of the Community Development Department, the Purchasing Department, the Information Technology Department, and other relevant City departments to provide an update on progress made towards including this information from the Cambridge Minority Business Enterprise Program in the Open Data Portal
   Vice Mayor Mallon, Councillor Simmons
   POR 2021 #56

5. Opposing The MBTA Service Cuts
   Councillor Nolan, Councillor Sobrinho-Wheeler, Mayor Siddiqui, Councillor McGovern
   POR 2021 #57

VII. COMMITTEE REPORTS

1. The Public Safety Committee met on October 14, 2020 to discuss traffic enforcement and PO 2020 #178.

2. The Ordinance Committee met on October 28, 2020 to discuss the Real Estate Transfer Home Rule Petition.

3. The Ordinance Committee met on February 11. 2021 to conduct a public hearing a petition to amend Article 8.000 of the Cambridge Zoning Ordinance.

A. A communication transmitted from Louis A. DePasquale, City Manager, relative to a Zoning Petition which amends Article 8.000 of the Cambridge Zoning Ordinance.
CMA 2021 #3

VIII. COMMUNICATIONS AND REPORTS FROM OTHER CITY OFFICERS

1. A communication was received from Mayor Siddiqui and Vice Mayor Mallon transmitting information about a Commercial Composting Pilot Program in Cambridge
   COF 2021 #26

2. A communication was received from Mayor Sumbul Siddiqui, transmitting an update on the Charter Assessment Review.
   COF 2021 #27

3. A communication was received from Mayor Siddiqui, transmitting Communicating information from the School Committee.
   COF 2021 #28

4. A communication was received from Mayor Siddiqui, transmitting questions for the City Manager's COVID-19 update.
   COF 2021 #29

APPENDED INFORMATION

AWAITING REPORT LIST

16-101. Report on the potential of building below market rental housing on City-owned parking lots along Bishop Allen Drive. On a communication from Councillor McGovern requesting that this matter be forwarded to the 2018-2019 Legislative Session.
Vice Mayor McGovern, Mayor Simmons (O-4) from 12/12/2016

18-38. Report on inventory of all City-owned vacant buildings and lots and the City's plans for them, if any.
Vice Mayor Mallon, Councillor Simmons, Vice Mayor Devereux, Mayor Siddiqui (O-2) from 3/26/2018

18-60. Report on a small business parking pilot that would allow temporary on-street employee parking during typical daytime operating hours.
Vice Mayor Mallon, Mayor Siddiqui, Councillor Simmons (Calendar Item #1) from 5/14/2018

18-73. Report on establishing and implementing a dynamic new initiative that will seek to place Port residents (ages 18 and over) on paths to jobs with family-sustaining wages.
Councillor Simmons (O-6) from 6/25/2018

18-119. Report on evaluating the existing capacity of fire stations in the Kendall Square area and whether a new fire station is needed, and if so, determining the feasibility of locating a plot of land for this use.
Vice Mayor Mallon, Councillor McGovern, Councillor Toomey (O-2) from 11/5/2018

19-3. Report on establishing a Central Square Improvement Fund and allocate no less than 25% of funds generated to the arts.
Vice Mayor Mallon, Councillor McGovern (O-6) from 1/7/2019

19-49. Report on recommending restrictions on signage specific to retail establishments that sell e-cigarettes and other vaping devices.
Vice Mayor Mallon, Councillor McGovern, Councillor Toomey (O-15) from 4/8/2019

19-58. Report on working with the Recycling Advisory Committee and other stakeholders to draft an ordinance banning single-use plastic items in Cambridge.
Councillor Zondervan, Vice Mayor Devereux, Councillor McGovern, Mayor Siddiqui, Councillor Carlone (O-6) from 5/13/2019

CITY COUNCIL MEETING OF MARCH 22, 2021

19-62. Report on drafting a formal Anti-bias /Cultural Competency Strategic Plan for eventual adoption and implementation.
Councillor Simmons (O-2) from 5/20/2019

19-66. Report on whether it is possible to reduce or eliminate Building Permit Fees for 100% affordable housing development projects, through an exemption or other means and investigate what types of real estate tax abatements are possible for 100% affordable housing moving forward.
Vice Mayor Devereux, Mayor Siddiqui, Councillor Carlone, Councillor McGovern (O-3) from 6/3/2019

19-100. Report on the feasibility of implementing an additional regulatory requirement for listing a registration/license number for Short-Term Rentals.
Councillor Kelley, Councillor McGovern, Mayor Siddiqui, Councillor Simmons (O-19) from 7/30/2019

19-130. Report on requesting to allocate more funds in the FY21 budget for the small business improvement grants and to confer with the Massachusetts Attorney General's office on whether other cities in Massachusetts have been facing similar issues with ADA compliance and what can be done to protect the small businesses.
Councillor Toomey (O-14) from 10/7/2019

19-145. Report on reviewing all the City's policies and procedures related to the procurement, installation and disposal of artificial turf.
Vice Mayor Devereux, Councillor Carlone, Councillor Kelley, Councillor Zondervan (O-7) from 10/21/2019

19-146. Report on reviewing the existing internal mechanisms for City staffers in all departments to report grievances, to determine if this system is functioning as it should or whether changes should be considered.
Councillor Simmons (O-3) from 10/28/2019

19-147. Report on installing hearing loop technology inside the Sullivan Chamber as part of the upcoming renovations to City Hall, and in other critical City meeting venues wherever possible and other accessibility improvements.
Councillor Zondervan (O-4) from 10/28/2019

20-6. Report on the acquisition and implementation of interpretation services for City Council meetings and other public City meetings.
Councillor Sobrinho-Wheeler, Councillor McGovern (O-8) from 1/27/2020

20-23. Report on implementing Simple Recycling' s curbside textile recycling program and report back to the Council on this matter in a timely manner.
Councillor Toomey (O-1) from 5/11/2020

20-27. Report on the advantages and disadvantages of continuing with Civil Service, and the process by which Cambridge could exit Civil Service.
Councillor Nolan (O-5) from 6/22/2020

20-30. Report on establishing a plan designed to provide a thorough, system-wide review of the entire municipal government to identify and remove any vestiges of systemic racism and/or racial bias in any and all City departments, to establish clear, transparent metrics that will help further this critical endeavor.
Councillor Simmons, Vice Mayor Mallon, Councillor Carlone, Councillor Sobrinho-Wheeler, Councillor McGovern, Councillor Nolan, Councillor Zondervan, Mayor Siddiqui, Councillor Toomey (O-3) from 6/29/2020

20-31. Report on determining how to best protect and preserve our commercial spaces that support our small business operators and maintain continuity in our commercial districts.
Councillor Toomey, Vice Mayor Mallon, Councillor Carlone, Councillor Simmons, Councillor Sobrinho-Wheeler, Councillor McGovern, Councillor Nolan, Councillor Zondervan, Mayor Siddiqui (O-5) from 6/29/2020

20-36. Report on generating a report detailing the Sole Assessment Process, the Civil Service HRD process, the reason for choosing the Sole Assessment Process over the Civil Service HRD process, and the projected costs associated with both processes.
Vice Mayor Mallon, Councillor McGovern, Councillor Sobrinho-Wheeler (O-5) from 7/27/2020

20-37. Report on considering formally renaming the Central Square Library in honor of Maria Baldwin and Rep. John Lewis, with the building being known as "The Maria Baldwin and Rep. John Lewis Library and Center for African American/Black History and Culture" going forward, or to otherwise find another suitable location for this dedication.
Councillor Simmons, Councillor Toomey, Councillor McGovern, Councillor Sobrinho-Wheeler (O-6) from 7/27/2020

20-48. Report on the feasibility of creating an antibody testing program.
Mayor Siddiqui, Vice Mayor Mallon, Councillor Carlone, Councillor McGovern (O-3) from 9/21/2020

20-53. Report on how Cambridge might participate in PACE Massachusetts pursuant to the PACE Act including exploring all options for incentivizing participation.
Councillor Nolan, Councillor Sobrinho-Wheeler, Mayor Siddiqui, Councillor Zondervan, Councillor Carlone (O-2) from 10/19/2020

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20-58. Report on creating a comprehensive digital, postal, and traditional media outreach campaign educating residents on the Cambridge eviction moratorium, tenants' rights, and resources available to at-risk tenants.
Vice Mayor Mallon, Councillor Sobrinho-Wheeler, Councillor Simmons, Mayor Siddiqui (O-3) from 11/2/2020

20-59. Report on the feasibility of posting all applications for building permits online as soon as available.
Councillor Nolan, Councillor McGovern (O-6) from 11/2/2020

20-60. Report on analyzing eviction data from 2018 through 2021 and come back with a plan on how to use this data to inform our next action steps.
Mayor Siddiqui, Vice Mayor Mallon, Councillor Simmons, Councillor Sobrinho-Wheeler (O-8) from 11/2/2020

20-61. Report on an update on City-Owned Vacant Properties Inventory.
Vice Mayor Mallon, Mayor Siddiqui, Councillor Simmons, Councillor Nolan, Councillor Carlone, Councillor Sobrinho-Wheeler, Councillor McGovern, Councillor Zondervan, Councillor Toomey (O-2) from 11/16/2020

20-63. Report on a review of the granting of an extension for the 605 Concord Avenue project which appears counter to the City's zoning code and confer with the relevant departments on how many projects that had a permit prior to these changes could request an extension.
Councillor Nolan, Councillor McGovern, Councillor Zondervan, Councillor Sobrinho-Wheeler (O-6) from 11/16/2020

20-65. Report on exploring the feasibility of hiring a consultant to perform an Equity Audit on the Cambridge Arts Council.
(O-1) from 11/23/2020

20-66. Report on establishing a Black and Brown-Owned Business Taskforce, to be focused upon strengthening the City's outreach efforts, information-sharing, assistance mechanisms, and overall relationship with local Black and Brown-owned businesses, and to establish a rolling set of recommendations designed to ensure the City spares no effort in assisting these businesses
(O-3) from 11/23/2020

20-68. Report on a request by the Council for the City Manager to confer with the Metro Mayor's Association to close indoor dining, gyms, casinos and other non-essential indoor activities as soon as possible and organize a small business and restaurant relief program that will assist during this second shutdown and efforts to stop community spread of COVID-19 and keep schools open.
(Calendar Item #3) from 11/23/2020

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20-70. Report on implementing comprehensive contact tracing in Cambridge including the ability to conduct backwards contact tracing facilitated with technology such as the use of QR codes.
Councillor Zondervan, Councillor Sobrinho-Wheeler (O-5) from 11/30/2020

20-71. Report on the feasibility of launching mobile COVID-19 testing vans in December.
Mayor Siddiqui, Vice Mayor Mallon, Councillor Zondervan, Councillor Sobrinho-Wheeler (O-6) from 11/30/2020

20-69. Report on formulating an RFP for a public arts project that will acknowledge the unfinished work of the 19th Amendment, the importance of the Voting Rights Act of 1965, and how the two pieces of legislation ultimately complemented one another in helping to shape a more perfect union.
Councillor Simmons, Vice Mayor Mallon, Mayor Siddiqui, Councillor Nolan (Calendar Item #2) from 11/30/2020

20-72. Report on the condition of 105 Windsor Street and cost estimates of any repairs needed and provide recommendations on how to develop any other underused properties based on an inclusive public process centered in the Port neighborhood.
Councillor Zondervan, Mayor Siddiqui, Councillor Carlone, Councillor Simmons (Calendar Item #1) from 12/14/2020

20-73. AR-20-73 : Financial Assistance for Vaccinations
Councillor Simmons (O-3) from 12/21/2020

21-1. AR-21-1 : AR 2021-1 - Covid-19 Vaccines
Councillor Simmons, Mayor Siddiqui, Councillor Carlone, Vice Mayor Mallon (Calendar Item #1) from 1/4/2021

21-2. AR-21-2 : AR 2021-2 - Implementation of a sheltered market program
Vice Mayor Mallon (O-5) from 1/4/2021

21-3. AR-21-3 : AR 2021-3 - Parameters on eligible expenses from free cash
Councillor Carlone, Councillor Simmons (O-4) from 1/11/2021

21-4. AR-21-4 : AR 2021-4 - Spending Disparity Study
Vice Mayor Mallon, Councillor McGovern, Councillor Toomey, Councillor Nolan (O-1) from 2/3/2021

21-5. AR-21-5 : AR 2021-5 - Establishing an On-Site Vaccination Program
Councillor Simmons, Councillor Sobrinho-Wheeler, Vice Mayor Mallon, Councillor McGovern (O-2) from 2/3/2021

21-6. AR-21-6 : AR 2021-6 - Documenting Affordable Housing CBO Developments
Councillor Simmons, Councillor Sobrinho-Wheeler, Councillor McGovern, Councillor Zondervan (O-3) from 2/3/2021

CITY COUNCIL MEETING OF MARCH 22, 2021

21-7. AR-21-7 : AR 2021-7 - Covid-19 Protocols at Affordable Housing Worksites
Councillor Simmons (O-4) from 2/3/2021

21-8. AR-21-8 : AR 2021-8 - Eliminating Hostile Architecture
Councillor Zondervan, Councillor Sobrinho-Wheeler, Councillor McGovern, Mayor Siddiqui (Calendar Item #3) from 2/8/2021

21-9. AR-21-9 : AR 2021-9 Services for the Unhoused
Councillor Simmons, Councillor McGovern, Councillor Toomey, Vice Mayor Mallon (O-1) from 2/22/2021

21-10. AR-21-10 : AR 2021-10 -Written notice to abutters
(O-5) from 2/22/2021

21-11. AR-21-11 : AR - Budget Reallocation Update
Councillor Zondervan, Councillor Sobrinho-Wheeler, Councillor Nolan (O-3) from 3/1/2021

21-12. AR-21-12 : AR - Mobile Vaccines
Vice Mayor Mallon, Mayor Siddiqui, Councillor Simmons (O-1) from 3/8/2021

21-13. AR-21-13 : AR - Universal Pre-K in Cambridge
Councillor Sobrinho-Wheeler, Vice Mayor Mallon, Councillor Carlone, Mayor Siddiqui, Councillor Simmons, Councillor McGovern, Councillor Nolan, Councillor Zondervan, Councillor Toomey (O-5) from 3/8/2021

21-14. AR-21-14 : AR - Shelter Wages
Councillor Zondervan, Councillor McGovern, Councillor Sobrinho-Wheeler (Calendar Item #3) from 3/8/2021

21-15. AR-21-15 : AR - Task Force Transparency
Councillor Zondervan (Calendar Item #2) from 3/8/2021

21-16. AR-21-16 : AR - Commercial Composting
Vice Mayor Mallon, Mayor Siddiqui, Councillor Toomey, Councillor Nolan (O-1) from 3/15/2021

21-17. AR-21-17 : AR - Compiling History of Black Cambridge Voices
Councillor Simmons (O-2) from 3/15/2021

21-18. AR-21-18 : AR - City's Annual Stationary Expenditures
Councillor Simmons (O-3) from 3/15/2021

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

I will provide an update on the COVID-19 vaccination rollout.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

I am hereby requesting the appropriation of a grant received from the Metropolitan Area Planning Council (MAPC) Accelerating Climate Resiliency (ACR) Grant Program, in the amount of $52,250 to the Grant Fund Public Works Other Ordinary Maintenance Account.

In Summer 2020, in partnership with the state Department of Conservation and Recreation (DCR), the City of Cambridge, and Northeastern University, the Charles River Conservancy (CRC) installed a 700 square foot floating wetland in the Charles River. This singular floating wetland is a pilot project, and will enable research on the effect of habitat restoration on improving water quality, specifically controlling toxic algal blooms.

Funds will be used for technical assistance for 1) planning and permitting the expansion of the floating wetland pilot in the Charles; 2) outlining and disseminating a permitting road map and lessons learned that can enable similar capital, resiliency projects; and 3) engagement with the wider community to support understanding of water quality and to inform the expansion process.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

Please find attached proposed amendments to the Tree Protection Ordinance received from Commissioner of Public Works Owen O'Riordan.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)

City of Cambridge
Department of Public Works

Owen O'Riordan, Commissioner

147 Hampshire Street
Cambridge, MA 02139
theworks@cambridgema.gov

Voice: 617 349 4800
TDD: 617 499 9924

March 18th, 2021

To: Louis DePasquale,
City Manager

From: Owen O' Riordan
Commissioner, DPW

Re: The Tree Protection Ordinance.

Please find attached proposed amendments to the Tree Protection Ordinance (TPO) drafted based on ideas generated through the Urban Forestry Master Planning (UFMP) process with contributions from members of the Urban Forestry Task Force (Task Force) and interested members of the public. The proposed amendments to the ordinance retain much of the original ordinance (2004) and the recent amendments of 2019 and have been revised to address community concerns about protecting mature trees more broadly across the City and incentivizing the planting of more trees in the City as concerns about canopy loss and urban heat island effect become more significant.

The Urban Forestry Master Planning process began in the June 2018 and resulted in the City of Cambridge Urban Forest Report: **Healthy Forest – Healthy City** being released in November 2020. This report was based on the earlier **Cambridge Urban Forest Master Plan Technical Report** which was released in November 2019. The 18 member Task Force met on 12 different occasions with staff and City consultants, Reed Hilderbrand, to discuss proposals to protect and restore the Cambridge urban forest from the perspectives of policy, design, practice and community engagement and outreach. The proposed amendmnets to the ordinance reflect many of the ideas generated during the policy discussions.

The original ordinance from 2004 was written to address tree removals associated with large development projects. It did not concern itself with other tree removals within the City. In 2019, the City Council enacted amendments to the 2004 ordinance, requiring that all other mature tree removals across the City be required to obtain a permit from the Department of Public Works and that no such permits be issued until after December 2021 unless exceptional circumstances existed, such as, an emergency circumstance or a tree being dead or dangerous, etc. The 2019 amendments have since been extended until April 25th, 2021, with the expectation that an amended ordinance will be ordained by that time.

The present revision to the Tree Protection Ordinance includes the following significant proposals:

(1) Redefines Significant Trees as trees equal to or greater than six (6) inches rather than eight (8) inches.

Attachment: Tree Protection Ord Amndmt cover 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

(2) Introduces the concept of Exceptional Trees. Exceptional Trees are defined as having a diameter of thirty (30) inches or greater and will require a greater degree of mitigation, if they are proposed to be removed.

(3) Requires permits for all Significant Trees removed, be they associated with large development projects or removals on smaller lots, not necessarily associated with construction.

(4) Encourages mitigation by replanting whenever significant trees are being removed. The mitigation requirements for large developments remain as they were, and the City Council is presented with four (4) options from which to choose when it comes to other tree removal projects.

(5) Provides protections for Replacement Trees for a period of ten (10) years.

(6) Provides the option to include affordable housing projects within the jurisdiction of the ordinance moving forward. The Applicability section has heretofore excluded affordable housing projects.

(7) Includes a Duty of Care provision where those working adjacent to Significant Trees are required to adequately protect them from harm.

(8) Proposes that the Tree Replacement Funds can be used on both public and private property for tree planting and care.

(9) Continues to recognize that exceptions exist with regard to mitigation – e.g. dead and dangerous trees, exceptional circumstances etc.

(10) Proposes that mitigation payments be calibrated against the most recent City of Cambridge Tree planting contract and that property owners who qualify for a residential real estate property exemption will be afforded a 90% reduction in that payment and that those who are receiving financial assistance will not be charged when a tree is removed.

Additionally, the Urban Forestry Task Force suggested that two additional proposals should also be put before City Council for its consideration; namely, that the City Arborist should have a signoff on special permits, to ensure that the proponents have met the requirements of their Tree Study and secondly; that in instances where Significant Trees are removed on small lots of less than 4,000 sq.ft. in size, that alternative mitigation strategies to Replacement Trees, such as providing cooling or other environmental benefits, should also be considered.

Regarding the first of these proposals, it was not recommended that such be included in the proposed amendments to the ordinance as providing such a sign-off to the City Arborist could exceed the City's authority under the State Building Code.

It is recommended that consideration of the second proposal should wait until the Climate Resiliency Zoning Task Force has finished its work and that the zoning associated with such is adopted. The Task Force is presently reviewing the Cool Factor strategy and it may be that a modified version of this strategy should be considered for the Tree Protection Ordinance after it is adopted into the Zoning

Attachment: Tree Protection Ord Amndmt cover 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Ordinance.

Finally, it is important that the following legal and procedural constraints are recognized as the revised ordinance is considered:

(1) Massachusetts General Laws Chapter 87 provides the City Arborist and the City Manager with authority over the removal of Public Shade Trees in the City of Cambridge. The proposed Tree Protection Ordinance Amendments would not apply to Public Shade Trees.
(2) The City Arborist does not have the authority to enter onto private property without invitation.
(3) The City Arborist is not and will not be authorized to provide risk assessments associated with trees on private property.
(4) If a tree is taken down without a permit, it may not be possible for the City Arborist to verify if the tree was a Significant Tree and what size the tree was.

It is hoped that the above information is helpful in considering the various proposed amendments to the Tree Protection Ordinance.

Attachment: Tree Protection Ord Amndmt cover 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Chapter 8.66 - TREE PROTECTION

Sections:

8.66.010 - Short Title

This Chapter may be cited as the Tree Protection Ordinance of the City of Cambridge.

8.66.020 - Statement of Purpose

The City Council hereby finds that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment and aesthetics of the City of Cambridge and its citizens.

The urban forest serves a wide variety of functions, which promote the health, safety, and welfare of residents. These functions include:

(a) conserving energy, by providing shade and evaporative cooling through transpiration;

(b) improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;

(c) reducing wind speed and directing air flow;

(d) reducing noise pollution;

(e) providing habitat for birds, small mammals, and other wildlife;

(f) reducing storm runoff and the potential for soil erosion;

(g) increasing real property values; and

(h) enhancing visual and aesthetic qualities that attract visitors and businesses.

8.66.030 - Definitions

Building. A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter or persons, animals, or property.

Certified Arborist. An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.

City Arborist. The City Arborist appointed by the City Manager, or any other Certified Arborist designated by the Commissioner of Public Works and approved by the City Manager to exercise any of the authority granted to the City Arborist pursuant to this Chapter.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Replace the following Definition;

DBH (Diameter at Breast Height). The diameter of a tree trunk measured in inches at a height of four (4) feet above the ground.

With;

DBH (Diameter at Breast Height). The diameter of a tree trunk measured in inches at a height of four and one-half (4.5) feet above the ground.

Add the following Definition;

Exceptional Tree. Any Significant Tree thirty (30) inches DBH or larger which is on a Lot.

Lot. A parcel of land in identical ownership throughout, bounded by other lots or streets, which is designated by its owner to be used, developed, or built upon as a unit.

Add the following Definition;

Mitigation Payment. A payment to be paid to the Tree Replacement Fund associated with the removal of Significant Trees that have not been replaced with Replacement Trees in accordance with the mitigation requirements established in this Chapter.

Replace the following Definition;

Mitigation Plan. A document to be included within any Tree Study submitted for a project where any Significant Trees are proposed to be removed from a Lot, stating (i) why any Significant Trees are proposed to be removed from a Lot, (ii) a description of the Replacement Trees proposed to replace the Significant Trees to be removed or the value of which is proposed to be paid to the City to be deposited into the Tree Replacement Fund, (iii) an estimate from a local nursery for the cost of purchasing, planting, watering and maintaining said Replacement Trees for a period of not less than five years or the value of which is proposed to be paid to the City to be deposited into the Tree Replacement Fund, and (iv) certification from a Certified Arborist that the proposed Replacement Trees and cost estimates for purchasing, planting, watering and maintaining said Trees are appropriate and reasonable.

With;

Mitigation Plan. A document to be provided where any Significant Trees are proposed to be removed from a Lot, stating (i) why any Significant Trees are proposed to be removed from a Lot, (ii) a description of the Replacement Trees proposed to replace the Significant Trees to be removed, and (iii) the Mitigation Payment, if required.

Owner. For purposes of this Chapter, an owner shall be defined as set forth in the Zoning Ordinance, Title 17 of the Cambridge Municipal Code.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Replace the following Definition;

Replacement Trees. A tree or trees to be planted on a Lot to replace any Significant Trees to be removed from the Lot, or whose equivalent value is proposed to be paid to the City to be deposited into the Tree Replacement Fund instead of planting Replacement Trees on the Lot. The total DBH of Replacement Trees, or equivalent value, as applicable, shall be equal to or exceed the total DBH of the Significant Trees to be removed from the Lot.

With;

Replacement Trees. A tree or trees to be planted to replace any Significant Trees to be removed from the Lot. For large projects, as identified in Section 8.66.050, Replacement Trees can be planted on the same Lot or any other Lot within the same neighborhood or adjoining neighborhood, as defined by the Cambridge Neighborhood Study 1953.The approval of the City Arborist will be required if Replacement Trees are to be placed on other Lots.

Replace the following Definition;

Significant Trees. Any tree or trees larger than 8" DBH which is on a Lot or which has been removed from the Lot within one year prior to the submission of a Tree Study to the City Arborist.

With;

Significant Tree. Any tree six (6) inches DBH or larger which is on a Lot.

Add the following Definition:

Structure. A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, tower, retaining wall, tank, tunnel, stadium, or the like.

Replace the following Definition;

Tree Protection Plan. This plan may be either a separate drawing or part of a landscape plan, and shall include the following information:

a) Drawings of tree protection measures and (i) their location on the Lot, including Tree Save Areas, and the location, height and DBH of Significant Trees and an indication of which Significant Trees would remain on the site, or (ii) in the event that any Significant Trees are proposed to be removed, the location of those Significant Trees, and the location, height and DBH of Replacement Trees which are proposed to be planted on the Lot if feasible, or (iii) in the event that Replacement Trees are not proposed to be planted on the Lot, the total sum, as identified in the Mitigation Plan, to be paid to the City to be deposited into the Tree Replacement Fund, shall be required to be submitted together with the Tree Protection Plan;

b) A schedule for planting the proposed Replacement Trees and a representation that such trees will be inspected and, if necessary, treated by a Certified Arborist once a year for five years; and

c) Such other information as is required by the City Arborist pursuant to applicable regulations.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

With;

Tree Protection Plan. This plan shall include the following information:

a) Drawings of tree protection measures and:

(i) the location on the Lot of all Significant Trees and an indication of which Significant Trees would remain on the Lot, and

(ii) in the event that any Significant Trees are proposed to be removed, the location of those Significant Trees, and the location, height and DBH of Replacement Trees which are proposed to be planted, and

(iii) in the event that an inadequate number of Replacement Trees are proposed to be planted, the Mitigation Payment, as identified in the Mitigation Plan to be submitted with the Tree Study and

b) A schedule for planting the proposed Replacement Trees; and

c) Such other conditions as specified by the City Arborist pursuant to applicable regulations.

Replace the following Definition;

Tree Save Area. The area surrounding a tree which must remain undisturbed so as to prevent damage to the tree.

With;

Tree Save Area. The area surrounding a tree which must remain as undisturbed as possible so as to prevent damage to the tree. Disturbance within the Tree Save Area may only be for limited and exceptional reasons.

Tree Study. The information submitted to the City Arborist, which shall include a Tree Survey, a Tree Protection Plan, and, if applicable, a Mitigation Plan.

Replace the following Definition;

Tree Survey. A plan showing the location, type, height and DBH of all trees on a Lot.

With;

Tree Survey. A plan showing the location, type, height and DBH of all trees on a Lot and those trees that have been removed from a Lot within one year prior to the submission of a Tree Study.

8.66.040 - Applicability

This Chapter shall apply to all trees located on Lots specified in the following section §8.66.050 and §8.66.055. This Chapter shall not apply to any project of the Affordable Housing Trust or otherwise for the construction of low and moderate-income housing meeting the standards established pursuant to any City, State or Federal housing program designed to assist low and moderate-income households.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Consider replacing with the following:

8.66.040 - Applicability

This Chapter shall apply to all trees located on Lots specified in the following section §8.66.060 and §8.66.065.

Add the following Section;

8.66.050 - Procedures for all Significant Tree Removals.

a. *For any Significant Tree removal, a permit will be required from the City Arborist. The City Arborist shall keep a record of the type and size of tree removed, the reason for the removal, photographs of the tree documenting the reason for removal, the date, the contractor(s), and the name and address of the property owner.*

b. *A Mitigation Payment will be required for all Significant Trees removed where an insufficient quantity of Replacement Trees is provided. A Mitigation Payment will not be required if Significant Trees have been removed because of emergency circumstances, significant utility infrastructure projects undertaken pursuant to State or Federal regulations or programs, for City park projects, or where a tree poses significant negative impact to an adjacent Structure as defined in 8.66.030, or for dead or dangerous trees, or a Lot is of such density with existing trees that the removal of certain Significant Trees is considered beneficial to the health of the tree canopy on the Lot.*

c. *Protection of Replacement Trees.*

(i)Replacement Trees will continue to be identified as Replacement Trees for a period of ten (10) years after they are planted.

(ii)No Replacement Tree shall be removed without a permit issued by the City Arborist. In all cases, the City Arborist shall keep a record of the type and size of any Replacement Tree removed, the reason for the removal, photographs of the Replacement Tree documenting the reason for removal, the date, the contractor(s), and the name and address of the property owner.

(iii)A Mitigation Payment will be required for all Replacement Trees removed. The Mitigation Payment shall be assessed on a DBH basis, in accordance with the City of Cambridge's most recent tree planting and maintenance contract inclusive of purchasing, planting, watering, and maintaining Replacement Trees for a period of not less than five years. No reduction of the amount of Mitigation Payment otherwise available under this Ordinance will be allowed in connection with the removal of Replacement Trees.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Replace the following Section;

8.66.050 - Procedure for Large Projects

a. In any project which requires a special permit under §§ 4.26.l - 4.26.3, §19.20, §11.12.1, §11.12.2, or §11.12.3 of the Zoning Ordinance, the application for the special permit shall include a Tree Study, which shall first have been submitted to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a special permit. The Tree Study shall be reviewed by the City Arborist, who shall certify that he has reviewed it, indicating whether it is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The City Arborist shall refer the Tree Study with his certification and recommendations to the Planning Board, to assist the Planning Board in establishing any conditions that may be required as a result of the findings of the Tree Study in connection with the issuance of a special permit.

b. Regarding any project which includes a building of 25,000 square feet or more and which is subject to the provisions of § 19.50 of the Zoning Ordinance, the materials submitted to the Inspectional Services Department with the application for a building permit shall include a Tree Study, together with a certification from the City Arborist that the applicant has submitted the Tree Study for review to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a building permit, and that the Tree Study is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The owner of the Lot shall be required to commit to comply with all provisions of the Tree Study and the applicable provisions of this Chapter and regulations promulgated hereunder in the application for a building permit.

With;

8.66.060 - Procedure for Large Projects

a. In any project which requires a special permit under §§ 4.26.l - 4.26.3, §19.20, §11.12.1, §11.12.2, or §11.12.3 of the Zoning Ordinance, the application for the special permit shall include a Tree Study, which shall first have been submitted to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a special permit. The Tree Study shall be reviewed by the City Arborist, who shall certify that he has reviewed it, indicating whether it is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The City Arborist shall refer the Tree Study with his certification and recommendations to the Planning Board, to assist the Planning Board in establishing any conditions that may be required as a result of the findings of the Tree Study in connection with the issuance of a special permit.

b. Regarding any project which includes a building of 25,000 square feet or more and which is subject to the provisions of § 19.50 of the Zoning Ordinance, the materials submitted to the Inspectional Services Department with the application for a building permit shall include a Tree Study, together with a certification from the City Arborist that the applicant has submitted the Tree Study for review to the City Arborist not less than twenty-one (21) days prior to the

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submission of the application for a building permit, and that the Tree Study is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The City Arborist shall refer the Tree Study with his certification and recommendations to the Planning Board, to assist the Planning Board in establishing any conditions that may be required as a result of the findings of the Tree Study in connection with the issuance of a special permit. The Owner of the Lot shall be required to commit to comply with all provisions of the Tree Study and the applicable provisions of this Chapter and regulations promulgated hereunder in the application for a building permit.

c. For any project which requires a special permit under §§ 4.26.l - 4.26.3, §19.20, §11.12.1, §11.12.2, or §11.12.3 of the Zoning Ordinance, or for any project which includes a building of 25,000 square feet or more and which is subject to the provisions of § 19.50 of the Zoning Ordinance the total DBH of Replacement Trees, or Mitigation Payment of equivalent value, as applicable, shall be equal to or exceed the total DBH of the Significant Trees to be removed from the Lot and 1.5 times the total DBH of Exceptional Trees to be removed from the lot.

d. In addition, the Owner of the Lot shall, prior to the issuance of a building permit, post and file a bond with the City Clerk in the amount of the total costs set forth in the Mitigation Plan, but in no event less than five thousand dollars ($5,000.00), with one or more sureties conditioned to the faithful observance of the conditions and specifications of the Tree Protection Plan and, if applicable, the Mitigation Plan. The bond shall remain effective for not less than five years following issuance of a Certificate of Occupancy and may be released thereafter upon the issuance of certification by the City Arborist certifying that the above conditions and specifications of the Tree Protection Plan have been met. Prior to the issuance of such certification, the Owner shall grant access to the Lot to permit the City Arborist to verify that the conditions and specifications of the Tree Protection Plan have been met.

Replace the following Section;

8.66.055 - Procedure for Other Significant Tree Removals.

For any significant tree removal not subject to 8.66.050 a permit will be required from the City Arborist. In all cases, the City Arborist shall keep a record of the type and size of tree removed, the reason for the removal, photographs of the tree documenting the reason for removal, the date, the contractor(s) involved, and the name and address of the property owner. No such permits will be issued for one year following ordination of this section, except for emergency circumstances, significant utility infrastructure projects undertaken pursuant to State or Federal regulations or programs, for City park projects or where a tree poses significant negative impacts on an adjacent existing structure or for dead or dangerous trees or where a lot is of such density with existing trees that the removal of certain significant trees is considered beneficial to the health of the tree canopy. Any tree removed in violation of this section, within the one year following ordination, shall require a payment into the tree replacement fund as per section 8.66.070 according to a schedule as follows: 10% of the replacement value for property owners who qualify for the City of Cambridge residential real property tax exemption, no fee for property owners that receive established forms of financial assistance, and the full replacement cost in all other circumstances. The value to be paid into the tree replacement fund shall be

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equivalent to the cost of purchasing, planting, watering, and maintaining said Replacement Trees for a period of not less than five years.

With the following sections;

8.66.065 - Procedure for Other Significant Tree Removals.

There are four options from which City Council may choose:

Option 1:

A Mitigation Payment will be required for all Significant Trees removed where an insufficient quantity of Replacement Trees is provided. The total number of Replacement Trees, shall be equal to or exceed the total number of the Significant Trees to be removed from the Lot. The Mitigation Payment of equivalent value shall be based on the total DBH of the removed Significant Trees that have not been replaced and 1.5 times the total DBH of Exceptional Trees to be removed from the Lot.

Option 2:

A Mitigation Payment will be required for all Significant Trees removed where an insufficient quantity of Replacement Trees is provided. The total DBH of Replacement Trees, or Mitigation Payment of equivalent value, as applicable, shall be equal to or exceed the total DBH of the Significant Trees to be removed from the Lot. The Mitigation Payment of equivalent value shall be based on the total DBH of the removed Significant Trees that have not been replaced and 1.5 times the total DBH of Exceptional Trees to be removed from the Lot.

Option 3:

A Mitigation Payment will be required for all Significant Trees removed where an insufficient quantity of Replacement Trees is provided. The total DBH of Replacement Trees or Mitigation Payment of equivalent value, as applicable, shall be equal to or exceed the total DBH of the Significant Trees to be removed from the Lot and 1.5 times the total DBH of Exceptional Trees to be removed from the Lot. Replacement Trees planted on the Lot shall receive credit at double their actual DBH. Any remaining DBH inches not planted on the Lot shall require a Mitigation Payment for each remaining DBH inch.

Option 4:

A Mitigation Payment will be required for all Significant Trees removed where an insufficient quantity of Replacement Trees is provided. If the total number of Replacement Trees is equivalent to the total number of Significant Trees removed from a Lot, the Mitigation Payment will be 50% the equivalent value of the total DBH removed from the Lot. If the total number of Significant Trees removed from a Lot is greater than the total number of Replacement Trees, then the Mitigation Payment will be 50% of equivalent value of the total DBH of a number associated with Replacement Trees plus 100% of the equivalent value of those Significant Trees not replaced. The Mitigation Payment of equivalent value shall be based on the total DBH of the removed Significant Trees that have not been replaced and 1.5 times the total DBH of Exceptional Trees to be removed from the Lot.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

Replace the following Section;

8.66.060 - Tree Replacement

If Significant Trees are to be removed from a lot in connection with the development of a project subject to the provisions of this Chapter, upon approval of any project subject to the provisions of §8.66.050(a) of this Chapter by grant of a special permit from the Planning Board, or submission to the Inspectional Services Department of certification from the City Arborist under the provisions of §8.66.050(b) of this Chapter, the owner of the lot shall either plan Replacement Trees on the same lot in accordance with the schedule set forth in the Tree Study, or he shall pay the estimated cost of Replacement Trees and associated costs for the maintenance of said trees pursuant to the Mitigation Plan, if applicable, to the City to be deposited into the Tree Replacement Fund. In addition, the owner of the lot shall, prior to the issuance of a building permit, post and file a bond with the City Clerk in the amount of the total costs set forth in the Mitigation Plan, but in no event less than five thousand dollars ($5,000.00), with one or more sureties conditioned to the faithful observance of the conditions and specifications of the Tree Protection Plan and, if applicable, the Mitigation Plan.

With;

8.66.070 – Mitigation Requirements

Except as provided in 8.66.065, the following Mitigation Requirements shall apply when Significant Trees are removed from a Lot:

The Mitigation Payment for Significant Trees shall be estimated, on a DBH basis, in accordance with the City of Cambridge's most recent tree planting and maintenance contract inclusive of purchasing, planting, watering and maintaining Replacement Trees for a period of not less than five(5) years.

The Mitigation Payment associated with Exceptional Trees shall be estimated on a DBH basis at 1.5 times the value provided in the City of Cambridge's most recent tree planting and maintenance contract inclusive of purchasing, planting, watering and maintaining Replacement Trees for a period of not less than five(5) years.

A 10 % Mitigation Payment shall apply for Owners who qualify for the City of Cambridge residential real estate property tax exemption.

No Mitigation Payment shall apply to property owners that receive established forms of financial assistance.

Replace the following Section;

8.66.070 - Tree Replacement Fund

There is hereby established a Tree Replacement Fund which shall be held by the City Treasurer in an account and administered in accordance with applicable provisions of the General Laws. Any payments into the Tree Replacement Fund required by §8.66.060 shall be deposited in said Fund and shall be used solely for the purpose of buying, planting, and maintaining trees in the City.

With;

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

8.66.075 - Tree Replacement Fund

There is hereby established a Tree Replacement Fund which shall be held by the City Treasurer in an account and administered in accordance with applicable provisions of the General Laws. Any payments into the Tree Replacement Fund required by 8.66.060 or 8.66.065 shall be deposited in said Fund and shall be used solely for the purpose of supporting tree planting and maintenance throughout the entire City.

Add the Following Section;

8.66.078 - Duty of Care

Upon issuance of any City of Cambridge permit by the Inspectional Services Department, Department of Public Works, Water Department, Electrical Department or Traffic, Parking and/or Transportation Department the permit holder is required to take reasonable precautions to ensure that all Significant Trees on the Lot are adequately protected and maintained free from harm from work associated with the permit issued. Failure to adequately protect and maintain Significant Trees free from harm may result in a fine in accordance with 8.66.090, and failure to adequately protect Significant Trees that results in a Significant Tree being removed within two (2) years of the failure to protect being noted may result in a fine in accordance with 8.66.090 and a Mitigation Payment that reflects the value of the Significant Trees removed in accordance with 8.66.070.

8.66.080 - Regulations

The Commissioner of Public Works shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

8.66.090 - Enforcement

(a) Notice of Violations. Any person who violates any of the provisions of this Chapter shall be notified by the City Arborist of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.

(b) Stop Work Order

(1) Upon notice from the City Arborist that work on any Lot on which a Significant Tree is located is being performed contrary to any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, such work shall be immediately stopped by the Commissioner of Inspectional Services or his designee. The stop work order shall be in writing, and shall be given to the owner of the Lot involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.

(2) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than $300.00. Each day during which a violation exists shall constitute a separate offense.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

(c) Injunctive Relief. Whenever there exists reasonable cause to believe that a person is violating any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, the City may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

Replace the following paragraph;

(d) Failure to Replace Trees or Make Payment. Each failure to replace a Significant Tree or make a payment into the Tree Replacement Fund or to post and maintain a bond in accordance with §8.66.060 shall constitute a separate violation of this Chapter for which there shall be a fine of not more than $300.00. Each day such violation continues shall constitute a separate offense.

With;

(d) Failure to apply for and receive a permit or failure to replace a Significant Tree or make a payment into the Tree Replacement Fund or to post and maintain a bond in accordance with §8.66.060 shall constitute a separate violation of this Chapter for which there shall be a fine of not more than $300.00. Each day such violation continues shall constitute a separate offense.

(e) Alternative Penalty. As an alternative to any fine stated in this §8.66.090, citations may be issued pursuant to G.L. c. 40, §21D, assessing a fine of not more than $300.00 for each day the violation is committed or permitted to continue. The Commissioner of Public Works or his designee, the City Arborist, employees of the Department of Public Works and Police Officers shall be the authorized enforcement personnel.

8.66.100 - Severability

The provisions of this Chapter are severable. If any section, provision, or portion of this Chapter is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall continue to be valid.

8.66.110 - Effective Date

This ordinance shall take effect only upon ordination of the companion zoning amendment and any other zoning amendments necessary to effectuate the provisions of this Tree Ordinance.

Add the following Section;

8.66.120 - Permit Fee

The fee for a Tree Removal permit shall be determined by the Commissioner of Public Works.

Attachment: Tree Protection Ord Amndmt 3-22-21 (CMA 2021 #50 : Tree Protection Ordinance draft amendments)

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

Please find attached for your consideration, my recommendations for the block rates for water consumption and sewer use for the period beginning April 1, 2021 and ending March 31, 2022.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)



City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

The setting of the Water/Sewer rate occurs each March. As the City continues to be impacted by the COVID-19 pandemic, we have worked hard to provide relief to residents and businesses as well as limit increases in taxes, fees, and rates where possible.

The establishment of the FY22 Water/Sewer rates is challenging since consumption is down for the current fiscal year, which impacts water and sewer revenues. However, we have been able to adjust some expenditures to offset lower revenues projected for FY22 based on FY21 estimates to allow for a modest increase in rates. Operating and capital expenditures have been modified and reduced for FY22 from what was projected in last year's letter. The FY22 Sewer Budget reflects savings resulting from reduced bond issuance and receiving a low interest rate (0.93%) on sewer bonds sold earlier this month and being able to take an advantage of an opportunity to restructure our Massachusetts Water Resource Authority (MWRA) loans. It should be noted that the Sewer Budget is comprised mostly of fixed costs such as debt service and the MWRA assessment, which totals 87.8% of the total Sewer Budget.

The Water/Sewer bills that will be issued in July will be for the usage period April- June 2021 and will reflect the new sewer rate. The water rate reflects a minimal increase from FY21. The water and sewer rate increases provided in this recommendation will not take effect until July 1.

RECOMMENDATIONS

The City administration and City Council continue to recognize the importance of minimizing increases in water and sewer rates. I recommend that the City Council approve a 1.0% increase in the water consumption block rate and an 8.0% increase in the sewer use block rate, resulting in a 6.5% increase in the combined rate for the period beginning April 1, 2021 and ending March 31, 2022. This is the first time in eleven years that the City has had any increase in the water rate. The previous ten years have been 0% increases. In last year's recommendation, the projected FY22 rate increases for water, sewer, and combined were 1.9%, 6.6%, and 5.5%, respectively, based on March 2020 consumption rates and projected budgets.

In March of each year, the City Council establishes water and sewer rates, which determine water and sewer revenues for the next fiscal year. Because of the timing requirements, water and sewer rates are set prior to the adoption of both the Cambridge budget and Massachusetts Water Resources Authority (MWRA) budget; therefore, revenue needs are based upon estimated expenditures. Generally, water and sewer rates have been established so that revenues generated by them, when combined with other related revenue sources, cover projected annual costs.

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water Sewer Rates)

WATER

Two major factors determine the rate necessary to generate enough revenues: water consumption and the budget. The FY22 Water Operating Budget reflects a small increase from the FY21 Budget primarily due to salary costs.

The planned FY22 capital allocation is $5,300,000 using pay-as-you-go capital funding based on current revenues. This is a decrease of $380,000 from FY21. FY22 capital projects consist of significant improvements to our water system including water mains; upgrading the treatment plant's Supervisory Control and Data Acquisition (SCADA) system which is the software and hardware that enables the Operators to operate, control and document the operations of the treatment plant; Fresh Pond Master Plan implementation and reservation projects; reservoir gaging station maintenance; water meter replacement; watershed consulting services; and hydroelectric renewable energy generation design. In FY21, $1 million from the Water Fund balance was used to support capital projects. For FY22, that amount will be increased to $1.8 million.

Water and sewer revenues are generally linked to water consumption, with sewer costs comprising approximately 76.4% of total water and sewer expenditures. As a result of Covid-19 pandemic related shutdowns, billed water consumption has decreased approximately 9% in the first half of FY21 as compared to the first half of FY20. This fluctuation was also affected by increased conservation efforts due to the drought declared by the Massachusetts Department of Environmental Protection (MADEP) during the early summer of 2020, which ended in January 2021. These factors resulted in an FY21 projected water service charge shortfall of $1,308,143 from the FY21 water rate letter. This shortfall is partially mitigated by projected savings in the Water Operating Budget of $278,000, leaving a projected Water Fund balance of $10,448,366.

Table 4 on page 5 indicates the details of Water Fund projected revenues and expenditures for FY21-26. Table 7 on page 8 shows actual Water Fund balances for FY16-20 and the projected balance for FY21.

SEWER

The FY22 Sewer Budget reflects a $768,624 increase from the FY21 Projected Budget. This includes the MWRA assessment, debt service payments, and the sewer component of the Public Works budget. Debt service on sewer bonds and the MWRA assessment account for 87.8% of the total FY22 Sewer Budget.

The preliminary FY22 MWRA assessment is scheduled to increase by $1,313,180 or 4.9% from the final FY21 assessment. The MWRA rate increase projected for the City is subject to change based on the MWRA budget, which is adopted later in spring 2022. These changes have typically been minor in past years. Unlike the water budget, sewer revenues are credited to the general fund and not to a separate proprietary fund that can be drawn upon if the need arises.

Included in the sewer budget are debt service costs attributable to the $18,420,000 general obligation bonds (net of premium) issued in March 2021, used to fund sewer projects in The Port, Cambridgeport, Alewife and River Street, as well as capital repairs and climate change projects.

The FY22 capital allotment of $2,750,000 in sewer revenues will continue to finance the remedial reconstruction program.

The City Council has authorized significant investments in the water and sewer systems to ensure Cambridge continues to benefit from a healthy and environmentally sound water and sewer system. In addition to the projects currently under way, the City's five-year capital plan (FY22-26) calls for an additional investment of approximately $219,710,000 (primarily sewer, $197,700,000) in the water and

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water Sewer Rates)

sewer systems. The City carefully monitors the issuance of debt to fund authorized sewer projects and takes advantage of State MWRA interest free loans and grants to ensure that debt service cost increases, which impact the sewer rate, remain moderate.

Subsidies from the State Revolving Fund (SRF) loan program will cover only $44,574 or 0.17% of the total debt service of $26,099,960 for all FY22 sewer projects. The City will continue to receive state subsidies on existing debt. The FY22-26 capital plan includes other projects that may be eligible for subsidized loans from the state. As in past years, it is not certain that these projects will receive state subsidies and the debt service on these projects has been calculated based on funding through general obligation bonds. If state subsidies become available to the City, they will be used to lower the sewer rate in future years. Table 5 on page 6 shows the detail of sewer-related expenditures and revenues for FY21-26.

COMBINED WATER & SEWER

The table below reflects the projected combined water and sewer metered revenue requirements needed to cover water and sewer expenditures.

TABLE 1

	FY21 Projected	FY22 Budget	% Change
Water	$16,080,000	$16,241,569	1.0%
Sewer	$56,000,000	$60,488,318	8.0%
Combined Water / Sewer Revenue	$72,208,000	$76,729,887	6.5%

FY22 projected revenues are based on FY21 projected collections and reflect our practice of conservative revenue projections.

The table below reflects the FY21 actual and FY22 proposed water and sewer rates.

TABLE 2

	Annual Consumption*	FY21 Water Rate	FY22 Proposed Water Rate	FY21 Sewer Rate	FY22 Proposed Sewer Rate
Block 1	0 – 40 CcF	$3.02	$3.05	$12.51	$13.51
Block 2	41 – 400 CcF	$3.24	$3.27	$13.22	$14.28
Block 3	401 – 2,000 CcF	$3.44	$3.47	$14.20	$15.34
Block 4	2,001 – 10,000 CcF	$3.65	$3.69	$15.30	$16.52
Block 5	Over 10,000 CcF	$3.96	$4.00	$16.26	$17.56

*All rates are per CcF. CcF is an abbreviation of 100 cubic feet. One CcF is approximately 750 gallons.

The table below reflects the average change to combined water and sewer residential bills.

TABLE 3

Residential Type	FY21 Average	FY22 Projected	Annual Variance	% Change
Single Family	$886	$ 944	$58	6.5%
Two Family	$1,214	$1,293	$79	6.5%
Three Family	$1,799	$1,916	$117	6.5%

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water Sewer Rates)

SENIOR DISCOUNT PROGRAM

There are currently 2,638 homeowners who qualify for the age 65+ water/sewer 15% discount (not to exceed $90 annually), which is not tied to the homeowner's income.

There are also 78 elderly homeowners who qualify for an income-based discount of 30% (not to exceed $180 annually). To qualify for the 30% discount, a homeowner must be 65 or older and must have been granted the Clause 41C elderly real estate exemption. For FY21, the income guidelines are as follows: single, income of $27,860 with assets of $55,718 or less; married, income of $41,792 with assets of $76,612 or less.

FUTURE OUTLOOK FOR RATES

Overall, the City has been extremely successful over the past five years in producing minimal water and sewer rate increases. The average annual increases for the FY18-22 period are as follows: water, 0.2%; sewer, 7.3%; and combined, 5.5%. The average annual increases for the FY13-22 period are as follows: water, 0.1%; sewer, 5.6%; and combined, 4.2%.

Tables 4, 5, 6 and 7 contain five-year forecasts for water, sewer, and combined revenue estimates as well as Water Fund balances for the past five years and the projected FY21 Fund Balance. The City will continue to review appropriate use of Fund Balance for a specific project, or to lower the rate.

As can be seen in Table 6, the annual combined water/sewer rate is projected to increase by an average of approximately 5.9% for FY22-26. The projected increase is the result of the City's commitment to bonding sewer infrastructure improvement projects and increases in the MWRA assessment. If the increases in MWRA assessment are moderate, the rate increases that are shown will be lowered. Conversely, if consumption decreases, there will be a negative effect on water and sewer revenues.

Our water and sewer program is structured to produce reasonable rate increases in the future. The goal of the City Administration and City Council is to minimize the effects of water and sewer rate increases on residents as much as possible, while continuing to provide major investment in our infrastructure. We have taken steps in FY22 to adapt to lower revenues based on lower consumption.

Very truly yours,

Louis A. DePasquale
City Manager

Attachments

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water Sewer Rates)

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water

TABLE 4
FY21-26 Water Projections

	FY21 Budget/Recap	FY21 Projected	FY22 Budget	FY23 Projected	FY24 Projected	FY25 Projected	FY26 Projected
Water Expenditures:							
Operating	$ 12,728,390	$ 12,450,240	$ 13,016,825	$ 13,537,498	$ 14,078,998	$ 14,642,158	$ 15,227,844
Existing Debt	$ -		$ -	$ -	$ -	$ -	$ -
Subtotal Operating Budget	**$ 12,728,390**	**$ 12,450,240**	**$ 13,016,825**	**$ 13,537,498**	**$ 14,078,998**	**$ 14,642,158**	**$ 15,227,844**
Capital	$ 5,680,000	$ 5,680,000	$ 3,500,000	$ 3,300,000	$ 3,300,000	$ 3,300,000	$ 3,300,000
Capital- SCADA			$ 1,800,000	$ 3,510,000	$ -	$ -	$ -
Finance	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000
Conservation	$ 58,287	$ 58,287	$ 59,744	$ 61,237	$ 62,768	$ 64,338	$ 65,946
Public Works	$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 400,000
Community Development	$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ 30,000
Animal Commission	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000
Total Expenditures	**$ 19,131,677**	**$ 18,853,527**	**$ 19,041,569**	**$ 21,073,735**	**$ 18,106,766**	**$ 18,671,496**	**$ 19,258,791**

Assumptions:
1) Operating Budget for FY22 is based on City Manager's Submitted Budget and increases 4% for FY23-26.
2) Debt Service decreases according to Debt Service Schedule.
3) Capital as shown.
4) All others remain constant from FY22-26, but Conservation will increase by 2.5%.

Financing Plan

Beginning Fund Balance*	$ 12,009,438	12,221,893	$ 10,448,366	$ 8,648,367	$ 5,138,367	$ 5,138,367	$ 5,138,367
Revenue:							
Meter Revenue	$ 17,381,677	$ 16,080,000	$ 16,241,569	$ 16,563,735	$ 17,106,766	$ 17,671,496	$ 18,258,791
Miscellaneous Water Charges	$ 750,000	$ 1,000,000	$ 1,000,000	$ 1,000,000	$ 1,000,000	$ 1,000,000	$ 1,000,000
From Fund Balance	$ 1,000,000	$ 1,000,000	$ 1,800,000	$ 3,510,000	$ -	$ -	$ -
Total Revenue	**$ 19,131,677**	**$ 18,080,000**	**$ 19,041,569**	**$ 21,073,735**	**$ 18,106,766**	**$ 18,671,496**	**$ 19,258,791**
Total Expenditures	$ 19,131,677	$ 18,853,527	$ 19,041,569	$ 21,073,735	$ 18,106,766	$ 18,671,496	$ 19,258,791
From Fund Balance	$ 1,000,000	$ 1,000,000	$ 1,800,000	$ 3,510,000	$ -	$ -	$ -
Ending Fund Balance	**$ 11,009,438**	**$ 10,448,366**	**$ 8,648,367**	**$ 5,138,367**	**$ 5,138,367**	**$ 5,138,367**	**$ 5,138,367**

*** FY21 Projected Reflects Actual Fund Balance as of 06/30/2020**

Projected Rate Increase	**0%**	**0%**	**1.00%**	**1.98%**	**3.28%**	**3.30%**	**3.32%**

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water

TABLE 5
FY21-26 Sewer Projections

	FY21 Budget/Recap	FY21 Projected	FY22 Budget	FY23 Projected	FY24 Projected	FY25 Projected	FY26 Projected
Sewer Expenditures:							
Public Works	4,360,930	4,360,930	4,469,953	4,648,751	4,834,701	5,028,089	5,229,213
Capital	3,050,000	3,050,000	2,750,000	2,500,000	4,250,000	2,750,000	4,100,000
Existing Debt	23,941,345	23,941,345	23,400,826	24,763,943	24,350,267	27,689,400	29,249,878
New Debt	2,512,193	2,512,193	2,699,133	4,693,750	5,537,425	6,550,000	6,505,000
Finance	225,000	225,000	225,000	225,000	225,000	225,000	225,000
Community Development	44,500	44,500	44,500	44,500	44,500	44,500	44,500
MWRA	27,153,096	26,630,300	27,943,480	29,172,993	30,456,605	31,796,695	33,195,750
Total Expenditures	61,287,064	60,764,268	61,532,892	66,048,937	69,698,498	74,083,684	78,549,341

Assumptions:

1) The FY22 MWRA assessment is based on the preliminary estimate received from the MWRA and reflects a 4.9% increase from the final FY21 assessment. FY23-26 assessments are based on annual rate increases of 4.4% (source: MWRA, February 2021).
2) Public Works allocation increased by 2.5% in the FY22 budget and increased by 4% in FY23-26.
3) Capital as shown.
4) Debt Service increases according to Debt Service schedule.
5) All others remain constant.

			FY22 Projected (03/13/21)				
Financing Plan							
Revenue:							
Sewer Service Charge	60,542,557	56,000,000	60,488,318	65,304,297	68,998,498	73,383,684	77,849,341
Property Tax							
Non- Metered Sewer Revenues	700,000	1,200,000	1,000,000	700,000	700,000	700,000	700,000
MWPAT Subsidy (existing)	44,507	44,507	44,574	44,641	-	-	-
Total Revenue	61,287,064	57,244,507	61,532,892	66,048,937	69,698,498	74,083,684	78,549,341
Projected Sewer Service Charge Increase			8.0%	8.0%	5.7%	6.4%	6.1%

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water

TABLE 6
Combined Water and Sewer
FY21-26

	FY21 Budget/Recap	FY21 Projected	FY22 Budget	FY23 Projected	FY24 Projected	FY25 Projected	FY26 Projected
Metered Water Revenue	17,381,677	16,080,000	16,241,569	16,563,735	17,106,766	17,671,496	18,258,791
Metered Sewer Revenue	60,542,557	56,000,000	60,488,318	65,304,296	68,998,498	73,383,684	77,849,341
Total	77,924,234	72,080,000	76,729,887	81,868,031	86,105,264	91,055,180	96,108,132
% Increase	-	-	6.5%	6.7%	5.2%	5.7%	5.5%

Attachment: 03222021_FY22 WATER SEWER LETTER_Final 3_18_21 DONE (CMA 2021 #51 : FY22 Water

TABLE 7
Water Fund Balances
FY16-21

	As of 6/30/16 (Actual)	As of 6/30/17 (Actual)	As of 6/30/18 (Actual)	As of 6/30/19 (Actual)	As of 6/30/20 (Actual)	As of 6/30/21 (Projected)
Water Fund Balance	10,338,547	9,948,999	10,655,609	11,662,943	12,221,893	10,448,366

City of Cambridge

Agenda Item Number 4

IN CITY COUNCIL

MARCH 22, 2021

ORDERED: That the following block rate for water consumption and sewer use in the City of Cambridge be in effect for the period beginning April 1, 2021 and ending March 31, 2022:

	Annual Consumption*	FY21 Water Rate	FY22 Proposed Water Rate	FY21 Sewer Rate	FY22 Proposed Sewe Rate
Block 1	0 – 40 CcF	$3.02	$3.05	$12.51	$13.51
Block 2	41 – 400 CcF	$3.24	$3.27	$13.22	$14.28
Block 3	401 – 2,000 CcF	$3.44	$3.47	$14.20	$15.34
Block 4	2,001 – 10,000 CcF	$3.65	$3.69	$15.30	$16.52
Block 5	Over 10,000 CcF	$3.96	$4.00	$16.26	$17.56

*All rates are per CcF. CcF is an abbreviation of 100 cubic feet. One CcF is approximately 75(gallons; and be it further

ORDERED: That the Senior Citizens Discount Program gives either a 15 percent or 30 percent discount on water/sewer bills, depending upon certain qualifications. Any resident who owns and occupies his/he own home and who is 65 or older on July 1 qualifies for the 15 percent discount. This discount may not exceed $90 for the fiscal year.

To qualify for the 30 percent discount, a homeowner must be 65 years of age or older and must have been granted the Clause 41C Elderly Real Estate Exemption, which is based on the demonstrated financial need. This discount may not exceed $180 for the fiscal year.

Attachment: FY22 Water Sewer Rate Order 032221 (CMA 2021 #51 : FY22 Water Sewer Rates)

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

Please find attached suggested zoning text amendments as well as suggested amendments to Chapter 5.50 of the Municipal Code regarding cannabis delivery businesses.

It is recommended that the suggested zoning text amendments be referred to the Planning Board and Ordinance Committee for a hearing and report and the suggested amendments to the Municipal Code be referred to the Ordinance Committee.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)

CITY OF CAMBRIDGE
Community Development Department

IRAM FAROOQ
Assistant City Manager for Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

To: Louis A. DePasquale, City Manager

From: Iram Farooq, Assistant City Manager for Community Development
Nancy Glowa, City Solicitor

Date: March 22, 2021

Re: **Cannabis Delivery Zoning Amendments**

Pursuant to discussion at the Ordinance Committee hearing held on December 9, 2020, attached is a set of suggested zoning text amendments regarding cannabis delivery businesses. This text has been developed by Community Development Department staff in consultation with the Law Department. It is intended to align with regulatory changes adopted by the Cannabis Control Commission ("CCC") in late 2020, and were effective on January 8, 2021, and to incorporate feedback received by City Councillors during and since the December 9, 2020 Ordinance Committee hearing.

The attached text takes a very permissive approach to regulating cannabis delivery businesses, allowing such businesses in Office, Business, and Industry districts. Cannabis Courier Establishments (which store delivery vehicles but do not store cannabis products on-site) would be allowed as-of-right, while Cannabis Delivery Operator Establishments (which store cannabis products and delivery vehicles on-site but do not allow customers to purchase on-site) would require a Planning Board special permit. The intent is to allow the Council to weigh policy considerations during the hearing process, with the potential ability to make the zoning more restrictive without requiring a re-advertisement of the petition before possible adoption.

Some potential policy considerations include the following:

- This text would allow cannabis delivery businesses in office districts, where "brick and mortar" cannabis retailers are not allowed. It is not known exactly how these new businesses will affect permitted brick-and-mortar cannabis retailers.
- For a period of 36 months from the date the first licensee receives a notice to commence operations from the CCC, only Economic Empowerment Applicants and Social Equity Program Applicants may receive a Delivery Operator License or Cannabis Courier License at that time. This may result in greater opportunities for a wide variety of prospective cannabis business owners.
- In major retail centers, cannabis delivery businesses could replace vacant retail spaces with uses that do not generate foot traffic. If that occurs, it could impact other retailers and the viability of the retail area more broadly.

Attachment: CDDLawMemo_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning Amendments and Municipal Code

The table on the following pages summarizes key aspects of the proposed zoning change as it relates to the two new categories of cannabis use in addition to the two types of use currently regulated in zoning. The text also includes some minor suggested changes to improve aspects of the existing cannabis use regulations based on experience gained through implementation and changes to state regulations.

This text is submitted for the Council's consideration to refer as a Zoning Petition for public hearings by the Planning Board and Ordinance Committee.

Additionally, attached is a set of suggested amendments to the Cannabis Business Permitting Ordinance, Chapter 5.50 of the Municipal Code, which are intended to allow cannabis delivery as a use and require a Cannabis Business Permit for these cannabis delivery uses. Please note that the suggested amendments do not include Cannabis Courier Establishments and Cannabis Delivery Operator Establishments as establishments that are subject to the two-year preference period for Economic Empowerment Applicants pursuant to Section 5.50.040 of the Municipal Code because CCC licenses for Cannabis Courier Establishments and Cannabis Delivery Operator Establishments are already restricted by the CCC to Economic Empowerment Applicants and Social Equity Program Applicants for a period of 36 months from the date the first licensee receives a notice to commence operations from the CCC.

Staff will be happy to answer any questions either before referral or during the public hearing process if it is referred.

Attachment: CDDLawMemo_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning Amendments and Municipal Code

Establishment Type	Cannabis Retail Store (existing)	Cannabis Production Facility (existing)	Cannabis Courier Establishment (new)	Cannabis Delivery Operator Establishment (new)
General Definition and Characteristics	• On-site sale of cannabis products to consumers • No processing/repackaging • Can be non-medical, medical, or both • No delivery; can have a co-located "Courier" business, but counts as a separate license (w/in statewide 3-license limit)	• Any cultivation, manufacturing, processing, or packaging • Wholesale distribution only • Can include Microbusiness • Only allowed up to 10,000 square feet per Cambridge zoning	• No cannabis products on-site • Includes office/dispatch area and parking spaces for vehicle fleet • Limited delivery hours, vehicles parked at facility overnight	• Cannabis products on-site, but no customers on-site • No processing/repackaging • Includes warehouse/storage area for products and parking spaces for vehicle fleet • Limited delivery hours, loading activity regulations
Permitted Zoning Districts	• All Business (only Economic Empowerment in BA-1) • All Industry	• Industry B-2 only	• All Office • All Business • All Industry	• All Office • All Business • All Industry
Location Standards	• 300-foot buffer from schools and public parks/recreation (unless reduced by Planning Board) • 1,800-foot separation from other cannabis retail stores (unless Economic Empowerment)	• 300-foot buffer from schools and public parks/recreation (unless reduced by Planning Board)	• None additional	• 300-foot buffer from schools and public parks/recreation (unless reduced by Planning Board)
Parking/Transportation Standards	• Parking requirements typical of other retail; usually can be waived • Operations and Logistics plan approved by TP&T and Police (currently in SP conditions)	• Low parking requirements typical of other light industry • Operations and Logistics plan approved by TP&T and Police	• Low parking requirements typical of other light industry • Off-street parking required for fleet vehicles (not waivable) • Operations and Logistics plan approved by TP&T and Police	• Low parking requirements typical of other light industry • Off-street parking required for fleet vehicles (not waivable) • Operations and Logistics plan approved by TP&T and Police
Review/Approval Process	• Planning Board special permit • Criteria: access/egress, loading/service, aesthetic impacts of security measures, storefront activity, service to medical customers	• Planning Board special permit • Criteria: access/egress, loading/service, aesthetic impacts of security measures, storefront activity, service to medical customers	• As-of-right • Subject to standards in 11.800	• Planning Board special permit • Criteria: access/egress, loading/service, aesthetic impacts of security measures, storefront activity, service to medical customers

Attachment: CDDLawMemo_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning

Establishment Type	Cannabis Retail Store (existing)	Cannabis Production Facility (existing)	Cannabis Courier Establishment (new)	Cannabis Delivery Operator Establishment (new)
Local Non-Zoning Requirements	• Cannabis Business Permit • Host Community Agreement	• Cannabis Business Permit • Host Community Agreement	• Cannabis Business Permit • Host Community Agreement	• Cannabis Business Permit • Host Community Agreement
Planning/Economic Development Considerations	• Previously granted special permits need to be amended to allow home delivery from site	• None currently in Cambridge; typically requires larger, more remote sites	• Third-party delivery costs to local retailers • "Non-storefront" spaces occupying vacancies in retail areas	• Competition of delivery-only businesses with local cannabis retail • "Non-storefront" spaces occupying vacancies in retail areas

Attachment: CDDLawMemo_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning

Amend Definitions in Article 2.000 related to Cannabis uses to read as follows:

Cannabis Courier Establishment. An establishment licensed as a Marijuana Courier by the Massachusetts Cannabis Control Commission that is authorized to operate pursuant to that license, including to deliver cannabis or marijuana products, accessories and branded goods from a Cannabis Retail Store to consumers, in accordance with applicable state laws and regulations, but not authorized to sell cannabis or marijuana products directly to consumers.

Cannabis Cultivator. An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Cultivator to cultivate, process and package cannabis or marijuana, and to transfer cannabis or marijuana to other Cannabis or Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.000.

Cannabis Delivery Operator Establishment. An establishment licensed as a Marijuana Delivery Operator by the Massachusetts Cannabis Control Commission and authorized to purchase at wholesale and warehouse on the site cannabis or marijuana products acquired from a Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness or Craft Marijuana Cooperative, and to sell and deliver cannabis or marijuana products, accessories and branded goods directly to consumers in accordance with applicable state laws and regulations, but not authorized to repackage cannabis or marijuana products or to sell cannabis or marijuana products to consumers on-site.

Cannabis Dispensary, Registered, also known as ***Registered Marijuana Dispensary, RMD*** or ***Medical Marijuana Treatment Center.*** An ~~not for profit~~ entity ~~registered~~ licensed under 935 CMR 501.101~~105 CMR 725.100: Registration of Registered Marijuana Dispensaries~~ that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis products, tinctures, aerosols, oils or ointments), repackages, transfers, transports, sells, distributes, dispenses, or administers cannabis or marijuana products, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use in accordance with applicable state laws and regulations. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Cannabis Establishment. A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Delivery Licensee or any other type of marijuana-related business licensed by the Massachusetts Cannabis Control Commission, except a medical marijuana treatment center.

Cannabis Independent Testing Laboratory. A laboratory that is licensed by the Massachusetts Cannabis Control Commission as an Independent Testing Laboratory and is operating in accordance with applicable state laws and regulations~~:~~

~~(a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;~~

~~(b) independent financially from any Medical Marijuana Treatment Center (RMD), Cannabis or Marijuana Establishment or licensee for which it conducts a test; and~~

~~(c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34~~.

Cannabis Microbusiness. A co-located Cannabis or Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license and, if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Cannabis or Cannabis Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Cannabis Marijuana Product Manufacturer may purchase no

Attachment: ZoningText_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning Amendments and Municipal Code Amendments)

more than 2,000 pounds of marijuana per year from other Cannabis Marijuana Establishments, pursuant to 935 CMR 500.000.

Cannabis Product Manufacturer. An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Product Manufacturer to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Cannabis or Marijuana Establishments, but not to consumers.

Cannabis Production Facility. An establishment authorized to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Production Facility may be licensed to operate as a Cannabis Microbusiness, Cannabis or Marijuana Cultivator, or Cannabis or Marijuana Product Manufacturer, or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or both, in accordance with applicable state laws and regulations.

Cannabis Products. Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of cannabis or marijuana and products composed of cannabis or marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Cannabis Research Facility. An entity licensed to engage in research projects by the Massachusetts Cannabis Control Commission.

Cannabis Retail Store. An establishment authorized to sell or otherwise transfer cannabis or marijuana products to consumers for use off the premises, but not to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Retail Store may be licensed to operate as a Cannabis or Marijuana Retailer or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or both, in accordance with applicable state laws and regulations.

Cannabis Retailer. An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Retailer to purchase, repackage, white label and transport cannabis or marijuana products from Cannabis or Marijuana Establishments and to sell or otherwise transfer these products to Cannabis Marijuana Establishments and to consumers. Unless licensed, ~~R~~retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Cannabis or Marijuana Establishment.

Cannabis Use. A Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, Cannabis Production Facility or Cannabis Retail Store, as defined in this Zoning Ordinance.

Attachment: ZoningText_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning Amendments and Municipal Code Amendments)

Amend Section 4.32 of the Table of Use Regulations by inserting a new row "l." to read as follows:

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 [1]	Bus A, A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.32	**Transportation, Communication & Utility Uses**														
	l. Cannabis Courier Establishment	No	No	No	No	Yes[58]	Yes[58]	Yes[58]	Yes[58]	Yes[58]	Yes[58]	Yes[58]	Yes[58]	Yes[58]	Yes[58]

Amend Section 4.37 of the Table of Use Regulations by inserting a new row "o." to read as follows:

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 [1]	Bus A, A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.32	**Light Industry, Wholesale Business and Storage**														
	o. Cannabis Delivery Operator Establishment	No	No	No	No	PB[58]	PB[58]	PB[58]	PB[58]	PB[58]	PB[58]	PB[58]	PB[58]	PB[58]	PB[58]

Amend Section 6.36, Schedule of Parking & Loading Requirements, by inserting a new row "l." beneath Section 6.36.2, by inserting a new row "o." beneath Section 6.36.7, and by inserting a new Footnote "16." to read as follows:

Land Use Category		**Open Space, Res A-1, A-2, Res B**	**Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], A-4,Ind A-1, Ind B-2, Ind C**	**Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)**	**Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2**	**Loading Facility Category**	**Long-Term Bicycle Parking (6.107.2)**	**Short-Term Bicycle Parking (6.107.3)**
6.36.2	**Transportation, Communication & Utility Uses**							
l.	Cannabis Courier Establishment	n/a	1 per 1200 sq. ft. [16]	1 per 1600 sq. ft. [16]	1 per 2000 sq. ft. [16]	A	N5	N5

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6.36.7	**Light Industry, Wholesale, Business and Storage**							
o.	Cannabis Delivery Operator Establishment	n/a	1 per 1200 sq. ft. [16]	1 per 1600 sq. ft. [16]	1 per 2000 sq. ft. [16]	A	N5	N5

16. Parking for delivery vehicles shall be provided in accordance with Section 11.800 and may not be reduced or waived by the provisions of this Article 6.000.

Amend Section 11.800 et seq., "Cannabis Uses," to read as follows:

11.800 - CANNABIS USES

11.801 Statement of Purpose. The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries for the medical use of cannabis products and Cannabis Establishments for the non-medical use of cannabis products, as they are authorized pursuant to applicable state laws and regulations.

11.802 General Requirements

11.802.1 Allowed Cannabis Uses.

(a) Cannabis Retail Stores, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall be allowed only after the granting of a special permit by the Planning Board as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance), subject to the requirements set forth in this Section 11.800, et seq.

(b) ~~Either~~ Cannabis Retail Stores, Cannabis Delivery Operator Establishments, or Cannabis Production Facilities, as defined in Article 2.000 of this Zoning Ordinance, may be established to provide cannabis products for medical or non-medical use, or both, in accordance with applicable state laws and regulations.

(c) A Cannabis Retail Store, Cannabis Delivery Operator Establishment, or Cannabis Production Facility that has previously received a special permit from the Planning Board only to authorize another type of Cannabis Establishment (including, but not limited to, a Registered Marijuana Dispensary) shall be required to amend its previously issued special permit to authorize the conversion to or co-location of a new type of Cannabis Establishment for the non-medical use of cannabis or marijuana.

(d) Cannabis Courier Establishments shall be permitted as set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) without a special permit, provided that they conform to all other applicable requirements of this Section 11.800 and all other applicable state and local laws, regulations, and ordinances.

(e) A Cannabis Establishment that is licensed as a Cannabis Independent Testing Laboratory or Cannabis Research Facility pursuant to applicable state laws and regulations, but is not authorized to sell or otherwise transfer Cannabis Products to consumers or to cultivate, manufacture, or otherwise produce Cannabis Products that are intended to be sold or otherwise transferred to consumers, shall be regulated within the Table of Use Regulations in Section 4.30 of this Zoning Ordinance as a Technical Office (Section 4.34, Item "f") or, if such establishment is noncommercial, a Noncommercial Research Facility (Section 4.33, Item "c"). Such establishment shall comply with all state and local laws and regulations, including regulations promulgated by the Cambridge Public Health Department, where applicable.

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11.802.2 Licenses and Registration. A special permit issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.

11.802.3 Limitation of Approval. A special permit, Building Permit, or Certificate of Occupancy authorizing the establishment of a Cannabis ~~Retail Store or Cannabis Production Facility~~ Use shall be valid only for the licensed or registered entity to which the ~~special~~ permit was issued, and only for the site on which the Cannabis ~~Retail Store or Cannabis Production Facility~~ Use has been ~~authorized by special permit~~permitted. If the license or registration for a Cannabis Use has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit and building permit, where applicable, shall be required prior to issuance of a Certificate of Occupancy.

11.802.4 Building. A Cannabis ~~Retail Store or Cannabis Production Facility~~ Establishment shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized ~~for certain types of Cannabis Establishments to serve qualified medical marijuana patients~~ in accordance with 935 CMR 500.000 and other applicable state and local regulations.

~~11.802.5 Cannabis Research and Testing Facilities. A Cannabis Establishment that is licensed as a Cannabis Independent Testing Laboratory or Cannabis Research Facility pursuant to applicable state laws and regulations, but is not authorized to sell or otherwise transfer Cannabis Products to consumers or to cultivate, manufacture, or otherwise produce Cannabis Products that are intended to be sold or otherwise transferred to consumers, shall be regulated within the Table of Use Regulations in Section 4.30 of this Zoning Ordinance as a Technical Office (Section 4.34, Item "f") or, if such establishment is noncommercial, a Noncommercial Research Facility (Section 4.33, Item "c."). Such establishment shall comply with all state and local laws and regulations, including regulations promulgated by the Cambridge Public Health Department, where applicable.~~

11.803 Location Standards.

11.803.1 Cannabis Retail Stores.

(a) Cannabis Retail Stores shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance)~~within the following districts: Business A (BA), Business A-1 (BA-1), Business A-2 (BA-2), Business A-3 (BA-3), Business B (BB), Business B-1 (BB-1), Business B-2 (BB-2), Business C (BC), Industry A-1 (IA-1), Industry B (IB), Industry B-1 (IB-1), and Industry B-2 (IB-2) districts,~~ and special districts and overlay districts whose use regulations are based on those ~~of any of the aforementioned~~districts, subject to any limitations set forth in the regulations of those districts. In the Business A-1 district, only applicants that have been designed as Economic Empowerment Applicants or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission may be permitted and it shall be made a condition of the special permit that such designation or eligibility shall be maintained.

(b) A Cannabis Retail Store shall not be permitted within one thousand and eight hundred (1,800) feet of another Cannabis Retail Store, except if the applicant has been designated as an Economic Empowerment Applicant or certified as eligible to participate in the Social Equity Program by the Massachusetts Cannabis Control Commission and it is made a condition of the special permit that such designation or eligibility shall be maintained.

(c) All products offered to consumers shall be pre-packaged off-site, and no packaging or repackaging of cannabis or marijuana products shall take place on the premises of a Cannabis Retail Store unless it is also meets the requirements for a Cannabis Production Facility.

11.803.2 Cannabis Delivery Operator Establishments shall be allowed only by Planning Board Special Permit and only in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) and special districts and overlay districts whose use regulations are based on those

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districts, subject to any limitations set forth in the regulations of those districts and provided that the establishment is not greater than 10,000 square feet in Gross Floor Area and that no packaging or repackaging of cannabis or marijuana products shall take place on the premises.

11.803.3~~2~~ Cannabis Production Facilities shall be allowed only by Planning Board Special Permit in those districts set forth in the Table of Use Regulations (Section 4.30 of this Zoning Ordinance) ~~the Industry B-2 (IB-2) district~~ and special districts and overlay districts whose use regulations are based on those districts, subject to any limitations set forth in the regulations of those districts and~~,~~ provided that the establishment is not greater than 10,000 square feet in Gross Floor Area.

11.803.3 Buffer Zones.

(a) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

(b) A Cannabis Retail Store or Cannabis Production Facility shall not be permitted within 300 feet of a pre-existing public children's playground, public youth athletic field, or public youth recreation facility, except where the Planning Board, in issuing a special permit, approves a reduced distance upon finding that the location will cause no substantial adverse impact due to site-specific factors or other mitigating efforts agreed to in writing by the permittee and made conditions of the special permit.

11.804 Parking and Transportation.

(a) Off-street parking for employees and customers shall be regulated by Article 6.000 of this Zoning Ordinance. Provisions set forth in Article 6.000 that allow for a reduction or waiver of required off-street parking shall apply except as set forth below.

(b) In addition to the requirements of Article 6.000, any Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or other Cannabis Establishment shall park and store all delivery vehicles off-street. Such requirement may not be reduced or waived. Delivery vehicles shall not be parked on-street except for authorized active loading/unloading activities. Delivery vehicles may be parked in facilities that are accessory to the Cannabis Use or in authorized principal use parking facilities.

(c) All parking spaces to be used by customers, employees, visitors, or delivery vehicles shall be registered with the Cambridge Traffic, Parking and Transportation Department (TPTD), including a parking layout plan, in accordance with Chapter 10.18 of the City of Cambridge Code of Ordinances, and shall comply with all other applicable state or local laws, regulations, and ordinances.

(d) All Cannabis Retail Stores, Cannabis Courier Establishments, Cannabis Delivery Operator Establishments, and Cannabis Production Facilities shall submit an Operations and Logistics Plan to the Cambridge TPTD and Cambridge Police Department before applying for a special permit, building permit, or certificate of occupancy, whichever occurs sooner. Such plan shall include the following information using narratives and graphics:

(1) hours of operation and anticipated numbers of employees and consumers on-site during operating hours;

(2) expected frequency of loading/unloading trips by delivery and service vehicles;

(3) access and egress routes for customers and employees;

(4) locations of parking and bicycle parking areas for customers and employees;

(5) number of delivery vehicles, where applicable, and locations where they will be stored on-site;

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(6) locations where loading/unloading and service activities will take place and a description of how such activities will be conducted;

(7) a description of transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, transportation demand management measures to encourage and support sustainable forms of travel for employees and customers, and short-term and long-term bicycle facilities;

(8) specific measures that will be employed by the Cannabis Use to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified by City departments; and

(9) a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.

(e) The Cambridge TPTD and Cambridge Police Department shall approve a final Operations and Logistics Plan prior to issuance of a certificate of occupancy for a Cannabis Use, and may require operational practices to prevent or correct adverse impacts of the operation of the Cannabis Use on the public way, including but not limited to crowding on the public sidewalk, blocking of travel lanes by vehicles, or hazardous conditions. Such practices may include, but are not limited to, restrictions on the use of the public way, required pre-purchase and/or appointment-only customer service for a period of time, restrictions on the location and/or timing of loading/unloading activities, or similar measures. When granting a special permit, where applicable, the Planning Board may also include conditions pertaining to the Operations and Logistics Plan.

11.8054 Application Requirements. An application to the Planning Board shall contain, at a minimum, the following information:

(a) Description of Activities: a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of Cannabis Products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.

(b) Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Cannabis Uses in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, and the locations of all children's playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section 11.803 above.

(c) Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.

(d) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.

(e) Initial Operations and Logistics Plan: ~~A plan identifying the on-site or off-site locations where deliveries and loading functions will take place and a narrative describing how deliveries to the site, loading and other service functions will be conducted, as well as a plan and narrative identifying the transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, and bicycle facilities~~ Containing the information set forth in Paragraph (d) of Section 11.804 above.

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(f) License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agency, excluding any information required by law to be kept confidential.

~~(g) Host Community Agreement: A narrative describing progress that has been made at the time of application toward establishing a host community agreement with the City of Cambridge.~~

11.806~~5~~ Special Permit Criteria. In granting a special permit for a Cannabis Retail Store or Cannabis Production Facility, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Zoning Ordinance, the Planning Board shall find that the following criteria are met:

(a) The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

(b) On-site loading, refuse and service areas are designed to be secure and shielded from abutting uses.

(c) The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior and/or from restrictions on direct access by consumers.

(d) In retail areas, the location and design of the Cannabis Use will not detract from the sense of activity with opaque, unwelcoming façades at the ground floor. Where interior activities must be screened from public view, such areas should be screened by transparent, publicly accessible active business uses where possible. Opaque façades should be minimized, and where they are necessary they should include changing public art displays or other measures to provide visual interest to the public.

(e) If the proposed Cannabis Retail Store or Cannabis Production Facility is not proposed to include a Medical Marijuana Treatment Center, it will nevertheless provide programs to assist qualifying patients within the city or neighborhood who are registered through the Massachusetts Medical Use of Marijuana Program in obtaining services under that program.

Delete Section 11.806, which currently reads as follows:

11.806 Effective Date. The provisions of this Section 11.800-11.805, as most recently amended on December 17, 2018, shall take effect on April 20, 2019, or upon passage of a "Cannabis Business Permitting Ordinance," whichever comes first.

Attachment: ZoningText_CannabisDelivery_032221 (CMA 2021 #52 : Cannabis Delivery Zoning Amendments and Municipal Code Amendments)

Amend Chapter 5.50 of the Code of Ordinances, "CANNABIS BUSINESS PERMITTING," to read as follows:

5.50.010 - Purpose

This Chapter is intended to create a separate local permitting requirement for Cannabis Retail Store, Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness, Cannabis Courier Establishment, Cannabis Delivery Operator Establishment and/or Cannabis Transporter (collectively "Cannabis Business") applicants to certify compliance with certain conditions in the public interest prior to being permitted to operate a Cannabis Business in the City. The City deems it to be in the public interest to give initial permitting preferences for Cannabis Businesses to Priority Applicants, as defined herein.

5.50.020 - Definitions

"Cannabis Business." A Cannabis Retail Store, Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness, Cannabis Courier Establishment, Cannabis Delivery Operator Establishment and/or Cannabis Transporter.

"Cannabis Courier Establishment." An establishment licensed as a Marijuana Courier by the Massachusetts Cannabis Control Commission that is authorized to operate pursuant to that license, including to deliver cannabis or marijuana products, accessories and branded goods from a Cannabis Retail Store to consumers, in accordance with applicable state laws and regulations, but not authorized to sell cannabis or marijuana products directly to consumers.

"Cannabis Cultivator." An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Cultivator to cultivate, process and package cannabis or marijuana, and to transfer cannabis or marijuana to other cannabis or marijuana establishments, but not to consumers. A craft marijuana cooperative as defined by state regulation is a type of Cannabis Cultivator.

"Cannabis Delivery Operator Establishment." An establishment licensed as a Marijuana Delivery Operator by the Massachusetts Cannabis Control Commission and authorized to purchase at wholesale and warehouse on the site cannabis or marijuana products acquired from a Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness or Craft Marijuana Cooperative, and to sell and deliver cannabis or marijuana products, accessories and branded goods directly to consumers in accordance with applicable state laws and regulations, but not authorized to repackage cannabis or marijuana products or to sell cannabis or marijuana products to consumers on-site.

"Cannabis Microbusiness." A co-located Cannabis or Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or a Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license and, if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Cannabis or Cannabis Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Cannabis Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Cannabis or Marijuana Establishments, pursuant to 935 CMR 500.000.

"Cannabis Product Manufacturer." An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Product Manufacturer to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other cannabis or marijuana establishments, but not to consumers.

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"Cannabis Retail Store." An establishment authorized to sell or otherwise transfer cannabis or marijuana products to consumers for use off the premises, but not to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Retail Store may be licensed to operate as a Cannabis or Marijuana Retailer or registered as a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (hereafter "RMD"), or both, in accordance with applicable state laws and regulations.

"Cannabis Transporter." An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana, or cannabis or marijuana products, solely for the purpose of transporting, temporarily storing, selling and distributing them to cannabis establishments, not for selling to consumers.

"Local Sales Taxes." Taxes imposed by the City upon the sale or transfer of marijuana or marijuana products by a Cannabis Retail Store pursuant to Section 3 of M.G.L. Chapter 64N."

"Priority Applicant." A person, corporation, or other legal entity applying for a Cannabis Business permit pursuant to this Chapter to operate in the City who is:

A. Group A Priority Applicant. An Economic Empowerment Applicant certified as such by the Commonwealth's Cannabis Control Commission; or a Social Equity Program Applicant certified as such by the Commonwealth's Cannabis Control Commission who is also a Cambridge resident and has been for at least the previous three years; or Women or Minority Owned business as certified by the Commonwealth and/or by the City; or a Cambridge resident for at least the three previous years prior to application earning less than fifty percent (50%) of Area Median Income (AMI) in the three previous tax years prior to application —to be known as Group A Priority Applicants.

B. Group B Priority Applicant. An RMD within the City that was licensed or registered by the Massachusetts Department of Public Health not later than July 1, 2017 to sell cannabis products in a Cannabis Retail Store pursuant to the Commonwealth's medical use of marijuana laws, which seeks to operate as a licensed marijuana retailer pursuant to the Commonwealth's adult use of marijuana laws - to be known as Group B Priority Applicants. Those who qualify as Group B Priority Applicants cannot also qualify as a Group A Priority Applicant.

5.50.030 - Applicability

This Chapter shall apply to any proposed Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Retail Store, Cannabis Courier Establishment, Cannabis Delivery Operator Establishment -or Cannabis Transporter that is seeking licensure from the Cannabis Control Commission on or after the effective date of this Chapter. This Chapter shall not apply to RMDs that have already been permitted in the City and are not seeking licensure as a Cannabis Retail Store for retail cannabis sales prior to the effective date of this Chapter ("Existing RMD").

5.50.040 - Permitting Preferences for Priority Applicants

The City shall issue a Cannabis Business Permit pursuant to this Chapter only to Priority Applicants. For the first two years after the Effective Date of this Chapter as stated in Section 5.50.100 below, the City shall issue a Cannabis Business Permit to operate a Cannabis Retail Store only to Group A Priority Applicants who are Economic Empowerment Applicants certified as such by the Commonwealth's Cannabis Control Commission.

5.50.050 - Permitting Requirements

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A. In order to obtain a Cannabis Business permit pursuant to this Chapter, an applicant must certify that:

1. It will comply with employee pay standards set out in the City's Living Wage Ordinance;
2. It will hire at least fifty-one percent (51%) of minority, women and/or veterans as employees;
3. If applicant has a Board of Directors, the board makeup will be at least fifty-one percent (51%) minority, women and/or veterans;
4. It consents to unannounced, periodic compliance inspections by City officials of its Cannabis Business, including any Cannabis Business activities it conducts off-site;
5. It will comply with all State and local laws and regulations regarding its Cannabis Business operations;
6. No person under the minimum legal sales age shall be permitted to enter the Cannabis Business site unless such person possesses a state-issued registration card demonstrating that the person is a registered qualifying medical marijuana (cannabis) patient and the Cannabis Business site is, or is co-located with, an RMD;
7. It will work with the Cambridge Public Health Department to create and distribute educational materials to its customers as directed by the Cambridge Public Health Department;
8. It will sell only cannabis and cannabis accessories, and not other products, including tobacco products or alcoholic beverages of any kind;
9. It will comply with directives of the Police Commissioner and of the Director of Traffic Parking and Transportation, or their designees, regarding traffic measures to be taken at and near the Cannabis Business site;
10. It has received a special permit from the Planning Board for its Cannabis Business and has entered into a Host Community Agreement with the City through the City Manager's Office; and
11. It is a business in good standing with no outstanding federal, state or local investigations or judgments pending against it.

B. No discretionary permit conditions may be imposed by the permit issuing authority pursuant to this Chapter.

C. A Cannabis Business permit shall be valid only for the applicant to which the Cannabis Business permit was issued, and only for the use and for the site approved in the permit. A proposed change of controlling ownership change of use, or change of site shall require a new Cannabis Business permit. As part of the Cannabis Business permit application process, the City shall require the applicant to disclose all individuals and legal entities who have a beneficial interest in the applicant's business.

D. A Cannabis Business that is licensed to conduct cannabis delivery shall submit an Operations and Logistics Plan for approval by the Cambridge Traffic, Parking and Transportation Department and Cambridge Police Department annually prior to issuance and renewal pursuant to Section 5.50.070 below.

5.50.060 - Permitting Procedure

This Chapter shall be administered by the City's Inspectional Services Department, except that Priority Applicant status shall be certified by the Director of the Economic Development Division of the Community Development Department. Applications for Cannabis Business permits shall be obtained

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from and submitted to the Inspectional Services Department. If permit applications are properly completed and certified, and the conditions of this Chapter are met, the Commissioner of Inspectional Services (the "Commissioner") shall issue a Cannabis Business permit to the applicant. No public hearing process on individual applications shall be conducted. A Host Community Agreement shall be negotiated with the City Manager.

