

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

1992 MAR 30 PM 7:28

CAMBRIDGE MA.

March 30, 1992

Mr. Joseph Connarton
City Clerk
City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

For your records I am forwarding the draft of the notes taken at the forum on the Street Performance Ordinance on March 18, 1992.

If I can answer any further questions, please do not hesitate to call.

Sincerely,

Roy-Alan Hansen
Deputy Director

RAH:lm

enclosure

Eliza Collins • John Constable • Arawana Hayashi • Willie Hills • O'Neal Ingram • Donna Lassiter • Norman McIver
Altaf Mulla • Penny Outlaw • George Turnbull • Karen Vaughan • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director



DRAFT

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

Minutes from Forum on Street Performance Ordinance

Wednesday, March 18, 1992

Present:	Birge Albright	Cambridge Law Department
	Sally Alcorn	Harvard Square Business Association
	Stephen Baird	Street Artist's Guild
	Vince Dixon	Cambridge Discovery
	Cynthia Frude	Woolcott & Co.
	Lindsay McCoy	Cambridge Arts Council
	Mike McMahon	Cambridge Police Commission
	Kevin McNamara	Street Artist's Guild
	Will Stackman	Cambridge Arts Council
Recorder:	Josie Llado	Cambridge Arts Council

Lindsay McCoy, Administrative Coordinator of the Cambridge Arts Council, opened the forum for discussion of issues of concern regarding the Street Performer's Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. Two were pointed out, and these have been changed accordingly.

The first item on the agenda was a concern brought up by Stephen Baird at the previous meeting, regarding people playing in public without soliciting money, who are playing for their own pleasure. Birge Albright said that the Ordinance defines performance as playing in the public way, therefore, anyone performing in public must have a street performer's permit.

Lindsay McCoy wondered if the Ordinance could more clearly define performance. Birge Albright said it could be changed to performing with the expectation of attracting an audience or asking for money. Cynthia Frude said that could be used as a loophole because performers not having a license could claim they were not performing for money. Birge Albright said that if the definition of a "performer" was clarified, all performers, including those not asking for money, would still have to abide by Ordinance rules.

Sally Alcorn expressed her continued concern over the decibel level in Harvard Square. She suggested allowing only acoustic music and limiting the number of drums within each group. Kevin McNamara said that doing that imposes a ban on certain types of instuments which require amplification. Lindsay McCoy said that before such actions were taken it would be important to allow time for proposed decibel and distance changes to take

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effect, and for the police to be trained to use the decibel meter. Cynthia Frude suggested that the new police meter be kept in a location accessible 24 hours.

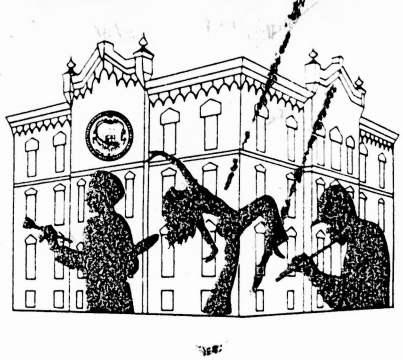
Stephen Baird said that John Kenney showed up for a meeting with other performers to discuss their grievances. He said that Kenney agreed to cooperate with the Street Artist's Guild. He also felt that fining the Ethnics would help control the group's sound level immediately. Lindsay McCoy said that the Arts Council has tickets, but to date no one has been in violation when the Arts Council patrolled the areas affected.

Vince Dixon wanted to know whether a study of other ordinances has been made. Lindsay McCoy said that when the original ordinance was made, many ordinances were collected. Stephen Baird said that the Cambridge Ordinance is the most comprehensive one he has seen.

Vince Dixon suggested the viablility of a simple informational sound map, about how sound travels in different parts of the Square. Stephen Baird said that the Street Artist's Guild would be interested in putting it together.

Sally Alcorn asked whether drums could be banned altogether. Lindsay McCoy said that banning would not be possible under current law, only restricting of areas. Stephen Baird said that at a previous meeting, the group had discussed measuring the drums at 5 feet instead of 25, which would be easier than going to site-specification.

Lindsay McCoy said that the next meeting would be on April 22, 1992.



Cambridge Arts Council

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RECEIVED
CITY CLERK
1992 APR 24 PM 4:56
CAMBRIDGE MA.

M E M O R A N D U M

TO: Robert W. Healy, City Manager

FROM: Roy-Alan Hansen, Facilitator, Task Force on Street Performance

DATE: April 24, 1992

SUBJECT: City Council Consent Orders #3 and #6 of April 13, 1992

With regard to #3--Exclusion of sites in the past has been based on multiple complaints and a record of public nuisance, rather than on an individual subjective complaint. In this case the Task Force has found reasonable cause to prohibit unaccompanied drumming, but not to set the entire park off-limits since, in many ways, this space was designed for performers and passive enjoyment.

With regard to #6--Attached please find a copy of recommendations made by the Task Force to the Ordinance Committee, which should have a positive effect on the situation. We hope that these could be discussed and enacted with deliberate speed in order to facilitate this summer's management of the Street Performers.

The Arts Council has been and continues to both take readings and check permits in the Square area on a regular basis. It is based on these readings, which consistently show that, despite the perceptions of noise violation complainants, performers are, by a large majority, within the current guidelines. This is why the Task Force has recommended modifications of those guidelines. In all cases complaints which reach the Arts Council are responded to promptly and courteously, not always however, to the satisfaction of the complainant, but always within the perameters of the Ordinance.

cc Joseph Connarton, City Clerk
Francis H. Duehay, City Councilor

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Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

April 22, 1992

Councilor Alice K. Wolf
Chair, Ordinance Committee
City Hall
Cambridge, MA 02139

Dear Councilor Wolf:

Over the past few months, the Street Performance Task Force, organized by the Ordinance Committee of the City Council, has been meeting on a regular basis to discuss issues dealing with the structure and enforcement of the Street Performance Ordinance. Following is a summary of recommendations which have been made by this task force. We feel that it would be advantageous if these matters could be brought before the Ordinance Committee for public hearing at the earliest possible time so as to permit implementation prior to the height of the summer season.

With regard to the decibel level--the forum agrees unanimously that changing the distance for taking readings from 50 to 25 feet would effectively lower the sound level, making it unnecessary to lower the decibel level itself. The majority, particularly the performers, would not like to see the decibel level lowered as well. As you can see from the readings taken by the Arts Council and the License Commission in Harvard Square (see enclosed), almost all performers would be in violation of the Ordinance if the legal decibel level was set at 70.

With regard to the previous suggestion that unaccompanied drums be restricted to a decibel level of 50--the forum feels that this would be an unworkable solution since it would be impossible to measure drums at that level as the ambient sound level in Harvard Square is approximately 70 decibels. The forum has suggested an alternative solution which is that unaccompanied drummers or groups of unaccompanied drummers be restricted from playing in those areas which have a history of complaints--specifically, Winthrop Park, Brattle Square Triangle, and the Cambridge Common. The members of the forum feel that banning all music performances from those areas would be an extreme action until after we have implemented these other solutions.

With regard to Section E, Paragraph 3, with reference to taking decibel readings from inside a residential dwelling (upon receipt of a complaint)--the forum would suggest lowering the allowable median sound level from 60 to 50 decibels.

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Roy-Alan Hansen, Deputy Executive Director

This forum respectfully requests that its recommendations to the Ordinance committee be considered in further drafts for revision of the Street Performance Ordinance.

Sincerely,

Roy-Alan Hansen, Facilitator
Street Performance Task Force

Birge Albright
Legal Department

Sally Alcorn
Harvard Square Business Assoc.

Stephen Baird
Folk Arts Network

Vince Dixon
Cambridge Discovery

Nan Donald
Street Performers Assoc.

