



Revised 8/3/92

Cambridge Arts Council

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DRAFT

Minutes from Forum on Street Performance

Wednesday, July 22, 1992

Present:	Birge Albright	Law Department
	Sally Alcorn	Harvard Square Business Association
	Stephen Baird	Street Artists Guild
	Dameian Bossarte	Trinity Property Management, Inc.
	Ellie Dexter	Street Performer
	Cynthia Frude	Woolcott & Company
	Lillian Greeley	Resident
	Roy-Alan Hansen	Cambridge Arts Council
	Kevin Hayes	Street Performer
	Sgt. Mike McMahon	Police/License Commission
	Kevin McNamara	Street Artists Guild
	Richard Scali	License Commission
	Will Stackman	Cambridge Arts Council
	Ann Toop	Harvard Square Defense Fund
Recorder:	Lindsay McCoy	Cambridge Arts Council

Roy-Alan Hansen opened the meeting for discussion on concerns relating to Street Performance by informing the group that the Arts Council had, at the request of the group, invited Mayor Reeves, Councilor Duehay, and Councilor Wolf to attend the meeting. None were able to attend due to scheduling conflicts. The group, particularly the businesspeople wanted the opportunity to discuss issues brought up at the most recent public hearing (June 22) when no amendments to the Street Performers Ordinance were approved.

The opinion was expressed that the forum should send a letter to the City Council saying that this committee should be defunct. If the Council does not want to give us a sense of direction, then there is no use in everyone spending so much time in the forum meetings.

It was noted that the City Council referred these issues to the forum to come up with recommendations as to how to amend the Ordinance to make it a more effective tool. It was stated that the forum did (after much discussion) come up with recommendations which were sent to the Ordinance Committee for consideration. Richard Scali asked if the forum's recommendations could be reintroduced at the August 3 City Council meeting.

Roy-Alan Hansen answered that it was his understanding that Councilor Wolf wanted the

recommendations to be reconsidered at that time. It was decided to resubmit the forum's recommendations with the suggestion that each of the 3 items suggested be voted on separately (not as a package) so that at least some progress can be made.

Harvey Smith stated that he was under the impression that most people on the forum had agreed on the recommendations which were the result of a year and a half of discussion. Lillian Greeley said that she feels that the forum did an about-face after she stopped attending the meetings. Richard Scali attempted to explain to Ms. Greeley the process whereby the forum reached its recommendations. It was pointed out that everybody had made concessions in order to reach a joint decision that was acceptable; the street performers had been willing to negotiate on the recommendation which would restrict unaccompanied drummers from Winthrop Park, the Cambridge Common, and the Brattle Square Triangle.

Sally Alcorn wondered if the forum could concentrate on the first of the proposed amendments (changing the distance for taking decibel readings from 50' to 25') since all of the different groups agree on this. Roy said that if just that amendment were adopted, it would give both the police and the Arts Council a better tool to enforce the Ordinance.

Lillian Greeley wanted to know why the City cannot ban drumming. Ms. Greeley asked Birge Albright, of the City's Law Department, what would happen if someone sued the City for allowing unhealthful noise. Mr. Albright replied that, in his opinion, the person would be unlikely to win such a suit. Harvey Smith stated that first, you would have to adequately define "unhealthful." Richard Scali noted that the City's Noise Ordinance is also based on the decibel meter. Lillian Greeley stated that the residents never have a problem with the other performers, just the drummers. Richard Scali asked Ms. Greeley if she could suggest a solution. She replied that the term "unaccompanied" should be removed from the proposed amendment. Roy noted that that would eliminate jazz bands, rock bands, and ethnic groups like Inca Son. Mr. Hansen then attempted to explain why drums with other instruments do not present the same problems as unaccompanied drums-- the sound wave is cut and modulated by any other musical instrument.

It was stated that further amendments can always be added as needed. The forum did not think this was the ultimate solution, only a hopeful step towards a real step of parameters. Stephen Baird feels that there are a number of performing groups playing over the current legal decibel level. He would like to see more enforcement to protect the law-abiding performers.

For the sake of clarity, the members of the forum voted on the 3 separate recommendations to give the City Council an accurate picture of the member's opinions:

1. Changing the distance for taking decibel readings from 50' to 25', while retaining the 80 dB level:

Unanimous with the exception of Lillian Greeley who reserved her vote

2. Changing the current allowable median decibel level when measured from within a business or residence from 60 dBs to 50 dBs (must exceed the background noise by at least 10 dB) to match the City's ordinance:

Majority in favor

3. Banning unaccompanied drummers from Winthrop Park, the Cambridge Common, and the Brattle Square Triangle:

Majority in favor

The meeting was brought to a close. The Arts Council will send the above information to the Ordinance Committee (in time for the August 3 meeting) with the hope that the Committee will take action on the proposed amendments as specified above, with the express hope that amendment #1 be passed without further amendment of correction.

Consent comm. # 19

S-662

Comm. from Roy-Alan Hansen, Cambridge
Arts council, transmitting minutes from
the Forum on Street Performance held on
Wednesday, July 22, 1992.

In City Council,

Sept. 14, 1992

Placed on file