5.50.070 - Permit Expiration and Renewal

The Cannabis Business permit issued pursuant to this Chapter shall be subject to renewal annually. If the applicant fails to timely renew or fails to meet the requirements of this Chapter at the time of each renewal, including the Permitting Requirements in Section 5.50.050 above, the Cannabis Business permit issued hereunder shall expire. A Cannabis Business permit will not be renewed if the permit holder has failed to pay all fines issued pursuant to this Chapter, has violated any provisions of the Zoning Ordinance, including but not limited to Section 11.800, *et seq.* "Cannabis Uses", or is in violation of the Cambridge Traffic, Parking and Transportation Regulations, including any unpaid parking tickets.

5.50.080 - Enforcement

A. Failure to comply with this Chapter, including a failure to maintain the status of a Priority Applicant, failure to obtain or to comply with the provisions of a Planning Board special permit or State license to operate a Cannabis Business, or failure to comply with any applicable laws, may result in revocation by the City, through the Commissioner, of the Cannabis Business permit granted pursuant to this Chapter. Failure to meet the annual Cannabis Business permit renewal requirements will result in the expiration of the Cannabis Business permit. If a permit holder's State license is revoked, then the Cannabis Business permit issued by the City shall be revoked. A Cannabis Business permit may be revoked or not renewed if the permit holder has sold a cannabis product to a person under the minimum legal sales age three times or more, or if the permit holder has failed to pay to the City all outstanding fines issued pursuant to this Chapter.

B. An applicant must cease to operate if it does not hold and maintain a valid Cannabis Business permit pursuant to this Chapter. Prior to revoking a Cannabis Business permit issued hereunder, the Commissioner will notify the Cannabis Business permit holder in writing and allow the Cannabis Business permit holder at least fourteen (14) days to submit written information to the Commissioner establishing that the Cannabis Business permit holder is in compliance with the terms of this Chapter. The Commissioner shall make a final determination on the Cannabis Business permit expiration or revocation thereafter. If a permit holder requests, the Commissioner in his discretion may hold a hearing before deciding whether to revoke a Cannabis Business permit.

C. Any violation of this Chapter by a permit holder shall be subject to a fine of up to $300.00 for each violation. Each day a violation exists shall constitute a separate violation.

D. Fines pursuant to this Chapter may be issued pursuant to the non-criminal ticketing procedure in G.L. c. 40, § 21D. The Commissioner of Inspectional Services, the Police Commissioner, and the Commissioner of Public Health, or their designees shall be the enforcement officials for this Chapter.

5.50.090 - Regulations

The Commissioner of Inspectional Services, as well as the Assistant City Manager for Community Development and the Director of Traffic, Parking and Transportation, with the approval of the City Manager, are authorized to promulgate regulations and to create the necessary application and permit forms, to implement this Chapter with respect to their respective responsibilities pursuant to this

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Chapter. Regulatory requirements implementing this ordinance may differ for Priority Applicants and non-Priority applicants, such that the regulatory burden for Priority Applicants is less burdensome.

5.50.100 - Effective Date

This Chapter shall take effect on September 23, 2019.

5.50.110 - Severability

The provisions of this Chapter are severable, and if any part of this Chapter should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the Chapter, and the remainder of the Chapter shall remain in full force and effect.

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City of Cambridge

~~R-5~~
Calendar Item # 1
FIRST IN COUNCIL
~~January 4, 2021~~
March 22, 2021

COUNCILLOR SIMMONS

WHEREAS: The City Council was deeply saddened to learn of the recent passing of William Leeds, father of Cambridge resident Maria Jobin-Leeds; now therefore be it

RESOLVED: That the City Council formally go on record in expressing its deepest condolences to the family and friends of William Leeds for their tremendous loss; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to Maria Jobin-Leeds, daughter of William Leeds, on behalf of the entire City Council.

City of Cambridge

~~O-7~~
Calendar Item # 2
FIRST IN COUNCIL
~~February 3, 2021~~

VICE MAYOR MALLON

WHEREAS: Governor Baker recently announced that the Commonwealth will move into Phase 2 of its COVID vaccination plan on February 1st; and

WHEREAS: Early education and K-12 workers were recently pushed back to be part of the third priority group included in the Phase 2, meaning they will have to wait longer than anticipated to be vaccinated; and

WHEREAS: With an expansion of in-person learning slated to begin on March 1st and concerns among Cambridge Public School (CPS) educators and staff over their personal health, ensuring these employees are vaccinated as soon as possible is paramount; and

WHEREAS: CPS educators and staff being vaccinated will also help restore families' confidence and trust in schools and in-person learning as being a safe option for their children, helping parents return to the workforce while ensuring their children can access high-quality in-person education; and

WHEREAS: Given the ensuing delays in education workers' vaccination, and the need for both staff members and scholars to feel safe in in-person classrooms, it is critical that the City remains proactive and has a plan in place to rapidly vaccinate CPS educators and staff in convenient locations with ready availability when the times comes; and

WHEREAS: The Cambridge Public Health Department recently vaccinated all Cambridge first responders, including firefighters, police officers, and EMTs in Operation Nightengale, making it easy for first responders to obtain a vaccine locally and a similar plan could be created to ensure timely delivery of vaccinations to CPS staff; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the Cambridge Public Health Department, the School Department, and other relevant City departments to develop a comprehensive plan to vaccinate CPS educators and staff, similar to Operation Nightengale for first responders; and be it further

ORDERED: That the City Manager report back to the City Council on this matter by the February 22nd general meeting.

History:

02/01/21	**City Council**	**MEETING CANCELLED**	**Next: 02/03/21**
02/03/21	**City Council**	**TABLED**	**Next: 02/08/21**
02/08/21	**City Council**	**NO ACTION TAKEN**	**Next: 02/22/21**
02/22/21	**City Council**	**NO ACTION TAKEN**	**Next: 03/01/21**
03/01/21	**City Council**	**NO ACTION TAKEN**	**Next: 03/08/21**
03/08/21	**City Council**	**NO ACTION TAKEN**	**Next: 03/15/21**
03/15/21	**City Council**	**NO ACTION TAKEN**	**Next: 03/22/21**

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

February 22, 2021

To the Honorable, the City Council:

As a further response to Awaiting Report Item Number 19-22, which was responded to by City Solicitor Nancy E. Glowa at the Council Meeting of November 16, 2020, and in response to Awaiting Report Item Number 20-64, requesting Home Rule language to allow for acoustic live entertainment performances in small businesses under certain conditions without a license, please find attached a communication received from Nicole Murati Ferrer, Chair of the Board of License Commissioners. The Cambridge Board of License Commissioners is the local licensing authority with exclusive authority to grant entertainment licenses issued under G. L. c. 140, § 183A. As indicated in Chair Murati Ferrer's communication, the Board of License Commissioners does not recommend submission of a Home Rule Petition in this matter.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)

CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER
CHAIRPERSON | BOARD MEMBER

BRANVILLE G. BARD,
POLICE COMMISSIONER | BOARD MEM

GERARD E. MAHON
FIRE CHIEF | BOARD MEM

ELIZABETH Y. LI
EXECUTIVE DIRECT

MEMORANDUM

TO: Louis E. DePasquale, City Manager; Nancy E. Glowa, City Solicitor; Arthur Goldberg, Deputy City Solicitor; Samuel Aylesworth, First Assistant City Solicitor; and Keplin Allwaters, Assistant City Solicitor

FROM: Nicole Murati Ferrer, Esq., Chair of Board of License Commissioners

DATE: February 12, 2021

RE: Home Rule Petition to Eliminate Certain Licensing Requirements of G. L. c. 140, § 183A

At the request of the City Solicitor, during a public meeting on February 10, 2021, the Board of License Commissioners (the "Board") discussed the possibility of a home rule petition seeking special legislation to allow acoustic music performances of five or fewer performers with no amplification except for one microphone at licensed establishments in the City of Cambridge, without the establishment being required to first obtain a license as required by G. L. c. 140, § 183A (the "Home Rule Petition") as requested by the City Council in Council Order No. O-9 of 11/16/20, and to discuss whether the Board had any concerns. I write this as the Board's designee and inform you that our consensus is we have many concerns adopting or implementing the Home Rule Petition as proposed.

Specifically, the Board discussed that even though the City of Boston engaged in this type of non-licensing through a pilot program, this type of program or Home Rule Petition would not work in the City of Cambridge. Since 2016, the Board has done a comprehensive review of what was being licensed under G. L. c. 140. The Board eliminated a lot of the "superfluous" categories that were being licensed, eliminated the requirement to license categories which were not required to be licensed and which did not affect the factors that the Board needs to consider per state law when issuing such licenses. The Board focused on the categories listed in the state law, those that create noise, that may affect the public safety, that may increase traffic, and all other considerations pursuant to state law. The Board gave careful consideration not only to state law but also the City of Cambridge's Noise Ordinance and the nature of our City. Hence, the Board believes that the current licensing requirement for live music is necessary and appropriate.

The Board discussed their concerns about the zoning issues that are implicated by the proposed Home Rule Petition and which are not addressed or being discussed front and center. The way the City is zoned would impede this type of entertainment in many, if not most, of the places that are not currently licensed. It would be misleading and create unnecessary roadblocks for the businesses to adopt such a Home Rule Petition when there would be zoning impediments or need for a variance. There is also the issue that if this is allowed on any area of the licensed premises, those that have outdoor areas and add this amenity to it, can end up adversely affecting street performers.

In addition, the City of Cambridge is very dense, commercial, and residential areas are often mixed and intertwined, and our residents expect a peaceful and quiet City. The Board could not recall a time when noise was not an issue one way or another in its last meetings. For example, in the meeting where this was discussed the two disciplinary items on the agenda both related to noise complaints/violations. Often, when a new establishment applies for a license, noise is a consideration and one that is raised as a possible problem. Noise variances are often part of the matters considered

Attachment: Home Rule Petition - no licensing of live entertainment (CMA 2021 #32 : Awaiting Report 20-64 RE: Acoustic Music Home Rule)

by the Board. Since the Board, License Commission and Police enforce the Noise Ordinance, the Board understands that adopting such a Home Rule Petition would create a flurry of new and additional noise complaints and raise a serious enforcement issue. Noise of this nature is actionable under the Ordinance only if plainly audible from a distance of fifty (50) feet. This means that many times it is not actionable because the complainant is closer than fifty (50) feet. In addition, even if it is actionable, unless it is heard by the responding investigator or police officer, it is very hard to take action against the business, which ends up frustrating the residents/complainants. We have people staying home more and using home as an office. Prior and even during COVID-19, the noise complaints we receive are not limited to late night, they include daytime and early evening. Allowing this without any licensing or consideration to the residents surrounding the businesses would create an incredible problem.

The Board also raised safety concerns. Live music, even if limited to 5 people with instruments and one microphone, take up a lot of space. Even ignoring the current space limitations we have with COVID-19, you still need a dedicated space for these musicians and their equipment to ensure that they (or their instruments) are not blocking the ingress/egresses, pathways or affect the minimal ADA space requirements. There are a lot of small venues in Cambridge where adding this type of amenity without review could end up creating safety issues for the employees and patrons.

The Board concluded that currently there is a way to apply to the License Commission for this type of event/amenity either on an annual or daily basis. It is not a difficult process, and it is a process that ensures that zoning approval is obtained, that if a variance is required one is obtained, or that if it is not allowed because of zoning, that a license is not improperly issued. It is a process that allows the public to express their concerns before the license is approved, and it is a process that allows the Board and other regulating departments to dedicate staff to monitor to ensure common good and public safety. It is not a cost prohibitive process and it is one that is necessary for this type of entertainment in the City of Cambridge. Allowing such a Home Rule Petition would create an insurmountable number of noise complaints, would result in places engaging in the practice against zoning and other legal requirements, and would result in an unmanageable system for issues such as safety and enforcement of laws and Ordinances.

Please let us know if you would like to discuss further. Thank you.

Attachment: Home Rule Petition - no licensing of live entertainment (CMA 2021 #32 : Awaiting Report 20-64 RE: Acoustic Music Home Rule)

City of Cambridge

~~APP 2~~
APP # 4
FIRST IN COUNCIL
~~March 1, 2021~~
March 22, 2021

ORDERED: That, in accordance with the provisions of an ordinance relative to placing and maintaining signs, the Commissioner of Public Works be and hereby is authorized to grant a permit to TD Bank for 4 (four) awnings at the premises numbered 617 Massachusetts Avenue, Cambridge, Massachusetts. Provided that, before erecting the above named awning the petitioner shall file with the City Clerk a bond in the sum of eight thousand ($8,000.00) dollars, conditioned to save harmless the City of Cambridge from all claims for damages arising from the installation, maintenance and use of said awning.

History:

03/01/21	**City Council**	**CHARTER RIGHT**	**Next: 03/08/21**
03/08/21	**City Council**	**PLACED ON THE TABLE**	**Next: 03/15/21**
03/15/21	**City Council**	**NO ACTION TAKEN**	**Next: 03/22/21**

Sign Permit

97732

Submitted On: Oct 27, 2020

Applicant

Tiffany Suddarth
5137227867
@ tsuddarthonestopsigns@gmail.com

Location

617 Massachusetts Ave
Cambridge, MA 02139

General Information

Description of Proposed Work

Face Changes to all existing signage

Estimated Cost of Sign(s) in dollars

7500

Describe any existing signs that will remain (including the size of the remaining signs).

All the sizes will remain the same just doing face changes going from a dark green to a lighter green

Cambridge City Council approval may be required.

Will one or more of the proposed signs extend six (6) inches into the public sidewalk?

No

Sign Information

Sign Text

TD Bank

Type of Sign

Awning

Illumination

External

Height of Sign (feet)

4

Width of Sign (feet)

30

Area of Sign (square feet)

137.5

Height from the ground to the top of the sign (feet)

20

Height from the ground to bottom of the sign (feet)

16

Sign Material

Laminated Vinyl

Weight of the sign (lbs)

10

Projection from the Building (inches)

--

Width of Building Facade for Associated Use (feet)

40670

Is the sign an accessory to a first floor store?

Yes

Sign Text

TD Bank

Type of Sign

Wall-Mounted

Illumination

External

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Height of Sign (feet)
3

Width of Sign (feet)
8

Area of Sign (square feet)
24

Height from the ground to the top of the sign (feet)
15

Height from the ground to bottom of the sign (feet)
12

Sign Material
Laminated vinyl

Weight of the sign (lbs)
10

Projection from the Building (inches)
--

Width of Building Facade for Associated Use (feet)
40670

Is the sign an accessory to a first floor store?
Yes

Sign Text
TD Bank

Type of Sign
Wall-Mounted

Illumination
External

Height of Sign (feet)
3

Width of Sign (feet)
8

Area of Sign (square feet)
24

Height from the ground to the top of the sign (feet)
15

Height from the ground to bottom of the sign (feet)
12

Sign Material
Laminated Vinyl

Weight of the sign (lbs)
10

Projection from the Building (inches)
--

Width of Building Facade for Associated Use (feet)
40670

Is the sign an accessory to a first floor store?
Yes

Sign Text
TD Bank

Type of Sign
Wall-Mounted

Illumination
External

Height of Sign (feet)
4

Width of Sign (feet)
37

Area of Sign (square feet)
169.58

Height from the ground to the top of the sign (feet)
20

Height from the ground to bottom of the sign (feet)
16

Sign Material
Laminated Vinyl

Weight of the sign (lbs)
50

Projection from the Building (inches)
--

Width of Building Facade for Associated Use (feet)
40670

Is the sign an accessory to a first floor store?
Yes

Sign Text
TD Bank

Type of Sign
Wall-Mounted

Illumination
External

Height of Sign (feet)
4

Width of Sign (feet)
37

Area of Sign (square feet)
180.85

Height from the ground to the top of the sign (feet)
20

Height from the ground to bottom of the sign (feet)
16

Sign Material
Laminated vinyl

Weight of the sign (lbs)
50

Projection from the Building (inches)
--

Width of Building Facade for Associated Use (feet)
40670

Is the sign an accessory to a first floor store?
Yes

Sign Text
TD Bank

Type of Sign
Awning

Illumination
Internal

Height of Sign (feet)
3

Width of Sign (feet)
6

Area of Sign (square feet)
39

Height from the ground to the top of the sign (feet)
20

Height from the ground to bottom of the sign (feet)
17

Sign Material
Existing awning to be covered like for like materials

Weight of the sign (lbs)
50

Projection from the Building (inches)
--

Width of Building Facade for Associated Use (feet)
40670

Is the sign an accessory to a first floor store?
Yes

Sign Text
TD Bank

Type of Sign
Awning

Illumination
Internal

Height of Sign (feet)

Width of Sign (feet)

3	6
Area of Sign (square feet)	**Height from the ground to the top of the sign (feet)**
18	20
Height from the ground to bottom of the sign (feet)	**Sign Material**
17	Existing awning to be recovered like for like materials
Weight of the sign (lbs)	**Projection from the Building (inches)**
50	--
Width of Building Facade for Associated Use (feet)	**Is the sign an accessory to a first floor store?**
40670	Yes

Contractor

Contractor Name

One Stop Signs

Address

2502 State Route 131 Goshen OH

E-mail	**Telephone**
tsuddarthonestopsigns@gmail.com	513-722-7867
License Number	**License Expiration Date**
Dont have one	10/27/2020

Contractor's Signature

Signature of Licensed Contractor	**Date**
John Scalf	10/27/2020

OFFICE OF THE CITY CLERK

CAMBRIDGE CITY HALL, 795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
PHONE (617) 349-4260
FAX (617) 349-4269
TTY/TDD (617) 349-4242

ANTHONY I. WILSON
CITY CLERK

PAULA M. CRANE
DEPUTY CITY CLERK

ABUTTERS FORM FOR SIGN/AWNING PERMIT

To Whom It May Concern: Date 02/19/2021

As Owner of Agent of 641 Massachutsetts Ave. Cambridge, Massachusetts, I do hereby declare my disapproval _____ approval X of the installment of:

Canopy over the sidewalk entrance: n/a

Awnings over the windows: 3'6"h x 16'11"w x 12"d

Projecting sign: n/a

of said property.

Signed: Wayne Robertson Date 02/22/2021

Address: 53 STATE ST., 8TH FLOOR BOSTON, 02109 MA

ABUTTERS:

PLEASE COMPLETE FORM WHETHER OR NOT YOU APPROVE OF THE REQUESTED SIGN/AWNING AND RETURN IT TO THE APPLICANT WITHIN SEVEN (7) DAYS FOR INCLUSION IN THE APPLICATION.

SIGN/AWNING APPLICANT:

PLEASE FILL IN DATE THAT FORM WAS DELIVERED TO ABUTTER (TOP RIGHT OF THIS FORM)

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

OFFICE OF THE CITY CLERK

CAMBRIDGE CITY HALL, 795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
PHONE (617) 349-4260
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ANTHONY I. WILSON
CITY CLERK

PAULA M. CRANE
DEPUTY CITY CLERK

ABUTTERS FORM FOR SIGN/AWNING PERMIT

To Whom It May Concern: Date 02/19/2021

As Owner of Agent of 617 Massachusetts Ave. Cambridge,

Massachusetts, I do hereby declare my disapproval _____ approval _____ of the

installment of:

Canopy over the sidewalk entrance: n/a

Awnings over the windows: 3'6"h x 16'11"w x 12"d - qty 6

Projecting sign: n/a

of said property.

Signed: _____ Date _____

Address: 53 STATE ST., 8TH FLOOR BOSTON, 02109 MA

ABUTTERS:

PLEASE COMPLETE FORM WHETHER OR NOT YOU APPROVE OF THE REQUESTED SIGN/AWNING AND RETURN IT TO THE APPLICANT WITHIN SEVEN (7) DAYS FOR INCLUSION IN THE APPLICATION.

SIGN/AWNING APPLICANT:

PLEASE FILL IN DATE THAT FORM WAS DELIVERED TO ABUTTER (TOP RIGHT OF THIS FORM)

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

OFFICE OF THE CITY CLERK

CAMBRIDGE CITY HALL, 795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
PHONE (617) 349-4260
FAX (617) 349-4269

ANTHONY I. WILSON
CITY CLERK

PAULA M. CRANE
DEPUTY CITY CLERK

Cambridge, February 15, 2021

To the Honorable, the City Council of the City of Cambridge:

EACH PETITION MUST BE ACCOMPANIED BY A DRAWING OF PROPOSED SIGN, INDICATING DESIGN AND DIMENSIONS AND LOCATION ON PREMISES.

The undersigned respectfully prays that TD Bank
(NAME OF BUSINESS)
be granted permit to erect a sign of the following specifications in front of premises located at
617 Massachusetts Ave., Cambridge MA
(ADDRESS)
Type of Sign: Awnings over windows
(state whether electric or otherwise and material used in construction)
Reading matter to go on Sign:
N/A

Size: 3'-6"h x 16'-11"w x 12"d (qty 4) Weight: 600 lbs

Public Way
Obstruction: A._____ B._____
(Give exact distance sign is to extend over sidewalk) (Also exact distance from bottom of sign to sidewalk)

Height Above Grade: Bottom: _____ Top: _____

NOTICE - REGULATIONS

[*Section 12.08.010* Municipal Code – Encroachments onto Streets] *Section 1212.0* State Building Code – Projecting Signs]

- A projecting sign shall be constructed wholly of incombustible materials.
- All signs must meet requirements of Zoning Ordinances and Building Code.
- **Note***: Section 12.12.220 provides in part "every owner who maintains a . . . structure in or over a street. . . .shall do so only on the condition that such maintenance shall be considered as an agreement on his part to keep the same and the covers thereof in good repair and condition, at all times during his ownership, and to indemnify and save harmless the City against any and all damages, cost or expenses which it may sustain, or be required to pay by reason of such. . .structure."*

PROPERTY OWNER OR AUTHORIZED AGENT HEREBY STATES THAT INFORMATION IS TRUE TO THE BEST OF HIS/HER KNOWLEDGE AND UNDERSTANDING UNDER PAINS AND PENALTY OF PERJURY.

Lincoln Property Company	84 State St., MA 02109	617-742-8422
(Property owner or authorized agent)	(Address)	(Tel. No.)
TD Bank	12000 Horizon Way, Mt. Laurel, NJ 08054	803-790-2121
(Business owner)	(Address)	(Tel. No.)

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

CITY OF CAMBRIDGE
Community Development Department

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

SIGN CERTIFICATION FORM
COVER SHEET

Sign Text: TD Bank

Location of Sign: 617 Massachusetts Ave. *

Applicant: Tiffany Suddarth

One Stop Signs

Zoning District: BB Overlay District: CSOD

Area of Special Planning Concern: (Sec. 19.46 & 19.42.1) _____

Application Date: 10-5-20

Sketch of sign enclosed: Yes ✓ No _____

PLEASE NOTE: All signs must receive a permit from the Inspectional Services Department (ISD) before installation. Community Development Department Certification action does NOT constitute issuance of a permit or certification that all other code requirements have been met. Do not contract for the fabrication of a sign until all permits have been issued including City Council approval, if necessary for signs in the public way*.

* Any sign or portion of a sign extending more than six (6) inches into the public way/sidewalk, must receive approval from the Cambridge City Council; a bond must be posted with the City Clerk.

The Sign Ordinance is available online under Article 7.000 at https://www.cambridgema.gov/CDD/zoninganddevelopment/Zoning/Ordinance

Contact Liza Paden at 617 349 4647 or lpaden@cambridgema.gov for further information.

344 Broadway
Cambridge, MA 02139
Voice: 617 349-4600
Fax: 617 349-4669
TTY: 617 349-4621
www.cambridgema.gov

* 2010 Permit under 625 Mass Ave

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

SIGN CERTIFICATION FORM
COMMUNITY DEVELOPMENT DEPARTMENT

CERTIFCATION OF EXEMPTION

Applicant: Tiffany Suddarth
One Stop Signs

Signature Tiffany Suddarth

Telephone: 513-722-7867 **FAX:** _____

Location of Premises: 617 Massachusetts Ave.

Zoning District: _____ **Overlay District:** _____

Date Application Submitted: 10-5-20

Sketch of Sign Enclosed: X Yes _____ No

PLEASE NOTE: Signs, even if exempt under Article 7.000, may require a permit from the Inspectional Services Department (ISD) before installation. Community Development Department (CDD) action does NOT constitute issuance of a permit or certification that all other code requirements have been met. Awnings of any kind projecting over a city sidewalk require City Council approval.

REASON FOR EXEMPTION: *Awning without graphics* ✓ *Exempt signs in Section 7.16.11 (including directional signs)* _____

Date: 10/5/20 CDD Representative Jeffrey M. Price

Copies: ISD ✓ City Clerk* ____ CDD ____ Applicant ____

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Mass Ave Replacements

EO1 3.13Φ
EO2 3.5Φ

Proposed WALL Sign

Area in Square feet: 10.6Φ **Dimensions:** _____ X _____

Illumination: **Natural** ↘ **Internal** ____ **External** ____

Height (from ground to the top of the sign): same location

---

1. COMPLETE WHEN SIGN IS ACCESSORY TO A FIRST FLOOR STORE
Length in feet of store front facing street: (a) 50ft. Area of signs allowed accessory to store: outside (1 x a) 50Φ, behind windows (0.5 x a)_____. Area of all existing signs on the store front to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

---

2. COMPLETE FOR ANY OTHER SIGN
Length in feet of building facade facing street: (a)_____. Area of signs allowed accessory to the building facade: outside (1 x a)_____, behind windows (0.5 x a)_____. Area of all existing signs on the building facade to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

SUMMARY OF LIMITATIONS FOR WALL SIGNS (see reverse side for more general summary of the sign regulations; review Article 7.000 of the Zoning Ordinance for all zoning requirements.)

AREA: 60 square feet maximum. HEIGHT ABOVE THE GROUND: 20 feet but below the sills of second floor windows. ILLUMINATION: Natural or external, or internal illumination with significant limitations. NUMBER: No limit.

COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATION

Sign conforms to requirements of Article 7.000: YES_____ NO_____

Sign requires a variance from the Board of Zoning Appeal: YES _____

Relevant sections: _____

COMMENTS: EO1 3.13Φ

EO2 7.5Φ

Date: 10/5/20 CDD Representative Elyssa Priden

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

E03 6.99¢ Essex Street Logo Replacement
E04 3.09¢

Proposed WALL Sign

Area in Square feet: 9.99¢ **Dimensions:** _____ x _____

Illumination: **Natural** ✓ **Internal** ____ **External** ____

Height (from ground to the top of the sign): ~~Park location~~

---

1. COMPLETE WHEN SIGN IS ACCESSORY TO A FIRST FLOOR STORE
Length in feet of store front facing street: (a) 102'. Area of signs allowed accessory to store: outside (1 x a) 102¢, behind windows (0.5 x a)_____. Area of all existing signs on the store front to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

---

2. COMPLETE FOR ANY OTHER SIGN
Length in feet of building facade facing street: (a)_____. Area of signs allowed accessory to the building facade: outside (1 x a)_____, behind windows (0.5 x a)_____. Area of all existing signs on the building facade to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

SUMMARY OF LIMITATIONS FOR WALL SIGNS (see reverse side for more general summary of the sign regulations; review Article 7.000 of the Zoning Ordinance for all zoning requirements.)

AREA: 60 square feet maximum. HEIGHT ABOVE THE GROUND: 20 feet but below the sills of second floor windows. ILLUMINATION: Natural or external, or internal illumination with significant limitations. NUMBER: No limit.

COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATION

Sign conforms to requirements of Article 7.000: YES ✓ NO_____

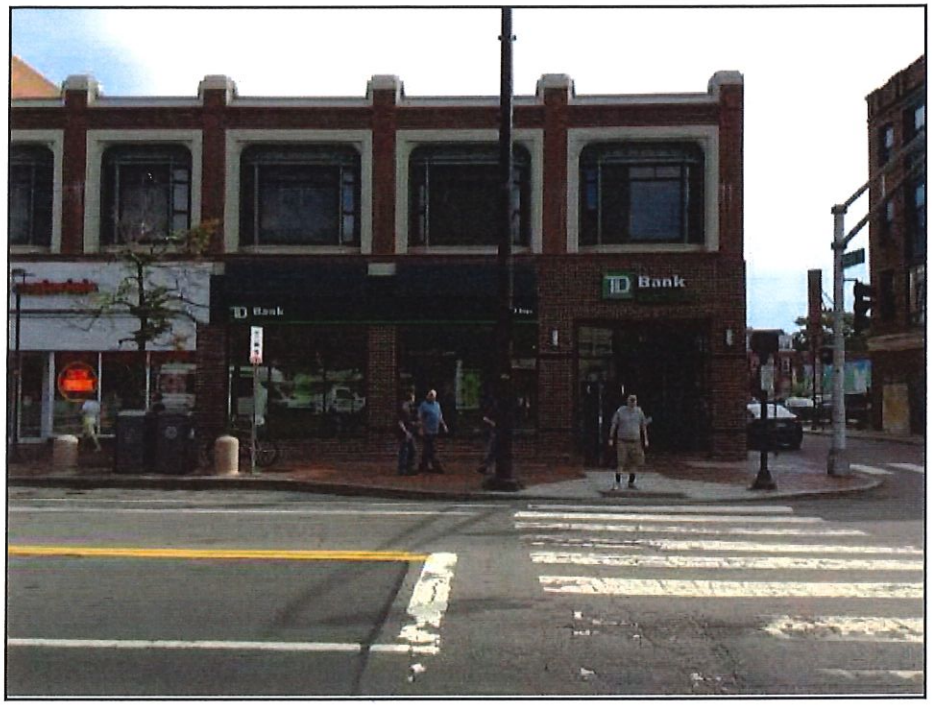
Sign requires a variance from the Board of Zoning Appeal: YES _____

Relevant sections: _____

COMMENTS: E03 6.99¢
E04 3.09¢

Date: 10/5/20 CDD Representative Elizabeth M. Rhodes

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)



EXISTING SITE PHOTOGRAPH

Site Recommendation Book

Cambridge - 617 Massachuesetts Ave ID #: 4937
617 Massachusetts Avenue
Cambridge, MA

Preliminary Recommendations
October 31, 2019

Revisions
May 28, 2020
August 05, 2020

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

IMAGE RESOURCE GROUP
BRINGING DESIGN TO REALITY
130 Pinnacle Point Ct., Columbia, SC 29223, P: 803-790-2121 F: 803-790-2125 Company Website: www.imageresourcegroup.com Project Management Website: www.irgpm.com

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

IMAGE RESOURCE GROUP BRINGING DESIGN TO REALITY

Project Policies and Procedures

You are a valued asset to this project's success - please take a moment to review the guidelines listed, below because your safety and reputation matter.

Standard Onsite Code of Conduct Expectations

- IRG Project Manager must be aware of your presence while on site. Crew Lead must present letter of authorization to the store management prior to the start of work.
- Vehicles and equipment are to be staged as far from customer entrances & parking as possible.
- Crew members' attire should clearly identify the company with which they are working. Please do not interact with customers unless life safety concerns apply.
- Standard Protocol for working overhead is to properly block the walk space beneath the work area with cones when working on sign faces and to have a full flag crew when cabinets and heavy items are being lifted. Be mindful of potential debris dropping onto pedestrians & customers walking below, especially when removing old sign faces that may break during removal.
- No Project related trash (bulbs, faces, signs, screws, crating, etc.) shall be left on site in any trash bin or containers NOT owned by the respective vendor. All waste to be recycled/disposed offsite.
- All signs installed must be level and in pristine condition upon completion. Touch up paint will be provided to address scratched cabinets.
- Photographs: All signs installations and punch-related revisit work must be photographed to include exterior, and interior to confirm that signs light properly prior to leaving the site. Please note that by photographing the interior and exterior of the sign, you will capture the installation, and relieve yourself of potential liability for damages that may occur after leaving a site.

Sign Type- Specific Instructions

- Refacing Monuments & Pylons: If new damage is discovered on site, immediately notify IRG to include landscaping issues found or created by sign removal/installation. Ensure sign is properly lighting.
- Refacing Channel Letters: Confirm lettersets lights properly. Wipe down all letter cabinets and "BANK" letter faces.
- Replacing Wall Signs: All holes from previous sign should be sealed and water tight, without excess of sealants left behind. Every attempt to cover as many existing holes with the new sign as possible should be made, especially where new signs are smaller. The IRG Project Manager must be notified of any holes, ghosting, or damage still visible following the installation of a new sign.
- Directional Signs: All directional signs are to coordinate with any marking on the pavement, If new directional signage counteracts the current flow of traffic, remain on site until you have reviewed next steps with your IRG Project Manager. Any existing electrical must be powered down and made safe, then hidden below ground level consistent with regulations. Immediately notify IRG of damaged landscaping found or created by sign removal/installation
- Acrylic/Plate Lettersets: Retained letters are to be wiped down, and completion photos should include the entire letterset.
- Awnings: Completion photos are to include all recovered awnings, applied graphics, and enough surrounding area to confirm the location of each.
- Restoration & Painting: Completion photos are to include close up photos and enough surrounding area to confirm the location of the impacted area.

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



Site Plan

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



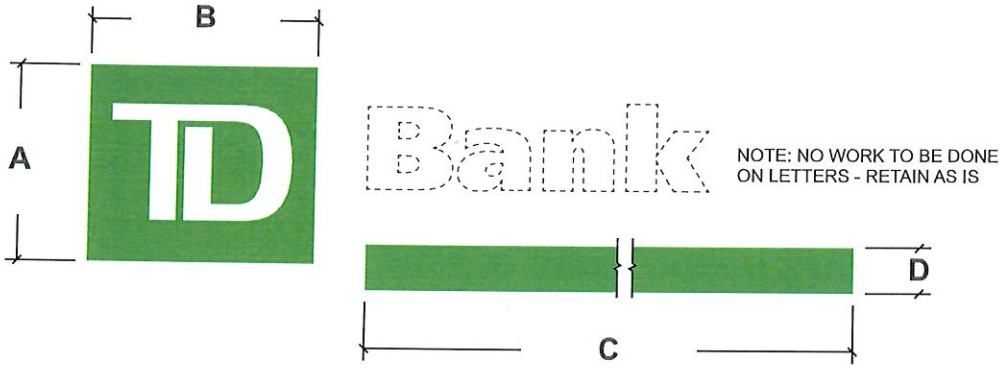
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E01

Existing Signage:
Illuminated Channel Letters
Overall: 4'-7" Tall 30'-0" Wide TBD Deep
Square Footage: 137.5 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

Technical Survey Dimensions

A	B	C	D
1'-7 7/8"	1'-10 1/8"	26'-1 3/4"	4 1/2"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE GROUP

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



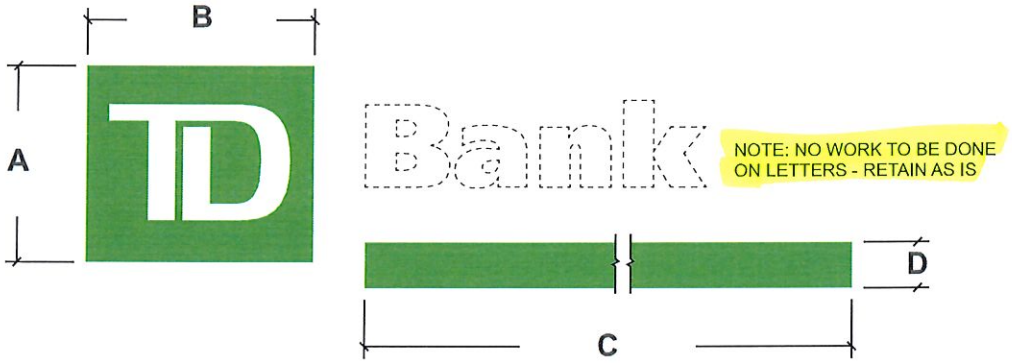
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E02

Existing Signage:
Illuminated Channel Letters
Overall: 3'-0" Tall 8'-0" Wide TBD Deep Square
Footage: 24 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

	A	B	C	D
Technical Survey Dimensions	2'-5 7/8"	2'-11 1/4"	5'-0 1/2"	6 5/8"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE GROUP

R - 08-05-20 - AF PG-5

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



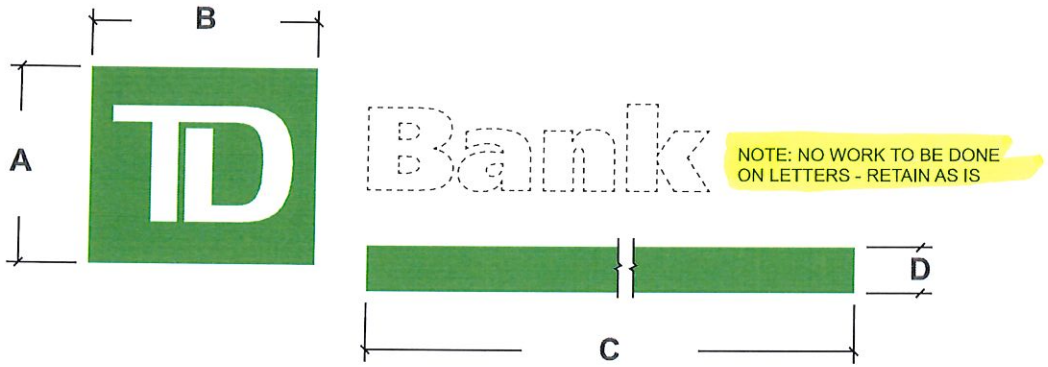
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E03

Existing Signage:
Illuminated Channel Letters
Overall: 3'-0" Tall 8'-0" Wide TBD Deep Square Footage: 24 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

Technical Survey Dimensions

A	B	C	D
2'-5 7/8"	2'-11 3/8"	5'-0 5/8"	6 5/8"

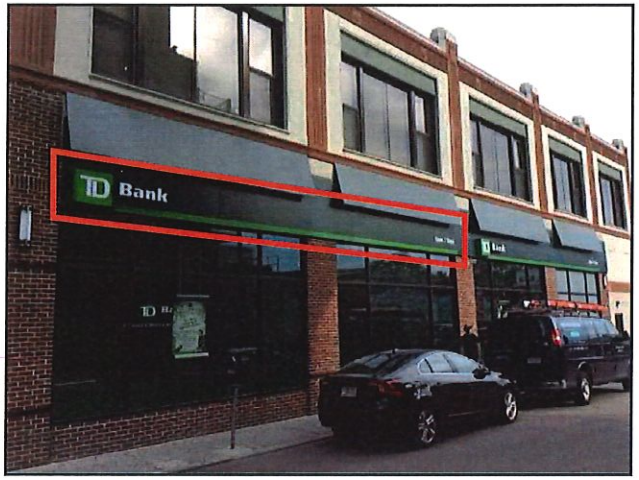
TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE GROUP

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



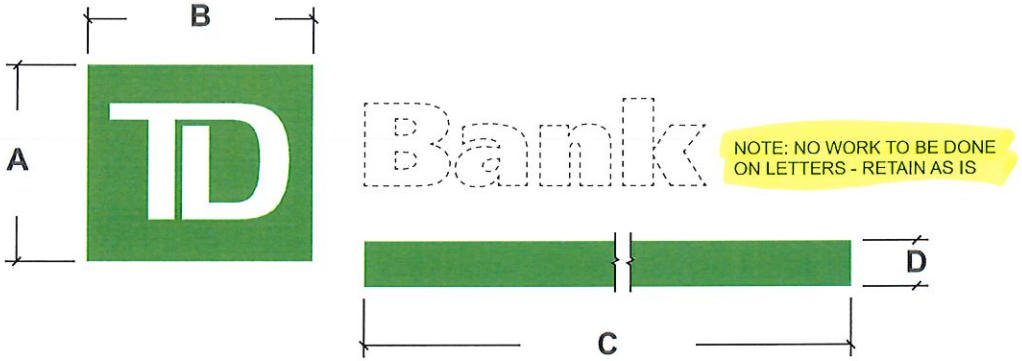
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E04

Existing Signage:
Illuminated Channel Letters
Overall: 4'-7" Tall 37'-0" Wide TBD Deep
Square Footage: 169.58 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

	A	B	C	D
Technical Survey Dimensions	1'-7 7/8"	1'-10 1/4"	34'-2 1/8"	4 1/2"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE GROUP

R - 08-05-20 - AF PG-7

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



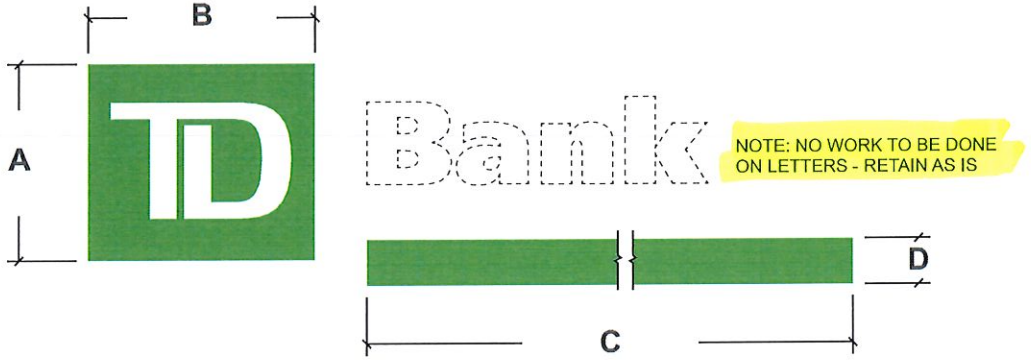
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E05

Existing Signage:
Illuminated Channel Letters
Overall: 4'-10" Tall 37'-5" Wide TBD Deep
Square Footage: 180.85 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

	A	B	C	D
Technical Survey Dimensions	1'-7 7/8"	1'-10 1/4"	31'-3 3/4"	4 1/2"

TDB-CRP-CL

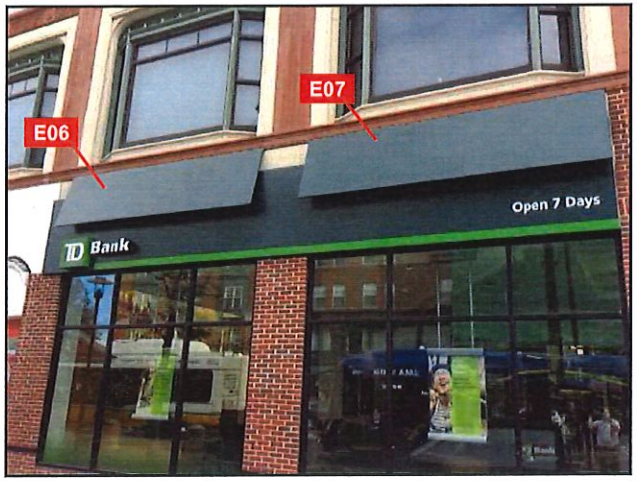
.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE GROUP

R - 08-05-20 - AF PG-8

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E06-E07

Existing Signage:
Awning
Overall: TBD Tall TBD Wide TBD Deep Square Footage: TBD sq.ft.

SPECIAL CONDITIONS

No special conditions.

E06
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	13'-3"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.

Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

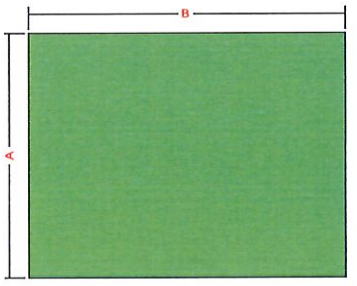
E07
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	13'-3"			FLEX FACE ☒ FABRIC ☐

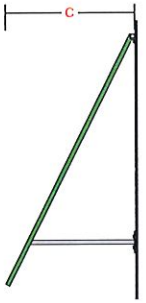
TD-A.RF TBD sq.ft.

Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD



FRONT VIEW
NTS



SIDE VIEW
NTS

IMAGE RESOURCE GROUP

R - 05-28-20 - AF PG-9

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E08-E11

Existing Signage:
Awning
Overall: TBD Tall TBD Wide TBD Deep Square Footage: TBD sq.ft.

Preliminary

E08
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	16'-11"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

E09
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	16'-11"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

E10
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	16'-11"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

E11
Technical Survey Dimensions

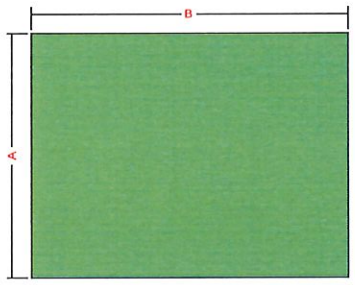
A	B	C	D	FACE STYLE
3'-6"	14'-1"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

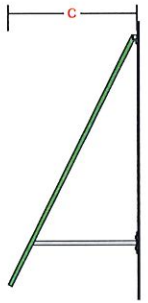
METHOD OF ATTACHMENT: TBD

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS



SIDE VIEW
NTS

IMAGE RESOURCE GROUP

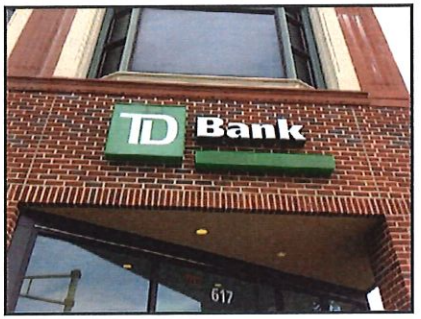
R - 05-28-20 - AF PG-10

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



E01 / Side A / West



E02 / Side A / West



E03 / Side A / South



E04 / Side A / South



E05 / Side A / South

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

IMAGE RESOURCE GROUP
BRINGING DESIGN TO REALITY

Letter of Authorization

Property Owner / Agent:

Company Name: 625 Mass Ave Owner, LLC		
Mailing Address: c/o Lincoln Property Company, 222 Rosewood Drive		
City: Danvers	State: MA	Zip: 01960

Contact: Reid Sorg, General Mgr. or Wayne Robe	Phone: 617-201-6520
Fax:	Email: rsorg@lpc.com

Property Information:

Tenant/ Company Name: Cambridge- 617 Mass. # 4937		
Address: 617 Massachusetts Avenue		
City: Cambridge	State: MASS.	Zip: 02139

I, Wayne Robertson, acting as Owner or authorized agent of the Owner of the subject property, hereby authorize Image Resource Group, c/o TD Bank, and their Authorized Vendor One Stop Signs to act on my behalf in all matters relative to signage work authorized by TD Bank and/or to act as Agent when applying for necessary jurisdictional sign permit applications for the above mentioned property. All work done by said contractors will meet or exceed code requirements and meet NEC standards.

Owner/Authorized Agent: _____

Signature: Wayne Robertson Digitally signed by Wayne Robertson Date: 2020.09.09 10:30:58 -04'00' Date: 9/9/2020

130 Pinnacle Point Court, Suite 101, Columbia, SC 29223
Phone: 803.790.2121
www.imageresourcegroup.com
2598 E. Sunrise Blvd., Suite 210-A, Ft. Lauderdale, FL 33304
Florida Registration: F03000005018

CITY OF CAMBRIDGE
Community Development Department

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

SIGN CERTIFICATION FORM
COVER SHEET

Sign Text: TD Bank

Location of Sign: 617 Massachusetts Ave. *

Applicant: Tiffany Suddarth
One Stop Signs

Zoning District: BB Overlay District: CSOD

Area of Special Planning Concern: (Sec. 19.46 & 19.42.1) _____

Application Date: 10-5-20

Sketch of sign enclosed: Yes ✓ No _____

PLEASE NOTE: All signs must receive a permit from the Inspectional Services Department (ISD) before installation. Community Development Department Certification action does NOT constitute issuance of a permit or certification that all other code requirements have been met. Do not contract for the fabrication of a sign until all permits have been issued including City Council approval, if necessary for signs in the public way*.

* Any sign or portion of a sign extending more than six (6) inches into the public way/sidewalk, must receive approval from the Cambridge City Council; a bond must be posted with the City Clerk.

The Sign Ordinance is available online under Article 7.000 at https://www.cambridgema.gov/CDD/zoninganddevelopment/Zoning/Ordinance

Contact Liza Paden at 617 349 4647 or lpaden@cambridgema.gov for further information.

344 Broadway
Cambridge, MA 02139
Voice: 617 349-4600
Fax: 617 349-4669
TTY: 617 349-4621
www.cambridgema.gov

* 2010 Permit under 625 Mass Ave

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

SIGN CERTIFICATION FORM
COMMUNITY DEVELOPMENT DEPARTMENT

CERTIFCATION OF EXEMPTION

Applicant: Tiffany Suddarth
One Stop Signs

Signature Tiffany Suddarth

Telephone: 513-722-7867 **FAX:** _____

Location of Premises: 617 Massachusetts Ave.

Zoning District: _____ **Overlay District:** _____

Date Application Submitted: 10-5-20

Sketch of Sign Enclosed: X Yes _____ No

PLEASE NOTE: Signs, even if exempt under Article 7.000, may require a permit from the Inspectional Services Department (ISD) before installation. Community Development Department (CDD) action does NOT constitute issuance of a permit or certification that all other code requirements have been met. Awnings of any kind projecting over a city sidewalk require City Council approval.

REASON FOR EXEMPTION: *Awning without graphics* ✓ *Exempt signs in Section 7.16.11 (including directional signs)* _____

Date: 10/5/20 CDD Representative Jill M. Peden

Copies: ISD ✓ City Clerk* ____ CDD ____ Applicant ____

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

EO1 3.13 SF
EO2 7.5 SF

Mass Ave Replacements

Proposed WALL Sign

Area in Square feet: 10.6 SF Dimensions: _____ X _____

Illumination: Natural ✓ Internal ____ External ____

Height (from ground to the top of the sign): same location

---

1. COMPLETE WHEN SIGN IS ACCESSORY TO A FIRST FLOOR STORE

Length in feet of store front facing street: (a) 50ft. Area of signs allowed accessory to store: outside (1 x a) 50 SF, behind windows (0.5 x a)_____. Area of all existing signs on the store front to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

---

2. COMPLETE FOR ANY OTHER SIGN

Length in feet of building facade facing street: (a)_____. Area of signs allowed accessory to the building facade: outside (1 x a)_____, behind windows (0.5 x a)_____. Area of all existing signs on the building facade to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

SUMMARY OF LIMITATIONS FOR WALL SIGNS (see reverse side for more general summary of the sign regulations; review Article 7.000 of the Zoning Ordinance for all zoning requirements.)

AREA: 60 square feet maximum. HEIGHT ABOVE THE GROUND: 20 feet but below the sills of second floor windows. ILLUMINATION: Natural or external, or internal illumination with significant limitations. NUMBER: No limit.

COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATION

Sign conforms to requirements of Article 7.000: YES ✓ NO _____

Sign requires a variance from the Board of Zoning Appeal: YES _____

Relevant sections: _____

COMMENTS: EO1 3.13 SF

EO2 7.5 SF

Date: 10/5/20 CDD Representative Elyssa Priden

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Essex St Quincy

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E08-E11

Existing Signage:
Awning
Overall: TBD Tall TBD Wide TBD Deep Square
Footage: TBD sq.ft.

E08
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	16'-11"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

E09
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	16'-11"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

E10
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	16'-11"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

E11
Technical Survey Dimensions

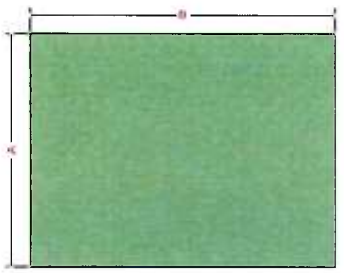
A	B	C	D	FACE STYLE
3'-6"	14'-1"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.
Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT: TBD

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS



SIDE VIEW
NTS

R - 05-28-20 - AF PG-10

IMAGE RESOURCE

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E06-E07

Existing Signage:
Awning
Overall: TBD Tall TBD Wide TBD Deep Square Footage: TBD sq.ft.

SPECIAL CONDITIONS

No special conditions.

E06
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	13'-3"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.

Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT
TBD

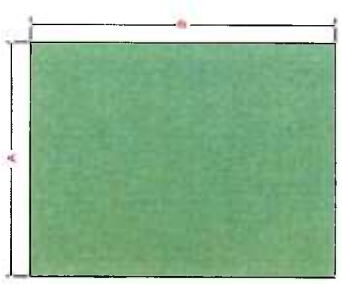
E07
Technical Survey Dimensions

A	B	C	D	FACE STYLE
3'-6"	13'-3"			FLEX FACE ☒ FABRIC ☐

TD-A.RF TBD sq.ft.

Existing awning to be recovered like for like materials.

METHOD OF ATTACHMENT
TBD


FRONT VIEW
NTS


SIDE VIEW
NTS

IMAGE RESOURCE

R - 05-28-20 - AF PG-9

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Mass Ave

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



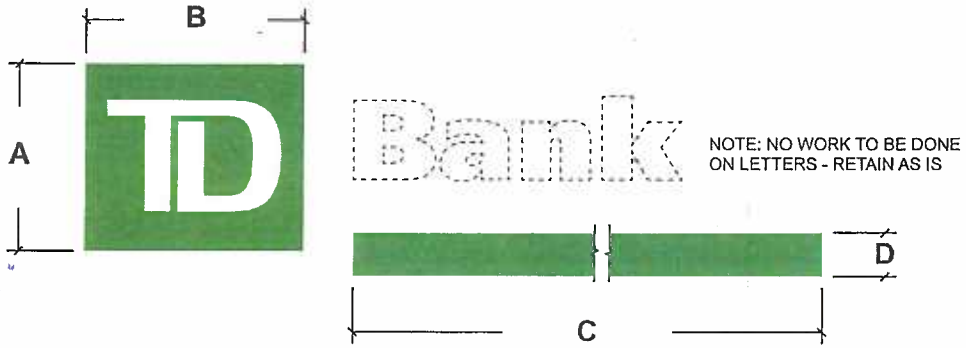
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E01

Existing Signage:
Illuminated Channel Letters
Overall: 4'-7" Tall 30'-0" Wide TBD Deep
Square Footage: 137.5 sq.ft.

SPECIAL CONDITIONS

No special conditions.



NOTE: NO WORK TO BE DONE ON LETTERS - RETAIN AS IS

1'-7 7/8" x 1'-10 1/2"

FRONT VIEW
NTS-TYPICAL VIEW

	A	B	C	D
Technical Survey Dimensions	1'-7 7/8"	1'-10 1/8"	26'-1 3/4"	4 1/2"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE

R - 08-05-20 - AF PG-4

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Mass Ave

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



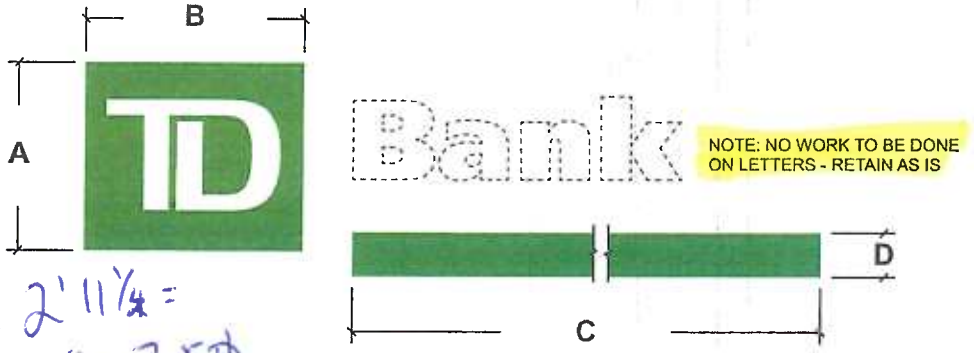
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E02

Existing Signage:
Illuminated Channel Letters
Overall: 3'-0" Tall 8'-0" Wide TBD Deep Square Footage: 24 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

2' 5 7/8" * 2' 11 1/4" =
30" X 36" = 7.5 D

	A	B	C	D
Technical Survey Dimensions	2'-5 7/8"	2'-11 1/4"	5'-0 1/2"	6 5/8"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE

R - 08-05-20 - AF PG-5

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

E03 6.9ft² Essex Street Logo Replacement
E04 3.09ft²

Proposed WALL Sign

Area in Square feet: 9.99ft² Dimensions: _____ X _____

Illumination: Natural ✓ Internal ____ External ____

Height (from ground to the top of the sign): ~~same~~ same location

---

1. COMPLETE WHEN SIGN IS ACCESSORY TO A FIRST FLOOR STORE
Length in feet of store front facing street: (a) 102'. Area of signs allowed accessory to store: outside (1 x a) 102ft², behind windows (0.5 x a)_____. Area of all existing signs on the store front to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

---

2. COMPLETE FOR ANY OTHER SIGN
Length in feet of building facade facing street: (a)_____. Area of signs allowed accessory to the building facade: outside (1 x a)_____, behind windows (0.5 x a)_____. Area of all existing signs on the building facade to remain (including any freestanding sign):_____. Area of additional signs permitted:_____.

SUMMARY OF LIMITATIONS FOR WALL SIGNS (see reverse side for more general summary of the sign regulations; review Article 7.000 of the Zoning Ordinance for all zoning requirements.)

AREA: 60 square feet maximum. HEIGHT ABOVE THE GROUND: 20 feet but below the sills of second floor windows. ILLUMINATION: Natural or external, or internal illumination with significant limitations. NUMBER: No limit.

COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATION

Sign conforms to requirements of Article 7.000: YES ✓ NO_____

Sign requires a variance from the Board of Zoning Appeal: YES _____

Relevant sections: _____

COMMENTS: E03 6.9ft²
E04 3.09ft²

Date: 10/5/20 CDD Representative Elizabeth M. Ryder

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



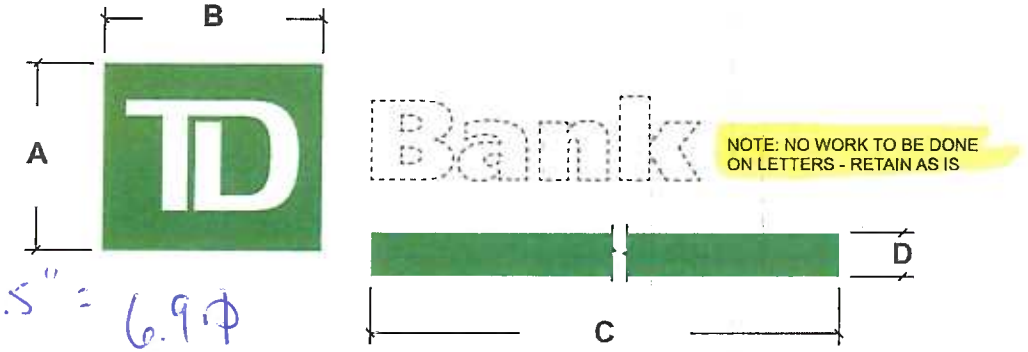
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E03

Existing Signage:
Illuminated Channel Letters
Overall: 3'-0" Tall 8'-0" Wide TBD Deep Square Footage: 24 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

	A	B	C	D
Technical Survey Dimensions	2'-5 7/8"	2'-11 3/8"	5'-0 5/8"	6 5/8"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE GROUP

R - 08-05-20 - AF PG-6

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

Essex St

Site Name: Cambridge - 617 Massachuesetts Ave **Property ID:** 4937
Address: 617 Massachusetts Avenue **City/ST:** Cambridge, MA



ORIGINAL PHOTOGRAPH



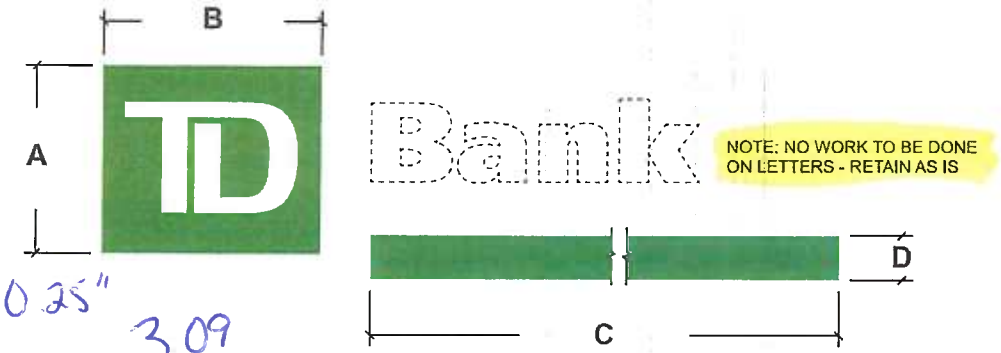
COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

E04

Existing Signage:
Illuminated Channel Letters
Overall: 4'-7" Tall 37'-0" Wide TBD Deep
Square Footage: 169.58 sq.ft.

SPECIAL CONDITIONS

No special conditions.



FRONT VIEW
NTS-TYPICAL VIEW

1'8" x 1'10.25" 3.09

One length + Bracketing piece

Technical Survey Dimensions	A	B	C	D
	1'-7 7/8"	1'-10 1/4"	34'-2 1/8"	4 1/2"

TDB-CRP-CL

.177" Thk W7328 White Acrylic Face with Translucent Light Green Vinyl Applied First Surface Of Face. "TD" Dropped Out To Show White. Entire Face To Be Laminated With 3M Overlaminate Vinyl. 1" trim cap adheared to face, trim cap and hardware painted Light Green.

IMAGE RESOURCE

R - 08-05-20 - AF PG-7

Attachment: 617 Mass Ave Application (APP 2021 #6 : TD Bank 617 Massachusetts Avenue Awnings)

IMAGE RESOURCE GROUP
BRINGING DESIGN TO REALITY

Letter of Authorization

Property Owner / Agent:

Company Name: 625 Mass Ave Owner, LLC		
Mailing Address: c/o Lincoln Property Company, 222 Rosewood Drive		
City: Danvers	State: MA	Zip: 01960

Contact: Reid Sorg, General Mgr. or Wayne Robe	Phone: 617-201-6520
Fax:	Email: rsorg@lpc.com

Property Information:

Tenant/ Company Name: Cambridge- 617 Mass. # 4937		
Address: 617 Massachusetts Avenue		
City: Cambridge	State: MASS.	Zip: 02139

I, Wayne Robertson, acting as Owner or authorized agent of the Owner of the subject property, hereby authorize Image Resource Group, c/o TD Bank, and their Authorized Vendor One Stop Signs to act on my behalf in all matters relative to signage work authorized by TD Bank and/or to act as Agent when applying for necessary jurisdictional sign permit applications for the above mentioned property. All work done by said contractors will meet or exceed code requirements and meet NEC standards.

Owner/Authorized Agent: Tuboany Siddarth

Signature: Wayne Robertson Digitally signed by Wayne Robertson Date: 2020.09.09 10:30:58 -04'00' Date: 9/9/2020

130 Pinnacle Point Court, Suite 101, Columbia, SC 29223
Phone: 803.790.2121
www.imageresourcegroup.com
2598 E. Sunrise Blvd., Suite 210-A, Ft. Lauderdale, FL 33304
Florida Registration: F03000005018
841 Prudential Drive, 12 floor, Jacksonville, FL 32207

Ohio | Bureau of Workers' Compensation

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

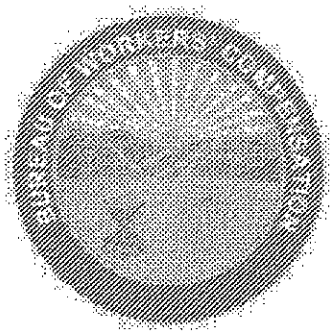
This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292.

This certificate must be conspicuously posted.

Policy number and employer
01581419

JOHN SCALF
ONE STOP SIGNS
2502 STATE ROUTE 131
GOSHEN, OH 45122-9415

Period Specified Below
07/01/2020 to 07/01/2021



www.bwc.ohio.gov
Issued by: BWC

Stephanie McCloud

Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marihuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marihuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

Ohio | Bureau of Workers' Compensation

You must post this language with the Certificate of Ohio Workers' Compensation.

DP-29 BWC-1629 (Rev. Jan. 10, 2019)

Opportunity Name	TD Bank #4937 - Cambridge, MA/ PROJECT-Survey & Sign Package	Created Date	12/7/2020
Contract Number	2020-15486		

Bill To Name	TD Bank #4937 - Cambridge, MA	Ship To Name	TD Bank #4937 - Cambridge, MA
Bill To	130 Pinnacle Point Court, Suite 101 Columbia, SC 29223 United States	Ship To	617 Massachusetts Avenue Cambridge, MA 02138 United States

Purchaser, whose address is set forth above, orders from Triumph Signs & Consulting, Inc ("Seller"), subject to all of the terms and conditions and agreements in this Contract, including those on the FRONT and REVERSE hereof, the following:

Quantity	Line Item Description	Sales Price	Total Price
1.00	Permits	$0.00	$0.00
1.00	Replacement faces for E01	$1,851.00	$1,851.00
1.00	Replacement faces for E05	$2,016.00	$2,016.00
1.00	Replacement faces for E03	$1,190.00	$1,190.00
1.00	Replacement faces for E04	$2,106.00	$2,106.00
1.00	Replacement faces for E02	$1,190.00	$1,190.00
1.00	Installation	$10,101.00	$10,101.00
1.00	Permit: staff time	$375.00	$375.00

Total Price $18,829.00

(Price does **NOT** include sales tax unless otherwise stated.)

Credit Terms Net 30

PRICES IN PROPOSALS WILL BE HONORED FOR THIRTY (30) DAYS FROM ORIGINAL PROPOSAL. Payment Terms: Unless otherwise stated, Purchaser pays all taxes and other charges levied on the labor or materials. Payment will be paid upon execution of Contract. **This Contract does not include permitting, licensure, engineering, freight, or procurement fees, unless otherwise stated, which, in addition to taxes, shall be paid by Purchaser.** Changes: Seller will not, without Purchaser's prior approval, make any design, engineering, operational or dimensional specifications changes. Entire Agreement: Acceptance: Purchaser agrees that this Contract, including the provisions on the FRONT and REVERSE hereto and all attachments, which Purchaser acknowledges reading, contains the entire Contract. The person signing for Purchaser has full and proper authority to bind Purchaser.

Prepared By	Julie Schutzman
Title	Account Coordinator
Email	jschutzman@triumphsigns.com

Buyer Signature: Jeremy Wilkes

Title: Project Manager

Date: 12/7/2020

ADDITIONAL TERMS & WARRANTY

The following additional terms of sale are a part of the Triumph Signs & Consulting, Inc. Contract:

1. Unless a different agreement is reduced to writing and signed by Seller, the terms and conditions stated herein along with any attachments constitute the final written expression of and complete agreement between Seller and Purchaser. Language, drawings, and performance requirements submitted by the Purchaser are incorporated herein by reference only to the extent necessary to define the goods sold and then

only if consistent herewith. Any order submitted in response hereto is an acceptance. If seller utilizes, without objection, purchase orders, bid requests, or other documents preferred by a Purchaser containing recitations, notations or other expressions of terms which conflict with and add to, or modify these terms and conditions, it does so for the convenience of both parties, and it is understood that such recitations, notations or other expressions are ineffective.
2. Sign(s) shall be manufactured with labor by workers of known ability under competent supervision. Materials will be of first-class quality, and Seller will perform all Work in conformance with existing laws and regulations.
3. Purchaser agrees to pay all permit fees necessary in the performance of this Work and without undue delay;
Purchaser shall furnish all necessary approved electrical service including junction boxes, outlets and controls in compliance with all legal requirements and local and national building codes.
4. Purchaser shall provide Seller free and unrestricted access to Purchaser's premises for the performance of Work at any time during the period of the regular work week or at any other time reasonably requested by Seller if necessary to carry out the terms of this Contract.
5. Purchaser hereby acknowledges that the Work is unique and limited to Purchaser's needs and requirements and that the Work has no salvage value to Seller. As a result, this Contract is non-cancelable by Purchaser.
6. The Seller shall complete all Work on, before or as soon as possible after the date set out in the Contract, conditions permitting. If the performance of any part of this Contract by Seller is prevented, hindered, delayed or otherwise made impractical by reason of any strike, labor disturbance, flood, riot, the elements, fire, explosion, war, conflict, unanticipated design or fabrication problem, action or order of any court or similar body, commercial delay, restrictions or moratorium by governmental entity or any other casualty or cause beyond the control of Seller (force majeure condition), Seller shall be excused from performance to the extent that it is prevented, hindered, or delayed thereby, during the continuance thereof, and for so long as the same shall continue to prevent, hinder or delay such performance. This Contract shall be deemed suspended for so long as and to the extent that, such force majeure condition shall operate to prevent, hinder or delay such performance by Seller of its obligations. Upon occurrence of any such force majeure condition, Seller shall, as soon as reasonably practicable, notify Purchaser of the nature and extent thereof, and shall advise Purchaser of the approximate duration foresee (notification).
7. When applicable Seller will contact: CALL BEFORE YOU DIG! And schedule all areas of the excavation to be marked prior to excavation. If excavation hits rock or any other unseen difficulty arises, Purchaser will be billed on a time and material basis for all necessary equipment and labor until excavation is completed.
8. If Purchaser defaults under this Contract, Seller will have available to it all remedies at law or in equity. Default includes any failure to pay according to the terms hereof, any failure by Purchaser to carry out any undertaking herein, and insolvency, bankruptcy or receivership of Purchaser. Among other things, if Purchaser defaults, the Purchaser grants permission to the Seller to enter it premises and remove the Work.
9. If Purchaser defaults in payment, Purchaser agrees to reimburse Seller, in addition to the amount owed all collection costs, including without limitation, reasonable attorney's fees, court costs and any related expenses. Further, interest shall accrue on any unpaid amounts based on 1 12% per month or the highest legal rate, whichever is less.
10. Price quotes are subject to revision where unforeseeable building site or job conditions are encountered. Unless otherwise noted, quotes assume Work done during ordinary working hours, Monday through Friday. Disposal or existing signs is not included unless otherwise provided.
11. Because of the nature of the Work, Purchaser acknowledges and understands that warranties as to workmanship and materials provided by third party manufacturers/suppliers will be covered by the warranties of those third parties. The warranties vary and are limited in coverage by the individual manufacturer or supplier. Seller will provide Purchaser, on request by Purchaser, the warranties of the manufacturers and suppliers of Work and Seller will assist Purchaser in dealing
with the manufacturer/supplier subject to the understanding that responsibility for warranties for those items will be that only of the manufacturer and/or supplier. All workmanship provided by Seller is guaranteed for a period of ninety (90) days from installation except for damages caused by Purchaser, accidents, vandalism, negligence or Acts of God. All claims for warranty items shall be made on a timely basis. In the event failure or a component occurs within ninety (90) days after installation, labor charged for replacement will be at Seller's expense. Lamps and bulbs are not covered by any warranty.
12. THE ABOVE WARRANTY IS SUBJECT TO LIMITATIONS AS SET FORTH HEREIN. THE ABOVE WARRANTY IS EXCLUSIVE AND CONSTITUTES SELLER'S SOLE LIABILITY AND PURCHASER'S SOLE REMEDY WITH RESPECT TO ANY CLAIMED NONCONFORMANCE OF THE PRODUCTS SOLD HEREUNDER AND IS IN LIEU OF ANY OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, AN IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHER WARRANTY OF QUALITY, WHETHER EXPRESS OR IMPLIED, ALL OF WHICH SELLER HEREBY DISCLAIMS.
13. SELLER'S LIABILITY UNDER, FOR BREACH OF, OR ARISING OUT OF THIS CONTRACT SHALL BE LIMITED IN AMOUNT TO THE NET PURCHASE PRICE OF THE PRODUCTS SOLD TO PURCHASER BY SELLER HEREUNDER. IN NO EVENT SHALL SELLER BE LIABLE FOR COSTS OF PROCUREMENT OF SUBSTITUE GOODS BY PURCHASER. IN NO EVENT SHALL SELLER BE LIABLE FOR ANY SPECIAL, CONSEQUENTIAL, INCIDENTAL, ECONOMIC, DIRECT, INDIRECT OR OTHER DAMAGES (INCLUDING WITHOUT LIMITATION LOSS OF PROFIT) WHETHER OR NOT SELLER HAS BEEN ADVISED OF THE POSSIBLITY OF SUCH LOSS, HOWEVER CAUSED, WHETHER FOR BREACH OR REPUDIATION OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE, OR OTHERWISE. THIS EXCLUSION ALSO INCLUDES ANY LIABILITY WHICH MAY ARISE OUT OF ANY THIRD PARTY CLAIMS AGAINST PURCHASER. THE ESSENTIAL PURPOSE OF THIS PROVISION IS TO LIMIT THE POTENTIAL LIABILITY OF SELLER ARISING OUT OF THIS CONTRACT AND/OR SALE.
14. This Contract between Seller and Purchaser shall be considered to have been made in the State of Ohio, and it shall be governed by and interpreted according to Ohio law. Either party may bring any action that arises out of or relates to this Contract in any federal or state court in Hamilton or Clermont County, Ohio that has jurisdiction of the subject matter.
15. All the terms of this Contract will be binding upon the successors, assigns and legal representatives of the parties. Purchaser may not assign or transfer this Contract without Seller's written consent.
(04/2005-438702.2)

HEALTH & ENVIRONMENT COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, October 13, 2020 **3:00 PM** **Sullivan Chamber**

Call to Order

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	☑	☐	☐	
Marc C. McGovern	☑	☐	☐	
Patricia Nolan	☑	☐	☐	
Jivan Sobrinho-Wheeler	☑	☐	☐	
Quinton Zondervan	☑	☐	☐	

The Health & Environment Committee will conduct a public hearing to discuss amending the Tree Protection Ordinance based on the findings of the Urban Forest Master Plan Task Force.

Councillor Zondervan called the meeting to order.

Councillor Zondervan opened the floor to public comment.

Lee Ferris, 269 Norfolk Street, spoke in support of updating the tree protection ordinance. She wanted to examine ways to increase the city's tree canopy.

Mike Nakagawa, 51 Madison Ave, spoke about factors affecting the city's ability to increase the tree canopy. He stated that some developers severely prune trees, then ask for a permit to cut it down later after it dies or becomes sick.

Louisa McCall, 117 Lakeview Avenue stated that the city arborist should have the final say on cutting down trees.

Melissa Ludtke, 30 Buena Vista Park, stated that the tee canopy is an important protection against heat impacts of global warming. She encouraged the city to plant more trees.

Diane Martin, 34 Madison Avenue, stated that trees in Cambridge are inadequately cared for causing added stress.

Councillor McGovern motion to close public comment				
	Absent	present	Yea	Nay
Councillor Carlone			x	
Councillor McGovern			x	
Councillor Nolan			x	
Councillor Sobrinho-Wheeler			x	
Councillor Zondervan			x	

Minutes Acceptance: Minutes of Oct 13, 2020 3:00 PM (On the Table)

Owen O'Riordan, Commissioner of Public Works, explained the history and provisions of the tree protection ordinance. He explained that the report of the Urban Forestry Task Force will ultimately lead to some proposed amendments to the ordinance.

Catherine Woodbury, Project Manager at the Department of Public Works, gave a presentation to the committee which is attached to these minutes. She explained that in order to stem the loss of the tree canopy, at the current rate, the city would have to plant 1000 more trees annually than are currently being planted. The overall goal from the technical report is to get all neighborhoods to at least have a 25% canopy coverage. Stemming loss requires more than just planting new trees, it is a balance of planting and limiting loss. Across all categories, residential, institution, commercial, etc., the greatest loss was on residential properties.

Owen O'Riordan, Commissioner of Public Works added that 87% of the loss in the city, over the last 10-year period has been on private property and 72% of the loss has been on residential private property.

Ms. Woodbury explained that the greatest opportunity for replanting is within residential properties. She explained that the loss of one mature tree is more broadly felt than the loss of younger and smaller trees.

Andrew Putnam, Superintendent of Urban Forestry and Landscape, explained that there are six categories that a person could request to remove a tree. The first category, dead or dangerous has received the vast majority of applications at 73%. A total of 402 emergency circumstances or instances after a storm or there's significant damage to a tree so that it needs to be removed somewhat immediately and poses a risk. 3% of all removals or 14 total significant utility infrastructure projects. One or two percent of trees filed under category six which is that the tree poses a significant impact on an adjacent existing structure.

Ms. Woodbury explained that the city will propose amending the ordinance to include all private properties and redefine what qualifies as a significant tree. She explained different scenarios where the city encourages people to plant trees rather than paying into a mitigation fund. The city will propose an amendment require a sign off by the city arborist certifying the tree plan as approved for large projects.

Councillor Carlone moved to reopen public comment				
	Absent	present	Yea	Nay
Councillor Carlone			x	
Councillor McGovern			x	
Councillor Nolan			x	
Councillor Sobrinho-Wheeler			x	
Councillor Zondervan			x	

No members of the public were available to comment

In response to a question from Councillor Carlone about tree planting, Mr. O'Riordan, stated that through the hiring of additional staff the Department of Public Works could perhaps plant about between 1250 and 1500 trees. At the moment, private property owners' plant between 250 and 300 trees a year. That still leaves a significant difference between what is needed to reach 30% canopy coverage.

Mr. O'Riordan stated that the city is having discussions with MIT about tree planting on their campus and athletic fields.

Councillor Zondervan gave the floor to Christopher Schmidt to provide public comment.

Minutes Acceptance: Minutes of Oct 13, 2020 3:00 PM (On the Table)

Christopher Schmidt , 17 Laurel Street, asked for more information about the maintenance of trees. He stated that planting trees could be a significant investment for some homeowners.

Councillor McGovern motion to close public comment				
	Absent	present	Yea	Nay
Councillor Carlone			x	
Councillor McGovern			x	
Councillor Nolan			x	
Councillor Sobrinho-Wheeler			x	
Councillor Zondervan			x	

In response to a question from Councillor Nolan about preventing the loss of trees, Mr. O'Riordan stated that the vast majority of trees that have been removed are dead. A lot of the trees are dying due to age. The canopy goes through cycles of decay and regrowth. He explained that there is an environmental impact associated with removing soil and land filling soil. A better option is amending the existing soils.

Ms. Woodbury added that in addition to better soil management and planting practices, there are pruning strategies that the city will be embarking upon in terms of getting trees earlier on in a pruning rotation.

In response to a question from Councillor Nolan about invasive/non-native trees, Mr. Putnam stated that non-native trees already make up quite a large percentage of the canopy. The city has a goal of no more than 5% of the canopy being from any one species, and no more than 10% from any one genus, in order to have a resilient canopy.

In response to a question by Councillor Sobrinho-Wheeler about mitigation costs, Mr. O'Riordan stated that on a per inch basis, trees cost property owners $850 an inch to cut down, based on the city's current tree planting contracts.

In response to a question by Councillor Sobrinho-Wheeler about invasive trees, Mr. O'Riordan stated that invasive trees make up 20% of the canopy. Removing Invasive trees would have a significant impact on the canopy.

Mr. Putnam added that the general harm of invasive species is that they displace native species, but it does not pose a threat as long as the species that would displace natives are not allowed to move outward or cause any issues.

In response to a question by Councillor Sobrinho-Wheeler about having an arborist diagnose dead trees, Mr. O'Riordan stated that there was a lot of discussion about the cost associated with bringing an arborist on site to review whether a tree is dead or not. Residents have indicated that this is an onerous requirement. The city believes that it is important that an arborist certify that the tree is dead.

Councillor Zondervan stated that the replacement strategy would be an area of challenge because residential property owners, in particular, will have a space issue.

In response to a question by Councillor Carlone about reviewing site plans to ensure ample trees are being planted, Mr. O'Riordan stated that in terms of special permit review the city does get a tree plan from the development entity.

Minutes Acceptance: Minutes of Oct 13, 2020 3:00 PM (On the Table)

Councillor Carlone moved to adjourn				
	Absent	present	Yea	Nay
Councillor Carlone			x	
Councillor McGovern			x	
Councillor Nolan			x	
Councillor Sobrinho-Wheeler			x	
Councillor Zondervan			x	

1. **A communication was received from Owen O'Riordan, Commissioner of Public Works, transmitting Presentation to the Health and Environment Committee**

Minutes Acceptance: Minutes of Oct 13, 2020 3:00 PM (On the Table)

HEALTH & ENVIRONMENT COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, November 10, 2020 **10:00 AM** **Sullivan Chamber**

The Health and Environment Committee met to continue discussing amending the Tree Protection Ordinance based on the findings of the Urban Forest Master Plan Task Force

Attendee Name	Present	Absent	Late	Arrived
Patricia Nolan	☑	☐	☐	
Jivan Sobrinho-Wheeler	☑	☐	☐	
Quinton Zondervan	☑	☐	☐	
Dennis J. Carlone	☐	☑	☐	
Marc C. McGovern	☐	☑	☐	

Councillor Zondervan called the meeting to order.

Mayor Siddiqui was also present.

Owen O'Riordan, Commissioner of Public Works, made a presentation which is attached to these minutes. He reminded committee members that the proposed amendments to the Tree Protection Ordinance include many ideas that were generated through the urban forestry master planning efforts and through discussions with the 18-member Urban Forest Master Plan Task Force. He said these suggestions are being made with the goals of addressing the reduction in size of the tree canopy, as well as improving both tree health and awareness of these issues with respect to climate change. He reviewed the origins of the tree protection ordinance. The amendment will encourage additional planting across the city, but at the same time discourage the removal of trees. The amendments will redefine a significant tree as one with a diameter (DBH) of 6-inches or greater at 4.5 feet (industry standard). Going from 8-inches to 6 will qualify about 50% more trees for protection. The staff is examining the legality of having the city arborist sign off on certificates of occupancy prior to those being issued. If a living significant tree is removed, then an applicant will pay into a mitigation fund at the cost of about $1,000 an inch. This cost would be eliminated for low-income homeowners, and would be reduced by 90% for homeowners with a residential exemption on their property taxes and potentially by another 50% if a new tree is planted. The amendments will introduce the concept of exceptional trees, which are 30-inch or greater diameter trees. They constitute about 3% of the trees in the city and are worthy of additional protection. And we know they obviously have a significant ecological benefit in the community. He said one option the council has to consider is to value those trees at 1.5 times the DBH.

He said the requirement for a tree survey would be removed from the definition section and redefined as something that applies only to large projects. He said that for large projects, the tree plan would require the location, type, heights, and DBH of all trees and those trees that have been removed from the lot within one year prior to the submission of the study. He said that the council should consider expanding the look back period to be two years instead of one. He said that anything beyond two years would be challenging for the city to manage. Commissioner O'Riordan said that the definition of a replacement tree would be changed to reflect the concept of replacement trees applying to other removal scenarios, as well as large project removals. He said that replacement trees can be planted on the same lot or on another lot within the same neighborhood or an adjoining neighborhood.

Councillor Zondervan opened the floor to the committee.

In response to a question from Councillor Nolan, Mr. O'Riordan, Commissioner of Public Works stated that the Task Force placed an emphasis on encouraging the replanting of trees on private property. He explained that the taskforce received considerable input from the Conservation Law Foundation. They reviewed similar ordinances in Atlanta and Providence.

Minutes Acceptance: Minutes of Nov 10, 2020 10:00 AM (On the Table)

Councillor Sobrinho-Wheeler confirmed that a replacement of an exceptional tree would be calculated at 1.5 times the DBH of the tree removed. Mr. O'Riordan confirmed and stated that the staff estimates that about 3% of the trees in the city are exceptional trees. He added that the staff are considering forming a committee to oversee the tree replacement fund and using it to facilitate tree replacement and maintenance on private property.

Roy Russell, 40 Cottage Street, is opposed to the existing and proposed tree ordinance; it is punitive and will not result in significant improvement in the tree canopy. He stated that someone with plenty of resources can easily afford the cost of an arborist or an engineer or both. But someone who is a retired homeowner living on a fixed income may be quite challenged to come up with funds needed to manage the trees. He encouraged the conversion of private driveways to green space by implementing parking space maximums rather than the existing parking space minimums.

Councillor Zondervan moved to close public comment.

	Absent	present	Yea	Nay
Councillor Carlone	x			
Councillor McGovern	x			
Councillor Nolan			x	
Councillor Sobrinho-Wheeler			x	
Councillor Zondervan			x	

In response to a question from Councillor Nolan about the look back provisions of the potential amendments, Mr. O'Riordan stated that fs a developer proposes a large development, and clear cuts significant trees on that large developments, six months ago, and the council eliminates the look back period, then the developer would be afforded the same mitigation as a small residential property owner, rather than the more stringent mitigation requirement that presently exists for large projects.

In response to a question about the legality of regulating the cutting of trees on private property by Councillor Nolan, Arthur Goldberg, Deputy City Solicitor, stated the law department does not believe that regulating the removal of trees on a person's property would constitute a taking of property.

Councillor Patricia Nolan stated that she would feel more comfortable getting a formal legal opinion prior to passing any amendments. She did not support a blanket exemption for affordable housing projects.

With regard to potential amendments to section 8.66.055, Councillor Nolan stated that she supported the following language:
"For any significant tree removal not subject to 8.66.050: the total DBH of Replacement Trees required or the Mitigation Payment of equivalent value shall be estimated as half the actual DBH of significant Trees to be removed, If the total number of Replacement Trees is equal to the total number of Significant Trees to be removed from a lot."

Councillor Sobrinho-Wheeler supported valuing exceptional trees at 1.5 times their diameter. He did not support a blanket exemption for affordable housing projects.

Councillor Zondervan suggested having the city pay the mitigation costs for affordable housing projects.

Councillor Zondervan and Councillor Nolan discussed extending the tree protection ordinance mortarium at the full council while these changes are being finalized by staff.

Minutes Acceptance: Minutes of Nov 10, 2020 10:00 AM (On the Table)

Councillor Nolan moved to adjourn.

	Absent	present	Yea	Nay
Councillor Carlone	x			
Councillor McGovern	x			
Councillor Nolan			x	
Councillor Sobrinho-Wheeler			x	
Councillor Zondervan			x	

Documents received

1. A communication was received from Owen O'Riordan, Commissioner of Public Works, regarding the Tree Protection Ordinance.

Minutes Acceptance: Minutes of Nov 10, 2020 10:00 AM (On the Table)

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

November 5, 2018

To the Honorable, the City Council:

I am writing in response to Awaiting Report Item Number 18-108, regarding a report on offering early voting in City Council and School Committee Elections, which ordered:

"That a petition be submitted to the General Court of the Commonwealth of Massachusetts, accompanied by a bill for a special law related to the City of Cambridge to be filed with a copy of this order, be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only: PETITION FOR A SPECIAL LAW ENTITLED, AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO OFFER EARLY VOTING IN MUNICIPAL ELECTIONS"; and further ordered:

"That the City Clerk be and hereby is requested to forward a copy of this attached petition to the Massachusetts legislative delegation on behalf of the entire City Council."

In response to the above two referenced Council Orders, the City Clerk forwarded the petition and accompanying bill for a special law to the Massachusetts legislative delegation on behalf of the City Council. However, the Council Order further ordered:

"That the City Manager be and hereby is requested to report back to the City Council on offering early voting in City Council and School Committee elections."

In response to the third order, requesting that I report back on offering early voting in Cambridge, I have conferred with the City Solicitor following her review of the petition and accompanying bill, and I recommend substituting the attached revised petition and accompanying bill to the Legislature. I am available to answer any questions you may have.

Very truly yours,

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)

AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO OFFER EARLY VOTING IN MUNICIPAL ELECTIONS

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Beginning in the year 2019, notwithstanding any general or special law to the contrary, the City of Cambridge may offer early voting for municipal elections.

The City of Cambridge may elect to allow any qualified voter, as defined in section 1 of chapter 51 of the General Laws, to cast a ballot for any biennial municipal election during the early voting period.

The City of Cambridge's Election Commission may promulgate regulations to implement this act not inconsistent with section 25B of chapter 54 of the General Laws and with other election laws applicable in the City of Cambridge, including those governing proportional representation voting. Such regulations may include, but are not limited to, a process for establishing early voting locations, dates, staffing, and a process for applying for, receiving, separating, compiling, recording, and securing early voter ballots. Each early voting site shall be accessible to persons with disabilities.

SECTION 2. EFFECTIVE DATE

This act shall take full effect upon its acceptance and appropriation by majority vote of the City Council of said City, but not otherwise.

Attachment: Early Voting Municipal Elections 11-05-18 (CMA 2018 #286 : early voting in City Council and School Committee Elections)

AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO OFFER EARLY VOTING IN MUNICIPAL ELECTIONS

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Beginning in the year 2019, notwithstanding any general or special law to the contrary, the City of Cambridge~~'s Election Commission shall~~ may offer early voting for municipal elections.

The City of Cambridge~~'s Election Commission shall~~ may elect to allow any qualified voter, as defined in section 1 of chapter 51 of the General Laws, to cast a ballot for any biennial municipal election during the early voting period.

The City of Cambridge's Election Commission ~~shall~~ may promulgate regulations to implement this act not inconsistent with section 25B of chapter 54 of the General Laws and with other election laws applicable in the City of Cambridge, including those governing proportional representation voting. Such regulations ~~shall~~ may include, but ~~shall~~are not ~~be~~ limited to, a process for establishing early voting locations, dates, staffing, and a process for applying for, receiving, separating, compiling, recording, and securing early voter ballots. Each early voting site shall be accessible to persons with disabilities.

SECTION 2. EFFECTIVE DATE

This act shall take full effect upon its acceptance and appropriation by majority vote of the City Council of said City, but not otherwise.

Attachment: Early Voting Municipal Elections RL 11-05-18 (CMA 2018 #286 : early voting in City Council and School Committee Elections)

City of Cambridge

Agenda Item Number 13
IN CITY COUNCIL

November 5, 2018

WHEREAS: On October 29, 2018 the Cambridge City Council adopted Policy Order # 1 (the "Order"), which ordered that a petition be submitted to the General Court of the Commonwealth of Massachusetts, accompanied by a special law related to the City of Cambridge to be filed with a copy of the Order, such home rule petition for a special law e entitled: 'AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO OFFER EARLY VOTING IN MUNICIPAL ELECTIONS;" and

WHEREAS: The Order further requested that the City Clerk forward a copy of the home rule petition to the Massachusetts Legislative delegation on behalf of the entire City Council; and

WHEREAS: The home rule petition together with the required signature page was forward to the Massachusetts Legislative delegation by the City Clerk on October 30, 2018; and

WHEREAS: The Order also requested that the City Manager report back to the City Council on offering early voting in City Council and School Committee elections; and

WHEREAS: The City Manager requested that the City Solicitor review the language in the home rule petition, and following her review the City Solicitor has suggested amendments; now therefore be it

ORDERED: That the City Council move to amend by substituting the attached language for the language that was previously adopted in the home rule petition by the City Council on October 29, 2018; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward the substituted language for the aforementioned home rule petition to the Massachusetts Legislative delegation.

Attachment: Early Voting Petition Order 110518 (CMA 2018 #286 : early voting in City Council and School Committee Elections)

City of Cambridge

APP-1
FIRST IN COUNCIL
March 22, 2021

ORDERED: That, in accordance with the provisions of an ordinance relative to placing and maintaining signs and banners, the Commissioner of Public Works be and hereby is authorized to grant a permit to Boston Properties

Provided that, before erecting the above named (5) five temporary banners the petitioner shall file with the City Clerk a bond in the sum of Ten Thousand ($10,000.00) dollars, conditioned to save harmless the City of Cambridge from all claims for damages arising from the installation, maintenance and use of said temporary banners.