John Friscone
Cambridge Savings Bank

Cynthia Frude, owner
Woolcott & Company

Hazel Geary, owner
Tumbleweed

Harvey Smith
Association for Street Performance

Lt. James Hallice
Cambridge Police

David Holzman
Assoc. for Street Performance

Ned Landin
Assoc. for Street Performance

Lindsay McCoy
Cambridge Arts Council

Mike McMahon
Cambridge Police/License Commission

Kevin McNamara
Street Artists Guild

Marc Redlich, Esquire
Law Offices of Marc Redlich

Alex Rodriguez
Cambridge License Commission

Richard Scali
Cambridge License Commission

enclosures

Report on decibel readings taken in Harvard Square

Report on the monitoring of drums

Reprint of article on noise from Time magazine

cc Robert W. Healy, City Manager
Councilor Francis H. Duehay
Joseph connarton, City Clerk

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

DECIBEL READINGS TAKEN IN HARVARD SQUARE
9/13/91

	PERMIT #	NAME	50 FEET	25 FEET
1.	339	Roger Nicholson (accoustic guitar & amps) 5 Pleasant Court, Great Barrington 01230	74.5 78.0 77.2	79.1 86.0 85.1
		Later (10:30 pm) trying to compete with rock trio near Out-of-Town News.	86.3	
2.	Four South American people;			
	009	Cesar Villalobos, "Inca Son" P.O. Box 1899, Cambridge 02238	78.3 76.3 75.2	83.0 83.2 82.8
	007	Rogelio Rangel, "Inca Son" 55 Norfolk St., Cambridge 02139	74.1 79.6	80.3 82.9
	192	Alfredo Velasquez, "Inca Son" P. O. Box 1899, Cambridge 02238		
	193	Victor Miguel Sisniegas, "Inca Son" P.O. Box 1899, Cambridge 02238		
3.	040	David E. Levin, "Magic Piano" (Piano) 55 Norfolk St., Cambridge 02139	72.9	75.8
4.	415	Jamie Janquer (Dulcimer) 22 Francis Ave., Cambridge 02138	66.0	68.0
5.	313	Idress J.J. Richardson (Electric guitar) 33 Warren Ave. #2, Somerville 02143	74.6	77.0

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6. 058 Joseph Kessler (Fiddle, accordion, small drum - Acadian music)
"Waymards" 77.2 80.1
Box 742, Cambridge 02238

(Only fiddle had a permit)

7. 017 Emmanuel Madeiros (Accoustic guitar & amp) 75.6 80.6
17 Charmwood Rd, Somerville 02143 80.0
75.0 76.0

8. Rock trio, missing one permit (Near Out-of Town News);
030 Fred Owens 84.2 86.9
42 Blakeslee St., Cambridge 02138 84.0 87.4
77.4 82.4
177 John Kenney, "The Ethnics"
46 Bigelaw St., Cambridge 0213

Same group later (10:40 pm) 88.9

9. Trio in Winthrop Park (10:2[illegible] pm) 86.7
338 Kevin Shurtleff, "Blue Room"
39 Central Ave., Newton 02160

339 Roger Nicholson
5 Pleasant Court, Great Barrington 01230

400 Mark Baxter, "Finestone"
1152 Cambridge Ave., Allston 02134

10. Jazz trio: guitar, bass, drums (only 2 permits) 78.0 82.9
411 Chris Tarry 81.0 83.0
150 Huntington St., # 5J8, Boston 02115 79.9 82.8

412 Christopher Sung
38 Hemenway #31, Boston 02115

At 10:30 pm on Friday, 9/13/91, Roy-Alan Hansen spoke with Officer Folger who was then on duty in Harvard Square. Officer Folger was informed that the trio in Winthrop Park and the trio by Out-of-Town News were in violation of the Ordinance.

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DECIBEL READINGS TAKEN IN HARVARD SQUARE
10/4/91

PERMIT #	NAME	50 FEET	25 FEET
1. 019	Glen French (Banjo) playing in front of the Coop; 32A Briggs St., Salem 01970	74.6	78.0
	Later, it became a trio:	75.4	79.0
273	Nathan Phillips 195 Ashmont St., Dorcester 02124		
	The 3rd person did not have a permit.		
2.	"Yawar Huauqui" group playing at Out-of-Town News; All residing at the same address: 16 Gorham St., Somerville 02144		
168	Roberto Cachimuel	82.3	85.5
		83.6	87.5
169	Humberto Ajaia		
170	Jose Manuel Cachimuel		
171	Pedro Vasquez		
172	Carlos Cachimuel		
173	Luis Alberto Cachimuel		
174	Humberto Cordova		
	Only 5 people were playing.		
3.	Jazz quintet, playing on Church St./Mass Ave.;		
249	Rene Hart 173 Morrison Ave., Somerville 02144	80.5	84.1
		83.8	
		75.5	77.6
	Jeff Charland did not have a permit although he said he had one but had forgotten it.		
	The 3 other people did not have a permit either.		

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4. 1 man playing Peruvian music in front of Cambridge Booksmith;

192	Alfredo Velasquez, "Inca Son"	79.4	84.0
	P.O. Box 1899, Cambridge 02238	81.6	82.6

From inside Cambridge Booksmith: - 72.0/74.0, door closed
- 77.0, door open

5. Jazz trio playing in Winthrop Park;

		84.6	83.2
148B	James Weinstein	74.3	75.9
	50 Charlesgate East, Boston 02215		

The 2 others did not have a permit.

6. 011 Edward Landin, "Flathead" 73.5 76.8
P.O. Box 1472, Cambridge 02238

7. Quartet;

030	Fred Owens	85.5
	42 Blakeslee St., Cambridge 02138	
432	Tony Beeler, "The Ethnics"	
	46 Bigelow St., Cambridge 02139	

The 2 others did not have a permit.
At 10:00 pm, the group was shut down by police.

8. 040 David E. Levin, "Magic Piano" 72.9 75.8
55 Norfolk St., Cambridge 02139

9. Blues Duo;

331	Liz Hamill	82.4
	P.O. Box 689, Cambridge 02238	

The other person did not have a permit.

10. Manny --- (Guitar & Amp) 81.8

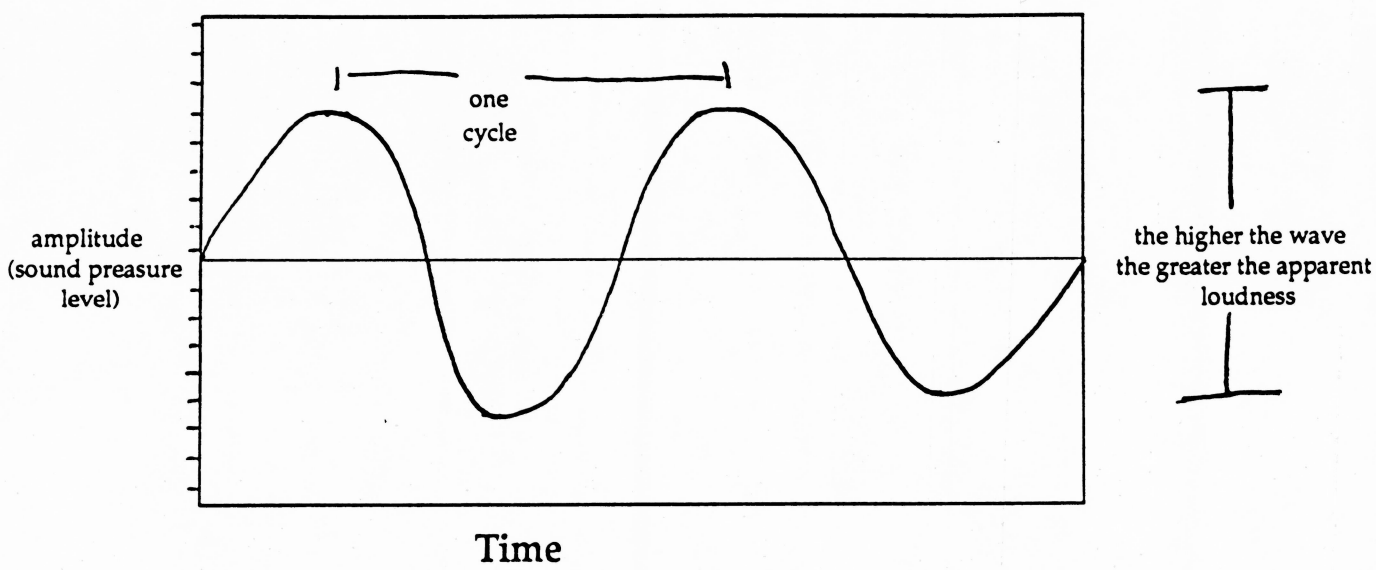
Report to The Forum on Street Performance in Cambridge on the Monitoring of Drums

Purpose:

1. Answer the following:
   a. Why are drums harder to monitor
   b. Why do drum sounds carry further

2. Find suggestions

To start with here is a basic way to look at sound.



