

**AGREEMENT AND COVENANT TO INDEMNIFY**

MADE AS OF MARCH 25, 2021

WHEREAS, on March 23, 2021 the Tisbury Select Board approved the request of Corporate Environmental Advisors, Inc., for itself and on behalf of Campisi Environmental Associates, Inc.; Green Environment Inc.; Bentlyer, Inc.; Boyle Associates, Inc.; Stonehill Environmental; and Rely Environmental on behalf of Drake Petroleum Company, Inc. ("Drake"), for placement of a surficial drain hose on Beach Road and Beach Street Extension, public ways in the Town of Tisbury (the "Hose Placement"), for the project known generally as underground storage tank replacement at Vineyard Haven XtraMart at 9 Beach Road, Tisbury (the "Project"), for the purpose of conducting dewatering operations associated with the Project; and

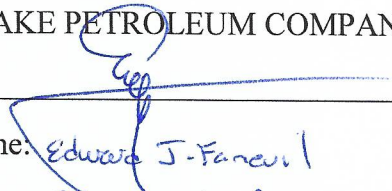
WHEREAS, said approval was subject to certain conditions, including maintenance of liability insurance with limits of at least \$1,000,000 and indemnification of the Town in connection with the Hose Placement; and

WHEREAS, Drake acknowledges and agrees to said conditions;

NOW, Therefore, Drake agrees and covenants with and for the benefit of the Town of Tisbury, Massachusetts ("Town") as follows:

1. Drake shall indemnify, hold harmless and defend the Town and its officers, employees, volunteers and agents from and against any loss, damage, cost, expense, action, claim, demand or liability (including reasonable attorneys' fees) to the extent related to or arising from the Hose Placement, including all appurtenances, equipment and facilities utilized in connection therewith, and any and all associated activities, construction, installation, and work, whatsoever.
2. Drake acknowledges that the obligations to indemnify, hold harmless and defend the Town are separate and apart from, and not limited by, Drake's other obligations under the approval granted by the Select Board, including the requirement of maintaining insurance.

DRAKE PETROLEUM COMPANY, INC., by its authorized officer

  
Name: *Edward J. Faneuil*  
Title: *Executive Vice President*

ACKNOWLEDGED AND ACCEPTED

TOWN OF TISBURY

By: \_\_\_\_\_

John Grande, Town Administrator