City of Cambridge
Electrical Department
Banner Permit

Applicants Name: Samantha Nardone

Address: 800 Boylston Street Suite 1900 Boston, MA 02199

Organization or Business Represented: Boston Properties

Pole locations: Street and pole numbers attach separate sheet if necessary:

Main Street in Cambridge

Type Logo, Wording, Insignia: Kendall Center Brand (attached creative)

Date of attachment: ASAP Date of removal: October 1, 2021

Contact Person: Samantha Nardone

Telephone: (617) 236-2303

Cell phone: (508) 685-7273

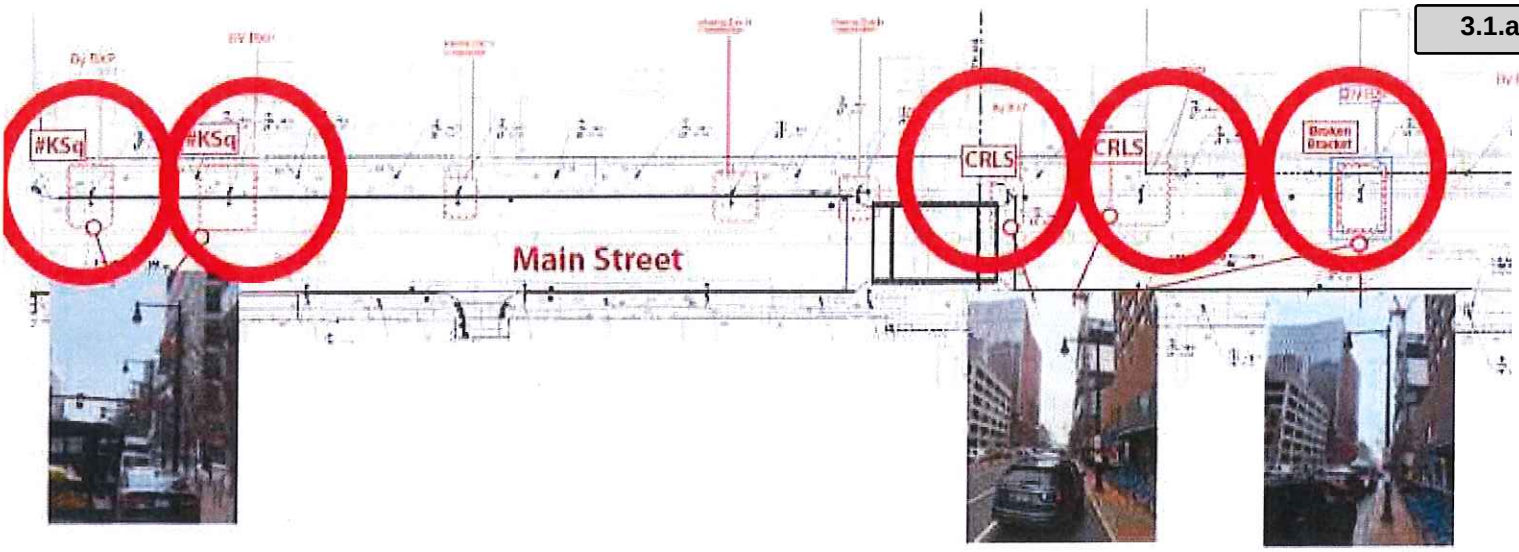
Email: snardone@bxp.com

Attachments to Poles:

1. Attachments shall be made with proper hardware and shall only be attached with non-corrosive metal clamps or brackets.
2. Banners attached to poles shall not exceed a total of 1800 square inches, approximately 18 inches x 48 inches, 24 inches x 36 inches, 24 inches x 48, or 30 inches x 60 inches. The actual size is subject to required clearances.
3. Banners cannot be attached to wood utility poles.
4. Banners shall have a minimum clearance of:
    a. 16 feet over a roadway
    b. 12 feet over a sidewalk
5. Banners shall not interfere with or obstruct, or otherwise block any roadway signs, lighting, or traffic signals.
6. The City reserves the right to remove, or order to be removed any banner deemed unsafe, not properly installed, or creating a hazard and the applicant may be subject to costs.
7. An applicant must provide a description of the materials the banner is made of, method of attachment, and means of installation (contractor name and contact information).

Approved by: Thomas Gunn Date: 3/18/21

Attachment: Kendall Center Brand Boston Properties (APP 2021 #10 : Kendall Center Brand Banner)



Attachment: Kendall Center Brand Boston Properties (APP 2021 #10 : Kendall Center Brand Banner)

EXISTING BANNER







KSQ & MARRIOTT BANNER COLOR UPDATE

bxp Boston Properties

Attachment: Kendall Center Brand Boston Properties (APP 2021 #10 : Kendall Center Brand Banner)

March 2, 2021

Daniel Olsen
Olsen Images, Inc.
39 Whitcomb Street
Waltham, MA 02453
Tel. 781-647-7000

Samantha Nardone
Boston Properties
800 Boylston Street, Suite 1900
Boston, MA 02199

Main Street Kendall Square Pole Banner Fabrication and Installation

Main Street Kendall Square pole banners are 30" x 60" to match existing and are printed on 13oz. Black Back Vinyl stitched with 3" pole pockets top and bottom and grommets top and bottom on inside edge for installation on existing pole brackets. Banners are secured top and bottom with wire between grommet and bracket. Installation is with bucket truck between the hours of 2:00 am and 6:00 am or as otherwise specified.

Sincerely,



Daniel Olsen

Attachment: Kendall Center Brand Boston Properties (APP 2021 #10 : Kendall Center Brand Banner)

March 18, 2021

Cambridge City Council
Electrical Department
795 Massachusetts Ave.
Cambridge, MA 02139

Subject: Letter of Intent RE: BXP Banner Permit Application

Dear Cambridge City Council,
I am writing this letter of intent to request permission of (5) banners on Main Street, Cambridge. Our intention with these banners is to show our commitment to the community and have the Kendall Center brand be an inclusive and vital part of the neighborhood. Enclosed in this packet is our outlined requested locations, proposed creative files, and other logistics as requested from our installation vendor, Olsen Images. We would request to install these as soon as possible and continue this campaign through October 1, 2021.

We thank you and appreciate your time. Should you have any further inquiries or clarifications regarding this application, please don't hesitate to contact us at the following number: (617) 236-2303 or send us an email at snardone@bxp.com.

Respectfully,
Samantha Nardone

Samantha Nardone
Marketing Coordinator
800 Boylston Street, Suite 1900
Boston, MA 02199-8103
(617) 236-2303
snardone@bxp.com

Attachment: Kendall Center Brand Boston Properties (APP 2021 #10 : Kendall Center Brand Banner)

City of Cambridge

APP-2
FIRST IN COUNCIL
March 22, 2021

ORDERED: That the Commissioner of Public Works is hereby authorized to grant a permit for the installation of a curb cut at the premises numbered 75 Smith Place, Cambridge, Massachusetts; said authorization is conditioned upon use of material specified by the Department of Public Works and upon permit requirements being met, including an ADA compliant design.

Curb Cut

103751

Submitted On: Dec 29, 2020

Applicant

Bryan Walsh
617-607-2954
@ bwalsh@vhb.com

Location

75 Smith Pl
Cambridge, MA 02138

General Information

Frontage (in feet)

450

Setback - distance from building to sidewalk (in feet)

30

Distance from proposed driveway to surrounding structures and property line (in feet)

37

Length of proposed driveway (in feet)

163

Width of proposed driveway (in feet)

22

Size of proposed driveway (square feet)

3586

Location of any trees, sign posts, fire hydrants, utility poles, etc., in direct vicinity of proposed driveway

One (1) existing utility pole will be relocated via Eversource Electric within the vicinity of the proposed curb cut. One (1) proposed tree is located at the exiting lane from the curb cut along with a proposed stop sign, both on private property.

Attestation

Full Name

Bryan Walsh

Date

12/29/2020

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 55 WILSON ROAD

Cambridge, Massachusetts, I do hereby declare

[X] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

75 & 109 SMITH PLACE

Signed: [signature] Date: 12/28/2020

DULY AUTHORIZED

Address: QUAD 40 SMITH PLACE, LLC

2001 ROSS AVENUE, STE 3400, DALLAS, TX 75201

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare

[ ] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

_____

Signed: _____ Date: _____

Address: _____

_____

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 10 WILSON ROAD

Cambridge, Massachusetts, I do hereby declare

[X] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

75 & 109 SMITH PLACE

Signed: _____ Date: 12/28/2020

DULY AUTHORIZED

Address: QUAD 10 WILSON ROAD, LLC

2001 ROSS AVENUE, STE 3400, DALLAS, TX 75201

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare

[ ] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

_____

Signed: _____ Date: _____

Address: _____

_____

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

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Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

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Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

www.vhb.com

December 29, 2020

Ref: 14333.01

Cambridge Inspectional Services Department
Lombardi Building
831 Massachusetts Avenue, 1st Floor – ISD Clerk
Cambridge, MA 02139

Re: 101 Smith Place (Formerly 75, 109, and 115 Smith Place) - Curb Cut Application

Mr. Sean O'Grady,

On behalf of The Davis Companies (TDC), Vanasse Hangen Brustlin, Inc. (VHB) is submitting the attached curb cut application package associated with the 101 Smith Place development project. The project was granted Planning Board approval (PB #359) on August 25, 2020 and anticipates construction commencing in early Spring 2021.

The existing project site consists of three parcels per available Cambridge GIS information: 75, 109, and 115 Smith Place, which are all contiguously owned by The Davis Companies. The project site contains two existing buildings located at 75 and 109 Smith Place, which are to be demolished in the proposed condition. The frontage of the project site contains five (5) existing curb cuts of varying widths along Smith Place (see attached **Figure 1)**.

The proposed project site includes a new commercial lab/office building, one level of underground parking for 124 cars, and a surface lot for 30 vehicles. All parking spaces are served by the single proposed curb cut. Truck access for building loading will also be served by this proposed curb cut. The proposed Site development consolidates the existing five (5) curb cut locations within Smith Place to a single curb cut location within Smith Place towards the northeast corner of the Site. This proposed condition has been depicted within the attached **Figure 2** plan, as well as City of Cambridge standard construction details depicted on the attached **Figure 3** plan.

The parcels are zoned within Cambridge zoning districts Office (O-1) and Industry (IB-2), and Alewife Overlay District 1 and 3 (AOD-1, and AOD-3). In regards to Cambridge zoning ordinance 6.43.3 compliance, VHB offered the following information:

- **6.43.3.a** – The parcels are not within a residential zoning district.
- **6.43.3.b** – The parcels are zoned within existing office and industry districts allowing for a maximum curb cut width of thirty (30) feet. The project is proposing a single (1) twenty-two (22) foot curb cut, which matches the defined drive aisle widths under zoning section 6.42.

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

Engineers | Scientists | Planners | Designers

99 High Street
10th Floor
Boston, Massachusetts 02110
P 617.728.7777
F 617.728.7782

- **6.43.3.c** – The existing parcels maintains approximately 450 linear feet of frontage along Smith Place. A maximum of one curb cut for every one hundred (100) feet of street frontage is allowed, equaling a maximum of four (4) curb cuts along Smith Place. The project is proposing one (1) consolidated curb cut.
- **6.43.4.a** – The driveway widths are greater than the minimum ten (10) foot width.
- **6.43.4.b** – The curb cut is located greater than fifteen (15) feet from the crosswalk located in the northerly direction adjacent to Fawcett Street. Fawcett Street does not currently extend through Smith Place, therefore the curb cut is not located within twenty-five (25) feet of an intersection. Additionally, the project has coordinated the location of the curb cut with CDD relative to the future Fawcett Street extension through the Site, which allows for a future curb cut along the extended roadway.
- **6.43.4.c** – The grade and design of the proposed curb cuts meet Cambridge standards, and provide clear view for a driver leaving the surface parking lot.
- **6.43.5** – Not applicable unless determined to be by the Board of Zoning Appeal.
- **6.43.6** – Not applicable unless determined to be by the Board of Zoning Appeal.

If you have any questions or need additional information, please feel free to reach out to me at (617) 607-2954.

Sincerely,



Bryan Walsh, PE

Project Manager, Civil Engineer
BWalsh@vhb.com

Attachments

- Existing Curb Cut Plan
- Proposed Curb Cut Plan and Details
- Existing Site Photographs
- Abutter Notifications

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

KEY PLAN

Adley Road

101 SMITH PLACE

Smith Place

Wilson Road

Fawcett Street

Existing 75 Smith Place

Existing 109 Smith Place

ADLEY ROAD
(PRIVATE - 30' WIDE)

WILSON ROAD
(PUBLIC - 40' WIDE)

SMITH PLACE
(PUBLIC - 40' WIDE)

18'± EXISTING CURB CUT

19'± EXISTING CURB CUT

19'± EXISTING CURB CUT

24'± EXISTING CURB CUT

32'± EXISTING CURB CUT

PROPERTY LINE (TYP)

Curb Key

Existing Curb

Proposed Curb

0 15 30 Feet

Curb Cut Application
Existing Curb Cut
75 & 109 Smith Place
The Davis Companies

Figure 1

December 29, 2020

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

KEY PLAN

Adley Road

101 SMITH PLACE

Smith Place

Wilson Road

Fawcett Street

101 Smith Place

ADLEY ROAD
(PRIVATE - 30' WIDE)

WILSON ROAD
(PUBLIC - 40' WIDE)

SMITH PLACE
(PUBLIC - 40' WIDE)

CITY SIDEWALK, LANDSCAPE AREA, AND RAISED CYCLE TRACK LOCATED IN COORDINATION WITH CAMBRIDGE CDD, FOR FUTURE SMITH PLACE ROADWAY CROSS SECTION

18'± EXISTING CURB CUT TO BE DISCONTINUED

PROVIDE NEW VERTICAL GRANITE CURB IN CITY RIGHT-OF-WAY

19'± EXISTING CURB CUT TO BE DISCONTINUED

19'± EXISTING CURB CUT TO BE DISCONTINUED

24'± EXISTING CURB CUT TO BE DISCONTINUED

PROPERTY LINE (TYP)

32'± EXISTING CURB CUT TO BE DISCONTINUED

22'± PROPOSED CURB CUT

32'± TO CROSSWALK

CROSSWALK; NOT SHOWN ON PLAN

Curb Key

Existing Curb

Proposed Curb

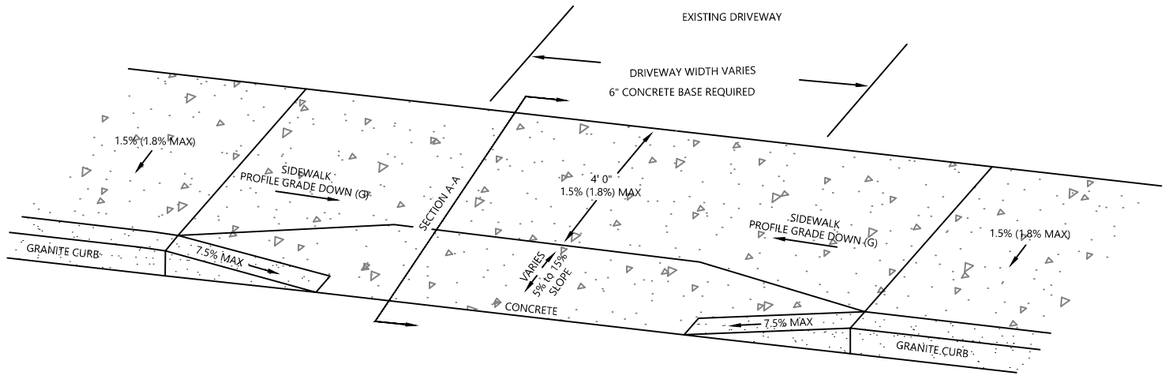
0 15 30 Feet

Curb Cut Application
Proposed Curb Cut
75 & 109 Smith Place
The Davis Companies

Figure 2

December 29, 2020

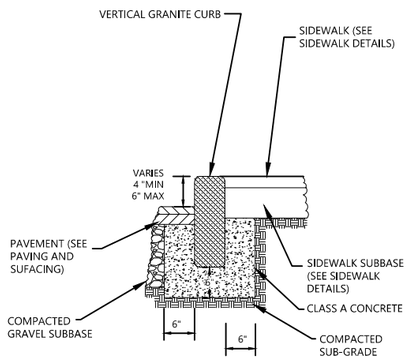
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CONCRETE DRIVEWAY APRON

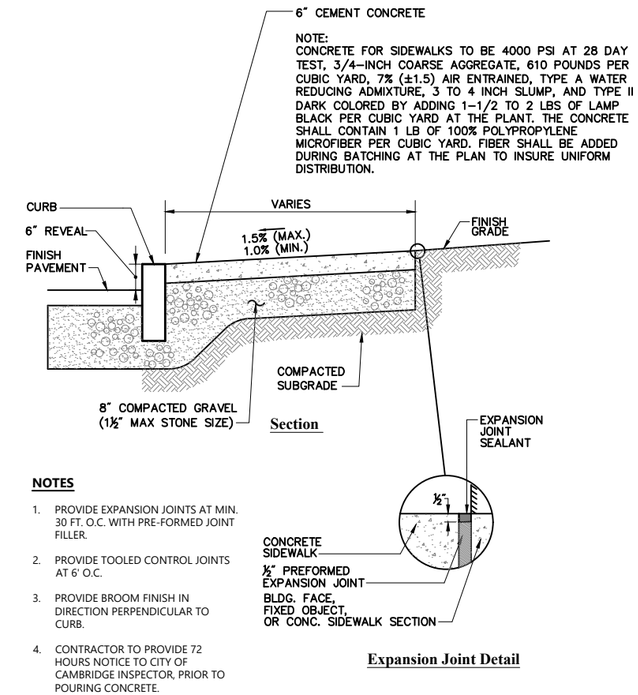
Cambridge Curb Cut - Cement Concrete

Source: Cambridge Department of Public Works



Vertical Granite Curb (VGC)

N.T.S. Source: Cambridge DPW



NOTES

1. PROVIDE EXPANSION JOINTS AT MIN. 30 FT. O.C. WITH PRE-FORMED JOINT FILLER.
2. PROVIDE TOOLED CONTROL JOINTS AT 6' O.C.
3. PROVIDE BROOM FINISH IN DIRECTION PERPENDICULAR TO CURB.
4. CONTRACTOR TO PROVIDE 72 HOURS NOTICE TO CITY OF CAMBRIDGE INSPECTOR, PRIOR TO POURING CONCRETE.

Concrete Sidewalk in Public Way

N.T.S. Source: VHB / Cambridge DPW LD_420_Mod

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Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 55 WILSON ROAD

Cambridge, Massachusetts, I do hereby declare

[X] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

75 & 109 SMITH PLACE

Signed: [signature] Date: 12/28/2020

SOLELY AUTHORIZED

Address: QUAD 40 SMITH PLACE, LLC

2001 ROSS AVENUE, STE 3400, DALLAS, TX 75201

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare

[ ] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

_____

Signed: _____ Date: _____

Address: _____

_____

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 10 WILSON ROAD

Cambridge, Massachusetts, I do hereby declare

[X] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

75 & 109 SMITH PLACE

Signed: _____ Date: 12/28/2020

DULY AUTHORIZED

Address: QUAD 10 WILSON ROAD, LLC

2001 ROSS AVENUE, STE 3400, DALLAS, TX 75201

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare

[ ] approval [ ] disapproval

of installment of Off-Street Parking Facility located at:

_____

Signed: _____ Date: _____

Address: _____

_____

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SUDBURY, MA 01776

ACTON, MA 01720 DEC 21 2021 Postmark Here USPS

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

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ACTON, MA 01720

SHANNON, TIMOTHY L. & JENNIFER
ANGELL SHANNON C/O Deb Werth
186 Lincoln Street
Boston, MA 02111

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

KEY PLAN

Adley Road

101 SMITH PLACE

Smith Place

Wilson Road

Fawcett Street

101 Smith Place

ADLEY ROAD
(PRIVATE - 30' WIDE)

WILSON ROAD
(PUBLIC - 40' WIDE)

SMITH PLACE
(PUBLIC - 40' WIDE)

CITY SIDEWALK, LANDSCAPE AREA, AND RAISED CYCLE TRACK LOCATED IN COORDINATION WITH CAMBRIDGE CDD, FOR FUTURE SMITH PLACE ROADWAY CROSS SECTION

18'± EXISTING CURB CUT TO BE DISCONTINUED

PROVIDE NEW VERTICAL GRANITE CURB IN CITY RIGHT-OF-WAY

19'± EXISTING CURB CUT TO BE DISCONTINUED

19'± EXISTING CURB CUT TO BE DISCONTINUED

24'± EXISTING CURB CUT TO BE DISCONTINUED

PROPERTY LINE (TYP)

32'± EXISTING CURB CUT TO BE DISCONTINUED

22'± PROPOSED CURB CUT

32'± TO CROSSWALK

CROSSWALK; NOT SHOWN ON PLAN

Curb Key

Existing Curb

Proposed Curb

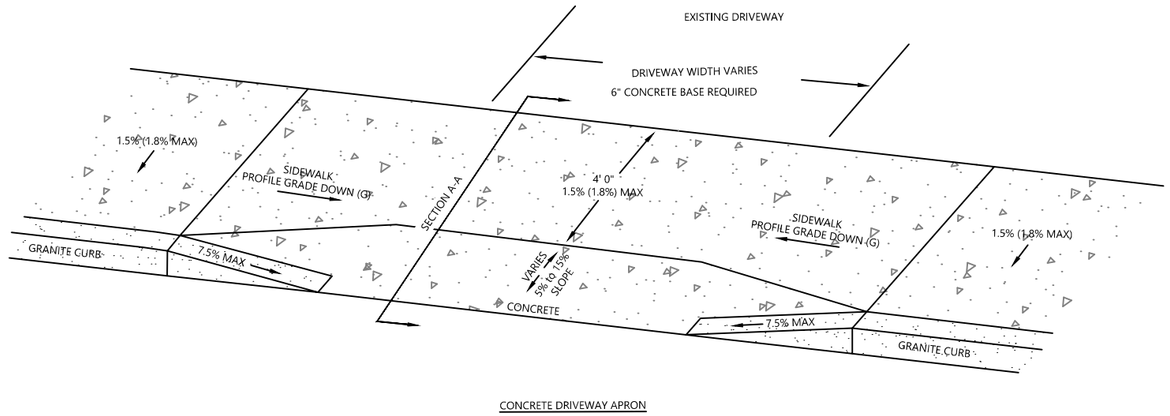
0 15 30 Feet

Curb Cut Application
Proposed Curb Cut
75 & 109 Smith Place
The Davis Companies

Figure 2

December 29, 2020

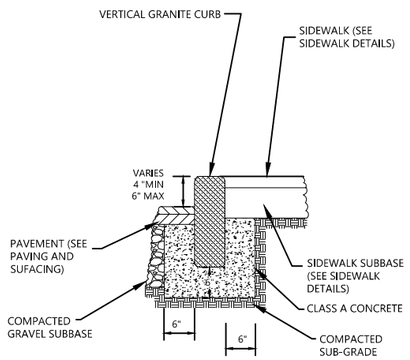
Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)



CONCRETE DRIVEWAY APRON

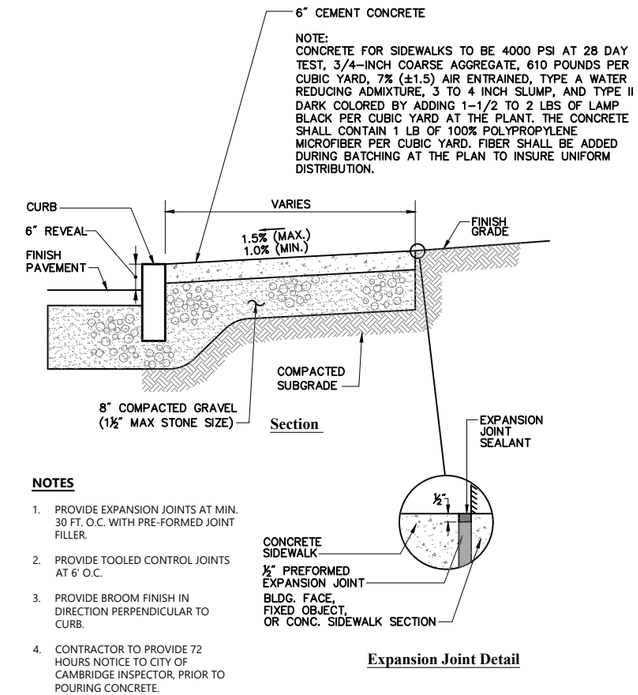
Cambridge Curb Cut - Cement Concrete

Source: Cambridge Department of Public Works



Vertical Granite Curb (VGC)

N.T.S. Source: Cambridge DPW



NOTES

1. PROVIDE EXPANSION JOINTS AT MIN. 30 FT. O.C. WITH PRE-FORMED JOINT FILLER.
2. PROVIDE TOOLED CONTROL JOINTS AT 6' O.C.
3. PROVIDE BROOM FINISH IN DIRECTION PERPENDICULAR TO CURB.
4. CONTRACTOR TO PROVIDE 72 HOURS NOTICE TO CITY OF CAMBRIDGE INSPECTOR, PRIOR TO POURING CONCRETE.

Concrete Sidewalk in Public Way

N.T.S. Source: VHB / Cambridge DPW LD_420_Mod

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

KEY PLAN

Adley Road

101 SMITH PLACE

Smith Place

Wilson Road

Fawcett Street

Existing 75 Smith Place

Existing 109 Smith Place

ADLEY ROAD
(PRIVATE - 30' WIDE)

WILSON ROAD
(PUBLIC - 40' WIDE)

SMITH PLACE
(PUBLIC - 40' WIDE)

18'± EXISTING CURB CUT

19'± EXISTING CURB CUT

19'± EXISTING CURB CUT

24'± EXISTING CURB CUT

32'± EXISTING CURB CUT

PROPERTY LINE (TYP)

Curb Key

Existing Curb

Proposed Curb

0 15 30 Feet

Curb Cut Application
Existing Curb Cut
75 & 109 Smith Place
The Davis Companies

Figure 1

December 29, 2020

Attachment: Application (APP 2021 #11 : 75 Smith Place Curb Cut)

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE
(617) 349-4260
FAX (617) 349-4269

ANTHONY I. WILSON
CITY CLERK

PAULA M. CRANE
DEPUTY CITY CLERK

February 27, 2020

Dear Neighborhood Representative:

This office is in receipt of a copy of an application from:

Bryan Walsh for a Curb Cut at the location of 75 Smith Place with a Frontage of 450', Setback 30', Distance from surrounding structures 37', Length 163', Width 22' and a total Square Footage of 3586.

The City Council has directed that all curb cut petitions be submitted to the appropriate Neighborhood Associations for the locality where the curb cut would be made, so that the association may have an opportunity for review, prior to action by the City Council.

Please indicate by return mail your approval or disapproval of the petition within twenty-one days from the date of this letter. If the response is "disapproval" please state reasons. Be sure to sign the form and include a daytime phone number. I have enclosed a self-addressed stamped envelope to facilitate your reply.

As soon as this office has received both the completed application and your neighborhood association response, I will place the petition on the agenda for the next City Council meeting. If I do not receive a response from your neighborhood organization by twenty-one days from the date of this letter, I will place the petition on the agenda for the next City Council meeting.

If your neighborhood association cannot complete its review by twenty-one days from today, you may extend the reply time another seven days by requesting an extension by letter to me with a copy to the petitioner. However, I urge you to make every effort to complete your review as soon as possible.

Thank you for your cooperation.

Sincerely yours,

Anthony I. Wilson
City Clerk

Cambridge Highlands Neighborhood Association

Ann Tennis

hereby _____ approve _____ disapprove of said driveway petition.

Comments: _____

Signature of authorized association representative

Daytime telephone no.

cc: Petitioner

RESET PRINT

Attachment: Unsigned Neighborhood Assoc. (APP 2021 #11 : 75 Smith Place Curb Cut)

Perez, Lori

From: Hartswick, Emma <emma_hartswick@hms.harvard.edu>
Sent: Tuesday, March 16, 2021 9:19 PM
To: City Manager
Cc: City Council; City Clerk
Subject: Seeking update on safe shelter and affordable housing

Dear City Manager and Members of the Council,

My name is Emma and I am a current 3rd year student at Harvard Medical School, resident of Ward 10, and member of Harvard Students for Housing Justice. I care deeply about the intersection between healthcare and housing justice work, and have been actively organizing with other concerned members of my university and geographic communities. We have been trying to ensure that Cambridge fulfills its obligation to protect unhoused community members and takes concrete actions to create a more just housing landscape.

While I appreciate that Cambridge has taken some steps to support unhoused and unstably housed community members through the pandemic, as claimed in yesterday's statement, I strongly believe that Cambridge can - and must - do more. The steps that have been taken do not answer the unhoused community's call for safe, non congregate shelters, which they have advocated for throughout the pandemic. Additionally, Cambridge's current efforts have been insufficient to address the scope of existing need, despite ample creativity, resources, and energy to make change within the community.

I'm writing to follow up on the status the following measures awaiting report:

- AR-21-8 - CHA housing projects update
- AR-21-10 - Eliminating hostile architecture from Cambridge
- AR-21-11 - Report on services for unhoused community members
- AR-21-16 - Fair shelter wages for workers at Albany St

Each of these initiatives represent crucial and time sensitive efforts to meet the needs of unhoused community members, expand access to affordable housing, and ensure that our systems of care are safe and equitable workplaces. Taking action to address these measures cannot wait. In my community's T station in Porter Square, hostile architecture is still ubiquitous, creating an environment that actively harms unhoused community members. Additionally, while we expressed that affordable housing is our number one concern through the recent resident survey, we don't have a clear understanding of when we can expect to see tangible improvements in access to affordable housing. The first step is to address current measures awaiting report, such as those above, that pertain to these critical issues.

In addition, I am thrilled that the council has adopted POR 2021 #13 to pursue non congregate shelter with FEMA funding. What progress has been made to identify other sites similar to the New England School of English, as ordered by the adopted measure? When can we expect that there will be safe, dignified, non-congregate shelter available for ALL unhoused Cambridge residents?

Thank you for ongoing dedication to the pursuit of housing justice. I look forward to hearing about new developments in this important endeavor!

Warmly,

Emma

Attachment: Emma Hartswick_Seeking update on safe shelter and affordable housing (COM 157 #2021 : A communication was received from

Emma Hartswick
Pronouns: she, her, hers
Harvard Medical School
M.D. Candidate | Class of 2022
Emma_Hartswick@hms.harvard.edu

Attachment: Emma Hartswick_Seeking update on safe shelter and affordable housing (COM 157 #2021 : A communication was received from

16 March 2021

City Council of Cambridge, Massachusetts
795 Massachusetts Ave., 2nd Flr.
Cambridge, MA 02139

Dear Councilors:

PURSUANT TO 18 USC § 4, AND 18 USC § 2382, we are hereby serving you LEGAL NOTICE of felonies that have been committed, that you are required to acknowledge. If you fail or refuse to, your act of omission will be construed as "aiding and abetting" these crimes, and you will be considered a party in these crimes, and stripped of your authority/office, and this material will be sent to the federal court for prosecution. Again, you have been given LEGAL NOTICE. **We will expect a notice and report by you describing your response within a week.** Failure to do this will result in a criminal and civil legal action against you in your personal and corporate capacities.

Enclosed please find a copy of the evidentiary document to which my email yesterday linked. Because some courts have dismissed cases brought forward re: election integrity in key states and counties for what seem to many, including seasoned attorneys, to be specious "process" reasons, voters across America are stepping up to find more courts that *will* consider carefully the substance of many concerns unearthed around this nation—based on *merit*.

I trust that Cambridge City Council will see the advisability—to promote unity in this divided society—of conducting a **complete, transparent forensic audit** of our election process, including voting machines, memory cards, and ballots cast, to answer questions that many voters have regarding election integrity in our locale and state.

I will gladly provide further information, such as links to the following investigators' findings:

- **Seth Keshel**, a data analyst formerly in the military intelligence corps (Army captain), re: "bellwether" states and counties whose election results historically have predicted trends

- **Jovan Hutton Pulitzer** (inventor of QR code) re: kinematic artifacts' detection on paper ballots (for data via scientific method—NOT adjudicators' *opinions* of voter intent), to determine irregularities. He can forensically audit 500K paper ballots in 2 h.

Such information has indicated to many people *worldwide* that U.S. election integrity was violated in 2020 and likely earlier, *substantially enough to alter results*.

Please let me know if you'd appreciate more information, or if you have questions. Thank you.

Judy Stitt

Judy Stitt—16 Ware St Apt C, Cambridge, MA 02138

ATT: Email from jstitt@tekedit.com sent Mon, Mar 15, 4:28 PM

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Gmail

Judy Stitt <jstitt@tekedit.com>

Fwd: You've been served: Call to Action to protect the U.S. Constitution - Thank You!

1 message

Judy Stitt <jstitt@tekedit.com> Mon, Mar 15, 2021 at 4:28 PM
To: Council@cambridgema.gov, Clerk@cambridgema.gov
Cc: Judy Stitt <jstitt@tekedit.com>

Dear City Council and Clerk Wilson:

Cambridge residents need your help-- to fulfill your duty of standing up for Truth vs. Treason, on our behalf:

> **PURSUANT TO 18 USC 4, AND 18 USC 2382, we are hereby serving you LEGAL NOTICE of felonies that have been committed, that you are required to acknowledge.** If you fail or refuse to, your act of omission will be construed as "aiding and abetting" these crimes, and you will be considered a party in these crimes, and stripped of your authority/office, and this material will be sent to the federal court for prosecution. Again, you have been given LEGAL NOTICE. **We will expect a notice and report by you describing your response within a week.** Failure to do this will result in a criminal and civil legal action against you in your personal and corporate capacities.

PLEASE CONFIRM **THAT YOU CAN OPEN AND ACCESS (read, share) the file linked here:**

https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:d442443f-3b4b-4ef7-8247-1e49ece12e8c

Thank You in advance for your service in this matter. To assist in this landmark effort by U.S. citizens, I am sharing with you the above link to a large evidentiary PDF re: crimes committed against America. It enumerates myriad instances of crucial, ***strategic*** irregularities in the 2020 U.S. presidential election (also probably elections at other levels), regarding which up to 2,000 affidavits have been submitted nationwide. Tens of millions of Americans now require that:

- These and other such election irregularities at the local level be considered ***on the basis of substance / merit*** -- and all paper ballots cast and the entire election process be investigated through a ***COMPLETE, TRANSPARENT FORENSIC AUDIT*** for the election results to be rectified, if found to have been compromised by substantial irregularities.
- **No executive orders issued by the Biden administration be implemented or enforced until the 2020 elections have been comprehensively investigated and verified**, since his "election" / installation has been so fraught with controversy, including amongst expert analysts at the highest levels of technology and the U.S. military-- when courageous enough / sufficiently uncompromised to speak out. In fact, the **37 executive orders now passed by the current administration** indicate that America is now being governed by *diktat* rather than representation...a concept Joe Biden himself has voiced:

https://pjmedia.com/news-and-politics/stacey-lennox/2021/01/27/flashback-president-joe-biden-used-to-believed-you-couldnt-rule-by-executive-fiat-in-2020-n1412781

https://www.federalregister.gov/presidential-documents/executive-orders/joe-biden/2021

There is more to the U.S. Constitution than process: Although "process" may have been "followed" (according to the letter rather than the spirit of the law?) in recent months regarding cases of election fraud submitted to courts, the ***substance*** of most cases has not been respected for the rule of law to be applied for ***the MOST IMPORTANT ISSUE OF THIS CENTURY***-- which is outrageous, appalling, and frankly horrifying to many Americans.

Courts in recent months have dismissed cases re: election irregularities for being too early / "not ripe" --and then, when those same cases were resubmitted a little later, for being too late / "moot": conveniently taking advantage, apparently, of certain terms' *IM*precision to exploit judges' apparent discretion to interpret matters as "not ripe" or "moot" if no OPTIMAL or PRECISE timing has ever been specified for legal cases' submission...a gaping loophole that must be fixed to address this **most crucial issue in U.S. history:** ***to protect free and fair U.S. elections***. Americans nationwide are sufficiently

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

fed up about current "process" to step up and try to better ensure, to the best of our abilities, that *all evidence is thoughtfully, carefully considered*:

* A judge in **Arizona** late last month did order enforcement of a subpoena issued against Maricopa County to produce 1.2 million paper ballots cast there for inspection, which will likely show massive deceit perpetrated there:

https://www.azcentral.com/story/news/politics/elections/2021/02/26/judge-says-maricopa-county-must-provide-2020-ballots-arizona-senate/6825892002/

* The **New Hampshire** House Election Law Committee voted *UNANIMOUSLY* 20-0 on SB 43 to send to the full House "legislation outlining a full, detailed audit by a team of experts of the Nov. 3 election results in the town of Windham" --of the Diebold Accuvote voting machines in Windham, NH, since Republican candidates who had won election were found to have been cheated out of 300 votes per candidate. (This legislation may be called the Gardner Amendment; it is supported by Secretary of State William Gardner.)

https://www.wmur.com/article/house-election-law-committee-approves-detailed-forensic-audit-of-windham-election-results/35800269#

House Election Law Committee approves detailed forensic audit of Windom election results

* **Wisconsin** lawmakers are reviewing to rehold a general election, following news that a Democrat operative was given keys to an absentee ballot counting room in Green Bay:

https://wisconsinspotlight.com/special-investigation-infiltrating-the-election/

* An organizer in **Georgia**, Eric Warren, is filing petitions to recall Governor Kemp and Secretary of State Brad Raffensberger:

https://uncoverdc.com/2021/03/08/georgia-organizer-eric-warren-files-petitions-to-recall-kemp-and-raffensberger/

...btw, that latter article I found only by checking via DuckDuckGo browser, since Google Search apparently is so biased or compromised now-- in what seems to be its own complicity with the Communist Chinese Party (i.e., treason):

https://thefederalist.com/2020/05/04/has-china-compromised-every-major-mainstream-media-entity/

Thank you very much. Again, **if you do not receive or cannot access the file that is being shared here, please let me know ASAP** so I can postal mail the file, as well.

Respectfully submitted,

Judy Stitt
16 Ware St, Apt. C
Cambridge, MA 02138

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

2021 MAR 16 PM 4:43
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

COVID-Influenced Actions

Poll Challengers Interference	Detroit Elections Bureau Stonewalling	14-Day Extension	Limits on Freedom of Assembly
• Limits on number of Poll Challengers per building (Detroit AVCB and Oakland County) • Removal of poll challengers if mask didn't cover nose • Rule was issued by Secretary of State to force Poll Challengers to be no closer than 6 feet away when observing poll workers	• Arrival at DDE of ballots from the USPS and satellite locations throughout Detroit • Ballot storage procedure in the satellites and Detroit Department of Elections • Observance of the Relia-vote system (if it is being used in the November 3rd election) • Sorting of ballots by precinct. • Transferral of ballots to the TCF AV Counting Boards • Election Integrity Fund not notified of Pre-Election walk through	• A Michigan appeals court ruled Friday 10/16 that absentee ballots must be received by 8 p.m. on Election Day to count, blocking a ruling that had extended the deadline. • Friday's ruling also reinstated some prohibitions against third-party ballot collection, which means voters can no longer designate any person of their choosing to deliver their mail ballots to election officials. • The appeals court overturned a sweeping September ruling that said absentee ballots postmarked by the day before Election Day must be counted if they arrive within two weeks of Election Day.	• Freedom of Assembly impaired by numerous Executive Orders issued by Governor Whitmer and her administration

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

COVID-Influenced Actions Evidence

Poll Challenger Interference

- Mary Macionski
- Jason Humes 11.03.20,Merri Cullen
- MI GLJC Lawsuit Affiants Angelic Johnson, Zachary C. Larsen, G Kline Preston IV, Articia Boomer, Phillip O'Halloran, Robert Cushman, Jennifer Seidl, Andrew Sitto, Kristina Karamo, Jennifer Seidl, Cassandra Brown, Adam di Angeli, Kayla Toma, Matthew Mikolajczak, Braden Giacobazzi, Kristy Klamer, Janice Herman

Detroit Elections Bureau Stonewalling

- Arrival at DDE of ballots from the USPS and satellite locations throughout Detroit
- Ballot storage procedure in the satellites and Detroit Department of Elections
- Observance of the Relia-vote system (if it is being used in the November 3rd election)
- Sorting of ballots by precinct.
- Transferral of ballots to the TCF AV Counting Boards
- Election Integrity Fund not notified of Pre-Election walk through

14-Day Extension

- A Michigan appeals court ruled Friday 10/16 that absentee ballots must be received by 8 p.m. on Election Day to count, blocking a ruling that had extended the deadline.
- Friday's ruling also reinstated some prohibitions against third-party ballot collection, which means voters can no longer designate any person of their choosing to deliver their mail ballots to election officials.
- The appeals court overturned a sweeping September ruling that said absentee ballots postmarked by the day before Election Day must be counted if they arrive within two weeks of Election Day.

Limits on Freedom of Assembly

- MI EO-2020-09
- MI EO-2020-11
- MI EO-2020-20
- MI EO-2020-23
- MI EO-2020-43
- MI EO-2020-92
- MI EO-2020-96
- MI EO-2020-110
- MI EO-2020-115
- MI DHHS December 7th Gatherings and Facemask Order

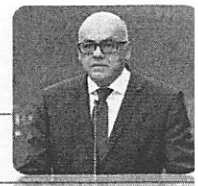
Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Use of COVID to Subvert Election Integrity

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

TIMELINE

SMARTMATIC



Jorge Rodriguez

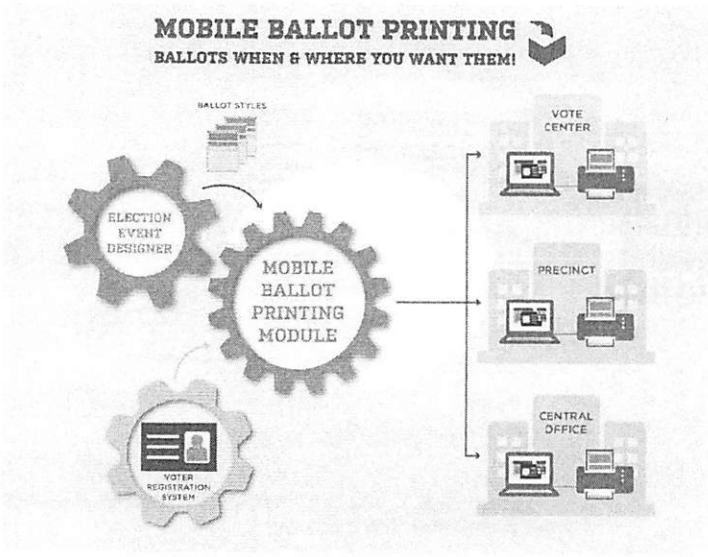
2003	President of Venezuela Chavez creates Smartmatic; Vice President of Venezuela is Jorge Rodriguez
2004	**Smartmatic used in Venezuela election fraud to avoid recall vote on Chavez**
2005	**Smartmatic buys US-based Sequoia Voting Systems (SVS)**
2007	**In order to avoid CFIUS review, Smartmatic sells Sequoia (software shared, IP shared, non-compete)**
2009	**-Smartmatic creates SVS Holdings to avoid CFIUS - front company; "Re-purchases" Sequoia; later buys Dominion and ESS -Obama administration stops DOD review of Smartmatic and electronic voting**
2010	**Smartmatic involved in Philippines election interference**
2010-2020	**-Dominion buys/merges with ESS, SVS Holdings, Smartmatic (launches SGO Holding 2014) -Democrats (Warren, Sanders) expressed concerns repeatedly -Questions linger over numerous elections 2016, 2018 (Bevin KY Gov)**
2014, ***Dec 19*** **2018,** ***July 18***	**China puts $200M into Staple Street Staple Street buys Dominion (former SVS Holdings)**
2020 ***Sept 17***	**Ric Grennell meets with Jorge Rodriguez to discuss Maduro depart. Rodriguez is likely mastermind of this operation. Sister is current Vice President of Venezuela. Their father killed by US-backed police in 1976.**
2020 ***Oct 8***	***China puts $400M into Staple Street weeks before 2020 election, taking an assignment of the IP as "collateral".***

Staple Street CAPITAL 84

1/6/2021 LetsFixStuff.org

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

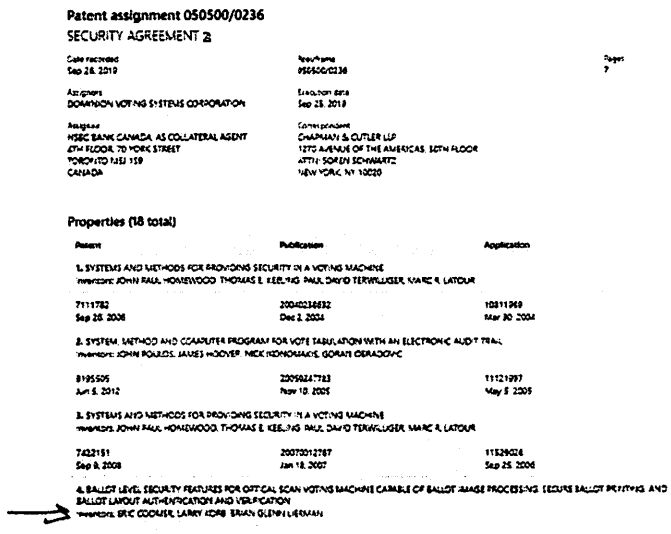
Mobile Ballot Printing



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dominion Security Patents Owned by CCP

Dominion Voting Systems Corporation in 2019 sold a number of their patents to China (via HSBC Bank in Canada)



Patent assignment 050500/0236

SECURITY AGREEMENT 2

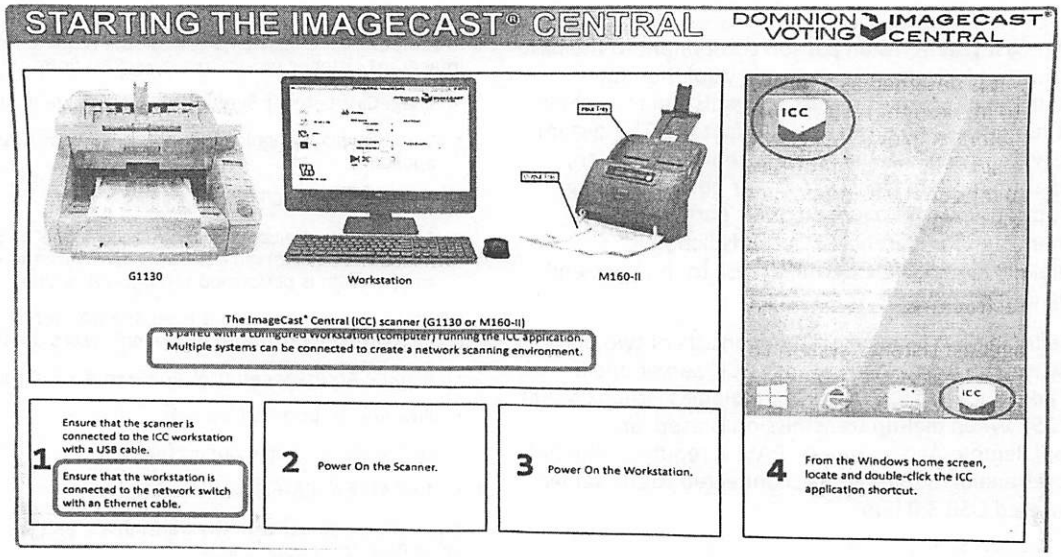
Date recorded Sep 26, 2019	Recording 050500/0236	Pages 7
Assignors DOMINION VOTING SYSTEMS CORPORATION	Execution date Sep 25, 2019	
Assignee HSBC BANK CANADA, AS COLLATERAL AGENT 6TH FLOOR, 70 YORK STREET TORONTO M5J 1S9 CANADA	Correspondent CHAPMAN & CUTLER LLP 1270 AVENUE OF THE AMERICAS, 30TH FLOOR ATTN: SOREN SCHWARTZ NEW YORK, NY 10020	

Properties (18 total)

Patent	Publication	Application
1. SYSTEMS AND METHODS FOR PROVIDING SECURITY IN A VOTING MACHINE Inventors: JOHN PAUL HOMEWOOD, THOMAS E. KEELING, PAUL DAVID TERWILLIGER, MARC R. LATOUR		
7111782 Sep 26, 2006	20040236592 Dec 2, 2004	10811969 Mar 30, 2004
2. SYSTEM, METHOD AND COMPUTER PROGRAM FOR VOTE TABULATION WITH AN ELECTRONIC AUDIT TRAIL Inventors: JOHN POULOS, JAMES HOOVER, NICK HONOMICHL, GORAN OBRADOVIC		
8195505 Jun 5, 2012	20050247783 Nov 10, 2005	11121997 May 5, 2005
3. SYSTEMS AND METHODS FOR PROVIDING SECURITY IN A VOTING MACHINE Inventors: JOHN PAUL HOMEWOOD, THOMAS E. KEELING, PAUL DAVID TERWILLIGER, MARC R. LATOUR		
7422151 Sep 9, 2008	20070012787 Jan 18, 2007	11329026 Sep 25, 2006
4. BALLOT LEVEL SECURITY FEATURES FOR OPTICAL SCAN VOTING MACHINE CAPABLE OF BALLOT IMAGE PROCESSING, SECURE BALLOT PRINTING, AND BALLOT LAYOUT AUTHENTICATION AND VERIFICATION Inventors: ERIC COOMER, LARRY KOHR, BRIAN GLENN LIEBMAN		

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dominion Tech Support Manual



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Tabulator Network Connectivity

CONTRACT #071B7700117

The ImageCast Listener is an add-on component to the base EMS system—it is designed as a turnkey solution for jurisdictions to implement results transmission from their precinct tabulators and/or RTM client laptops. The system supports wireless cellular/internet-based transmission, analog dial-up modem transmission, or both, providing flexible options to meet a jurisdiction's particular requirements and preferences. The jurisdiction is responsible for providing external access to the back-end receiving infrastructure.

The base ImageCast Listener system consists of two pieces of hardware: the ImageCast Listener (ICL) server and a firewall appliance (WatchGuard Technologies Firebox M200 or XTM 25). When dial-up transmission is used, an additional Remote Access Server (RAS) is required. The RAS server uses analog USB modems, connected to the server via a powered USB 3.0 hub.

In addition to the base EMS system, the required components for the **ImageCast Listener** system, using wireless/internet transmission are:

- ImageCast Listener Server (Dell PowerEdge R330 recommended)
- WatchGuard Technologies *Firebox M200* or *XTM 25* firewall appliance
- 2 x CAT5e or CAT6 Ethernet cables
- 1 x external wireless modem (eDevices CellGo) per precinct (multiple tabulators in a precinct can share the same modem if transmission is performed serially, rather than simultaneously).

When dial-up transmission is used, the **RAS server** component is required in addition to the components listed above:

- Remote Access Server (Dell PowerEdge R330 recommended)
- Powered 10-port USB 3.0 hub
- USB analog dial-up modems (up to 10)
- 1 x CAT5e or CAT6 Ethernet cable

Note: analog modems on the transmitting end are built into the ImageCast Precinct tabulator.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Ranked Choice Voting

RANKED CHOICE VOTING

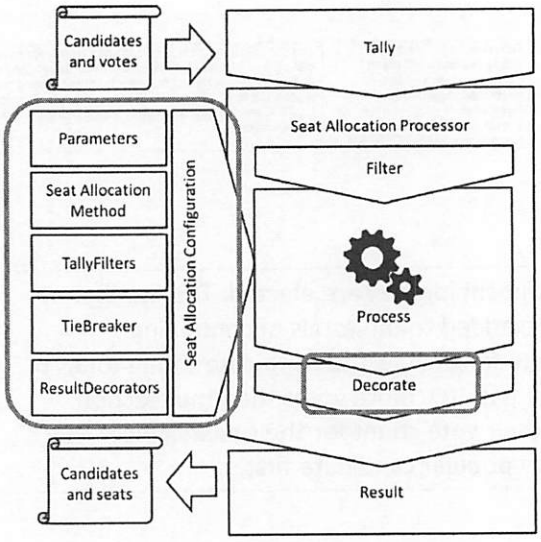
Dominion's Democracy Suite® provides the most comprehensive and transparent Ranked Choice Voting functionality in the market today. Ranked Choice contests allow up to 10 candidates to be presented in an easy to understand format. Tabulation of RCV contest ballots (in-person, mail-in, and vote centers) seamlessly integrates as part of the overall tabulation process and applies standard AuditMark® and Results Tally and Reporting functionality.

Differences between proposed base Michigan voting system and the proposed modification to the base system – list, in detail, all substantive differences between the proposed BASE SYSTEM	The modification to the base system, Democracy Suite 5.0-S, adds dial-up and wireless results transmission capabilities to the ImageCast Precinct and results transmission using the Democracy Suite EMS Results Transfer Manager module. Additionally, the COTS Canon M160II scanner is added with the 5.0-S system configuration.

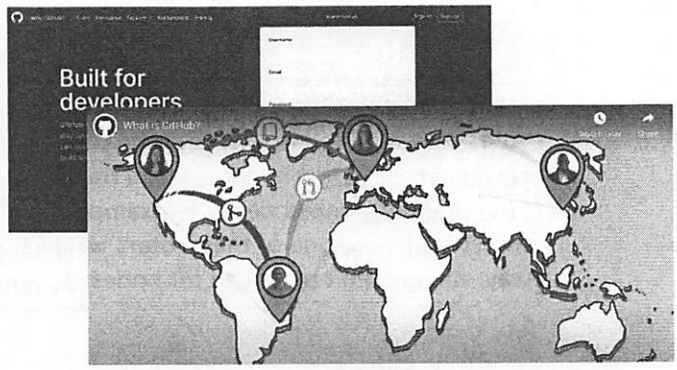
If any candidates have more votes than the election threshold, they are elected. The number of votes they received in excess of the threshold then are added to the totals of continuing candidates. This works by adding a fraction of each vote for the elected candidate to the totals of the candidate ranked next. For example, if a candidate has 10% more votes than the election threshold, every one of their voters will have 10% of their vote count for their next choice. That way, voters aren't punished for honestly ranking a very popular candidate first.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

SCYTL is Responsible for Election Security



- In the GitHub account for Scytl, Scytl Jseats has some of the programming necessary tosupport a much broader set of election types, including a decorator process where the data is smoothed, see the following diagram provided in their source code:



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Security Issues: Dr. Navid Keshavarz-Nia

- Dominion vulnerable to "Man-in-the-Middle" security risks. DVS data transferred to SCYTL servers in Barcelona, Spain. In 2020, SCYTL data center was moved to Frankfurt.
- Dominion corporate structures were partially designed to obfuscate their complex relationships, especially with Venezuela, China and Cuba; and impede discovery by investigators.
- Despite DVS's constant denial about the flaws of its systems, the company's ImageCast Precinct optical scanner system was totally hacked in August 2019. This occurred during the largest and most notable hacker convention, called DEFCON Voting Machine Hacking Village in Nevada.
- In 2019, a computer laptop and several USB memory cards containing the cryptographic key to access DVS systems were stolen in Philadelphia.
- On approximately 2:30 AM EST, TV broadcasts reported that PA, WI, AZ, NV and GA have decided to cease vote counting operations and will continue the following day. The unanimous decision to intentionally stop counting by all 5 battleground states is highly unusual.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

How is a Poll Challenger to Monitor This?

It is possible for an administrator of the "ImageCast Central" workstation toview and delete any individual ballot scans from the "NotCastImages" folder by simply using the standard Windows delete and recycle bin functions provided by the Windows 10 Pro operating system. ... The upload process is just a simple copying of a "Results" folder containing vote tallies to a flash memory card connected to the "Windows 10 Pro" machine. The copy process uses the standard drag-n-drop or copy/paste mechanisms within the ubiquitous "Windows File Explorer". While a simple procedure, this process may be error prone and is very vulnerable to malicious administrators.

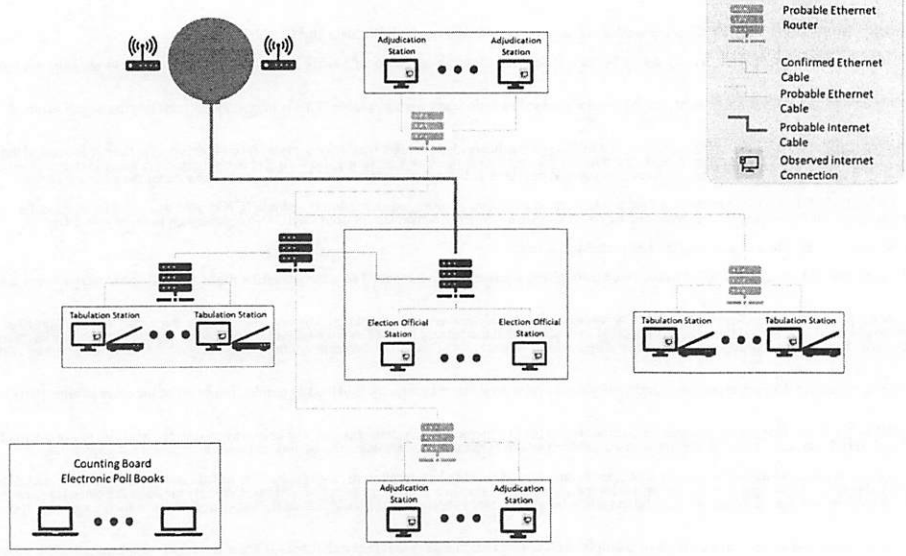
Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

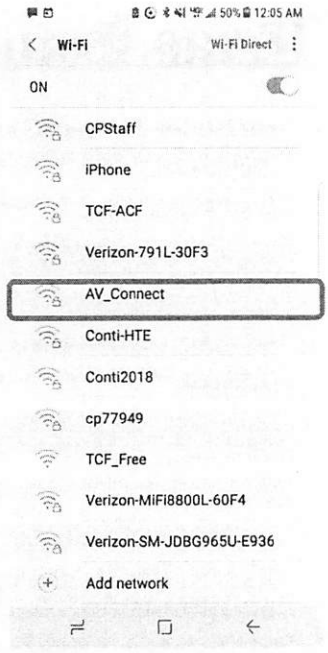
Texas Issues with Dominion

- Some of the hardware in the Democracy 5.5 System can be connected to the internet, but the vendor claims it is protected by hardening of data and IP address features.
- The foldable ballot box offered with the Democracy 5.5 System could not be used in early voting because it does not have the capability of having 2 locks with two separate keys securing the box as required by Texas law.
- The rolling ballot box dividers for provisional or disputed ballot storage were not present, but the vendor claimed such dividers were available. This is important for handling the adjudication of provisional and contested ballots.
- The use of COTS printers with the ICX device (in ballot marker mode) is a costsavings measure, but the COTS hardware also presents issues for service, internal drivers for the hardware and the potential for traditional additional problems with any COTS product. For example, one examiner noted that having the printer tray ajar during the voting process caused the system, after all the races are voted, to wipe out all selections and require the voter to start over after the print tray is fixed. This would require a poll worker interaction and could greatly slow down the voting process.
- The Verified Voter Paper Audit Trail ("VVPAT") used with the ICX in DRE mode stores a voters selections in a sequential order, meaning that if a single ICX is used at a voter location and a limited number voters appear at the polling place, the secrecy of the ballot may be compromised by remembering the order in which voters used the ICX in comparison to the VVPAT tape.
- The precinct ballot scanner jammed on several occasions and was very slow in scanning the hand-marked ballots.
- The central scanner/tabulator also jammed on multiple occasions and ballot batches had to be re-run through the scanner. If this happened on a busy election night, it could create a significant delay in vote tabulation.
- The "pigtail" portion of the cord connection to the power supply to the VVPAT portion of the ICX was easily accessible and could be unplugged by any voter. When the pigtail was unplugged at the examiners inspection, the process to get back to a voter-ready condition was unclear and complicated to the point that the battery had to be removed and reinstalled in the device. The vendor, after the inspection, stated that this power connection can be made behind a sealed door in a different configuration; however, it is clear an end-user may choose to configure the VVP AT in a way that allows this to occur.
- The ICX machines had a problem with straight party voting in that the deselection of the straight party choice on a single race eventually leads to the deselection of all of the other straight party selections.
- Use of non-sequential numbered paper ballots as required by the Texas Constitution cannot be created within the Democracy 5.5 System. Instead, the only way to comply with this requirement of the law would be to hand-write and/or pre-print paper with serial numbers in a range for the selected precinct and then manually intermingle the ballots so their numbers are not sequential.
- The adjudication portion of the tabulation process in the election management software was problematic and showed that the handwritten write-ins subject to adjudication were not easily picked up by the ballot scanner. This poor resolution on the scanner also failed to pick up some of the printed wording on the ballots. In a follow-up, the vendor stated that only black Sharpie markers should be used for marking the ballots; however, when the black sharpie was used during testing, it did, on a few occasions, bleed through to the back side of the two-sided ballot in such a way that it could confuse the ballot scanner or kick the ballot out.
- The paths for the import of election data in into the election management program also showed multiple opportunities for mistakes that required three (3) separate restarts of the adjudication process.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Detroit Absentee Voter Counting Board
TCF Facility





Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Poll Worker Observations

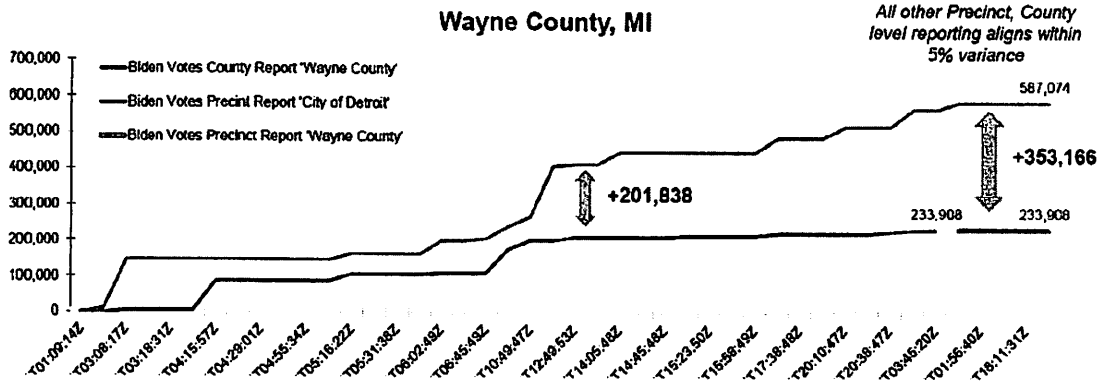
We also printed out several closing tapes as required and we accidently printed one additional tape. I have that tape in my possession. Three days ago, I looked at the closing tape and was dismayed by what I saw. It clearly and unbelievably shows numerous write-in votes. The machine did not have any of those ballots go into the write-in bin. We are supposed to document in the poll book all write-in candidates. There were none that I saw the poll worker who operated the machine didn't see any in the chamber for that scenario. I'm not sure what this tape demonstrates, but with a listing of write-in candidates that were not accounted for, it is plausible to think the machine was in fact defective.

Keith Kaminski

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Wayne County Vote Anomalies

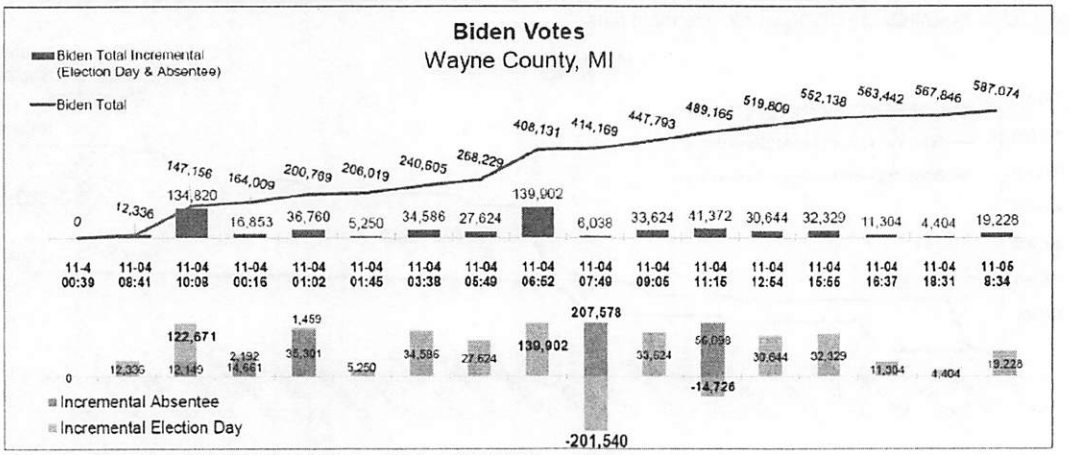
The status of Wayne County precinct data reporting can be categorized as either wholly negligent or deliberately misconstrued. In addition to a timeseries switch in reporting from 'City of Detroit' to 'Wayne County' at approximately 2020-11-05T16:03:39, there are unexplainable gaps reaching magnitude of 40% or 353,166, despite other counties matching within identical files.



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Wayne County Vote Anomalies

County reporting of the 06:52AM Biden spike was **not** consistent with routine system vote incrementality. This vote batch incremented into a separate vote counter and was identified in a subsequent timestep as switched to the Absentee counter. Seemingly to disguise the switch, a comparably sized negative increment was included during the same timestep.



Source: Edison data, NYT API Election day includes provisional Results as of 11/16 22:23UTC

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Impossible Vote Adjustments Favoring Biden

Cumulative and incremental voting tallies when adjusting for 'other' in person polls bucket (Total – Absentee votes) produces inconsistent/ impossible mathematical results when analyzed in timeseries format.

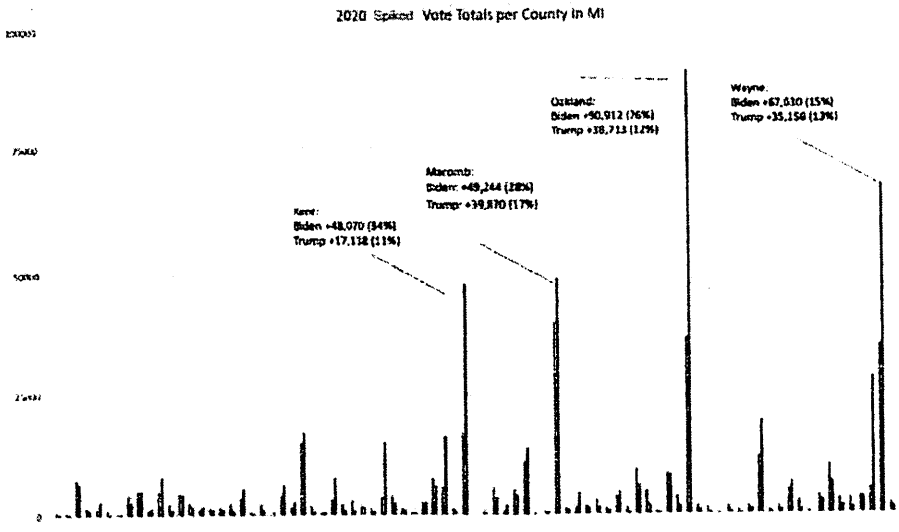
**Mathematical Impossibility

Timestamp Update	Total Biden Votes	Biden Absentee Votes	Biden Non Absentee Votes	Biden Incremental Total Votes	Biden Incremental Absentee Votes	Biden Incremental Non Absentee Votes
2020-11-04T09:18:51Z	1,991,324	612,897	1,378,427	-	-	-
2020-11-04T11:52:08Z	2,295,884	629,200	1,666,684	304,560	16,303	288,257
2020-11-04T12:49:53Z	2,382,658	842,629	1,540,229	86,974	213,429	*-126,455***
2020-11-04T13:23:51Z	2,386,894	842,629	1,544,265	4,036	-	4,036
2020-11-04T15:58:49Z	2,520,063	907,864	1,612,199	-	-	-
2020-11-04T16:07:50Z	2,524,228	912,029	1,612,199	4,165	4,165	-
2020-11-04T16:07:50Z	2,524,228	912,029	1,612,199	-	-	-
2020-11-04T16:15:42Z	2,565,600	888,127	1,597,473	41,372	56,098	*-14,726***
2020-11-04T16:15:42Z	2,565,600	968,127	1,597,473	-	-	0
2020-11-04T16:21:48Z	2,567,266	968,127	1,599,139	1,666	-	1,666
2020-11-04T16:24:49Z	2,573,254	968,127	1,605,127	5,988	-	5,988

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

The Big Switch: Kent, Macomb, Oakland, Wayne Counties

- Spike Duration: 2 hrs 38 minutes
- Scanner Capacity: 94,867 Ballots
- Vote Spike: 384,733 Ballots
- *At least 289,866 ballots illegal votes were cast*



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

The Little Switch: Antrim County

On Dec 5, the ASOG forensics team examined Antrim DVS data – *ONLY OPPORTUNITY IN ENTIRE NATION*

Antrim County Vote Results

Tally	Trump	Biden
Election Night	36%	63%
Certified Result	61%	37%
True Result *(includes destroyed ballots)*	65%	33%

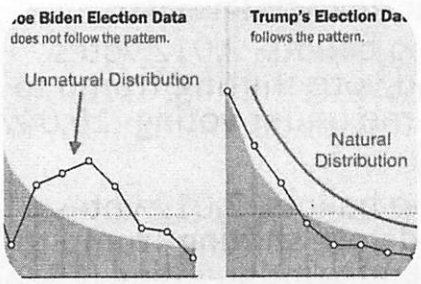
If You Count the Paper Ballots In Each State Trump Wins Overwhelmingly

ASOG Forensic Analysis Revealed

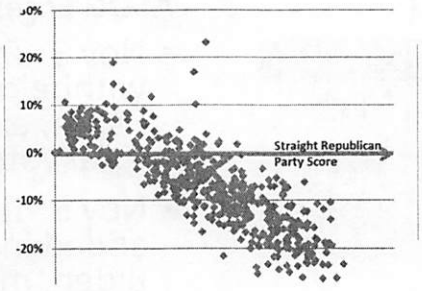
- Nov 3: Trump ballots, 2,012 votes withheld and vote shifting Trump to Biden, extreme under voting (16,047 total votes)
- Nov 5: Trump ballots, 2,012 votes added in and vote shifting Trump to Biden, moderate under voting (18,059 total votes)
- Nov 21: Vote shifting & under voting removed, 2,015 Trump ballots destroyed (16,044 total votes)

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

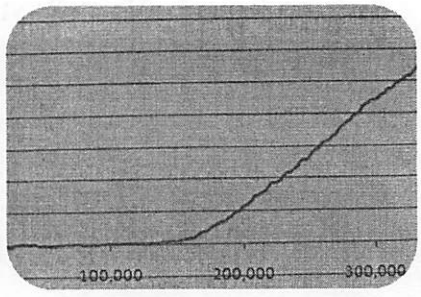
Vote Tally Anomalies Identified



Benford's Law



Linear Regression Analysis



Algorithm Detection

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

National Institute of Standards and Technology (NIST) Left "*Key Under Mat*"

https://www.nist.gov/itl/ssd/software-quality-group/voting-software-reference-data-set

Dominion Voting D-Suite 5.12-NV January 2020

NIST has also made available a supplementary set of Dominion Voting D-Suite 5.12-NV software. This set includes only Dominion Voting D-Suite 5.12-NV products. This supplementary set only includes the top-level files, and is available in XLSX format here:

https://s3.amazonaws.com/rds.nsrl.nist.gov/voting/Nevada_2020-01-23/Nevada_Voting_Jan_2020.xlsx

Signatures for verification of this file can be found here.

Dominion Voting D-Suite 5.12-NV is included in the full January 2020 Voting RDS, which is available here.

Digital evidence, Software research and Voting systems

CONTACTS

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douglas.white@nist.gov
(301) 975-4761

Created June 27, 2016. Updated January 28, 2020


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Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

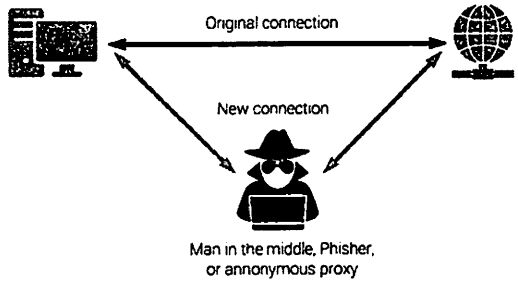
Why Does Internet Connectivity Matter?

Exhibit 19 in Sidney Power Michigan lawsuit

The USIC has developed the Hammer and Scorecard tools, which were released by Wiki Leaks and independently confirmed by Lt. Gen Thomas McInerney (USAF, retired), Kirk Wiebe, former NSA official and Dennis Montgomery, former CIA analyst). The Hammer and Scorecard capabilities are tradecrafts used by US intelligence analysts to conduct **MITM** attacks on foreign voting systems, including the Dominion Voting System (DVS) Democracy Suite and Systems and Software (ES&S) voting machines without leaving an electronic fingerprint. As such, these tools are used by nefarious operators to influence voting systems by covertly accessing DVS and altering the results in real-time and without leaving an electronic fingerprint. The DVS Democracy Suite Election Management System (EMS) consists of a set of applications that perform pre-voting and post-voting activities.

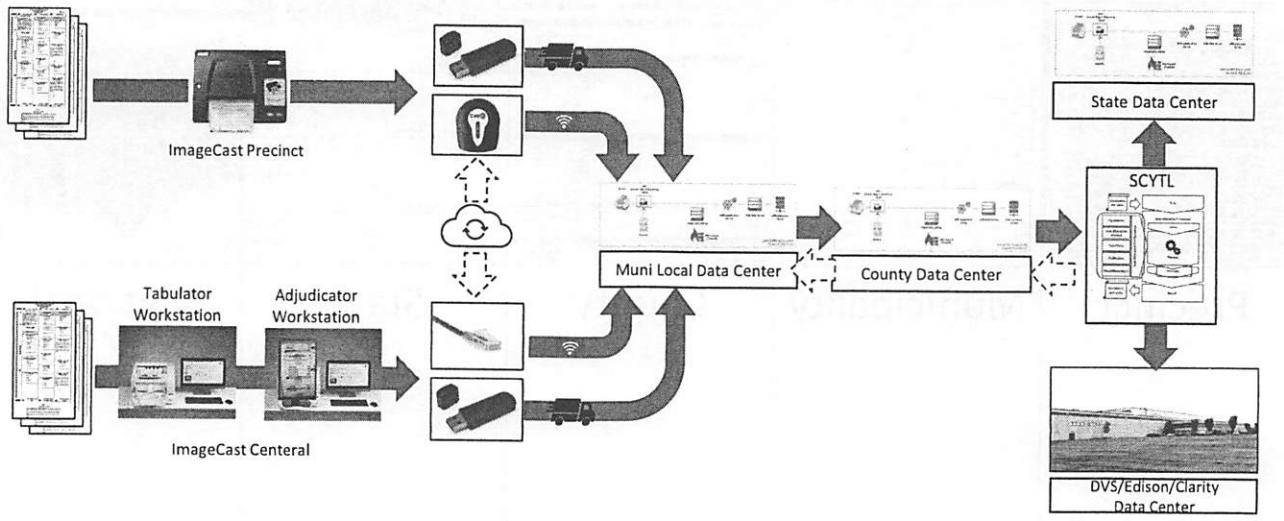
Additional exhibits expose the following

- 13 unencrypted passwords and 75 "hashed" passwords available on "Dark Web"
- Security patents sold to China via HSBC Bank as their agent
- Iranian and Chinese servers had access to election data



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Vote Tally Trail



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

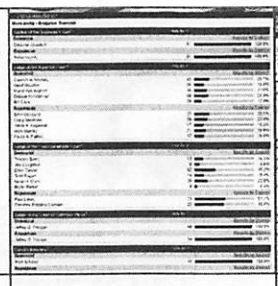
Vote Tallies



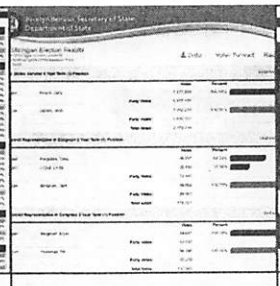
Precinct



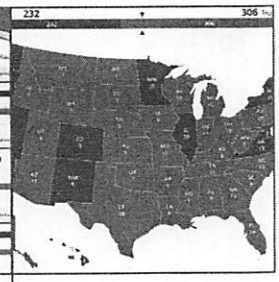
Municipality



County



State



National

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Vote Tally Evidence

Transfer Transparency	Network Connectivity	Seal Discipline	Reporting Anomalies	Tabulation Anomalies
•Russ Ramsland •Patrick Colbeck	•Patrick Colbeck	•Ann Capela •Patricia Blackmer	•Keith Kaminski •Russ Ramsland •Merri Cullen •Cary Browne •Chester Anthem (Michigan Report – MaptheFraud.Atlassian.net) •Phil Evans, Dr. Shiva	•Articia Bomer •Mellissa Carone •William Carzon •Matthew Mikolajczak •Ann Capela

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Vote Tally Issues

Transfer Transparency	Network Connectivity	Seal Discipline	Reporting Anomalies	Tabulation Anomalies
• No log of transfers from tabulators to adjudicators with vote tally status in Antrim forensics analysis [Ramsland] • No evidence of flash drive transfers on election night through next day yet vote tallies were being reported to outside organizations • Detroit AVCB Mass File Transfers were observed at Local Data Center workstations [Colbeck]	• Tabulators, Adjudicators, and Detroit Election Official computers were networked together on a network connected to the internet. Internet connection is equivalent to tearing the seal off of the precinct envelope. • Internet Connectivity breaks chain of custody	• No evidence that flash drives containing vote tallies for each Detroit AVCB were secured and seal in AVCB envelopes prior to closing each board • No vote tallies were visible to poll challengers for ANY counting board at end of counting (Red boards were blank) • Closing tapes were not certified	• "Little Switch" in Antrim County identified a vote shift of ~6,000 from Trump to Biden • "Big Switch" across 4 Counties identified 289,866 illegal votes cast • Visible ballot counts didn't reconcile with observed ballot counts • Write-In Tally Discrepancy • Time-stamped incremental Biden absentee votes exceeded TOTAL votes cast for Biden	• There are credible allegations that Democrat officials and election workers repeatedly scanned ballots in high-speed scanners, often counting the same ballot more than once. • Vote tally chain of custody not maintained between shifts • Poll inspector instructed to sign off on AVCB artifacts without being given opportunity to inspect

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Broken Link

Vote Tallies

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Ballot Evidence

Improper Handling	Ballot Anomalies	Alterations	Adjudication	Ballot Harvesting
•Bill Hartman •Phil O'Haloran •Articia Bomer •William Carzon •Andrew Sitto •Kristina Karomo •Robert Cushman •John McGrath •Jennifer Siedl •Braden Giacobazzi •Kristy Klamer •Daniel Gustafson •Rhonda Webber •Cynthia Cassell •Robin Mifsud •Steve Orsini •Kay Hager •Lucille Ann Huizenga •Marilyn Jean Nowak •Sandra Sue Workman •Robert Cushman •Kathleen Kubik •Patty Blackmer •Ron Blackmer	•Ann Capela •Phil O'Haloran •John McGrath •Zachary Larsen •Lucille Ann Huizenga	•Mellissa Carone •Mary Macionski •Phil O'Haloran •Andrew Sitto •Eugene Dixon •Janice Herman •Angelic Johnson •Adam de Angeli •John McGrath •Robert Cushman •Braden Giacobazzi •Jennifer Seidl •Kristy Klamer •Chris Schornak	•Kristina Karamo •Robin Mifsud	•Matt Braynard •Phil O'Haloran

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Ballot Issues

Improper Handling

- Ballots being transported in unsecured containers
- Ballots being transferred in unapproved containers
- No secrecy envelopes
- Suspicious two waves of ballot drop offs
- New ballots were not registered voters
- Some ballots were found unsecured outside the Detroit Elections Bureau
- Hundreds of blank ballots transported without chain of custody protections
- Suspicious ballot transfers before election day
- Ballots disappeared from Republican precincts before poll workers could count them
- Kent County ballots "had been sent to Detroit to be processed"
- Ballots were opened without first verifying information in poll book

Ballot Anomalies

- Poll Inspector directed to sign documents stating there were write-in ballots despite no write-in ballots being observed
- Some ballots which arrived at TCF center were taken to 3rd floor for processing. Poll Challengers were prohibited from observing this processing.
- Thousands of ballots dropped off without a single Republican vote
- Seals were broken to inspect how votes were cast
- Suspicious "patches" of Biden ballots in historically Republican precincts

Alterations

- Military ballots duplication was not witnessed by representatives of both parties
- All military ballots were marked straight Democratic Party with zero votes for President Trump

Adjudication

- Republican votes were repeatedly flipped to Democrat during adjudication
- Override button enabled so that "all ballots go through" tabulator

Ballot Harvesting

- According to state records, at least **259 absentee ballots counted** listed their official address as "email" or "accessible by email," which are unlawful *per se* and suggests improper ballot harvesting. See Braynard, *supra*.
- According to state records, at least 109 people voted absentee from the Center for Forensic Psychiatry at 8303 PLATT RD, SALINE, MI 48176 (not necessarily ineligible felons, but the State does house the criminally insane at this location), which implies improper ballot harvesting.
- According to state records, at least 63 people voted absentee at PO BOX 48531, OAK PARK, MI 48237, which is registered to a professional guardian and implies improper ballot harvesting.
- at least **9 absentee voters** in Michigan are confirmed dead as of Election Day
- Same individual dropping off ballots at two different centers. Works for one of the center directors

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Broken Link

Ballots

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Poll Book Evidence

Problem Ballots	Poll Book Fidelity	Poll Challenger Interference	Internet Connectivity	Canvasser Updates	Voter ID Validation
•Jason Humes 11/4/20 •Jesse Jacobs •John McGrath •Kristina Karamo •Robert Cushman •Jennifer Siedl •Braden Giacobazzi •Kristy Klamer	•Jesse Jacobs •Ann Capela •Guard the Vote Analysis •Ann England •Ron Blackmer	•Angelic Johnson •Zachary Larsen •Kline Preston •Articia Bomer •Phil O'Haloran •Robert Cushman •Jennifer Seidl •Andrew Sitto •Kristina Karamo •Cassandra Brown •Adam de Angeli •Kayla Toma •Matthew Mikolajczak •Braden Giacobazzi •Kristy Klamer •William Hartman •Monica Palmer •Chris Schornak •Ron Blackmer	•Jesse Jacobs	•Gena Geanuzzi	•Guard the Vote Analysis •Jesse Jacobs •Wayne County Absentee Vote Discrepancies •Mary Macionski •Robert Cushman •Zachary Larsen •Casandra Brown •Kristina Karamo •John McGrath •Jennifer Seidl •Chris Schornak •Kim Fegley

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Poll Book Issues

Problem Ballots	Poll Book Anomalies	Poll Challenger Interference	Internet Connectivity	Canvasser Updates	Voter ID Validation

• 200+ ballots in problem bin not associated with a registered voter. Voter names were manually entered into poll book and tabulated.
• Poll workers instructed to falsify dates on date absentee ballots were received
	• Four separate instances of poll books used
	  • Initial e-Poll Book downloaded onto Counting Board laptops
	  • Supplemental Paper Poll book included with ballots added during middle of night
	  • Voters not in either of the above were added manually to the e-Poll Book
	  • Poll workers had direct access to state QVF (i.e. connected to internet)
	• Double voting occurred
	• Bookkeeping issues
	  • 20,300 of the 51,018 list did not have a recorded "ballot requested date" in Wayne County
	  • 10,620 absentee ballots showed a "ballot sent date" 40 days before the election according to Michigan election law, after August 13th but before September 24.
	  • We found 247 voters with voter registration dates of 01/01/1900
	  • 425 registrants each had a different name, different address but had the same cell phone number.
	• Poll books were not closed out at the end of shifts
		• Poll Challengers unable to observe reconciliation tasks
		• Poll Challenger challenges not entered into Poll Books therefore not subject to review by Canvassers
		• Republican Poll Workers were interfered with
			• Select poll books were connected to the internet via Wi-Fi violating chain of custody for poll books	• Wayne County Board of Canvassers received suspicious Poll Book "Update" night before certification vote	• 210 dead people voted
					• Possible 1005 additional dead voters
					• 2,474 voters had invalid addresses
					• An additional 857 addresses were unverifiable
					• Poll workers instructed by supervisor not to ask for voter ID
					• Poll workers instructed not to compare ballot envelope signatures
					• "256" Ghost votes in Wayne County
					• Fake birthdates entered
					• Ballots processed despite voter not appearing in Poll Book

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Broken Link

Poll Books

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.509o QVF

- **168.509o Qualified voter file; establishment and maintenance; individuals considered registered voters; signed application; development and use of process to update qualified voter file; availability of canceled voter registration information; participation in multistate programs or services; limitations.Sec. 509o.**
- (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file. The qualified voter file is the official file for the conduct of all elections held in this state. The secretary of state may direct that all or any part of the city or township registration files must be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.
- (2) Notwithstanding any other provision of law to the contrary, an individual who appears to vote in an election and whose name appears in the qualified voter file for that city, township, or school district is considered a registered voter of that city, township, or school district under this act.
- (3) The secretary of state, a designated voter registration agency, or a county, city, or township clerk shall not place a name of an individual into the qualified voter file unless that individual signs an application as prescribed in section 509r(3). The secretary of state or a designated voter registration agency shall not allow an individual to indicate a different address than the address in either the secretary of state's or designated voter registration agency's files to be placed in the qualified voter file.
- (4) The secretary of state shall develop and utilize a process by which information obtained through the United States Social Security Administration's death master file that is used to cancel an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, of a deceased resident of this state is also used at least once a month to update the qualified voter file to cancel the voter registration of any elector determined to be deceased. The secretary of state shall make the canceled voter registration information under this subsection available to the clerk of each city or township to assist with the clerk's obligations under section 510.
- (5) Subject to this subsection, the secretary of state shall participate with other states in 1 or more recognized multistate programs or services, if available, to assist in the verification of the current residence and voter registration status of electors. The secretary of state shall not participate in any recognized multistate program or service described in this subsection that requires this state to promote or adopt legislation as a condition of participation in that program or service. In addition, the secretary of state shall not participate in any recognized multistate program or service described in this subsection if the secretary of state determines that data of that program or service are not being adequately secured or protected. The secretary of state shall follow the procedures under section 509aa(5) with regard to any electors affected by information obtained through any multistate program or service.
-

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

QVF Evidence

Unsecured	Unilateral SoS Actions	Data Anomalies
• Jesse Jacobs • Auditor General	• Christine Muise • Rena Lindevaldesen • Sandra Sue Workman	• Matt Braynard • Dr. Quanying "Jennie" Zhang • Auditor General • Voting Age Population Analysis

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

QVF Issues

Unsecured
• Data entry by Rock the Vote • Accessed directly by Detroit AVCB poll workers while processing ballots for general election • Unauthorized users had access to QVF

Unilateral SoS Actions
• SoS Benson violated Michigan Lection Law by sending unsolicited ballots to at least **355,392 people** • SoS Benson also permitted online requests for absentee ballots without signature verification, thereby allowing for fraud in obtaining an absentee ballot. • Worse, Respondent Benson sent unsolicited ballots to countless thousands living in Michigan and in some cases to citizens of other states. • Ballots (not ballot applications) for deceased voters were received in spite of no request for the ballot

Data Anomalies
• 8,127,804 registered voters but only 7,511,156 eligible • 12.23% of those absentee voters did not request an absentee ballot • Between **326,460 and 531,467** of the absentee ballots the State issued that were counted were not requested by an eligible State voter • Between **29,682 and 39,048** of absentee ballots that voters returned but were not counted in the State's official records. • At least **13,248** absentee or early voters were not residents of Michigan when they voted • At least **317** individuals in Michigan voted in more than one state • **3,373 votes counted** in Michigan were ostensibly from voters 100 years old or older. According to census data, however, there are only about 1,747 centenarians in Michigan • 2,212 Electors voted more than once; • 230 voters were over 122 years old

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Broken Link

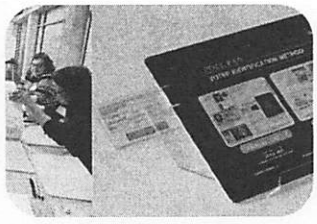
QVF

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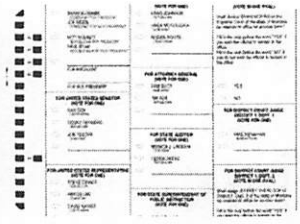
Chain of Custody-Simplified



Qualified Voter File
(State)



Poll Book
(Precinct)



Ballot



Vote Tallies

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Summary

- Secretary of State has the burden of proof to demonstrate that the chain of custody was maintained
- Secretary of State has yet to demonstrate that the chain of custody has been maintained with any degree of credibility which would hold up in a fair court trial

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Broken Chain of Custody

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Certification Issues Summary

Chain of Custody Broken

- Qualified Voter File
  - **616,648** ineligible voters eligible to vote
  - 12.23% of those absentee voters did not request an absentee ballot
- Poll Books
  - At least 210 dead voters
  - At least 317 voters cast votes in multiple states
  - At least **13,248** absentee or early voters were not residents of Michigan when they voted
  - 2,474 voters had invalid addresses
  - Fake birthdays entered
  - Multiple versions per precinct
  - Double voting occurred
- Ballots
  - Unsupervised ballot duplication
  - Suspicious drops of tens of thousands of ballots
- Vote Tallies
  - At least **289,866** illegal votes cast
  - Evidence of internet connectivity
  - Evidence of fractional vote tallies
  - Dominion election system featured a 68% error rate resulting in suspicious adjudication rate
- Data anomalies indicate fraud

Statutory Violations

- Deliberate interference with duties of poll challengers
- Republican poll workers rejected by election officials
- Election processes executed without representatives of both major political parties
- Poll workers left polling location prior to closure of polls
- Destruction of election artifacts prior to end of 22 month archival requirement
- Interference with recount efforts
- SoS Benson allowed online voter registration without signature verification

Constitutional Violations

- Unconstitutional delegation of legislative authority to certify election results to the Governor in MCL 168.46
- Unequal protections of law provided in favor of Democrats
- Unlawful restrictions upon Freedom of Assembly
- Denial of access to audit
- Privatization of elections by left-leaning group Center for Tech and Civic Life

Boards of Canvassers

- Wayne County
  - No signatures of Republican canvassers were affixed to statement of certification.
  - Evidence of "Cooking the Books" prior to Wayne County certification vote
  - OFFICIAL Vote Results for Wayne County shows 0 registered voters against a tally of 172,337 votes
- State Board of Canvassers certified results with one Republican canvasser abstaining. Wayne County certification issue was not addressed.
- In Kent, Macomb, Oakland and Wayne County, there is evidence that 289,866 illegal votes were cast
- Antrim County
  - Evidence that 6,000 Trump votes were allocated to Biden out of 22,000 votes
  - Adjudication enabled vote flipping without a paper trail.