Frequency (~ pitch) is measured in cycles/sec. also called **hertz.**

Sound Presure Levels are measured in **decibels.**

On the following page are two charts, one with some real world frequency ranges and the other with some real world decibel levels.

real world frequency ranges

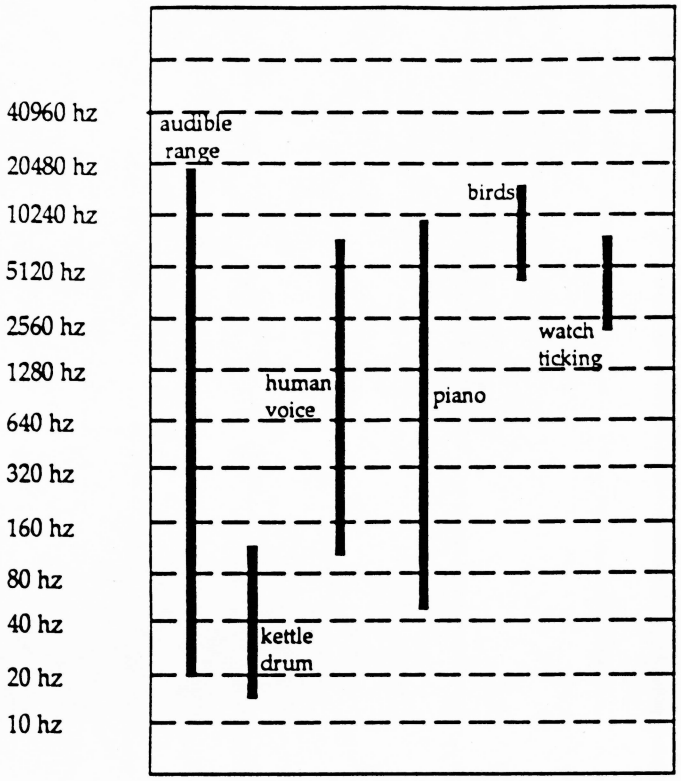


Chart # 2

real world decibel levels

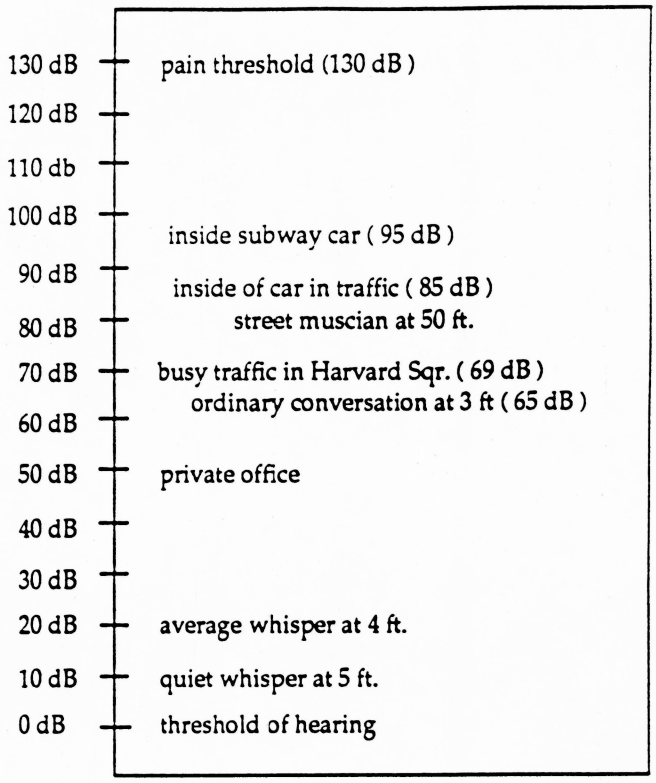
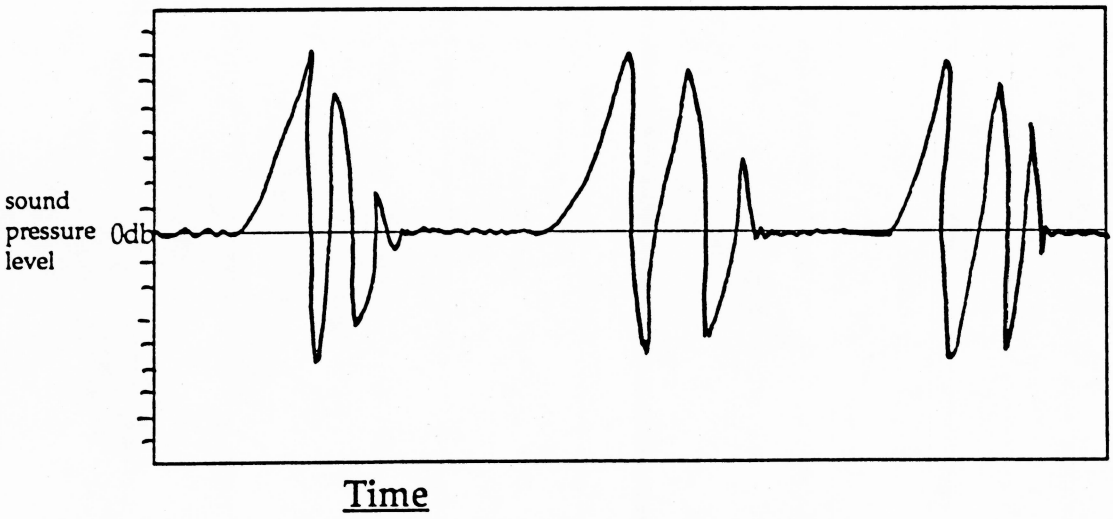


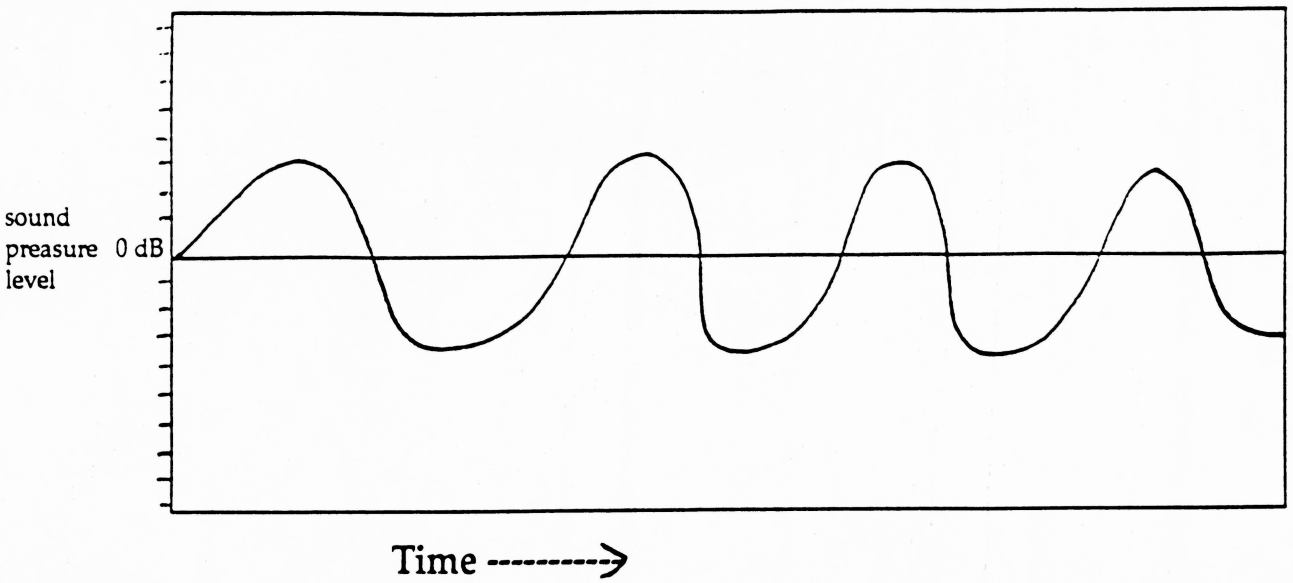
Chart # 3

Drums produce short bursts of sound called transients.
They look like this on a graph.



These transient sounds will make the needle on a sound meter bounce at regular intervals

It is easier to measure a continuous sound which looks something like this.



For this sound the needle will remain more steady.

In answer to why it is harder to measure a transient drum sound, it is because it makes the meter needle bounce more. Especially when the meter is at the setting which will measure the transient sounds most precisely.

For the second question:

At **different frequencies** (pitches) the human ear requires the **sound presure levels to vary** in order to perceive the sound as being the **same loudness.**

See chart,

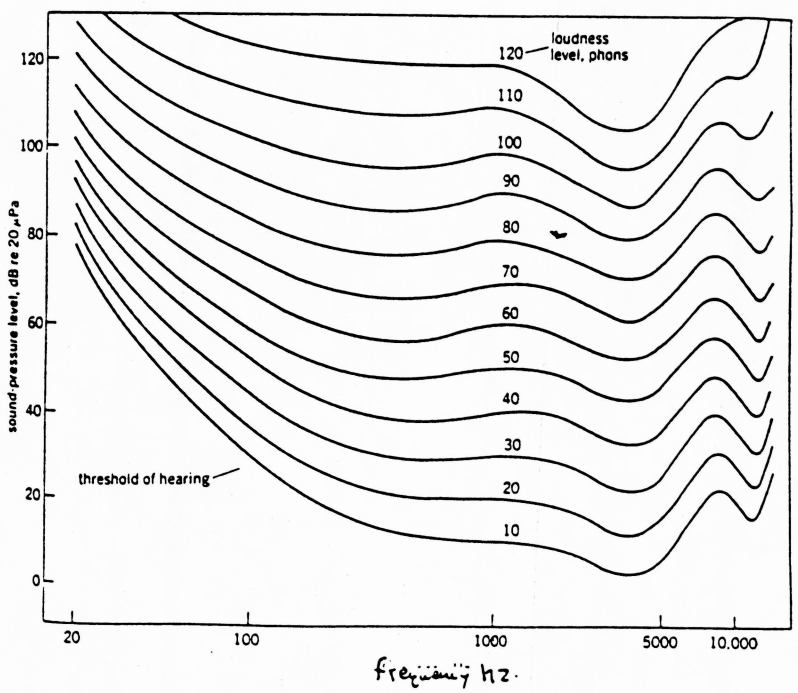


Fig. 3. Equal-loudness contours for pure tones. (After D. W. Robinson and R. S. Dadson, A re-determination of the equal loudness relations for pure tones, Brit. J. Appl.

Drums create many **low frequency** sounds.

For the human ear **to perceive low frequency sounds** as equal to mid-range sounds they **must have much greater sound** energy behind them.

So, in a basic way, even though they don't sound any louder lower frequency sounds have **more energy** which enable them to **travel further** before they disperse.

Also....

Sounds of **different frequencies** have **different lengths.**

The low end of our hearing at 20 hz. has a wave length of about 32 ft.
In the middle at 1000 hz. it is about 1 ft.
At the high end they are tiny fractions of an inch.

The **shorter the wave-length** the **more easily it is absorbed** into the environment.

The **longer the wave-length** the **less easily it is absorbed** and it even begins to **pass right through solid objects** with relative ease.

So a lot of the problem with drums

is that the low frequency sounds they produce have much more energy for a given perceived loudness and this carries the sound further. These low sounds are also not easily absorbed into the environment and will even pass through substancial objects.

Suggestions:

Information received indicates that on a good decibel meter a **transient sound is no less apparent than a continuous sound** of equal energy and frequency. The only difference is that the **needle will move more** to register the peaks of the transients.

It was suggested that if our **"slow"** setting will not effectively register the transients that we should switch to the **"fast"** setting.

Also there is a **peak hold function** which should be available on most good meters which will greatly assist in recording these transients because the needle may then be held or recalled to the point of the loudest sound during a given reading period

In conclusion:

1. Possibly a greater familiarity with the usage of our fine quality dB meter for this particular application would allow a well trained operator to decern the readings of a drum beat from the background noise at the "fast" setting.
(largely because of its inherent regularity)

2. If someone cannot be trained possibly a meter with a peak hold feature needs to be purchasedto facilitate the process.

Bibliography:

Encyclopedia of Physics
Rita G Lerner / George L. Trigg
2nd Ed.
V.C.H. Pub. Inc., 1991

Collier's Encyclopedia
MacMillian, 1988

Van Nostrand's Scientific Encyclopedia
Van Nostrand Reinhold, 1991

Noise Controll
Crocker, M.J. et al
Van Nostrand Reinhold, N.Y. 1984

Fundamentals of Acoustics
L.E. Kinsler/ A.R. Frey
Wiley, N.Y. 1962

other sources of information included telephone conversations and visits to several area colleges, sound studios, acoustic consultants, and retail stores all of which were unable or unwilling to go on the record with their suggestions. However all of the basic information presented here is contained in the above volumes. Their interest and enthusiasm is appreciated and their sugestions were invaluable.

Now Hear This—If You Can

Americans are amazingly tolerant of the noise that engulfs them at work and play. They shouldn't be. The din causes millions to lose their hearing, slowly but surely.

By ANASTASIA TOUFEXIS

Diane Russ of Evanston, Ill. never stays in the kitchen when the dishwasher is running. She wouldn't think of using power tools without wearing earplugs. And on weekends she keeps her windows closed. "Some mornings you can't walk outside because so many people are using their power mowers," she laments. "It's very noisy out there." Who would dispute it? From the roar of airplanes to the wail of sirens, the blast of stereos to the blare of movie sound tracks, noise is a constant part of American life. But few go to the lengths Russ does to avoid it. Noise is annoying and frustrating—and accepted.

That tolerant attitude needs to change—and fast. Increasingly, the racket that surrounds us is being recognized not only as an environmental nuisance but also as a severe health hazard. About 28 million Americans, or 11%, suffer serious hearing loss, and more than a third of the cases result from too much exposure to loud noise. Last week specialists testifying before a House committee documented an alarming new trend: more and more of the victims of noise-induced deafness are adolescents and even younger children. "We need to get people thinking the same way about protecting their ears as they now do about protecting their eyes," says Dr. James Snow Jr., director of the National Institute on Deafness and Other Communication Disorders. "There is so much noise we're exposed to that we tend to become complacent about it."

Much of the clamor is unavoidable because it fills work sites or public places. As many as 10 million Americans are exposed daily to on-the-job noise that could gradually cause some degree of permanent hearing loss. Sixty million Americans endure other noise, including the cacophony of city traffic, that is louder than the level the Federal Government deems safe, and 15 million live close to busy airports or beneath heavily traveled air routes. In some neighborhoods of northern New Jersey, more than 1,000 flights thunder overhead each day.

Much of the punishment, though, is voluntary. "Unfortunately," says Russ, an audiologist at Northwestern University's hearing clinic, "most of us unnecessarily increase the burden of noise we put ourselves under in our private lives." Homeowners endure the steady whine of everything from chain saws and power lawn mowers to vacuum cleaners and dishwashers. And the din of leisure activities can be just as dangerous as the roar from the factory floor. "We have laws to protect the hearing of workers in noisy workplaces," says senior scientist William Clark of the Central Institute for the Deaf in St. Louis. "But there are no laws covering recreational noises." The most hazardous pastimes by far are hunting and target shooting—enjoyed by nearly 13% of the population. A single crack of gunfire can hit 130 decibels or more, easily exceeding the danger level of 85 decibels.

Children lead some of the most raucous lives of all. Noisy activities range from playing with cap guns to practicing with school bands to riding the school bus. Of greatest concern, however, is youngsters' devotion to amplified music. Rock concerts can surpass 110 decibels, though they are more of a threat to musicians than to audience mem-

WILLIAM P. GALLAY—GAMMA LIAISON



Jet Takeoff 130



Jackhammer 110

OUCH! Prolonged exposure to noises of 85 decibels produces gradual hearing loss. Above 100 decibels, even brief exposure can cause permanent damage.