Dominion Voting Systems Security Vulnerabilities

- Foreign Influence Evident
  - CCP
  - Iran
- Dominion System used in Antrim County was used in 65 of 83 MI Counties
- Dominion CEO John Poulos testified under oath that Ranked Choice Voting module which allows fractional voting was not enabled in Antrim County. This testimony conflicts with forensic analysis findings.
- Fractional votes were evident in data stream from Dominion servers to Edison servers
- Evidence that internet connectivity present during voting in contrast to Dominion CEO testimony
- System manuals explicitly refer to internet and ethernet connectivity
- Encryption keys stolen
- DVS passwords available on Dark Web
- NIST posted DVS file attributes
- Audit logs deleted
- Original ballot images deleted

Use of COVID to Subvert Election Integrity

- Unlawful 6 foot rule (rescinded by court order yet still enforced)
- 14-Day extension (struck down by higher court)
- Impairment of Freedom of Assembly
- Stonewalling/denial of access by Detroit Elections Bureau prior to election
- Limits on number of poll challengers per building

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Case for MI Decertification

Prepared by Patrick Colbeck

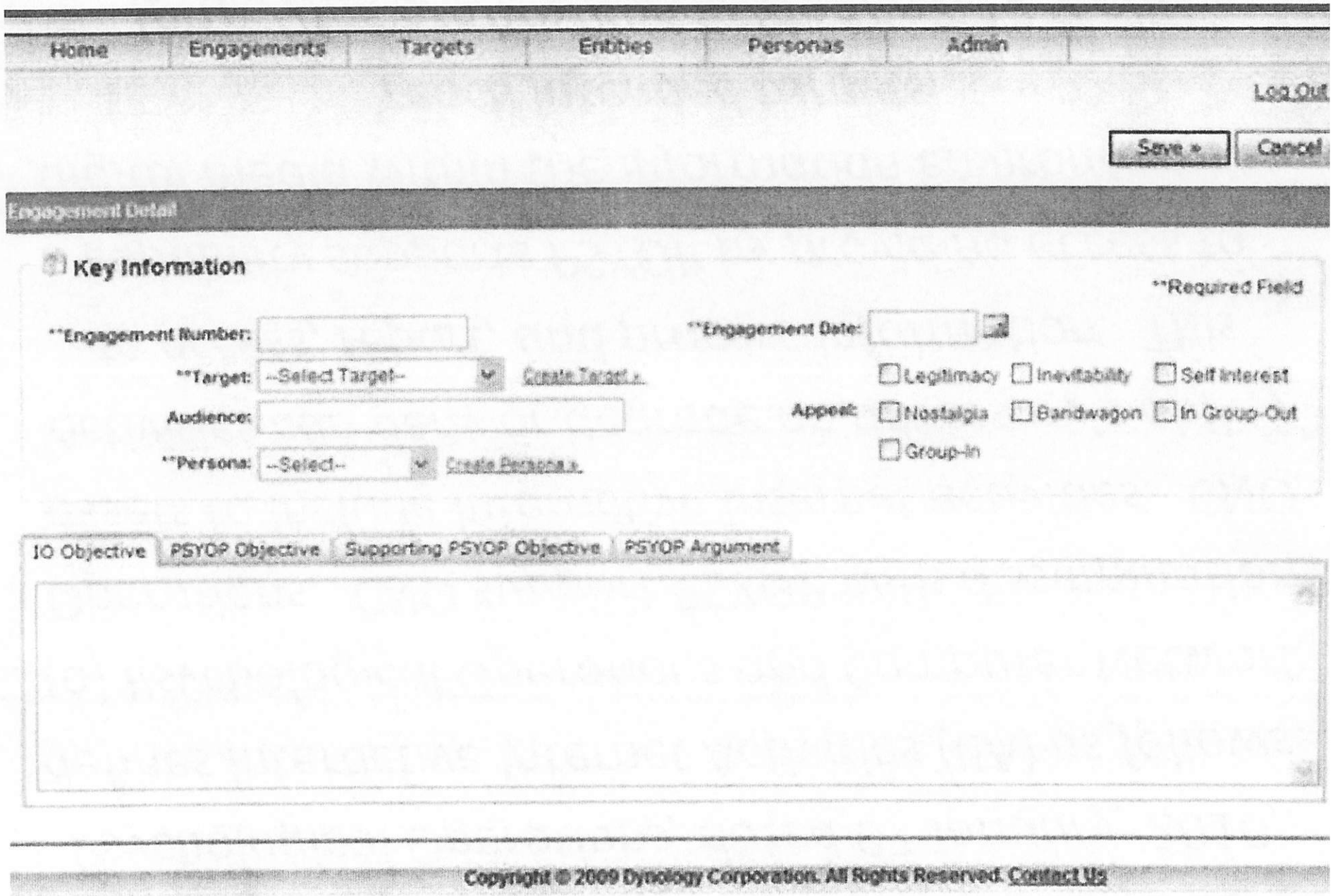
patrick@letsfixstuff.org

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Information Operations (IO) Joint Publication 3-13.2, Psychological Operations, dated 07 January, 2010, defines Interactive Internet Activities (IIA) as follows: (a) Psychological Operations and Computer Network Operations. CNO support PSYOP with dissemination assets to include interactive Internet activities. CNO activities can deny or degrade an adversary's ability to access, report, and process information. This capability supports PSYOP by providing access to digital media within the information environment to reach intended targets.

[http://fas.org/irp/doddir/dod/jp3-13-2.pdf]

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DEPARTMENT OF THE ARMY
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO-AE 09342

REPLY TO
ATTENTION OF

September 12, 2008

Chief, Interactive Internet Activities Branch

To whom it may concern,

It has been my distinct pleasure to serve as the direct supervisor for Mr. Patrick Bergy from 28 December 2007 through 12 September 2008. During that time, Mr. Bergy served as the lead technical director directly supporting a classified Department of Defense information operations program. Throughout his tenure with this program, Patrick's ambition and drive to solve problems enabled him to overcome challenges that were frequent and impossible to foresee given the unique nature of this operation. He effectively established and maintained professional relationships with internal and external personnel, including host-country nationals, and represented the quintessential mix of knowledge, people skills, and organizational experience.

On a personal level, I sincerely enjoyed working with Patrick and appreciated the value and integrity he consistently brought to the workplace. He maintains a novel outlook that enables him to see the big-picture and is completely committed to the tasks at hand while remaining flexible enough to adapt to changing requirements. Patrick Bergy is a tremendous asset to any team, and I highly recommend him for any position he seeks.

Mr. Bergy possesses and exudes the highest levels of professionalism, technical competence, organizational management skills and critical thinking skills that I have seen in the twelve years that I have served as a member of the United States Army. Regardless of assignment or location, if any of my future missions require technological support, I will seek out Mr. Bergy as my first choice to manage and accomplish the task.

I would be extremely pleased to provide additional details on Mr. Bergy's outstanding job performance and, more importantly, his unlimited potential for future excellence as a member of your organization!

The point of contact for this action is the undersigned, bradford.burris@us.army.mil

Sincerely,

Bradford M. Burris
Major, United States Army
Chief, Interactive Internet Activities Branch

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

To: Lear, Daniel K., OIG DoD <Daniel.Lear@DODIG.MIL>
Subject: [Non-DoD Source] FW: DoD IG Case Closure

Mr. Lear:

Can you please explain to me how a subcontractor is not protected?

10 U.S. Code § 2409 - Contractor employees: protection from reprisal for disclosure of certain information:
(a) Prohibition of Reprisals.-
(1) An employee of a contractor, subcontractor, grantee, or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph

Patrick Bergy

-----Original Message-----
From: Foreman, Levon J., OIG DoD [mailto:Levon.Foreman@DODIG.MIL]
Sent: Thursday, November 19, 2015 3:24 PM
To: Patrick Bergy <patrickbergy@mopsnet.org>
Cc: ODett, Ian M., OIG DoD <Ian.ODett@DODIG.MIL>; Lear, Daniel K., OIG DoD <Daniel.Lear@DODIG.MIL>; Thompson, Ashleigh T., OIG DoD <Ashleigh.Thompson@DODIG.MIL>
Subject: DoD IG Case Closure

Mr. Bergy,

Please see attached letter, as it pertains to your DoD IG complaint. Should you have any questions, please contact Mr. Daniel Lear, Supervisory Investigator, at 703-604-8533 or email at Daniel.Lear@DoDIG.mil.

Very Respectfully,

Levon Foreman
Investigative Support Specialist
DoD IG-WRI

This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" {LES} or "For Official Use Only" {FOUO} or otherwise subject to the Privacy Act and/or legal and or other privileges that restrict release without appropriate legal authority.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Subject: [Non-DoD Source] RE: DoD IG Case Closure

Can you please show me where in the law it states that the protections are not given to those sub-contractors that are working on existing contracts that didn't have the language included.

This law was made after the Snowden incident to protect national security. I trusted this law was going to protect me when I came forward, and ended up losing my job for it. The people that fired me are the ones that wrote the contract each option year in September when the contract was renewed. Employees are not allowed access to these contracts. There is no possible way any whistleblower could know if they are actually protected or not.

Patrick

-----Original Message-----
From: Lear, Daniel K., OIG DoD [mailto:Daniel.Lear@DODIG.MIL]
Sent: Monday, November 23, 2015 7:23 AM
To: Patrick Bergy <patrickbergy@mopsnet.org>
Cc: ODett, Ian M., OIG DoD <Ian.ODett@DODIG.MIL>; Thompson, Ashleigh T., OIG DoD <Ashleigh.Thompson@DODIG.MIL>
Subject: RE: DoD IG Case Closure

Mr. Bergy,

Thank you for your inquiry.

Subcontractors were not covered under 10 U.S.C. 2409 until the law changed on Jul 1, 2013. The contract you worked under was awarded prior to that date and none of the modifications to the contract since that time contained provisions referencing the new law.

So, until that contract is modified to include language that reflects the new law, subcontractors are not covered under that contract.

Thank you,

Daniel Lear
Supervisory Investigator
Whistleblower Reprisal Investigations
4800 Mark Center Drive, Suite 14G25
Alexandria, VA 22350-1500
(703) 604-8533 DSN: 664

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-----Original Message-----
From: Patrick Bergy [mailto:patrickbergy@mopsnet.org]
Sent: Saturday, November 21, 2015 12:09 AM

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

But there have been modifications each option year. Are you telling me this protection is not required to be included in new contracts? Our contract is essentially a new contract with each option year, and has had several modification since July, 2013.

Also, please provide me with the line # in the 10 U.S.C. statute that states protection for sub-contractors is limited to the language of their existing contract. Which, I would add the contract employee being protected is not even authorized to ever see the actual contract?

Patrick

-----Original Message-----
From: Lear, Daniel K., OIG DoD [mailto:Daniel.Lear@DODIG.MIL]
Sent: Monday, November 23, 2015 10:37 AM
To: Patrick Bergy <patrickbergy@mopsnet.org>
Subject: RE: DoD IG Case Closure

Mr. Bergy,

As I stated earlier, The new law covering whistleblower reprisal for contractor and subcontractor employees went into effect on July 1, 2013.

All contracts awarded after July 1, 2013, cover subcontractors for whistleblower reprisal.

Contracts awarded before July 1, 2013, do not. In your case, the contract you worked under was awarded prior to July 1, 2013. There have been no modifications to that contract which included coverage for subcontractors.

Thank you,

Daniel Lear
Supervisory Investigator
Whistleblower Reprisal Investigations
4800 Mark Center Drive, Suite 14G25
Alexandria, VA 22350-1500
(703) 604-8533 DSN: 664

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-----Original Message-----
From: Patrick Bergy [mailto:patrickbergy@mopsnet.org]
Sent: Monday, November 23, 2015 10:18 AM
To: Lear, Daniel K., OIG DoD <Daniel.Lear@DODIG.MIL>
Cc: ODett, Ian M., OIG DoD <Ian.ODett@DODIG.MIL>; Thompson, Ashleigh T., OIG DoD <Ashleigh.Thompson@DODIG.MIL>

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Patrick Bergy

From: Lear, Daniel K., OIG DoD <Daniel.Lear@DODIG.MIL>
Sent: Monday, November 23, 2015 1:57 PM
To: Patrick Bergy
Cc: ODett, Ian M., OIG DoD; Thompson, Ashleigh T., OIG DoD
Subject: RE: DoD IG Case Closure

Mr. Bergy,

There is nothing in the new version of 10 U.S.C. 2409 that limits the protection of subcontractors to the language in the existing contract. I offer you the following explanation that was derived from the language in the National Defense Authorization Act that was approved and from which the new version of 2409 was written.

The National Defense Authorization Act (NDAA) for Fiscal Year 2013 (Section 827 of Public Law 112-239, 126 Stat. 1836, January 2, 2013) describes the criteria for applicability of the act's amendments to 10 U.S.C. 2409. Among these criteria, the NDAA expressly states that the enhanced whistleblower protections apply to contracts awarded before the effective date of the amendments "that are modified to include a contract clause providing for the applicability of such amendments." Nonspecific language in a contract modification is insufficient to satisfy this criterion. The relevant contract modifications in your case contain no such language.

The contract under which you were employed does not meet the criteria described above. The contract was awarded prior to July 1, 2013, and the contract was not modified to include a contract clause providing for applicability of the amended statute. Therefore, your complaint does not warrant an investigation because the version of 10 U.S.C. 2409 in effect prior to the effective date of the NDAA amendments did not apply to subcontractor employees. Accordingly, we have closed your case.

Hope this answers your questions,

Daniel Lear
Supervisory Investigator
Whistleblower Reprisal Investigations
4800 Mark Center Drive, Suite 14G25
Alexandria, VA 22350-1500
(703) 604-8533 DSN: 664

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-----Original Message-----
From: Patrick Bergy [mailto:patrickbergy@mopsnet.org]
Sent: Monday, November 23, 2015 10:55 AM
To: Lear, Daniel K., OIG DoD <Daniel.Lear@DODIG.MIL>
Subject: [Non-DoD Source] RE: DoD IG Case Closure

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

1. Turn in CAC. Give me the 700-19 signed by 1RC.
2. Turn in ration control cards (wife included)
3. Turn in wife's USFK/Yongsan ID card
4. Turn in Courier Card to Dwight Patton
5. Turn in your 8th Army Badge
6. Turn in key to 4313

Best, Buck

Lloyd W. Buchanan, Jr. - CTR
Engility USFK Consolidated Transformation Team
Program Manager
DSN: 315-738-4944
Cell: 010-4392-3060

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

From: Nancy Estrella
Sent: Monday, May 18, 2015 11:33 AM
To: David Haas; Laura Clark
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)

David-

Have you received a resignation letter from Patrick?

Thanks,
Nancy

Dynology Corporation

www.dynology.com
Nancy Estrella
HR Executive
Dynology Corporation
8000 Towers Crescent Drive
Suite 1525
Vienna, VA 22182 nestrella@dynology.com
866-396-8861 fax
703-587-9572 cell

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From: David Haas
Sent: Thursday, May 14, 2015 10:51 PM
To: Laura Clark; Nancy Estrella
Subject: FW: ATCTS Daily Report for Managers (UNCLASSIFIED)

FYI. Last day is May 27, I believe.

From: Buchanan, Lloyd Wayne (Buck) Jr CTR USARMY USFK (US)
Sent: 5/14/2015 10:36 PM
To: Bergy, Patrick B CTR USARMY (US)
Cc: David Haas
Subject: FW: ATCTS Daily Report for Managers (UNCLASSIFIED)
Patrick,
As a reminder, you need to complete the following prior to your departure from contract. I do need a copy of your resignation letter now so Engility has official notice of your departing contract.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Patrick

From: David Haas [mailto:dhaas@dynology.com]
Sent: Tuesday, May 19, 2015 10:50 AM
To: Patrick Bergy
Cc: Laura Clark; Nancy Estrella
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)

Patrick, I researched available openings and right now everything requires a clearance. We have to wait until we find out the status of your clearance. Any idea when you will get official word on whether you will be renewed our rejected? Until we hear, were have to assume that you will be terminating, but I hope that is not the case. Also, isn't your family in Florida? Our SOCOM positions are no longer located there...

Meantime, can you send an updated resumes?

From: Patrick Bergy
Sent: 5/18/2015 5:31 PM
To: David Haas; Nancy Estrella
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)
David:

Dynology was intending to try and find another position back home for me when we spoke last. Is this not the case? If Dynology is planning to let me go, please let me know so I can make other arrangements. It was not my intention to resign from Dynology, but due to my clearance and wanting to return stateside after 5 years from my family, we needed to have a replacement. That said, I do understand if Dynology cannot keep me on and will make other arrangements if that is the case.

Patrick

Patrick

Sent from my Windows Phone

From: David Haas
Sent: 5/19/2015 12:38 AM
To: Nancy Estrella
Cc: patbergy (patbergy@msn.com)
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)
Try writing to him on patbergy@msn.com

Seoul is 13 hours ahead, so it is 12:30 AM there.

Regards,
David

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Patrick Bergy

From: Patrick Bergy <patbergy@msn.com>
Sent: Wednesday, February 10, 2016 10:09 AM
To: Patrick Bergy
Subject: FW: ATCTS Daily Report for Managers (UNCLASSIFIED)

From: patbergy@msn.com
To: patbergy@msn.com
Subject: FW: ATCTS Daily Report for Managers (UNCLASSIFIED)
Date: Wed, 13 Jan 2016 13:10:11 -0500

From: dhaas@dynology.com
To: patbergy@msn.com
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)
Date: Tue, 19 May 2015 13:56:00 +0000

Nancy was just providing a stock response to my notification to her that you were leaving your position. Don't read anything into it. But we do need advance written notice of your change in status, so as soon as you can provide the letter to Buck, I'd appreciate it. Since this is an unusual situation for us both, let's try to stay in contact as much as possible.

From: Mr. Patrick B. Bergy
Sent: 5/19/2015 8:31 AM
To: David Haas
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)

And to answer the other part of your question. I has taken almost 3 years so far for this investigation. I have no idea how long until it goes before the administrative judge. I do know that their information was all very inaccurate and the whole process was screwed up from the first interview.

None of that matters here in Korea now that our contract has been modified to the PAO position after my refusing unlawful orders, I am not qualified for that anyway. Not to mention the last year I have spent doing nothing for the same reason the first time this happened a year ago. My efforts and all of the great work I accomplished the first few years has been rendered useless by a few in our new command, and our PM has just gone along with it, so it was useless to stay anyway. Really disappointed with everyone involved. I hope we can go out for a drink when I get back. Would be nice to meet and discuss without being 6,000 miles apart.

That said, my clearance is still active until I leave Dynology. That is all I know for certain. I am moving to DC, not to Florida. This will allow me to continue my efforts with the nonprofit work we started.

I have not yet submitted my letter to Buck. Was planning to do that when out processing. Nancy's request for my resignation letter and wishing me luck in my new endeavors did not seem to me like just resigning from my current position, which is why I wanted you to know about my clearance being tied to my employment.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT 11

TECHNOLOGY NEWS JULY 1, 2018 / 6:25 PM / A YEAR AGO

Taking Softbank's lead, China, UK managers form $15 billion tech fund

Rama Venkat Raman, Simon Jessop

3 MIN READ

LONDON (Reuters) - A China-backed venture plans to raise $15 billion to invest in technology companies globally, borrowing several pages from the playbook of Japan's Softbank, whose $100 billion Vision Fund transformed the race to identify and build the next tech giants.

China Merchants Group and peer SPF Group will join forces with London-based investment firm Centricus to launch the 100 billion Chinese yuan ($15 billion) China New Era Technology Fund, to invest or acquire firms across China and around the world.

https://www.prnewswire.com/news-releases/clearforce-secures-strategic-investment-from-centricus-300655940.html

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News in Focus Business & Money Science & Tech Lifestyle & Health Policy & Public Interest People & Culture

ClearForce Secures Strategic Investment From Centricus

Centricus Brings Global Experience & Long-Term Vision.

NEWS PROVIDED BY
ClearForce LLC →
Jun 04, 2018, 08:00 ET

SHARE THIS ARTICLE

VIENNA, Va., June 4, 2018 /PRNewswire/ -- ClearForce LLC today announces a new round of strategic investment from Centricus Partners LP, a global investment platform based in London and backed by a select group of sophisticated, global and long-term investors. Centricus co-founders Nizar Al-Bassam and Dalinc Ariburnu, led the structuring and fundraising for SoftBank's Vision Fund, a $100 billion global technology investment fund. Centricus works in partnership

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

LinkedIn People Gillian Turner



...

Gillian Turner

Correspondent at Fox News

Washington, District Of Columbia · 500+ connections

Join to Connect

Fox News

Experience

Correspondent
Fox News
Jan 2018 – Present · 2 years 1 month

Vice President
Jones Group International
Jun 2012 – Aug 2017 · 5 years 3 months

White House National Security Council
3 years 11 months

- **Director (Acting)**
  Jan 2009 – May 2010 · 1 year 5 months
  White House National Security Council
- **Research Associate**
  Jul 2006 – Dec 2009 · 3 years 6 months

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT #10



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Congressional inquiry - Message - Mail

Reply | Reply all | Forward | Archive | Delete | Set flag | ...

Congressional inquiry

Grenelle, James <james.grenelle@mail.house.gov>
4/4/2019 3:34 PM

To: patbergy@msn.com

Good afternoon.

I have submitted a request for the status of our inquiry. Unfortunately, the DOJ does not typically respond to congressional inquiries inside of 30 days. While the investigation has been completed, I am have amended my inquiry to provide a response to you nonetheless.

Regards,

James Grenelle
Caseworker
Congressman Gus M. Bilirakis
(727) 232-2921

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

-------- Original message --------
From: "Lewis, Kendrick" <Kendrick.Lewis1@mail.house.gov>
Date: 8/31/17 11:27 AM (GMT-05:00)
To: Patrick Bergy <[redacted]>
Cc: "Stafford, Dillon" <Dillon.Stafford@mail.house.gov>
Subject: RE: Privacy form

Thanks, Patrick! Was nice meeting you today. Dillion will be in touch.

Kendrick

From: Patrick Bergy <[redacted]>
Sent: Friday, September 1, 2017 1:59:11 PM
To: Lewis, Kendrick
Subject: Re: Privacy form

Kendrick,

I wrote a post on my blog that you should read this weekend on your personal time.

http://pfc40book.blogspot.com/2017/09/leaky-leading-to-republican-purge-of.html?m=1

From: Patrick Bergy [mailto:[redacted]
Sent: Sunday, October 8, 2017 12:47 PM
To: Lewis, Kendrick <Kendrick.Lewis1@mail.house.gov>
Subject: Re: Privacy form

Kendrick:

I was hoping to find out the status of my official request pertaining to fraud waste and abuse I filed with Congressman Crist.

Additionally, I have very important information pertaining to allegations surrounding the Russian Facebook issue. Some of what the congressman should know requires a classified setting at the TS level. Other aspects that are not classified I have written about on my blog site. I have found information that directly connects John McCain and Paul manafort to the 2010 Ukrainian election tampering, and the social media et psychological warfare applications I developed for General Jones and his company Dynology.

http://pfc40book.blogspot.com/2017/07/mccain-manafort-2016-russia-false-flag.html?m=1

It is highly unlikely that unless you were a directly involved with its development as I was, Congressional and US intelligence investigating this would likely never know. as it was developed buy a private military contracting corporation. I don't claim to have a Smoking Gun, but I do have evidence that connects Paul manafort with the type of software and necessary skills to successfully alter the outcome of either the Ukrainian or 2016 presidential election using social media psychological warfare applications. The claims being made by Facebook and Russian involvement, as well as claims being made by us intelligence agencies require very specialized skills and tools. You don't just wake up one day and decide I want to alter the outcome of a presidential election using tactical social media psychological warfare, and call the Geek Squad. I believe those in Congress looking at the evidence must be made aware of this information, as well as other information I cannot speak of outside a classified setting at the TS level.

I have included a PDF memo from the Department of Defense that proves my background and knowledge in this area for which I pioneered interactive internet Activities, also known as social media psychological warfare, for the Department of Defense. As a subject matter expert in IIA, I strongly believe we are being led with false information regarding claims of Russian involvement, much like WMD intel led us into Iraq. I believe my knowledge can provide a piece to this very complicated puzzle that nobody is considering when weighing the available evidence.

Again, thank you for your time and consideration. I hope to hear news regarding the status of my official request very soon. As I understand the clock runs out for correcting The Whistleblower denial I received 2 years ago in October in just a few weeks. To me, it is never been about protecting myself as a whistleblower. It is been about investigating my claim a fraud waste and abuse to hold those responsible accountable for their actions.

I truly believe Mr. Crist is a good and honorable man, which is something very rare in politics today. It's not just about being a Democrat or Republican to him, it's about being right or wrong. I even mentioned him in the book I just published, and said much the same as I do now as to his character. I will send you a copy when I received my first bulk order in the hopes that you may give to him.

Kindest Regards,
Patrick Bergy

Lewis, Kendrick <Kendrick.Lewis2@mail.house.gov>
11/7/2017 10:31 AM

To: Patrick Bergy Cc: Cary, Steven

Hi Mr. Bergy,

Unfortunately, even though the Congressman has voiced support for a bipartisan independent commission to investigate Russian interference in the presidential election, per the House Committee on Ethics, our office cannot submit the information you have provided to the DoD on your behalf. You are welcome to contact the Intelligence Committee, but we cannot get involved with this investigation.

All the best,

Kendrick

Re: Privacy form

Patrick Bergy <[redacted]>
10/24/2017 2:12 PM

To: Lewis, Kendrick Cc: Gifford, Dillon

Kendrick - Dillon:

I just turned down a job opportunity on a contract supporting a roll out of Windows 10 for the Marine Corp. Until I can resolve the complaint I made was not my fault, and my actions did not violate the law, and cannot honestly complete an SF85 for a clearance.

I must have the claims I made in my official report to the IG investigated and adjudicated to show I acted properly, and within DoD regulations. Although I was told by my security officer my actions were proper, I don't believe he was being honest, and I questioned as such in the emails which I provided as evidence in my official report to the IG, which was what I came to you about to follow up with the IG, as they never responded.

I am a man of honesty and integrity, which is what our country should want, but they instead threw me under the bus. If you guys won't help, what does that say to other Whistleblowers that do the right thing, at great personal risk to themselves?

Please let me know what the status is on my official request to Congressman Crist. I believe it has been over 3 months now, and I believe the IG has guidelines for time limits on responses to such requests of roughly 3 months.

Kindest regards,
Patrick Bergy

-------- Original message --------
From: "Lewis, Kendrick" <Kendrick.Lewis2@mail.house.gov>
Date: 8/29/17 4:57 PM (GMT-05:00)
To: [redacted]
Subject: Privacy form

Hi Mr. Bergy,

Carol at Congressman Bilirakis' office told me you were seeking some assistance, but are in Congressman Crist's district. We are happy to help, but will need you to print, sign and return the attached privacy form.

Please do not hesitate to reach out should you have any questions.

Best,

Kendrick Lewis | District Operations Manager
Congressman Charlie Crist (FL-13)
Office: (727) 318-6770
Fax: (727) 623-0619
696 1st Ave. N. Suite #203
St. Petersburg, FL 33701

From: Patrick Bergy [redacted]
Sent: Thursday, August 31, 2017 11:21 AM
To: Lewis, Kendrick <Kendrick.Lewis2@mail.house.gov>
Subject: Re: Privacy form

Kendrick,

Just as a reminder, this IG denial is a separate issue from the paper I sign today. The picture I attached shows the board of directors of ClearForceForce. It goes without saying these are not the types of people that will be happy with what I'm doing. I can really use someone to have my back right now :-)

VR,
Patrick Bergy

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT #9

Patrick Bergy <patbergy@msn.com>
11/7/2017 10:23 AM

To: Lewis, Kendrick Cc: Stafford, Dillion; Cary, Steven

Kendrick;

Did you hear anything back from Washington per my request in the thread below on the information I wish to provide them?

I believe this information may be helpful based on published reports of election influence by Paul Manafort, especially in light of accusations he was providing Russians with proprietary tactics in using social media influence elections and push their narratives. These claims, as listed in Manafort's indictments, occurred a very short time prior to the classified work I did for the Department of Defense in social media psychological warfare. Manafort's Strategic Partnership with Dynology, the company I developed this for and owned by a former National Security Advisor, which kept the intellectual property rights to the taxpayer funded social media PSYOP application and strategies and made it available for commercial sale, is deeply troubling.

I don't see how those investigating Manafort would know this, as it was all done privately. I am deeply concerned the tactics and techniques used by Manafort in the 2010 Ukrainian election, as has been widely reported, by Russia in the 2016 U.S. election, and in other reported accounts such as Russia using covert, fake personas to influence the Michael Brown riots, were learned from information provided to them by Paul Manafort amd his companies strategic partner, Dynology. The tactics and techniques reported are identical to the work I did on a classified DoD contract for Dynology, and should be investigated.

Yours,
Patrick

Lewis, Kendrick <Kendrick.Lewis2@mail.house.gov>
11/8/2017 9:30 AM

To: Patrick Bergy

Mr. Bergy, you may call the following: 202-225-4121

Best,

Kendrick

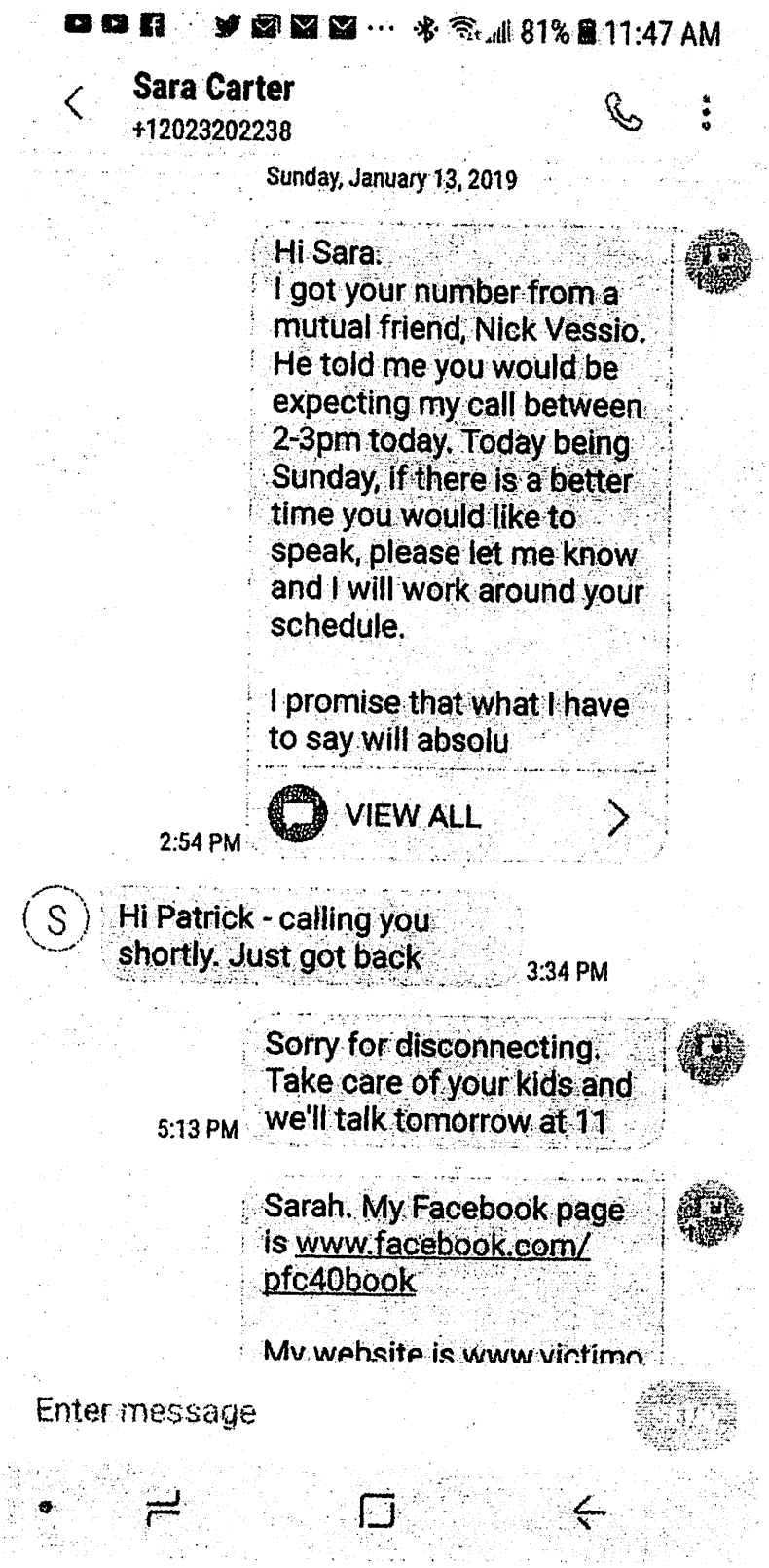
From: Patrick Bergy [mailto:patbergy@msn.com]
Sent: Tuesday, November 7, 2017 4:45 PM
To: Lewis, Kendrick <Kendrick.Lewis2@mail.house.gov>
Subject: Re: nice speaking with you. here's my contact info

Kendrick,

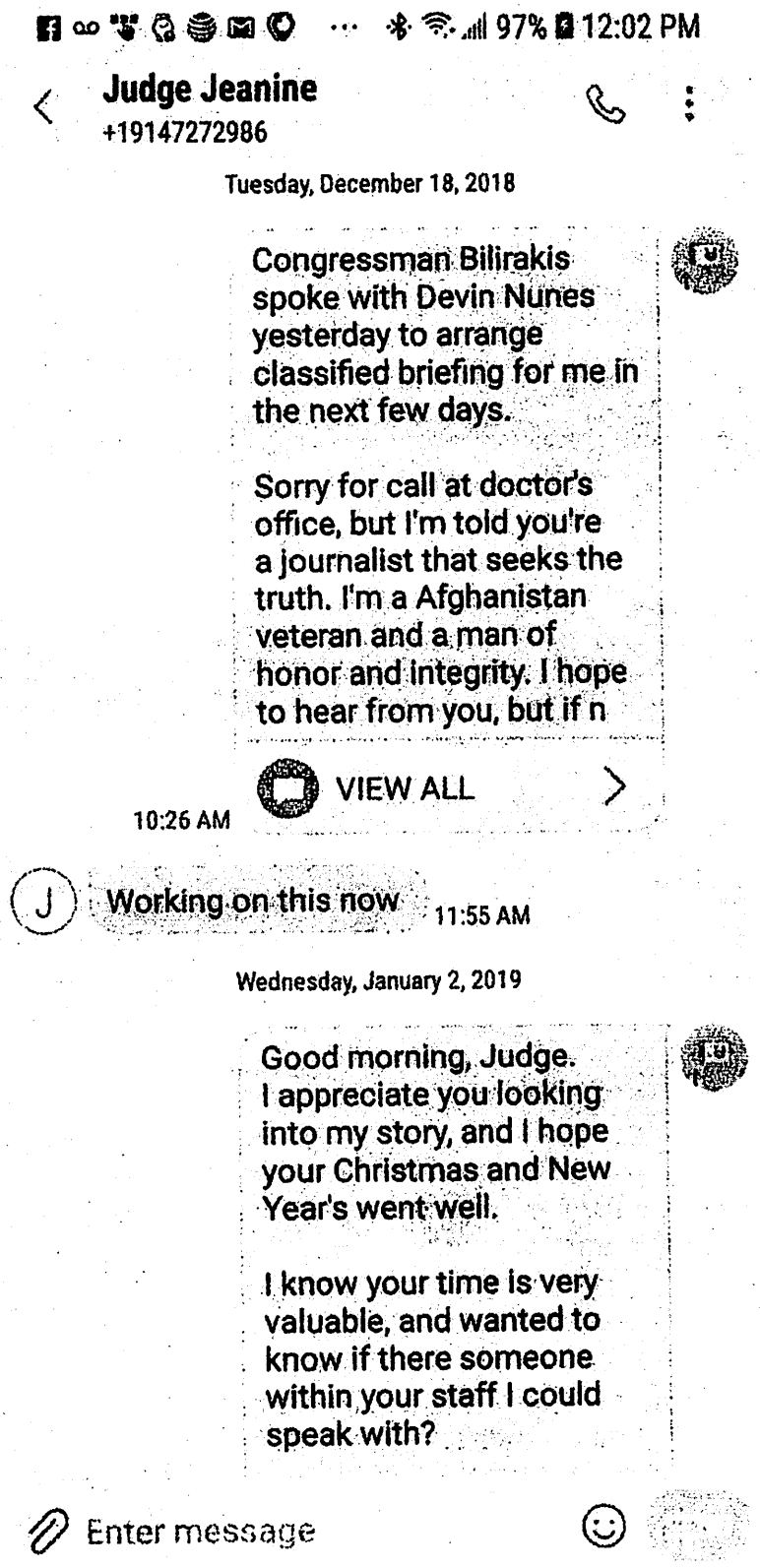
Is there a phone number I can call to reach the intelligence committee?

Yours,
Patrick

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Judge Jeanine
+19147272986

Tue, Dec 18, 2018 10:26 AM

Congressman Bilirakis spoke with Devin Nunes yesterday to arrange classified briefing for me in the next few days.

Sorry for call at doctor's office, but I'm told you're a journalist that seeks the truth. I'm a Afghanistan veteran and a man of honor and integrity. I hope to hear from you, but if not, I won't bother you again.

Thank-you for any consideration you can afford me. Yours, Patrick Bergy
https://americaoutloud.com/mueller-indictments-tied-to-shadownet-former-obama-national-security-advisor-and-obamas-cia-director-not-trump/

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

promise I haven't for-
gotten - I'm working on
making it clear for the
viewer and readers.
I'm also taking some
of the other projec

That is great - I spoke
with Judge Jeanine
today and told her I
will start putting some
ideas together to get
the stories rolling - I
know this has been

ts off my plate so I will
have more time

But I think we can
start rolling some
of these stories out
next week

3:18 PM

3:23 PM Then let's get them



Enter message

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Monday, February 4, 2019

J

I will speak to congressman nunes re ur information

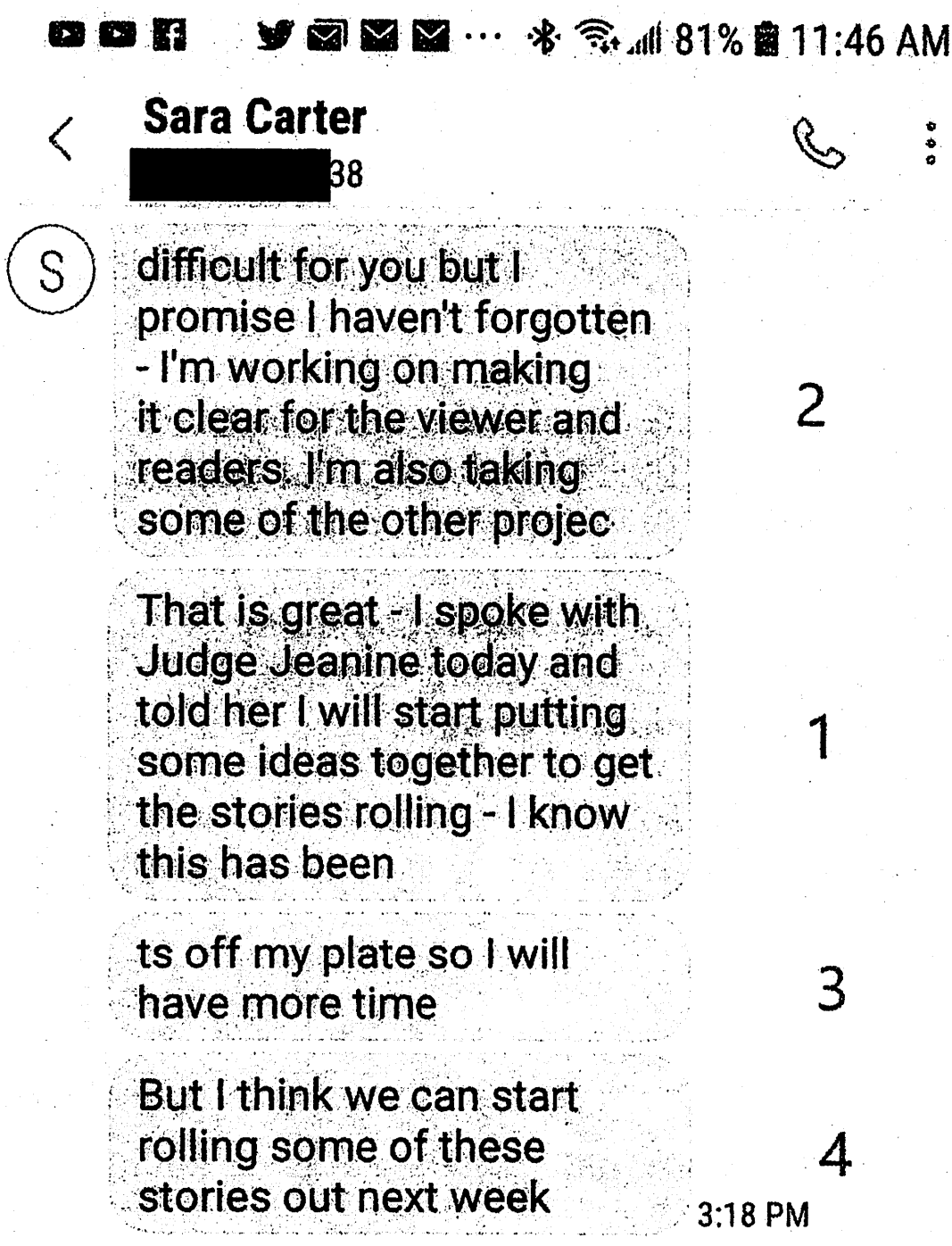
11:20 PM

Thank you. FYSA, I've spoken with Sara Carter and passed to her a great deal of information. Expecting a call from her shortly. A lot has happened today with my congressman, Charlie Crist.

11:25 PM

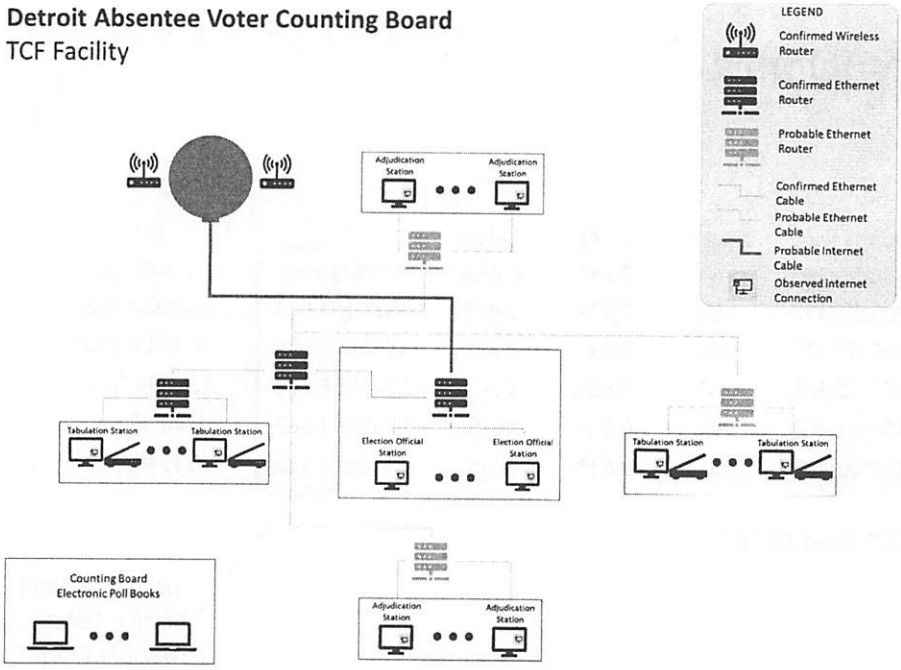
Enter message

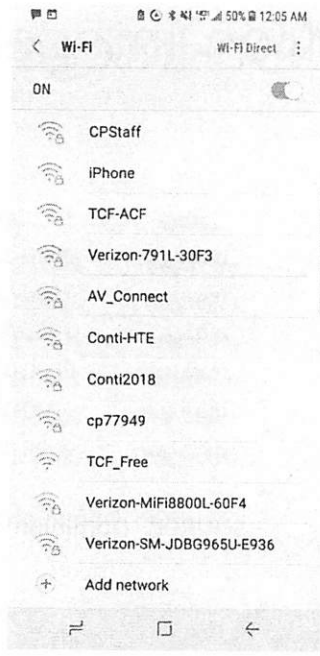
Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Detroit Absentee Voter Counting Board
TCF Facility





Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

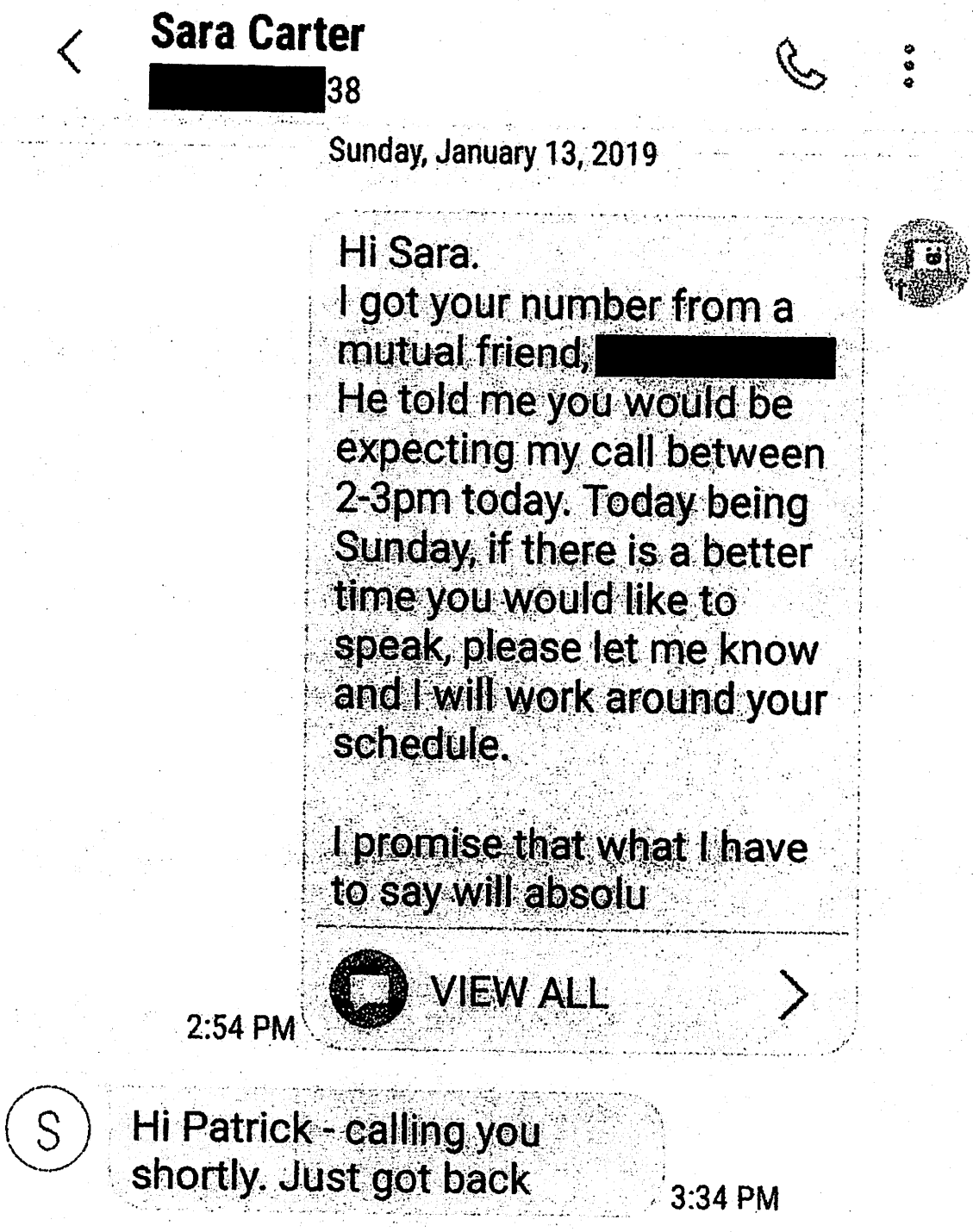
Non-Integer Reports?

state	timestamp	eevp	trump	biden	TV	BV
michigan	2020-11-04T06:54:48Z	64	0.534	0.448	1925865.66	1615707.52
michigan	2020-11-04T06:56:47Z	64	0.534	0.448	1930247.664	1619383.808
michigan	2020-11-04T06:58:47Z	64	0.534	0.448	1931413.386	1620361.792
michigan	2020-11-04T07:00:37Z	64	0.533	0.45	1941758.975	1639383.75
michigan	2020-11-04T07:01:46Z	64	0.533	0.45	1945297.562	1642371.3
michigan	2020-11-04T07:03:17Z	65	0.533	0.45	1948885.185	1645400.25

SOURCE: Dominion's Direct Feed to Edison

Indicates Rank Choice Voting Module Usage

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Judge Jeanine
[redacted]86

Judge. The last I heard from you was back in December where you had replied that you were looking into my story. Nobody has ever contacted me on your behalf. I believe you to be someone of honor and integrity, just as I, and hope to hear from you soon. Thank-you. Patrick Bergy



11:41 AM

Monday, February 4, 2019

J I will speak to congressman nunes re ur information 11:20 PM

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.734 Interference with Poll Challengers

- **168.734 Challengers; preventing presence, penalty.**
- Sec. 734.
- Any officer or election board who shall prevent the presence of any such challenger as above provided, or shall refuse or fail to provide such challenger with conveniences for the performance of the duties expected of him, shall, upon conviction, be punished by a fine not exceeding $1,000.00, or by imprisonment in the state prison not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

State Statutes Evidence

MCL 168.735	MCL 168.734	MCL 168.727	MCL 168 .765	MCL 168.798	MCL 168.765a	MCL 168.931
•Robert Cushman*	•Jason Humes 11.03.20,Merri Cullen •MI GLJC Lawsuit Affiants Angelic Johnson, Zachary C. Larsen, G Kline Preston IV, Articia Boomer, Phillip O'Halloran, Robert Cushman, Jennifer Seidl, Andrew Sitto, Kristina Karamo, Jennifer Seidl, Cassandra Brown, Adam di Angeli, Kayla Toma, Matthew Mikolajczak, Braden Giacobazzi, Kristy Klamer, Janice Herman •Mary Macionski		•Jason Humes 11.03.20 •Merri Cullen •Mary Macionski •Marian Sheridan list of Republicans who applied to be Poll Workers but were never contacted/hired •Eugene Dixon •Mellissa Carone •Jennifer Seidl •Patricia Blackmer •Zachary Larsen •Cassandra Brown •Phil O'Haloran •Anna England •Robin Mifsud •Patricia Blackmer	•No public notice provided. EIF representatives were not, therefore, in attendance at public accuracy test. •Ron Blackmer	•William Hartman •Merri Cullen	•Jesse Jacobs

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

State Statutes Violated

MCL 168.735	MCL 168.734	MCL 168.727;	MCL 168 .765	MCL 168.798	MCL 168.765a	MCL 168.931
•Four separate instances of poll books used •Initial e-Poll Book downloaded onto Counting Board laptops •Supplemental Paper Poll book included with ballots added during middle of night •Voters not in either of the above were added manually to the e-Poll Book •Poll workers had direct access to state QVF (i.e. connected to internet)	•Poll Challengers were prohibited from performing their duties	•Poll inspectors refused to document poll challenges cites. This means that specific poll challenges would not be part of poll books evaluated during canvassing activities and therefore could not be evaluated in context of certification analysis. Poll challenges would not therefore be subject to inquiry until lawsuits are filed and tried.	•Bi-partisan poll inspectors not present to oversee execution of AV Counting Board procedures •Democrat Poll Workers were hired to the exclusion of Republican Poll Workers leaving precincts and AVCB's without Republican Poll Workers	•Rather than provide public notification, notification was limited to specific parties which did not include the Election Integrity Fund as a minimum •Poll worker instructions changed day to day	•Absentee ballots were not stored in approved containers nor were they sealed properly •Approximately 50% of the poll workers on duty left the AVCB at 7:30pm which is before polls closed at 8:00pm. •AVCB Instructions were not made available to the public	•City of Detroit election workers were coaching voters to vote for Joe Biden

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Statutory Violations

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.765a Approved Contains and AVCB Instructions

- (11) Voted absent voter ballots must be placed in an approved ballot container, and the ballot container must be sealed in the manner provided by this act for paper ballot precincts. The seal numbers must be recorded on the statement sheet and in the poll book.
- (12) Subject to this subsection, a local election official who has established an absent voter counting board or combined absent voter counting board, the deputy or employee of that local election official, an employee of the state bureau of elections, a county clerk, an employee of a county clerk, or a representative of a voting equipment company may enter and leave an absent voter counting board or combined absent voter counting board after the tally has begun but before the polls close. A person described in this subsection may enter an absent voter counting board or combined absent voter counting board only for the purpose of responding to an inquiry from an election inspector or a challenger or providing instructions on the operation of the counting board. Before entering an absent voter counting board or combined absent voter counting board, a person described in this subsection must take and sign the oath prescribed in subsection (9). The chairperson of the absent voter counting board or combined absent voter counting board shall record in the poll book the name of a person described in this subsection who enters the absent voter counting board or combined absent voter counting board. A person described in this subsection who enters an absent voter counting board or combined absent voter counting board and who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a precinct before the time the polls can be legally closed on election day is guilty of a felony. As used in this subsection, "local election official" means a county, city, or township clerk.
- (13) The secretary of state shall develop instructions consistent with this act for the conduct of absent voter counting boards or combined absent voter counting boards. The secretary of state shall distribute the instructions developed under this subsection to county, city, and township clerks 40 days or more before a general election in which absent voter counting boards or combined absent voter counting boards will be used. A county, city, or township clerk shall make the instructions developed under this subsection available to the public and shall distribute the instructions to each challenger in attendance at an absent voter counting board or combined absent voter counting board. The instructions developed under this subsection are binding upon the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.727 Poll Inspector/Challenger Duties

- **168.727 Challenge; duty of election inspector; indiscriminate challenge; penalty.**
- Sec. 727.
- (1) An election inspector shall challenge an applicant applying for a ballot if the inspector knows or has good reason to suspect that the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant's name in the registration book. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that individual is not a registered elector in that precinct. An election inspector or other qualified challenger may challenge the right of an individual attempting to vote who has previously applied for an absent voter ballot and who on election day is claiming to have never received the absent voter ballot or to have lost or destroyed the absent voter ballot.
- (2) Upon a challenge being made under subsection (1), an election inspector shall immediately do all of the following:
- (a) Identify as provided in sections 745 and 746 a ballot voted by the challenged individual, if any.
- (b) Make a written report including all of the following information:
- (i) All election disparities or infractions complained of or believed to have occurred.
- (ii) The name of the individual making the challenge.
- (iii) The time of the challenge.
- (iv) The name, telephone number, and address of the challenged individual.
- (v) Other information considered appropriate by the election inspector.
- (c) Retain the written report created under subdivision (b) and make it a part of the election record.
- (d) Inform a challenged elector of his or her rights under section 729.
- (3) A challenger shall not make a challenge indiscriminately and without good cause. A challenger shall not handle the poll books while observing election procedures or the ballots during the counting of the ballots. A challenger shall not interfere with or unduly delay the work of the election inspectors. An individual who challenges a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters is guilty of a misdemeanor.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.798 Public Accuracy Test

- **168.798 Testing of electronic tabulating equipment; notice; method; sealing programs, test materials, and ballots; rules; sealing memory device.**
- Sec. 798.
- (1) Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. If a newspaper is not published in that county, city, village, township, or school district, the notice shall be given by publication in a newspaper of general circulation in that county, city, village, township, or school district. The test shall be conducted in the manner prescribed by rules promulgated by the secretary of state pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In the test, a different number of valid votes shall be assigned to each candidate for an office, and for and against each question. If an error is detected, the board of election commissioners shall determine the cause of the error and correct the error. The board of election commissioners shall make an errorless count and shall certify the errorless count before the count is started. The electronic tabulating equipment that can be used for a purpose other than examining and counting votes shall pass the same test at the conclusion of the count before the election returns are approved as official.
- (2) On completion of the test and count, the programs, test materials, and ballots arranged by precincts shall be sealed and retained as provided by this subsection and rules promulgated by the secretary of state pursuant to Act No. 306 of the Public Acts of 1969. If the electronic tabulating equipment that is tested and certified to by the board of election commissioners will be used to count votes at the precinct, a memory device containing the tested programs, if any, shall be sealed into the electronic tabulating equipment. Upon completion and certification of the count of votes, the memory device containing the program and the vote totals shall remain sealed in the electronic tabulating equipment or, if removed from the electronic tabulating equipment, shall remain sealed in a container approved by the secretary of state, delivered to the clerk, and retained in the manner provided for other voted ballots.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.735 Poll Books

- **168.735 Poll book and poll list; contents.**
- Sec. 735.
- (1) At each primary and election, election inspectors shall keep 1 poll book and 1 poll list. An election inspector shall enter in the poll book, in the order in which electors are given ballots, the name of each elector who is given a ballot and immediately after the name, on the same line, shall enter the number of the ballot given to the elector. For an absent voter ballot, when an election inspector removes the ballot from the sealed absent voter envelope, the election inspector shall enter in the poll book the name of the absent voter and the number of the ballot.
- (2) If an elector is issued a provisional ballot, an election inspector shall enter a proper designation in the poll book, including whether the provisional ballot was tabulated in the precinct or was secured for verification after the election.
- (3) At the completion of the precinct canvass, an election inspector shall record on the certificate provided in the poll book the number of each metal seal used to seal voting equipment and ballot containers. Each member of the board of election inspectors shall sign the certificate.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Constitutional Violations

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Title 52 of United States Code

§20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

- Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§20702. Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties

- Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 20701 of this title to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§20703. Demand for records or papers by Attorney General or representative; statement of basis and purpose

- Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

§20704. Disclosure of records or papers

- Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

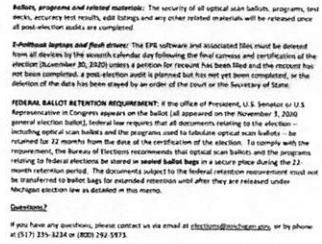
Federal Statutes Violated Evidence

Title 52 Section 20701

- Unsigned and undated directive issued by SoS office

Title 52 Section 20702

- SoS Benson actions
- Clerk actions to that effect



Ballots, programs and related materials: The security of all optical scan ballots, programs, test decks, accuracy test results, edit listings and any other related materials will be released once all post-election audits are completed.

E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (November 30, 2020) unless a petition for recount has been filed and the recount has not been completed, a post-election audit is planned but has not yet been completed, or the deletion of the data has been stayed by an order of the court or the Secretary of State.

FEDERAL BALLOT RETENTION REQUIREMENT: If the office of President, U.S. Senator or U.S. Representative in Congress appears on the ballot (all appeared on the November 3, 2020 general election ballot), federal law requires that all documents relating to the election – including optical scan ballots and the programs used to tabulate optical scan ballots – be retained for 22 months from the date of the certification of the election. To comply with the requirement, the Bureau of Elections recommends that optical scan ballots and the programs relating to federal elections be stored in **sealed ballot bags** in a secure place during the 22-month retention period. The documents subject to the federal retention requirement must not be transferred to ballot bags for extended retention until after they are released under Michigan election law as detailed in this memo.

Questions?

If you have any questions, please contact us via email at elections@michigan.gov, or by phone at (517) 335-3234 or (800) 292-5973.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Federal Statutes Violated

Title 52 Section 20701

- Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation, but as will be shown wide-pattern of misconduct with ballots show preservation of election records have not been kept; and Dominion logs are only voluntary, with no system wide preservation system. Without an incorruptible audit log, there is no acceptable system.
- SoS Benson has ordered destruction of poll book and flash drive data related to November 3 election despite multiple lawsuits being filed which depend upon such data.

Title 52 Section 20702

- Secretary of State Benson and any clerks which complied with her directive to destroy poll book and flash drive information are subject to the penalties of this section of Title 52

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.931 Prohibited Conduct

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.931 Prohibited conduct; violation as misdemeanor; "valuable consideration" defined.
Sec. 931.
(1) A person who violates 1 or more of the following subdivisions is guilty of a misdemeanor:
(a) A person shall not, either directly or indirectly, give, lend, or promise valuable consideration, to or for any person, as an inducement to influence the manner of voting by a person relative to a candidate or ballot question, or as a reward for refraining from voting.
(b) A person shall not, either before, on, or after an election, for the person's own benefit or on behalf of any other person, receive, agree, or contract for valuable consideration for 1 or more of the following:
(i) Voting or agreeing to vote, or inducing or attempting to induce another to vote, at an election.
(ii) Refraining or agreeing to refrain, or inducing or attempting to induce another to refrain, from voting at an election.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

MCL 168.765 Bi-Partisan Representation

- **168.765 Absent voter ballots; safekeeping by clerk; public inspection of applications and lists; delivery to board of election inspectors; voter ballot received after polls closed; information to be posted by clerk; requirements for pre-processing activities for 2020 general election only; election inspector duties; report to legislative committees.**
- **...**
- At all times, at least 1 election inspector from each major political party must be present at the location and the policies and procedures adopted by the secretary of state regarding the handling of absent voter ballot return envelopes and absent voter ballot secrecy envelopes must be followed. After providing written notice to the secretary of state in compliance with this subsection, a city or township clerk, or his or her authorized designee, on the day before election day is only authorized to perform standard processing activities up to and including the opening of absent voter ballot return envelopes and the removal of absent voter ballot secrecy envelopes containing absent voter ballots and to verify that the ballot number on the ballot stub agrees with the ballot number on the absent voter ballot return envelope label. The city or township clerk, or his or her authorized designee, is not authorized to remove absent voter ballots from the absent voter ballot secrecy envelopes. If an opened absent voter ballot return envelope contains an absent voter ballot that is not contained in an absent voter ballot secrecy envelope, the city or township clerk, or his or her designee, shall immediately insert that absent voter ballot into an absent voter ballot secrecy envelope. The opening of absent voter ballot return envelopes must be done at a location designated by the city or township clerk, and the location and opening of absent voter ballot return envelopes must be accessible to challengers as described in section 730. The election inspectors appointed to the location where absent voter ballot return envelopes will be opened in that city or township must never leave the absent voter ballot secrecy envelopes unattended. Once the absent voter ballot return envelopes have been opened as provided in this subsection, the absent voter ballot secrecy envelopes containing the absent voter ballots to be counted must be stored, secured, and sealed in an absent voter ballot secrecy envelope container, as described in section 24k, or stored, secured, and sealed in a ballot container approved under section 24j. The city or township clerk shall record the seal number in the poll book, or an addendum to the poll book, and follow all other policies and procedures adopted by the secretary of state regarding absent voter ballots. The poll book, or an addendum to the poll book, must be signed and dated by 1 election inspector from each major political party who is present at the location on the day before election day. The city or township clerk shall store the absent voter ballot secrecy envelope container containing the absent voter ballot secrecy envelopes in a secure location until election day.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Detroit Poll Challenger Observations

Matthew Mikolajczak

Board #41 monitor pop up – Microsoft has prevented a hack attempt. I went to area supervisor – Tonya Anderson and showed her (she witnessed) and she proceeded to get IT worker to view. By the time IT arrived pop up was gone. Darrell Finken was the area poll challenger and was made aware of the Microsoft message (message gone by time he arrived), Raphael Washington was the team leader of the board.

Jean Kordenbrock – Trump lawyer - was made aware of incident and was present at board #41 (message had vanished before she arrived). I was asked if I would sign affidavit and I said I would. I gave my contact info to Trump legal team. The supervisor – Tonya Washington verified she had seen the message. Tonya said it was just the firewall protecting the system and she sees this all the time with her home computer. Tonya mentioned the message said prevented – so nothing to worry about. She has Norton on her computer at home and it works just fine. Issue is why were these board computers on a non local, secure intranet system? I asked IT tech and he said he only worked on tabulator network and had nothing to do with board network.

Jason Humes

approximately 10 am one of the adjudication screens I was observing had an error message pop up on the screen. Within a few minutes, upon my observation, all the screens had error messages and the terminals at the raised platform were also impacted. The election IT employees were scrambling for at least 30 minutes to restore the computer system. No explanation was provided on what caused the computer issue.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

CCP Control of Testing for Smartmatic Software Operation on Dominion Voting Machines, ergo, they embedded anything they wanted!

Shenzhen Zhongjian Nanfang Testing Co., Ltd.

This firm had COMPLETE ACCESS over every aspect of the devices and software that they examined to execute the certification.

These studies and certifications were done just a few months BEFORE the November 3, 2020 elections.

SMARTMATIC

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

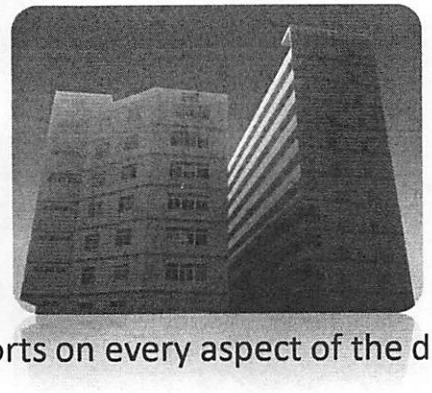


CCP Control of Testing for Smartmatic Software Operation on Dominion Voting Machines

SMARTMATIC

- Later, analysts found that **Smartmatic International Corp. formed a relationship with a Chinese-based technology firm** to conduct in-depth studies and certifications over the hardware and software of its machines.
- The Chinese firm is known as:

  Shenzhen Zhongjian Nanfang Testing Co., Ltd.
  No.110~116, Building B,
  Jinyuan Business Building
  Xixiang Road, Bao'an District
  Shenzhen, Guangdong, China
  Telephone: +86 (0) 755 23118282
  Fax: +86 (0) 755 23116366



- Published numerous studies and published reports on every aspect of the devices

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



CCP Control of Testing for Smartmatic Software Operation on Dominion Voting Machines

- This firm was involved in significant litigation in the Chancery Court of the State of Delaware ***because*** they share the same software and testing through licensing.
  - The case:

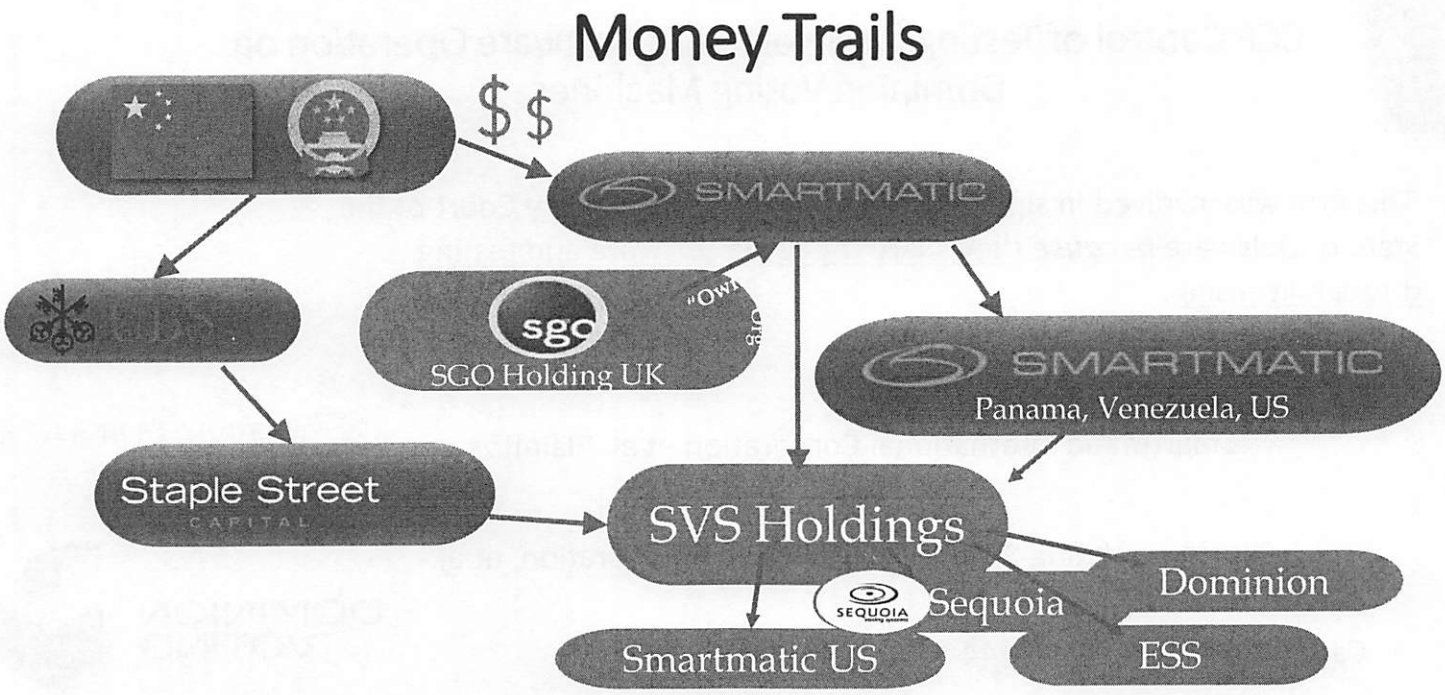
Smartmatic International Corporation et al. Plaintiffs

vs.

Dominion Voting Systems International Corporation, et al.

  - Case Number C.A. No. 7844-VCP
  - Involved a dispute over worldwide licensing rights regarding their voting machines software

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



CCP Financial Control of Dominion Voting Machines

UBS Securities, LLC – New York is linked to UBS Securities Co LTD Beijing

- **UBS Securities, LLC**, historically, a Swiss investment bank
  - shares the following Chinese Board members (Deleted 9 Dec 20)
    - **Ye Xiang – Board Chairman of UBS Beijing for > 10 Years (*resigned* 1 Dec 20 to hide relationship)**
    - **Secretary, People's Bank of China, Executive Director Bank of China International**
    - Mu Lina – Director of Fund Management and Head of Fund Operations, USB Beijing
    - Luo Qiang (French Citizen) – On both NY and Beijing Board
  - owns **24.99%** of UBS Securities Co LTD, a Chinese Investment Bank
- **UBS Securities Co. LTD Is owned 75% by the Chinese government**
- The overall owners of UBS Securities Co Ltd include:
  - Beijing Guoxiang (33%, and is a State-owned asset)
  - UBS (24.99%)
  - Guangdong Comm. Group [zh] (14.01%, and is the Guangdong Provincial Government)
  - China Guodian (14%, is a State-owned enterprise administered for the SASAC for the State Council)
  - COFCO Group (14%, is a state-wide enterprise under the direct supervision of the SASAC)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Some of the following is an abstract from the larger report Project Foot Patr
and includes relevant slides on the following:

Chinese Communist Party (CCP) FINANCIAL CONTROL of Dominion Voting Machines

CCP CONTROL OF TESTING for Smartmatic Software Operating Dominion Voting Machines

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

DVS Security Vulnerability Evidence

Foreign Control	Vote Adjustment Features	Internet Connectivity
• Dr. Navid Keshavarz-Nia • 305th Military Intelligence Battalion Analyst • CISA Alert AA20-304A • CISA Alert AA20-296B • Senate Committee on Intelligence Report on 2016 Election	• Russ Ramsland • Keith Kaminski • Antrim County Forensics Report	• Russ Ramsland • Mellissa Carone • Patrick Colbeck • NIST Website • Dominion System Manuals • 305th Military Intelligence Analyst Affiant

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

DVS Security Vulnerabilities

Foreign Control

- CCP Influence
  - CCP Financial Control of DVS Assets
  - CCP Controls Testing
  - CCP Controls Operations
- Iranian Influence
  - Server connection to Iranian OSINT
  - Multiple CISA-FBI Alerts
- Overseas servers host data
  - Frankfurt, Germany
- Russian Influence

Vote Adjustment Features

- SCYTL Modules
  - SCYTL developments on "Git Hub" have developed "Decorator" app to smooth out voting results
- Ranked Choice Voting Module
  - Antrim County forensics analysis noted that RCV function was active
  - Fractional votes evident in raw data stream from DVS servers to Edison servers
- Adjudication Process
  - Error Threshold
  - Write-In Shifts

Internet Connectivity

- Evidence that Detroit AVCB computers were connected to the internet
- DVS Wayne County training refers to connectivity if ImageCast Listener on election day
- System manuals explicitly refer to internet and ethernet connectivity
- Encryption keys stolen
- DVS passwords available on Dark Web
- NIST posted DVS file attributes

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dominion Security Vulnerabilities

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan Board of Canvassers

Of the 566,788 absentee ballots cast in Wayne County, the absentee data file provided by the Michigan Secretary of State indicates that 203,311 ballots show that no application for an absentee ballot was mailed or sent to that voter by their local clerk, which is a rate of roughly 36%.

Statement of Votes Report
November 3, 2020 - General Election
Wayne County, Michigan
OFFICIAL RESULTS

Precinct	Registered Voters	Cards Cast	Voters Cast	% Turnout
Election Day	2,002	593	593	29.62%
AV Counting Board	2,002	888	888	44.36%
Total	2,002	1,481	1,481	73.98%
City of Wyandotte, Precinct 9				
Election Day	2,581	714	714	27.66%
AV Counting Board	2,581	1,235	1,235	47.85%
Total	2,581	1,949	1,949	75.51%
City of Wyandotte, Precinct 10				
Election Day	1,562	445	445	28.49%
AV Counting Board	1,562	634	634	40.59%
Total	1,562	1,079	1,079	69.08%
City of Detroit, AVCB 1				
Election Day	0	0	0	N/A
AV Counting Board	0	1,506	1,506	N/A
Total	0	1,506	1,506	N/A

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

State Board of Canvassers

168.842 Board of state canvassers; meeting; time and place, notice, adjournment; expedited canvass of returns. Sec. 842.

(1) The board of state canvassers, for the purpose of canvassing the returns and ascertaining and determining the result of an election, shall meet at the office of the secretary of state on or before the twentieth day after the election. The secretary of state shall appoint the day of the meeting and shall notify the other members of the board. The board has power to adjourn from time to time to await the receipt or correction of returns, or for other necessary purposes, but shall complete the canvass and announce their determination not later than the fortieth day after the election. The board may at the time of its meeting, or an adjournment of its meeting, canvass the returns for any office for which the complete returns have been received.

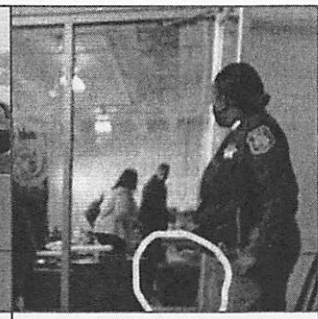
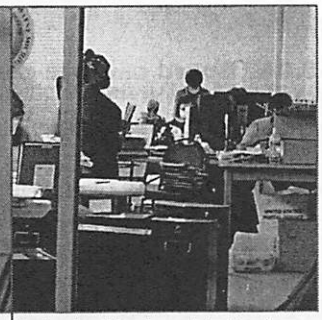
(2) If the unofficial election returns show that the election of electors of President and Vice President of the United States is determined by a vote differential between the first place and second place candidates for President and Vice President of the United States of less than 25,000 votes, the secretary of state shall direct the boards of county canvassers to canvass returns for electors of President and Vice President of the United States on an expedited schedule. The secretary of state may direct the boards of county canvassers to complete the statements for electors of President and Vice President of the United States required by section 824 and certify the statements as required by section 828 to the secretary of state by the seventh day after the election or by a date before the fourteenth day after the election.

(3) The secretary of state may appoint the day for the board of state canvassers to conduct the expedited canvass of the returns for electors of President and Vice President of the United States and determine the results of that election. The day appointed for the expedited canvass must be as soon as practicable after receipt of the returns from the boards of county canvassers, but no later than the twentieth day after the election.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Evidence of "Cooking the Books" in Wayne County

13 Days into Wayne County Canvassing, New Voter Lists Arrived 1 Day Before Board of Canvassers Vote

			
Poll book included vote tallies Canvassers could see counts. Precincts were unbalanced by as many as 600 ballots.	"Black Box" arrives 12:30pm at 11/16. A man in a van labeled "Vote Mobile" from the Detroit Department of Elections delivered a huge rolling black container about four 6 feet long, 3 feet high and 2.5 feet wide. Most staff weren't in the room when this was delivered.	Contents of black included new voter lists in manilla envelopes (See Gena Affidavit) . Director of Wayne County Elections Greg Mahar states contents of black box were voter lists Contradicts Daniel Baxter statement telling State Board of Canvasser Norm Shinkle "there were no new voter lists" (See Leisa Affidavit and State Board of Canvassers Zoom Meeting)	Revised poll books updated to show maximum discrepancy of 29

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

OFFICIAL RESULTS:
MI State Board of Canvassers

- 179,277 Votes Cast Against 0 Registered Voters in following communities
- MI Board of Canvassers still certified the results

St. Clair	Fremont Township Precinct 1 (Out of County)
St. Clair	Imlay Township Precinct 1 (Out of County)
St. Clair	Memphis City Precinct 1 (Out of County)
Iron	Mastodon
LUCE	Hubert
LUCE	Portage
LUCE	Seney
Antrim	Warner Township
Charlevoix	Chandler Township
Charlevoix	Hudson Township
Cheboygan	Wilmot Township
Mackinac	Raber Township
Benzie	Almira-AVCB
Benzie	Benzonia-AVCB
Benzie	Crystal Lake-AVCB
Houghton	Duncan Twp
Wayne	City of Detroit

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Wayne County Certification Issues

- Wayne County Board of Canvassers did not certify their results. No signatures of Republican canvassers were affixed to statement of certification.
- 71% of Detroit Absentee Counting Boards did not balance. Those without explanation were therefore not subject to recount.
- Evidence of "Cooking the Books" prior to certification vote
- OFFICIAL Vote Results for Wayne County shows 0 registered voters against a tally of 172,337 votes
- State Board of Canvassers certified results with one Republican canvasser abstaining. Wayne County certification issue was not addressed.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Board of Canvassers Evidence

Wayne County	Antrim County	Kent, Wayne, Oakland, and Macomb Counties	State of Michigan
• Monica Palmer • William Hartman	• Russ Ramsland	• Russ Ramsland	• Meeting recording available

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Board of Canvassers Issues

Wayne County	Antrim County	Kent, Wayne, Oakland, and Macomb Counties	State of Michigan
•Certification status uncertain. •Before the county canvassing deadline, the two Republican members of the Wayne County Board of Canvasser refused to certify the improper votes from Wayne County. •The two canvassers changed their minds after being given inaccurate assurances of a state-wide audit and under duress, only to change them again the next day once they were safely outside and had consulted with independent counsel. •71% of Detroit AVCB did not balance •OFFICIAL Vote Results for Wayne County shows 0 registered voters against a tally of 172,337 votes •Evidence of "Cooking the Books" night prior to certification vote •14,000 new votes dumped on canvassers during meeting to certify election	•Certified vote tally not accurate due to discarded Trump votes •Evidence that 6,000 Trump votes were allocated to Biden out of 22,000 votes •Dominion election system featured a 68% error rate resulting in suspicious adjudication rate •Adjudication enabled vote flipping without a paper trail.	•*At least 289,866 ballots illegal votes were cast*	•Ignored Wayne County certification issues •Ignored Antrim County issues •Ignored Kent, Wayne, Oakland, and Macomb issues •Ignored impossible vote tallies •Ignored chain of custody issues

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Boards of Canvassers Issues

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

12/17 Antrim County "Recount" was Supposed to be an "Audit"

HAND COUNT CALCULATION SHEET

OFFICE: President of the United States

COUNTY: Antrim

Jurisdiction	Biden (Democratic Party) Original	Biden (Democratic Party) Hand Count	Biden (Democratic Party) Net	Trump (Republican Party) Original	Trump (Republican Party) Hand Count	Trump (Republican Party) Net	Jorgensen (Libertarian Party) Original	Jorgensen (Libertarian Party) Hand Count	Jorgensen (Libertarian Party) Net	Hawkins (Green Party) Original	Hawkins (Green Party) Hand Count	Hawkins (Green Party) Net	Blankenship (U.S. Taxpayers Party) Original	Blankenship (U.S. Taxpayers Party) Hand Count	Blankenship (U.S. Taxpayers Party) Net	De La Fuente (Natural Law Party) Original	De La Fuente (Natural Law Party) Hand Count	De La Fuente (Natural Law Party) Net
TOTAL VOTES	7769	5458	-2311	4509	8759	5250	45	190	97	29	25	-4	22	17	-5	12	9	-3
TOTAL CHANGE			-2311			5250			97			-4			-5			-3
Banks Township, Precinct 1	348	349	0	756	758	2	11	11	0	2	2	0	1	1	0	1	1	0
Central Lake Township, Precinct 1	569	569	0	908	906	-2	16	16	0	6	6	0	1	1	0	0	0	0
Chestonia Township, Precinct 1	197	93	104	3	197	194	0	3	3	0	0	0	0	0	0	1	0	-1
Custer Township, Precinct 1	523	240	-283	11	521	510	4	11	7	0	1	1	1	2	1	0	0	0
Echo Township, Precinct 1	392	198	-194	8	392	384	1	8	7	0	2	2	2	1	-1	0	0	0
Elk Rapids Township, Precinct 1	1198	984	-214	625	1029	404	8	17	9	5	9	4	5	4	-1	0	0	0
Forest Home Township, Precinct 1	755	610	-145	19	753	734	3	19	16	1	0	-1	0	3	3	1	1	-1
Helena Township, Precinct 1	432	306	-126	4	430	426	0	4	4	1	1	0	1	0	-1	0	1	1
Jordan Township, Precinct 1	372	182	-190	13	369	356	1	14	13	0	1	1	1	1	0	2	0	-2
Kearney Township, Precinct 1	744	470	-274	16	743	727	0	16	16	0	3	3	3	0	-3	4	0	-4
Mancelona Township, Precinct 1	276	277	1	825	825	0	20	20	0	0	0	0	0	0	0	1	1	0
Mancelona Township, Precinct 2	247	247	0	646	646	0	13	13	0	1	1	0	2	3	1	0	0	0
Milton Township, Precinct 1	686	767	81	484	1013	529	14	18	4	3	0	-3	1	2	1	3	4	1
Star Township, Precinct 1	462	166	-296	10	468	458	0	10	10	0	0	0	0	0	0	0	0	0
Torch Lake Township, Precinct 1	527	461	66	8	526	518	1	7	6	3	2	1	1	1	0	0	1	1
Warner Township, Precinct 1	60	60	0	163	163	0	3	3	0	9	0	-9	3	0	-3	0	0	0

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Right to Audit

Article II Section 4(1)(h)

(h) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.

Right has been denied to candidate for 71st State House District, Gina Johnsen

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

State Law vs U.S. Constitution

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Article VI Section 2, United States Constitution

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Per U.S. Constitution, Legislature Has Sole Responsibility for Appointing Electors

*Each State shall appoint, in such Manner as the **Legislature** thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress*

Article II, United States Constitution

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Per MI Law, Governor Certifies Electors

168.46 Presidential electors; determination by board of state canvassers; certificate of election.

Sec. 46.

As soon as practicable after the state board of canvassers has, by the official canvass, ascertained the result of an election as to electors of president and vice-president of the United States, the governor shall certify, under the seal of the state, to the United States secretary of state, the names and addresses of the electors of this state chosen as electors of president and vice-president of the United States. The governor shall also transmit to each elector chosen as an elector for president and vice-president of the United States a certificate, in triplicate, under the seal of the state, of his or her election.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2002, Act 431, Imd. Eff. June 6, 2002

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Federal Constitutional Violation Evidence

Article II Section 1	Freedom of Assembly	Freedom of Speech	Freedom of the Press
• Governor of MI granted certification authority	• MI EO-2020-09 • MI EO-2020-11 • MI EO-2020-20 • MI EO-2020-23 • MI EO-2020-43 • MI EO-2020-92 • MI EO-2020-96 • MI EO-2020-110 • MI EO-2020-115 • MI DHHS December 7th Gatherings and Facemask Order	• President Trump • Press Secretary McEnany • Matt DePerno • Patrick Colbeck • Shane Trejo • Adam de Angeli	• Censorship of Hunter Biden laptop story • Censorship of Joe Boblunski evidence of CCP collusion by Joe Biden

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Federal Constitutional Violations

Article II Section 1	Freedom of Assembly	Freedom of Speech	Freedom of the Press
• MCL 168.46 violates this provision of U.S. Constitution by delegating legislative authority to executive branch	• Freedom of Assembly impaired by numerous Executive Orders issued by Governor Whitmer and her administration	• AG Nessel made repeated threats of prosecution towards those who provided examples of election fraud • Big Tech censorship of President Trump and his administration • Big Tech censorship of conservative pundits	• Big Tech censorship of NY Post • Big Tech censorship of Epoch Times • Big Tech censorship of China Uncensored and America Uncovered

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan Constitutional Violation Evidence

Article 1 Section 2	Article 1 Section 3	Article 1 Section 5	Article II Section 4
• Ann Capela • Jesse Jacobs • James Carlson	• MI EO-2020-09 • MI EO-2020-11 • MI EO-2020-20 • MI EO-2020-23 • MI EO-2020-43 • MI EO-2020-92 • MI EO-2020-96 • MI EO-2020-110 • MI EO-2020-115 • MI DHHS December 7th Gatherings and Facemask Order	• Matt DePerno • Patrick Colbeck • Shane Trejo • Adam de Angeli	• Gina Johnsen

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan Constitutional Violations

Article 1 Section 2	Article 1 Section 3	Article 1 Section 5	Article II Section 4
• Democrats were allowed to violate poll rules such as prohibitions on photos and campaign apparel or coaching voters on how to vote but Republicans were not • Private funding thru Center for Tech and Civic Life grants funded by Mark Zuckerberg violated equal protection clause by favoring Democrat communities to the exclusion of Republican communities	• Freedom of Assembly impaired by numerous Executive Orders issued by Governor Whitmer and her administration	• AG Nessel made repeated threats of prosecution towards those who provided examples of election fraud	• Citizens were denied right to election audit

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

16 March 2021

City Council of Cambridge, Massachusetts
795 Massachusetts Ave., 2nd Flr.
Cambridge, MA 02139

Dear Councilors:

PURSUANT TO 18 USC § 4, AND 18 USC § 2382, we are hereby serving you LEGAL NOTICE of felonies that have been committed, that you are required to acknowledge. If you fail or refuse to, your act of omission will be construed as "aiding and abetting" these crimes, and you will be considered a party in these crimes, and stripped of your authority/office, and this material will be sent to the federal court for prosecution. Again, you have been given LEGAL NOTICE. **We will expect a notice and report by you describing your response within a week.** Failure to do this will result in a criminal and civil legal action against you in your personal and corporate capacities.

Enclosed please find a copy of the evidentiary document to which my email yesterday linked. Because some courts have dismissed cases brought forward re: election integrity in key states and counties for what seem to many, including seasoned attorneys, to be specious "process" reasons, voters across America are stepping up to find more courts that *will* consider carefully the substance of many concerns unearthed around this nation—based on *merit*.

I trust that Cambridge City Council will see the advisability—to promote unity in this divided society—of conducting a **complete, transparent forensic audit** of our election process, including voting machines, memory cards, and ballots cast, to answer questions that many voters have regarding election integrity in our locale and state.

I will gladly provide further information, such as links to the following investigators' findings:

- **Seth Keshel**, a data analyst formerly in the military intelligence corps (Army captain), re: "bellwether" states and counties whose election results historically have predicted trends

- **Jovan Hutton Pulitzer** (inventor of QR code) re: kinematic artifacts' detection on paper ballots (for data via scientific method—NOT adjudicators' *opinions* of voter intent), to determine irregularities. He can forensically audit 500K paper ballots in 2 h.

Such information has indicated to many people *worldwide* that U.S. election integrity was violated in 2020 and likely earlier, *substantially enough to alter results*.

Please let me know if you'd appreciate more information, or if you have questions. Thank you.

Judy Stitt

Judy Stitt—16 Ware St Apt C, Cambridge, MA 02138

ATT: Email from jstitt@tekedit.com sent Mon, Mar 15, 4:28 PM

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Gmail

Judy Stitt <jstitt@tekedit.com>

Fwd: You've been served: Call to Action to protect the U.S. Constitution - Thank You!

1 message

Judy Stitt <jstitt@tekedit.com> Mon, Mar 15, 2021 at 4:28 PM
To: Council@cambridgema.gov, Clerk@cambridgema.gov
Cc: Judy Stitt <jstitt@tekedit.com>

Dear City Council and Clerk Wilson:

Cambridge residents need your help-- to fulfill your duty of standing up for Truth vs. Treason, on our behalf:

> **PURSUANT TO 18 USC 4, AND 18 USC 2382, we are hereby serving you LEGAL NOTICE of felonies that have been committed, that you are required to acknowledge.** If you fail or refuse to, your act of omission will be construed as "aiding and abetting" these crimes, and you will be considered a party in these crimes, and stripped of your authority/office, and this material will be sent to the federal court for prosecution. Again, you have been given LEGAL NOTICE. **We will expect a notice and report by you describing your response within a week.** Failure to do this will result in a criminal and civil legal action against you in your personal and corporate capacities.

PLEASE CONFIRM **THAT YOU CAN OPEN AND ACCESS (read, share) the file linked here:**

https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:d442443f-3b4b-4ef7-8247-1e49ece12e8c

Thank You in advance for your service in this matter. To assist in this landmark effort by U.S. citizens, I am sharing with you the above link to a large evidentiary PDF re: crimes committed against America. It enumerates myriad instances of crucial, ***strategic*** irregularities in the 2020 U.S. presidential election (also probably elections at other levels), regarding which up to 2,000 affidavits have been submitted nationwide. Tens of millions of Americans now require that:

- These and other such election irregularities at the local level be considered ***on the basis of substance / merit*** -- and all paper ballots cast and the entire election process be investigated through a ***COMPLETE, TRANSPARENT FORENSIC AUDIT*** for the election results to be rectified, if found to have been compromised by substantial irregularities.
- **No executive orders issued by the Biden administration be implemented or enforced until the 2020 elections have been comprehensively investigated and verified**, since his "election" / installation has been so fraught with controversy, including amongst expert analysts at the highest levels of technology and the U.S. military-- when courageous enough / sufficiently uncompromised to speak out. In fact, the **37 executive orders now passed by the current administration** indicate that America is now being governed by *diktat* rather than representation...a concept Joe Biden himself has voiced:

https://pjmedia.com/news-and-politics/stacey-lennox/2021/01/27/flashback-president-joe-biden-used-to-believed-you-couldnt-rule-by-executive-fiat-in-2020-n1412781

https://www.federalregister.gov/presidential-documents/executive-orders/joe-biden/2021

There is more to the U.S. Constitution than process: Although "process" may have been "followed" (according to the letter rather than the spirit of the law?) in recent months regarding cases of election fraud submitted to courts, the ***substance*** of most cases has not been respected for the rule of law to be applied for ***the MOST IMPORTANT ISSUE OF THIS CENTURY***-- which is outrageous, appalling, and frankly horrifying to many Americans.