ANTHONY A. BOCCACCIO—THE IMAGE BANK

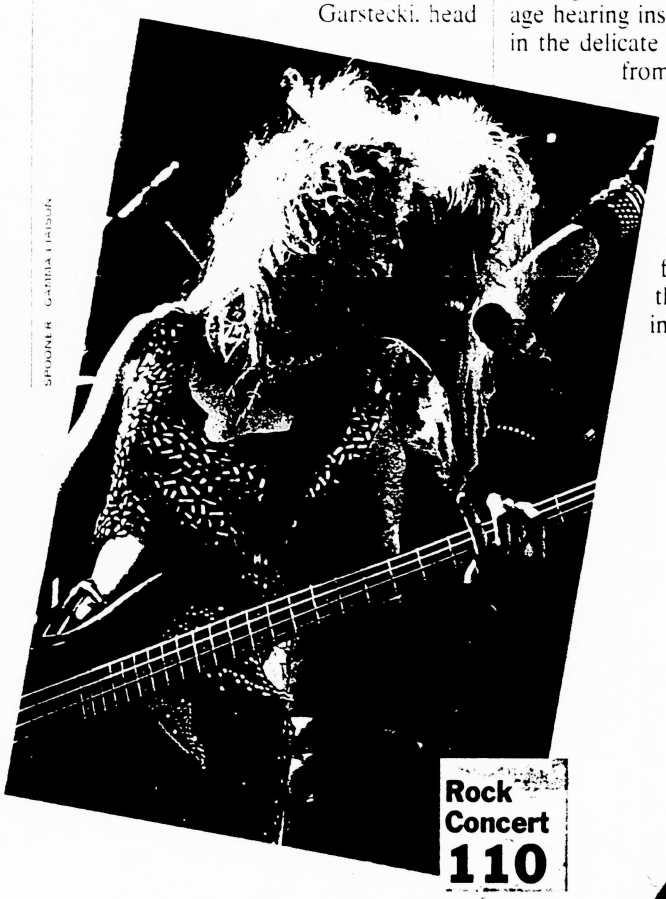
bers, who endure the punishing pounding for only an hour or two.

The most endangered kids are those who wander around with cassette players blaring music into their skulls for hours. These personal stereos can funnel blasts of 110 decibels or more into the ear. "If you can hear the music from a Walkman someone next to you is wearing, they are damaging their ears," declares Dr. Jerome Goldstein of the American Academy of Otolaryngology. After years of such assaults, notes audiologist Dean Garstecki, head of the hearing-impairment program at Northwestern University, "we've got 21-year-olds walking around with hearing-loss patterns of people 40 years their senior."

The ear is an amazingly flexible organ, but it simply was not designed to withstand the strain of modern living. Hearing naturally deteriorates with advancing years, but not by much. Mabaan tribesmen in the Sudan, for example, who have never been exposed to industrial sounds, maintain their hearing into old age. Sudden intense noise, like a gunshot or dynamite blast, can damage hearing instantly by tearing the tissue in the delicate inner ear. Sustained noise from a jackhammer or disco music is more insidious. The prolonged barrage flattens the tiny hair cells in the inner ear that transmit sound to the nerves. As the hairs wilt, people often feel a fullness or pressure in the ears or a buzzing or ringing, known as tinnitus.

Such symptoms soon subside and the hairs regain their upright posture—if the ear gets some rest. But unrelenting noisy assaults can eventually cause the hair cells to lose their resilience and die. They do not regenerate, and the result is a gradual loss of hearing.

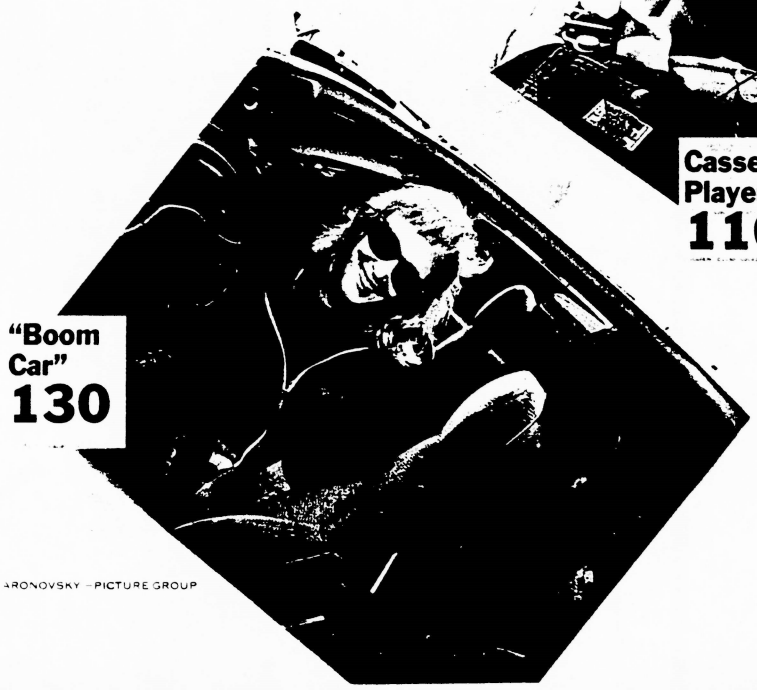
Those who cannot escape exposure to loud or prolonged noise should wear ear protectors, which can muffle sound by about 35 decibels. National Institute on Deafness director Snow contends that such protective gear should be as commonplace for children as bicycle helmets and infant car seats. His institute and other organizations are launching programs to educate children about hazards to hearing. And musicians who have suffered hearing loss, including Pete Townshend of the Who, are helping spread the message about the price of high-decibel rock. "We teach kids to keep their hands off the hot stove," says Jeff Baxter of the Doobie Brothers. "Let's do the same with their hearing."



SPOONER—GAMMA LIAISON



CHARLES MAHAUX—THE IMAGE BANK



JAMES ARONOVSKY—PICTURE GROUP

Efforts are also beginning to be made to attack unavoidable noise pollution. John Wayne International Airport in Orange County, Calif., boasts the toughest runway noise standards in the country. Observers can stand on the field and carry on conversations in normal tones, even as jets take off and land. Los Angeles International Airport has pledged to be equally quiet by the end of the decade.

Some communities are starting to enforce antinoise ordinances more vigorously. New York City, arguably the noisiest urban center in the country, issued 1,000 citations last year, up from 700 in 1988, primarily targeting air-conditioning equipment, discos, street construction machinery and horn blowing. In Southern California, police in National City and Redondo Beach have been empowered to confiscate big speakers installed in autos to make them what are known as "boom cars." Says officer Michael Harlan of National City: "If we hear a boom car 50 ft. or more away on a public street, we can cite the driver."

Noise is a low priority of the U.S. government. In fact, the Reagan Administration closed the Environmental Protection Agency's noise-control office in 1982 and dropped noise-emission labeling on such items as power tools and lawn mowers. Hearing experts call for a return of noise-emission information as well as new warning labels on audio equipment that can produce dangerously high decibel levels.

The ultimate hope, says Dr. Patrick Brookhouser of Boys Town National Research Hospital in Omaha, is that people will realize "when you lose hearing you lose, to some degree, one of our most vital attributes, the ability to interact with our environment." In other words, Americans should be making the most noise about noise itself. ***—Reported by Barbara Dolan/ Chicago, with other bureaus***

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 349-4380

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Minutes from Forum on Street Perfromance

Wednesday, February 26, 1992

Present:	Birge Albright	Cambridge Law Department
	Stephen Baird	Street Artist's Guild
	Vince Dixon	Cambridge Discovery
	Cynthia Frude	Woolcott & Co.
	Lt. James Hallice	Cambridge Police
	Roy-Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	Lindsay McCoy	Cambridge Arts Council
	Richard Scali	License Commission
	Harvey Smith	Association for Street Performance
	Will Stackman	Cambridge Arts Council
Recorder:	Josie Llado	Cambridge Arts Council

Roy-Alan Hansen, Deputy Director of the Cambridge Arts Council, opened the forum for discussion of issues of concern regarding the Street Performance Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. Lt. Hallice noted that the police now have a meter, and are training a member of the police force to use it, so that this officer can train others. Roy-Alan Hansen noted that Councilor Wolf has replaced Councilor Duehay as the chairperson of the Ordinance committee.