Courts in recent months have dismissed cases re: election irregularities for being too early / "not ripe" --and then, when those same cases were resubmitted a little later, for being too late / "moot": conveniently taking advantage, apparently, of certain terms' *IM*precision to exploit judges' apparent discretion to interpret matters as "not ripe" or "moot" if no OPTIMAL or PRECISE timing has ever been specified for legal cases' submission...a gaping loophole that must be fixed to address this **most crucial issue in U.S. history:** ***to protect free and fair U.S. elections***. Americans nationwide are sufficiently

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

fed up about current "process" to step up and try to better ensure, to the best of our abilities, that *all evidence is thoughtfully, carefully considered*:

* A judge in **Arizona** late last month did order enforcement of a subpoena issued against Maricopa County to produce 1.2 million paper ballots cast there for inspection, which will likely show massive deceit perpetrated there:

https://www.azcentral.com/story/news/politics/elections/2021/02/26/judge-says-maricopa-county-must-provide-2020-ballots-arizona-senate/6825892002/

* The **New Hampshire** House Election Law Committee voted *UNANIMOUSLY* 20-0 on SB 43 to send to the full House "legislation outlining a full, detailed audit by a team of experts of the Nov. 3 election results in the town of Windham" --of the Diebold Accuvote voting machines in Windham, NH, since Republican candidates who had won election were found to have been cheated out of 300 votes per candidate. (This legislation may be called the Gardner Amendment; it is supported by Secretary of State William Gardner.)

https://www.wmur.com/article/house-election-law-committee-approves-detailed-forensic-audit-of-windham-election-results/35800269#

House Election Law Committee approves detailed forensic audit of Windom election results

* **Wisconsin** lawmakers are reviewing to rehold a general election, following news that a Democrat operative was given keys to an absentee ballot counting room in Green Bay:

https://wisconsinspotlight.com/special-investigation-infiltrating-the-election/

* An organizer in **Georgia**, Eric Warren, is filing petitions to recall Governor Kemp and Secretary of State Brad Raffensberger:

https://uncoverdc.com/2021/03/08/georgia-organizer-eric-warren-files-petitions-to-recall-kemp-and-raffensberger/

...btw, that latter article I found only by checking via DuckDuckGo browser, since Google Search apparently is so biased or compromised now-- in what seems to be its own complicity with the Communist Chinese Party (i.e., treason):

https://thefederalist.com/2020/05/04/has-china-compromised-every-major-mainstream-media-entity/

Thank you very much. Again, **if you do not receive or cannot access the file that is being shared here, please let me know ASAP** so I can postal mail the file, as well.

Respectfully submitted,

Judy Stitt
16 Ware St, Apt. C
Cambridge, MA 02138

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

2021 MAR 16 PM 4:43
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

COVID-Influenced Actions

Poll Challengers Interference	Detroit Elections Bureau Stonewalling	14-Day Extension	Limits on Freedom of Assembly
• Limits on number of Poll Challengers per building (Detroit AVCB and Oakland County) • Removal of poll challengers if mask didn't cover nose • Rule was issued by Secretary of State to force Poll Challengers to be no closer than 6 feet away when observing poll workers	• Arrival at DDE of ballots from the USPS and satellite locations throughout Detroit • Ballot storage procedure in the satellites and Detroit Department of Elections • Observance of the Relia-vote system (if it is being used in the November 3rd election) • Sorting of ballots by precinct. • Transferral of ballots to the TCF AV Counting Boards • Election Integrity Fund not notified of Pre-Election walk through	• A Michigan appeals court ruled Friday 10/16 that absentee ballots must be received by 8 p.m. on Election Day to count, blocking a ruling that had extended the deadline. • Friday's ruling also reinstated some prohibitions against third-party ballot collection, which means voters can no longer designate any person of their choosing to deliver their mail ballots to election officials. • The appeals court overturned a sweeping September ruling that said absentee ballots postmarked by the day before Election Day must be counted if they arrive within two weeks of Election Day.	• Freedom of Assembly impaired by numerous Executive Orders issued by Governor Whitmer and her administration

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

COVID-Influenced Actions Evidence

Poll Challenger Interference	Detroit Elections Bureau Stonewalling	14-Day Extension	Limits on Freedom of Assembly
• Mary Macionski • Jason Humes 11.03.20,Merri Cullen • MI GLJC Lawsuit Affiants Angelic Johnson, Zachary C. Larsen, G Kline Preston IV, Articia Boomer, Phillip O'Halloran, Robert Cushman, Jennifer Seidl, Andrew Sitto, Kristina Karamo, Jennifer Seidl, Cassandra Brown, Adam di Angeli, Kayla Toma, Matthew Mikolajczak, Braden Giacobazzi, Kristy Klamer, Janice Herman	• Arrival at DDE of ballots from the USPS and satellite locations throughout Detroit • Ballot storage procedure in the satellites and Detroit Department of Elections • Observance of the Relia-vote system (if it is being used in the November 3rd election) • Sorting of ballots by precinct. • Transferral of ballots to the TCF AV Counting Boards • Election Integrity Fund not notified of Pre-Election walk through	• A Michigan appeals court ruled Friday 10/16 that absentee ballots must be received by 8 p.m. on Election Day to count, blocking a ruling that had extended the deadline. • Friday's ruling also reinstated some prohibitions against third-party ballot collection, which means voters can no longer designate any person of their choosing to deliver their mail ballots to election officials. • The appeals court overturned a sweeping September ruling that said absentee ballots postmarked by the day before Election Day must be counted if they arrive within two weeks of Election Day.	• MI EO-2020-09 • MI EO-2020-11 • MI EO-2020-20 • MI EO-2020-23 • MI EO-2020-43 • MI EO-2020-92 • MI EO-2020-96 • MI EO-2020-110 • MI EO-2020-115 • MI DHHS December 7th Gatherings and Facemask Order

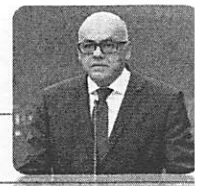
Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Use of COVID to Subvert Election Integrity

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

TIMELINE

SMARTMATIC



Jorge Rodriguez

2003	President of Venezuela Chavez creates Smartmatic; Vice President of Venezuela is Jorge Rodriguez
2004	**Smartmatic used in Venezuela election fraud to avoid recall vote on Chavez**
2005	**Smartmatic buys US-based Sequoia Voting Systems (SVS)**
2007	**In order to avoid CFIUS review, Smartmatic sells Sequoia (software shared, IP shared, non-compete)**
2009	**-Smartmatic creates SVS Holdings to avoid CFIUS - front company; "Re-purchases" Sequoia; later buys Dominion and ESS -Obama administration stops DOD review of Smartmatic and electronic voting**
2010	**Smartmatic involved in Philippines election interference**
2010-2020	**-Dominion buys/merges with ESS, SVS Holdings, Smartmatic (launches SGO Holding 2014) -Democrats (Warren, Sanders) expressed concerns repeatedly -Questions linger over numerous elections 2016, 2018 (Bevin KY Gov)**
2014, ***Dec 19*** **2018,** ***July 18***	**China puts $200M into Staple Street Staple Street buys Dominion (former SVS Holdings)**
2020 ***Sept 17***	**Ric Grennell meets with Jorge Rodriguez to discuss Maduro depart. Rodriguez is likely mastermind of this operation. Sister is current Vice President of Venezuela. Their father killed by US-backed police in 1976.**
2020 ***Oct 8***	***China puts $400M into Staple Street weeks before 2020 election, taking an assignment of the IP as "collateral".***

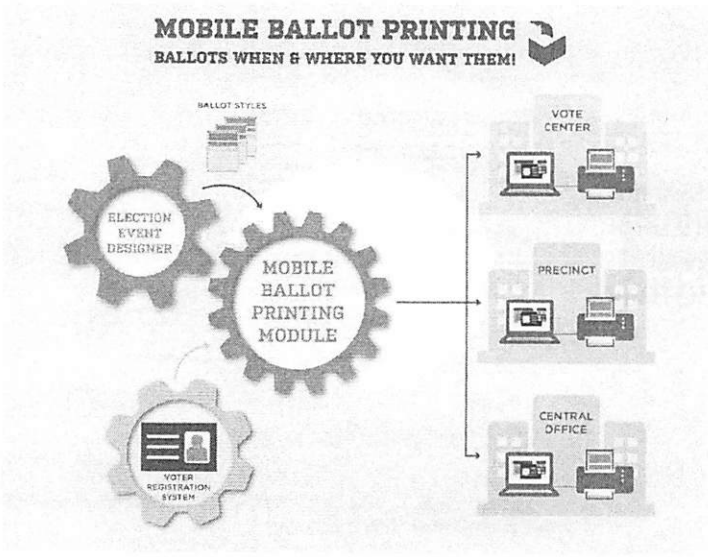
Staple Street CAPITAL 84

1/6/2021

LetsFixStuff.org

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Mobile Ballot Printing



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dominion Security Patents Owned by CCP

Dominion Voting Systems Corporation in 2019 sold a number of their patents to China (via HSBC Bank in Canada)

Patent assignment 050500/0236

SECURITY AGREEMENT 2

Date recorded	Recording	Pages
Sep 26, 2019	050500/0236	7

Assignors	Execution date
DOMINION VOTING SYSTEMS CORPORATION	Sep 25, 2019

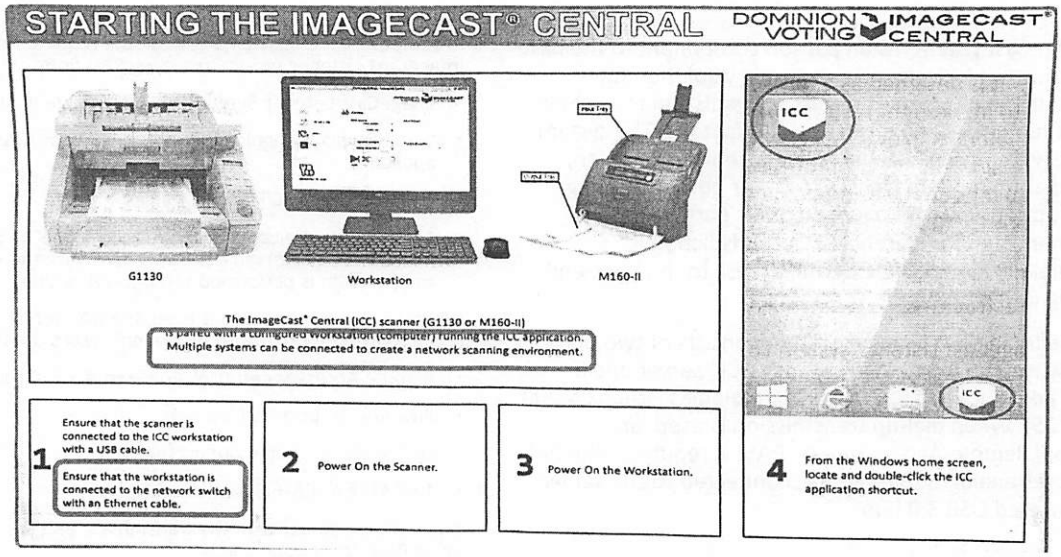
Assignee	Correspondent
HSBC BANK CANADA, AS COLLATERAL AGENT 6TH FLOOR, 70 YORK STREET TORONTO M5J 1S9 CANADA	CHAPMAN & CUTLER LLP 1270 AVENUE OF THE AMERICAS, 30TH FLOOR ATTN: SOREN SCHWARTZ NEW YORK, NY 10020

Properties (18 total)

Patent	Publication	Application
1. SYSTEMS AND METHODS FOR PROVIDING SECURITY IN A VOTING MACHINE Inventors: JOHN PAUL HOMEWOOD, THOMAS E. KEELING, PAUL DAVID TERWILLIGER, MARC R. LATOUR		
7111782 Sep 26, 2006	20040236592 Dec 2, 2004	10811969 Mar 30, 2004
8. SYSTEM, METHOD AND COMPUTER PROGRAM FOR VOTE TABULATION WITH AN ELECTRONIC AUDIT TRAIL Inventors: JOHN ROLLOS, JAMES HOOVER, NICK HONOMICHL, GORAN OBRADOVIC		
8195505 Jun 5, 2012	20050247783 Nov 10, 2005	11121997 May 5, 2005
3. SYSTEMS AND METHODS FOR PROVIDING SECURITY IN A VOTING MACHINE Inventors: JOHN PAUL HOMEWOOD, THOMAS E. KEELING, PAUL DAVID TERWILLIGER, MARC R. LATOUR		
7422151 Sep 9, 2008	20070012787 Jan 18, 2007	11329026 Sep 25, 2006
4. BALLOT LEVEL SECURITY FEATURES FOR OPTICAL SCAN VOTING MACHINE CAPABLE OF BALLOT IMAGE PROCESSING, SECURE BALLOT PRINTING, AND BALLOT LAYOUT AUTHENTICATION AND VERIFICATION Inventors: ERIC COOMER, LARRY KOHR, BRIAN GLENN LIEBMAN		

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dominion Tech Support Manual



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Tabulator Network Connectivity

CONTRACT #071B7700117

The ImageCast Listener is an add-on component to the base EMS system—it is designed as a turnkey solution for jurisdictions to implement results transmission from their precinct tabulators and/or RTM client laptops. The system supports wireless cellular/internet-based transmission, analog dial-up modem transmission, or both, providing flexible options to meet a jurisdiction's particular requirements and preferences. The jurisdiction is responsible for providing external access to the back-end receiving infrastructure.

The base ImageCast Listener system consists of two pieces of hardware: the ImageCast Listener (ICL) server and a firewall appliance (WatchGuard Technologies Firebox M200 or XTM 25). When dial-up transmission is used, an additional Remote Access Server (RAS) is required. The RAS server uses analog USB modems, connected to the server via a powered USB 3.0 hub.

In addition to the base EMS system, the required components for the **ImageCast Listener** system, using wireless/internet transmission are:

- ImageCast Listener Server (Dell PowerEdge R330 recommended)
- WatchGuard Technologies *Firebox M200* or *XTM 25* firewall appliance
- 2 x CAT5e or CAT6 Ethernet cables
- 1 x external wireless modem (eDevices CellGo) per precinct (multiple tabulators in a precinct can share the same modem if transmission is performed serially, rather than simultaneously).

When dial-up transmission is used, the **RAS server** component is required in addition to the components listed above:

- Remote Access Server (Dell PowerEdge R330 recommended)
- Powered 10-port USB 3.0 hub
- USB analog dial-up modems (up to 10)
- 1 x CAT5e or CAT6 Ethernet cable

Note: analog modems on the transmitting end are built into the ImageCast Precinct tabulator.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Ranked Choice Voting

RANKED CHOICE VOTING

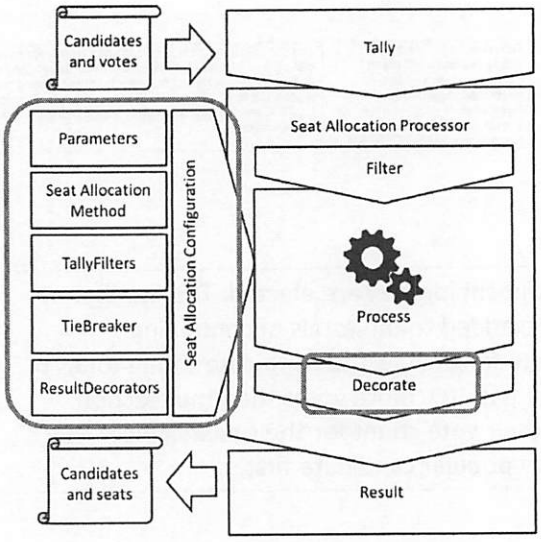
Dominion's Democracy Suite® provides the most comprehensive and transparent Ranked Choice Voting functionality in the market today. Ranked Choice contests allow up to 10 candidates to be presented in an easy to understand format. Tabulation of RCV contest ballots (in-person, mail-in, and vote centers) seamlessly integrates as part of the overall tabulation process and applies standard AuditMark® and Results Tally and Reporting functionality.

Differences between proposed base Michigan voting system and the proposed modification to the base system – list, in detail, all substantive differences between the proposed BASE SYSTEM	The modification to the base system, Democracy Suite 5.0-S, adds dial-up and wireless results transmission capabilities to the ImageCast Precinct and results transmission using the Democracy Suite EMS Results Transfer Manager module. Additionally, the COTS Canon M160II scanner is added with the 5.0-S system configuration.

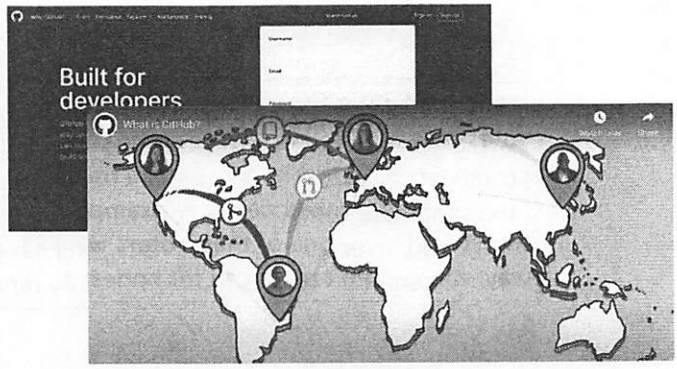
If any candidates have more votes than the election threshold, they are elected. The number of votes they received in excess of the threshold then are added to the totals of continuing candidates. This works by adding a fraction of each vote for the elected candidate to the totals of the candidate ranked next. For example, if a candidate has 10% more votes than the election threshold, every one of their voters will have 10% of their vote count for their next choice. That way, voters aren't punished for honestly ranking a very popular candidate first.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

SCYTL is Responsible for Election Security



- In the GitHub account for Scytl, Scytl Jseats has some of the programming necessary tosupport a much broader set of election types, including a decorator process where the data is smoothed, see the following diagram provided in their source code:



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Security Issues: Dr. Navid Keshavarz-Nia

- Dominion vulnerable to "Man-in-the-Middle" security risks. DVS data transferred to SCYTL servers in Barcelona, Spain. In 2020, SCYTL data center was moved to Frankfurt.
- Dominion corporate structures were partially designed to obfuscate their complex relationships, especially with Venezuela, China and Cuba; and impede discovery by investigators.
- Despite DVS's constant denial about the flaws of its systems, the company's ImageCast Precinct optical scanner system was totally hacked in August 2019. This occurred during the largest and most notable hacker convention, called DEFCON Voting Machine Hacking Village in Nevada.
- In 2019, a computer laptop and several USB memory cards containing the cryptographic key to access DVS systems were stolen in Philadelphia.
- On approximately 2:30 AM EST, TV broadcasts reported that PA, WI, AZ, NV and GA have decided to cease vote counting operations and will continue the following day. The unanimous decision to intentionally stop counting by all 5 battleground states is highly unusual.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

How is a Poll Challenger to Monitor This?

It is possible for an administrator of the "ImageCast Central" workstation toview and delete any individual ballot scans from the "NotCastImages" folder by simply using the standard Windows delete and recycle bin functions provided by the Windows 10 Pro operating system. ... The upload process is just a simple copying of a "Results" folder containing vote tallies to a flash memory card connected to the "Windows 10 Pro" machine. The copy process uses the standard drag-n-drop or copy/paste mechanisms within the ubiquitous "Windows File Explorer". While a simple procedure, this process may be error prone and is very vulnerable to malicious administrators.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

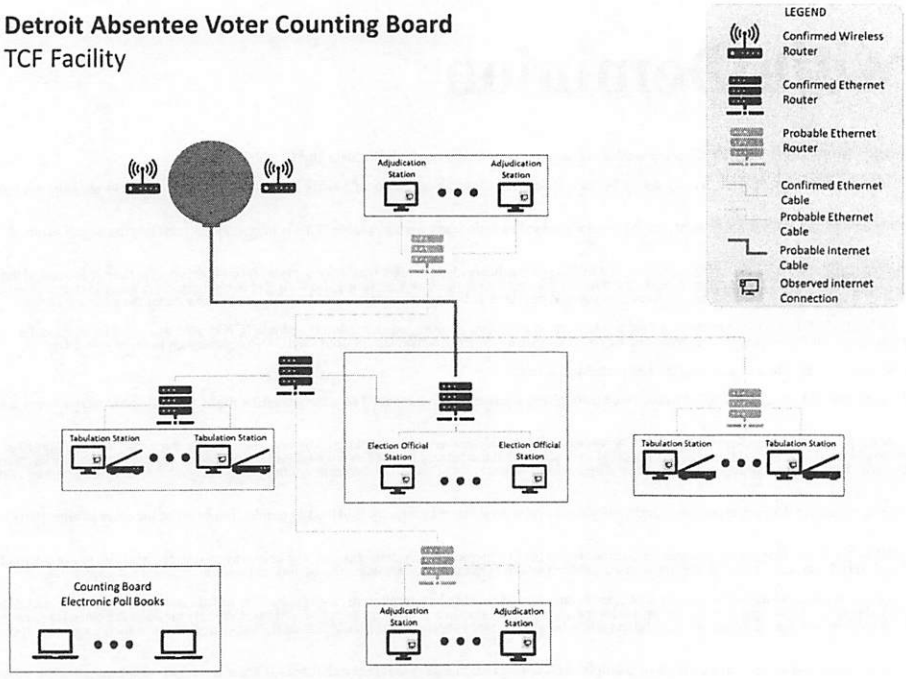
Texas Issues with Dominion

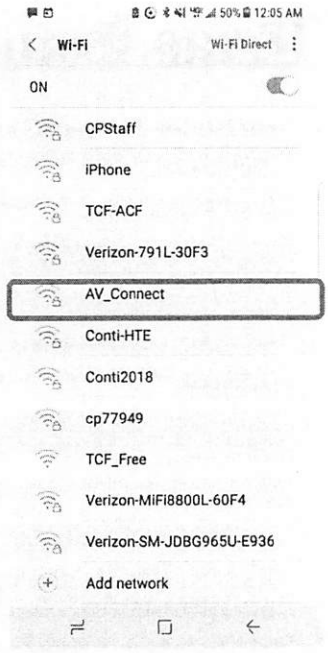
- Some of the hardware in the Democracy 5.5 System can be connected to the internet, but the vendor claims it is protected by hardening of data and IP address features.
- The foldable ballot box offered with the Democracy 5.5 System could not be used in early voting because it does not have the capability of having 2 locks with two separate keys securing the box as required by Texas law.
- The rolling ballot box dividers for provisional or disputed ballot storage were not present, but the vendor claimed such dividers were available. This is important for handling the adjudication of provisional and contested ballots.
- The use of COTS printers with the ICX device (in ballot marker mode) is a costsavings measure, but the COTS hardware also presents issues for service, internal drivers for the hardware and the potential for traditional additional problems with any COTS product. For example, one examiner noted that having the printer tray ajar during the voting process caused the system, after all the races are voted, to wipe out all selections and require the voter to start over after the print tray is fixed. This would require a poll worker interaction and could greatly slow down the voting process.
- The Verified Voter Paper Audit Trail ("VVPAT") used with the ICX in DRE mode stores a voters selections in a sequential order, meaning that if a single ICX is used at a voter location and a limited number voters appear at the polling place, the secrecy of the ballot may be compromised by remembering the order in which voters used the ICX in comparison to the VVPAT tape.
- The precinct ballot scanner jammed on several occasions and was very slow in scanning the hand-marked ballots.
- The central scanner/tabulator also jammed on multiple occasions and ballot batches had to be re-run through the scanner. If this happened on a busy election night, it could create a significant delay in vote tabulation.
- The "pigtail" portion of the cord connection to the power supply to the VVPAT portion of the ICX was easily accessible and could be unplugged by any voter. When the pigtail was unplugged at the examiners inspection, the process to get back to a voter-ready condition was unclear and complicated to the point that the battery had to be removed and reinstalled in the device. The vendor, after the inspection, stated that this power connection can be made behind a sealed door in a different configuration; however, it is clear an end-user may choose to configure the VVP AT in a way that allows this to occur.
- The ICX machines had a problem with straight party voting in that the deselection of the straight party choice on a single race eventually leads to the deselection of all of the other straight party selections.
- Use of non-sequential numbered paper ballots as required by the Texas Constitution cannot be created within the Democracy 5.5 System. Instead, the only way to comply with this requirement of the law would be to hand-write and/or pre-print paper with serial numbers in a range for the selected precinct and then manually intermingle the ballots so their numbers are not sequential.
- The adjudication portion of the tabulation process in the election management software was problematic and showed that the handwritten write-ins subject to adjudication were not easily picked up by the ballot scanner. This poor resolution on the scanner also failed to pick up some of the printed wording on the ballots. In a follow-up, the vendor stated that only black Sharpie markers should be used for marking the ballots; however, when the black sharpie was used during testing, it did, on a few occasions, bleed through to the back side of the two-sided ballot in such a way that it could confuse the ballot scanner or kick the ballot out.
- The paths for the import of election data in into the election management program also showed multiple opportunities for mistakes that required three (3) separate restarts of the adjudication process.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Detroit Absentee Voter Counting Board

TCF Facility





Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Poll Worker Observations

We also printed out several closing tapes as required and we accidently printed one additional tape. I have that tape in my possession. Three days ago, I looked at the closing tape and was dismayed by what I saw. It clearly and unbelievably shows numerous write-in votes. The machine did not have any of those ballots go into the write-in bin. We are supposed to document in the poll book all write-in candidates. There were none that I saw the poll worker who operated the machine didn't see any in the chamber for that scenario. I'm not sure what this tape demonstrates, but with a listing of write-in candidates that were not accounted for, it is plausible to think the machine was in fact defective.

Keith Kaminski

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Detroit Poll Challenger Observations

Board #41 monitor pop up – Microsoft has prevented a hack attempt. I went to area supervisor – Tonya Anderson and showed her (she witnessed) and she proceeded to get IT worker to view. By the time IT arrived pop up was gone. Darrell Finken was the area poll challenger and was made aware of the Microsoft message (message gone by time he arrived), Raphael Washington was the team leader of the board.

Jean Kordenbrock – Trump lawyer - was made aware of incident and was present at board #41 (message had vanished before she arrived). I was asked if I would sign affidavit and I said I would. I gave my contact info to Trump legal team. The supervisor – Tonya Washington verified she had seen the message. Tonya said it was just the firewall protecting the system and she sees this all the time with her home computer. Tonya mentioned the message said prevented – so nothing to worry about. She has Norton on her computer at home and it works just fine. Issue is why were these board computers on a non local, secure intranet system? I asked IT tech and he said he only worked on tabulator network and had nothing to do with board network.

Matthew Mikolajczak

Jason Humes

approximately 10 am one of the adjudication screens I was observing had an error message pop up on the screen. Within a few minutes, upon my observation, all the screens had error messages and the terminals at the raised platform were also impacted. The election IT employees were scrambling for at least 30 minutes to restore the computer system. No explanation was provided on what caused the computer issue.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

CCP Control of Testing for Smartmatic Software Operation on Dominion Voting Machines, ergo, they embedded anything they wanted!

Shenzhen Zhongjian Nanfang Testing Co., Ltd.

This firm had COMPLETE ACCESS over every aspect of the devices and software that they examined to execute the certification.

These studies and certifications were done just a few months BEFORE the November 3, 2020 elections.

SMARTMATIC

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

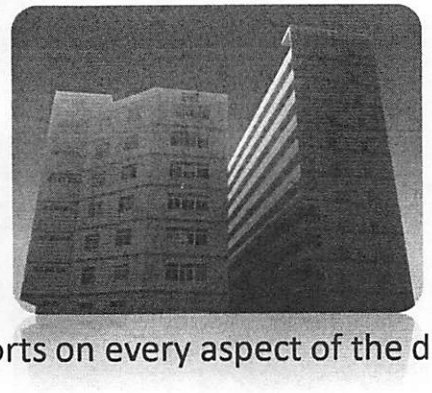


CCP Control of Testing for Smartmatic Software Operation on Dominion Voting Machines

SMARTMATIC

- Later, analysts found that **Smartmatic International Corp. formed a relationship with a Chinese-based technology firm** to conduct in-depth studies and certifications over the hardware and software of its machines.
- The Chinese firm is known as:

  Shenzhen Zhongjian Nanfang Testing Co., Ltd.
  No.110~116, Building B,
  Jinyuan Business Building
  Xixiang Road, Bao'an District
  Shenzhen, Guangdong, China
  Telephone: +86 (0) 755 23118282
  Fax: +86 (0) 755 23116366



- Published numerous studies and published reports on every aspect of the devices

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



CCP Control of Testing for Smartmatic Software Operation on Dominion Voting Machines

- This firm was involved in significant litigation in the Chancery Court of the State of Delaware ***because*** they share the same software and testing through licensing.
  - The case:

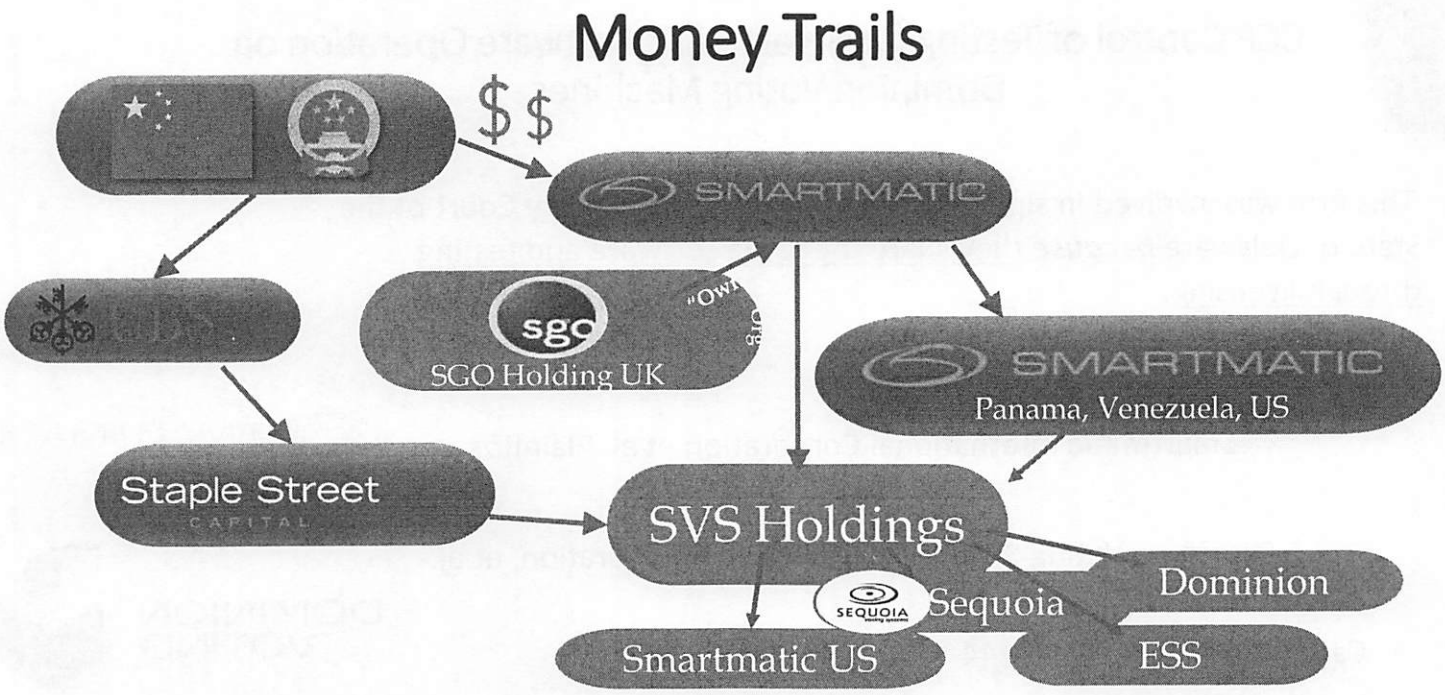
Smartmatic International Corporation et al. Plaintiffs

vs.

Dominion Voting Systems International Corporation, et al.

  - Case Number C.A. No. 7844-VCP
  - Involved a dispute over worldwide licensing rights regarding their voting machines software

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



CCP Financial Control of Dominion Voting Machines

UBS Securities, LLC – New York is linked to UBS Securities Co LTD Beijing

- **UBS Securities, LLC**, historically, a Swiss investment bank
  - shares the following Chinese Board members (Deleted 9 Dec 20)
    - **Ye Xiang – Board Chairman of UBS Beijing for > 10 Years (*resigned* 1 Dec 20 to hide relationship)**
    - **Secretary, People's Bank of China, Executive Director Bank of China International**
    - Mu Lina – Director of Fund Management and Head of Fund Operations, USB Beijing
    - Luo Qiang (French Citizen) – On both NY and Beijing Board
  - owns **24.99%** of UBS Securities Co LTD, a Chinese Investment Bank
- **UBS Securities Co. LTD Is owned 75% by the Chinese government**
- The overall owners of UBS Securities Co Ltd include:
  - Beijing Guoxiang (33%, and is a State-owned asset)
  - UBS (24.99%)
  - Guangdong Comm. Group [zh] (14.01%, and is the Guangdong Provincial Government)
  - China Guodian (14%, is a State-owned enterprise administered for the SASAC for the State Council)
  - COFCO Group (14%, is a state-wide enterprise under the direct supervision of the SASAC)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Some of the following is an abstract from the larger report Project Foot Patr
and includes relevant slides on the following:

Chinese Communist Party (CCP) FINANCIAL CONTROL of Dominion Voting Machines

CCP CONTROL OF TESTING for Smartmatic Software Operating Dominion Voting Machines

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

DVS Security Vulnerability Evidence

Foreign Control	Vote Adjustment Features	Internet Connectivity
• Dr. Navid Keshavarz-Nia • 305th Military Intelligence Battalion Analyst • CISA Alert AA20-304A • CISA Alert AA20-296B • Senate Committee on Intelligence Report on 2016 Election	• Russ Ramsland • Keith Kaminski • Antrim County Forensics Report	• Russ Ramsland • Mellissa Carone • Patrick Colbeck • NIST Website • Dominion System Manuals • 305th Military Intelligence Analyst Affiant

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

DVS Security Vulnerabilities

Foreign Control

- CCP Influence
  - CCP Financial Control of DVS Assets
  - CCP Controls Testing
  - CCP Controls Operations
- Iranian Influence
  - Server connection to Iranian OSINT
  - Multiple CISA-FBI Alerts
- Overseas servers host data
  - Frankfurt, Germany
- Russian Influence

Vote Adjustment Features

- SCYTL Modules
  - SCYTL developments on "Git Hub" have developed "Decorator" app to smooth out voting results
- Ranked Choice Voting Module
  - Antrim County forensics analysis noted that RCV function was active
  - Fractional votes evident in raw data stream from DVS servers to Edison servers
- Adjudication Process
  - Error Threshold
  - Write-In Shifts

Internet Connectivity

- Evidence that Detroit AVCB computers were connected to the internet
- DVS Wayne County training refers to connectivity if ImageCast Listener on election day
- System manuals explicitly refer to internet and ethernet connectivity
- Encryption keys stolen
- DVS passwords available on Dark Web
- NIST posted DVS file attributes

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dominion Security Vulnerabilities

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan Board of Canvassers

Of the 566,788 absentee ballots cast in Wayne County, the absentee data file provided by the Michigan Secretary of State indicates that 203,311 ballots show that no application for an absentee ballot was mailed or sent to that voter by their local clerk, which is a rate of roughly 36%.

Statement of Votes Report
November 3, 2020 - General Election
Wayne County, Michigan
OFFICIAL RESULTS

Precinct	Registered Voters	Cards Cast	Voters Cast	% Turnout
Election Day	2,002	593	593	29.62%
AV Counting Board	2,002	888	888	44.36%
Total	2,002	1,481	1,481	73.98%
City of Wyandotte, Precinct 9				
Election Day	2,581	714	714	27.66%
AV Counting Board	2,581	1,235	1,235	47.85%
Total	2,581	1,949	1,949	75.51%
City of Wyandotte, Precinct 10				
Election Day	1,562	445	445	28.49%
AV Counting Board	1,562	634	634	40.59%
Total	1,562	1,079	1,079	69.08%
City of Detroit, AVCB 1				
Election Day	0	0	0	N/A
AV Counting Board	0	1,506	1,506	N/A
Total	0	1,506	1,506	N/A

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

State Board of Canvassers

168.842 Board of state canvassers; meeting; time and place, notice, adjournment; expedited canvass of returns. Sec. 842.

(1) The board of state canvassers, for the purpose of canvassing the returns and ascertaining and determining the result of an election, shall meet at the office of the secretary of state on or before the twentieth day after the election. The secretary of state shall appoint the day of the meeting and shall notify the other members of the board. The board has power to adjourn from time to time to await the receipt or correction of returns, or for other necessary purposes, but shall complete the canvass and announce their determination not later than the fortieth day after the election. The board may at the time of its meeting, or an adjournment of its meeting, canvass the returns for any office for which the complete returns have been received.

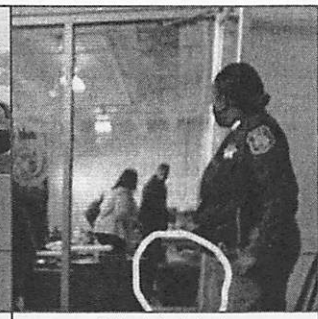
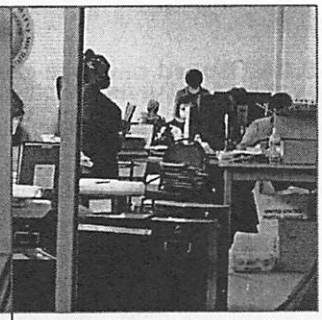
(2) If the unofficial election returns show that the election of electors of President and Vice President of the United States is determined by a vote differential between the first place and second place candidates for President and Vice President of the United States of less than 25,000 votes, the secretary of state shall direct the boards of county canvassers to canvass returns for electors of President and Vice President of the United States on an expedited schedule. The secretary of state may direct the boards of county canvassers to complete the statements for electors of President and Vice President of the United States required by section 824 and certify the statements as required by section 828 to the secretary of state by the seventh day after the election or by a date before the fourteenth day after the election.

(3) The secretary of state may appoint the day for the board of state canvassers to conduct the expedited canvass of the returns for electors of President and Vice President of the United States and determine the results of that election. The day appointed for the expedited canvass must be as soon as practicable after receipt of the returns from the boards of county canvassers, but no later than the twentieth day after the election.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Evidence of "Cooking the Books" in Wayne County

13 Days into Wayne County Canvassing, New Voter Lists Arrived 1 Day Before Board of Canvassers Vote

			
Poll book included vote tallies Canvassers could see counts. Precincts were unbalanced by as many as 600 ballots.	"Black Box" arrives 12:30pm at 11/16. A man in a van labeled "Vote Mobile" from the Detroit Department of Elections delivered a huge rolling black container about four 6 feet long, 3 feet high and 2.5 feet wide. Most staff weren't in the room when this was delivered.	Contents of black included new voter lists in manilla envelopes (See Gena Affidavit) . Director of Wayne County Elections Greg Mahar states contents of black box were voter lists Contradicts Daniel Baxter statement telling State Board of Canvasser Norm Shinkle "there were no new voter lists" (See Leisa Affidavit and State Board of Canvassers Zoom Meeting)	Revised poll books updated to show maximum discrepancy of 29

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

OFFICIAL RESULTS:
MI State Board of Canvassers

- 179,277 Votes Cast Against 0 Registered Voters in following communities
- MI Board of Canvassers still certified the results

St. Clair	Fremont Township Precinct 1 (Out of County)
St. Clair	Imlay Township Precinct 1 (Out of County)
St. Clair	Memphis City Precinct 1 (Out of County)
Iron	Mastodon
LUCE	Hubert
LUCE	Portage
LUCE	Seney
Antrim	Warner Township
Charlevoix	Chandler Township
Charlevoix	Hudson Township
Cheboygan	Wilmot Township
Mackinac	Raber Township
Benzie	Almira-AVCB
Benzie	Benzonia-AVCB
Benzie	Crystal Lake-AVCB
Houghton	Duncan Twp
Wayne	City of Detroit

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Wayne County Certification Issues

- Wayne County Board of Canvassers did not certify their results. No signatures of Republican canvassers were affixed to statement of certification.
- 71% of Detroit Absentee Counting Boards did not balance. Those without explanation were therefore not subject to recount.
- Evidence of "Cooking the Books" prior to certification vote
- OFFICIAL Vote Results for Wayne County shows 0 registered voters against a tally of 172,337 votes
- State Board of Canvassers certified results with one Republican canvasser abstaining. Wayne County certification issue was not addressed.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Board of Canvassers Evidence

Wayne County	Antrim County	Kent, Wayne, Oakland, and Macomb Counties	State of Michigan
• Monica Palmer • William Hartman	• Russ Ramsland	• Russ Ramsland	• Meeting recording available

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Board of Canvassers Issues

Wayne County	Antrim County	Kent, Wayne, Oakland, and Macomb Counties	State of Michigan
•Certification status uncertain. •Before the county canvassing deadline, the two Republican members of the Wayne County Board of Canvasser refused to certify the improper votes from Wayne County. •The two canvassers changed their minds after being given inaccurate assurances of a state-wide audit and under duress, only to change them again the next day once they were safely outside and had consulted with independent counsel. •71% of Detroit AVCB did not balance •OFFICIAL Vote Results for Wayne County shows 0 registered voters against a tally of 172,337 votes •Evidence of "Cooking the Books" night prior to certification vote •14,000 new votes dumped on canvassers during meeting to certify election	•Certified vote tally not accurate due to discarded Trump votes •Evidence that 6,000 Trump votes were allocated to Biden out of 22,000 votes •Dominion election system featured a 68% error rate resulting in suspicious adjudication rate •Adjudication enabled vote flipping without a paper trail.	•*At least 289,866 ballots illegal votes were cast*	•Ignored Wayne County certification issues •Ignored Antrim County issues •Ignored Kent, Wayne, Oakland, and Macomb issues •Ignored impossible vote tallies •Ignored chain of custody issues

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Boards of Canvassers Issues

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

12/17 Antrim County "Recount" was Supposed to be an "Audit"

HAND COUNT CALCULATION SHEET

OFFICE: President of the United States

COUNTY: Antrim

Jurisdiction	Biden Democratic Party			Trump Republican Party			Jorgensen Libertarian Party			Hawkins Green Party			Blankenship U.S. Taxpayers Party			De La Fuente Natural Law Party		
	Original	Hand Count	Net	Original	Hand Count	Net	Original	Hand Count	Net	Original	Hand Count	Net	Original	Hand Count	Net	Original	Hand Count	Net
TOTAL VOTES	7768	5458	-2310	4999	4761	-238	98	190	92	29	28	-1	22	17	-5	12	9	-3
TOTAL CHANGE			-2310			-238			92			-1			-5			-3
Banks Township, Precinct 1	348	349	0	756	758	2	11	11	0	2	2	0	1	1	0	1	1	0
Central Lake Township, Precinct 1	569	569	0	908	906	-2	16	16	0	6	6	0	1	1	0	0	0	0
Chestonia Township, Precinct 1	197	93	104	3	197	194	0	3	3	0	0	0	0	0	0	1	0	-1
Custer Township, Precinct 1	523	240	-283	11	521	510	4	11	7	0	1	1	1	2	1	0	0	0
Echo Township, Precinct 1	392	198	-194	8	392	384	1	8	7	0	2	2	2	1	-1	0	0	0
Elk Rapids Township, Precinct 1	1198	984	-214	625	1029	404	8	17	9	5	9	4	5	4	-1	0	0	0
Forest Home Township, Precinct 1	755	610	-145	19	753	734	3	19	16	1	0	-1	0	1	1	1	1	-1
Helena Township, Precinct 1	432	306	-126	4	430	426	0	4	4	1	1	0	1	0	-1	0	1	1
Jordan Township, Precinct 1	372	182	-190	13	369	356	1	14	13	0	1	1	1	1	0	2	0	-2
Kearney Township, Precinct 1	744	470	-274	18	745	727	0	16	16	0	3	3	3	0	-3	4	0	-4
Mancelona Township, Precinct 1	276	277	1	835	835	0	20	20	0	0	0	0	0	0	0	1	1	0
Mancelona Township, Precinct 2	247	247	0	646	646	0	13	13	0	1	1	0	2	3	1	0	0	0
Milton Township, Precinct 1	686	767	81	484	1013	529	14	18	4	3	0	-3	1	2	1	3	4	1
Star Township, Precinct 1	462	166	-296	10	468	458	0	10	10	0	0	0	0	0	0	0	0	0
Torch Lake Township, Precinct 1	527	461	66	8	526	518	1	7	6	3	2	1	1	1	0	0	1	1
Warner Township, Precinct 1	60	60	0	163	163	0	3	3	0	9	0	-9	3	0	-3	0	0	0

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Right to Audit

Article II Section 4(1)(h)

(h) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.

Right has been denied to candidate for 71st State House District, Gina Johnsen

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

State Law vs U.S. Constitution

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Article VI Section 2, United States Constitution

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Per U.S. Constitution, Legislature Has Sole Responsibility for Appointing Electors

*Each State shall appoint, in such Manner as the **Legislature** thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress*

Article II, United States Constitution

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Per MI Law, Governor Certifies Electors

168.46 Presidential electors; determination by board of state canvassers; certificate of election.

Sec. 46.

As soon as practicable after the state board of canvassers has, by the official canvass, ascertained the result of an election as to electors of president and vice-president of the United States, the governor shall certify, under the seal of the state, to the United States secretary of state, the names and addresses of the electors of this state chosen as electors of president and vice-president of the United States. The governor shall also transmit to each elector chosen as an elector for president and vice-president of the United States a certificate, in triplicate, under the seal of the state, of his or her election.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2002, Act 431, Imd. Eff. June 6, 2002

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Federal Constitutional Violation Evidence

Article II Section 1	Freedom of Assembly	Freedom of Speech	Freedom of the Press
• Governor of MI granted certification authority	• MI EO-2020-09 • MI EO-2020-11 • MI EO-2020-20 • MI EO-2020-23 • MI EO-2020-43 • MI EO-2020-92 • MI EO-2020-96 • MI EO-2020-110 • MI EO-2020-115 • MI DHHS December 7th Gatherings and Facemask Order	• President Trump • Press Secretary McEnany • Matt DePerno • Patrick Colbeck • Shane Trejo • Adam de Angeli	• Censorship of Hunter Biden laptop story • Censorship of Joe Boblunski evidence of CCP collusion by Joe Biden

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Federal Constitutional Violations

Article II Section 1	Freedom of Assembly	Freedom of Speech	Freedom of the Press
• MCL 168.46 violates this provision of U.S. Constitution by delegating legislative authority to executive branch	• Freedom of Assembly impaired by numerous Executive Orders issued by Governor Whitmer and her administration	• AG Nessel made repeated threats of prosecution towards those who provided examples of election fraud • Big Tech censorship of President Trump and his administration • Big Tech censorship of conservative pundits	• Big Tech censorship of NY Post • Big Tech censorship of Epoch Times • Big Tech censorship of China Uncensored and America Uncovered

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan Constitutional Violation Evidence

Article 1 Section 2	Article 1 Section 3	Article 1 Section 5	Article II Section 4
• Ann Capela • Jesse Jacobs • James Carlson	• MI EO-2020-09 • MI EO-2020-11 • MI EO-2020-20 • MI EO-2020-23 • MI EO-2020-43 • MI EO-2020-92 • MI EO-2020-96 • MI EO-2020-110 • MI EO-2020-115 • MI DHHS December 7th Gatherings and Facemask Order	• Matt DePerno • Patrick Colbeck • Shane Trejo • Adam de Angeli	• Gina Johnsen

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan Constitutional Violations

Article 1 Section 2	Article 1 Section 3	Article 1 Section 5	Article II Section 4
• Democrats were allowed to violate poll rules such as prohibitions on photos and campaign apparel or coaching voters on how to vote but Republicans were not • Private funding thru Center for Tech and Civic Life grants funded by Mark Zuckerberg violated equal protection clause by favoring Democrat communities to the exclusion of Republican communities	• Freedom of Assembly impaired by numerous Executive Orders issued by Governor Whitmer and her administration	• AG Nessel made repeated threats of prosecution towards those who provided examples of election fraud	• Citizens were denied right to election audit

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Judge Jeanine
[redacted]86

Tue, Dec 18, 2018 10:26 AM

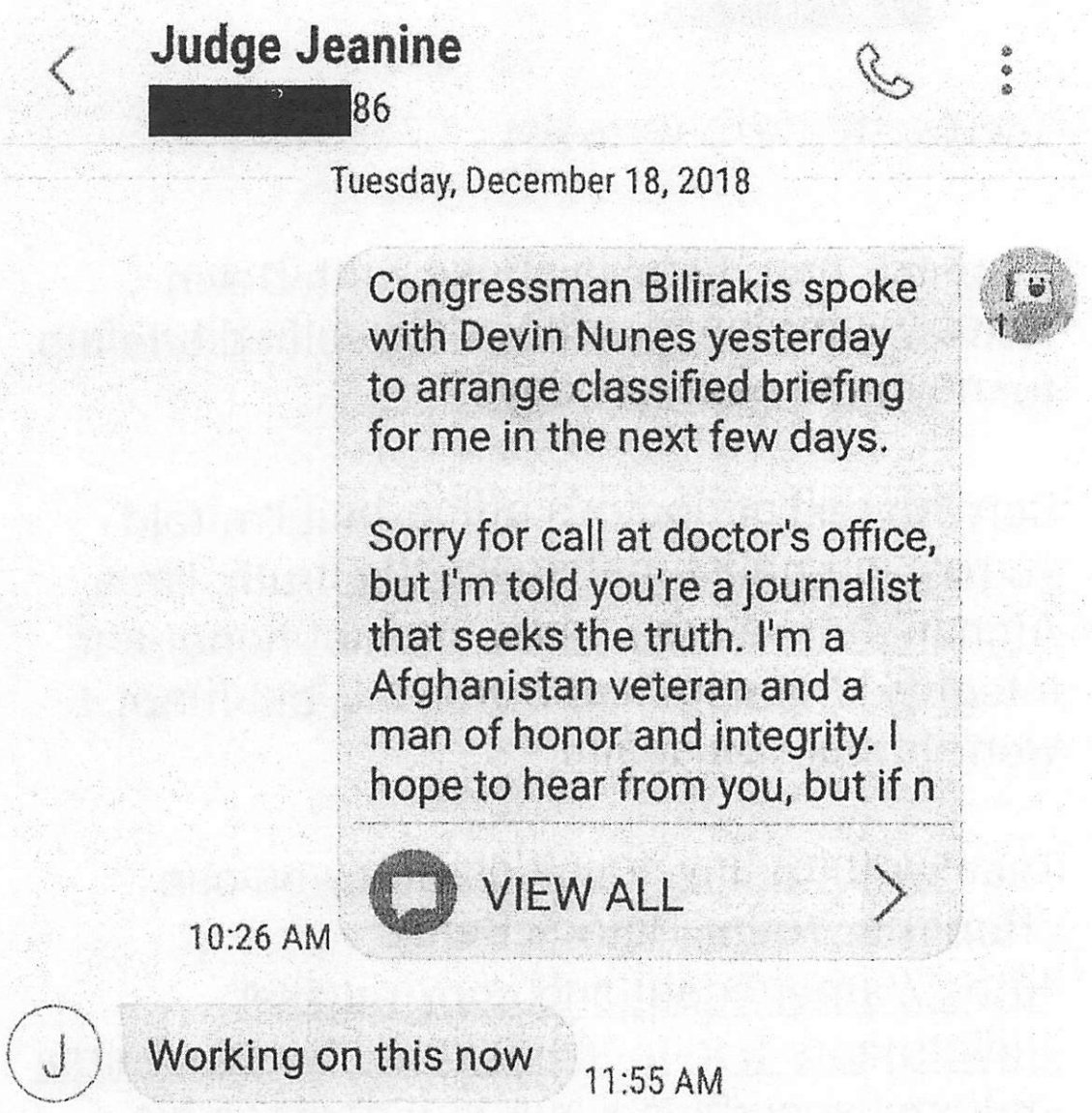
Congressman Bilirakis spoke with Devin Nunes yesterday to arrange classified briefing for me in the next few days.

Sorry for call at doctor's office, but I'm told you're a journalist that seeks the truth. I'm a Afghanistan veteran and a man of honor and integrity. I hope to hear from you, but if not, I won't bother you again.

Thank-you for any consideration you can afford me. Yours, Patrick Bergy
https://americaoutloud.com/mueller-indictments-tied-to-shadownet-former-obama-national-security-advisor-and-obamas-cia-director-not-trump/

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT #8



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT #7



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Information Operations



Dynology CORPORATION

ShadowNet™

Information Operations across the Department of Defense (DoD) share a common requirement to leverage the Internet as a means to understand target audiences and engage them directly through Internet-based influence operations. The vast use of the Internet and it's social networking capabilities makes it a rich source of information essential for IO. However, many DoD elements lack the proper tools to safely engage via the Internet as the NIPRNET typically blocks access to social networking sites, chat sites, and other sites deemed "high risk" from an information assurance perspective. This makes use of NIPRNET to support detection of activities of interest and data mining for IO situational awareness close to impossible and at best, a significant challenge. The Dynology created ShadowNet supports the IO mission by providing secure, unfiltered, and anonymous access to the World Wide Web.

Dynology's customized security solution, ShadowNet™, protects organizational assets and resources while working online. Our solution leverages virtualization technology from leading providers like VMWare and Citrix to safely separate internal corporate networks from the dangers of the Internet providing a safe "sandbox" with which to conduct your Internet activity. ShadowNet sessions are safely isolated, but accessible from your desktop.

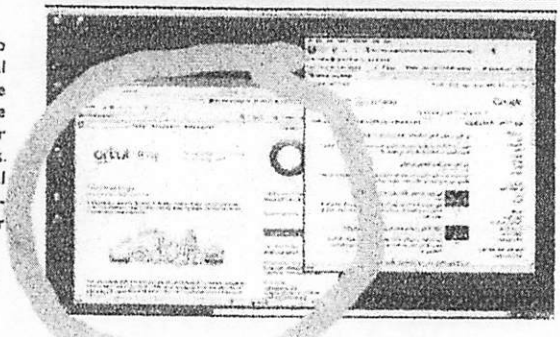
ShadowNet™ desktop connections use secure encrypted SSL connections to view presentation information only (screen shots, keyboard, mouse). Desktops are automatically returned to "pristine" state nightly. If a desktop is compromised, potential damage will be isolated away from your internal assets and contained.

Additional security measures include: virus/spyware and intrusion protection, advanced traffic inspection, firewalls, and Log Monitoring.

Optionally, ShadowNet™ can include capabilities to obscure your Internet activity providing additional anonymity, privacy, and security. Web sites you visit will be unable to detect your true IP address or your true geographic location. Dynology offers a range of options for anonymity based on commercial and open source solutions. Other options are available to provide custom commercial email addresses for Web sites requiring confirmed registrations, mass email marketing, and engagement tools for mobile such as SMS.

ShadowNet™

- Secure, remote desktops providing unfiltered Internet access from anywhere in the world
- Creates a protected "sandbox" for Internet activity using a novel virtualized architecture
- Reduces exposure and risk associated with Web browsing
- Contains incidents as they occur, safely separated from your day-to-day systems



iPSY™

iPsy™, is a web-enabled database designed specifically for recording and [illegible] online interac[illegible] developed in coordination with the DoD IO community, iPsy™ is a web-based solution with an intuitive user inter[illegible] for easy and accurate collection of data during online and social network surveillance and influence operations. Users can create online personas to interact with electronic targets (online forums, blogs, and chat services etc.), collect information for target audience analysis, and influence persons of interest through online interaction. All activity can be recorded in the iPsy™ searchable database providing the continuity needed for effective influence operations. Activities are tied to objectives with advanced reporting features allowing the users to view the operation from different perspectives, providing a complete record for compliance. The iPsy™ can be deployed as a stand-alone system or as an enhanced utility on the ShadowNet™ infrastructure as an unparalleled, complementary collection capability.

For more info please contact: Dynology Corporation • 8000 Towers Crescent Drive, Suite 1350 Vienna, VA 22182 • 703.917.7905

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EXHIBIT #6

Information Operations



Dynology™ CORPORATION

Information Operations in the Internet Age

Information Operations and PSYOP in particular are a vital part of the broad range of diplomatic, informational, military, and economic (DIME) activities. Influencing the behavior of foreign target audiences (TAs) in today's globally-connected community demands a full spectrum of media approaches that augment traditional print and broadcast capabilities. Internet based communications, including websites and email, cellular short-message services (SMS), social networking sites (SNS), and peer-to-peer (P2P) file sharing systems are being adopted by adversaries at an increasing rate globally. The speed at which information flows "virally" among influencers and audiences within-and-between each of these technology domains is a phenomenon unparalleled in human history.

The challenge lies in your ability to operate within this new information age to engage threats discriminately, to balance security and synchronization of actions, and to integrate white, grey, and black PSYOP product categories so that every series of actions and products is aligned with established themes and objectives.

Products & Services

ShadowNet™
- Secure, remote desktops providing unfiltered Internet access from anywhere in the world
- Creates a protected "sandbox" for Internet activity using a novel virtualized architecture
- Reduces exposure and risk associated with Web browsing

iPsy™
- Searchable repository for archiving all Internet-based influence operations
- Provides Continuity & Compliance

"If your opponent is of choleric temper, try to irritate him. If he is arrogant try to encourage his egotism. If the enemy troops are well prepared after reorganization, try to wear them down. If they are united, try to sow dissension among them."
- Sun Tzu's The Art of War

Your Challenges

When conducting investigations or operations activities using Internet based technologies, you must overcome five crucial challenges:

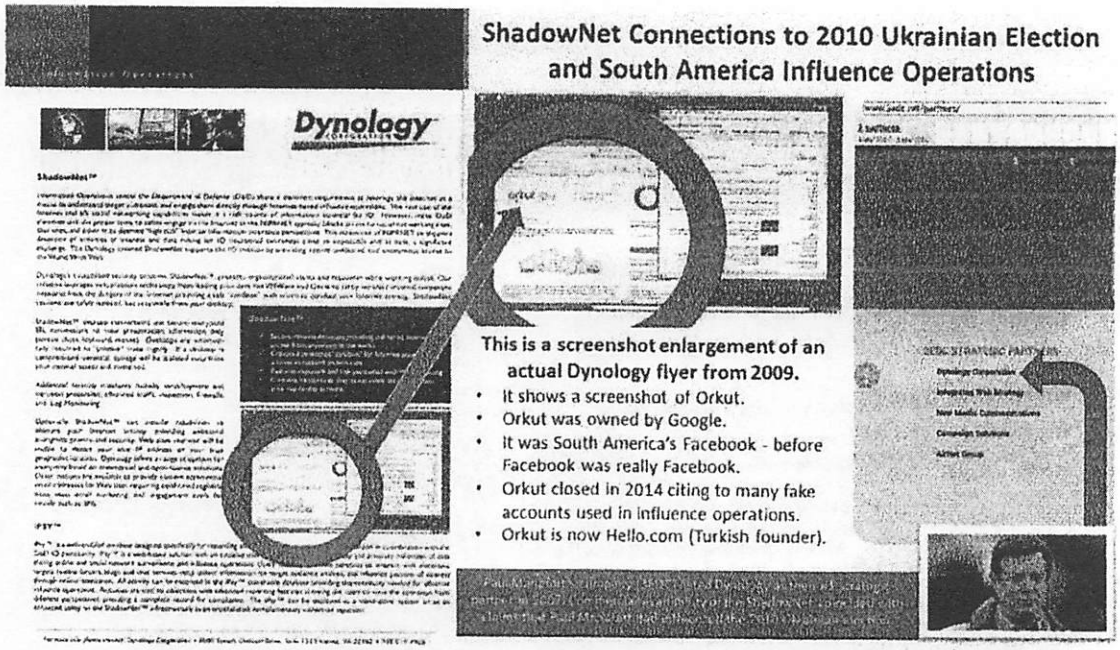
- How do you evaluate your impact indicators and measures of effectiveness?
- Do you work in a virtualized environment that is sanitized between each activity?
- What do you use to coordinate entity engagements between multiple operators?
- Can you guarantee continuity of operations throughout troop rotations and contract changes?
- Are you in control of how your activities are attributed and certain your TAs see you the way you want them to?

The Dynology ShadowNet™ and iPsy platforms™ -- purpose built and field-tested by experienced military professionals -- together represent the best solution to each of these challenges.

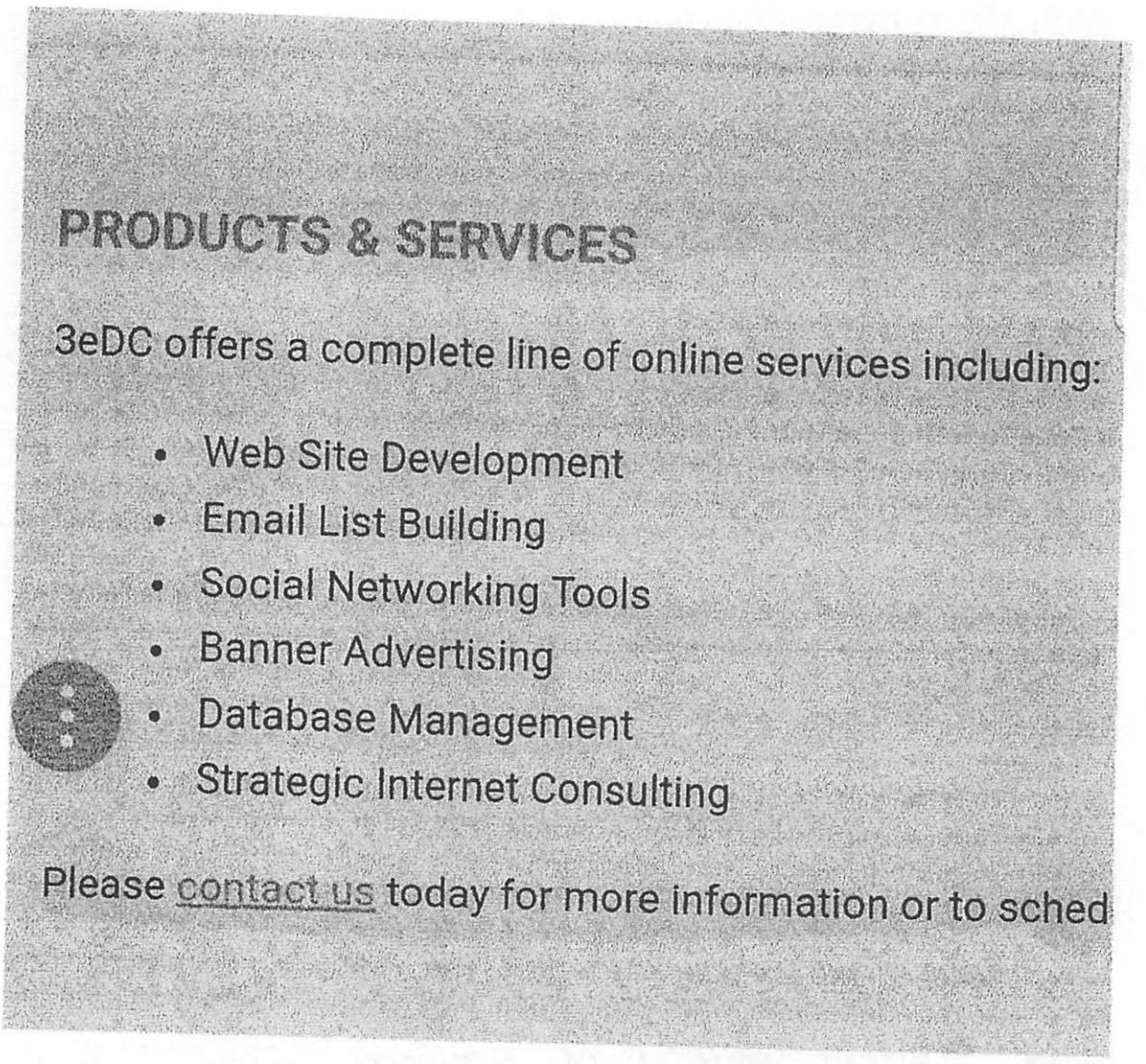
Dynology Corporation is an accredited Small Business incorporated in the state of Virginia. The company has four East Coast offices, with corporate headquarters and a development facility in the Tyson's/Vienna technology corridor. Dynology is both an IT service provider and a developer of government oriented software programs providing knowledge management and technical services to Commercial, Federal, DoD and Combatant Commands (COCOMs) for more than a decade.

For more info please contact: Dynology Corporation • 8000 Towers Crescent Drive, Suite 1350 Vienna, VA 22182 • 703.917.7905

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PRODUCTS & SERVICES

3eDC offers a complete line of online services including:

- Web Site Development
- Email List Building
- Social Networking Tools
- Banner Advertising
- Database Management
- Strategic Internet Consulting

Please contact us today for more information or to sched

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FEDERAL ELECTION COMMISSION

HOME / CAMPAIGN FINANCE REPORTS AND DATA / PRESIDENTIAL REPORTS / 2007 .

DISBURSEMENTS BY PAYEE

JOHN MCCAIN 2008 INC.
PO BOX 16118
ARLINGTON, Virginia 22215

FEC Committee ID #: C00430470

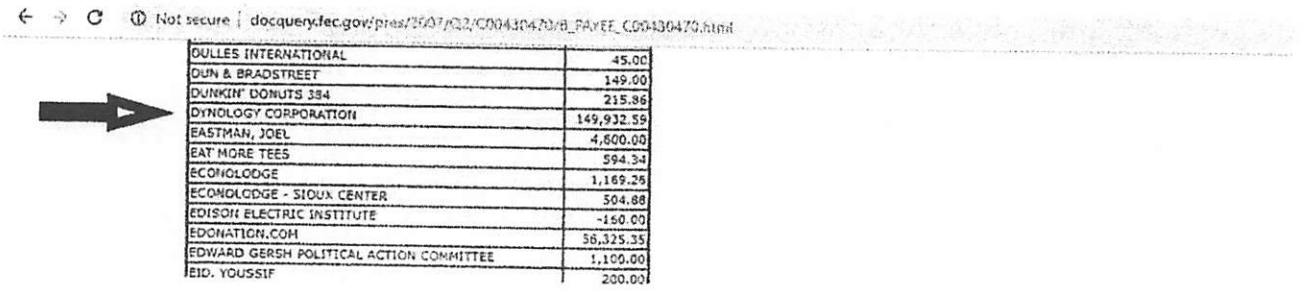
This report contains activity for a Primary Election

Report type: July Quarterly
For election on 11/04/2008

This Report is an Amendment

Filed 02/26/2008

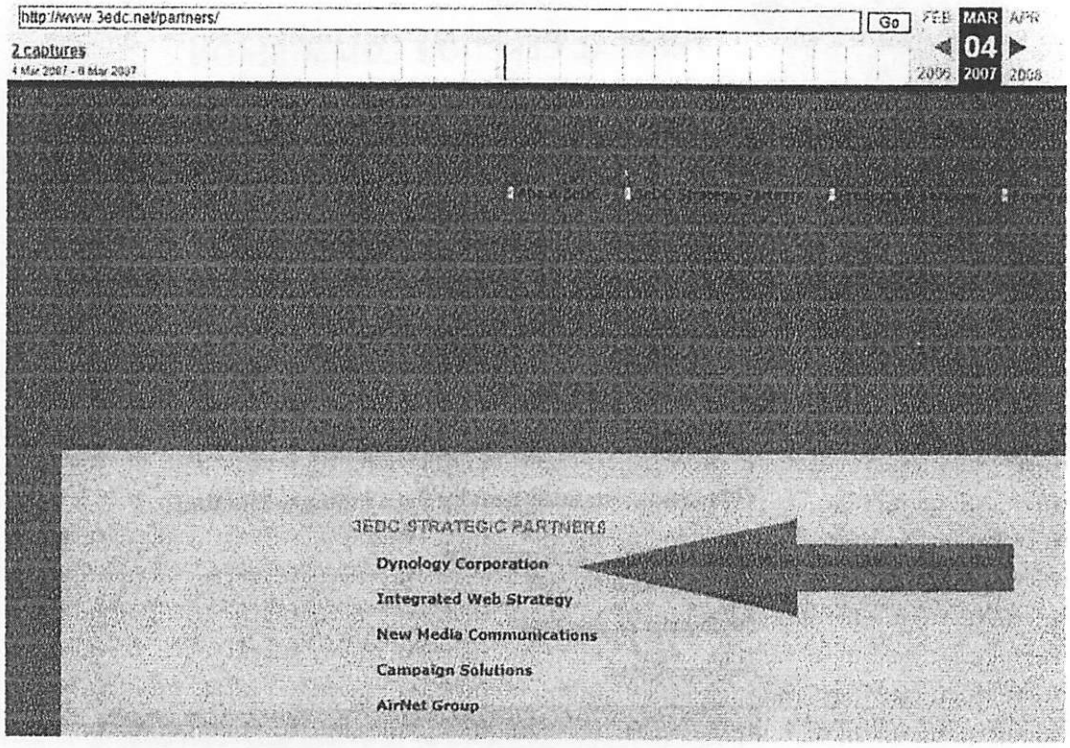
PAYEE	SUM
1-800-FLOWERS.COM	78.27
2.95 GUYS	629.11
3EDC LLC	339,940.30
A+ COMMUNICATIONS AND SECURITY	132.06
A-1 RENTAL CENTERS	1,815.46



OULLES INTERNATIONAL	45.00
OUN & BRADSTREET	149.00
DUNKIN' DONUTS 384	215.86
DYNOLOGY CORPORATION	149,932.59
EASTMAN, JOEL	4,600.00
EAT MORE TEES	594.34
ECONOLODGE	1,169.26
ECONOLODGE - SIOUX CENTER	504.88
EDISON ELECTRIC INSTITUTE	-150.00
EDONATION.COM	58,325.35
EDWARD GERSH POLITICAL ACTION COMMITTEE	1,100.00
EID. YOUSSIF	200.00

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EXHIBIT #6



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Posted 17 July by Patrick Bergy

0 Add a comment

Enter your comment...

Comment as: Patrick Bergy (G

Sign out

Publish Preview

Notify me

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> Jim: Those are the files I already sent you from work. I just wanted you to open and look at them to make sure they are acceptable, as they are acceptable. other original and I spent the better part of 2 days reproducing them. Today, when I get to the office, I will print, sign with November date, scan and send to you Fed-ex by 3pm. You just were not able to open the Zip file I sent you so I opened and sent same file back. I fully understand you want the new files I created yesterday dated for November and signed now. You will have that shortly and the originals in hand Thursday. Patrick

And this was Jim's response to me:

> jjones@dynology.com <jjones@dynology.com> wrote:
> "Pat...you need to call me. This is getting crazy. I only have one original with the 11-28-11 and that is the authorization for release of information and a copy of the fair credit reporting disclosure with the same date (not the original). Other items are dated 2-7-12 or have portions that are not readable. What gives? Is there another FedEx on the way...hopefully? Jim Jones"

You will notice my comment in the above thread says **"I fully understand you want the new files I created yesterday dated for November and signed now."** How can a document dated November but signed and created in February, swearing under penalty of Federal law that everything is true and accurate, be legal? My employer/security officer was telling me this was required, but I cannot imagine why it was ever necessary. I really wonder what happened between November, 2011 and February, 2012 that required all of this to be done again. I don't remember what reason I was given exactly, but do know it wasn't because of anything I did. Once I completed my eQip in November, I gave it to my company security officer, and they are responsible for administration and management of my clearance. I want to say it was an administrative error that went unnoticed because Dynology was in the middle of moving their offices, but I cannot remember for sure. I do know I was being treated like garbage for something that was impossible to do, wasn't necessary, required falsifying federal documents, and was not the result of anything I had done wrong or caused.

If the email thread I showed you above sounds like my TS clearance was sort of screwed from the beginning, you would be correct. Not renewing my TS and leaving me with having a secret clearance for the next 5 years wasn't good enough, even though that is all I required for the next 3 or more years that was left on my 5 year contract. I cannot speculate as to why my company would do this, I can only provide you with documented evidence in the form of emails from the president of my company that they did.

I can tell you that the value a TS clearance adds to an employee of a company is in the $10's of thousands of dollars annually. The correct process would be to let the TS expire, and if I did get a job that required a TS, my company would submit for an interim clearance and I would start the TS process over again at that time. I couldn't even guess at how much fraud, waste and abuse like this costs taxpayers. This was my clearance, issued by the U.S. Department of Defense before I even began working for Dynology. My company is tasked only with managing my clearance, not managing their clearance so they could use to profit from on other bids.

I have detailed my email correspondence with Dynology to you as factual evidence for you to make your own conclusions. It is common knowledge that many companies use security-cleared employees with Top Secret clearance to bid on projects that the employee will never even work on if they win the contract. All they want are security-cleared names on the proposal. The average salary of an IT person with a Top Secret clearance is between $100,000 and $130,000 or more annually. Already having had a Top Secret clearance makes the process much easier for someone like me after I leave Korea and take another clearance job that requires a TS clearance. Having my clearance administratively revoked makes it far more difficult.

General Jones and his son, Jim, now oversee a company that is responsible for compliance of government clearances. I have submitted a copy of this to the FBI in hopes they will investigate, but I am not holding my breath. These folks represent the deepest depths of DC "deep state" swamp known as the Military Industrial Complex.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

At this point I have been up more than 36 hours straight trying not to lose my job because someone else didn't do theirs. Jim received the copies I sent him to review and replied as follows:

> Pat...I really don't know how to say this...the copies you sent are dated Feb...your investigation was not submitted in Feb...it was 11-28-11. It is different and they will not accept. Why is this not sinking in? You are making this WAY too difficult.
>
> The files are acceptable in that they are legible but AGAIN...you have signed it in Feb!!!! I have zero time to write the letter but if you simply did what you said you were going to do...you wouldn't need to.
>
> You need to advise me on how you want to proceed. I'm frustrated and I believe we may have lost the window to reply.
>
> You need to also understand that I can no longer hold you on a contract without an active clearance should they render you into a loss of jurisdiction classification again. This could happen as early as Friday of this week for non-compliance.
>
> I'm sorry Pat but you've made an easy situation extremely difficult.
> You need to call me ASAP and don't stop until you get a hold of me.
> I will be out of pocket from 12-3:30 EST Jim
> Jones

To me, changing the date on an official document is extremely difficult, even though I had both a retired general, who is our program manager, and the president of my company, whom is the son of President Obama's National Security Advisor, Gen James Jones, telling me it was OK. It still didn't feel right to me, which is why I asked Jim to check with OPM to make sure it was OK, and assumed it was. That is also why I put it in the email I sent to Jim, and had it sent to my personal email account. I figured someday if there was a problem and I lost my clearance, it wouldn't be just my word against theirs. That someday came, and I was correct in documenting it, but it didn't do me much good so far.

Aside from the fact my job only required a Secret clearance, I knew it was a horrible idea to run my Top Secret clearance less than a year after my first divorce. Doing my Top Secret wouldn't have been a bad thing, if I was given more than 2 days to complete a security packet that lists everything I have done and everyone I have known in the last 10 years. A complete and accurate packet is essential for adjudication of your clearance, especially if you have had any major changes in your relationships. Jim Jones was not just the president of my company telling me that if I didn't alter this document I would be fired, he was also my Security Officer, and was the one who instructs me on what to do. Jim knowingly submitted a falsified document to a federal agency that affirmed everything was true under penalty of law. I just did what my security officer told me, and documented everything. In the government we call that CYA, or covering your ass.

There is no protection you can get from the government when something like this happens. If I don't do what my security officer tells me, and I have expressed my concerns, there is nothing I can do. Does anyone believe this abuse of authority is the exception, and not the rule? If you do, you are wrong! This has been the rule with every company since I started working for the military. This was my response to Jim:

> From: Patrick B. Bergy
> Sent: Tuesday, February 07, 2012 5:22 PM
> To: jjones@dynology.com
> Subject: RE: eQip

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

with the OPM, and followed the orders of my security officer, whom was also the president of Dynology. In fact, in my email you can see I mentioned that the OPM had refused the ones dated February, 2012 and supports my concerns about what Jim can be clearly shown instructing me to do, and how he is getting frustrated with my reluctance to comply with his request.

I also brought to Jim's attention in my response a discussion I had with Ret. Brigadier General, Rich Blunt. This doesn't prove I spoke to Rich, whom was our program director, but it does prove that Jim Jones, the president of Dynology, was aware of this. His response that followed did not address any of the facts or questions I presented to him, but his response to this thread acknowledges his receipt. I also have emails that show I setup a phone meeting between Jim Jones and Rich. All I can say is that these are my words in this email in which I describe the events that occurred at the time, and that is a fact. I make no claim that shows Rich Blunt would have agreed or disagreed. What I was told is that getting authorization from the federal government requesting an investigation for renewal of my TS clearance on any job, whether the position only required Secret or not, would require someone from the prime on the contract (MPRI), to approve it. That someone would have to be at Rich Blunts level or above. A simple FOIA request will show exactly who from MPRI signed the document, as well as showing if they had stated a TS requirement for a position that only required Secret. I am very curious as to what their justification was. That said, whatever the justification, this investigation took nearly 4 years to complete, and likely cost taxpayers 10's, possibly hundreds of thousands of dollars to investigate. At no time did my contract in South Korea ever require me having a Top Secret clearance. The reason for only having a clearance level equal to that of what your position requires is not just to save taxpayers a lot of money, which it does. It is also a matter of protecting national security by ensure people only are given the compartmentalized level of clearance they require at the time.

> This was Jim's response a few hours later:
> "Pat. You were to send signatures with Nov date. These are no good" And I replied:
> On Feb 7, 2012, at 7:10 AM, "Patrick B. Bergy" wrote:
> "I sent both Jim. Should he ok but I only had 2 with the original signatures, and they are going to look exactly like the ones they are refusing. I sent the only originals to you in November. I have no means by which to send you originals signed and dated in November, only copies. I cleaned all documents up and could date them and sign them from October, but it would be obvious they were copies and clearly not signed then. Do you have the originals I sent before?
> Please advise me as to how I should proceed. Can you speak to the contact with OPM for guidance? Patrick

And Jim replied:

> Subject: Re: eQip
> Date: Tue, 7 Feb 2012 12:39:54 +0000
> "Call now if u can"

I cannot verify what was said over the phone, so I will list only my response after our call:

> Sent: Tuesday, February 07, 2012 8:07 AM
> To: jjones@dynology.com
> Subject: RE: eQip "Jim:
> Here are the copies I cleaned up. I know you are busy, but if you can find a few minutes to write what you think I should say (I will fill in dates and such), it will make sure that my memo expresses most precisely what needs to be said. If not no worries, I will get it taken care of and send out Fed-Ex tomorrow. Let me know if the files I have attached look acceptable. They are extremely closely formatted and I was very careful to make sure all the content is accurate.
> Regards,
> Patrick"

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

This time I was up over 30 hours straight getting this packet done for a T5 clearance that I didn't even require, which the U.S. government ended up spending the next 4 years investigating. Talk about your "hurry up and wait" scenario. I completed it and literally ran to the Fed-Ex on base to send it out. The Fed-Ex truck came 15 minutes after I left for the last pickup of the week. You don't cut losing your job much closer than that. That is unless you actually had completed the form as it stated, and were not told by the president of your company, and the program manager, to falsify the dates.

> On Feb 7, 2012, at 1:50 AM, "Patrick B. Bergy" wrote:
> "Jim:
> I got all documents out to you fed ex. literally ran over a mile to make it on time. Printed the last document and memo just 15 minutes to spare. I was very rushed on the memo. Even working on the docs last night after speaking with you and all day today. I essentially made exact duplicate of each document and signed them with today date. I only had one or 2 or the originals signed that I could find. I had sent you all my originals because I could not print well. I will check in a few others places and if I can find anything I will send them tomorrow. What I sent today is scheduled to arrive either Tuesday late or Wednesday. When I get back to my desk I will email you with all I did. I will work tonight on something better for a memorandum. I don't know if you need to send with an original signed copy or a digitally signed copy. If you need an original I will "send them tomorrow and will give you a Thursday delivery.
>
> I spoke with Rich Blunt and asked him if MPRI had any issues getting an investigation done here in Korea. He said there are no issues and that OPM has both government and contractors here. Rich had a question though about my clearance that I could not answer. I received my TS in October, 2007 and is good for 5 years as I understand it for SBI. My job requires only secret and I understood secret is good for 6 or 7 years and doesn't require an investigation. What is the reason we are needing an investigation? He didn't care and is aware of the issue with the signatures and original copies after walking by my desk and seeing me working on them. Not something I brought up to him and again, he is fine with everything and offered to help if there was anything we needed.
>
> Please send emails to my personal account for the time being. My Dynology email is not working correctly from my phone. It was working but I did not get your email from the weekend on my phone until I removed and reinstalled on my phone last evening. Works fine from my home and office computer though but I don't have the ability to check as frequently.
>
> Regards,
> Patrick

Wanting to make sure and cover my ass, I sent the above response to Jim Jones directly. In it I made clear how impossibly rushed I was to provide him with the documents. This process would normally take weeks to collect the information and properly complete. I was given 24-48 hours. And all of what I was rushing to do was just recreating the documents I did in a total rush back in November. I don't know what the reason was for me having to re-do all of the documents from November, 2011, but it was now February, 2012, and I was being coerced with loss of my job to change the dates from February, which was the truth, to November, which was a lie. All because Jim lost the file I rushed to Fed-Ex him back in November.

As you can see in my initial email, I had redone all of the original documents from November, 2011 and signed them with today's date (February, 2012), just as the document required. This is a quote from the email shown above,

> "I essentially made exact duplicate of each document and signed them with today date."

It really needed to be that way because I was signing a federal document that says it is a federal offense to knowingly provide false information, and this was knowingly false. The document was not originally created in November, 2011, it was re-created in February, 2012. I asked Jim in an earlier email to verify this was correct

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



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Well, it was incomplete inaccurate, but I got it done in 24 hours and sent in to Jim after staying up all night working on it. I sent it off and thought everything was good. Jim acknowledge receipt, and said he would contact me with any further information he required.

I ask all of those that question the intentions or integrity of General Flynn and anyone entering the new Trump administration to consider what is truly involved in completing a truly accurate e-QIP for a clearance.

I don't remember if at the time Dynology was in the process of moving to their new offices on the 15th floor, up from a lower floor in the beautiful Towers Crescent building in Tyson's Corner, VA., or what the reason really was for the screw-up. I was contacted a few months later with some new information on the status of my investigation. I was told that something went wrong and I had to replicate everything I put down in the previous background packet to a new one. It had to be as close to being exactly the same as possible, but that was going to be a problem, as I didn't have all of the original documents from November, 2011. It was absolutely ridiculous, and I was told by Jim that my job depended on me having an active clearance, and if I didn't complete this in 24-48 hours, I would no longer have a clearance, or a job.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

17th JulyPresident of Clearance Compliance Contracting Company ClearForce Knowingly Submitted Falsified Application for Top Secret Clearance

Clearance Compliance Contracting Company ClearForce CEO Knowingly Submitted Falsified Application for Top Secret Clearance!

ClearForce is an application developed to automate the compliance of new laws by developing threat behavior profiles on employees from monitoring social media, banking, credit and law enforcement, both at work and at home. Directors include Obama's former National Security Advisor, General James Jones, his son, Jim, and former head of the CIA, General Hayden.

Written and Published by Patrick Bergy
17 July, 2017

There are 3 types of clearances the government will issue. (1) Classified, which is good for 15 years. (2) Secret, which is good for 10 years, and (3) Top Secret, which is good for 5 years. Previous assignments I held required a TS\SCI clearance, which is what I had when I came to Korea in 2010. My contract in South Korea only required a Secret clearance.

The cost to the government for renewing a TS is so high, I don't know for sure how my company ever justified to the government that I needed to maintain my TS clearance. What I do know is that a TS clearance is far more valuable to an employer than a Secret, for all the reasons I stated above. I was asked this question by our program manager wondering why my company was having the government spend so much money investigating a TS clearance that was not authorized or needed on the 5 year contract I was working in Korea. When I relayed his question in an email to the president of my company, Dynology, I could not find any response in my personal email archives from him with an answer, just the email I sent asking the question from my personal email account.

Preparing the background information for a Top Secret clearance can take weeks, especially when you are 9,000 miles from your home. When you complete the form it requires prior addresses you lived going back 10 years, including the names and contact information of people you lived with and your neighbors. Every place you have a stamp for that you visited in your passport needs to be accounted for, as well as anyone you co-habitated with, such as your wife, and her family. My company contacted me via email and said I had 24 hours to complete the background packet for a TS clearance, and if I didn't, my clearance would be revoked. Nothing like some good old advanced notice from your company's security officer, which in my case was Jim Jones, the president of Dynology and the son of Obama's former National Security Advisor. I freaked, and thought this was totally ridiculous. Nobody can properly complete their background packet in a week, even under the best circumstances, and I was in Korea.

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issues I described above were all well documented in emails to my chain of command, and I can provide them at your request. In fact, it was just a matter of a few days from the time I filed a complaint with my Program Manager, in which Dr. Knowles could be heard shouting at me over the phone from across the room by my colleague because I had asked him to verify his required credentials and certifications for rights on the CENTRIXS-K portal. Within just a day or so of my filing of that complaint that I was told J8 KM contract support was going to be moved to supporting the PAO. I would like to formally state that I believe this to be the final act of a series of retaliations by Dr. Knowles (and another military officer in J8 leadership) that began more than a year ago.

Patrick Bergy
Dynology Corporation
USFK J8 KM

Digitally signed by Patrick Bergy

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

1 May 1, 2015

To Buck Buchanan, J8 Program Manager:

I believe that government officials in leadership positions have a responsibility to maintain the highest levels of integrity.

I believe that even though I will no longer be providing a supporting role for J8 KM, as these same leaders have moved my responsibilities to the PAO, I have a responsibility to hold those that do not measure up to such standards of integrity within our government to have them held accountable. Not only for my own personal integrity, was which clearly called into question most recently in a email sent to my Program Manager which was totally false, but to those that follow me under which these government official will be holding oversight.

Dr. Knowles sent to Buck Buchanan, my immediate supervisor, an email that made unsubstantiated false claims and accusations that directly call into question my character and ethics in the workplace. I believe he did so out of malice, and in doing so directly used his position of leadership in what is clearly and abuse of his authority for personal reasons.

I believe his actions were as a direct result of the fact I recently refused to overlook my responsibility for our network security and protocols by requiring him to follow procedures set forth in both AR 25-1 and in the KM SOP regarding required memorandums and certifications. But, in fact, this same incident happened over a year ago, which is when the initial retaliation actually began.

I believe additionally that other incidents where I have challenged his requests to implement security procedures which were in direct violation of Army regulations over the past year have also resulted in a direct and personal attack on me by Dr. Knowles, which has essentially left me in a position where I have had all duties and responsibilities removed from my daily role as KM, and which has now led to the elimination of my role here in J8, and being moved to the PAO.

I believe that all of the actions as stated above were a direct result of me doing my job responsibly, and has been nothing less than a personal retaliation on me for the last year that has directly resulted from me performing responsibly my role here in J8 and adhering to security policies and procedures that are specified in numerous Army regulations.

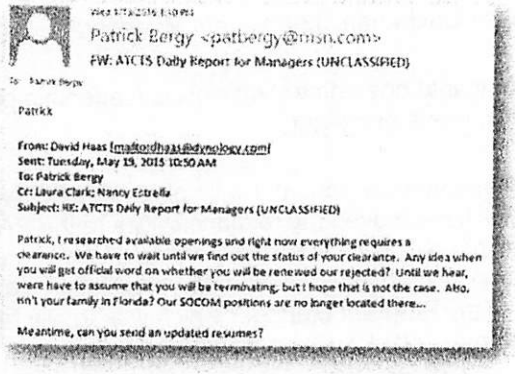
There is clear, documented and visible evidence of retaliation from more than one of the key leadership within J8 for my insistence that compliance be maintained within the AO for which I was responsible as the J8 KMO. I have literally been told not to take any actions for the development of the J8 sites (NIPR, CENTRIX-K, GCCS-J) without the authorization of Dr. Knowles since the day I refused to assign him rights and permissions to the KOR domain because he did would not present to me the proper, required documentation and memorandums. He then ordered me to stand down, and gave himself the authority and permissions without ever providing the USFK KM with the proper documentation, and was simply allowed to assume the authority of the J8 KMO without question.

I have since spent more than the last year with instructions by Dr. Knowles to our Program Manager that I was not allowed to do anything until he told us to. This went on for about a year now, until the J8 KM was ordered to move our support to the PAO. My objections to the security

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Dynology responded that all their current openings require a clearance.

- Asked me to send an updated resume.



Patrick Bergy <patbergy@msn.com>
FW: ATCTS Daily Report for Managers (UNCLASSIFIED)

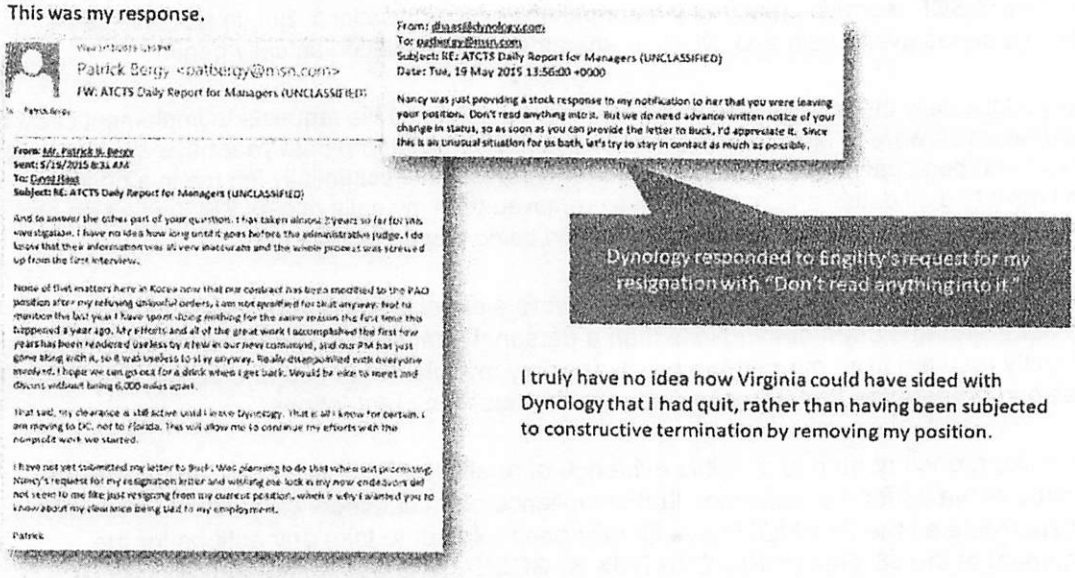
Patrick

From: David Haas [mailto:dhaas@dynology.com]
Sent: Tuesday, May 19, 2015 10:50 AM
To: Patrick Bergy
Cc: Laura Clark; Nancy Estrella
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)

Patrick, I researched available openings and right now everything requires a clearance. We have to wait until we find out the status of your clearance. Any idea when you will get official word on whether you will be renewed our rejected? Until we hear, were have to assume that you will be terminating, but I hope that is not the case. Also, isn't your family in Florida? Our SOCOM positions are no longer located there...