David Holzman reported that the Street Artists Guild would like to put together a map suggesting performance areas for different kinds of groups. Harvey Smith said that the majority of the street performers would accept the proposed Ordinance change of 80 decibels at 25 feet. Roy-Alan Hansen said that the Arts Council would continue to work with the Ordinance Committee to effect the change and asked the SAG representatives to keep the Arts Council informed on map developments. He said the Arts Council could distribute the map along with street performer's licences to aid the self-policing effort.

Stephen Baird said that there was no consensus on the drum issue at the SAG meeting. David Holzman suggested defining specific sites for drummers where no one would be bothered. Roy-Alan Hansen said that it would only move the problem, not solve it. Harvey Smith said that to differentiate the drums from the ambient noise when taking a reading, you have to be very close to

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Roy-Alan Hansen, Deputy Executive Director

it. He said that test practices should be conducted to get more information if we are going to set drum levels. Roy-Alan Hansen agreed, and said the Arts Council would undertake such readings when the drum groups reappeared.

David Holzman said that some performers at the meeting were concerned that limiting drum performers would lead to restriction of all street performers. Roy-Alan Hansen felt that it is a civil liberties issue. He said that we do not want to squelch anyone; it is a case of trying to keep the peace in an urban setting.

Stephen Baird raised a question concerning the rights of musicians to play in public if they are not asking for money. Roy-Alan Hansen said that if you look at the language in the Ordinance, it technically says that if you are playing in the public way, you are performing, even if you do not collect money. Stephen Baird said he felt that a differentiation should be made between performing for donations and performing in public without soliciting. Roy-Alan Hansen suggested that Birge Albright check out the issue.

Stephen Baird said that the exisiting Ordinance did not solve the problem in one business situation (Cambridge Savings Bank). One person said that some performers play for seven to eight hours at a time in a business area, and suggested a three- hour limit. Vince Dixon said that performers could rotate spots. David Holzman noted that a three-hour limit would be difficult to enforce.

Richard Scali said that the current limit was 80 decibels unless a business complains, then it falls under the regular noise ordinance at 65 decibels. Some members of the group felt that when the performance can be heard from indoors the decibel limit should be changed.

Lt. Hallice suggested that areas be pre-measured where different decibel levels are acceptable. Roy-Alan Hansen suggested the creation of a sound map, and wanted to to know how everyone felt about that. Roy said that there will be no drastic cuts yet, saying that he was concerned about performers being shut down.

David Holzman asked about the possible limit changes corresponding to the ambient sound. Roy-Alan Hansen said this would be an after-the-fact solution because we would have to go back later to test the ambient sound in each case, and it would not stop the problem for businesses with high ambient noise. He also asked if there was a consensus about proposing a new indoor limit at 50 decibels. The group concurred.

Roy-Alan Hansen said he would submit this to Councilor Wolf. He said that the next meeting would be on March 18.



Cambridge Arts Council

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57 Inman Street Cambridge, MA 02139 (617) 349-4380

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1992 FEB 20 PM 1:44
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Minutes of Forum on the Street Performance Ordinance

Wednesday, January 14, 1992

Present:	Vince Dixon	Cambridge Discovery
	Cynthia Frude	Woolcott & Company
	Lt. James Hallice	Cambridge Police Department
	Roy-Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	Duff Kirklewski	Bruel & Kjaer Instruments
	Marlene Knights	License Commission
	Mike McCann	Police Department/License Commission
	Harvey Smith	Association for Street Performance
	Will Stackman	Cambridge Arts Council
Recorder:	Lindsay McCoy	Cambridge Arts Council

Roy-Alan Hansen of the Cambridge Arts Council opened the forum for discussion on the Street Performance Ordinance. The minutes of the previous meeting were approved with one correction from Ms. Frude; this has been changed accordingly.

Next followed a discussion on sound levels. Mr. Hansen stated that the forum was concerned with investigating methods of setting allowable sound levels inside buildings (both residential and commercial). Mr. Hansen also noted that, in some cases, the performer may be within the legal sound limits, but because of his/her location, people inside buildings may be uncomfortably close to the performer.

At this point, Mr. Hansen introduced Marlene Knights of the License Commission and Duff Kirklewski of Bruel & Kjaer Instruments. Ms. Knights does sound-level testing for the City and Mr. Kirklewski is a sound engineer for the firm which manufacturers the decibel-meters owned by the City. They had both been invited to discuss and give evidence on the issue of measuring the sound level of drums. (As has been previously discussed, drums rarely, if ever, exceed the legal sound limit.) Mr. Kirklewski asked whether or not the City's sound meters were set on the fast mode when attempting to get an accurate reading on drums. Both Ms. Knights and Mr. Hansen answered that they have tried both the fast and slow modes with no noticeable difference in results. Mr. Kirklewski informed the group that the larger the drum head, the lower the frequency will be. Low frequency energy is hard to absorb; he stated that an 8' thick absorber would be needed. He added that the Bruel & Kjaer meter takes one second to come up with a reading and that it is impossible to perfectly read the sound level of a drum unless you have a $20,000 spectrum meter.

Mr. Kirklewski continued that a drum creates a transient or impulsive sound; the impulse factor is the cause of the "annoyance" characteristic of drum sounds. (Which is why rain, a random sound, does not bother people; but a pile driver, a rythmic sound, does.) Drums are not "stationary noise." People's ears have to adjust; the ear hears a sound, relaxes, then hears it

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Roy-Alan Hansen, Deputy Executive Director

again. He explained that if a drummer has his back to a wall, all the sound waves will travel out in a half-circle, thus making the sound twice as loud as it would be if he were standing in an open field where the sound waves could radiate in a 360-degree circle. A performer in an enclosed, or alley, situation would appear extremely loud, as all the sound waves would travel in a straight line. Mr. Kirklewski stated that, in his opinion, the only solution would be to change or restrict the locations of performers.

Roy Hansen stated that he thinks the problem is that, by their nature, drums need a different type of performance site. Drums are not going to be properly measurable under the current Ordinance. Mr. Hansen asked Duff Kirklewski if there is a difference between unaccompanied drums and accompanied (by other instruments) drums. Mr. Kirklewski answered that there does seem to be a difference, but that it is subjective, not scientific. He added that it is possible to measure noise, but not people's perception of noise.

Mr. Hansen reported that one of the options presented at the Ordinance Committee was that the legal sound level be changed drastically for drums, but that he feels that the suggested level would not work. He stated that it seems that instead, we should change or limit the locations of the drummers.

Harvey Smith stated that he feels that we could come up with different legal sound levels for different types of drums. Perhaps the person taking the reading could just move closer to the source instead of changing the level.

Lt. Hallice noted that, on one occasion, he was present when Ms. Knight was taking readings of drums. He reported that the sound itself was not high, but that it was very annoying.

Cynthia Frude asked if we could just ban drummers in view of the difficulty of taking readings, etc. Roy Hansen answered that he doesn't think it would be legal to simply prohibit any type of performance. He feels it would be more appropriate to designate specific sites, that we cannot ask the City Council to ban drummers from the City. Mr. Hansen continued that there is room in the Ordinance to take each issue separately and ban sites which have a history of complaints and problems.

Ms. Frude wondered about the safety aspect of the Brattle Square Triangle; she feels that crowds there are definately in danger. She also wanted to know how the Police are coming with their plan to purchase a decibel meter for their own use. Lt. Hallice answered that the Police should have their own meter by late spring.

Mr. Kirklewski noted that by his reading of the Ordinance, there is a loophole or "annoyance" clause so that a police officer can interrupt a performance which is problematic. Roy Hansen stated that he feels that using that option on a regular basis might create problems.

Mr. Hansen noted that he still feels that the best way to deal with the Brattle Square Triangle would be to ban drummers but leave it open to other types of performers. He added that he would like to ask the performers to spread the word to other musicians to try to be sensitive as to where they perform; setting up directly in front of a plate glass window may cause

DRAFT

difficulties. Lt. Hallice noted that it might be good to draw up a map showing the performers which areas of the City are designated for specific types of performance.

Mr. Hansen stated that he will inform Councilor Duehay that the forum's feeling is that it would be best to exclude drummers from the Brattle Square Triangle.

At this point the forum was adjourned and the next meeting was set for Wednesday, February 26, from 12:30 to 1:30 pm.

Can't find in your documents.

CITY OF CAMBRIDGE

MASSACHUSETTS

FROM THE OFFICE OF
CITY CLERK

_____ 19

Joy

We've keeping this in Committee, but take a look at this anyway, because I think we're going to meet again soon.

Thanks,

me

City of Cambridge

The Committee on Ordinances conducted a public hearing on Thursday, October 10, 1991 in the Sullivan Chamber, City Hall beginning at 1:05 P.M. the purpose of the hearing was to receive public testimony and review, but not act upon, a proposed amendment to the Municipal Code relative to the Street Performers Ordinance, specifically as it relates to congo drums. Members present were: Councillor Francis Duehay, Councillor Jonathan Myers, Councillor Walter Sullivan, Councillor Ed Cyr, Councillor Sheila Russell, Councillor William Walsh, Mayor Alice Wolf, Vice Mayor Reeves and City Clerk Joseph Connarton.

Councillor Francis Duehay, Chair of the above Committee opened the hearing and outlined the procedure by which testimony will be taken, with proponents being heard first and opponents being heard second. Furthermore, he stated that he had requested that the draft language currently before the Committee be prepared by the Law Department in response to many complaints he had received by a number of his constituents relative to the noise being created by congo drums. Councillor Duehay further stated that it was not his expectation to bring out of committee today this or any other amendment, only to begin the debate on exactly what language should finally be drafted to ensure a resolve to this problem.

The Committee then heard from Roy Alan Hanson, Deputy Director of the Cambridge Arts Council, who outlined the fact that he and members of the Arts Council have been meeting since last May with all groups which have been effected by the adoption of the Street Performers Ordinance and in particular those individuals who use congo drums, in an effort to develop a compromise on the issue. He further stated that the Arts Council had been taking regular decibel meter readings of the street performers but conducting them within the context of the existing language of the ordinance is not working and that the 50 feet requirement needs to be changed. Mr. Hanson further outlined several individual cases where problems exist in this area.

The Committee then heard from Nick Landon, a representative of the Street Performers Guild who stated his concern with lack of proper notice of this hearing and indicated that some 460 performers permits have been issued this year, double what had been issued prior to the adoption of the Street Performers Ordinance. Furthermore, he questioned whether or not consistent monitoring of the performers was taking place.

The Committee then heard from Dr. Lillian Greely, 4 ~~Univesity~~ University Road, Cambridge who spoke in support of stronger enforcement of the performers ordinance in particular restricting bongo and congo drums. She further stated that elderly men and women and ~~childred~~ Children live with a few feet of where these drums are being played for long periods of time and not only are they disturbing but they are unhealthy for those who have to listen to them for an extended

City of Cambridge

period of time. Dr. Greeley further stated that long episodes of drumming bring on headaches and nausea for many people. She strongly urged the Committee to place restrictions on such music.

The Committee then heard from Cynthia Frude, 42 Essex Street, Cambridge, who spoke in support of a stronger ordinance which would regulate drum playing, indicating that customers have left her store in Harvard Square because of the congo drums.

The Committee then heard from Ric Finnegan, 25 Brattle Street, Cambridge, Ma. proprietor of the Cambridge Booksmith, who stated that although his business generally supported street performers, the noise level is out of control and supports changes. He further stated that the City Council could not conduct its business if drums were being played outside City Hall.

The Committe then heard from Sally Alcorn, Executive Director of the Harvard Business Association, who spoke in favor of stronger language which would regulate the drum playing and further stated that meter readings should be 25 feet versus 50 feet.

The Committee then heard from Evelyn Sculler, 99 Mount Auburn Street, Cambridge, who stated she favored changes in the existing ordinance because the noise was just too loud. Furthermore, she stated that the City should consider charging more money for the permits required by the performers to pay for meter reading equipment.

Vice Mayor Reeves suggested that posssibly the City should consider designating the places on which street performers should play, thereby removing some of the problems the local businesess and ~~residents~~ residents are experiencing.

Councillor Myers stated that a number of street performers although here this eveing, ~~have~~ have not been heard from, and he believed that if a proper enforcement unit is not in place, he is not sure the Council should be making any changes in the current ordinance.

Mayor Wolf stated that she too has received a number of complaints about the constant drum playing in Harvard and Brattle Square which not only is disturbing to the local businesses but also to the residents in the area. She further stated that something needs to be done about it. Finally, she stated that it is very unfortunate that proper enforcement is not yet in place.

Councillor Duehay stated that all should remember that in the final analysis the City Council has to be responsible for whatever

City of Cambridge

happens on this issue.

The Committee then heard from Lieutenant James Hallice of the Cambridge Police Department who stated that unfortunately the Police Department does not have the proper tools to enforce the Street Performers Ordinance. He further stated that he has written to Police Commissioner Perry Anderson who has indicated that money for the purchase of a decibel meter reader will be in the budget for FY 1993. Lieutenant Hallice further stated that the Police Department has been working with the Arts Council and commended them for their efforts.

The Vice Mayor stated that the City should consider banning any performers who are a problem and we should spend lots of resources on this issue.

Councillor Duehay stated that this proposal should remain in committee and a meeting called within another 10 days.

The hearing adjourned at 2:26 P.M.

Daryl Janes
50a J.F.K. Street
Cambridge. Ma. 02I38

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Oct. I6. I99I

Office of the city Clerk
Cambridge City Hall
Cambridge. Ma. 02I39

Attent: Mr. Connarton

Dear Mr. Connarton

Dear Mr. Connarton.

Concerning the Oct. IO Meeting of the Street Performers: The City of Cambridge for the last year has been without police protection in reguards to the decimal level violations from the Street Performers. There is only one person assigned in the day and one at night to do the decimal readings for the entire city.

It was Roy Hannsen who because of complaints from the Street Musicians had the Meters taken away from the police.

At the last Arts council meeting I briefly talked to lieutenant Halis who said that Maybe by March of I992 that the Police would get a Meter for Harvard Square. If this is so it will have left Harvard Square without enforcement for a year and a half. This has caused the residents and store owners much anguish. All of the store owners at the last meeting indicated that their business had fallen off dramatically because of complaints from their established clientele.

Let me cite one example from my own experience: I had been trying this past summer to resolve the issue of decimal violation between the agencies of the Police, the Licence commission and the Arts Council. I have been shuttled back and forth from the Arts Council to the Licence Commissioner to the Police - Then back to the Arts Council who claimed that the Licence Commissioner is responsible for

the enforcement. And the License Commissioner informs me that he could do nothing for me; the Police say the same thing. Finally in total fustration I went down in person to see Mr. Hannsen to inquire as to what was going on. And he said that the Police are co-responsible for enforcing the ordinance but they do not have a Meter. I then asked how long would it take them to get the Meter. He said that these things take time - that you don't just run out and buy one; Bids must be taken - He said it would probably take Five or Six weeks to put the thing in place. I urged him to commence as soon as possible. He seemed agreeable so I took it to mean that he would do just that. Five weeks later I called and asked him how it was going with the Police getting their Meter. He said: "Police! - I'm not in contact with the Police! I have nothing to do with the Police! But I'll inquire if you want me to." I sensed that my meeting with him last had been a Sham, so I did not confront him on the matter.

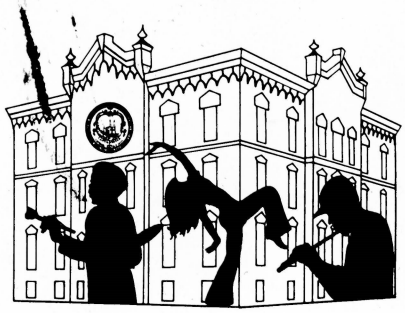
It seems very clear to me now that Mr. Hannsen was stalling for time to get the Musicians past the summer season. If this continues - next summer will be the third season without law enforcement.