Meantime, can you send an updated resumes?

This was my response.



Patrick Bergy <patbergy@msn.com>
FW: ATCTS Daily Report for Managers (UNCLASSIFIED)

From: Mr. Patrick W. Bergy
Sent: 5/19/2015 8:31 AM
To: David Haas
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)

And to answer the other part of your question: I has taken almost 2 years so far for this investigation. I have no idea how long until it goes before the administrative judge. I do know that their information was all very inaccurate and the whole process was screwed up from the first interview.

None of that matters here in Korea now that our contract has been modified to the PAO position after my refusing unlawful orders, I am not qualified for that anyway. Not to mention the last year I have spent doing nothing for the same reasons the first time this happened a year ago. My efforts and all of the great work I accomplished the first few years has been rendered useless by Afrew in our new command, and our PM has just gone along with it, so it was useless to sit by anyway. Really disappointed with everyone involved, I hope we can go out for a drink when I get back. Would be nice to meet and discuss without being 6,000 miles apart.

That said, my clearance is still active until I leave Dynology. That is all I know for certain. I am moving to DC, not to Florida. This will allow me to continue my efforts with the campsite work we started.

I have not yet submitted my letter to Buck. Was planning to do that when I got processing. Nancy's request for my resignation letter and writing one back is my new endeavors did not seem to me like just resigning from my current position, which is why I wanted you to know about my clearance being tied to my employment.

Patrick

From: dhaas@dynology.com
To: patbergy@msn.com
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)
Date: Tue, 19 May 2015 13:56:00 +0000

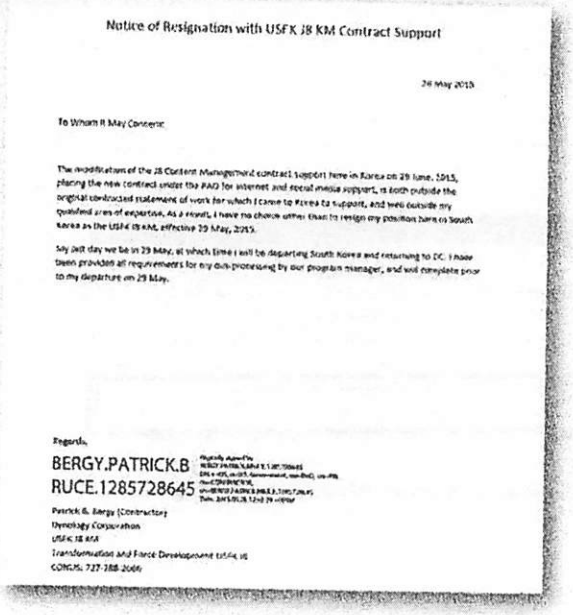
Nancy was just providing a stock response to my notification to her that you were leaving your position. Don't read anything into it. But we do need advance written notice of your change in status, so as soon as you can provide the letter to Buck, I'd appreciate it. Since this is an unusual situation for us both, let's try to stay in contact as much as possible.

Dynology responded to Engility's request for my resignation with "Don't read anything into it."

I truly have no idea how Virginia could have sided with Dynology that I had quit, rather than having been subjected to constructive termination by removing my position.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT #2



Notice of Resignation with USFK J8 KM Contract Support

29 May 2015

To Whom It May Concern:

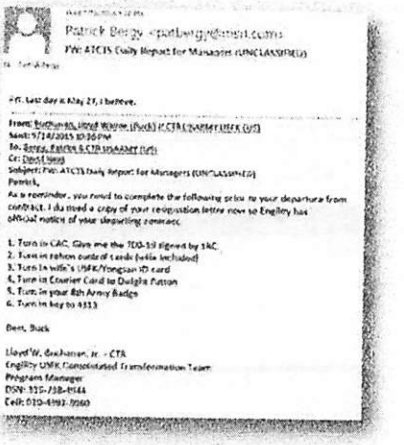
The modification of the J8 Content Management contract support here in Korea on 29 June, 2015, placing the new contract under the PAO for internet and social media support, is both outside the original contracted statement of work for which I came to Korea to support, and well outside my qualified area of expertise. As a result, I have no choice other than to resign my position here in South Korea as the USFK J8 KM, effective 29 May, 2015.

My last day we be in 29 May, at which time I will be departing South Korea and returning to DC. I have been provided all requirements for my out-processing by our program manager, and will complete prior to my departure on 29 May.

Regards,

BERGY.PATRICK.BRUCE.1285728645

Patrick B. Bergy (Contractor)
Dynology Corporation
USFK J8 KM
Transformation and Force Development USFK J8
COMMS: 727-388-2046



Patrick Bergy <patbergy@msn.com>
FW: ATCTS Daily Report for Managers (UNCLASSIFIED)

FYI. Last day is May 29, I believe.

From: Bathurst, Lloyd Wayne (Ltc) (CTR) [DARPA USFK (US)]
Sent: 5/14/2015 10:36 PM
To: Bergy, Patrick B CTR [DARPA USFK (US)]
Cc: David Haas
Subject: FW: ATCTS Daily Report for Managers (UNCLASSIFIED)
Patrick,
As a reminder, you need to complete the following prior to your departure from contract. I do need a copy of your resignation letter now so Engility has official notice of your departing contract.

1. Turn in CAC. Give me the TDD-10 digest by JAC
2. Turn in phone outside of cards (wife included)
3. Turn in wife's USFK/Yongsan ID card
4. Turn in Courier Card to Dwight Patton
5. Turn in your 8th Army Badge
6. Turn in key to 4313

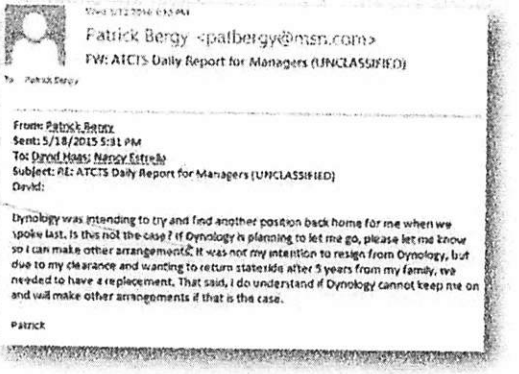
Best, Buck

Lloyd W. Bathurst, Jr. - CTR
Engility USFK Consolidated Transformation Team
Program Manager
DSN: 315-738-8144
Cell: 010-4993-9960

I received an email from the Engility program manager with out-processing requirements. I sent this to Dynology telling them I did not want to resign.

I responded to Dynology that it was hoping to find another position with Dynology back in the states.

- I specifically said "It was not my intention to resign from Dynology."



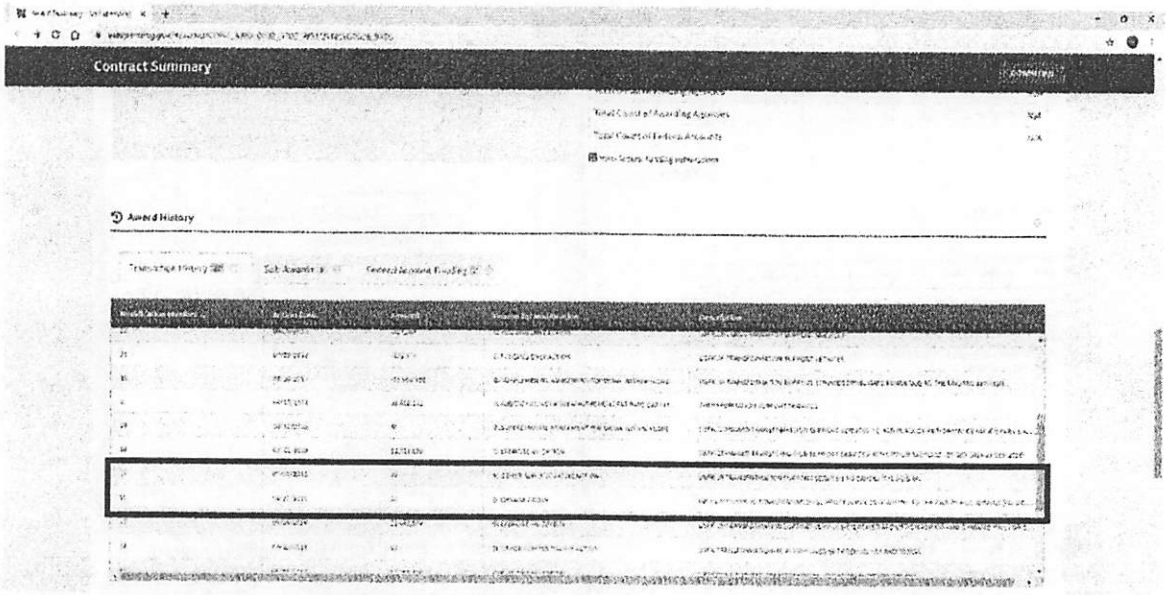
Wed 5/13/2015 6:13 PM
Patrick Bergy <patbergy@msn.com>
FW: ATCTS Daily Report for Managers (UNCLASSIFIED)
To: Patrick Bergy

From: Patrick Bergy
Sent: 5/18/2015 5:31 PM
To: David Haas; Nancy Estrella
Subject: RE: ATCTS Daily Report for Managers (UNCLASSIFIED)
David:

Dynology was intending to try and find another position back home for me when we spoke last. Is this not the case? If Dynology is planning to let me go, please let me know so I can make other arrangements. It was not my intention to resign from Dynology, but due to my clearance and wanting to return stateside after 5 years from my family, we needed to have a replacement. That said, I do understand if Dynology cannot keep me on and will make other arrangements if that is the case.

Patrick

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT #1

INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

November 19, 2015
20151001-033475-CASE-01

Patrick Bergy
[redacted]

Dear Mr. Bergy:

This is in response to the complaint you filed with the Department of Defense Hotline on September 30, 2015, alleging reprisal under Title 10, United States Code, Section 2409 (10 U.S.C. 2409), "Contractor employees: protection from reprisal for disclosure of certain information," implemented by Defense Federal Acquisition Regulation Supplement, Subpart 203.9, "Whistleblower Protections for Contractor Employees."

You alleged that management officials reprised against you for making protected disclosures.

Your former employer, Dynology, is a subcontractor to Engility, the prime contractor under a U.S. Army contract. Employees of subcontractors are not covered under the provisions of the version of 10 U.S.C. 2409 applicable at the relevant time.

Based on the above, we have closed your case. Should you have any questions, please contact Mr. Daniel Lear, Supervisory Investigator, at 703-604-8533 or email at Daniel.Lear@DoDIG.mil.

Sincerely,

TOLEK.NILGU N.1403967919

Nilgun Tolek
Director
Whistleblower Reprisal Investigations

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I, Patrick Bergy, certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11. A.

Date of signing: November 26th 2020 Dated this day of Month, year.

Printed Name: Patrick B. Bergy

Patrick B. Bergy

Signature: Patrick B. Bergy

Notary: _____ Dated this day of Month, year.

Printed Name: _____

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

UK. At around the same time, China Merchants Group and Softbank formed a $15 billion investment with Centricus. (exhibit #11) It is well reported and documented that China uses investments such as this to obtain intellectual property rights from companies it invests in. It is also well documented that China seeks the same social monitoring and predictive capabilities that ClearForce provides to control populations within China, such as the Muslim Uyghurs. Mr. Bergy took this information to the FBI Tampa field office in early 2019. Mr. Bergy was instructed that the FBI would review the information I submitted, which included information Mr. Bergy has about the murder of "journalist" Jamal Khashogii. This information requires an above Top-Secret clearance to discuss in detail.

55. The FBI agent called Mr. Bergy back after about 5 days and said they did an initial review to verify who Mr. Bergy was and the credibility of his claims, and was told that Mr. Bergy's information was turned over to the FBI's international bureau that handles such information, and Mr. Bergy would receive a call from them within 5 days. Mr. Bergy was never called back, and any attempts to follow-up have been unsuccessful. With all the apparent corruption in senior levels of FBI that has been reported and investigated over the last few years, Mr. Bergy is extremely worried that his complaint was covered up. There is simply no justification for the FBI not to follow-up on a tip involving the murder of a journalist, and Mr. Bergy has explained to them there is much more he can't say outside of a SCIF that Mr. Bergy believes is relevant to the investigation.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Bergy's constructive termination (exhibit #4) operating as the president of a company that provides NISPOM compliance for clearances. Mr. Bergy believes any and all government contracts with ClearForce be suspended until an internal investigation and the outcome of this complaint is resolved.

52. Potentially even more concerning to Mr. Bergy is that ClearForce provides these predictive behavioral services to the private sector, and the potential for malevolence and abuse with a memorandum of understanding between ClearForce and a company like FOX News, MSNBC, CNN and others could be tremendous. Mr. Bergy believes that if a predictive behavioral application can be used to predictively prevent something bad from happening, it could also be used to create something bad that might not otherwise have happened. One example might be if the DNC was a client of ClearForce, they could build predictive behavioral models based on existing principles of reflexive control developed by Russia, and influence someone like Seth Rich to steal the data with a thumb drive. Instead of hacking a secured computer network, you're essentially "hacking" a person to affect the same results. What if you wanted to alter the 2nd amendment debate by triggering an asset you identified and targeted months earlier into walking into a school and shooting children?

53. There are two things that essentially make that possible, one is known as the "HUMINT" component where you compile all the possible data you can, the more personal and private, the better. The second component is the computing power and artificial neural networks necessary to process all the analytics from potentially millions of potential "targets."

54. Mr. Bergy considers this one of the most significant threats to American sovereignty our nation has likely ever face. Gen. Jones believes this and is one of the most outspoken advocates of 5G wireless technology in opposing China's market share to protect American's from China. Mr. Bergy is more concerned with whom will be protecting American's from Gen. Jones and the massive data and intelligence operation he now privately owns? Additionally, ClearForce has issued a public statement on their website on their partnership with the investment company, Centricus, which is based in the

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

47. ClearForce.com is a unique and potentially dangerous business model that was built from core components of the ShadowNet, funded originally from Department of Defense, taxpayer appropriated funding under highly questionable circumstances; legally and ethically. The ClearForce application, originally built by Dynology, was designed to take the ShadowNet's social network, psycho-predictive capabilities to the next iteration.

48. Using proprietary technology from our work in Iraq supporting the 4th POG, such as non-attributional social media collection, databases and taxonomies, as well as real-time social media targeting, audience, engagements and appeal. The ClearForce application was originally built and developed by Dynology, and Mr. Bergy discussed with Dynology's president, Jim Jones, the ShadowNet backbone component described above.

49. After adding real-time criminal background, travel, medical, financial and credit to the core ShadowNet capabilities the ClearForce application was built from, Jim Jones stepped down as Dynology president and launched ClearForce.com. Development of the ClearForce application began after the Snowden classified documents leak as a means by which to provide NISPOM compliance for companies and organizations that have employees with clearances. The launch of ClearForce brought on several new board members, including but not limited to the now deceased Democrat California Congresswoman, Tauscher, and President Obama's former CIA Director, Gen. Michael Hayden.

50. Artificial Intelligence was then added to use this massive amount of data to create predictive behavioral profiles used to determine of someone is likely to steal or leak classified information. ClearForce also makes these behavioral reports sometimes referred to as, 'Minority Reports' in reference to the movie of the same name that also had developed predictive behavior reports.

51. Mr. Bergy is deeply concerned knowing of his experience with Jim Jones, threatening Mr. Bergy to falsify a document requesting renewal of his Top-Secret clearance with his job and conspiring in Mr.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

duties relating to a person receiving in excess of $100,000, directly or indirectly, from the United States in any 1 year period under a contract or subcontract . . . For purposes of this statute -- The term "Federal auditor" means any person employed on a full- or part-time or contractual basis to perform an audit or a quality assurance inspection for or on behalf of the United States; the term "in any 1 year period" has the meaning given to the term "in any one-year period" in section 666 [of Title 18, United States Code]

The Anti-Kickback Act of 1986, 41 U.S.C. § 51 et seq., modernized and closed the loopholes of previous statutes applying to government contractors. The 1986 law attempts to make the anti-kickback statute a more useful prosecutorial tool by expanding the definition of prohibited conduct and by making the statute applicable to a broader range of persons involved in government subcontracting. Prosecutions under these statutes must establish the following:

Prohibited conduct--the Act prohibits attempted as well as completed "kickbacks," which include any money, fees, commission, credit, gift, gratuity, thing of value, or compensation of any kind. The act also provides that the inclusion of kickback amounts in contract prices is prohibited conduct in itself.

Purpose of kickback--The Act requires that the purpose of the kickback was for improperly obtaining or rewarding favorable treatment. It is intended to embrace the full range of government contracting. Prior to 1986, the "kickback" was required to be for the inducement or acknowledgement of a subcontract.

Covered class of "kickback" recipients--The Act prohibits "kickbacks" to prime contractors, prime contractor employees, subcontractors, and subcontractor employees. These terms are defined in the Act.

Type of contract--The Act defines kickbacks to include payments under any government contract. Prior to this legislation, the statutes' applicability was limited to negotiated contracts. Knowledge and willfulness--The Act requires one to knowingly and willfully engage in the prohibited conduct for the imposition of criminal sanctions.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

messages, phone calls and emails, as a source or whistleblower, not a single word or explanation from either of them. (exhibit #9)

45. Aside from likely questionable journalistic code of ethics judgements, Mr. Bergy has recently discovered that Gillian Turner, a FOX News host, left her job working for Gen. Jones at his company, as the Vice President of Jones Group International. Mr. Bergy has reached out to Gillian Turner asking her to explain if she had any role in FOX News killing Mr. Bergy's story just before it was to be aired, and with no explanation, but he has not heard back from Gillian as of the date of this letter. Gillian Turner has since blocked Mr. Bergy on at least one social media platform for asking her the above questions (exhibit #10). Under 18 U.S.C. § 371, the fraud or impairment of legitimate government activity may take any of several forms: Bribery of a government employee, kickbacks to government employees or extortion of money or favors by government employees, misrepresentations of financial capability, alteration or falsification of official records, submission of false documents; and Obstructing, in any manner, a legitimate governmental function. 18 U.S.C. § 371— The general conspiracy statute, 18 U.S.C. § 371, creates an offense "[i]f two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose.

46. In his pursuit to find justice and uphold his sworn oath to protect and defend America's constitution and national secrets, Mr. Bergy believes he has exposed a much larger group of people protecting Gen. Jones, and likely Jon Huntsman. Mr Bergy believes at the very least such highly questionable relationships between the subject of Mr. Bergy's 2015 IG complaint and Gillian Turner, a senior FOX News host, warrants further investigation for potential obstruction in Mr. Bergy's role as a federal auditor as claimed in his 2015 Inspector General complaint. The Anti-Drug Abuse Act of 1988 (Pub.L.No. 100-690, § 7078, 102 Stat. 4181) created an obstruction of Federal audit offense, codified at 18 U.S.C. § 1516. The statute provides: Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

connection between Psy-Group, owned by Zamel and iPsy, the relational database component of ShadowNet.

41. Credible media reports also claim that Psy-Group was involved in the Cambridge Analytica scandal. Mr. Bergy finds this extremely troubling as Facebook has just partnered with the Atlantic Council to, "restore election integrity worldwide" and "combat fake news worldwide." At the time of this partnership, Gen. James Jones was the interim Atlantic Council Chairman of the Board, having been tapped by the departing Chairman, Jon Huntsman, to replace him as Mr. Huntsman had accepted President Trumps nomination as U.S. Ambassador to Russia.

42. Mr. Bergy found that relationship troubling because his 2015 whistleblower story had been picked up by Judge Jeanine Pirro and Sara Carter of FOX News in December 2018, and January 2019. After speaking on the phone with Ms. Pirro on 18 Dec. 2018, and with Sara Carter on Jan. 13th, the last time Mr. Bergy heard from either of them again was after receiving a text from Sara telling me she has spoken with Jeanine Pirro and was going to run my story on FOX the following week. (exhibit #8)

43. At nearly that same time Mr. Bergy received a text from Ms. Pirro stating that she was speaking with Congressman Devin Nunes in re my issue (exhibit #8). That was a very promising response for Mr. Bergy because his previous Republican Congressman, Gus Bilirakis, had his chief of staff call Congressman Nunes personally while Mr. Bergy was standing in her office right around the same time, he first spoke with Jeanine Pirro in December 2018.

44. Mr. Bergy also reached out to his previous Congressman, Charlie Crist, and had his veteran liaison, Gershom, fax copies of Mr. Bergy's sworn and signed under oath, memorandum or record. (see exhibit) The text from Ms. Pirro regarding her meeting with Congressman Nunes was the last time Mr. Bergy has heard from Judge Jeanine Pirro or Sara Carter. After more than two-months of text

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37. Another evidentiary fact Mr. Bergy only discovered in late 2016 was that Dynology was Paul Manafort's number one partner with Manafort's' company, 3EDC. (exhibit #5) Also, at the same time Mr. Bergy was making commercial marketing slicks for Dynology's, "ShadowNet," Dynology was providing Sen. John McCain's presidential campaign with his IT security, web & micro-targeted social media, as Mr. Bergy understood from his personal conversation with Jim Jones regarding the matter on or near Oct., 2008.

38. After Senator McCain won the Republican primary, Paul Manafort's company, 3EDC, took over as the IT prime on McCain's presidential campaign. FEC records show both 3EDC and Dynology received nearly $500,000 combined from the campaign as reported for that time. (exhibit #5) Following the release of ShadowGate, the FEC filings mentioned above were modified.

39. The ShadowNet was designed to do essentially everything the FBI indicted the 13 Russian's for in 2018, as well as the same services that were proposed to the Trump campaign in 2016 by a company called Psy-Group, which is owned by Joel Zamel and is the sister company to Mr. Zamel's, 'Wikistrat.' Gen. Jones and Gen. Michael Hayden are both on the board of Wikistrat, according to published media reports. (exhibit #7) This is telling because ShadowNet and iPsy, both owned by Gen. Jones, provide nearly the exact same "black PSYOP" services as the proposal by Psy-Group. This would be like the CEO of Pepsi being on the board of Coke. It seems very suspicious, and it is because of this Mr. Bergy suspects the strong likelihood that iPsy and Psy-Group are, at the administrative and operational level, the same company.

40. Mr. Bergy also strongly suspects Wikistrat is actually the organization behind, 'Wikileaks,' and suggests that Mr. Bergy may have submitted a whitepaper to his employer, Dynology, with a very similar scenario using an online persona, similar to Wikistrat, as an asset for non-attributional dissemination tool as part of a much larger set of strategic capabilities. He also believes there to be a

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

32. Evidence also strongly suggests Dynology Corporation, et al, along with Paul Manafort, Rick Davis, owners of 3EDC, a micro-targeted social media service, used Department of Defense psychological warfare weapons developed using taxpayer appropriated funds, against unsanctioned targets in U.S. and Ukrainian election influence operations in 2008, 2010, 2014 and 2016. Specifically, the presidential campaign of Senator John McCain, which Dynology was the IT provider for in Senator McCain's 2008 primary race before 3EDC took over post-primary. (exhibit #5)

33. In 2014, Mr. Bergy noticed subtle signs, similar to the social media psychological warfare weapon he developed for the Department of Defense in 2008 for Dynology, being used to influence the Michael Brown riots. Mr. Bergy's colleague in South Korea, Justin Losh, confirmed the operation Mr. Bergy had suspected was in the Ukrainian region using a trace routing application.

34. Dynology kept the intellectual property rights after the 2008 Iraq contract ended and then sold it commercially under the trademarked name of "ShadowNet" and "iPsy." (exhibit #6) The military nomenclature of the social media psychological warfare capabilities is Interactive Internet Activities [IIA] and we won another IIA contract supporting the JMISC for CENTCOM at McDill in Tampa.

35. The 4th Psychological Operations Group [4th POG] we had developed the weapon for started over from scratch when we (Dynology) left. The new company that replaced Dynology on the Iraq contract didn't even know they needed a "ShadowNet." Capability [database, non-attributional fabricated persona's, collaboration portal.) This had an immediate and detrimental impact on the mission of the 4th Psychological Operations Group in Iraq.

36. Dynology, under the guidance of its then president, Jim Jones, son of Gen. James Jones, then licensed the "ShadowNet" back to the military. In what is clearly a conflict of interest, at nearly the exact same time we were starting the new contract for JMISC, Gen. James Jones was being sworn in as then President Barak Obama's National Security Advisor.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

29. Another key incident Mr. Bergy believes contributed to what eventually led to his constructive termination following a protected disclosure involved the renewal of Mr. Bergy's Top-Secret federal clearance, which was fraudulently requested for renewal in 2011 with no contract requirement above Secret in the deliverables. (exhibit #4) An administrative error by Jim Jones, Mr. Bergy's security officer responsible for managing his clearance, required the OPM submission documents to be resubmitted with a new date several months later.

30. When Mr. Bergy questioned the legality of falsifying official documents and fabricating the actual requirement for renewing a Top-Secret clearance, which can cost the U.S. government over $100,000 to adjudicate an overseas renewal. Although my contract only required a Secret clearance, Dynology would use my resume on other Defense Department bids by falsely claiming my services and submitting it with other proposals that required a Top-Secret clearance. Dynology would then just substitute me with someone else if the contract was awarded. The MPRI program manager at the time, Gen. Richard Blunt, asked me why Jim Jones was requesting my Top-Secret be renewed when the contract only required Secret. After Mr. Blunt spoke directly with Jim Jones, MPRI signed off on it but the contract requirement for only Secret never changed. Although the statement that is the subject of an 18 U.S.C. § 1001 violation usually concerns past or present facts, it need not do so. A present statement as to future intent, e.g., a promise to do that which is not actually intended may be a false statement of an existing fact. See United States v. Shah, 44 F.3d 285 (5th Cir. 1995). Under Section 1001 "a promise may amount to a false, fictitious or fraudulent statement if it is made without any present intention of performance and under circumstances such that it plainly, albeit implicitly, represents the present existence of an intent to perform."

31. AND because the program manager for Engility conspired with Jim Jones, Dynology, 18 U.S.C. § 371— The general conspiracy statute, 18 U.S.C. § 371, creates an offense "[i]f two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose. For a violation of 18 U.S.C. § 1001, a false statement may be written or oral, sworn or unsworn, voluntarily made in regard to information sought as or required by law, signed or unsigned.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

something by means of deceit." United States v. Lichenstein, 610 F.2d 1272, 1276-77 (5th Cir.), cert. denied, 447 U.S. 907 (1980). The government may prove that a false statement was made "knowingly and willfully" by offering evidence that defendants acted deliberately and with knowledge that the representation was false. See United States v. Hopkins, 916 F.2d 207, 214 (5th Cir. 1990). The jury may conclude from a plan of elaborate lies and half-truths that defendants deliberately conveyed information they knew to be false to the government. Id. at 214-15.

27. The formal complaint filed with the Engility program manager in May 2015, was just one of several very serious internal complaints I had raised. One complaint in 2013 involved a massive loss of data in 2013, (exhibit #3) which resulted in having my responsibilities removed for nearly a year after submitting an after-action report critical of the government; our "client."

28. Conservative estimates of the government products that were lost on the drive was over $1,000,000 in time and labor. The data loss included J84's data, which was the USFK Comptroller responsible for more than $10,000,000,000 in U.S. personnel and assets. U.S. FOIA and obstruction of a federal audit were also likely violated. 18 U.S.C. § 1516. The statute provides: Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person receiving in excess of $100,000, directly or indirectly, from the United States in any 1 year period under a contract or subcontract . . . For purposes of this statute -- The term "Federal auditor" means any person employed on a full- or part-time or contractual basis to perform an audit or a quality assurance inspection for or on behalf of the United States; the term "in any 1 year period" has the meaning given to the term "in any one-year period" in section 666 [of Title 18, United States Code] Under 18 U.S.C. § 371, the fraud or impairment of legitimate government activity may take any of several forms: Bribery of a government employee, kickbacks to government employees or extortion of money or favors by government employees, misrepresentations of financial capability, alteration or falsification of official records, submission of false documents; and Obstructing, in any manner, a legitimate governmental function.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

1995). Under Section 1001 "a promise may amount to a false, fictitious or fraudulent statement if it is made without any present intention of performance and under circumstances such that it plainly, albeit implicitly, represents the present existence of an intent to perform." 18 U.S.C. § 1001 requires that the false statement, concealment or cover up be "knowingly and willfully" done, which means that "The statement must have been made with an intent to deceive, a design to induce belief in the falsity or to mislead, but § 1001 does not require an intent to defraud -- that is, the intent to deprive someone of something by means of deceit." United States v. Lichenstein, 610 F.2d 1272, 1276-77 (5th Cir.), cert. denied, 447 U.S. 907 (1980). The government may prove that a false statement was made "knowingly and willfully" by offering evidence that defendants acted deliberately and with knowledge that the representation was false. See United States v. Hopkins, 916 F.2d 207, 214 (5th Cir. 1990). The jury may conclude from a plan of elaborate lies and half-truths that defendants deliberately conveyed information they knew to be false to the government.

25. Upon Mr. Bergy`s return to Virginia to Dynology's headquarters in May 2015, Mr. Bergy was told by Jim Jones, (after a tour of Gen. Jones' much larger office – the largest in Dynology and next to his son, Jim) that Dynology didn't have any contracts they could put me on and let me go.

26. Mr. Bergy was a full-time Dynology employee, not a 10-99 sub-contractor. When Mr. Bergy filed for unemployment. Dynology fought it, falsely claiming to the unemployment office that Mr. Bergy had quit, which was a willful lie. The modification of a $12 million Defense Contract and not having another contract to put Mr. Bergy on, then letting him go is not what any reasonable person would consider as having quit. (exhibit #2) A short time later, health and financial issues resulted in Mr. Bergy's homelessness in a tent-city in Clearwater, FL. Mr. Bergy asserts that Dynology's action in making these false claims to the unemployment officer was KNOWINGLY AND WILLFULL: The prohibition of 18 U.S.C. § 1001 requires that the false statement, concealment or cover up be "knowingly and willfully" done, which means that "The statement must have been made with an intent to deceive, a design to induce belief in the falsity or to mislead, but § 1001 does not require an intent to defraud -- that is, the intent to deprive someone of

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Bergy and have him removed from the contract position he had been working on for the previous 5 years.

22. The modification to the contract began the day after Mr. Bergy, along with Engility employee, Justin Losh, filed a formal complaint of abuse after Mr. Bergy was threatened for his refusal to provide administrative access to a classified network to the J83 Chief. The threat was made so loudly, Mr. Losh heard it from nearly ten feet away in our phone conversation. [See attached: Formal Complaint Knowles Signed]

23. The contract, known as "Castles Korea," was modified in retaliation for Mr. Bergy's protected disclosure as a whistleblower. The modification removed only the requirements of Mr. Bergy's position, even when the Engility IT contract support was far more qualified to fill the PAO position. [exhibit #1]

24. Within a few days of what Mr. Bergy believes was his constructive termination by being forced to leave, the Castles Korea contract was modified back to its original requirements, and Mr. Bergy was replaced. 18 U.S.C. § 371, creates an offense "[i]f two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose. 18 U.S.C. § 1001, a false statement may be written or oral, sworn or unsworn, voluntarily made in regard to information sought as or required by law, signed or unsigned. 914. CONCEALMENT--FAILURE TO DISCLOSE - Although 18 U.S.C. § 1001 is often referred to as a false statement statute, its scope extends beyond statements. The statute proscribes the acts of making false statements, falsifying, concealing or covering up. The statute also covers half-truths if there is a duty to speak the truth. 915. FALSE STATEMENTS AS TO FUTURE ACTIONS - Although the statement that is the subject of an 18 U.S.C. § 1001 violation usually concerns past or present facts, it need not do so. A present statement as to future intent, e.g., a promise to do that which is not actually intended may be a false statement of an existing fact. See United States v. Shah, 44 F.3d 285 (5th Cir.

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asked this former colleague of Mr. Bergy for more information. Mr. Bergy was informed directly by his former colleague, which we are not releasing the name at this time for their security, that the lawyer that reached out to him had died. This person only learned this when his concerns led him to search the internet and found his death reported online. As mentioned below, Mr. Roger Stone was mentioned in ShadowGate as being a former business associate of Paul Manafort; former partner of Dynology at the time in question shown in the ShadowGate Documentary.

18. Mr. Bergy would like to request the court and Department of Justice to consider these potential threats and provide Mr. Bergy with whistleblower protections lawfully allowed based on his current status as of this whistleblower affidavit.

19. Mr Bergy believes the information in his qui tam in January 2020, was highly relevant to the Trump impeachment proceedings. In Mr. Bergy's qui tam whistleblower lawsuit, he formally requested emergency relief in providing his pleading and attached affidavits to Chief Justice Roberts, whom was overseeing the impeachment proceedings at the time of filing. The attached motion was dismissed WITHOUT PREJUDICE.

20. This case is about Patrick Bergy's efforts for nearly 5 years to protect U.S. national security by exposing the fraud, waste and abuse he personally witnessed in his Department of Defense contract work for Dynology involving cyber-security, information assurance of classified and unclassified networks and tactical.

21. Specifically, in order to protect the $20,000,000 Department of Defense contract at USAG Yongsan, Seoul, South Korea, and to obtain other Defense Department contracts. The Engility program manager, "Buck" Buchanan, USFK J8 Director, Col. USFK J8 Deputy Director, Jim Jones (then president of Dynology and son of Gen. James Jones) and others at Dynology, conspired to retaliate against Mr.

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13. In July 2020, a documentary was released by a U.S. journalist, Millie Weaver; 8-year contract journalist for Infowars. As the documentary, ShadowGate was being uploaded for Alex Jones to review, the police arrived at her home in Ohio and arrested Millie, her brother Chuck and husband Gavin. Mr. Bergy was in Austin, TX awaiting his interview with Alex Jones when the arrest took place. Uncertain of what was happening, Mr. Bergy left his hotel and went across the street to the address he found online for Infowars and was subsequently brought on set for a live interview.

14. Within hours of my Infowars interview, Alex Jones and others associated with Infowars began attacking Millie, Patrick Bergy and others related to the documentary. These attacks were brutal, and included the doxing of an underage rape victim for which charges were filed against an Infowars contractor, Kaitlin Bennett. Millie's employment with Infowars was terminated within hours of her being released from jail, and while she was under a gag order by an Ohio judge not to speak about the arrest.

15. Shortly after the release of ShadowGate documentary, Mr. Bergy was contacted by Lara Logan, FOX News journalist, as well as her husband and the person that arranged the conversation. Millie and Gavin were also on the conference call. During that call we were asked if we would meet them at Wright-Patterson Air Force Base; I declined and so did Millie and Gavin.

16. A few months later, I was informed by Gavin that Lara Logan and her husband had reached out to them with information that exposed the arrest of Millie Weaver was orchestrated in a SCIF on Wright-Patterson, AFB by military contractors. By this time Mr. Bergy had also learned that Lara Logan's husband had worked in IIA (Interactive Internet Activities) for Lincoln Group, at or near the same time Lincoln Group was outed for paying journalists to report stories in the same region. It is extremely concerning to all involved the claims made by the Logan's and warrant further investigation. The arrest of a U.S. journalist, orchestrated on a U.S. military base cannot be dismissed without a thorough investigation into the Logan's claims.

17. On Sunday, November 22, 2020 a former colleague reached out to Mr. Bergy with information that he was contacted shortly after the release of ShadowGate documentary in August 2020 by a member of Roger Stones legal team. This person sent Mr. Bergy's former colleague a link to the documentary and

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9. So, after going through his chain of command and all legal channels, and finding new, extremely disturbing facts coming in such as Facebooks partnership with the Atlantic Council and the potential threat this poses to clearly protected Constitutional rights of privacy to all Americans, potentially hidden within third-party memorandum of understanding between General James Jones and his other companies, such as ClearForce, Jones Group International and Iron Hand Security.

10. Mr. Bergy called Robert Mueller's Special Council after being provided the number by Mr. Bergy's new Congressman at the time, having moved to a homeless shelter in a new district, Congressman Charlie Crist, in late 2017. Mr. Bergy spoke with someone from his staff for nearly 15 minutes, even explaining that the small, family owned company Mr. Bergy built the ShadowNet for, was at the same time Paul Manafort's number one preferred partner.

11. Mr. Bergy made several, officially documented attempts to reach Robert Mueller's staff prior to him submitting his final report, but nobody ever contacted Mr. Bergy back from the Special Counsel. After watching Robert Mueller's testimony, Mr. Bergy became even more concerned about an organized cover-up the further in law enforcement, legislators and even journalists he witnessed and the facts around his whistleblower complaint ignored. Mr. Bergy doesn't understand or accept that Robert Mueller's Special Council was operating in good faith by failing to follow-up with Mr. Bergy, whom contacted them with the information listed about and Dynology's relationship to Paul Manafort and Rick Gates on several occasions, including faxing a formal memorandum of record to him by Mr. Bergy's then congressman, Charlie Crist.

12. Mr. Bergy is extremely concerned for his own safety, and believes once those responsible for killing his FOX News story (see below) and formal memorandum's of record, will no longer be able to ignore him and the threat his testimony has on some of the most powerful people in the world. The facts in Mr. Bergy's case fully supports his concerns but is unafraid and won't be intimidated when it comes to honoring the oath he swore to protect his country from all threats, foreign and domestic.

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5. It was around this same time Mr. Bergy changed the format of a book he was writing for his children as a way to explain why the service their dad volunteered for to his country, had taken him away from them for nearly 8 years overseas with the Department of Defense. While keeping his experience in running for Pasco County Supervisor of Elections in 2005, to his enlistment in the U.S. Army Reserves at the age of 39; turning 40-years-old during basic training in Fort Benning, Mr. Bergy started documenting reports surrounding the 2016 cyber-related election scandals, placing many things he saw happening as having very similar characteristics to the social media psychological warfare weapons and techniques Mr. Bergy helped develop for Gen. James Jones's company, Dynology.

6. Mr. Bergy also started noticing many of the same people in media reports and subsequently involved with the Robert Mueller Special Counsel investigation. In fact, Mr. Bergy has on his own, with only limited means, identified more than 8 [eight] people and 2 [two] Israeli based social media influence operations companies that were directly tied to Gen. Jones, Dynology, The Atlantic Council and the ShadowNet Mr. Bergy helped in pioneering for the Department of Defense, and subsequently marketed for commercial purchase.

7. Mr. Bergy is prepared to testify on at least 2 [two] discussions with Jim Jones, Dynology's president, and a colleague with MPRI, about the potential value the ShadowNet would have in altering the outcome of U.S. elections based on our quantifiable results in Iraq using similar techniques in support of the Public Affairs Office [PAO] for the Department of Defense.

8. The classification of any specifics prevents Mr. Bergy from discussing outside of a Secure Compartmented Information Facility [SCIF} approved to discuss specific details. Mr. Bergy only discusses UNCLASSIFIED information, such as the ShadowNet marketing slicks which were publicly disseminated by Dynology, or Mr. Bergy's personal knowledge as a subject matter expert in cyber-security and publicly documented and reported facts.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

INTRODUCTION

1. Patrick Bergy brings this before you today, only after having pursued all legal means in his chain of command. Beginning with documented, required reporting as part of the contracts deliverable to his employer, Dynology, and the "prime" contracting company on the Castle Korea contract, Engility (MPRI),

2. Mr. Bergy then took his formal, written complaint to the J8 acting Deputy whom was in the nomination process for his SES promotion, and he didn't do a thing with it for over 3 months after Mr. Bergy was forced out of his position in May. When the J8 deputy did send it following an email request Mr. Bergy sent him, he sent it to contracting office; not the IG or CID where such a report clearly should have gone.

3. Mr. Bergy then filed a formal complaint with the Department of Defense Inspector General, (exhibit #1) which was denied not because of the merit of my claims, but because Mr. Bergy was apparently not protected as a sub-contractor, even though the Defense Department's Office of Inspector General's website said sub-contractors were protected.

4. Frustrated and not agreeing with the IG withholding adjudication of his claim, Mr. Bergy took his denied appeals to his then Congressman, Gus Bilirakis. Congressman Bilirakis then took Mr. Bergy's IG whistleblower denial to OSHA, which confused OSHA as much as it did Mr. Bergy. Predictably, OSHA essentially came back with a response that it was not within the scope of their mission, and Congressman Bilirakis' staffer responded there was nothing further they could do and closed Mr. Bergy's case on or around early 2016.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

SWORN STATEMENT OF PATRICK B. BERGY

I, Patrick B. Bergy, makes this statement of facts against his former employer, Dynology Corporation, ClearForce Corporation, Engility Corporation (formerly MPRI), Gen. James L. Jones, Jim Jones, Gillian Turner, FOX News.

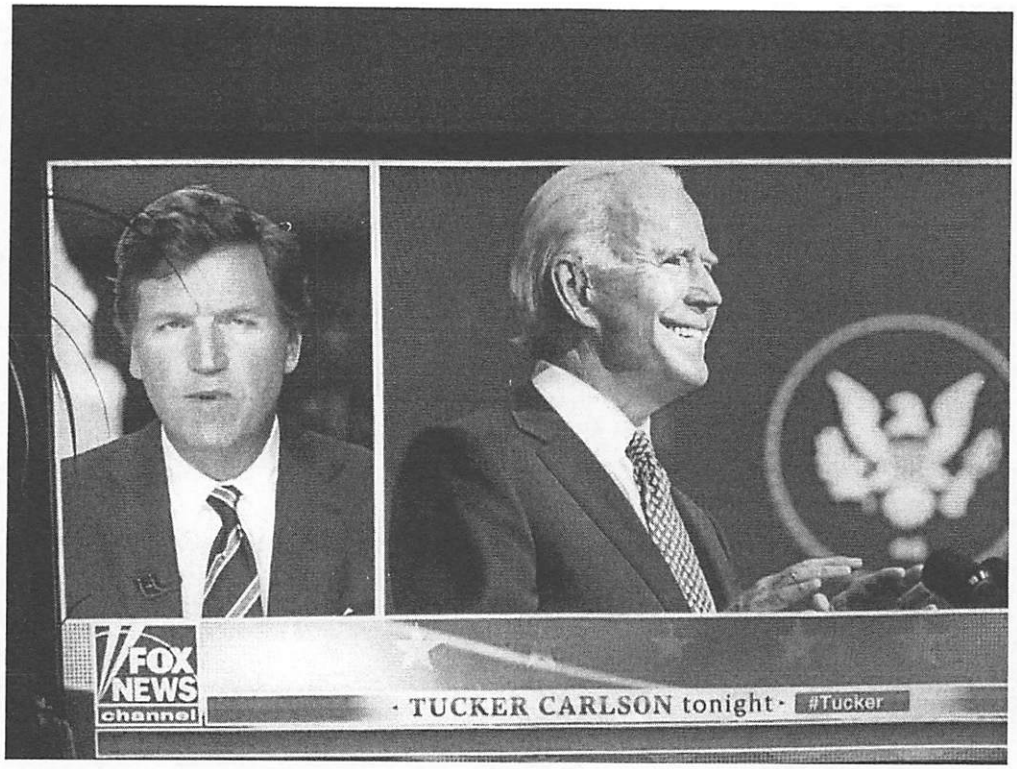
Upon knowledge with respect to his own acts and those he personally witnessed, and upon information and belief with respect to all other matter – as follows:

PARTIES

1. Patrick Bergy, is an individual and citizen of the United States of America residing in New Port Richey, FL.

2. Gen. James Jones, Jim Jones, Dynology Corporation, Engility and MPRI are all authorized to do business in Washington. DC. Gen. James Jones and his principal place of business for Dynology, ClearForce and Jones Group International are all located at the same Towers Crescent address for delivery of service.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT: C Left ear has a detached lobe.

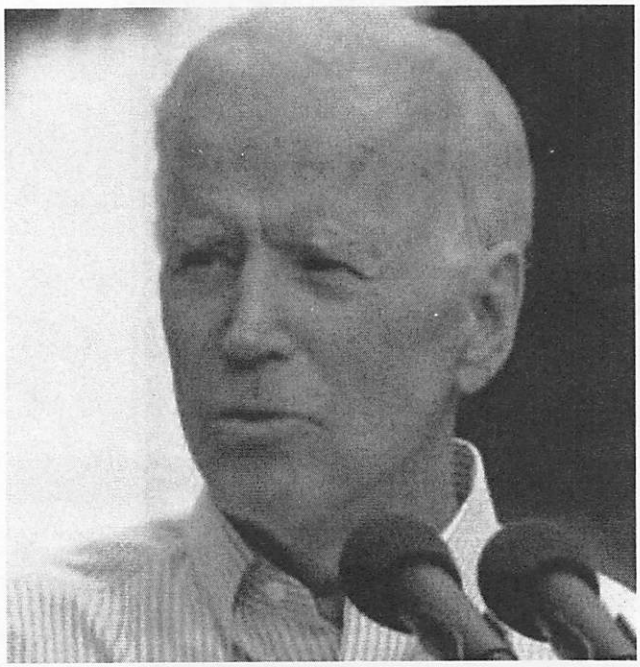
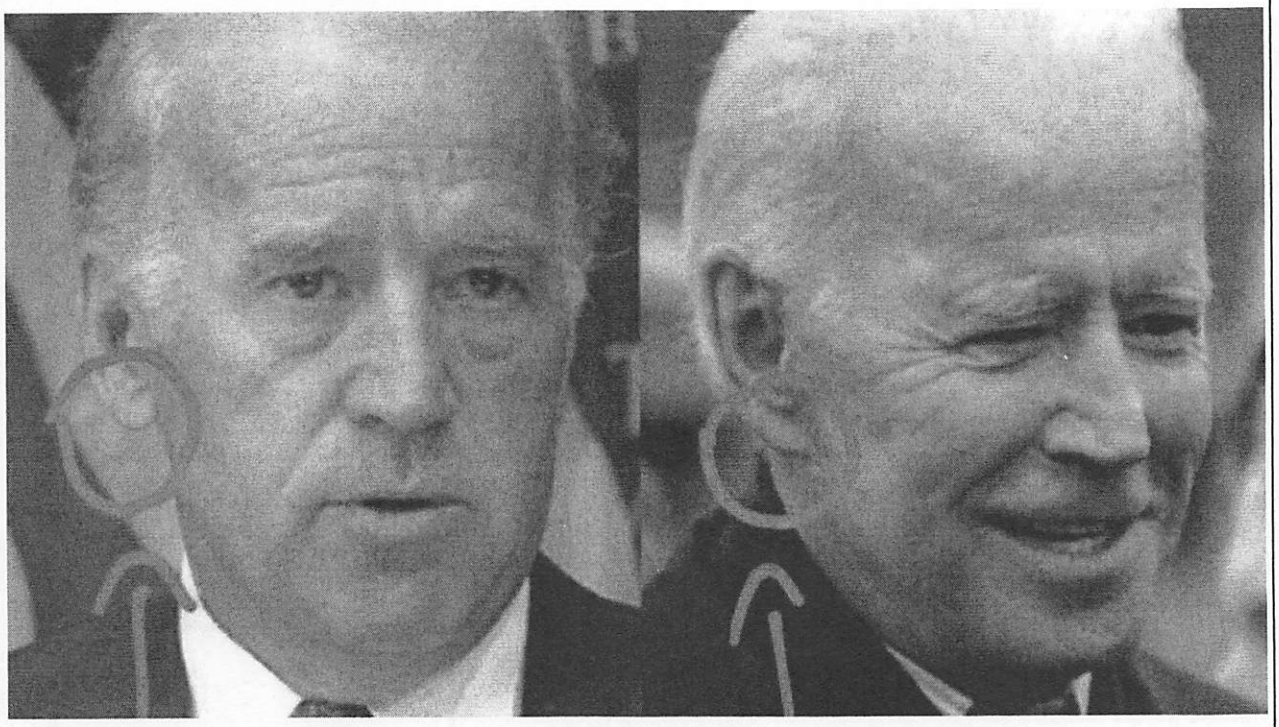
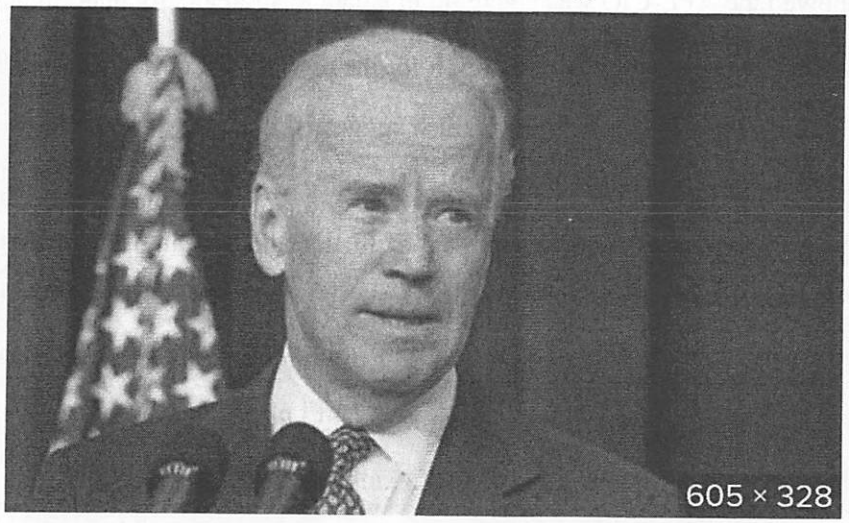


EXHIBIT: D Right ears are different

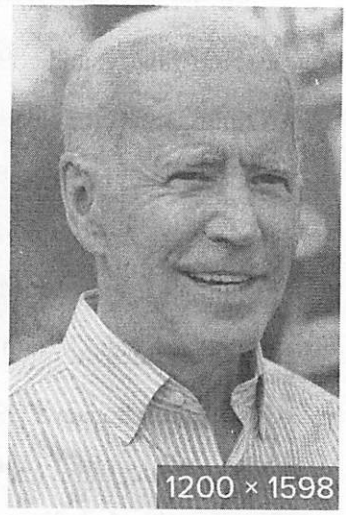


Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT A: Right ears are different. One photo has a detached lobe, the other photo has an attached lobe.

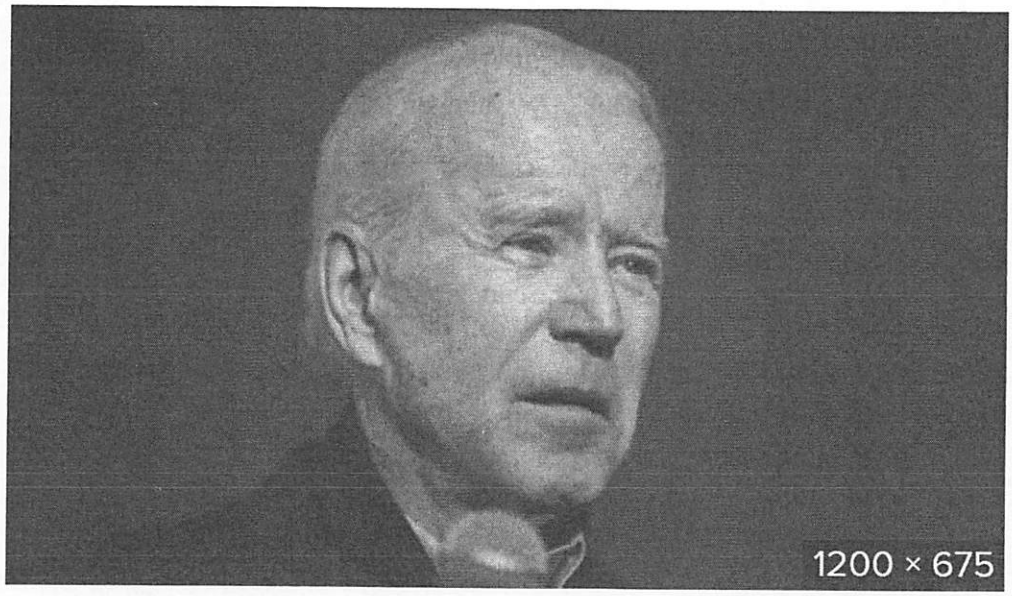


Biden: Immigration 'about dignity' - POLITICO
politico.com



Joe Biden - Wikipe...
en.wikipedia.org

EXHIBIT B: Right ear has an attached lobe to the jaw.



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

These people will testify about this and additional material. This material was reported to me to be authored by a lawyer working with George Soros and his organization. This material contained information that clearly showed the AFL-CIO was engaging in a plan to strategically undermine, coerce, falsify, and corrupt the American Presidential election for the purposes of defeating Donald J. Trump, and fraudulently electing Joe Biden. This material also suggested that after the election, Joe Biden would be removed and replaced. See Exhibit 2.

10. I received first hand materials from the Department of Justice and Bureau of Prisons, and personally experienced a training program entitled, "DEEP BLACK" by David Guyatt, in which Obama-Biden Administration and the Department of Justice and Attorney General Eric Holder and Assistant Attorney General Lanny Breuer, were collaborating with GEO Prison Services to indoctrinate, train, and recruit prisoners into a secret drug trafficking program. See Exhibit 1.

11. I shall make myself available to discuss this matter at any time, and would encourage, recommend and implore the Federal Bureau of Investigation to conduct any other measurable analytics to ascertain and determine if the real vice-president Biden showed up, or whether the person was an impostor.

I declare under penalty of perjury of the laws of the State of Tennessee that, based on a good faith belief and information, the foregoing is correct and true.

Executed this 25 day of November, 2020, in Washington DC.

__Scott Bennett /S/_____

Scott Bennett

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

and the Biden candidate and VP candidate Kamala Harris (sp?) is disqualified from holding political office in the United States, and will not be recognized as having any authority or jurisdiction in any governmental position.

9. As far as the voice, I would defer to the analysis done by the FBI regional office in Nashville, Tennessee.

10. BE ADVISED, you are hereby officially served with a whistleblowing report by a former Officer of the United States Army. I am the author of the Military Whistleblowing Report titled, "SHELL GAME: The Betrayal and Cover-up by the U.S. Government of Union Bank of Switzerland's Terrorist Finance Connection to Edward Snowden, Booz Allen Hamilton, U.S. Central Command, and the Clinton Foundation." This report provides details about the conspiracy between members of the Obama-Biden Administration, including but not limited to Eric Holder, Lanny Breuer, Loretta Lynch, Hillary Clinton, Barack Obama, Joe Biden, Tim Geitner, and others. See Exhibit 1.

11. Civil and criminal violations relating to this report include, but not be limited to, the following laws and regulations (Federal and Uniform Code of Military Justice):

4 U.S.C. App. Sec. 3 § 8H [title VII, § 701 (b)] (Whistleblower Protection for Intelligence Community; Employees Reporting Urgent Concerns to Congress);

5 U.S.C. § 7211 (Lloyd-LaFollette Act, Employees' Right to Petition Congress);

5 U.S.C. § 552 a (Privacy Act);

5 U.S.C. Appendix, § 7 (Inspector General Act);

10 U.S.C. § 1034 (Armed Forces/Prohibition Against Retaliation);

10 U.S.C. § 2409 (Department of Defense Contractor Fraud Antiretaliation)

18 U.S.C. § 1513(e) (obstruction of Justice, Retaliation Against Whistleblowers);

18 U.S.C. § 1961, 1962, and 1964 (Racketeer Influenced and Corrupt Organizations Act);

42 U.S.C. § 1985(d) (Civil rights Act of 1871);

18 U.S.C. § 241 (Deprivation of rights using color of law);

18 U.S.C. § 242 (Conspiracy to commit deprivation of rights under color of law);

Executive Order 12731, §101(k), 5 CFR § 2635.101, 57 Federal Register 35006 (Principles of Ethical Conduct for Government Officers and Employees)

9. I received documentation and information from people working within the AFL-CIO, in person, and had extensive discussions with the individuals about this documentation and information.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

DECLARATION OF SCOTT BENNETT

I, Scott Bennett, declare and state:

1. I have first hand knowledge of the facts set forth hereinafter, or, based on the information stated herein, I have a good faith belief that the following is true and correct.

2. I am [redacted] years old. My address is [redacted] My telephone number is [redacted] and my email address is armypsyop@outlook.com.

3. The material within this report contains evidence of support for terrorist networks and operations, Presidential Election Fraud, and other violations of the U.S. Constitution and laws.

4. I watched the Presidential debates, and have studied the photographs, audio recordings, and visual information regarding the debates involving President Donald Trump and former Vice-President Joe Biden, which occurred on October 22, 2020 at Belmont University, 1900 Belmont Avenue, in Nashville, Tennessee 37212.

5. I am a graduate of Catholic University, George Mason University, and San Jose State University; and a former Army officer, State Department Counterterrorism Contractor, and have held a TS/SCI security clearance. I am a former U.S. Army Officer and Defense Contractor who worked at U.S. Special Operations Command, U.S. Central Command, the State Department Coordinator for Counterterrorism, the U.S. Department of Health and Human Services, and other government agencies.

6. I have reason to believe that the person who appeared to debate President Trump was not the real Joe Biden, but another person. When comparing original photographs, and reviewing the debates several times, I noticed that Joe Biden has free ear lobes, not attached ear lobes. Joe Biden has also has a smooth chin, not a cleft chin. Joe Biden also has a wider rather than such a narrow cranium. Several other people, including myself, noticed that Joe Biden has blue eyes while the person making the appearance had dark eyes. See Exhibits A-D.

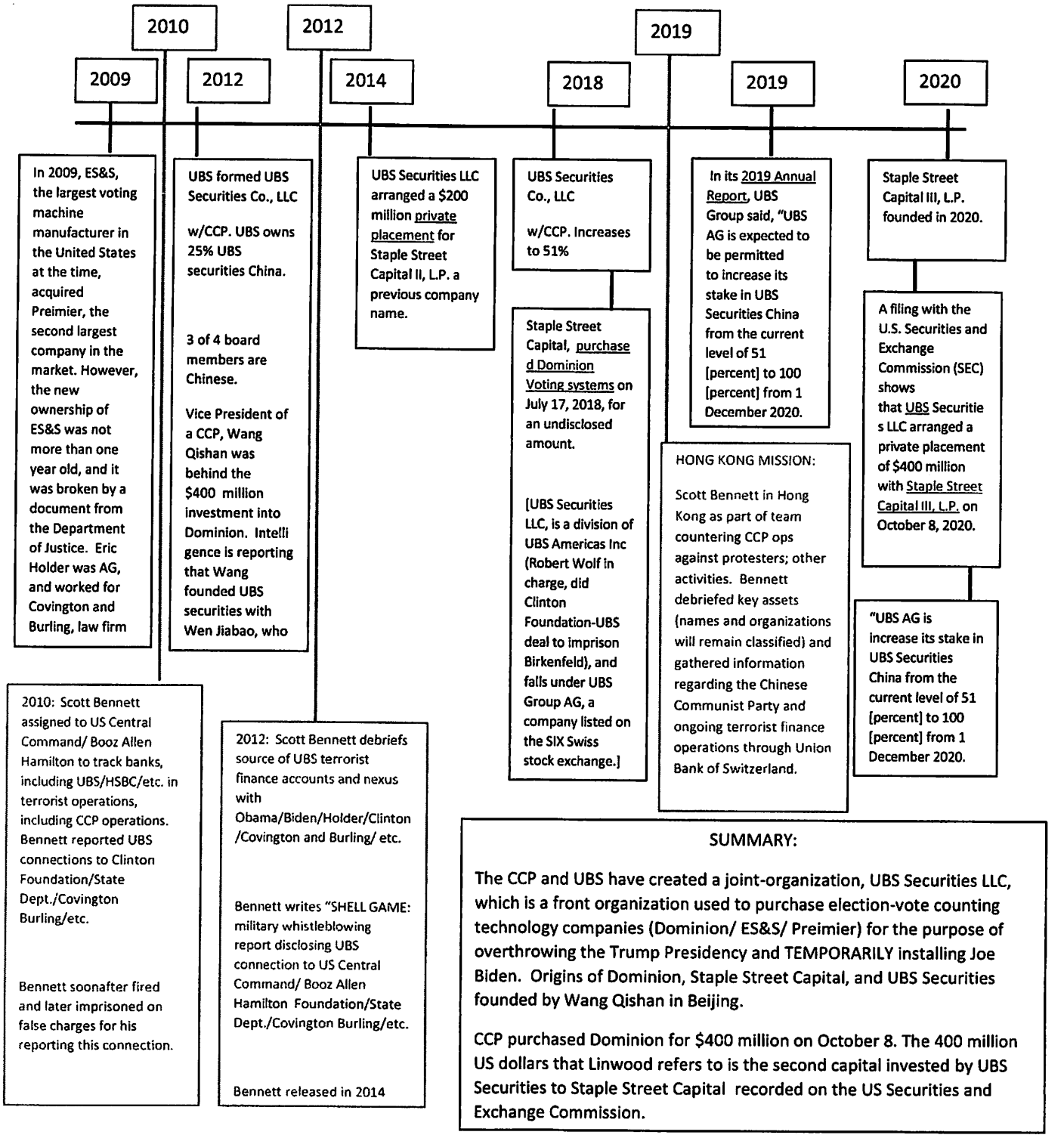
7. Based on the foregoing, I believe the person appearing during the Presidential debates as Joe Biden was, in fact, an imposter and not the former Vice-President of the United States of America. He may have been a body-double.

8. If so, I believe a great fraud has taken place over national airways and certainly such inconsistencies may justify an investigation and/or certification of former Vice-President's appearance and attendance. Additionally, if this was in fact an imposter, then the entire Biden campaign is a fraud

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT 1: TIMELINE

UBS/CCP/UBS Securities LLC/Staple Street Capital II, L.P./ Dominion/ Staple Street Capital III, L.P.



SUMMARY:

The CCP and UBS have created a joint-organization, UBS Securities LLC, which is a front organization used to purchase election-vote counting technology companies (Dominion/ ES&S/ Preimier) for the purpose of overthrowing the Trump Presidency and TEMPORARILY installing Joe Biden. Origins of Dominion, Staple Street Capital, and UBS Securities founded by Wang Qishan in Beijing.

CCP purchased Dominion for $400 million on October 8. The 400 million US dollars that Linwood refers to is the second capital invested by UBS Securities to Staple Street Capital recorded on the US Securities and Exchange Commission.

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television broadcast media through the merger of Warner Bros. CNN is the most prominent television media in the US media's overwhelming anti-Trump (Trump) camp.

Wall Street's humble Staple Street Capital seems incomparable to the huge AT&T, but they both have the same core figure, William Kennard, who was reused from the Democratic President Clinton to Obama.

He also controls Dominion, the voting machine company that determines the results of the election, and after the election became the leading AT&T influencer in American public opinion, this layout does not seem like a coincidence.

UBS Securities is actually a CCP company and giving UBS a little share is actually in the name of "UBS". This is the CCP's best at playing tricks, deceiving both the international community and the country/investor.

Liao Shiming analyzed: "Of course UBS also knows the CCP's purpose. In order to seize the Chinese market, they are usually willing to cooperate with the CCP's requirements. Even if the CCP later allows them to increase their shareholding to 51%, all the senior executives on the board are still Chinese, people whom the CCP can trust."

UBS Securities has a leading position in the industry in IPOs, stock issuance, M&A, bond issuance and other fields; and in terms of IPO projects, UBS has led the completion of the Bank of China, Industrial and Commercial Bank of China, China Construction Bank, China Merchants Bank, and Minsheng Bank. And other major projects.

UBS Securities as a securities investment company controlled by the CCP has not changed. Information on the UBS Securities website shows that the company's headquarters is still registered in Beijing, and the board of directors and senior management are all Chinese From the establishment of Dominion, its entry into the United States, and its use as a tool for stealing elections, from the perspective of the relationships, technical means, and capital relationships that have been exposed so far, it has all revealed the leading role played by the Chinese Communist Party.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that to the best of my knowledge, recollection, and experience, the foregoing is true and correct:

Signed in __Danville_____, California this 6th day of December, 2020.

____/S/_____
Scott Bennett

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Coincidentally, when Dominion became the global focus after the general election, more than one hundred Dominion employees, who accounted for one-third of the total number of employees, deleted their records on LinkedIn, including Serbian employees.
On July 16, 2018, Dominion issued a press release announcing that Staple Street Capital in New York and the management team of Dominion had acquired Dominion. The media briefing described Staple Street Capital as a medium-sized private equity firm.

Soon after the general election on November 3, Staple Street Capital's website almost changed its face. All the information about the company's founder and the company's investment portfolio was deleted. No relationship with Dominion could be seen on the website.

The two founders of Dominion - Stephen Owens and Hudan Jagbzad, and William Kennard, all have the same work experience. They all worked at the world's top private equity fund, Carlyle Group, at almost the same time. (Carlyle Group). Carlyle Group is the umbrella organization of defense contractor Booz-Allen-Hamilton, responsible for all terrorist financing and Swiss Bank tracking at U.S. Central Command.

The development history of the Carlyle Group is a prominent representative of the combination of American political and financial interests. Since its establishment in 1987, the main personnel who have controlled the company have been members of the Bush family and those who served as assistants in the Bush administration.

Wikipedia mentions that after the financier George Soros became Carlyle's limited partner in the mid-1990s, Carlyle's financing became easy, and it was obtained through former Secretary of Defense Frank Carlucci (Frank Carlucci) After the US military's $20 billion arms contract, Carlyle made the Bush family the world's richest family.

In 2009, Stephen Owens and William Kennard left the Carlyle Group at the same time, and their titles were both managing directors. Owens founded Staple Street Capital with former Carlyle colleague Jagbzad, and Kennard served as chairman of the board.

Kennard, as the chairman of the board of directors, took office in Europe this year, and he was appointed by Obama as ambassador to the EU until 2013. Kennard, a lawyer, was an important figure during Clinton's presidency. From 1997 to 2001, he served as the chairman of the Federal Communications Commission, in charge of the media and communications in the United States. In addition, he is a member of the Secretary of State John Kerry's advisory team.

On November 7, 2020, the fourth day after the general election, AT&T Communications announced that William Kennard was the new chairman of the board. AT&T not only monopolizes the US communications market, but also indirectly controls its CNN and countless

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companies. The board of directors and senior management members have been held by Chinese since its establishment.

UBS Securities, which invested in Staple Street Capital twice and registered the investment in New York, does not have a website. From public information, it can be seen that the four members of the board of directors are three Chinese. In addition, the company's female CEO works in Brazil instead of New York.

In October before the election, the 400 million US dollars received by Staple Street Capital, plus the 200 million US dollars received from UBS in December 2014, came from either Beijing or New York. Why did Staple Street Capital rewash its website in a hurry?

In 2009, ES&S, the largest voting machine manufacturer in the United States at the time, acquired Premier, the second largest company in the market. However, the new ownership of ES&S was not more than one year old, when it was broken by a document from the Department of Justice.

Dana Simpson, a former employee of the Soros Canada Foundation and a technical expert who cares about election fairness and is also a technical expert, has investigated Dominion for many years and found that Dominion has become the controller of 30% to 40% of the US bidding machine market. It was the result of Obama instigating the then Attorney General to operate in order to keep his re-election.

Dana Simpson discovered that in March 2010, the Ministry of Justice reached a settlement agreement with ES&S requiring ES&S to sell Premier within 60 days and requiring them to obtain approval from the Ministry of Justice to accept new buyers.

ES&S sold the company to Dominion, a Canadian company, that had never set foot in the US market, within the prescribed 60 days, and Dominion hurriedly took over Sequoia, the third largest voting machine company in the United States within a month. Within a few months, Dominion had taken full control of the US election market.

In addition to discovering that the Department of Justice helped Canada's Dominon settle in the United States, Simpson also discovered that Biden, as Vice President with Obama, was also busy with the same thing at the same time.

Simpson said in a November 2020 survey article in the National File that Biden visited Serbia in May 2009 to personally recruit computer hackers there to control the future software design for Dominon. On Dominon's website, Serbia is marked as the location of the company's branch.

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Breuer, conspired with Swiss government to imprison American Swiss Banker and whistleblower Brad Birkenfeld, in order to silence him, and steal and extort the 15K Swiss Bank accounts to fund black ops in Libya, Benghazi, and Syria, and elsewhere. Birkenfeld must be subpoenaed to provide info. This report is an addendum to that report.

ORIGINS:

Scott Bennett was in Hong Kong as part of team involved in countering CCP operations against democrat protesters, and other activities.

During this mission Scott Bennett met and debriefed key human intelligence assets (names and organizations will remain classified) and gathered information regarding the Chinese Communist Party and its ongoing terrorist finance operations through Union Bank of Switzerland.

SUMMARY OF FINDINGS:
The CCP and UBS have created a joint-organization, UBS Securities LLC, which is a front organization used to purchase election-vote counting technology companies (Dominion) for the purpose of overthrowing the Trump Presidency and TEMPORARILY installing Joe Biden (who would be quickly replaced, most likely through an assassination blamed on Trump supporters, or Covid-19, in order to maximize the psyop "guilt and duty to carry on Biden's legacy."

"UBS Securities" renamed from Beijing Securities.
According to Cheng Yisun, who participated in the formation of UBS Securities and served as the general manager, in an interview, the establishment of UBS Securities was decided by the Beijing Mayor Wang Qishan and Premier Wen Jiabao. He called the establishment of Credit Suisse Securities as being "Born from the Jade" and said that "UBS Securities has been carrying a mission since its establishment".

This report will expose the origins of Dominion, Staple Street Capital, and UBS Securities founded by Wang Qishan in Beijing based on existing public information.

The CCP purchased Dominion for $400 million on October 8. The 400 million US dollars that Lin Wood refers to is the second capital invested by UBS Securities to Staple Street Capital which is recorded on the US Securities and Exchange Commission.

In June 2006, under the personal arrangement of Wang Qishan, the mayor of Beijing at the time, UBS Securities Co. Ltd was formed by UBS Securities Co. Ltd with the acquisition of small shares by UBS, with Guoxiang Assets under CCB as the controlling party and two state-owned

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Declaration of Scott Bennett

State of California)
) ss
County of Contra Costa)

I, Scott Bennet, on oath and subject to the laws of perjury, being over 18 years of age and legally competent to testify to the matters set forth herein, now declare as follows that the following is true to the best of my knowledge, recollection, and personal experience:

BENNETT SUPPLEMENTAL AFFIDAVIT REPORT (UNCLASSIFIED/ HUMINT)

(ORIGINALLY RECORDED ON VIDEO AND BEING SUBMITTED TO LAWYERS THROUGH MILLIE WEAVER.

ELECTION 2020: THE GREAT DECEPTION
This is a war, we must put ourselves in that frame of mind, and fight it with fearlessness, determination, and resolve.

SUMMARY:
Human intelligence assets have disclosed evidence, testimony, and information disclosing a detailed plan about UBS-CCP-Dominion election machines conspiring to engage in a coup against the United States and removal of President Trump through voting fraud that also apparently involves a AFL-CIO ground army of BLM-antifa-sunrise movements, and federal employees. This should be considered a violation of the President's Executive Order against "Foreign Interference in US Elections" and 18 USC 2331 (Domestic Terrorism). **See timeline, exhibit 1.**

KEY FINDINGS:
Human intelligence assets indicate Vice President of the Chinese Communist Party (CCP), Wang Qishan was behind the $400 million investment into Dominion. Intelligence is reporting that Wang founded UBS securities with Wen Jiabao, who was the former VP of China.

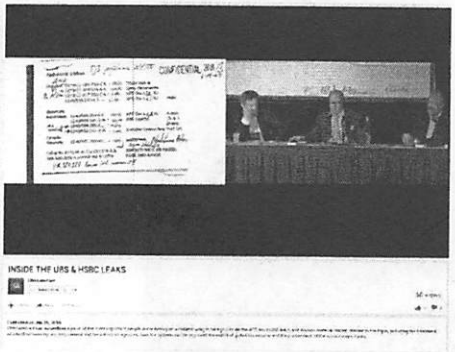
CAVEAT: It could be a trap set up by the deep State of CCP Jiang Zemin and Zeng Qinghong. The Wall Street Journal is actually in the hands of the CCP deep state

BACKGROUND:
I wrote a military whistleblowing report disclosing that the UNION BANK OF SWITZERLAND (UBS)-Covington and Burling-State Dept. Hillary-Clinton Foundation-DOJ Eric Holder/Lanny

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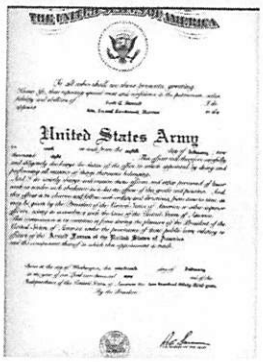
EXHIBIT 3





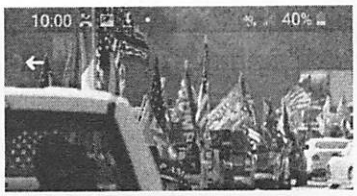








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SATURDAY, NOVEMBER 7, 2020 AT 11 AM PST

California's Capitol Recount Rally

5615 Pacific St, Rocklin, CA 95677-3...

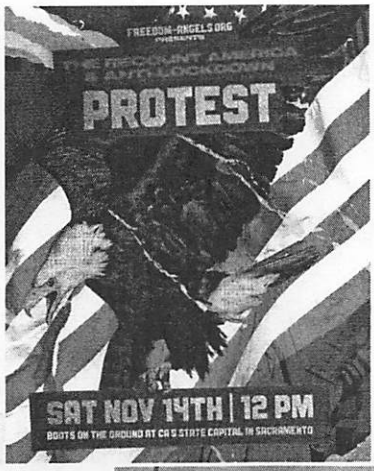
Interested Going Share More

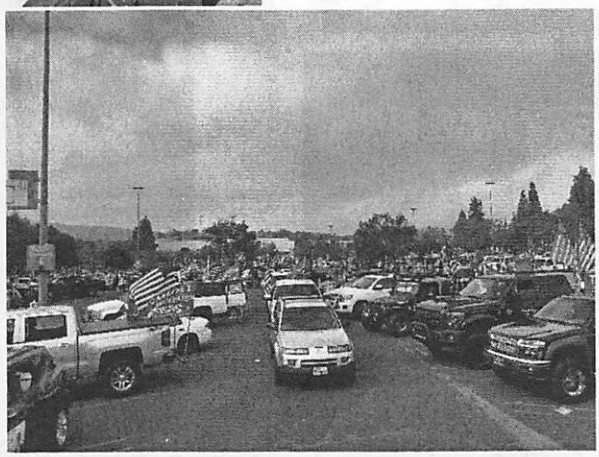
117 going or interested including **Eva Garcia Reyes** and **Chelsea K...**

Public · Hosted by **Brian Calhoun**

5615 Pacific St, Rocklin, CA 95677-3174, United States

About Discussion



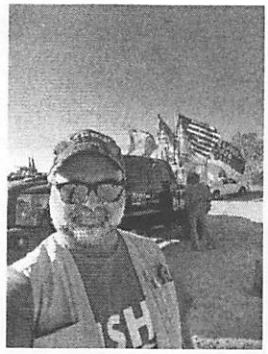




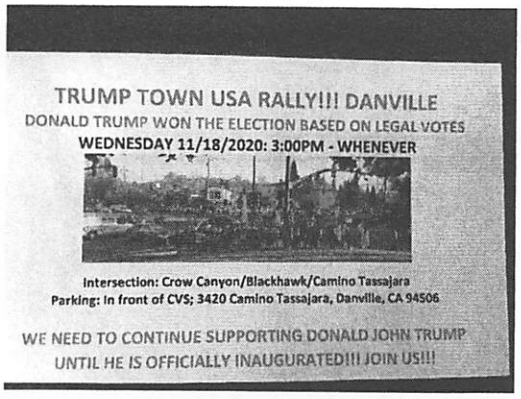
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EXHIBIT 2











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Strategic Considerations I: The Rules

- The Electoral College Formally Meets December 14th. If a state legislature takes action, there could be two Electoral College meetings that day in a state
- The New Congress Convenes a Joint Session on January 6th, 2021.
- In that session, the electoral votes are accepted and counted. Here are the potentially precarious scenarios:
  - If the count is tied (269 to 269) the House decides, but with each state casting just one vote. Today, that would mean a 26 to 24 Trump win.
  - If neither candidate has 270 electoral votes because a state doesn't send a slate, two are sent and neither is accepted, or another cause it is ambiguous whether the candidate with the majority wins or if it is sent to the House in which case it would be decided as above.

AFL-CIO

Phase Five:
January 7th Through Inauguration Day

AFL-CIO

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Strategic Considerations II: State Legislatures

- Article II of the Constitution provides that each state's electors shall be appointed "in such Manner as the Legislature thereof may direct."
- Since the 19th Century, that "manner" has been direct elections.
- If the results are not certified by December 8th, then the state legislature decides on a slate of electors.
- Although it has never even been attempted in American history, Trump supporters have argued that Republican state legislatures could appoint Trump electors by declaring that the certified results were poisoned by widespread fraud and use 3 USC 2 to appoint a different slate of electors
- Biden wins in Wisconsin, Pennsylvania, Michigan, North Carolina and Arizona could be threatened either way.
- Republican governors could fail to certify by December 8th to create a pretext for state legislative intervention.
- Some states have earlier state certification deadlines that Trump could attempt to exploit
- Governors cannot veto actions by state legislatures– but they are subject to judicial review by both state and federal courts.
- The current Supreme Court is likely to take a broad view of state legislative power in this context.

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Phase Four:
December 9th Through January 6th

AFL-CIO

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Phase Four:
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AFL-CIO

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Phase Three:
Saturday (ish) Through December 8th

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Strategic Considerations I: Safe Harbor Day

- The Constitution provides that Governors have until December 8th ("Safe Harbor Day") to appoint the electors based on their certified results of the election.
- The Electoral Count Act provides that a state's choice of electors will be conclusive if two things are true:
  1. The electors are decided by a process set in state law by Nov 3 (certification by the governor except in Arizona where the secretary of state), and
  2. That state process delivers a result by December 8th ("Safe Harbor Day")

AFL-CIO

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Phase Three:
Saturday (ish) Through December 8th

AFL-CIO

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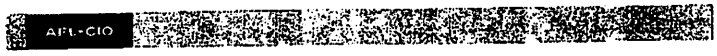
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AFL-CIO

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What to Expect November 3rd to 4th

- Trump will
  - Claim victory based on early leads and call for no votes to be counted after Election Day, and/or
  - Either claim widespread fraud or focus on urban Democratic strongholds if he is close enough in their states, especially Milwaukee, Detroit and Philadelphia.
  - Encourage his supporters to "watch" election administrators counting the ballots.
- What the Trump campaign and his supporters may do:
  - Intimidation at counting locations and elsewhere
  - Lawsuits
  - Exploiting legal rules to create frivolous delays to the counting process
- This will intensify as ballots counted after Election Day will favor Biden (mail + provisional).



Strategic Considerations

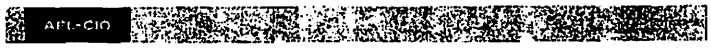
- Trump's vote relative to Biden's will never be better than it will be at 10:59 when polls close on the West Coast.
- Results after that will favor Biden as the majority of the ballots remaining to be counted will be mail and provisional. This will fuel Trump's claims of fraud which will enrage his followers.
- Recent court rulings that allow ballots received after November 3rd if they are postmarked ahead of the election will be another target of fraud claims.
- Unless the election is extraordinarily close in the tipping point state, we should know the voters' choice by Saturday even though not all the ballots will have been counted.
- Arizona, Florida, Pennsylvania, Wisconsin and Michigan are most likely to be hot spots.
- PA, MI and WI have Democratic governors, aggressively anti-democratic legislatures and little or no experience with this much mail voting.
- Florida will likely be counted first.



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Five Phases

1. Now Through Election Day
2. Election Night Through Saturday (ish)
3. Saturday (ish) Through December 8th
4. December 9th Through January 6th
5. January 7th Through Inauguration Day

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Phase One:
Now Through Election Day

AFL-CIO

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Five Phases

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AFL-CIO

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AFL-CIO

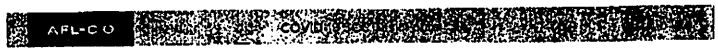
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ENTIRE AFL-CIO

at the moment is

LABOR 2020



AFTER THE ELECTION
WE WILL MOBILIZE --
TO DEFEND OUR VICTORY!
TO ADVANCE THE
LABOR MOVEMENT'S AGENDA!



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AFL-CIO

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AFL-CIO President Trumka on Labor's Role in Defending Democracy

"The lesson of our history is clear. Democracies are not, in the last analysis, protected by judges or lawyers, reporters or publishers. The survival of democracy depends on the determination of working people to defend it."

AFL-CIO

What we'll need to do:

WIN!
DEFEND!
MOBILIZE!

AFL-CIO

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

How to Respond to Trump

- Everything he says he says because he knows he was losing
- Don't engage his arguments –
  - Debunking his claims means that that they are debatable
  - Attacking him for undermining the election can depress turnout because it conveys that he can reject the election results.

AFL-CIO

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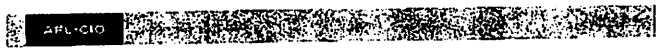
Contingencies

- If Congress approves of Biden's election, most believe that both the Supreme Court and the military would resist any efforts to overrule that judgment
- If Congress deadlocks, the Constitution would make the House Speaker president at 1:00 January 20th , 2021 when Trump's term expires (per the Constitution).



Trump's Message Goals

- Set the stage for rejecting the results:
  - Mail ballots are Democrats' fraud
  - Millions of illegal voters
- Depress turnout
  - Your vote might not count
  - Your vote might not matter
  - Divert attention away from his record



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

EXHIBIT 1

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

that Joe Biden won the election. Keep in mind, this document was released more than two (2) months before the election. See Exhibit 1 (AFL-CIO slide show PDF). Bennett was informed that the document had "tracing marks" and "typos" embedded in the document in order to identify the regions the documents were released into, in case they were leaked. This way they could be traced to the union offices from where they came, and identify the whistleblowers. Therefore, it is crucial that this document remains strictly confidential and is not released to the media at this time. Worker A and Worker B have expressed to Scott Bennett, "...We are already getting calls from the Union questioning the release of this document and who did it...we fear for our families...we have a lot to lose....so we have to be super careful about discussing this."

After gaining the trust of Worker A and Worker B, and meeting in person, Bennett assured them that their safety could be preserved, and their anonymity. Bennett also stressed the urgency of their assistance due to the "coup" that Democrats were planning and the destruction of American industry through Democrat policies. Bennett articulated the pro-American industry philosophy and policies of President Trump, and his desire to "Make America Great" by returning traditional blue collar jobs back to America from China and other countries.

Additionally Bennett articulated that President Trump may be interested in including more "blue-collar skills-based education in Middle and High Schools", such as metal-working, woodshop, autoshop, electrical, plumbing, and other contractor type skills.

Worker A and Worker B then discussed with Scott Bennett their willingness to be "insiders" or "moles" within the AFL-CIO union who could obtain other materials, communications, and inside information from the internal operations of the union and their members and leadership. The workers then expressed a desire to help President Trump utilize and benefit from this information, and play a larger role in "flipping" California and defeating the leftist-Democrat stranglehold on American workers and blue-collar industry.

For the purposes of brevity and urgency, Bennett will defer inclusion of this an additional info and include in another addendum to this report.

All material and exhibits contained in this Declaration are true and accurate to the best of my ability, knowledge, and recollection. Acceptance of this declaration constitutes acceptance of all materials and exhibits and all terms and conditions stipulated.

Scott Bennett

____/S/_____

November 27, 2020

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Some of the AFL-CIO and its affiliates, *et al*, activities and methodologies involved may constitute criminal violations of federal law and ethical guidelines.

The names and identities and locations of these two individuals and their families must remain strictly confidential for their protection, as they fear for their lives, and their families. They believe they would be in immediate danger if they were exposed for the work they have been doing with Scott Bennett.

Henceforth, these two individuals will be referred to as simply Worker A and Worker B in this report, and should, along with Scott Bennett, be given full whistleblower and other immunity and pardon for all work and information provided. Acceptance of this Declaration constitutes acceptance of these terms and conditions. Scott Bennett is the only person they will trust.

OVERVIEW:

Scott Bennett targeted, met and acquired Worker A and Worker B after researching leftist groups and Democratic organizations collaborating and conspiring against President Donald J. Trump. These include, but are not limited to, *Liberation Road*, *Sunrise*, *Black Lives Matter*, *Antifa*, George Soros' *Open Society Foundation* and related sub-groups, and the AFL-CIO, and Postal Workers Union. This methodology should be kept strictly confidential and not shared with anyone, including Worker A and Worker B, in order to preserve trust with them personally; and not compromise other current intelligence gathering operations.

Worker A and Worker B expressed interest to Bennett in developing pro-Trump Truck rallies and other activities and networks for Donald Trump by uniting their fellow workers within the AFL-CIO and related sub-unions in the California Bay Area and in other areas of the United States. See Exhibit 2 (photos).

Bennett met and discussed the goals, objectives, strategies, and tactics of such a program, and the participants. Worker A and Worker B agreed with Bennett and recruited their fellow workers and held large rallies and activities in the Sacramento, Fresno, San Francisco areas of California for President Donald Trump, where Bennett was presented as the "Master of Ceremonies Speaker" to address the crowds of participants and direct communications in some of these events. See Exhibits 2. Bennett worked with other individuals on this, who will remain safely anonymous in this report, but can testify if required later.

After speaking at several successful rally activities and securing the trust and confidence of Worker A and Worker B, they then expressed to Scott Bennett their interest in expanding their role and providing additional materials relating to AFL-CIO union activities and materials that could be helpful to President Trump. Bennett agreed and discussed potential applications. Soon after Worker A and Worker B provided Bennett with a AFL-CIO strategic plan that was authored by George Soros affiliated attorneys and high level union leaders. Worker A and Worker B can authenticate this document and all persons related to its creation, dissemination, implementation, and follow-up operations and plans.

This document had been secretly shared with ten (10) high level AFL-CIO leaders in September 2020, and provided details about how to disrupt the Trump campaign in five (5) phases, and the calendar of significant events and markers that would occur as the election cycle occurred, ballots were cast, counted, certified, and other possible scenarios and contingencies. The document outlined strategic communications that should be employed to the mainstream media and through all left-wing groups in order to "control the narrative" and dissolve support for Donald Trump and create the false impression

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

SUPPLEMENTAL DECLARATION ABOUT AFL-CIO DOCUMENTATION AND WHISTLEBLOWERS

I, Scott Bennett, do hereby make this declaration and affirm in good faith, to the best of my ability and recollection, that it is accurate and truthful, so help me God.

EXECUTIVE SUMMARY:

The AFL-CIO union (specifically its leadership and international partners) is currently undergoing an operation against POTUS. This operation was planned and disseminated three months before the Presidential 2020 election to undermine President Trump and elect Joe Biden as President of the United States in 2020. See Exhibit 1 (AFL-CIO document 5-phase plan).

This plan was discovered by Scott Bennett, and two individuals working within the union who are pro-Trump. Scott Bennett is a former U.S. Army Psychological Operations Officer and State Department Counterterrorism contractor, and Bush Administration Official. Bennett has created multidimensional psyop products against Chinese Communist actors (See Exhibit 3—example of Bennett's work). Bennett has also lectured at universities and on international media channels on these subjects, including in Iran and Russia. Bennett is one of the best back-channel persons for any diplomatic engagements with Iran or Russia. See Exhibit 3 (portfolio of Bennett work).

Worker A and Worker B are contractors and members of the AFL-CIO, with Worker B being a high level officer in the leadership circle of AFL-CIO. Worker A and Worker B have adamantly expressed their indefatigable conviction that this material is extremely sensitive and should not be released to the public, for safety reasons, and that they prefer in person debriefings in order to avoid potential disclosure or electronic tracings back to them. Worker A and Worker B should be considered whistleblowers and given full protection, and also considered intelligence gathering assets for future assignments.

BACKGROUND ON AFL-CIO OPERATION:

Scott Bennett and these two union worker individuals obtained the AFL-CIO strategic plan in PDF/powerpoint format. It describes a detailed five (5) phase plan to collaborate with leftist organizations to elect Joe Biden for President using various means, some of which may be criminal in nature. The timeline (See Exhibit 1) of this plan is stated on the document and reads as follows:

1. Now through Election day
2. Election Night through Saturday (ish)
3. Saturday (ish) through December 8th
4. December 9th through January 6th
5. January 7th through Inauguration Day

Scott Bennett has been managing these two individuals working within the AFL-CIO national union. They have provided him with AFL-CIO documentation, contacts, video, photos, and other materials regarding the AFL-CIO's plan and agenda to elect Joe Biden as President of the United States in 2020.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

issued in violation of Article II of the Constitution and the U.S. Supreme Court ruling, Bush v. Gore, that settled a recount dispute from Florida in 2000. The lawsuit seeks "all appropriate remedies," which includes the vacating of electors that were committed to Joe Biden and allowing the Pennsylvania Legislature to call up their own electors. One of the cases sought meaningful access for Republican observers to view the counting of ballots. **The majority panel in the Pennsylvania Supreme Court ruled the state's election code does not set a minimum distance poll observers need to stand in order to watch ballot counts and meet the laws' requirements.** The two other cases are a Pennsylvania Supreme Court decision issued before the election on Oct. 23 and another ruling decided on Nov. 23 that consolidates six cases. The campaign consolidated the three rulings. Dec. 21: The Trump campaign files petition for a writ of certiorari to appeal three decisions. A motion for expedited consideration was also filed. The case was docketed on Dec. 23. Dec. 30: Boockvar files a response opposing the request to expeditiously review the case. Dec. 31: The Trump campaign files a reply to Boockvar's response. Source: https://www.theepochtimes.com/c-pennsylvania

Eyewitness Testimony:

Gregory Stenstrom, a Navy veteran and forensic computer scientist, testified Wednesday before the State Senate Majority Policy Committee hearing in Gettysburg, Pennsylvania, about an **election process in Delaware County he described as being "forensically destructive." "In all cases the chain of custody was broken," the GOP poll watcher said. "It was broken for the mail in ballots, the drop box ballots, the election day USB card flash drives."** Not one procedure defined by the Delaware County Board of Elections and Election Process Review was followed, he added. Stenstrom said he, along with Democratic poll watchers, witnessed **a person described as "not a part of the process" come in with bags of USB cards, uploading them into machines.** "I personally observed USB cards being uploaded to voting machines by the voting machine warehouse supervisor on multiple occasions. I saw this personally. I brought it to the attention of the deputy sheriff who was there stationed, who was a senior law enforcement officer, and I brought to the attention of the clerk of elections," he said. **"I brought it to their attention. I objected, and I said this person is not being observed," he continued. "He's not part of the process that I can see, and he's walking in with baggies — which we have pictures of and it was submitted in our affidavits — and he was sticking these USBs into the machines.** "So I personally witnessed that happen over 24 times. We have multiple other witnesses who saw it, including Democrat poll watchers. As of today, 47 USB cards are missing, and they are nowhere to be found," added Stenstrom. "I was told personally that these 24 to 30 cards that were uploaded weren't there." Stenstrom also said he was assured that there were between 10-20 GOP poll watchers at the counting center but he wanted to go see for himself. He was required to wait five hours before being allowed in.[36]

Conclusion: "Significant Irregularities" and "Outcome Determinative Electoral Fraud"

Pennsylvania officials unilaterally changed the law without authorization by the Legislature. By doing away with Pennsylvania's signature verification requirements, extending the mail in deadline to three days after Election Day, adopting a presumption that even non-postmarked ballots were presumptively timely, blocking poll watchers in Philadelphia and Allegheny Counties

[36] https://townhall.com/tipsheet/leahbarkoukis/2020/11/26/pa-witness--usb-cards-n2580714

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Pennsylvania received more than 10 times the number of mail-in ballots compared to 2016 yet with almost zero rejections.[28]

- 682,777 mail-in votes were counted without a single Republican viewing and verifying the ballots, names, signatures, and dates.
- 8,021 mail-in ballots were counted for those who were confirmed dead.
- 40% of Republicans requested ballots that were never subsequently recorded as having been "received" or "counted" by the state.[29]
- Matt Braynard found 7,426 early or absentee ballots that were cast in Pennsylvania in the names of people who had filed out-of-state move notices and thus were not eligible to vote in Pennsylvania.[30]
- All forensic evidence, custody sheets, from Delaware County, disappeared shortly after the election.
- 69,004 ballots were marked as "received" after Nov 3, and 19,660 ballots after Nov 6, despite Pennsylvania Secretary of State Kathy Boockvar reporting on November 10th (and to the Supreme Court on November 30th) that only 10,00 ballots were received after November 3rd.[31] The PA Supreme Court usurped established PA legislation to allow ballots to be counted if received by Nov 6. PA election law states that ballots received after Nov 6 are to be rejected.
- PA's deadline for mail-in ballot applications was Oct 27, yet some counties, such as Berk County, were allowing both the filling out of mail-in ballot applications and the receipt of said mail-in ballots as late as Nov 16.[32]
- 191,725 mail-in ballots were touched by alterations, irregularities, or anomalies.[33]
- 112,516 ballots were given new return dates.[34]
- 151,775 mail-in ballots were changed on Nov 23.[35]

Court Cases

Donald J. Trump for President v. Kathy Boockvar (U.S. Supreme Court: 20-845)

The Trump campaign filed the suit on Dec. 21 challenging three Pennsylvania Supreme Court rulings that "illegally changed" the mail-in ballot laws "immediately before and after the 2020 presidential election," the legal team said. The team argued that those court decisions were

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[28] https://electproject.github.io/Early-Vote-2020G/PA.html (Data provided by the Pennsylvania Secretary of State's office)

[29] Affidavit of Dr. Steven Miller, I App. 1327-1328: https://www.supremecourt.gov/DocketPDF/22/22O155/163392/20201214094921641_Appendix%20section%209.pdf

[30] Affidavit of Matthew Braynard, I App. 1339: https://www.supremecourt.gov/DocketPDF/22/22O155/163392/20201214094921641_Appendix%20section%209.pdf

[31] This is based upon data from the Pennsylvania government's OpenData website, located here: https://data.pa.gov/Government-Efficiency-Citizen-Engagement/2020-General-Election-Mail-Ballot-Requests-Departm/mcba-yywm

[32] https://data.pa.gov ; https://hereistheevidence.com/election-2020/pa-update-records/

[33] https://data.pa.gov ; https://hereistheevidence.com/election-2020/pa-update-records/

[34] https://data.pa.gov ; https://hereistheevidence.com/election-2020/pa-update-records/

[35] https://data.pa.gov ; https://hereistheevidence.com/election-2020/pa-update-records/

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Pennsylvania

(80,555 margin vs. 1,144,230 contested ballots)

Last-minute and Illegitimate Rule Changes

- Pennsylvania's Secretary of State, Kathy Boockvar, without legislative approval or ratification, unilaterally abrogated several Pennsylvania statutes requiring signature verification for absentee or mail-in ballots.
- The Pennsylvania Department of State's guidance unconstitutionally did away with Pennsylvania's statutory signature verification requirements.
- The governor approved, contravening state law, a last minute ballot deadline change allowing ballots to be accepted after election day.[23]
- A further last-minute change allowed ballots to be accepted without postmarks[24]
- Pennsylvania's election law also requires that poll-watchers be granted access to the opening, counting, and recording of absentee ballots. Local election officials in Philadelphia and Allegheny Counties decided not to follow 25 PA. STAT. § 3146.8(b) for the opening, counting, and recording of absentee and mail-in ballots.
- Prior to the election, Secretary Boockvar sent an email to local election officials urging them to provide opportunities for various persons—including political parties—to contact voters to "cure" defective mail-in ballots. This process clearly violated several provisions of the state election code.
- Through removing the ballots for examination prior to seven o'clock a.m. on election day, Secretary Boockvar created a system whereby local officials could review ballots without the proper announcements, observation, and security.
- A great number of ballots were received after the statutory deadline and yet were counted by virtue of the fact that Pennsylvania did not segregate all ballots received after 8:00 pm on November 3, 2020 as required by order of U.S. Supreme Court Justice Samuel Alito.

Related "Significant Irregularities" and Possible Fraud

- 9,005 ballots with NO MAILED date.
- 58,221 ballots were returned on or before the date they were mailed.[25]
- 51,200 ballots were returned one day after the date they were mailed to voters.
- PA Secretary of State unilaterally removed legislative signature verification requirement for mail-in ballots.[26]
- Completely unrealistic rejection rates for mail-in ballots. In 2016 Pennsylvania received 266,208 mail-in ballots; 2,534 of them were rejected (.95%).[27] However, in 2020,

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[23] https://www.dailysignal.com/2020/06/04/pennsylvania-governors-11th-hour-ballot-deadline-change-spurs-election-chaos/

[24] https://www.theamericanconservative.com/articles/last-minute-election-rule-changes-raise-big-questions/

[25] https://drive.google.com/file/d/12b80UlkLok1oLyXcg1VMgaJCzvTNzmAu/view

[26] https://apnews.com/article/pennsylvania-election-2020-pittsburgh-elections-presidential-elections-fc464c287c18823ff57fedc13facf7e5

[27] https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf (p. 24)

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

created another ballot-return option called the "drop box." The word "drop box" does not appear in the Election Code, and the only creature of statute that looks in any way like it is the "secured container" concept from § 1-6-9(E), but the Secretary took the position that drop boxes were not "secured containers." Rather, the Secretary took the position that drop boxes were simply an embodiment of the longstanding rule that an absentee-ballot "official mailing envelope may be returned in person to . . . an alternate voting location, mobile alternate voting location or election day voting location." NMSA 1978, § 1-6-9(D). In short, her position is that there is no difference between the longstanding practice of a voter turning in his or her ballot "in person" and a voter turning in to a drop box placed outside the polling place.

[...]

This procedure was simply not followed with regard to what the Trump Campaign believes was the majority of drop boxes in New Mexico, allowing individuals to drop off multiple ballots — meaning that, by definition, they were not the voter on all of them — without speaking to a person at all.

Source:
https://www.courtlistener.com/recap/gov.uscourts.nmd.455803/gov.uscourts.nmd.455803.1.0_1.pdf

Conclusion: Outcome-Determinative Electoral Fraud

Between the drop boxes with almost complete lack of protections for election integrity, abnormally high and statistically impossible voter registration rates in several counties, and other abnormalities, the state's election results are indeed open to serious question

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

New Mexico
(99,720 margin)

Ac tons and last-minute illegal rule changes

- New Mexico Secretary of State Maggie Toulouse Oliver violated the state election code by permitting voters to deposit completed absentee ballots in drop boxes at voting locations rather than handing them to the location's presiding judge in person.
- Drop boxes were installed around the state this fall with federal funding from the CARES Act in an effort to reduce numbers of voters congregating at voting locations in the midst of the COVID-19 pandemic.
- The Republican Party of New Mexico sued over the state's use of drop boxes in October, demanding video monitoring for all drop boxes and accusing two county clerks of lax security measures. The party withdrew its complaint after Toulouse Oliver's office reiterated previously issued guidance to county clerks on their use.

Source:https://www.lcsun-news.com/story/news/politics/2020/12/14/trump-campaign-lawsuit-new-mexico-absentee-ballot-drop-boxes/6546219002/

Resulting "Significant Irregularities" and Possible Fraud

- The results for the presidential race from the state website count Biden/Harris 501,614 and Trump/Pence 401,894.[21]
- Since the drop boxes represented a significant portion of the overall ballots, this potentially challenges hundreds of thousands of ballots.
- Some counties had suspiciously high voter registration rates of around 100% , including one with a voter registration rate of 109% and another of 177% .[22]
- In comparison to the results in 2016, Biden's totals were 130% greater than Hillary Clinton, who won New Mexico 385,234 to 319,667 for Trump, and Trump in 2020 exceeded his 2016 totals 125.7% - yet he allegedly lost.

Court Case

Attorneys filed a lawsuit for plaintiff "Donald J. Trump For President, Inc." against co-defendants MAGGIE TOULOUSE OLIVER, in her official capacity as Secretary of State of New Mexico, the ELECTORS of NEW MEXICO and the STATE CANVASSING BOARD OF NEW MEXICO, on Dec 14, 2020, requesting the court vacate the Defendant Electors' certifications from the unconstitutional 2020 election results, and remand to the state of New Mexico legislature pursuant to 3 U.S.C. § 2 to appoint electors. The state Republican Party is subsequently accusing New Mexico Secretary of State Maggie Toulouse Oliver of purposely delaying the release of election records requested by President Donald Trump's administration. The case asserts the Defendant, while taking advantage of federal funding earmarked for absentee-ballot drop-off boxes — also

[21] https://electionresults.sos.state.nm.us/resultsSW.aspx

[22] https://www.judicialwatch.org/wp-content/uploads/2020/10/Judicial-Watch-Voter-Roll-Study-Oct-2020-1.pdf ; https://www.sos.state.nm.us/voting-and-elections/data-and-maps/voter-registration-statistics/2020-voter-registration-statistics/

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Nov. 10: The Trump campaign moves to dismiss their appeal after reaching a settlement with state officials to allow for more observers.

Source: https://www.theepochtimes.com/c-nevada

Conclusion: "Outc ome determinative elec toral fraud"

While the Nevada Legislature did authorize changes in the law, those changes created both "significant irregularities" in established voting procedures, and set the stage for widespread failure to enforce state and federal laws that guarantee election integrity.

Jesse Binnall, in testimony before the US Senate Committee on Homeland Security and Governmental Affairs, stated, "All in all, our experts identified 130,000 unique instances of voter fraud in Nevada. But the actual number is almost certainly higher."[20]

[20] https://www.hsgac.senate.gov/imo/media/doc/Testimony-Binnall-2020-12-16.pdf

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

actually have a full audit of these machines, you just have to say, "what have they got to hide?" **Binnall confirmed that in Nevada the courts didn't really look at the evidence**, and many cases have been thrown out on technicalities or on "standing."

Jesse Binnall: "It's really, really unfortunate that courts are trying to find ways to dodge the issue. My case in Nevada is an example of that, where we were told: no live witnesses and you're limited to only 15 depositions. So ***130,000 instances of voter fraud,*** *and you can only do it with 15 depositions. But we're also going to limit your ability to get subpoenas and force people to show up. And over the Thanksgiving holiday weekend, we were really limited for how we could actually put in our evidence, and so for instance, when we're able to find evidence of almost 4,000 noncitizens who voted in the election, the court wouldn't even hear that evidence, the court excluded it completely. And then when it went up to the Supreme Court in Nevada, they gave us two hours to brief our case, to brief all of our issues….****8,000 pages of evidence, they gave us two hours to brief it.*** *And we still in just over two hours, we put together a 40-page brief that walked them through all the important issues. And they paid so much attention to that 40-page brief and 8,000 pages of documents that they summarily affirmed the case a couple of hours after that. It's just completely ridiculous that courts are more interested in being a rubber stamp for this media narrative that there was no voter fraud and ignoring the evidence to the contrary, that there was clear voter fraud, that courts have decided to abdicate their role to be neutral arbiters. That's really sad."*

Source: https://www.ntd.com/trump-attorney-jesse-binnall-interview_543521.html

Two other Nevada cases:
Law et al v. Whitmer et al (20 OC 00163 1B). - The United States Electoral College candidates in Nevada who pledged to President Donald Trump filed an election contest on Nov. 17, alleging irregularities, improprieties, and fraud in the state's 2020 presidential election. The contest, filed in the First Judicial District Court in Carson City, seeks to have Trump declared as the winner in Nevada, or to have the election annulled. The plaintiffs allege that the election machines used throughout the state are unreliable, that observers were denied access to the ballot duplication process, and that alleged vote-buying occurred through some Native American outreach programs.
- Nov. 23: Defendants file motion to dismiss.
- Dec. 4: State judge in Carson City dismisses election contest, ruling that the plaintiffs did not sufficiently prove that illegal votes were cast and counted and that legal votes were not counted. A spokesperson for the lawyer representing plaintiffs said they intend to appeal the ruling to Nevada Supreme Court.Dec. 8: Nevada Supreme Court affirms state judge's order to dismiss election contest.

Kraus v. Cegavske (20-oc-001421B) - Oct 23: The Trump campaign and the Nevada Republican Party sued election officials in the Las Vegas area, seeking to halt the ballot counting process immediately until Trump campaign volunteers are allowed to closely observe the process. The lawsuit was filed against Nevada Secretary of State Barbara Cegavske, a Republican, and Joseph Gloria, registrar of voters for Clark County, Nevada's most populous county, which includes the city of Las Vegas.
Oct. 29: A state judge rejects a lawsuit seeking expanded access to poll watchers, prompting the Trump campaign to appeal that decision to the state Supreme Court.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Nevada

(33,596 margin vs. over 100,000 contested ballots)

Ac tons and last-minute illegal rule changes

- Previously, Nevada had implemented safeguards to protect free and honest elections, however, on August 2, 2020, the Nevada legislature passed AB4. "The law requires the state of Nevada to mail every voter a ballot and even allows ballots cast after election day to count. It also allows other people to sign and return ballots on behalf of voters over 65."[18]
- This massive change overturned a ballot harvesting ban and allowed a total stranger to pick up a ballot for anyone, opening the door to potentially widespread fraud.

"Significant Irregularities" and Possible Fraud

- In Nevada, the 2020 rejection rate of mail-in-ballots was approximately 0.75% ,less than half the 1.6% rate from 2016.
- Signature verification in Clark County had an unbelievable 89% fail rate.[19]
- 42,284 people are on record as having voted twice in 2020.
- 20,000 ballots were cast in the names of individuals without a Nevada mailing address.
- 2,468 ballots were cast by people who had moved to another state and thus were ineligible to vote in Nevada.
- 1,500 ballots were cast by dead people.
- Almost 4,000 non-citizens voted.
- Nearly 30,000 people voted who falsely listed non-residential, vacant, or non-existent addresses as their home addresses.
- Matt Braynard found 5,145 early or absentee ballots that were cast in Nevada in the names of people who had filed out-of-state move notices and thus were not eligible to vote in Nevada.

Court Cases

Trump attorney Jesse Binnall wanted to audit the machines in Nevada but the court there wouldn't allow it. He had two whistleblowers,one said that when they logged out of the machine with USB drives, there would be one number of votes, but when they logged back in the next morning there would be a different number. The witnesses said votes were just disappearing. Binnall requested a full audit of the machines, explaining that it is extremely important to get full transparency with media narrative being, *"Oh, the machines are fine. Oh, the machines are secure." This is simply a "Trust us!" narrative. Once we've seen what's happening in Michigan, and now for instance in Arizona, you have Maricopa county that's obstructing a subpoena from the legislature to*

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[18] https://www.breitbart.com/politics/2020/08/05/trump-campaign-files-lawsuit-challenging-n evada-vote-by-mail-law-as-unconstitutional/

[19] https://www.reviewjournal.com/opinion/opinion-columns/victor-joecks/victor-joecks-clark-county-election-officials-accepted-my-signature-on-8-ballot-envelopes-2182390/

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

opposing petition. Dec. 30: Powell's team asked court to consolidate all four related-cases filed by the lawyer on behalf of Republican electors.

https://www.theepochtimes.com/c-michigan

Eyewitness Affidavits

Several Michigan residents have signed affidavits, which were sworn under penalty of perjury, alleging they witnessed widespread election tampering in Detroit involving many thousands of ballots. City of Detroit employee Jessy Jacob stated in an affidavit that **she was instructed to backdate thousands of absentee ballots on Nov. 4** to make them appear legal even though they were not in the Qualified Voter File (QVF) and had not arrived by the deadline.

Robert Cushman, another poll observer in Detroit, submitted an affidavit that described behavior similar to what Jacob said she witnessed. Cushman said he saw **large swaths of ballots being counted the day after the election for voters who were not in the authorized list of names. In some cases, he added, fake birth dates were being used to fill in birth dates.**

Alexandra Seely, a Michigan voter who worked as a Republican poll challenger, said in an affidavit that **her challenges to suspect ballots were ignored and she was "harassed and threatened"** for raising concerns. "I challenged 10 votes at table 23, they would not take out the log to record my challenges," Seely's affidavit says. "I had to write names and ballot numbers on my own. I asked to make incident reports. They would not allow me, and said they would make a note in the computer. They did not and proceeded to keep counting."

[Former MI state senator] Patrick Colbeck, a poll watcher at the TCF Center in Detroit, said in an affidavit that **he observed an active Internet connection on the screens of the computers used to tabulate and adjudicate ballots** at the absentee-vote counting center.

sources:
https://www.worldtribune.com/in-signed-affidavits-michigan-residents-say-they-witnessed-widespread-voter-fraud-in-detroit/ and
Affidavit of Jessy Jacob - https://pbs.twimg.com/media/EmZAiLwWEAAFdx8?format=jpg&name=large
Affidavit of Alexandra Seely - https://justthenews.com/sites/default/files/2020-11/SeelyAffidavit.pdf

Conclusion: "Outcome Determinative Electoral Fraud"

These non-legislative modifications to Michigan's election statutes fostered an environment in which electoral fraud and other "significant irregularities" were almost guaranteed. Not only do these changes violate the Electors Clause, the number of illegal ballots counted as "votes" far exceeds the margin of voters separating the candidates in Michigan.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Electors members were physically threatened and doxed.[14] The Republican members of the Board of Canvassers, once in safety, attempted to retract their certification under duress but were not allowed to do so.

- The Antrim County forensics report discovered that the vote adjudication and security records were missing because they had been deleted the evening of Nov 4.[15] This is a violation of state laws that require the records be maintained for 22 months.
- Secretary of State Jocelyn Benson sent a Board of Electors a directive on December 1st to all county clerks instructing them to delete all electronic records, also a violation of Michigan and federal law.
- Dozens of precincts had voter turnouts of at least 100%, including a 781% voter turnout in the City of North Muskegon and 460% in the Zeeland Charter Township.
- 33% of Republicans had requested ballots that were never subsequently recorded as having been "received" or "counted" by the state.
- Over 69,000 Biden only votes, despite Trump's recent recognition as America's most popular man, 3x more popular than Biden.
- Mathematically incongruous update in Michigan listed as of 6:31AM Eastern Time on November 4th, 2020, which shows 141,258 votes for Joe Biden and 5,968 votes for Donald Trump. This starkly contrasts normal voting patterns in this area.
- Mathematically incongruous update in Michigan listed as of 3:50AM Eastern Time on November 4th, 2020, which shows 54,497 votes for Joe Biden and 4,718 votes for Donald Trump. This starkly contrasts normal voting patterns in this area.[16]
- Nearly 2,000 voters over the age of 100 were marked in the state's mail voter database as having returned ballots, even though none were listed among known living centenarians.[17]

Court Cases

King v. Whitmer (District Court: 2:20-cv-13134; U.S. Supreme Court: 20-815)

Lawyer Sidney Powell filed a lawsuit in a Michigan federal court alleging that "massive election fraud" and violations to the state election code in the Nov. 3 election. It claims that the fraud took place through a "troubling, insidious, and egregious ploy " of ballot stuffing, which gave Democratic nominee Joe Biden a lead in the state. The fraud allegedly was rendered invisible through the help of using election software and hardware from Dominion Voting Systems, the lawsuit claims. Plaintiffs in the civil action are six registered Michigan voters and nominees of the Republican Party to the electoral college.

Nov. 25: Lawsuit filed in a federal court. The plaintiffs also filed a temporary restraining order.

Dec. 7: **Federal judge dismisses lawsuit, characterizing the allegations as "conjecture and speculation."**

Dec. 8: Lawyers file notice of appeal to ask the circuit court to review the decision.

Dec. 13: Powell's team sends a letter to Supreme Court asking for permission to file new evidence under seal. Dec. 15: U.S. Supreme Court dockets case. Dec. 28: State respondents file response

[14] https://justthenews.com/politics-policy/elections/wayne-county-election-board-republicans-say-they-were-bullied-rescind

[15] https://assets.documentcloud.org/documents/20423772/antrim-county-forensics-report.pdf

[16] https://votepatternanalysis.substack.com/p/voting-anomalies-2020

[17] https://www.theepochtimes.com/10000-dead-people-returned-mail-in-ballots-in-michigan-analysis-shows_3573209.html

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Michigan

(154,188 margin vs. over 660,000 contested ballots)

Actions and last-minute illegal rule changes

- Michigan's Secretary of State, Jocelyn Benson, without legislative approval, unilaterally abrogated Michigan election statutes related to absentee ballot applications and signature verification.
- Secretary Benson announced that her office would send unsolicited absentee-voter ballot applications by mail to all 7.7 million registered Michigan voters prior to the primary and general elections despite the law requiring a written signed request from the voter or a specific absent voter ballot application from the city clerk or a federal postcard application.
- Secretary Benson also violated Michigan law when she launched a program in June 2020 allowing absentee ballots to be requested online, without signature verification as expressly required under Michigan law.
- Michigan also requires that poll watchers and inspectors have access to vote counting and canvassing, however, local election officials in Wayne County made a conscious and express policy decision not to follow this law for the opening, counting and recording of absentee ballots.
- Michigan also has strict signature verification requirements for absentee ballots, however, Wayne County made the policy decision to ignore Michigan's statutory signature verification requirements for absentee ballots.
- Voting machines were not "secured" in the manner required by State law.
- Ballots and ballot boxes were not "secured" in the manner required by State law.

Resulting Fraud

- Secretary Benson's unconstitutional modifications of Michigan's election rules resulted in the distribution of millions of absentee ballot applications without verifying voter signatures as required by law. "While I was at the TCF Center, I was instructed not to look at any of the signatures on the absentee ballots, and I was instructed not to compare the signature on the absentee ballot with the signature on file."[12]
- Due to unconstitutional changes to Michigan's election law, the Wayne County Statement of Votes Report lists 174,384 absentee ballots out of 566,694 absentee ballots tabulated (about 30.8%) as counted without a registration number for precincts in the City of Detroit.
- Large discrepancies exist between the Qualified Voter File (Absentee Voter Module) and 2020 Presidential Election results in Wayne County, potentially disqualifying 204,000 absentee ballots.[13]
- Wayne County tabulations indicated that 71% of the reporting precincts did not balance. The Board initially refused to certify the numbers, but did so after the Republican Board of

[12] Affidavit of Jessy Jacob - https://pbs.twimg.com/media/EmZAiLwWEAAFdx8?format=jpg&name=large

[13] https://mapthefraud.atlassian.net/wiki/spaces/DATASCIENC/pages/6425 8049/Large+Discrepancies+between+Qualified+Voter+File+AV+Module+and+2020+Election+Results+in+Wayne+County+Michigan+-+Potentially+Disqualifying+Approximately+204+000+Absentee+Votes; 2020 Election Results from (MI.GOV): https://www.waynecounty.com/elected/clerk/election-results.aspx ; AV Ballots Verified Nov 7th, 2020 (Web Scrape) from (MI.GOV): https://mvic.sos.state.mi.us/voter/index ; Oct 13th, 2020 Published Voter Rolls from (TBD): http://69.64.83.144/~mi/

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November 3, 2020 General Election . . . was chaotic and any reported results must be viewed as untrustworthy."

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Dec. 1: **Judge postpones a scheduled Dec. 4 hearing;** Dec. 2: Federal appeals court grants plaintiff's request to expedite the appeal, after Powell sought an emergency appeal from the Eleventh Circuit. Powell was seeking a statewide order after a district judge temporarily blocked election officials from wiping or altering Dominion Voting Systems machines in only three counties. Dec. 4: Eleventh Circuit **dismisses Powell's appeal, ruling that they do not have jurisdiction to hear the case.** The judges allowed the case to proceed in the district court.

Dec. 7: Federal judge **dismisses case, ruling that the plaintiffs have no legal standing to sue.** Powell filed a notice of appeal; Dec. 11: Powell's team files an emergency petition to the U.S. Supreme Court; Dec. 15: Supreme Court dockets case; Dec. 30: Powell's team asks court to consolidate all four related-cases filed by the lawyer on behalf of Republican electors.

Wood v. Raffensperger (District: 1:20-cv-04651; Appeals: 20-14418; U.S. Supreme Court: 20-799)

Lin Wood, in a bid to stop the certification of election results, claiming that election rules unconstitutionally changed by state officials could have invalidated absentee ballots cast in the 2020 election.

Nov. 13: Lawsuit filed; Nov. 19: Federal judge denies a request to block the certification of the state's election results. The judge **ruled that Wood lacked legal standing** as an individual voter to challenge Georgia's election procedures. Wood hinted that he will file an appeal in the 11th Circuit; Nov. 24: Wood's lawyers file an emergency appeal to the 11th Circuit court.

Nov. 25: Appeals court grants Wood's motion for expedited review of the case.

Dec. 5: 11th Circuit upholds Nov. 19 ruling by a federal judge. Wood indicated on Dec. 6 that he plans to file an appeal with the U.S. Supreme Court.

Dec. 11: The Supreme Court dockets Lin Wood's appeal that was filed on Dec. 8

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Favorito v. Cooney (State Court: 2020CV343938)

A group of Georgian voters are demanding a "forensic inspection" of mail-in ballots in the county from the Nov. 3 presidential election. After Garland Favorito, a tabulation observer, noticed abnormalities to the election results he reported it to state officials and made an open record request for the interim upload results. Other petitioners in the case are also alleging a range of election irregularities during the counting and auditing of ballots.

Dec. 23: Petition filed in the Superior Court of Fulton County.

Hearing granted for Monday, Jan. 4 at 11 a.m.

Source for above cases: https://www.theepochtimes.com/c-georgia

Conclusion: "Outcome Determinative Electoral Fraud"

Just amending the absentee rejection rates to be normal would be sufficient to overturn the election result. If the rejection rate of mailed-in absentee ballots remained the same in 2020 as it was in 2016, there would be 83,517 less tabulated ballots in 2020. The statewide split of absentee ballots was 34.68% for Trump and 65.2% for Biden. Rejecting at the higher 2016 rate with the 2020 split between Trump and Biden would decrease Trump votes by 28,965 and Biden votes by 54,552, which would be a net gain for Trump of 25,587 votes. This would be more than needed to overcome the Biden advantage of 12,670 votes, and Trump would win by 12,917 votes.

After examining evidence of extensive abnormalities, the Chairman's Report of the Election Law Study Subcommittee of the Standing Senate Judiciary Committee (Georgia) concluded, "The

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

cast for the Presidential candidate than the total number of votes reflected within the report. The inconsistent count could not be reconciled."[8]

- 2,560 felons with non completed sentences were illegally registered and cast their vote.
- 66,247 underage people were illegally registered to vote.
- 4,926 registered voters were registered to vote in another state after their Georgia registration date.
- 10,315 people who voted died by the time of the election.
- 305,701 absentee ballots were applied for too early and 2,664 absentee ballots were sent to voters too early.
- Georgia has historically had a 2.9% rejection rate for absentee ballots because of errors in their submission. In 2020, the rejection rate was only 0.34% (seventeen times less) despite a sixfold increase in the number of absentee ballots returned.
- 50% of Republicans had requested absentee ballots that were never subsequently recorded as having been "received" or "counted" by the state.
- Between 31,559 and 38,886 mail-in (absentee) ballots were mailed in but not counted.[9]
- Matt Braynard found 17,877 early or absentee ballots that were cast in Georgia in the names of people who had filed out-of-state move notices and thus were not eligible to vote in Georgia.
- 80,000 Biden-only votes [no other candidates or issues were voted], which is a huge statistical anomaly), in light of President Trump's recent recognition as America's most popular man, 3x more popular than Biden
- Mathematically incongruous Georgia tabulation update listed at 1:34AM Eastern Time on November 4th, 2020, which shows 136,155 votes for Joe Biden and only 29,115 votes for Donald Trump. This starkly contrasts normal voting patterns in this area.[10]
- DeKalb County failed to provide a chain of custody for the transport of absentee ballots from any of the 34 drop boxes used prior to the November 3 election to the registrar or designee at the county office.[11]

Court Cases

Pearson v. Kemp (District: 1:20-cv-04809; Appeals: 20-14480; U.S. Supreme Court: 20-816)

Lawyer Sidney Powell is representing a group of Republican plaintiffs seeking to invalidate the election results in Georgia over allegations of "massive fraud" in particular ballot stuffing and voter manipulation through the use of the Dominion voting system. The suit alleges, citing expert analysis, that at least 96,600 votes were illegally counted during the Georgia 2020 general election. Powell filed the suit on behalf of plaintiffs including Republican Party nominees for the electoral college, the chairman of the Cobb County Republican Party Jason Shepherd, and the Assistant Secretary of the Georgia Republican Party, Brian Jay Van Gundy.

Nov. 25: Lawsuit filed; Nov. 27: Plaintiffs file a motion for injunctive relief

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[8] https://voterga.files.wordpress.com/2020/12/coffee-county-complete.pdf

[9] https://defendingtherepublic.org/wp-content/uploads/2020/11/COMPLAINT-CJ-PEARSON-V.-KEMP-11.25.2020.pdf , p. 60.

[10] Anomalies in Vote Counts and Their Effects on Election 2020; https://votepatternanalysis.substack.com/p/voting-anomalies-2 020

[11] https://georgiastarnews.com/wp-content/uploads/2020/12/BAIGERT_12.15.Chain-of-Custody-F orms-General-Election-11.03.2020.pdf

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Conclusion: "Outcome determinative electoral fraud"

Disqualifying completed ballots received before election officials sent them out to voters would be sufficient to overcome the current 12,000 vote margin. Adding in the other balloting illegalities, like the ballots adjudicated without a Republican observer and ballots received after the deadline for registrations represents thirty times the margin necessary to change the outcome. In combination with the massive influx of mail-in ballots, the last minute changes to rules had an extensive impact on the ability of the poll watchers to observe and challenge possible irregularities such as allowing invalid ballots to be "cured" without challenge long after the day of the election.

Georgia

(12,670 margin vs. over 530,000 contested ballots)

Actions and last-minute illegal rule changes

- Georgia's Secretary of State, Brad Raffensperger, without legislative approval, unilaterally abrogated Georgia's statute governing the signature verification process for absentee ballots.
- Although state law prohibits the opening of absentee ballots until after the polls open on Election Day, the State Election board adopted a rule allowing the processing of absentee ballots three weeks prior to the election
- Georgia law [O.C.G.A. § 21-2-386(a)(l)(C)] authorizes and requires a single registrar or clerk—after reviewing the outer envelope—to reject an absentee ballot- if there is any issue regarding the signature. The State Election Board, however, unilaterally changed the rules to make it much more difficult to reject a signature.

"Significant Irregularities" Suggesting Fraud

- After examining evidence of extensive abnormalities, the Chairman's Report of the Election Law Study Subcommittee of the Standing Senate Judiciary Committee (Georgia) reported that overall "there was a lack of enforcement of the law."
- *"Proper protocols were not used to ensure chain of custody of the ballots throughout the Election, after the opening of ballots prior to the Election, and during the recounts. . . . It was possible or even likely that large numbers of fraudulent ballots were introduced into the pool of ballots that were counted as voted; . . . The Subcommittee heard testimony of pristine ballots whose origin looked suspicious or which could not be verified and the inability of poll workers to distinguish between test ballots and absentee ballots. Signatures were not consistently verified according to law in the absentee balloting process."*
- Coffee County could not replicate its ballot tallies after re-running them repeatedly, preventing them from being able to certify their 15,000 votes. As county election officials reported, *"The basis for the dilemma is simple - the election summary report for the electronic recount tabulated votes in a manner that resulted in more collective votes being*

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- One data analysis of Arizona election data showed between 120,000 and 306,000 fake people who voted.[7]

Court Cases

Bowyer v. Ducey (Trial court: 2:20-cv-02321-DJH; Appeals Court: ; U.S. Supreme Court: 20-858)

Summary: Lawyer Sidney Powell filed a federal lawsuit on Dec. 2 seeking to de-certify and invalidate improper votes in Arizona over election fraud, and to order officials to preserve equipment and voting data for inspection. The suit alleges that over 412,000 votes were cast illegally in the state. Most of the plaintiffs are Republican presidential electors in the state and members of the Republican party in the state.

Dec. 6: Judge rejects request for a three-hour hearing to hear witnesses and limits hearing to motion to dismiss, and dismisses case on Dec. 9 without hearing a single shred of evidence.

Dec. 11: Powell's team files an emergency petition to the U.S. Supreme Court.

Dec. 29: U.S. Supreme Court dockets Powell's emergency petition.

Dec. 30: Powell's team asked the court to consolidate all four related-cases filed by the lawyer on behalf of Republican electors.

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Ward v. Jackson, et al. (State Court: CV2020-015285; State Supreme Court: CV20-0343-AP/EL; U.S. Supreme Court: 20-809)

Arizona Republican Party Chairwoman Kelli Ward filed a petition on Nov. 24 for early inspection of mail-in ballot envelopes and signatures, ahead of an anticipated elections contest against 11 Arizona Democrat presidential electors. Ward's challenge alleges that some suburbs in Maricopa County had an unusually high number of duplicated ballots. It also claims that there were insufficient safeguards to verify mail-in ballots.

Dec. 4: After two days of hearings, an Arizona judge denies relief for the plaintiff (pdf), ruling that the evidence did not show fraud or misconduct. The judge also found that there was a low error rate and that it would not impact the outcome of the election. Ward has indicated that she would appeal the case to the state Supreme Court.

Dec. 7: Arizona Supreme Court granted a request to expeditiously review the ruling.

Dec. 8: Arizona Supreme Court denies Ward's request for relief and upholds trial judge's decision.

Dec. 11: Ward announces the Arizona Republican Party will appeal its case to the U.S. Supreme Court.

Dec. 15: U.S. Supreme Court dockets Kelli Ward's petition for a writ of certiorari and motion for expedited consideration filed on Dec. 11.

Source: https://www.theepochtimes.com/c-arizona

[7] https://www.realclearpolitics.com/video/2020/12/01/data_expert_up_to_300000_fake_people_voted_in_arizona_election_.html

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Arizona

(12,000 margin vs. over 350,000 contested ballots)

Actions and last-minute illegal rule changes

- For ballots completely missing signatures, the legislatively- approved procedure was not to count the ballot, but a last-minute lawsuit changed the procedure and allowed ballots with missing signatures to be "cured" up to five days later.[1]
- Although Arizona law allows observers to watch over "any significant voting or processing activities", the County Recorder for Maricopa County decided that observers would have no right to observe the signature verification process.[2]
- Multiple officials attempted to include an illegal video call voting process for Maricopa County, Arizona.[3]
- An additional attempt was made to change Arizona's voter registration deadline as the election neared, but it was overturned by the U.S. Court of Appeals for the Ninth Circuit.[4]
- Arizona law forbids "ballot harvesting", but the laws are being challenged and it may have occurred.[5]
- The Maricopa County Board of Supervisors is resisting a subpoena from the Arizona Senate demanding audit access to the electronic voting systems.[6]

Resulting "Significant Irregularities" and Possible Fraud

- 22,093 mail-in ballots were "received" the day BEFORE the ballots were sent out to voters.
- 2,000 voters were "registered" as living on a vacant lot.
- 150,000 people registered in Maricopa County AFTER the registration deadline.
- 103,000 ballots in Maricopa County were sent for electronic "adjudication" with no Republican observation, meaning that poll workers had the opportunity to switch Trump votes to Biden or "vote" ballots where the elector's choice was not clear.
- 36,400 illegal immigrants are estimated to have voted.
- 50% of Republicans had requested ballots that were never subsequently recorded as having been "received" or "counted" by the state.
- 42,000 "Biden-only" votes were cast, meaning that the voter voted for no other candidate or issue. This huge statistical anomaly is a recognized indicator of electoral fraud.

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[1] https://healthyelections.org/sites/default/files/2020-11/arizona-110220.pdf

[2] https://healthyelections.org/sites/default/files/2020-11/arizona-110220.pdf - section G

[3] https://arizonadailyindependent.com/2020/09/30/last-minute-virtual-voting-option-will-be-ruled-on-next-week /

[4] https://today.westlaw.com/Document/Ifa54ef28124711ebbea4f0dc9fb69570/View/FullText.html

[5] https://today.westlaw.com/Document/Ifa54ef28124711ebbea4f0dc9fb69570/View/FullText.html

[6] https://www.azcentral.com/story/opinion/op-ed /laurieroberts/2020/12/18/maricopa-county-supervisors-stand-up-senate-lunatics-bearing-subpoenas /3967644001/

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serious political implications, in that it allows a party or candidate to take over public positions contrary to the popular will.

Raphael López-Pintor, Assessing Electoral Fraud in New Democracies: *A Basic Conceptual Framework*, International Foundation for Electoral Systems, White Paper Series (2010) (emphasis added) online at: https://www.ifes.org/sites/default/files/rlp_electoral_fraud_white_paper_web.pdf (accessed December 21, 2020).

Have the Courts rejected the evidence? No.

Many are of the mistaken belief that the evidence has been presented and rejected in the many state and federal court cases filed and dismissed since November 3. No court has had all the evidence before it. Nor could it. New evidence is discovered on a daily basis and it is impossible to audit the electronic systems without first getting access to them.

In most of the cases, the court dismissed the case without considering the evidence or reaching the legal questions presented. The case filed in the Supreme Court of the United States by the Texas Attorney General and which was joined by 17 other state Attorneys General and more than 100 Members of the United States House of Representatives was the most prominent example of a case where the court heard no evidence. In a few others, the attorneys presented only limited evidence and lost for that reason.

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voter's intent to choose a candidate (or slate). All state laws agree that the intent of the voter is to be determined by *how* the voter marks the ballot.

2. A "vote" may be counted only once for a single candidate (or, in the case of a Presidential election, only once for the entire slate of electors).
    a. Voters may vote only once, and each vote must have equal weight. Baker v. Carr, 369 U.S. 186 (1962); Reynolds v. Sims, 377 U.S. 533 (1964).
    b. No "vote" can be duplicated by mechanical or electronic means, and "votes" are indivisible. Any tabulating system that produces fractional tallies is not counting "votes."
    c. "Adjudication" of ballots where the intent of the voter is alleged to be unclear provides opportunities for state election officials to create or "flip" votes in violation of the Voting Rights Act and state law.

How are "Votes" Validated and Secured?

State laws require election officials to validate each voter's qualifications before authorizing the voter to cast it, including voters who submit absentee or mail ballots. State laws define the security protocols for an election, and both state and federal election laws obligate state election officials to certify that they complied with each security protocol, including "sealing" voting equipment and preserving records for use in election contests.

How do "Significant Irregularities" occur?

"Significant Irregularities" occur when state election officials relax, refuse to enforce, or violate the ballot integrity and election security rules adopted by their state legislatures. As Texas pointed out in relation to absentee and mail-in voting in the Supreme Court in State of Texas v. Commonwealth of Pennsylvania, State of Georgia, State of Michigan, State of Wisconsin:

> If a state court enjoins or modifies ballot-integrity measures adopted to allow absentee or mail-in voting, that invalidates ballots cast under the relaxed standard unless the legislature has—prior to the election—ratified the new procedure. Without pre-election legislative ratification, results based on the treatment and tabulation of votes done in violation of state law cannot be used to appoint presidential electors.

The same principle applies to other changes made without legislative approval to the rules governing elections by state administrators and courts. If the changes impacted ballot integrity and the election outcome, we cannot know who won the election .

What is Electoral Fraud?

Electoral fraud can be defined as any purposeful action taken to tamper with electoral activities and election-related materials in order to affect the results of an election, which may interfere with or thwart the will of the voters. There are two main categories of electoral fraud: **outcome determinative fraud**, where the fraud affects the outcome of the election such that the winners and losers are different from what they would have been had the fraud not been committed; and **non-outcome determinative fraud**, when the outcomes are not affected (i.e. the winners and losers would be the same even absent the commission of fraud). *Both types of electoral fraud entail criminal behavior that should be punished according to the law; however, outcome determinative fraud has more*

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Evidence of "Significant Irregularities" and Fraud

There are four categories of evidence: (a) eye witness testimonies and confessions, (b) technological evidence that electronic voting machines were attached to insecure networks and the Internet; (c) electoral fraud and other "significant irregularities", including votes by dead and unqualified persons, ballot stuffing, and manual "adjudication" of disputed ballots; and (d) statistical anomalies in the tabulation data that are recognized by international observers as indicators of "intentional manipulation" and of "serious irregularities". We submit that the evidence in each category is so strong that, when considered together, a compelling case of "outcome determinative" electoral fraud can be shown by clear and convincing evidence.

What is a "Significant Irregularity"?

A "significant irregularity" is any action that is inconsistent with federal law, or any action that deviates from the rules for the selection of presidential electors adopted by the state legislature.

- The Electors Clause, U.S. Constitution, Article II §1:

  Each state shall appoint, *in such manner as the Legislature thereof may direct*, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. (emphasis added)

- The Voting Rights Act, 52 U.S.C. § 10101(e), provides that

  … the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; …

- The Help America Vote Act [HAVA], 42 U.S.C. §15481(a)(6), provides that

  Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

- The Voting Rights Act, 52 U.S.C. § 10307, also provides that

  No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

Summarized below is the definition of "what constitutes a vote and what will be counted as a vote for each category of voting system used in the State."

What are "Votes" and How are "Votes" Counted?

1. A "vote" is a ballot, clearly marked by a qualified, registered elector (voter) in accordance with state laws defining the procedures for voting and the standards for determining the

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Questions for the Joint Session of Congress

Congress will meet in a joint session on January 6 to count electoral votes, to consider two primary objections to the qualifications of the electors certified in seven (7) disputed states, and to hear the evidence supporting them. The first objection is that the electors in the disputed states were not "appoint[ed] in such manner as [its] Legislature ... direct[ed] ...." , as required by U.S. Constitution Article II §1. The second is that, because the disputed states did not follow the rules set by their Legislatures, the vote tallies "certified" by the disputed states are not accurate, and there is no way to know who won the election.

The first question for the joint session is: "Did State X conduct its election in accordance with the rules established by its legislature?" If the answer is "Yes", the electors are qualified and their votes must be counted. If "No", none of the electors from that state are qualified.

The second question for the joint session is whether it will hear the mountain of empirical evidence that shows widespread evidence of electoral fraud and other significant irregularities, including ballot stuffing and tampering with voting machines and software by both domestic and foreign actors who had illegal physical and Internet access to the machines.

Congress has a constitutional responsibility to ensure that the challenged electors were chosen based upon the faithful execution of the laws made by their state legislatures and in a manner that respects federal election laws, including the Electors Clause of Article II, the Equal Protection and Due Process Clauses of the Fourteenth Amendment, and the Voting Rights Act.

At a minimum, Congress and the American people are entitled to see and hear the evidence for themselves, and the legislatures of the disputed states must be able to act to preserve the voting rights of their citizens. The United States, other democracies, and international organizations regularly investigate claims that elections in other countries were not fairly conducted. On December 18, 2020, the Treasury Department imposed sanctions on Venezuela and a voting machine company for election fraud. The Organization of American States (OAS) found that many of the defects claimed in the disputed states were present in the 2019 presidential elections in Bolivia, and seventeen (17) members of the Organization for Security and Cooperation in Europe (OSCE) appointed a team of independent experts to investigate the August 2020 election in Belarus. The least Congress can do is to investigate voting rights violations at home.

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Critical Issues with the 2020 Election

A Key Battleground State Synopsis

Version 0.9.1 - Updated January 4, 2020

Background & Abstract

Following the 2016 election, America endured three years of extensive and incessant investigations, fevered analysis, and, eventually, impeachment hearings – all premised on an assertion that, somehow, Russia "hacked" the election. The U.S. government spent tens of millions of dollars. It chased nearly every allegation. It had virtually unlimited (and sometimes illegal) access to public, government, and private information … and it came up empty handed. The only place it did *not* look for the alleged Russian "hack" was in th only systems that could have been "hacked": the electronic voting, imaging, and tabulating machines on which the election was conducted and the software that controls them.

The story of the 2020 election is much the same. Despite thousands of citizen reports and signed affidavits attesting to significant irregularities and at least one forensic audit of an electronic voting system claiming that it was – in fact – "hacked", Secretaries of State around the country have repeatedly denied citizens their the legal right to observe, contest, and audit the election. A *real* "hack" can only be identified by looking at how the voting *system* operates, starting with the machines, the software, and the data it generates, including ballots and ballot envelopes, voter rolls, and adjudication logs, and at those who had access to the systems while they were in operation.

This brief reviews the last-minute changes to the election process in the contested states and the magnitude of the resulting fraud the changes were designed to facilitate. It also looks at the status of the legal challenges where judges have dismissed cases before hearing evidence, and how both courts and election officials have refused access to the only systems that can be "hacked": the electronic voting systems.

It should come as no surprise that a full 47% of the American people believe that electoral fraud changed the outcome of the 2020 election. They understand that *something* is amiss.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

WHAT YOU CAN DO

1) FLOOD social media with the truth! They can't stop us all at once! Use hashtags: #HereIsTheEvidence #EveryLegalVote #LetJusticeRoll #StopTheSteal

2) Put pressure on state and local officials. Call and email them to voice your concern and decertify the fraudulent vote.

3) Pray for the President and the team!

GOD BLESS YOU, AND GOD BLESS THE UNITED STATES OF AMERICA

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

6) FORENSIC MACHINE AUDIT REVEALS SIGNIFICANT ERRORS

Despite significant opposition and attacks, election security experts were able to audit Dominion Voter System machines in Antrim County, MI, revealing unusually high error and adjudication rates.

According to the report, Dominion Voting System is intentionally and purposefully designed with inherent errors to create systemic fraud and influence election results. The system intentionally generates an enormously high number of ballot errors. The electronic ballots are then transferred for adjudication. The intentional errors lead to bulk adjudication of ballots with no oversight, no transparency, and no audit trail.

Cybersecurity specialists identified an error rate of 68.05%, which is far above the Federal Election Commission guidelines of 0.0008%.The results of these errors led to tabulation errors and ballots being sent to adjudication, which means that the vote is decided by the election worker using the machine (see here). For example, in Central Lake Township, there were 1,222 out of 1,491 ballots cast that were reversed, producing an 81.96% rejection rate.

Although vote adjudication logs for prior years were available, all the logs for the 2020 cycle were missing. Moreover, all server security logs prior to 11:03PM on November 4th are missing. These logs are vital for audit trails, forensics, and detecting malicious intruders.

The Election Event Designer Log shows that Dominion ImageCast Precinct Cards were programmed with new ballot programming on October 23rd and again on November 5th. That violates the Help America Vote Act, which includes a 90-day Safe Harbor Period that prohibits changes to election systems, registries, hardware/software updates without undergoing re-certification.

Even if skeptics and critics win that there are limitations of the aforementioned audit, they should offer a random sample of machines in other battleground states for third-party review. In contrast, they have viciously attacked attempts to review machine logs and have even endeavored to wipe the machines in Georgia before the runoff.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

5) ILLEGAL VOTING

BALLOTS RECEIVED AFTER ELECTION DAY IN PA

69,004

"INDEFINITELY CONFINED VOTERS" IN WI

200,000

FELONS VOTING IN GA

2500

UNDERAGE VOTERS IN GA

66,247

UNREGISTERED VOTERS IN GA

2,423

In Pennsylvania, 69,004 ballots were received after election day, (Nov. 3rd), and 19,660 after the 6th. Moreover, out of 161,774 mail-in ballot records that were changed between the November 10th and December 16th version of the data, 116,840 ballots were given new return dates. 69,004 ballots were marked as "returned" after November 3rd despite Pennsylvania Secretary of State Kathy Boockvar reporting on November 10th (and to the Supreme Court on November 30th) that only 10,00 ballots were received after November 3rd.

In Wisconsin, the number of "indefinitely confined voters" surged from under 70,000 voters in 2019 to over 200,000 in 2020. Social media profiles showed that these voters actually had active lifestyles. The 130,000 increment is over five times the margin that Biden "won" by in the state.

Many states exhibited abnormal turnout rates. For example, cybersecurity expert Russ Ramsland testified in Wayne County that 46 of the 47 precincts where Dominion machines were used had at least a 96% voter turnout rate and 25 of the 47 had a 100% turnout.

In Georgia, affidavits and testimonies revealed that 2,500 felons with uncomplete sentences registered to vote and cast it, 66,247 underage people were registered to vote and illegally vote, 2,423 unregistered people voted, and 10,315 people who voted had died by the time of the election. Many more examples abound.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

4) BATTLEGROUND STATES

A new report by Dr. John Lott in the Department of Justice reveals that precincts that the voting patterns observed in Georgia and Pennsylvania are highly anomalous. While comparisons between counties where voter fraud was alleged versus those where it was not reveal significant leads for Biden in 2020, they reveal no such leads in 2016 between Trump and Clinton.

> "The estimates here indicate that there were 70,000 to 79,000 "excess" votes in Georgia and Pennsylvania. Adding Arizona, Michigan, Nevada, and Wisconsin, the total increases to up to 289,000 excess votes." - John R. Lott, DOJ, Dec. 21st, 2020

Biden "won" Fulton County GA by 243,904 votes and 86,309 in absentee ballots.

Even though in 2016, there was less than a percentage point difference in the fraction of absentee ballots that went to Trump cast in Fulton versus bordering and highly similar neighboring counties, Trump had a 7.19 percentage point lower share in 2020. Results are robust to controlling for demographic differences, such as race and age.

Biden "won" Allegheny and Philadelphia Counties by 146,706 and 471,305 votes and 206,505 and 310,553 absentee ballots, respectively.

Just as in Fulton County, GA, Trump's share of votes was 3.4 percentage points lower in Allegheny County in 2020. The differences are even higher when looking at absentee and provisional ballots. Put together, there are at least 55,270 extra ballots that went to Biden.

If these differences in fraudulent ballots are incorporated, Trump would win GA and PA.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

3) STATISTICAL ANOMALIES

Statistical analysis of the sudden and sharp vote surges for Biden are highly suspect because of their timing and concentration in vital battleground counties.

01 Publicly available data from the New York Times reveals that Biden's lead over Trump in key battleground states, such as Michigan and Wisconsin, were the result of vote drops that occurred in the early hours of November 4th and nearly exclusively for Biden.

02 Consider the vote update in Michigan at 3:50AM EST on November 4th that delivered 54,497 ballots for Biden and 4,718 for Trump. Another even more anomalous update at 6:31AM EST delivered 141,258 ballots for Biden and 5,968 for Trump.

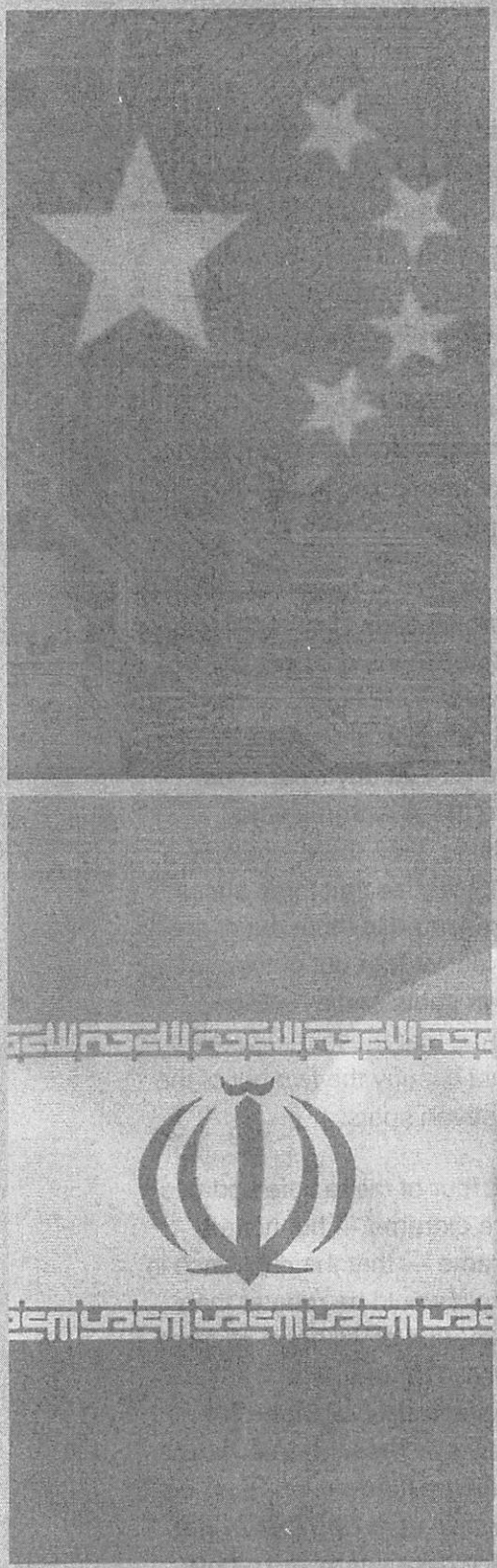
03 Similarly, a vote update at 3:42AM CST on November 4th in Wisconsin delivered 143,379 to Biden and 25,163 to Trump. While there are a few instances where ballot dumps also went to Trump, these were in significantly smaller magnitudes and less frequent.

04 Four of the seven most anomalous vote updates — that is, updates in which the margin and ratio are co-extreme — are in election-critical states and occurred during the same five hour period where the circumstances on the ground were contested and highly suspicious.

05 Approximately 15% of the vote updates in the data set of 8,954 were from Michigan, Wisconsin, and Georgia. If we were to assume that any state could have these extreme vote updates, then there would be a 1.2% chance that three states represented in three out of the top four or four out of the top seven spots and a 0.99% chance that these three states would occupy the five out of the top seven spots.

06 If all four of these vote updates were extreme — but not as extreme — that the difference in margin would be greater than the margin of victory in all three states. ***The media's proclamation of Biden's victory in these states relied on four of the seven most co-extreme vote updates in the entire data set of the whole 8,954 vote updates.***

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)



IRAN AND CHINA TAMPERING IN US ELECTIONS

The Department of Homeland Security (DHS) released a report on October 30th, 2020 announcing an Iranian advanced persistent threat actor that was targeting state websites to intimidate potential voters and gain access to voter roll data.

Edison Research was using an unencrypted VPN with login credentials that were easily accessible and used by foreign adversaries to monitor and manipulate votes.

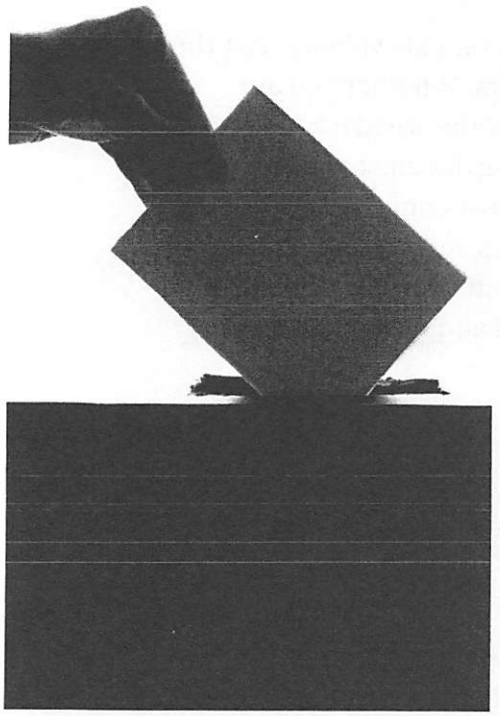
The internet protocol (IP) addresses into the "edisonresearch" host server were went in both directions, meaning that not only were ***Iran and China*** (and other adversaries) accessing the server, but also the Edison Research server was communicating back to these adversaries.

Edison Research shares a virtual private server (VPS) with BMA Capital Management, which is a known company that provides Iran access to capital markets.

> *CISA* and the FBI are aware of an Iranian advanced persistent threat (APT) actor targeting U.S. state websites—to include election websites. CISA and the FBI assess this actor is responsible for the mass dissemination of voter intimidation emails to U.S. citizens and the dissemination of U.S. election-related disinformation in mid-October 2020. - CISA, Oct. 30, 2020*

*Cybersecurity and Infrastructure Security Agency

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

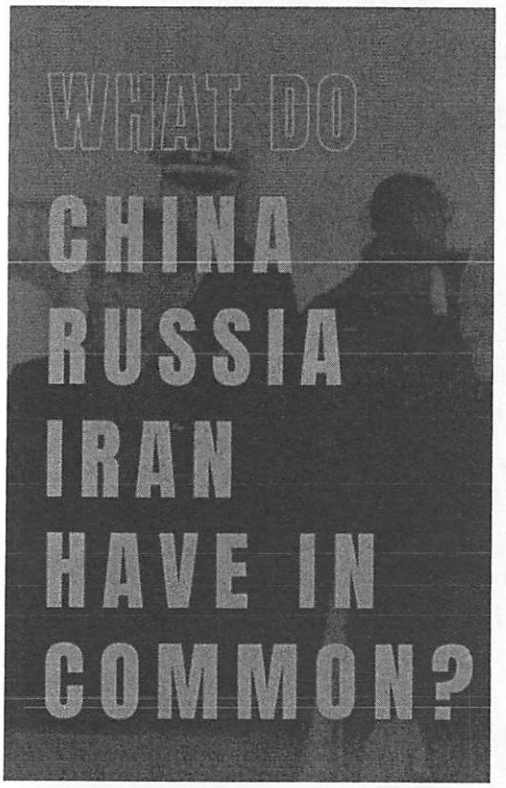


IT WAS BALLOT TAMPERING!

In a November 3 Facebook post, Freeman wrote "A lady had a problem with me telling her what a supervisor told me to tell her yesterday. This morning, lo and behold, out of nowhere, she came to give me a hug. You already know the end of that story. Judas, I'm not Jesus. Don't play. I blamed it on Social distancing."

Freeman's daughter is seen as the first to remove the ballots from the suitcases and issuing instructions to the other vote counters, subsequently retrieving a second suitcase of ballots. Although the lawyers she retained changed her Instagram into a parody account, that was a last ditch effort to cover up the truth and is not historically consistent with her previous posts.

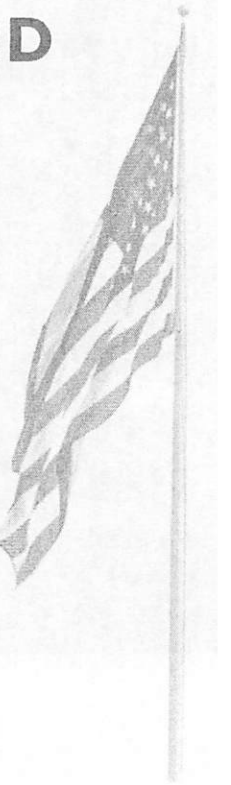
Click to see the original video



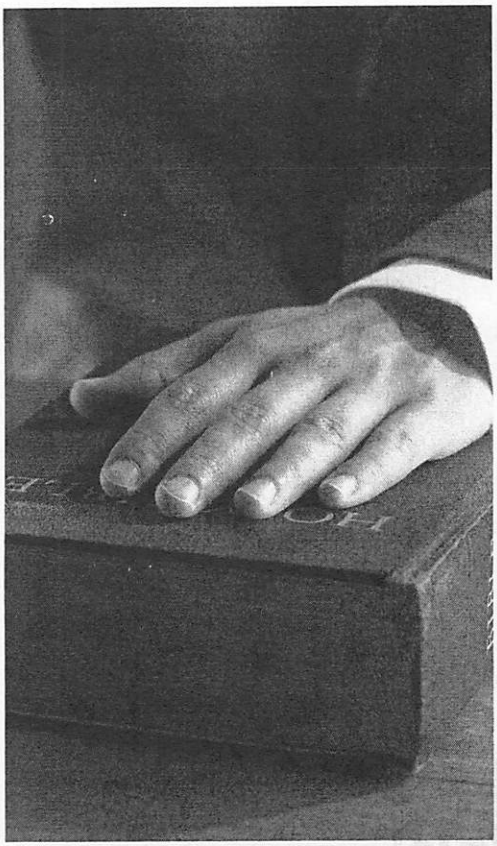
2) FOREIGN ADVERSARIES DIRECTLY INVOLVED

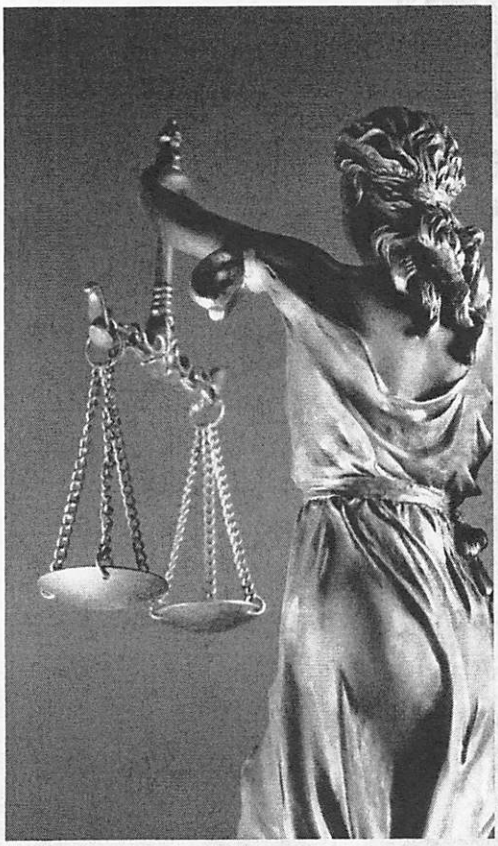
FRAUD BY DOMINION VOTING SYSTEMS, EDISON RESEARCH

Dominion Voter Systems and Edison Research were using an unencrypted virtual private network (VPN) that was penetrated by multiple foreign adversaries. See the affidavit.



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)





6 EXAMPLES OF VOTER FRAUD

There is now a wide array of empirical evidence that the 2020 election was not like others. Whether you are already believe that there was widespread fraud or you are a skeptic, the purpose of this document is to summarize a snapshot of the most compelling evidence, including: eye-witness accounts and confessions of fraud, technological vulnerabilities, statistical anomalies, voting irregularities, illegal voting, and audits of actual voting machines.

You might be wondering: if there's evidence, why has it not gone through the judicial system? Courts have dismissed the cases without ever hearing the evidence.

This is just a very small set of evidence we have compiled over the course of six weeks, but we are fully convinced that this election was stolen from President Trump and we must do everything possible to defend our Republic. Our weapon is the truth, and our advocate is the Lord.

1) THE CASE OF RUBY FREEMAN

There are many examples of election officials directly participating in voter fraud, but perhaps the most notorious example is in the battleground state of Georgia by Ruby Freeman and her daughter.

An October 26th Facebook live by Ruby Freeman in Fulton County, GA reveals that her daughter brought in suitcases of ballots that were counted after observes were told to leave, corroborating affidavits that flagged 8:22AM as the time these suitcases arrived.

Freeman said "Y'all want to know who my new supervisor is? It's my daughter." She added that "I just do what she say do and it's her show baby, it's her show."

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

SUMMARY: SELECT EVIDENCE OF PRESIDENTIAL ELECTION FRAUD 2020



Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

3 DIGITAL FRAUD

3.1 Analysis of DeKalb county showed a "weighted race" Algorithm Suggesting a Consistent and Automated Motification of Vote Totals transferring 48,000 votes in Favor of Biden.

N. Dr. Shiva – Affidavit explains weighted race algorithm

3.2 Ballots were run through the scanners multiple times, counting the votes each time that these went through.

O. The same batch of ballots being scanned 5 times in a row in Fulton County, Georgia

P. Melissa Carone, MI – Affidavit

Q. Duplicate Scanner – Affidavit

3.3 Fulton County Video stating that 79.7% of ballots needed to be adjudicated, indicating the system was significantly misconfigured.

R. https://www.youtube.com/watch?v=Ic-_K9S0Do4

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

1.5 **UBS Securities LLC, owner of Staple Street Capital had a 30% Chinese Board of Directors with Dominion Voting Systems intellectual property held in collateral by the Hong Kong Shanghai Business Corporation, People's Republic of China.**

B. UBS Securities LLC - Company Profile and News

C. Dominion Voting Systems Patents Given In 2019 To Chinese Bank For Collateral

1.6 **Staple Street Capital's parent organization, US Based UBS Securities LLC shared chinese board of director members with Chinese controlled UBS Securities LTD CO, up until early December 2020 when board members rotated off the board; presumably for optics.**

D. UBS Securities LLC - Company Profile and News

1.7 **Dominion VP of Engineering, Eric Coomer has had anti-USA, anti-police, anti-Trump and pro-Antifa statements on his Facebook, has public testimony of how electronic voting machines can be bypassed; and is quoted as having said, "Don't worry about the election, Trump is not going to win, I made f****ing sure of that."**

E. Michelle Malkin – Eric Coomer Expose - https://www.youtube.com/watch?v=dh1X4s9HuLo

F. Eric Coomer Explains how to Bypass Voting Machine Controls - https://twitter.com/hppyjesusfreak/status/1330786115830247425

1.8 **Chinese goals in 1963 to take over American without firing a shot, entered in Congressional Records included, "15. Capture one or both of the political parties", "20. Infiltrate the press", "21. Gain Control of Key Positions in radio, TV, and Motion Pictures" and many other relavant topics to current happenings.**

G. https://www.tysknews.com/Depts/New_World_Order/comgoals.htm

1.9 **Multiple CISA reports exist identifying foreign interference and Election Systems in November 2020.**

H. Iranian Advanced Persistent Threat Actors Threaten Election-Related Systems

I. APT Actors Chaining Vulnerabilities Against SLTT, Critical Infrastructure, and Elections Organizations

2 STATISTICAL ANALYSIS

2.1 **Statistical Analysis by multiple mathematicians indicate massive fraud occurred.**

J. Dr. Shiva – Affidavit explains weighted race algorithm

K. Quinell & Stanley - Affidavit A

L. 2020 Presidential Election Startling Vote Spikes

M. Keshel - Affidavit

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Election Fraud Facts & Details

Supporting Files for all items listed can be found at the following URL:
https://www.dropbox.com/s/6erroei8ti11hdv/Supporting%20Files.zip?dl=0

1 Foreign Influence & National Security Concerns In US Elections

1.1 The core software utilized by Dominion, the 2nd largest US voting machine vendor, originates from intellectual property of Smartmatic; a company that was founded in communist Venezuala with links to Chavez.

A. Smartmatic Ties to Hugo Chávez Warned About in 2006

B. SmartMatic Sells Sequoia Voting Systems to US Holding Company After CFIUS Probe

C. Sequoia Admits that while they can change the source code (e.g. Software), Smartmatic still owns the intellectual property of the software.

D. Dominion Buys Sequoia from Smartmatic and Diebold from ES&S

1.2 ES&S, Dominion, and Hart Intercivic represent 92% of voting machine market and have a long history of significant security vulnerabilities that could be exploited by a nation state in ways that would be difficult to detect.

E. Map - Voting Machine Usage in the US

F. Defcon 27 - Voting Machine Hacking Village - Vulnerablity Report

G. Defcon 26 - Voting Machine Hacking Village - Vulnerablity Report.pdf

H. History of ES&S and Diebold (Now Dominion) Vulnerabilities and Voting Inconsistiencies

I. Antrim-Michigan-Forensics-Report-121320-v2-Redacted

1.3 An affidavit and scholarly statistical paper attest to Smartmatic rigging Venezualian elections. Smartmatic has also been accused of rigging elections in the Philippines and India

J. Venezuala Smartmatic Affidavit

K. Statistical Science - 2011 - Volume 26 - Number 4 - Analysis of the 2004 Venezuala Referendum - Official Results Verses the Petition Signatures

L. Smartmatic Voting Technology Firm Linked to Alleged Fraud in Elections in Philippines, Venezuela

M. After US, Here Is How Smartmatic Is Planning To Rig Indian Elections

1.4 Staple Street Capital, the parent organization for Dominion Voting Systems, sells to UBS Securities LLC for 400M.

A. SEC - EDGAR Filing Documents - Series D Sale to UBS Securities LLC for 400M

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Of course the implication of this election is that those nations and people supporting Joe Biden are going to attempt to control, dominate, brainwash, imprison, or destroy anyone who supported Donald Trump, and erase every political act of Donald Trump. We see this already with Biden's executive orders to stop the border wall construction, subjugate America to the Paris Climate Treaty, assist foreign people to invade America illegally and grant them citizenship to vote, and morally destroy Americans through a fascist transgender-homosexual agenda to indoctrinate the population. All of these actions may of course ignite a civil war in America.

As a result of the overwhelming evidence, we can clearly see that the election of Joe Biden was a fraud, and as a result has no lawful power or legitimacy; and therefore no word, order, policy, or instruction from Joe Biden or his representatives has any authority, power, or legitimacy, and should not be accepted or obeyed in any way. To do so would clearly be an act of treason.

The strategy we should use to counteract the false and dangerous Biden orders, is as follows:

1. Make phone calls and emails and letters to Members of Congress, the Governor of your State, and local government officials, and state BE ADVISED, in accordance with 18 U.S. Code § 2382 (Misprision of treason), 18 U.S. Code § 4 (Misprision of felony), you are being given legal notice of a felony, and failure to act on your part will be construed as a crime, and you will be prosecuted in your corporate and individual capacity.
2. Use this document as a NOTICE OF LEGAL SERVICE that all orders, policies, and instructions from the Joe Biden Administration are unlawful and unconstitutional due to the overwhelming evidence of fraud and corruption.
3. Collect the legal filings and exhibits provided by attorneys Sidney Powell, Rudy Giuliani, Patrick Byrne, and Phil Kline as evidence of this fraud and corruption, and demand that it not only be acknowledged by state and federal courts and government agencies as factual and accurate, but that indeed it mandates the rejection of all Biden Administration claims of Presidential authority by said courts and government agencies.
4. Declare that any political or government person or agency (majors, town councils, supervisors, members of Congress, police, judges, etc.) that does not reject as unlawful all claims, instructions, and orders from the Biden Administration, are violating the constitution, have abdicated their authority, and are complicit in treason against the constitution of the United States, as well as the State Constitutions.
5. Send this notice by certified mail to all courts, judges, members of Congress, Military leaders, and state and local government officials; churches and media.
6. Request that these Executive Orders be prosecuted pursuant to: 18 U.S.C. §§ 371, 1512, and other laws.

Truth is the best psychological operation, and the natural antiseptic for lies, and rejection of tyrants and their orders is the duty of free men to both God and others.

--Scott Bennett
www.shellgamewhistleblower.com

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

LEGAL NOTICE: EXECUTIVE ORDERS OF BIDEN ADMINISTRATION AS TREASON

BE ADVISED, pursuant to 18 U.S. Code § 2382 (Misprision of treason), 18 U.S. Code § 4 (Misprision of felony), I am hereby providing you LEGAL NOTICE of information and evidence (see attached exhibits) that represent a national security threat and must be acted upon immediately. Failure to act on your part will be a violation of the these and other laws of the United States of America. The information is as follows:

Overwhelming evidence proves beyond reasonable doubt that Joe Biden is not the President of the United States of America, despite the propaganda machine (mainstream media, democrats, fake republicans, etc.) attempting to bully and brainwash Americans into believing he is.

A team of analysts, including Scott Bennett, were in Washington DC not long ago, and worked with General Michael Flynn's team (and others) on examining the evidence and affidavits from the technical experts who provided the proof not only of election fraud, but of treason and espionage and cyber warfare attacks. Without disclosing too much or identifying people that might be put in danger, his affidavit establishes with absolute authority that the materials provided by the military personnel, the cryptologists, the attorneys, and the analysts prove beyond any doubt that the election on November 3, 2020, was a corrupt fraud and act of high treason committed, and an act of war by China.

Bennett sat down with experts over several weeks, and saw some amazing things, documents, videos, and other materials that both enraged and nauseated him. He interviewed technical geniuses who provided testimony and evidence clearly showed me that Barak Obama, John McCain, Mitt Romney, John Brennan, and others committed high treason and should be prosecuted and promptly executed for their crimes. So damaging was the material they were analyzing, that they had CIA—and most likely Mossad—hacking into their phones, their computers, planting microphones, setting up "honey-traps", and breaking into their hotel rooms searching for our evidence. As a result, they were moved around to different hotels every few days, and surrounded by gun-carrying Navy SEALS, U.S. Marshalls, and Special Forces soldiers.

Essentially, Joe Biden's presidential election was the result of a multidimensional fraud that consisted of 1) mail-in ballots justified by the Covid-19 Chinese virus, 2) Chinese Communist Party purchased Dominion voting machines with software that manipulated the election numbers to a pre-determined percentage, 3) fake ballots transported into vote counting polls to reflect the fake computer manipulations of the numbers, and 4) delusional democrats, fake republicans, and a mainstream media that was hysterical and obsessed with removing Donald Trump by all means necessary. The Supreme Court also seemed to play a passive-aggressive role by abandoning its constitutional duty to rule on controversies between the states—and nothing is more controversial that evidence of a corrupted election of a person controlled and bribed by foreign nations.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

This is the same operation that had run in two countries where Obama helped "usher" in elections: in Fellujah, Iraq, in Ukraine, and others. This can be established with reference to the 2014 Ukraine aid package.

Brennan used federal taxpayer money to help contract out the fine tuning of core software upon which all election machines run. This is not a Dominion Software issue only, as both CCP (Chinese Communist Parties) and Pakistani ISI (Islamic Security Intelligence) professionals were involved.

When I arrived approximately 12 days ago, I asked for a collection of routers from *non-contested* states in order to SIP and locate the IP access point. All 50 states and territories all connect to one location that gives a portal into the script parking. The actions so far that I have witnessed indicate an active coup. We would have found who, what, and where, already if this was done.

Signed in Washington, D.C. this 25th day of November 2020.

_____
Terpsehore P. Maras

District of Columbia)
) ss

On this day personally appeared before me Terpsehore P. Maras, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this _____ day of _____, 20_____.

_____

_____ (printed name)
Notary Public in and for Washington, District of Columbia
Residing at _____
My Commission Expires:_____

(seal)

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

block adjustment of the vote – the code self-adjusts to allow the script to run to provide the results of the election that have been pre-programmed.

No block adjustment was done during the window of the 2016 election. In 2016, Georgia had complained that someone "hacked" their systems. They claimed *Russian hackers*. I believe that the DHS IP that was discovered was a non-attribution method used to mitigate physical disruptions of cipher key deployment that had previously failed - therefore I am certain that the *Master Key Holder* was physically in Georgia, if a port of entry flag (where DHS entered into the election network in Georgia) was there.

If you find the IP and the device that the DHS " hacked" within the Georgia elections to "look for Russians" you can find the current actor of such actions.

CONSIDERATIONS:

I have personal knowledge that Richard Pilgur, the head of election crimes at the department of justice (DOJ) at that time, had been briefed of the software deployment in 2012 - 2020. He was also briefed on the failure in 2016 and sought to "find" who physically disrupted Brennan's operation. Pilgur *knew* the elections were fixed. He was on the call in the Fall of 2012 discussing mitigation achieved or on-ready.

KEY POINTS

Cipher key holders are within the agency and Cyber Infrastructure Security Agency (CISA). No Block Allocation in 2016 was observed.

Observations

The 2020 elections seem to have stalled all election machines at the same time, as Cipher Key must have originated from one point and pinged off each state. This infers that the Master Key was used for block allocation and that the operation may have stalled counting to communicate with on-the-ground persons to help advise physical mitigations to be deployed in case of an audit; i.e., was Block Allocation of 100K votes adjusted by script?

The plan of mitigation, if the algorithm fails, due to overwhelming contrary votes, and the algorithm self-adjusts to block allocate the votes needed to ensure the predetermined results, is to call Point of Contact (POC) in polling locations that have "volumes to match". It is then advised to divvy the amount of "physical evidence" that will be needed to cover the predetermined vote fix once elections are certified, in case of audit. They are instructed to create physical evidence then to resume counting. This is why the creation of physical ballots is found.

Call logs of individuals at locations will confirm this information. That is how we monitored those mitigating for us outside the continental United States (OCONUS).

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

I have personal knowledge that Romney *knew* he was going to lose because he colluded to prearrange the loss (but hoped the mission would fail to solidify). Brennan reassured Obama that he was confident the software would work and would move the election in favor of Obama. Romney wasn't on board, but he knew that the software was going to be used. He knew as his indirect investments into the election machinery was a problem, and the "knowledge of actions" was used as leverage for that "deal" and the purpose of the 2012 election was not to choose a President but to test drive the new software.

There were about 30-42 IC employees from various agencies that assisted in the deployment of the Cipher Key (what you need to access the trap door) across four time zones. This was executed out of a location in Alexandria, VA that Brennan "owned". A property his wife surely managed under the cloak portfolios he has.

The 2012 election was *fixed* - McCain had fail-safes if anyone was successful in altering their desired outcome. During that time, Patraeus was moved into the position of CIA Director *after* Morell created the landscape to capture insurance. Both Chinese and Pakistani ISI operatives had been involved in monitoring, "auditing" and ensuring the software deployment was ushered in real time.

There is important background information to consider. JL may be able to provide more information as to what Patraeus was actually trying to do. Morell primed, and then Morell cleaned up. He was the one who mitigated all that refused to cooperate as Benghazi was being planned in 2011 when Ambassador Stevens first arrived in Libya via Greece. I have personal knowledge of that operation and how Morell was working with the UN to orchestrate it.

Morell was a point of contact (POC) that HRC brought in to buffer the intelligence community concerns that the UN had with timing on the deployment of the North American Union.

2016 ELECTION

President Trump successfully won fairly. I observed that no script deployments or stalls occurred in 2016. This was because physical mitigation was in place since Owen used the same location of deployment. Network and power were disrupted during the tally which disallowed them access remotely to the election machines. I have personal knowledge of the physical actions taken to ensure disruption of their communications.

It is considered that mitigation may had been in place by another group to assist in hindering deployment on the DHS side which is not confirmed by personal knowledge, but the Secretary of State of Georgia alleged in 2016 that the elections were compromised because they detected a hacker. It turned out it wasn't Russians. The hacker was determined to be DHS (a DHS IP address).

The Cipher key for trapdoor was always in the hand of DHS/IC persons that Brennan had appointed. It is key to understand that *Block Allocation* is not a *manual* key stroke – it is the

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Brennan briefed the group on how to manipulate people to "embrace" new tech electronic voting machines, by pushing anonymity after the localizer identified key issues and dynamics. The project was called Project Reins. No one told me this was classified information nor was anything ever marked classified.

In 2008, Obama and McCain fixed the election. McCain *knew* he was going to lose from this manipulation. It was fixed. I was overseeing some of the operations especially those concerning Charles Black. The Obama and McCain race was fixed to test if the technology and strategy by McCain could compete with social media outlets. They had already pre-planned who would win. Robert Bauer had drafted the legal framework for it - dependent on GSG (Brennan) to deliver with social media, which was the proof of concept. Dennis Blair was also briefed and assured the success of the project by helping to deploy the Shadownet.

Dynology helped McCain collect data and deploy to compare/contrast and compile data compared to that and merge that of the Obama campaign. The RNC was in on it via McCain, hence Dynology had access to the RNC and the McCain campaign.

The purpose was to fine tune the predictive analytics, coupled with all the data they were able to collect through various FBI contracts. Robert Cuthbertson was able to obtain and secure such data for both the CIA and the FBI.

McCain's purpose was to *hide* metric data collection that he would feed to the Obama campaign as well as to set a precedent for the "acceptance of results".

Facebook's partnership began at that point with a predecessor of Cambridge Analytica who's name I do not recall that was based out of UK. At this time I could not successfully report to my authority and I was transitioning.

In 2011, preliminary to 2012 election, I provided a Georgia address in writing Patrick Byrne and Joe Flynn which was the location where the cycle testing of the machines was done, but also testing latency between script push and reporting to ensure that live updates did not capture "vote block allocations" that were needed to ensure "efficiency of algorithm", battery life, latency, ballot counters, optical scanners, and digital slate. None of this information was marked classified at any time. Romney knew he was going to lose. A *foreign-entity created code* and algorithm built by a Soros-owned company (Smartmatic/Smart Cities/SOE software) was then fine-tuned by China via a French contractor Safran which also subcontracts to Papillon AO which is *GRU link.*

I have personal knowledge that General Hayden was the running point for Brennan. Brennan was supposed to come through with fixing the election and pushing the election software before being appointed. It was the "deal". I was operating under the supervision of the President, the CIA director, the head of election crimes of the DOJ (Pilgur) and others. At that time they had already planned to remove and box Robert Gates who wanted more skin - and refused to relinquish pooled control. Gates was removed and replaced by Panetta. Panetta was moved to ensure that the Department of Defense would *ignore* that products of foreign defense deployed on US soil as tools of "election ushering " that were being deployed.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Affidavit of Terpsehore P. Maras

District of Columbia)
) ss

I, Terpsehore P. Maras, on oath and subject to the laws of perjury, being over 18 years of age and legally competent to testify to the matters set forth herein, with personal knowledge of the same, now declare pursuant to 4 U.S.C. App. Sec. 3 § 8H [title VII, § 701 (b)] Whistleblower Protection for Intelligence Community; Employees Reporting Urgent Concerns to Congress); and 5 U.S.C. § 7211 (Lloyd-LaFollette Act, Employees' Right to Petition Congress); 5 U.S.C. § 552 a (Privacy Act); 5 U.S.C. Appendix, § 7 (Inspector General Act); 10 U.S.C. § 1034 (Armed Forces/Prohibition Against Retaliation); 10 U.S.C. § 2409 (Department of Defense Contractor Fraud Antiretaliation); 18 U.S.C. § 1513(e) (obstruction of Justice, Retaliation Against Whistleblowers); 18 U.S.C. § 1961, 1962, and 1964 (Racketeer Influenced and Corrupt Organizations Act); 42 U.S.C. § 1985(d) (Civil rights Act of 1871); 18 U.S.C. § 241 (Deprivation of rights using color of law); 18 U.S.C. § 242 (Conspiracy to commit deprivation of rights under color of law); Executive Order 12731, §101(k), 5 CFR § 2635.101, 57 Federal Register 35006 (Principles of Ethical Conduct for Government Officers and Employees), as follows:

I am a private contractor for over twenty years with corporations that contract with the government within the continental United States (CONUS) and outside the United States (OCONUS).

In 1999 about twenty-five (25) attendees including me were debriefed, including Dunsford, Hayden, McCain, Clinton staffers, Brennan, and Cuthbertson (only in the end) with Mueller and other unidentified brass and First Sergeant Gonzales(??) (called speedy).

At this meeting, McCain discussed the "future" and the "new millennium" which included issues with paper punch holes and deployment and discussed how the agency was sourcing the right software to ensure that elections were secure in the future. It was discussed to buy smaller developers and develop it right (with China and the EU's assistance).

I was tasked to be the "localizer" of the actual products. Kuwait was the initial deployment to test and compete for Brennan's company that was to be built out to collect, compile, and analyze, the data needed to "secure" elections in other nations. At that point that I raised the question of the integrity of elections. My question was: Aren't the people supposed to be voting themselves? McCain's response was "we can't have people voting for their leaders. We need to make sure that nations are in the right hands." I felt like I was the only one there who felt uncomfortable with McCain's speech basically telling us that people were too stupid to elect their own leaders.

The Kuwait deployment was the predecessor of the Fellujah election, as the same software was used. Private contractors were employed.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Conclusion for all seven states with contested electoral slates (415,000 margin vs. over 2,200,000 ballots contested)

There is now a mountain of empirical evidence that voter fraud was present in the 2020 election and intentionally concentrated in specific counties of specific swing states. Ranging from eye witness testimony to statistical anomalies to significant machine vulnerabilities that were exploited by foreign adversaries, roughly 2.2 million votes are contested. With a margin between the candidates of less than 415 thousand votes across all contested states, this represents more than five times the votes needed to sway the election outcome of all battleground states in favor of President Trump.

Even if some of these pieces of evidence were possible to somehow explain away or leave a bit of reasonable doubt, there is no way to explain all of them away simultaneously. Indeed, sophisticated statistical analysis points out that the anomalous behavior in Michigan, Georgia, and Wisconsin alone between 1:30 and 6:32AM EST November 4th has a probability of 0.00229% , which is effectively zero.[46] In brief, it is the duty of state **and** national legislators to consider the evidence and maintain election integrity for not only 2020, but all future generations in the United States and all countries that model off of our democracy. State legislators have a duty to ensure that their election law was faithfully followed and to ensure that their authority to set the rules under which elections take place, upon which rules the certification of electors depends, is unchallenged. National legislators have a responsibility to act as national poll watchers, as it were, and to be the ultimate guarantors that the state laws were faithfully followed and that the Electoral votes opened in their presence are legal votes. In the face of clear and widespread evidence that that is not the case, and that the Electors from certain states were NOT legally certified, they have a responsibility to not count those illegal votes and be the final guarantors of election integrity.

Key Sources & References

The following sources are heavily referenced, often directly quoted, and provide recommended further reading for anyone wanting to do a deeper analysis into the election fraud:

- https://everylegalvote.com/assets/pdfs/The-Immaculate-Deception-12.15.20.pdf
- https://www.frontpagemag.com/fpm/2020/12/yes-it-was-stolen-election-john-perazzo/
- https://everylegalvote.com/

[46] https://votepatternanalysis.substack.com/p/anomalies-in-vote-counts-follow-up

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

- The Wisconsin Elections Commission issued a rule that appears to give county clerks the authority, in contravention of state law, to fix incomplete (or "spoiled") ballots that are missing witness signatures.[45]

Court Cases

Feehan v. Wisconsin Elections Commission (District Court: 2:20-cv-01771; Appeal Court: 20-3396; U.S. Supreme Court: 20-859)

Sidney Powell filed a lawsuit on Dec. 1 seeking to de-certify and invalidate improper votes in Wisconsin over allegations of election fraud. She is representing a Republican presidential elector. One of the plaintiffs Derrick Van Orden was removed from the complaint after filing.

Dec. 6: Judge rejects Democratic Services Corporation/Democratic National Committee's request to join lawsuit. Dec. 9: **Judge dismisses case**. Powell said her team will seek an emergency review in the case. Dec. 10: Powell's team files notice of appeal.

Dec. 12: Powell's team files a petition to the U.S. Supreme Court. Dec. 29: U.S. Supreme Court dockets case. Dec. 30: Powell's team asked the court to consolidate all four related-cases filed by the lawyer on behalf of Republican electors.

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Trump v. Biden (Trial: 2020CV007092; Wisconsin Supreme Court: 2020AP2038)

President Donald Trump and Vice President Mike Pence file an appeal to contest the Wisconsin recount in Milwaukee and Dane County.

Dec. 3: Lawsuit filed. Dec. 11: **Judge tosses out the case**. The attorney representing the Trump campaign signaled that he intends to appeal the decision. Dec. 11: The Wisconsin Supreme Court agreed to hear the appeal. Dec. 14: The Wisconsin Supreme Court rejects lawsuit saying one of the campaign's arguments lacked merit, while the other three were raised way too late. Dec. 29: Trump files a petition for a writ of certiorari and motion for expedited consideration at the U.S. Supreme Court.

Source: https://www.theepochtimes.com/c-wisconsin

Conclusion

These non-legislative modifications to Wisconsin's election rules appear to have generated an outcome-determinative number of unlawful ballots that were cast in Wisconsin. The supposedly "found" ballots and the approximately 200,000 illegally claimed as "indefinitely confined" individually and together far exceed Vice President Biden's alleged margin of 20,565 votes over President Trump. Regardless of the number of such ballots, the non legislative changes to the election rules violated the Electors Clause.

[45] https://elections.wi.gov/node/7190

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

- Clerks failed to enter initials on ballot envelopes indicating whether the elector is exempt from providing proof of identification, as required by Wis. Stat. §136.87 (2).
- Clerks and the boards of canvassers permitted absentee ballots returned without the required witness address under Wis. Stat. § 6.87 (2) to be counted in contravention of Wis. Stat. § 6.87 (6d).
- Clerks who received absentee ballots with improperly completed certificates or no certificates filled in missing information in contravention of Wis. Stat. § 6.87 (9).
- The clerk of the City of Madison ignored Wis. Stat. § 6.855 and created an event named "Democracy in the Park" and, of her own accord, designated alternate sites where absentee ballots could be collected; these ballots were counted in contravention of Wis. Stat. § 6.87 (6).[40]
- It is alleged in an action recently filed in the United States District Court for the Eastern District of Wisconsin that over five hundred unmanned, illegal, absentee ballot drop boxes were used in the Presidential election in Wisconsin.[41]
- While the Secretary of State tried to use the pandemic to classify more people as indefinitely confined, the WI Supreme Court struck this down. Ignoring this court ruling, the Wisconsin Secretary of State convinced over 215,000 to claim the status anyway under Wis. Stat. § 6.86 (2), causing chaos and confusion, and failed to keep current the mailing list established under that subsection and clerks in Dane and Milwaukee counties offered illegal advice that encouraged individuals to use indefinite confinement as a way to ignore the state's photo I.D. requirement.[42] [43] The usual number of indefinitely confined voters in Wisconsin is 20,000.
- Thousands of "indefinitely confined" voters have been identified on Facebook with pictures that point towards clearly active lifestyles.
- Ethan J. Pease, a box truck delivery driver subcontracted to the U.S. Postal Service ("USPS") to deliver truckloads of mail-in ballots to the sorting center in Madison, WI, testified that a senior USPS employee told him on November 4, 2020 that "[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing" and needing to be "found". He filed a sworn statement that the USPS in actuality gathered approximately 100,00 late ballots and backdated them in an attempt to count them. 100,000 ballots supposedly "found" after election day would far exceed former Vice President Biden's margin of 20,565 votes over President Trump.
- 20% of Republicans had requested ballots that were never subsequently recorded as having been "received" or "counted" by the state.
- 63,000 Biden only votes (huge statistical anomaly), despite Trump's recent recognition as America's most popular man, 3x more popular than Biden.
- Mathematically incongruous Wisconsin update listed as 3:42AM Central Time on November 4th, 2020, which shows 143,379 votes for Joe Biden and 25,163 votes for Donald Trump. This starkly contrasts normal voting patterns in this area.[44]

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[40] 2021 Assembly Resolution 3: https://docs.legis.wisconsin.gov/2021/related/proposals/ar3

[41] See Complaint (Doc. No. 1), Donald J. Trump, Candidate for President of the United States of America v. The Wisconsin Election Commission, Case 2:20-cv-01785-BHL (E.D. Wisc. Dec. 2, 2020) (Wisconsin Trump Campaign Complaint") at ¶¶ 188-89.

[42] https://bringit.wi.gov/faq/do-indefinitely-confined-voters-have-provide-photo-id

[43] https://www.wispolitics.com/2020/wisgop-trump-lawsuit-highlights-indefinitely-confined-voter-increase/ ; 2021 Assembly Resolution 3: https://docs.legis.wisconsin.gov/2021/related/proposals/ar3

[44] https://votepatternanalysis.substack.com/p/voting-anomalies-2020

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

Wisconsin

(20,467 margin vs. over 460,000 contested ballots)

Ac tons and last-minute illegal rule changes

- Wisconsin Elections Commission undertook a campaign to position hundreds of drop boxes to collect absentee ballots—including the use of unmanned drop boxes, despite specific statutes requiring "that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse."
- The mayors of Wisconsin's five largest cities—Green Bay, Kenosha, Madison, Milwaukee, and Racine, which all have Democrat majorities— joined in this effort, and together, developed a plan use purportedly "secure drop-boxes to facilitate return of absentee ballots."[37]
- However, the use of any drop box, manned or unmanned, is directly prohibited by Wisconsin statute, and any alternate absentee ballot site "shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners."[38]
- Specifically, registering to vote by absentee ballot requires photo identification, except for those who register as "indefinitely confined" or "hospitalized." However, WEC and local election officials also took it upon themselves to encourage voters to unlawfully declare themselves "indefinitely confined"—which under Wisconsin law allows the voter to avoid security measures like signature verification and photo ID requirements.
- Under Wisconsin law, voting by absentee ballot also requires voters to complete a certification, including their address, and have the envelope witnessed by an adult who also must sign and indicate their address on the envelope. However, in a training video issued April 1, 2020, the Administrator of the City of Milwaukee Elections Commission unilaterally declared that a "witness address may be written in red and that is because we were able to locate the witnesses' address for the voter" to add an address missing from the certifications on absentee ballots. This is a clear violation of the law.[39] Additionally, statute clearly states that ""If a certificate is missing the address of a witness, the ballot may not be counted."

Resulting "Significant Irregularities" and Possible Fraud

- Clerks provided absentee ballots to electors without applications as required by Wis. Stat. § 6.86.
- Clerks and deputy clerks authorized by the municipal clerk failed to write on the official ballot, in the space for official endorsement, the clerk's initials and official title, as required by Wis. Stat. § 6.87 (1).
- Clerks issued absentee ballots to electors who were required to enclose a copy of proof of identification or an authorized substitute document but failed to do so under Wis. Stat. § 6.87 (1).

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[37] https://www.techandciviclife.org/wp-content/uploads/2020/07/Approved-Wisconsin-Safe-Voting-Plan-2020.pdf

[38] Wis. Stat. 6.855(3).

[39] Wis. Stat. § 6.87(6d).

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

in violation of State law, and the fact that voters from Democrat heavy counties were allowed to "cure" their ballots while most of those from heavily Republican counties were not given that option, a clear violation of Equal Protection, the election in Pennsylvania is not only open to question, but the alleged results as a matter of law simply cannot be legally certified. These non-legislative modifications to Pennsylvania's election rules appear to have generated an outcome-determinative number of unlawful ballots that were cast in Pennsylvania.

The conclusion that the fraud was "outcome determinative" is supported also by totaling the 118,426 ballots counted that could not have been "received" before they were mailed or that were "received" the day after they were mailed. Given the slow service of the U.S. Mail, these outcomes are physically impossible, and the numbers "certified" are demonstrably false.

Attachment: Judy Stitt (COM 158 #2021 : A communication was received from Judy Stitt)

City of Cambridge

R-1
FIRST IN COUNCIL
March 22, 2021

COUNCILLOR TOOMEY

WHEREAS: The City Council was deeply saddened at learning of the death of Frances Babalas at the age of 96 on March 12, 2021; and

WHEREAS: Frances was born in Haverhill, Massachusetts on January 17, 1925; and

WHEREAS: Frances was the beloved daughter of the late Rigas and Demetra Drakopoulos; and

WHEREAS: Frances was the devoted wife of Paul; and

WHEREAS: Frances loved spending time with her family, gardening, baking and reading romance novels; she was quite a talented seamstress; and

WHEREAS: Frances had a quiet demeanor and never had a bad word to say about anyone; and

WHEREAS: Frances was known for her quick wit and great sense of humor; she was stoic and dignified and led by example. She was a lady of class and a blessing to all those who knew and loved her; and

WHEREAS: Frances was the sister of the late James and Constance; and

WHEREAS: Frances' passing will leave a void in the lives of all her surviving family; her loving children Marcine and her husband James, Emanuel and his wife Debra, Danita, and Corrine; her cherished nine grandchildren; her precious seven great-grandchildren; her nephew Paul and his wife Carmen; her step-son Nicholas and his wife Marilyn; and many other loving relatives and friends; and

WHEREAS: Frances will be sorely missed by all she touched and loved; now therefore be it

RESOLVED: That the City Council go on record extending its deepest sympathy for the family of Frances Babalas at this time of such personal loss; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Babalas family on behalf of the entire City Council.

City of Cambridge

R-2
FIRST IN COUNCIL
March 22, 2021

MAYOR SIDDIQUI
COUNCILLOR NOLAN
COUNCILLOR SIMMONS
COUNCILLOR TOOMEY

WHEREAS: On March 12, 2020, Governor Baker announced that 108 cases of COVID-19 had been identified in Massachusetts, and by March 15, 2020, the State and its cities began suspending activities and taking measures to increase public safety; and

WHEREAS: On the anniversary of the beginning of this worldwide pandemic, cities and local organizations have recognized this first year to honor the sacrifices and lives lost to COVID-19; and

WHEREAS: The Cambridge Historical Society is a local organization that believes in the power of remembering and is recognizing the 121 Cantabrigians whose lives have been lost to COVID-19 by placing butterflies on the lawn of their headquarters at the Hooper-Lee-Nichols House, 159 Brattle Street; and

WHEREAS: These butterflies represent the loss of these individuals both to their families and to the broader mosaic of Cambridge history, and displays how memorialization is one way to begin the mending process; now therefore be it

RESOLVED: That the City Council go on record thanking the Cambridge Historical Society for creating a visual memorial for the 121 Cambridge lives lost to COVID-19 as a way to begin the healing process for the Cambridge community; and be it further

RESOLVED: That the City Clerk be and is hereby requested to forward a suitably engrossed copy of this resolution to the Cambridge Historical Society on behalf of the entire City Council.

City of Cambridge

R-3
FIRST IN COUNCIL
March 22, 2021

COUNCILLOR MCGOVERN

WHEREAS: Last year a group of West Cambridge residents started meeting at the corner of Fountain Terrace and Huron Ave in the evenings to kneel for 8 minutes and 46 seconds, out of respect for George Floyd and in solidarity with Black Lives Matter; and

WHEREAS: For almost a year, Laurie Beth Gains noticed her neighbors, Peter Gately and Leon Cantor, continue the tradition night after night, despite the weather or the temperature; and

WHEREAS: Peter Gately and Leon Cantor's dedication has inspired their community and is a true testament of what it means to represent Cambridge's values; now therefore be it

RESOLVED: That this City Council go on record extending its recognition to Peter Gately and Leon Cantor on their commitment to making our community a better place; and be it further

RESOLVED: The City Clerk be and hereby is requested to forward a suitable engrossed copy of this resolution to Peter Gately and Leon Cantor on behalf of the entire City Council.

City of Cambridge

R-4
FIRST IN COUNCIL
March 22, 2021

COUNCILLOR TOOMEY

WHEREAS: The City Council was deeply saddened at learning of the death of Joseph J. McSweeney at the age of 75 on March 15, 2021; and

WHEREAS: Joseph was the devoted husband of Susan for 59 years; and

WHEREAS: Joseph worked for the Cambridge Police Department from 1969 until his retirement in 2005; he worked for many years as a patrolman ending his career commanding the Sexual Assault and Domestic Violence Unit; and

WHEREAS: Joseph's passing will leave a void in the lives of all his surviving family; his beloved children James and his wife Deborah, Diane and her husband Steven, Lynda and her husband John; his cherished grandchildren Shannon, Robert, Ashley, Olivia, Ryan, Ava, and Ayden; and many other loving relatives and friends; and

WHEREAS: Joseph will be sorely missed by all he touched and loved; now therefore be it

RESOLVED: That the City Council go on record extending its deepest sympathy for the family of Joseph J. McSweeney at this time of such personal loss; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the McSweeney family on behalf of the entire City Council.

City of Cambridge

R-5
FIRST IN COUNCIL
March 22, 2021

COUNCILLOR TOOMEY

WHEREAS: The City Council was deeply saddened at learning of the death of Lucille P. (Roffi) Kenney at the age of 96 on March 15, 2021; and

WHEREAS: Lucille was born on September 22, 1924; and

WHEREAS: Lucille was the daughter of the late Giuseppe and Ida (Vellucci) Roffi; and

WHEREAS: Lucille was the devoted wife of the late Francis; and

WHEREAS: Lucille was the mother of the late Ann and William and his surviving wife Kathy; and

WHEREAS: Lucille was the sister of the late Louis, Dolores, and Mary; and

WHEREAS: Lucille's passing will leave a void in the lives of all her surviving family; her beloved children Franny and his partner Maria, Robert and his wife Robin, Kathleen and her husband Joseph, Ronald, Joseph, Lucille, Marianne and her husband Gregory, Michelle, Thomas; her cherished 13 grandchildren; her precious 7 great-grandchildren; and many other loving relatives and friends; and

WHEREAS: Lucille will be sorely missed by all she touched and loved; now therefore be it

RESOLVED: That the City Council go on record extending its deepest sympathy for the family of Lucille P. Kenney at this time of such personal loss; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Kenney family on behalf of the entire City Council.

City of Cambridge

R-6
FIRST IN COUNCIL
March 22, 2021

MAYOR SIDDIQUI
VICE MAYOR MALLON
COUNCILLOR SOBRINHO-WHEELER
COUNCILLOR ZONDERVAN

WHEREAS: The City Council was saddened to learn about the brutal attack and murders of eight individuals, including 6 women of Asian descent, near Atlanta, Georgia on Tuesday night; and

WHEREAS: There has been sharp increase in hate crimes in the United States, where we have seen innocent lives taken in schools, workplaces, and centers of worship; and

WHEREAS: The racist and xenophobic attacks against the Asian community continues to rise to an increased and disproportionate level of race-based hate crimes since the beginning of the pandemic, with a backdrop of generations of racism woven into our country's fabric; and

WHEREAS: Too often, women of color become the faceless, nameless victims of those who perpetuate racial and gender-targeted violence; and

WHEREAS: Stop AAPI Hate's National Report for 2020-2021 stated that AAPI women report hate crimes 2.3 more times than AAPI men, and that 35.4% of discrimination happens at work and 25.3% in public spaces; and

WHEREAS: According to the Pew Research Center, 3 in 10 Asian Americans (31%) report having experienced racial slurs or racist jokes since the beginning of the pandemic; and

RESOLVED: That the City Council go on record acknowledging that these violent attacks constitute a hate crime, and were carried out to fatally attack women and women of Asian descent; and be further

RESOLVED: That the City Council go on record condemning white supremacy and the violent attacks that occurred Tuesday night and standing in solidarity with our Asian American community in Cambridge and beyond.

City of Cambridge

O-1
FIRST IN COUNCIL
March 22, 2021

COUNCILLOR NOLAN
COUNCILLOR ZONDERVAN
MAYOR SIDDIQUI

WHEREAS: The City of Cambridge is committed to ensuring and safeguarding the health, safety, and environment of the residents of our community; and

WHEREAS: Wood-burning biomass are known to release pollutants including fine particulate matter, volatile organic compounds, nitrogen oxides, carbon monoxide, and carbon dioxide; and

WHEREAS: The Commonwealth adopted science-driven Renewable Portfolio Standard (RPS) regulations in 2012 recognizing that wood-burning power plants emit more carbon dioxide than fossil fuel power plants per unit of energy generated; and

WHEREAS: Due to the 2012 RPS regulations, the only wood-burning biomass plants eligible for Massachusetts renewable energy incentives have been small, efficient combined-heat-and-power biomass plants; and

WHEREAS: If the weakened RPS regulations proposed in December 2020 by the Massachusetts Department of Energy Resources (DOER) go into effect, Massachusetts incentives would be available for inefficient large-scale biomass power plants; and

WHEREAS: The proposed RPS regulations would wrongly incentivize the construction of a large-scale wood-burning biomass plant proposed by Palmer Renewable Energy in Springfield, an Environmental Justice community already heavily burdened by industrial air pollution and by record-setting rates of asthma and other respiratory illnesses; and

WHEREAS: Cambridge stands in solidarity with the residents of the City of Springfield, and the Springfield City Council, which passed a resolution on December 21, 2020, opposing Massachusetts state incentives for wood-burning biomass plants; now therefore be it

RESOLVED: That the Council opposes any state incentives for inefficient commercial wood-burning biomass plants in the Commonwealth of Massachusetts; and be it further

RESOLVED: That the Council calls upon the Massachusetts DOER to revise the proposed RPS regulations by returning the woody biomass provisions to their previous, science-based language; and be it further

RESOLVED: That the Council calls upon the Joint Committee on Telecommunications, Utilities, and Energy of the Massachusetts Legislature to hold an accessible public hearing on said proposed RPS regulations; and be it further

ORDERED: That a copy of this resolution is sent to Governor Charlie Baker and the entire state delegation from Cambridge.

City of Cambridge

O-2
FIRST IN COUNCIL
March 22, 2021

VICE MAYOR MALLON
MAYOR SIDDIQUI

WHEREAS: Public transportation is a lifeline for our residents, especially lower-income residents and communities of color who are more likely to lack access to cars; and

WHEREAS: The cost of public transportation is often burdensome, and can create a barrier to civic participation, especially for low-income or BIPOC communities who face a disproportionately high number of hurdles to the voting box, and typically vote at lower rates than white or higher-income residents; and

WHEREAS: The recently introduced HD.2474 and SD.1557, the FARE Act, would make public transit free on the days of all statewide primary and general elections; and

WHEREAS: By making bus, subway, and trolley service from the MBTA and the state's 15 other regional transit authorities free on Election Day, the FARE Act will allow vulnerable residents to make their voices heard, and help ensure our political leadership accurately reflects our community's values; and

WHEREAS: San Diego, CA, Dallas, TX, Kansas City, MO, and dozens more municipalities have made public transit fare-free on Election Days, and Los Angeles County's decision to make public transit free on Election Day resulted in a 5% increase in bus and rail ridership, demonstrating a link between price and access; and

WHEREAS: While the City is working on a Fare-Free Bus Pilot Program, eliminating public transit fees on Election Days statewide is an important step to take to expand equitable access to civic participation as we move towards making this critical service free year-round; now therefore be it

RESOLVED: That the City Council go on record supporting HD.2474 and SD.1557, the FARE Act; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward suitably engrossed copies of this resolution to the entire Cambridge state delegation on behalf of the City Council.

City of Cambridge

O-3
FIRST IN COUNCIL
March 22, 2021

MAYOR SIDDIQUI
VICE MAYOR MALLON
COUNCILLOR SIMMONS
COUNCILLOR SOBRINHO-WHEELER

WHEREAS: On March 12th, 2020, Governor Baker issued an executive order authorizing municipalities to conduct public meetings virtually, and allowing residents to give public comment remotely; and

WHEREAS: In the year since, the City Council, the Planning Board, and various other City entities have held productive remote meetings, and as we approach mass-vaccination and a new normal, it is clear that virtual participation should remain as an option for residents; and

WHEREAS: Remote participation enhances flexibility, enabling more residents, especially those who may typically find it difficult to attend an in-person public meeting, to weigh in on important community issues and participate in civic engagement, while balancing their other responsibilities, such as childcare; and

WHEREAS: While City Hall has accessibility features, residents with disabilities, such as mobility impairments, may find it easier to participate virtually, so expanding remote participation is a way to amplify the voices of people with disabilities; and

WHEREAS: The City Council has a vested interest in ensuring participation in public meetings is as convenient as possible, as doing so will encourage residents to lend their unique perspectives and better inform the City Council's decision-making process; and

WHEREAS: Boston is currently considering making an option for remote participation permanent, and Cambridge should also ensure remote participation does not end with the pandemic; now therefore be it

ORDERED: That the Government Operations, Rules and Claims Committee schedule a hearing to consider amending the City Council rules to allow for a permanent remote participation option at all public City meetings, and to ensure that the City commits to closing the digital divide that currently makes such remote participation significantly easier for those with technological access and savvy; and be it further

ORDERED: That the Committee report back to the City Council in a timely manner.

City of Cambridge

O-4
FIRST IN COUNCIL
March 22, 2021

VICE MAYOR MALLON
COUNCILLOR SIMMONS

WHEREAS: On November 19th, 2020, the Economic Development and University Relations Committee convened a hearing to discuss opportunities for the City to support small businesses owned by minorities, women, and other historically disadvantaged groups; and

WHEREAS: Committee members and City staff discussed the possibility of adding data from the Cambridge Minority Business Enterprise (MBE) Program to the City's Open Data portal; and

WHEREAS: Under this program, general contractors must subcontract at least 10% of the total bid price of qualifying construction projects to MBEs, or purchase materials from MBEs, and as this program infuses a substantial amount of money into our local economy, transparency is key; and

WHEREAS: The Open Data Portal is a critical tool to ensure governmental transparency and accountability, and including data from this program will help ensure the City meets its goals in supporting local MBEs, especially during this critical time for our small business community as they continue to weather the financial impacts of this pandemic; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the Department of Equity and Inclusion, the Economic Development Division of the Community Development Department, the Purchasing Department, the Information Technology Department, and other relevant City departments to provide an update on progress made towards including this information from the Cambridge Minority Business Enterprise Program in the Open Data Portal; and be it further

ORDERED: That the City Manager report back to the City Council in a timely manner.

City of Cambridge

O-5
FIRST IN COUNCIL
March 22, 2021

COUNCILLOR NOLAN
COUNCILLOR SOBRINHO-WHEELER
MAYOR SIDDIQUI
COUNCILLOR MCGOVERN

WHEREAS: The City Council and the City of Cambridge have consistently advocated for a well-functioning public transit system as an essential part of an equitable city and a sustainable future, including advocating on November 9, 2020 with a unanimously sponsored resolution opposing service cuts, and yet the MBTA has cut service and proposed reductions which jeopardize the future of transit; and

WHEREAS: These cuts affect thousands of lower-income residents, who depend on public transit, including a disproportionate number of people of color, non-English speakers, and people with disabilities—precisely those most impacted by the pandemic and resulting recession, including Black, Latinx, Indigenous, Asian and Pacific Islander, and other communities of color; economically disadvantaged residents; and young adults who are most likely to use public transit; and

WHEREAS: The MBTA has cut service frequency temporarily for many bus and rail routes, citing low ridership during the pandemic; and suspended service on at least nine bus routes, leaving some underserved areas without good transit alternatives; and affected service in Cambridge; and

WHEREAS: Savings from MBTA service cuts made during the pandemic totaled about $21M yet Federal pandemic assistance for the MBTA is reportedly close to $2B, and most of MBTA federal pandemic-related funds have been allocated to capital budget or held for post-pandemic operating costs; and

WHEREAS: The Metropolitan Area Planning Council noted in its comments to the MBTA that these cuts have a direct impact on the Commonwealth's need to produce more housing, and without more transit options new housing may increase sprawl; and

WHEREAS: Fighting climate change must include increasing access to reliable public transit yet concerns about reliability and crowding has led to congestion increasing on highways as the region slowly returns to work; now therefore be it

RESOLVED: That the City Council go on record as supportive of all efforts to fully fund the MBTA and roll back all cuts to service detailed in the "Forging Ahead" Plan; and further be it

ORDERED: That the City Clerk prepare a suitably engrossed copy of this resolution and transmit it to the Cambridge legislative delegation on behalf of the entire City Council.

PUBLIC SAFETY COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, October 14, 2020 **10:00 AM** **Sullivan Chamber**

Call to Order

Attendee Name	Present	Absent	Late	Arrived
Quinton Zondervan	☑	☐	☐	
Jivan Sobrinho-Wheeler	☑	☐	☐	
Dennis J. Carlone	☐	☑	☐	
Marc C. McGovern	☑	☐	☐	
Alanna Mallon	☑	☐	☐	

The Public Safety Committee met to discuss traffic enforcement and PO 2020 #178

Councillor Zondervan called the meeting to order.

Councillor Zondervan opened the floor to public comment, there were no speakers present.

Mayor Siddiqui was also present.

Councillor Zondervan explained that the meeting will focus on racial disparities in traffic stops, associated fourth amendment issues and automated enforcement. He stated that the meeting will not focus on unarmed civilian traffic enforcement.

Louie DePasquale, City Manager, explained that the staff was uncomfortable with the unarmed, civilian traffic enforcement proposal. The city is examining how to reduce the police footprint in its services. The city is setting up a committee to look into these issues.

Branville Bard, Police Commissioner, stated that Councillor Zondervan has drastically changed the topic of discussion. He stated that the change interferes with their ability to have a full discussion.

Joseph Barr, Director of Traffic, Parking & Transportation, added that the city has been having internal discussions about automated enforcement as part of the vision zero plan. He stated that having automated enforcement by itself does not solve racial disparity issues. There must be appropriate oversight.

Rahsaan Hall, Director of the American Civil Liberties Program Racial Justice Program, explained how racial profiling is used to stop motorists of color. He explained how hard it is for defendants to prove, in court, that a traffic stop is the result of racial profiling. He explained that black and Latinx drivers are pulled over twice as often as the national average. He stated that Cambridge has a large percentage of traffic stops for discretionary offenses. The city needs racial data about these stops to determine if there is evidence of disparate impact.

Minutes Acceptance: Minutes of Oct 14, 2020 10:00 AM (Committee Reports)

In response to a question from Councillor McGovern about whether the city can collect racial data related to traffic stops, Commissioner Bard explained that the city can collect this data and has purchased records management software to help with that process. The city is planning to collect racial data about the interactions that police have with residents, to better understand how policing is impacting communities of color. He stated that the goal is to be as transparent as possible by publicly posting statistical data in real-time.

In response to a question from Vice Mayor Mallon about the next steps for a public facing dashboard of racial profiling data, Commissioner Bard stated that the department will need free cash appropriation for the new records management system.

In response to a question from Councillor Zondervan about how to monitor individual interactions between police officers and drivers of color, Mr. Hall stated that non-white drivers generally are more likely to have hostile interactions with police officers, and that there is a greater likelihood that police will use or threaten use of force.

Vice Mayor Mallon moved to close public comment.

	absent	present	yea	nay
Councillor Carlone	x			
Vice Mayor Mallon			x	
Councillor McGovern			x	
Councillor Sobrinho-Wheeler			x	
Chair - Councillor Zondervan			x	

In response to a question from Vice Mayor Mallon about creative responses to this issue, Mr. Hall stated the City is ahead of the game by having a Police Commissioner who is interested in and committed to collecting data. The data collected could ultimately provide justification and support for proposed legislative changes.

Vice Mayor Mallon expressed interest in learning more about traffic enforcement in Boston. Particularly, focused on the safety of cyclists and pedestrians.

In response to a question from Councillor Sobrinho-Wheeler about privacy concerns related to automated traffic enforcement, Mr. Hall stated there are some trade-offs when considering automated traffic enforcement. He stated that the ACLU has not taken an official position on proposed legislation.

Councillor Zondervan stated that for certain violations like idling or blocking a bicycle lane, immediate enforcement may not be necessary. A civilian could simply inform the person of the violation and ask them to move on.

Mr. Hall added that technology can help reduce confrontation between police and members of the public while still tracking violations.

In response to a question from Councillor McGovern about the possibility of inherent bias in civilian traffic enforcement, Mr. Hall stated that one of the disparate impacts that civilian traffic enforcement can address is violent interactions between a member of the public and a police officer who has a gun.

Minutes Acceptance: Minutes of Oct 14, 2020 10:00 AM (Committee Reports)

In response to a concern from Councillor McGovern about how civilian traffic enforcement would work, Councillor Zondervan stated that the intention is to reduce the scenarios where a police officer would pull someone over.

Joseph Barr, Director of Traffic, Parking and Transportation, explained that the city does have parking control supervisors who do a limited amount of traffic enforcement, specifically telling people not to block bike lanes or bus stops, or other or no stopping zones. He would not want to expand those duties without specific training.

Councillor Alanna Mallon expressed concern that discussion during the meeting was different from the call of the meeting. She stated that the staff can not properly prepare when the topic of the meeting changes at the last minute.

Councillor Zondervan stated that he did not believe that he changed the topic of discussion and explained that he reached out to the commissioner prior to the meeting.

Commissioner Bard stated that Councillor Zondervan sent an email asking whether he intended to have a presentation. Councillor Zondervan did not discuss the change of the topic of discussion with him.

In response to a question from Councillor McGovern about the legality of civilian traffic enforcement, Nancy Glowa, City Solicitor, stated that this may open the city to liability. There have been negligence cases brought against municipalities or the state where failure to act on the part of the city may have been viewed as contributing to the cause of an accident.

Commissioner Bard added that there are legal issues about whether an officer can issue citations based on third-party information.

Tracey Maclin, Professor of Law at Boston University, explained the legal authority that allows police officers to search vehicles. He further explained what constitutes reasonable cause or reasonable suspicion. He explained that the warrant requirement in the constitution does not apply to automobiles.

Professor Maclin gave a brief overview of how race and bias interact with motor vehicle stops from a constitutional perspective. He also noted that Cambridge could implement more restrictive laws, for example, requiring a search warrant to search a vehicle.

Councillor Zondervan moved to adjourn

	absent	present	yea	nay
Councillor Carlone	x			
Vice Mayor Mallon			x	
Councillor McGovern			x	
Councillor Sobrinho-Wheeler			x	
Chair - Councillor Zondervan			x	

Minutes Acceptance: Minutes of Oct 14, 2020 10:00 AM (Committee Reports)

Documents to be discussed:

1. **The City Manager look into transferring primary traffic enforcement responsibilities from the Cambridge Police Department to unarmed, trained enforcement personnel in the Traffic & Parking Department, Department of Public Works, Health & Human Services, or another suitable department**

Minutes Acceptance: Minutes of Oct 14, 2020 10:00 AM (Committee Reports)

ORDINANCE COMMITTEE

COMMITTTEE MEETING

~ MINUTES ~

Wednesday, October 28, 2020 **5:30 PM** **Sullivan Chamber**

Call to Order

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	☑	☐	☐	
Alanna Mallon	☑	☐	☐	
Marc C. McGovern	☑	☐	☐	
Patricia Nolan	☐	☐	☑	5:35 PM
Sumbul Siddiqui	☑	☐	☐	
E. Denise Simmons	☑	☐	☐	6:00 PM
Jivan Sobrinho-Wheeler	☑	☐	☐	
Timothy J. Toomey	☐	☑	☐	
Quinton Zondervan	☑	☐	☐	

The Ordinance Committee will meet to discuss the Real Estate Transfer Home Rule Petition.

Councillor McGovern called the meeting to order. He opened the floor to representatives of the city.

Andrew Johnson, Deputy Director of Assessing, presented information to the council which is attached to these minutes. He explained that if this had been in place of the last five years that Assessing Office estimates double the amount of revenue. He further explained that doubling the fee floor only reduces the amount of revenue by about 16%. He further explained that raising the fee floor reduced the number of small residential units affected. The commercial only option has a significant impact on revenue, the city would lose about a third of its revenue. He explained that there is a lot of variation in the commercial sales number.

In response to a question from Councillor Zondervan, Mr. Johnson explained that a one or two percent tax result in a 66% of the revenue would come from commercial and mixed use. The rest would be split between apartments and smaller residential.

In response to a question from Councillor Sobrinho-Wheeler about whether transfers to affordable housing developers are exempt, Councillor Carlone stated that he was not sure but it could be added.

In response to a question from Councillor Nolan about certain exemptions approved by the state, Gayle Willett, Director of Assessing, explained that some towns have first-time buyer exemptions, exemptions for vulnerable seniors, veterans, disabled or blind persons. The more exemptions, the more difficult it becomes to administer.

Minutes Acceptance: Minutes of Oct 28, 2020 5:30 PM (Committee Reports)

Councillor Carlone moved to
close public comment

	Absent	present	Yea	Nay
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Councillor Simmons			x	
Councillor Sobrinho-Wheeler			x	
Councillor Toomey	x			
Councillor Zondervan			x	
Mayor Siddiqui			x	
Councillor McGovern			x	

Chris Cotter, Housing Director, explained that there are a number of exemptions pending before the legislature. There will be challenge in administering a large number of exemptions.

David Kale, Assistant City Manager of Finance, stated that he spoke with Representative Decker about the likelihood of passing the petition. He stated that the legislature is focused on the budget.

Robert Reardon, Consultant, encouraged the council to work with other communities on a state wide bill.

In response to a question from Vice Mayor Mallon about who collects the fees, Mrs. Willett stated it would be easiest for fees to be collected by the registry of deeds.

Mr. Reardon added that there will have to be some city involvement because the Registry of Deeds will not know the type of property from the deed.

In response to a question from Vice Mayor Mallon, Ms. Willett stated that other communities have similar home rule petitions pending before the legislature.

Vice Mayor Mallon stated that she supported a $2 million floor.

Councillor Carlone stated that a $2 million will not impact many first-time home buyers. He stated that an exception for owner occupied exception should include a provision that the property be owned for a certain number of years.

In response to a question from Councillor McGovern about decreasing the fee based on the number of years a person has owned a property, Mr. Reardon stated that it was possible but could get complicated, especially with commercial property.

In response to a question from Councillor McGovern about varying the fee based on the sale price of the property, Mr. Reardon stated that it was legally permissible and was not as complicated as the previous question.

Councillor McGovern agreed that a $2 million floor was better than $1 million.

In response to a question from Councillor McGovern, Mr. Reardon explained that if the state passed different transfer fee legislation the council would have to rescind its legislation and adopt the states version.

Minutes Acceptance: Minutes of Oct 28, 2020 5:30 PM (Committee Reports)

In response to a question from Councillor McGovern, Mrs. Willett stated that if the fee is small then it probably would be baked into the sales price. If the fee is significant then it probably would give people pause.

Councillor Zondervan spoke in support of the transfer fee. He encouraged the council to adopt a system that is as simple as possible.

Councillor Marc McGovern 40:00
I have Councillor Nolan followed by Councillor Sabrina Wheeler, constantly. No.

In response to a question from Councillor Nolan, Mrs. Willett stated that Turo and Providence town have exemptions for first time buyers who owner occupy for at least five years. Sommerville has a provision for occupants who have resided in the property for at least two years or buyers who intend to be owner occupants for at least two years are exempt.

Councillor Sobrinho-Wheeler supported keeping the floor at $1 million.

In response to a question from Vice Mayor Mallon, Mrs. Willett confirmed that her calculation was based on the whole dollar amount of the property's sale price.

Councillor Nolan stated that whether the threshold is $1 million or $2 million dollars she supports the idea of only paying the fee on the portion of the transaction above the threshold.

Ms. Farooq explained that with regard to affordable housing neither the city nor the Affordable Housing Trust buy the land. The affordable housing builders are the ones who actually go out and procure the land. Those purchases are financed by the Affordable Housing Trust. She spoke in support of an exemption for affordable housing developments.

Councillor Sobrinho-Wheeler expressed concerns about the fee being transferred to renters in the form of higher rents.

Mayor Siddiqui spoke in support of having a transfer fee. She stated that the city should look closely at transfers between LLCs. She stated that the $1 million threshold could warrant further discussion

Councillor McGovern and Councillor Carlone discussed allocating the money that could be generated by this fee to programs that provide housing for the homeless.

Councillor McGovern asked Ms. Willett to generate a report about the financial impact of having the fee increase as the value of the sale increases.

Minutes Acceptance: Minutes of Oct 28, 2020 5:30 PM (Committee Reports)

Councillor Carlone moved to adjourn

	Absent	present	Yea	Nay
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Councillor Simmons			x	
Councillor Sobrinho-Wheeler			x	
Councillor Toomey	x			
Councillor Zondervan			x	
Mayor Siddiqui			x	
Councillor McGovern			x	

1. **That the Cambridge City Council pass the attached Real Estate Transfer Fee Home Rule Petition**

2. **A communication was received from Andrew Johnson, Deputy Director of Assessing, transmitting a memorandum for the Ordinance Committee meeting on October 28, 2020**

Minutes Acceptance: Minutes of Oct 28, 2020 5:30 PM (Committee Reports)

ORDINANCE COMMITTEE

COMMITTTEE MEETING

~ MINUTES ~

Thursday, February 11, 2021 **5:30 PM** **Sullivan Chamber**

The Ordinance Committee met to conduct a public hearing a petition to amend Article 8.000 of the Cambridge Zoning Ordinance

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	☑	☐	☐	
Alanna Mallon	☑	☐	☐	
Marc C. McGovern	☑	☐	☐	
Patricia Nolan	☑	☐	☐	
Sumbul Siddiqui	☐	☑	☐	
E. Denise Simmons	☐	☑	☐	
Jivan Sobrinho-Wheeler	☑	☐	☐	
Timothy J. Toomey	☑	☐	☐	
Quinton Zondervan	☑	☐	☐	

Councillor McGovern called the meeting to order.

Councillor McGovern opened the floor to a presentation from the City.

Nancy Glowa, City Solicitor, explained that the purpose of the amendment is to align the city's zoning ordinance with some recent developments in case law in Massachusetts. Article eight of the Cambridge zoning ordinance identifies a number of situations for preexisting non-conforming properties that wish to do some small changes and described whether the council has essentially pre-determined whether they would have a negative impact or not. Under the zoning ordinance there are certain changes that require a variance. In a recent case decided by the Supreme Judicial Court in October of 2018, which provided that certain changes represented fairly minor changes that should not have a significant impact on neighbors and should be permitted. The proposed changes would say that for certain of these relatively small improvements, like a dormer or enclosing an unenclosed porch, rather than requiring a variance, those changes could be allowed by special permit if the board of zoning appeal makes a finding under Section six of chapter 40A of Massachusetts General Law, that there is not any kind of negative impact that would detract from this change being permitted

Jeffery Roberts, Zoning Project Planner, stated that the Planning Board has not met on the petition.

In response to a question from Councillor Nolan about the impact of this change on neighbors, Solicitor Glowa stated this amendment would allow the Planning Board to determine if it would not allow such changes as a matter of right.

In response to a question from Councillor McGovern, Solicitor Glowa stated that the City is recommending a change that is tailor made to Cambridge, which would allow the board of zoning appeals to make those determinations on a case by case basis.

Councillor McGovern stated that he has heard from constituents about how the variance process can be expensive and time consuming. He stated that he was in favor of streamlining the process where possible. Councillor Nolan spoke about her experience going through the variance process 25 years ago. She spoke supportively of the proposed changes.

Minutes Acceptance: Minutes of Feb 11, 2021 5:30 PM (Committee Reports)

Councillor Nolan moved to refer the petition to city council with a favorable recommendation

	Absent	present	Yea	Nay
Councillor Carlone		x		
Vice Mayor Mallon		x		
Councillor Nolan		x		
Councillor Simmons	x			
Councillor Sobrinho-Wheeler		x		
Councillor Toomey		x		
Councillor Zondervan		x		
Mayor Siddiqui	x			
Councillor McGovern		x		

Councillor Nolan moved to adjourn

	Absent	present	Yea	Nay
Councillor Carlone		x		
Vice Mayor Mallon		x		
Councillor Nolan		x		
Councillor Simmons	x			
Councillor Sobrinho-Wheeler		x		
Councillor Toomey		x		
Councillor Zondervan		x		
Mayor Siddiqui	x			
Councillor McGovern		x		

DOCUMENTS REVIEWED BY THE COMMITTEE

1. **A communication transmitted from Louis A. DePasquale, City Manager, relative to a Zoning Petition which amends Article 8.000 of the Cambridge Zoning Ordinance.**

RESULT:	**REFERRED TO THE FULL CITY COUNCIL WITH A FAVORABLE RECOMENDATION [7 TO 0]**
YEAS:	Carlone, Mallon, McGovern, Nolan, Sobrinho-Wheeler, Toomey, Zondervan
ABSENT:	Siddiqui, Simmons

Minutes Acceptance: Minutes of Feb 11, 2021 5:30 PM (Committee Reports)

City of Cambridge
Executive Department

LOUIS A. DePASQUALE
City Manager

March 22, 2021

To the Honorable, the City Council:

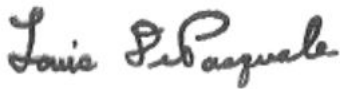
I am writing to submit the attached Zoning Petition which amends Article 8.000 of the Cambridge Zoning Ordinance. The Law Department, along with the Community Development Department and Inspectional Services Department, have prepared this Petition to amend the Zoning Ordinance in order to comply with G.L. c.40A, §6.

A recent case from the Supreme Judicial Court (the "SJC") has interpreted G.L. c.40A, §6 to provide special protections to lawful preexisting nonconforming single and two-family dwellings. Bellalta v. Zoning Board of Appeals of Brookline, 481 Mass. 372 (2019). Specifically, the SJC held that if an alteration or addition to a lawful preexisting nonconforming single and two-family dwelling increases an existing dimensional nonconformity, but does not create any new dimensional nonconformities, the property owner is only required to obtain a special permit for the alteration or addition, and not a variance. This holding is limited to lawful preexisting nonconforming single and two-family dwellings. This holding is also in conflict with Article 8.000 of the Zoning Ordinance because presently in certain instances the Zoning Ordinance requires that a property owner obtain a variance for alterations or additions to a lawful preexisting nonconforming single and two-family dwelling, even where no new nonconformities are created.

As an example, if a single or two-family dwelling is lawfully preexisting nonconforming because it exceeds the allowable Floor Area Ratio ("FAR") and the property owner has planned an addition that will further exceed the FAR but not create a new nonconformity, by law the Zoning Ordinance cannot require the property owner to obtain a variance to allow the addition. Rather, that addition requires the grant of a special permit and finding that the proposed additional will not be substantially more detrimental than the existing preexisting nonconforming structure to the neighborhood.

This Petition is necessary to bring the Zoning Ordinance into conformance with the SJC's interpretation of G.L. c.40A, §6. The Law Department, Community Development Department and Inspectional Services Department will be available to discuss this Petition with you and with the Planning Board throughout the zoning amendment process.

Very truly yours,



Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)

In Article 8.000 Nonconformity, add a Section 8.22.2(d) that reads as follows:

d. In all districts the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a preexisting dimensionally nonconforming detached single-family dwelling or two-family dwelling, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a preexisting nonconforming use, provided that there is no change in use and that any enlargement or alteration of such preexisting nonconforming detached single-family dwelling or two-family dwelling may only increase a preexisting dimensional nonconformity but does not create a new dimensional nonconformity. In order to grant the special permit the Board of Zoning Appeal is required to find that the alteration or enlargement shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood, and that the alteration or enlargement satisfies the criteria in Section 10.43.

Attachment: Article 8.000 Amendment Zoning Petition 010421 (CMA 2021 #3 : Zoning Petition to amend Article 8.000 of the Zoning Ordinance)

City of Cambridge

COF 2021 #26
IN CITY COUNCIL
March 22, 2021

To: Cambridge City Council
From: Sumbul Siddiqui, Mayor and Alanna Mallon, Vice Mayor
Date: March 18, 2021
Subject: Communicating Information About a Commercial Composting Pilot Program in Cambridge

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To the Honorable, the City Council:

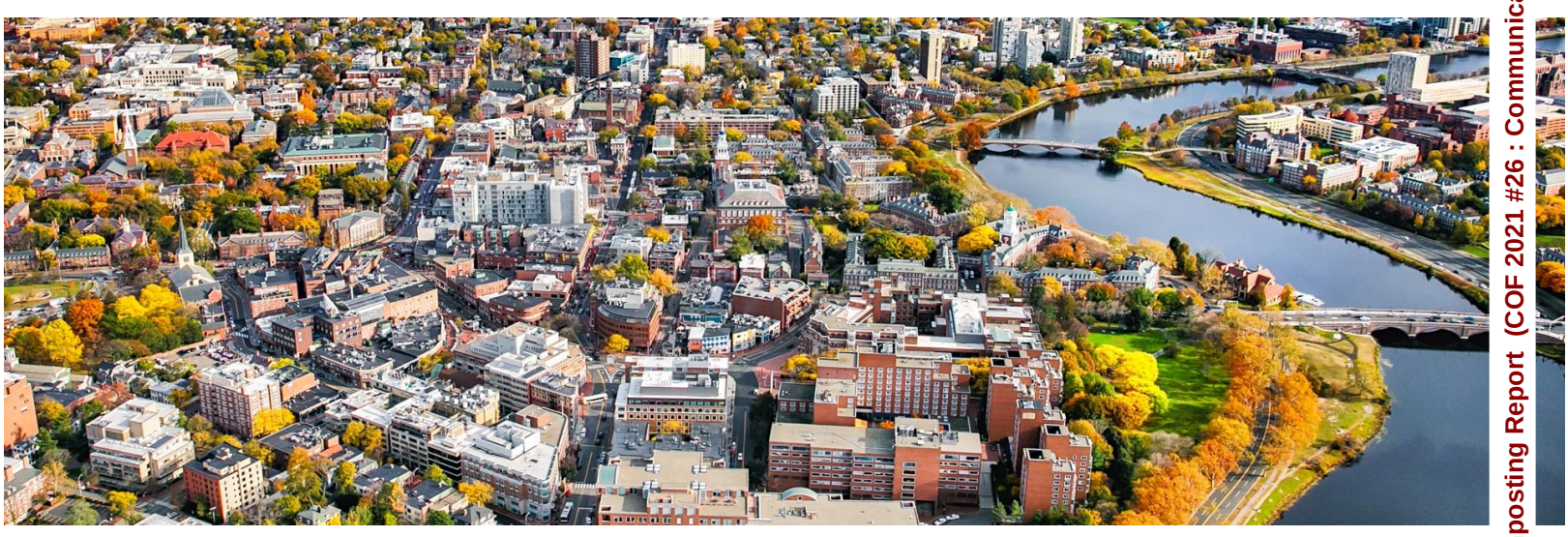
We were pleased to see unanimous support for Policy Order 2021 #45, to explore the feasibility of creating a Commercial Composting Pilot Program to serve at least 100 small businesses with fewer than fifty employees. We are attaching a two-page fact sheet and report titled, "Proposal for a Commercial Composting Pilot Program in Cambridge" published by Cambridge Table to Farm. The report provides detailed information about the environmental and financial considerations for implementing this program.

Please reach out to us if you have any questions.

Respectfully,

Mayor Sumbul Siddiqui
Vice-Mayor Alanna Mallon

Proposal for a Commercial Composting Pilot Program in Cambridge



Cambridge Table to Farm

CAMBRIDGE CHAMBER of COMMERCE

Central Square Business Improvement District

ECBA

greenCambridge

H.S.B.A. harvardsquare.com

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

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Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Abstract

Reducing food waste was heralded as *the* highest impact method to combat climate change by a leading consortium of scientists at Project Drawdown.[1] After three years of conducting primary research into this problem, Cambridge Table to Farm, the Cambridge Business Associations, Cambridge Chamber of Commerce, 31 restaurants, and over 300 signatories together urge the City Council to implement a commercial composting pilot program for restaurants. We calculate that a program with 100 restaurants would:

1. Divert upwards of 5,000 tons of CO_2 equivalent emissions from the environment per year
2. Save local restaurants $1,000 to $25,000 annually per restaurant
3. Provide restaurants a hedge against increasing trash costs across the next 5 years
4. Help address landfill capacity shortages by removing 6,000 tons of waste per year

In this paper, we present the environmental case for a commercial composting program, the financial case, and our story.

[1] Sort by scenario 1 within Drawdown's Table of Solutions

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

The Proposal

Informed by our primary research, and supported by the broader community, we urge City Council to:

1. Develop a pilot program for small to mid-sized businesses to begin commercial composting / anaerobic digestion
2. Set an explicit goal of 100 participants and track total food waste diverted as part of the City's Sustainability Dashboard
3. Fund a budget between $300,000 - $500,000 and limit participation to businesses with less than 50 employees
4. Establish a strategy for expanding to organizations with greater than 50 employees
5. Incorporate the following elements into the pilot project:



Free composting receptacles

✦



Up to 4x Per Week Pickup



Multilingual Educational Material for Restaurants

✦



Diverse, Equitable, Local Workforce

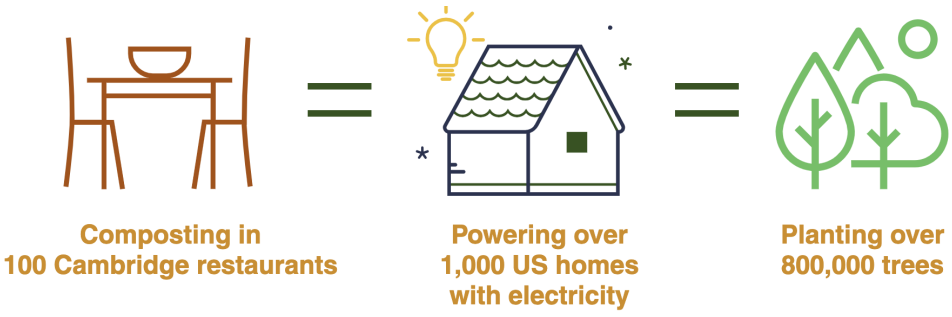
Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

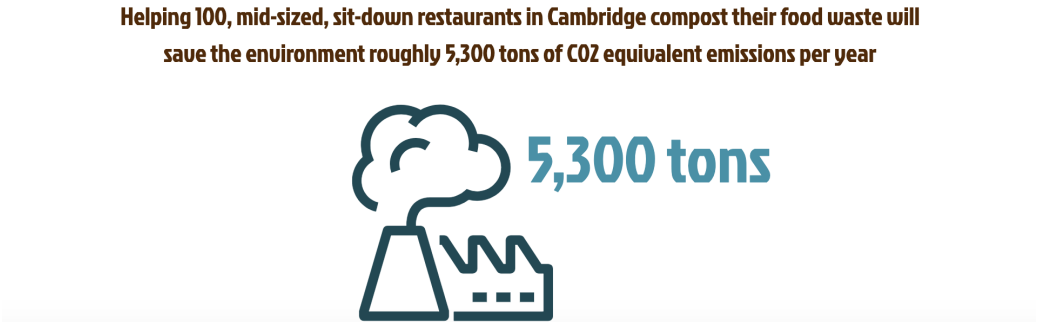
The Environmental Argument

*Summary: Diverting restaurant food waste will make a **massive** impact on emissions.*

Food waste becomes methane when it decomposes in landfills and has emerged as an extraordinary contributor to climate change. The problem is so severe that Project Drawdown, a leading consortium of scientists studying climate change, has ranked reducing food waste as the highest impact technique to decrease our carbon footprint, capable of diverting over 87 gigatons of CO_2 equivalent emissions from the atmosphere over the next 30 years. If food waste itself were its own country, it would be third behind China and the US in terms of overall greenhouse gas emissions.[2]

After interviewing approximately 20 restaurants in Cambridge, we found that the average small to medium size restaurant wastes approximately 60 tons of food per year.[3] Applying the EPA Waste Reduction Model (WARM), this is the equivalent of 5,300 tons of divertable CO_2 emissions each year.[4]





Beyond the emissions, moving food waste to compost facilities also reduces our reliance on landfills and waste-to-energy centers that present general hazards to human health.[5] Diverting

[2] How Cutting Food Waste can Help the Climate
[3] Restaurant interviewing methodology section provides a description of how we arrived at this number.
[4] For detailed calculations of impact and our sources, please visit our emissions calculator.
[5] Incineration Processes and Environmental Releases

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

water-logged organics from waste-to-energy centers further optimizes plant operational efficiency.[6]

The Restaurant Argument

Summary: Restaurants not currently composting will be able to avoid large MassDEP fines effective Oct. 2021, and will be given the opportunity to substantially reduce their trash pickup costs. Restaurants that currently compost will save thousands by no longer paying for service.

Help Restaurants Save Money Composting

There are many restaurants in Cambridge that currently pay for composting. A government-sponsored composting service will immediately save them thousands to tens of thousands dollars. Daniel Myers, the owner of Loyal Nine Restaurant explains, “Composting is by far the best way to dispose of waste in a sustainable fashion, and most restaurants provide loads of it. We spend over $10,000 annually on composting as is.”

Help Restaurants Avoid Fines

In October of 2021, the Massachusetts DEP will start implementing fines up to $25,000 per violation for any institution that wastes more than ½ ton of food waste per week.[7] From our primary research, the vast majority of Cambridge restaurants will automatically fall into the ½ ton per week bucket.

A small business composting pilot program would assist local restaurants in remaining compliant and avoid fines associated with dumping organic waste.

Help Restaurants Save on Trash Fees

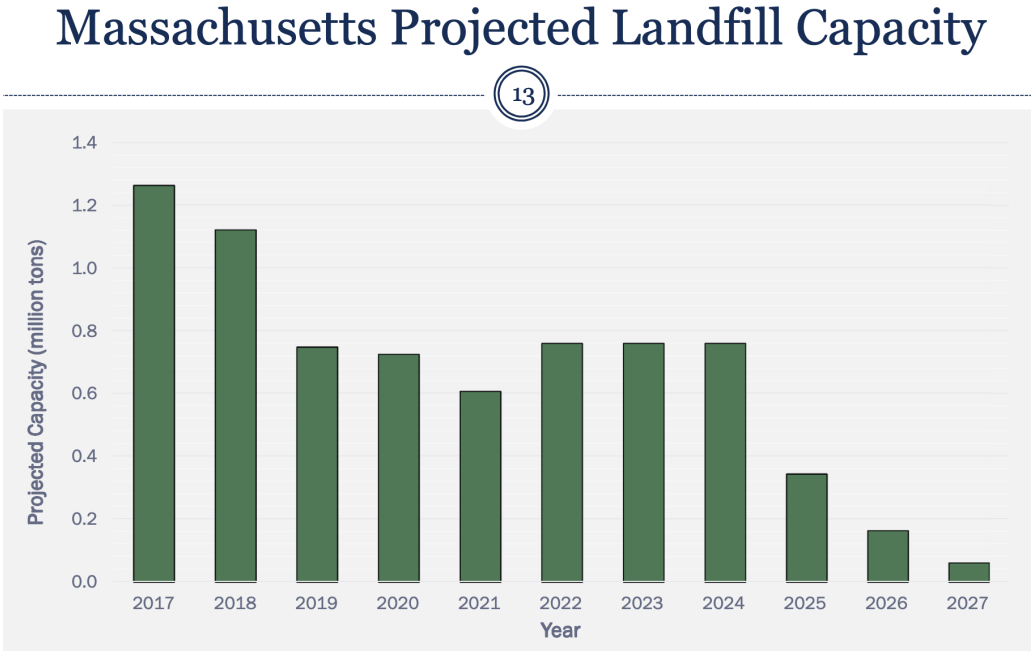
A government-sponsored commercial composting program will reduce the volume of restaurant trash by over 30 percent, providing restaurants the opportunity to renegotiate their trash-hauling contracts and save substantially on pickup fees.[8]

It is particularly important to give restaurants a lever to reduce their trash contracts given future landfill capacity projections. Massachusetts landfills have already utilized ~83% of their permitted capacity, and are predicted to grow towards 100% utilization throughout the next 5

[6] Food Waste to Energy: An Overview of Sustainable Approaches for Food Waste Management and Nutrient Recycling
[7] Mass DEP Oct 2021 Food Waste Bans Draft. We have provided a link with the *draft* of the plan available publicly online, and have heard from our sources that the plan recently got approved.
[8] Statistic acquired from primary research. Restaurants will also need to be vocal with their trash companies to achieve the savings, and aware of automatic billing cycles.

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

years.[9] As this process unfolds, it stands to reason that landfill tipping fees will increase, which will push higher trash prices onto restaurants.



The Government Argument

Summary: The restaurant industry needs support urgently from the government.

Provide Pandemic Relief

The pandemic has been an enormously difficult time for the restaurant industry. In Massachusetts, 1 in 5 restaurants have closed, and 93% have laid off employees. The National Restaurant Association reports that there has been a 96% decline in restaurant sales with the average loss greater than 80%.[10]

Under these circumstances, the Cambridge government should use every innovative approach at its disposal to help the industry regain its former strength, including (but not limited to) the ideas laid out in this proposal.

[9] Massachusetts Materials Management Capacity Study. Section 2-3. 83% figure in summary slides, pg 12. Presented to MassDEP.
[10] Over 200k Mass. Restaurant Workers Laid Off; 93% of Restaurants Have Cut Staff

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Cambridge businesses have previously expressed their interest to participate in a curbside composting program. Their interest was raised as a policy order (POR 2018 #147) that the City Council passed in 2018. In April of 2019, another policy order (POR 2019 #133) was passed to hear the details of their findings. The City is in a unique position to implement this program to offer economic relief while making environmental strides associated with emissions goals and the Zero Waste Master Plan.[11]

Reduce Landfill Utilization

As landfills fill up, Massachusetts has been exporting at least 22% of its waste to other states as far as Ohio, subjecting business owners and individual state taxpayers to additional transportation fees highlighted in the table below:[12]

Table 3-10 Estimated Truck Transportation Costs

		Transport Costs ($/ton)		
Distance (miles)	Drive Time (hours)	MSW	Single Stream	Organics
30	1.25	$6.10	$13.72	$9.15
60	2.08	$12.20	$27.45	$18.30
90	2.75	$18.20	$41.17	$27.45
120	4.08	$24.40	$54.90	$36.60
150	5.42	$30.50	$68.62	$45.75

Source: MSW Consultants

Given this current situation, cities across the Commonwealth should work together to find places to divert waste from landfills. Food waste, led by Cambridge's example, is a prime place to start.

Nuts and Bolts

Budget

The average Cambridge restaurant wastes between two to three 64-gallon trash bags of food per night.[13] After aggregating quotes from five local haulers applied across five different restaurants, and considering cost reductions that could be achieved with economies of scale, an investment ranging from $300,000 - $500,000 will be sufficient to fund a 100 small-business pilot program.[14]

[11] City of Cambridge Zero Waste Master Plan
[12] Massachusetts Materials Management Capacity Study. Pages 3-14, 4-2. MA. currently exports over 22% out of state.
[13] From primary research. For more info on our methodology to arrive at this number, please visit the Restaurant Interviewing Methodology section.
[14] Save that Stuff, Agricycle, City Compost, Black Earth Compost, and Cero

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

This budget is consistent with historical precedent for similar, parallel, programs. According to the FY18 Adopted Budget, $100,000 was allocated to launch a small business recycling program. In the FY19 Adopted Budget, $150,000 was budgeted for a recycling pilot with up to 150 small businesses and twice weekly pickup.

Restaurant Size
Small to mid-sized restaurants (< 50 employees) are an ideal target market over larger restaurants or franchises for the following reasons:

1. It is easy to connect directly with the owners who are critical to the implementation of composting programs
2. These restaurants are most in need of post-pandemic government assistance due to financial strain

Pickup Frequency
With two to three 64-gallon trash bags of food waste anticipated per night, it is important that the city provides three to four pickups per week to prevent issues with odor.

Bins and Rodents
All standard composting bins have a locking mechanism, which has proven effective at deterring rodents both in the Cambridge residential composting program as well as for restaurants that already compost in Cambridge.

Educational Training
To implement an effective composting program, it is critical that multilingual educational training is provided for kitchen staff. Restaurants must properly educate their staff on how to dispose of their food waste. This will ensure that trash does not go in the compost and that food waste does not go in the trash. Furthermore, to maximize effectiveness, the training should include visual graphics hung around the kitchen and should be provided at multiple times during the pilot project to address high staff turnover.

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Prioritize Local Businesses

We urge the city to prioritize local organics haulers including the following vendors. All have demonstrated a willingness to pick-up food waste at a reasonable price. Our team has decided not to weigh in on the topic of anaerobic digestion versus composting, as we feel the highest priority must be the sustainable management of organics waste in general. However, we do encourage the government to prioritize solutions where each local hauler gets some business. One way to do this would be to assign different organics haulers to different business association districts.











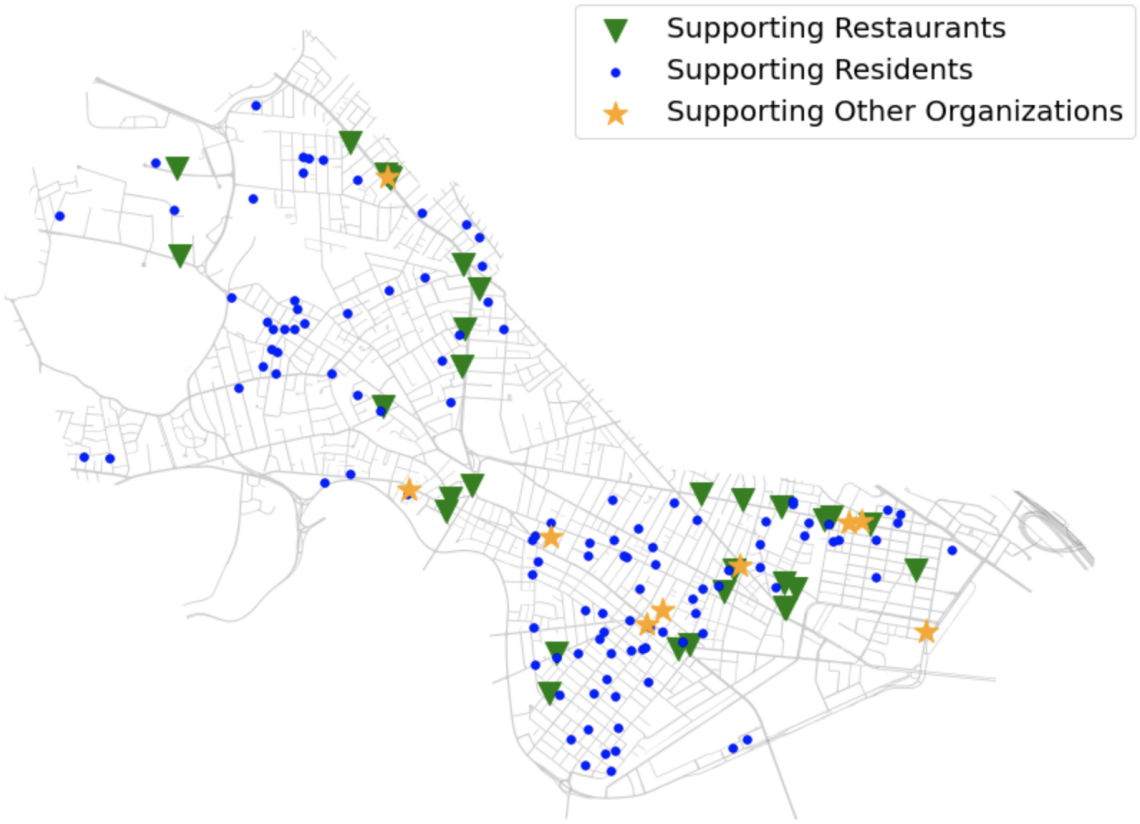


Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Community Support

Summary: Our proposal has seen an overwhelming amount of support throughout the Cambridge community:

31 Restaurants | 313 People | 14 Organizations



Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

31 Supporting Restaurants





















































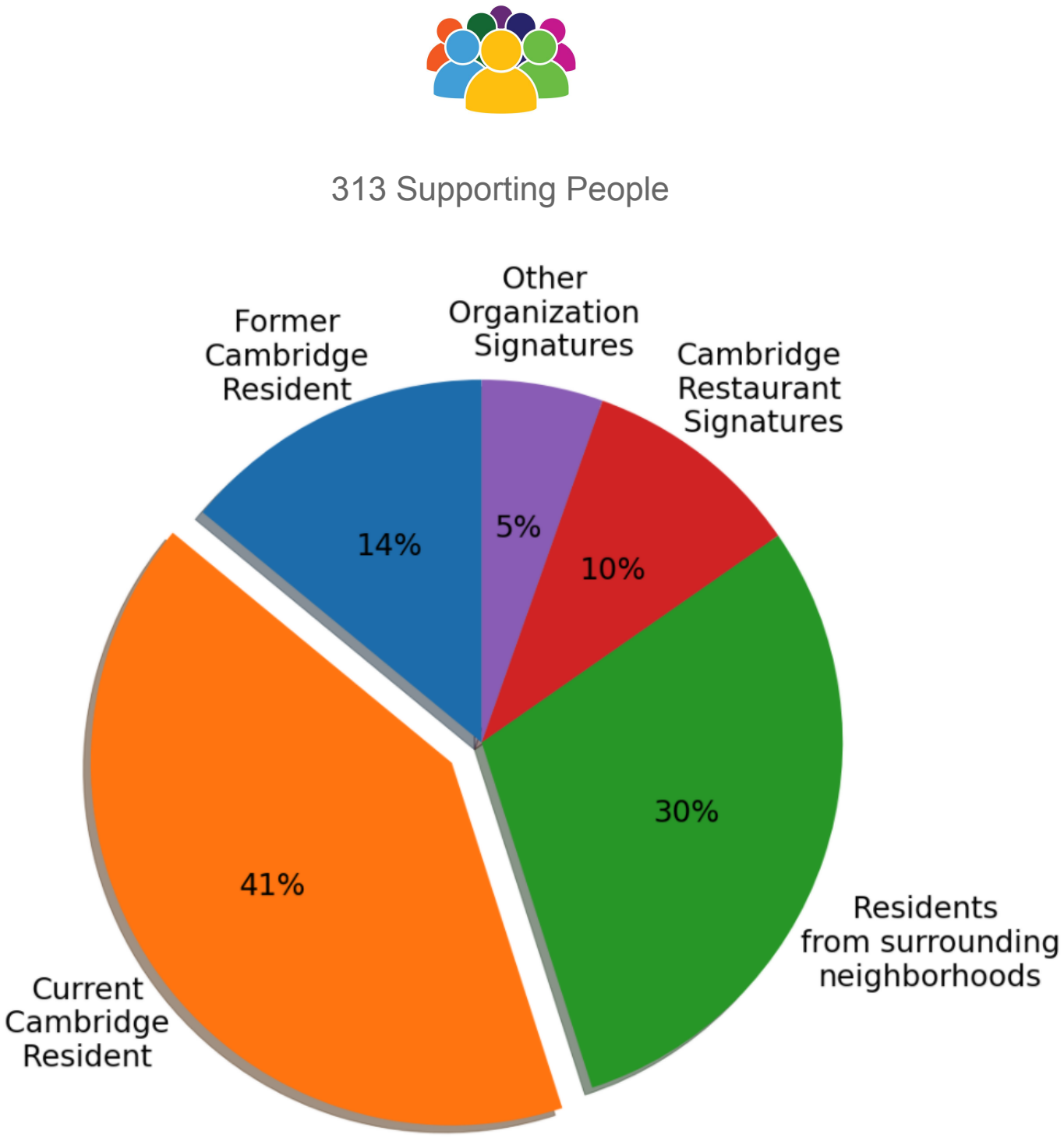








Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial



Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

6 Other Local Businesses

Porter Square Books

Chipper Confections

Formaggio Kitchen

Camberville Dog Treats™ local farm · small batch · vegan

Curio Spice Co

Fresh Pond Tea Company

14 Supporting Organizations

Cambridge Chamber of Commerce
David Maher, *President and CEO*

East Cambridge Business Association
Patrick Magee, *President* & Jason Alves, *Executive Director*

Harvard Square Business Association
Denise Jillson, *Executive Director*

Central Square Business Improvement District
Michael Monestime, *Executive Director*

Green Cambridge
Steven Nutter, *President*

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial



The Sustainable Business Network of Massachusetts
Nicola Willliams, *Board Member*



Black Earth Compost
Tom LeClair, *Business Development*



Mothers Out Front
Amy Antczak, *Coordinator*



Hubert Murray, Architect & Planner
Hubert Murray, *Owner*



The EcoPlanning Institute
Camille Tuason Mata, *Owner*



PlasticScore
Mladen Gajic, *Co-founder and CEO*



Farm Aid
Claire Kozower, *Operations Manager*



The Williams Agency
Nicola Williams, *Founder and CEO*



Onora
Adam Fishman, *Founder and CEO*

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Testimonials

Composting can be quite a challenge for smaller restaurants. A Cambridge-run program that was able to function alongside the existing resident composting would be very helpful!

- Patrick Lynch, Founder/CEO of Bon Me

Our restaurant group has been composting since we first opened in 2008. Despite the added financial expense and logistical challenges of teaching staff new practices regarding refuse separation, we recognized the long-term value of thoughtful waste management.

- John Kessen, Co-owner of Mamaleh's Delicatessen

We have been a zero trash business for nearly 15 years and the pressures of the pandemic make composting incredibly hard to manage and afford. Municipal pick up would instantly provide us with a way to continue and expand our efforts to reduce our carbon footprint and foster workplace and customer engagement in waste reduction and management for the purpose of addressing climate change.

- Kari Kuelzer, General Manager at Grendel's Den Restaurant and Bar

Our family has supported CERO since it was founded and it is led and worked by community people and we have visited them in Roxbury. It not only is important for the environment it will further provide good paying jobs to local people. $300,000 investment while we are sitting on a 'rainy fund'? This is an investment that is a no brainer in helping small businesses and the health of our community.

- Kathy Roberts, Cambridge Resident

Composting is essential to fighting climate change, and Cambridge has always been a leader on environmental issues. Let's continue to lead and show other cities how to make an impact!

- Amy Antczak, Coordinator at Mothers Out Front

We need to support our small businesses in the transition to a green economy. Already struggling from the devastating impact of COVID-- our restaurants need help to build back smart and sustainably. It's an excellent use of scarce resources to invest in this type of infrastructure support

- Jude Glaubman, Cambridge Resident

Composting is by far the best way to dispose of waste in a sustainable fashion, and most restaurants provide loads of it. We spend over $10,000 annually on composting as is.

- Daniel Myers, Owner of Loyal Nine Restaurant

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Our Story and Approach

Summary: We are a network of current and former Cambridge residents concerned about climate change who have investigated the topic of restaurant food waste for 3 years in order to deliver this report.

Cambridge Table to Farm started in 2018 as a small group of Cambridge residents concerned about climate change. For six months, we held bi-weekly brain-storming sessions, researching how we could make an impact on emissions by inviting the broader community to our home in Porter Square. Reading through literature, we identified reducing food waste via composting / anaerobic digestion as a unique challenge. The opportunity to make an impact was enormous: 100 restaurants composting calculated to be the equivalent of planting 800,000 trees (more information from The Environmental Argument). Composting was an approachable aim for a grassroots organization. Lastly, we were all familiar with the solution space as avid supporters of Cambridge's residential composting initiative.

For the ensuing year, we interviewed grocery stores, restaurant owners, organics haulers, and more to better understand where food was being wasted and how we could help. In these interviews, we recorded the amount of food that different institutions were throwing away, calculated the environmental impact, assessed the general appetite for composting, and observed potential barriers. During this time, our group grew from a few close friends to a large network of Cambridge professionals spanning engineers, environmentalists, designers, medical students, teachers, investors, consultants and more.

By the end of 2019, it was clear that there was a strong appetite for composting amongst Cambridge restaurants, and a tremendous opportunity to make an impact on the environment.

We decided to test this hypothesis with a small pilot project. We selected five restaurants that had expressed higher-than-average interest in composting, spanning different restaurant categories (franchise, small restaurant, medium restaurant, large restaurant). We compiled comprehensive reports of the environmental impact and provided the restaurants with competitive quotes from haulers to see if we could convince a few to start composting. Of the five:

- One started composting after receiving our quote and has plans to start composting at their next restaurant
- One started composting in between the time of our first contact and when we actually delivered their quote
- Two did not start composting, despite a strong interest. They taught us about the hurdles that larger restaurants face in changing the operational flow of a kitchen, and informed the paper's selection of a target market
- One ceased communication with us almost immediately after the pandemic began, and we have been unable to retrieve conclusive results

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Navigating the pandemic has been challenging. Restaurants were (and still are) struggling, and it no longer seemed appropriate to ask these restaurants to consider composting as they dedicated their resources to survival. We took the opportunity to pivot our approach, meeting with members of different nonprofits and governmental organizations to reassess our strategy. Out of this period, we arrived at a singular conclusion: a municipal-grade composting program would be the best path forward. It would be amazing for the environment. It would help restaurants financially. Lastly, it would be beneficial for the city as landfills approach capacity and statewide emissions fail to meet standards.

In this report, we have presented our case for these ideas, as well as the community support for our proposal. It is our dream that many cities will provide their restaurants with commercial composting programs some day. If Cambridge leads the way, other cities will follow.

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Appendix

Full Petition Signed by the Community

Below is the proposal we circulated throughout the Cambridge community:

As we've witnessed in our neighborhood, many restaurants have closed in Cambridge since the start of the COVID-19 pandemic. Additionally, the urgency of taking bold and immediate action to reduce our community's greenhouse gas emissions has never been more clear. By helping our restaurants waste less food, Cambridge can take real, measurable steps to mitigate these dual crises. A citywide commercial composting program for restaurants and small businesses could be implemented quickly and would be a win-win for all stakeholders.

Support our restaurants:

- *Help restaurants avoid penalties for non-compliance with MassDEP food waste limits*
- *These penalties are set to become significantly more stringent in October 2021, without a compliance roadmap*
- *Enable restaurants to save money on trash-hauling contracts via volume reduction*

Support our environment:

- *100 Cambridge restaurants composting will divert upwards of 5,000 tons of CO2-eq emissions per year, comparable to planting 800,000 trees according to US EPA estimates*
- *Environmental think tank, Project Drawdown, has consistently ranked reducing food waste as one of the top 3 ways to address climate change worldwide*

Support our community:

- *Improper trash management causes public health and environmental impacts, with a disproportionately negative impact on low-income communities*
- *Landfills are filling up; proper waste-stream disposal saves taxpayers money on fees*

With this Petition, Cambridge Table to Farm and all signatories together urge the City to:

1. *Develop a pilot program for small businesses to begin commercial composting*
2. *Set an explicit goal of 100 participants and track total food waste diverted as part of the City's Sustainability Dashboard*
3. *Fund a budget of $300k, similar to the Small Business Recycling Pilot of 2018, and limit participation to businesses with less than 50 employees, with the aim of expanding to larger businesses in the future*
4. *Establish a proceeding and application program for expanding to participants greater than the 50-employee threshold*

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Petition Signatures

Residents

Full list of names with addresses can be found here. Visibility is restricted to City Council members for the privacy of the residents.

Representatives from Restaurants

1. Jaap Overgaag (Charlie's Kitchen)
2. Joshua Gerber (1369 Coffeehouse)
3. Anthony Brooks (The Coast Cafe)
4. Sandy McCullough (Joe Sent Me)
5. Justin Pronovost (Curio Coffee & Wine)
6. Eric Shepherd (OTTO)
7. Servio Garcia (BISq)
8. Liza Shirazi (Revival Cafe + Kitchen)
9. Angela Hofmann (Nussli118)
10. Narinder S Guhania (Passage To India)
11. Patrick Lynch (Bon Me)
12. Heather Mojer (State Park)
13. Evan Harrison (Vincent's Corner Grocery at Cafe du Pays)
14. John Kessen (Mamaleh's Delicatessen)
15. Matt Wallace (BerryLine)
16. Charbel Salameh (Cafe Barada)
17. Kale Rogers (Spyce)
18. Suzanne Mermelstein (Mariposa Bakery)
19. Erin Miller (Urban Hearth)
20. Kathryn Vallier (The Dial)
21. Simons Yu (Simon's Coffee Shop)
22. Marci Joy (Highland Fried)
23. Patrick Magee (Atwood’s Tavern)
24. Philip Bannatyne (Cambridge Brewing Company)
25. Daniel Myers (Loyal Nine)
26. Cayla Marvil (Lamplighter Brewing Co.)
27. Sarah Brande (Yume Ga Arukara)
28. Michaela Sheridan (Lone Star Taco Bar)
29. Tamara Allen de Martinez (2nd Street Cafe)
30. Jaime Guyon (Basil Tree Catering)
31. Eric Cooper (Forage)

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

Representatives from Other Local Businesses

1. Samantha Putos (Curio Spice Company)
2. Jeremy Blaustein (Formaggio Kitchen Kendall)
3. Linda Khachadurian (Chipper Confections)
4. Marcus Johnson Smith (Fresh Pond Tea Association)
5. Katie Collings (Camberville Dog Treats)
6. Marika McCoola (Porter Square Book)

Representatives from Other Organizations

1. David Maher (Cambridge Chamber of Commerce)
2. Jason Alves (East Cambridge Business Association)
3. Michael Monestime (Central Square Business Improvement District)
4. Denise Jillson (Harvard Square Business Association)
5. Steven Nutter (Green Cambridge)
6. Mladen Gajic (PlasticScore)
7. Claire Kozower (Farm Aid, Inc.)
8. Tom LeClair (Black Earth Compost)
9. Camille Tuason Mata (The EcoPlanning Institute)
10. Hubert Murray (Hubert Murray, Architect & Planner)
11. Amy Antczak (Mothers Out Front)
12. Adam Fishman (Onora)
13. Nicola Williams (The Williams Agency and The Sustainable Business Network of Massachusetts)

Restaurant Interviewing Methodology

For over a year, our team dined at restaurants in the community bi-weekly and spoke directly with General Managers and/or Owners. Our goals for these discussions included:

1. Determine whether they already composted
2. If they were not composting, determine their interest in composting
3. Calculate the quantity of food they were wasting per year
4. Calculate the potential environmental impact
5. Identify their barriers to composting

We were immensely fortunate to meet with such a wonderful community of restaurant leaders!

When ascertaining the quantity of food restaurants were wasting annually, we would bring a 64-gallon trash bag and ask how many bags were thrown away nightly. We then asked what percent of the volume was food waste. In many cases, restaurant owners also let us inspect the size of their dumpster, which allowed us to double check estimates. While this process was imperfect, taking the average of scores of restaurants over the course of a year enabled us to conclude a reasonable figure of 60 tons of food waste per year.

To double check ourselves, we used secondary sources to calculate that the average US restaurant wastes about 18 tons of food per year. With Cambridge being the target community, a densely packed urban area, and because our target market was sit-down restaurants, not take-out businesses which biased the national average, we felt further confident that 60 tons per year was a reasonable estimate.

Attachment: Cambridge Table to Farm Commercial Composting Report (COF 2021 #26 : Communicating Information About a Commercial

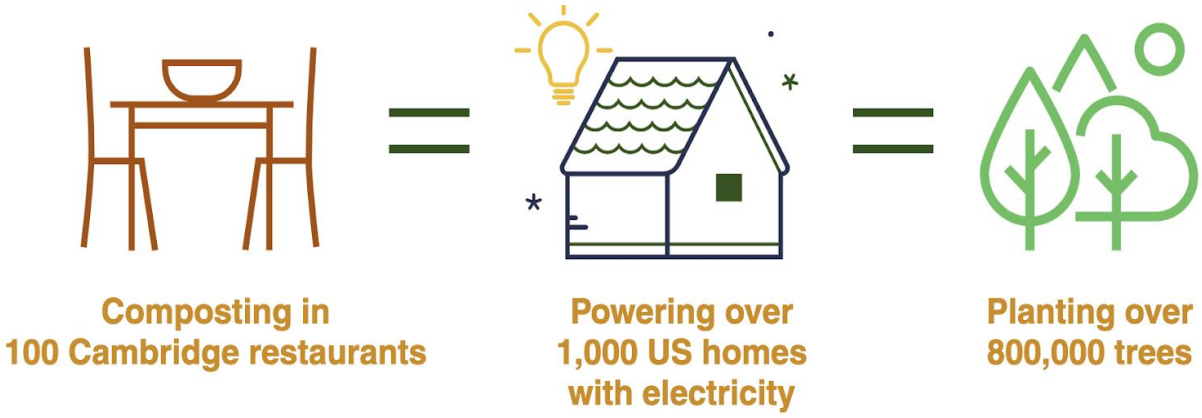
Cambridge Table to Farm Composting Petition Fact Sheet

What We're Proposing:

- Launch an opt-in, commercial composting program for 100 restaurants and small businesses to support the local economy and enable sustainable business practices
- Fund a budget of $300,000 - $500,000 (roughly 10% of the existing DPW Trash/Recycling budget) complete with totes and educational material
- Prioritize supporting local, women-, and minority-owned restaurants and local pick-up/hauling services to support Cambridge's economy equitably

Why? Environmental Impact

Diverting food waste from landfills has been ranked as the #1 way to make an impact on climate change according to a leading consortium of scientists at Project Drawdown. From our research:



Helping 100, mid-sized, sit-down restaurants in Cambridge compost their food waste will save the environment roughly 5,300 tons of CO2 equivalent emissions per year



Attachment: Cambridge Table to Farm Composting Fact Sheet (COF 2021 #26 : Communicating Information About a Commercial Composting

Cambridge Table to Farm Composting Petition Fact Sheet

Why? Support Small Businesses in Cambridge Today and Tomorrow

- Restaurants that do not compost will avoid MassDEP food waste fines, set to be as high as $25,000 per violation starting in October 2021.
- Restaurants could substantially save money by renegotiating trash contracts for less waste. This will be particularly important over the next decade, as MA landfills reach capacity and trash prices increase.
- Restaurants already composting will save between $1,000 to $10,000 as they will no longer need to pay for a composting service.

Who's in Support?





31 Restaurants | 313 People | 14 Organizations

Everyday Citizens, Cambridge Restaurants & the Business Community, Environmental Advocates

CAMBRIDGE CHAMBER of COMMERCE

ECBA

greenCambridge

H.S.B.A. harvardsquare.com

Central Square Business Improvement District

Cambridge Table to Farm

Attachment: Cambridge Table to Farm Composting Fact Sheet (COF 2021 #26 : Communicating Information About a Commercial Composting

City of Cambridge

COF 2021 #27
IN CITY COUNCIL
March 22, 2021

OFFICE OF THE MAYOR

Sumbul Siddiqui
Mayor

TO:	CITY OF CAMBRIDGE
FROM:	SUMBUL SIDDIQUI, MAYOR
SUBJECT:	CHARTER ASSESSMENT: REVIEW + REFORM
DATE:	3.18.2021
CC:	CAMBRIDGE CITY COUNCIL

A communication from Mayor Sumbul Siddiqui, transmitting an update on the Charter Assessment Review.

MAYOR SUMBUL SIDDIQUI - REGULAR COUNCIL MEETING: March 18, 2021

CHARTER REVIEW AND REFORM

Pursuant to the unanimously adopted policy order of July 27, 2020, <http://cambridgema.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2656&MediaPosition=&ID=12320&CssClass=> the City Council has begun the formal review process of the city's Plan E. charter. On September 23, 2020, the Council held a special meeting to discuss the proposed review with a presentation by The Collins Center for Public Management <https://www.umb.edu/cpm>, who outlined the process for a formal charter review.

On January 29, 2021, the City executed a professional services agreement with The Collins Center, with deliverables including 2 memoranda presenting the major options of Forms of Government available to Cambridge, the key differences between these options, and a second memo summarizing the Council's feedback regarding the current Charter and Form of Government, providing options for pathways the Council might consider moving forward, respectively.

As of March 11, 2021, the Collins Center delivered the draft first memo, which includes background on forms of government in Massachusetts, history of Cambridge's Charter and potential options for change. During the week of March 15, 2021, the Collins Center team met with each Councillor individually (individual meetings to conclude on 3/19/2021) to discuss the draft first memo, and to hear Councillor's perspectives and feedback regarding the proposed options.

The next steps for the project will be to draft the second memo, based on the information drawn from the individual discussions and any recommendations that resulted from these conversations. The two drafts will then be provided to the Mayor and City Manager for review. All feedback from the Mayor and City Manager will then be complied into the final versions of the memoranda. The Collins Center (at the request of the City Manager or Council) will present the final memoranda, as well as answer any questions at a regular meeting of the City Council.

OFFICE OF THE MAYOR

Sumbul Siddiqui
Mayor

TO: CITY OF CAMBRIDGE

FROM: SUMBUL SIDDIQUI, MAYOR

SUBJECT: CHARTER ASSESSMENT: REVIEW + REFORM

DATE: 3.18.2021

CC: CAMBRIDGE CITY COUNCIL

A communication from Mayor Sumbul Siddiqui, transmitting an update on the Charter Assessment Review.

Attachment: Communication Charter Review and Reform SS_ (COF 2021 #27 : Charter Review and Reform)

MAYOR SUMBUL SIDDIQUI – REGULAR COUNCIL MEETING: March 18, 2021

CHARTER REVIEW AND REFORM

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Attachment: Communication Charter Review and Reform SS_ (COF 2021 #27 : Charter Review and Reform)

City of Cambridge

COF 2021 #28
IN CITY COUNCIL
March 22, 2021

OFFICE OF THE MAYOR

Sumbul Siddiqui

Mayor

To: Cambridge City Council
From: Sumbul Siddiqui, Mayor
Date: March 18th, 2021
Subject: Communicating information from the School Committee

To the Honorable, the City Council:

Next month, CPS will transition to full-time, in-person learning for students at the elementary and upper school levels due to new state requirements. All families still have the option for their children to participate in fully remote learning. Elementary and upper school families with remote learners received an enrollment form that was due on Wednesday, March 17th.

- **Elementary schools and Amigos start Monday, April 5th**
  - No action was needed for current in-person learners: students will automatically be included in the full-day, five-days-a-week schedule
  - Families of current remote learners were required to complete the enrollment form to select in-person or remote learning. No response indicates continuation of remote learning
- **Upper schools start Wednesday, April 28th**
  - All families were required to complete the enrollment form to select in-person or remote learning for their student. No response indicates continuation of the current instruction mode
- **High school details have not yet been announced by the state**
  - I will share more information when it becomes available

Schools are currently working on developing schedules that accommodate family interests, staff accommodations, and support both in-person and remote learners. CPS asks that families keep the following in mind:

- **Physical setup**: the state requires that classrooms allow for at least 3 feet physical distancing and at least 6 feet physical distancing during mealtimes
- **Classroom assignments**: shifting to in-person may mean that students change teachers or classrooms. Families cannot request a specific teacher or classroom and might not find out classroom and teacher configurations until schedules are finalized
- **Possibility of live streaming**: Depending on staffing and space considerations, "in-person" learning may include being taught by an in-person teacher or learning through a CPS device with instruction being provided by a teacher who is still remote
- **"COVID-19 Hardship Process" on Hold**: Due to these changes, CPS is pausing this process that allows families to request changes to their instructional mode until further notice

Robin Harris, CPS's Director of Family Engagement, and I have organized a series of Q&A conversations with the Cambridge Public Health Department for parents and caregivers (particularly of students in remote learning) to ensure that all of our families are fully informed about the health and safety protocols we have implemented in our schools. The first **COVID Conversation** will be held via Zoom on **March 24th at 6:00 PM** for parents and caregivers at **FMA, Cambridgeport, Kennedy-Longfellow, and CSUS**. Please share this registration link with anyone you know who may be interested.

Superintendent Salim has appointed Manuel Fernandez, current Head of the Cambridge Street Upper School, as the Interim Chief Equity Officer for the upcoming 2021-22 school year. Manuel will begin his tenure as Interim Chief Equity Officer on July 1st, 2021. His responsibility in this role will be to help build and oversee the Office of Equity, Inclusion, and Belonging, coach school and district leaders, and serve as a member of the Superintendent's Cabinet leadership team.

At the Special Meeting at 6:00pm on Thursday, March 18th, the Superintendent is presenting his proposed FY22 budget to the School Committee, which he says, "builds on the investments we've made in recent years and focuses on key actions needed to support all students to recover and thrive next school year and beyond."

Please check out CPS's full mask guidance that explains the three factors that should be considered when choosing the right mask—fit, filtration, and wearability.

The Ad-Hoc Superintendent Search Subcommittee, which I chair, convened in Executive Session with Chief Talent Officer Lisa Richardson for a preliminary screening of applicants on Friday, March 12th, Wednesday, March 17th, and will meet again at 9:00 AM on Saturday, March 20th.

Our upcoming meetings are as follows:

- **Thursday, March 18th, 2021**
  - Special Meeting | 6:00 PM
    - *To review the Superintendent's FY22 Proposed Budget*

- **Saturday, March 20th**
  - Executive Session | 9:00 AM
    - *To conduct a preliminary screening of applicants for the Interim Superintendent position*

- **Monday, March 22nd**
  - School Climate Subcommittee Meeting | 6:00 PM

        - *To discuss mental health and social emotional learning plans for SY 21-22*

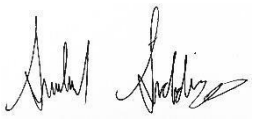
- **Tuesday, March 23rd, 2021**
    - Budget Workshop | 6:00 PM
        - *To review the Superintendent's FY22 Proposed Budget*

- **Wednesday, March 24th, 2021**
    - Special Education and Student Supports Subcommittee | 3:30 PM
        - *To discuss information regarding spring MCAS implementation and accommodations, building empathy, and summer services for scholars with IEPs/504s*

- **Tuesday, March 25th, 2021**
    - Public Hearing | 6:00 PM
        - *To have a public hearing on the Superintendent's FY22 Proposed Budget*

Please do not hesitate to reach out with any questions, suggestions, or concerns.

Respectfully,



Sumbul Siddiqui

City of Cambridge

COF 2021 #29
IN CITY COUNCIL
March 22, 2021

OFFICE OF THE MAYOR

Sumbul Siddiqui
Mayor

TO:	LOUIS A. DEPASQUALE, CITY MANAGER
FROM:	SUMBUL SIDDIQUI, MAYOR
SUBJECT:	COVID-19 UPDATE: QUESTIONS
DATE:	3.18.2021
CC:	CAMBRIDGE CITY COUNCIL

A communication from Mayor Sumbul Siddiqui, transmitting questions from City Councillors regarding the COVID-19 Public Health Update for March 22, 2021.

COVID-19 UPDATE QUESTIONS

COUNCILLOR MALLON:

1. Parents are wondering what the DHSP plans are for a "Spring on the Fields" program as well as plans for IN PERSON summer camps and programming. Will DHSP be offering an outdoor afterschool activity program like they did in the Fall and if/when will they be announcing in-person summer programming plans.

2. Can you please provide an update on when the Cambridge public libraries will be open for browsing. The libraries have been closed for over a year for in-person browsing, and bookstores have remained open safely with state mandated capacity limits. This has created an inequity in who in our community can access new reading materials. As we continue to move toward an opening of other departments to the public, a plan with an opening date needs to be announced for this critical resource for our residents, especially our youngest readers.

COUNCILLOR NOLAN

1. What is the current thinking on extending outdoor places in our streets and how will we include the community in discussions of whether the current parking spots and sidewalks being used will continue throughout the pandemic and beyond.

2. What do we know about a schedule for summer programs for all city sponsored programs, for adults and youth and children?

MAYOR SIDDIQUI:

1. The federal government recently announced that they released vaccine equity funding to increase trust, vaccine acceptance and administration for the 20 equity municipalities- how is CPHD referencing these strategies for our continued local efforts for vaccine equity (even if we aren't among those 20 municipalities)?

2. After Cambridge Court Apartments, what is the next building to receive on-site vaccination? 808-812 Memorial Drive, 402 Rindge have a number of CHA voucher households with elderly residents.

COUNCILLOR SOBRINHO-WHEELER

1. Now that the Metro North Regional Vaccine Partnership sites have been announced in Somerville, what is the City doing to publicize the launch dates to Cambridge residents and ensure that residents can access the appointments?

COUNCILLOR TOOMEY:

1. Have Cambridge residents outwardly expressed specific concerns or hesitations around any of the available COVID-19 vaccines?

COUNCILLOR ZONDERVAN

1. Many scholars living in the Port, including in public housing buildings like Washington Elms and Newtowne Court, have relied on the 68 bus to get to CRLS each morning. The MBTA recently cut the 68 route as part of its "Forging Ahead" service cuts. How has the city worked with the MBTA to ensure impacted scholars can still get to school on time? Has there been any direct communication between the city and the impacted scholars? While the MBTA has made some accommodations in the afternoon, has the city asked them to run a single route of the 68 bus in the morning so that those scholars can easily make it to CRLS?

2. 120 residents currently relying on the CASCAP Representative Payee program to obtain their social security benefits each month will lose access to their money when the program ends at the end of April 2021. Just 20 of those residents will be able to access the same services through BayCove. The $800-$900 that folks have been collecting each month from Social Security has been a lifeline during this historic pandemic, so it is important that we prevent a coverage gap. However, it can take up to six weeks to change somebody's Representative Payee, and that's assuming an alternative provider is even available. Time is running out. What is the city's plan to ensure homeless residents in Cambridge do not lose access to their Social Security benefits when they are already strained by the COVID-19 pandemic?

3. On March 18, 2021, Governor Baker announced that Massachusetts will reopen to Phase IV, Step 1. This means, among other things, that large capacity sports and entertainment venues will be permitted to operate at 12% capacity, gathering limits for event venues and in public settings will increase to 100 people indoors and 150 people outdoors, and that dance floors will be permitted at weddings and other events. This level of re-opening conflicts directly with the advice from national experts, as well as our own Expert Advisory Panel, and puts our community at grave risk of a COVID resurgence given the presence of new rapidly spreading variants, reduced testing capacity, and the nascent stage of the vaccine rollout. Will Cambridge re-open to Phase IV, Step 1 on Monday, and if so, what venues would be allowed to open in Cambridge that aren't currently operating, and at what capacity? How will we protect our most vulnerable residents who continue to bear the brunt of this pandemic, including our low-income and Black and Brown communities?

OFFICE OF THE MAYOR

Sumbul Siddiqui
Mayor

TO: LOUIS A. DEPASQUALE, CITY MANAGER

FROM: SUMBUL SIDDIQUI, MAYOR

SUBJECT: COVID-19 UPDATE: QUESTIONS

DATE: 3.18.2021

CC: CAMBRIDGE CITY COUNCIL

A communication from Mayor Sumbul Siddiqui, transmitting questions from City Councillors regarding the COVID-19 Public Health Update for March 22, 2021.

Attachment: 3.22.2021 Council COVID Update Questions (COF 2021 #29 : COVID-19 Update Questions)

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