What concers me is the apparent deliberateness of Roy Hannsen who took the means of enforcing the ordinance away from the Police. If this is true I feel because of the severity of it's nature, the City Council should ask Mr. Hannsen to step down; for the act shows a lack of concern for the safety and wellbeing of the Residents and businesses of Harvard Square.

Your timely attention to this matter would be appreciated.

Respectfully Submitted

Daryl Janes



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

OFFICE OF CITY CLERK
1991 DEC 23 AM 10:57
CAMBRIDGE MA.

December 20, 1991

Mr. Joseph Connarton
City Clerk
City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

For your records I am forwarding the draft of the notes taken at the forum on the Street Performance Ordinance on December 11, 1991. I am also enclosing a copy of Ned Landin's report on the monitoring of drums.

If I can answer any further questions, please do not hesitate to give me a call.

Sincerely,

Roy-Alan Hansen
Deputy Director

RAH:em

enclosure

Eliza Collins • John Constable • Arawana Hayashi • Willie Hills • O'Neal Ingram • Donna Lassiter • Norman McIver
Altaf Mulla • Penny Outlaw • George Turnbull • Karen Vaughan • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

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Cambridge Arts Council

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Minutes from Forum on Street Performance Ordinance

Wednesday, December 11, 1991

Present:	Birge Albright	Cambridge Law Department
	Vince Dixon	Cambridge Discovery
	Cynthia Fruge	Woolcott & Co.
	Lillian Greeley	Resident
	David Holzman	Association for Street Performance
	Ned Landin	Association for Street Performance
	Lindsay McCoy	Cambridge Arts Council
	Richard Scali	License Commission
	Harvey Smith	Association for Street Performance

Recorders: Elinore McCoy, Josie Llano Cambridge Arts Council

Lindsay McCoy of the Cambridge Arts Council opened the forum for discussion on issues of concern regarding the Street Performance Ordinance by reviewing complaints. Vince Dixon complained about a performer outside the Discovery Booth who was speaking offensively in-between songs.

The first item on the agenda was a review of the draft of the minutes of the previous meeting. Birge Albright suggested we use the same terminology for the Brattle Square area where noise violations have occured in the past. It will be referred to as the Brattle Square Triangle in future documents. Dr. Lillian Greeley also requested that an addition be made concerning her complaint about drummers. She said it is the combination of noise and rythmn that bothers her. These corrections have been made accordingly.

Next followed further discussion on the proposed changes to the Ordirance. The current legal decibel level outdoors is 80 decibels at 50 feet, but Richard Scali said there is no ordinance which covers decibel levels indoors. Dr. Greeley said she thinks the persistent beat factor should be included in testing, as well as the decibel level. A suggestion was made that if performers go 5 decibels above ambient (street) sound level inside a residence, it would be a violation. The group agreed that the subject of indoor decibel-level restrictions needs to be addressed and that testing should be done to establish an appropriate decibel-level limit.

Richard Scali said we should make it clear if a testing is done outside a residence or a business. He also noted that the Sound Ordinance legal levels are 80 or below outdoors and 60 or below indoors. This is not clear in the Street Performers Ordinance. Lindsay McCoy asked if the Sound

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Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Executive Director

Ordinance could be amended. Harvey Smith said that he feels that anything that concerns street performers should be put in the Street Performance Ordinance. Birge Albright said that the Street Performance Ordinance and not the Sound Ordinance, should be ammended to cover these issues.

Cynthia Frude said that her store is in a unique setting, because performers' sound waves go down the alleyway leading to her store, becoming louder as they travel. Richard Scali said more testing is necessary, and Lindsay McCoy suggested that Cynthia's business as well as other places concerned be tested for indoor sound levels. Cynthia Frude said that a test should be done from Mr. Crane's office (he spoke at the Public Hearing in October). Dr. Greeley thinks a committee should be set up to take readings; she would like to be on the committee.

Next, Ned Landin's report on measuring drums was discussed. He attempted to answer the question "Why are drums difficult to monitor?" Richard Scali said that there is no way to measure a drum with the decibel meters the City owns. As far as he knows, there is no decibel meter that will register drums. Dr. Greeley said it is not the level, but the persistant beat of the drums that makes her uncomfortable. Richard Scali said that the problem is that the potentially irritating quality of continuous rhythm cannot be measured.

Lindsay McCoy suggested that it might be possible to set up a formula whereby drums are measured differently. She suggested that measurements be taken both next to the drums themselves, and from inside businesses and residences. Richard Scali suggested that an indoor limit of 60 decibels would be considered comfortable. Ned Landin said one possible formula would be to add 7 1/2 decibels the reading if drums are involved. Richard Scali noted that the different environment (less performers) at this time of year will have an effect on the readings taken.

Lindsay McCoy pointed out that the letter sent to Councillor Duehay requested that amendments concerning the sound levels of drums be held until the forum's further investigatation. It also stated that the forum believes that lowering the decibel level to 50 for drums is unworkable and asked that no action be taken on drums at the present time. David Holzman suggested that white noise be discussed at the next meeting.

Cynthia Frude stated that she had spoken with Stephen Baird to see if he knew how other areas in the country measure drums. He informed her that no one else has come up with a solution for reading drums.

** The next meeting of this forum will be on Wednesday, January 15, from 12:30 until 1:30 p.m.

Report to The Forum on Street Performance in Cambridge on the Monitoring of Drums

Purpose:

1. Answer the following:
   a. Why are drums harder to monitor
   b. Why do drum sounds carry further

2. Find suggestions

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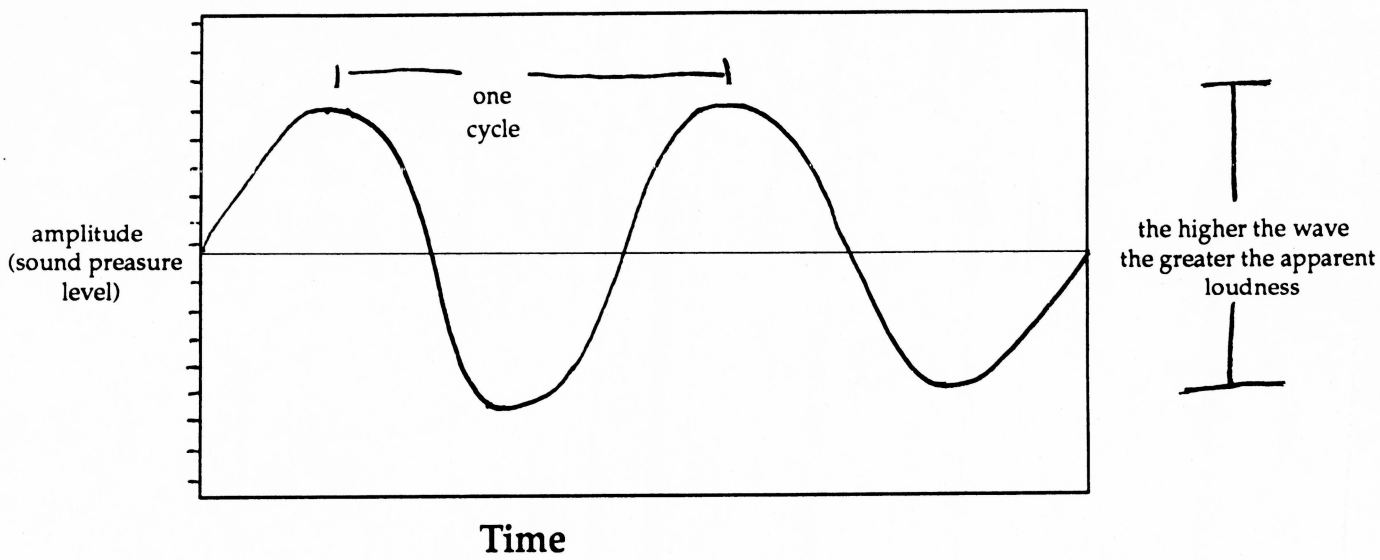
To start with here is a basic way to look at sound.



Frequency (~ pitch) is measured in cycles/sec. also called **hertz.**

Sound Presure Levels are measured in **decibels.**

On the following page are two charts, one with some real world frequency ranges and the other with some real world decibel levels.

real world frequency ranges

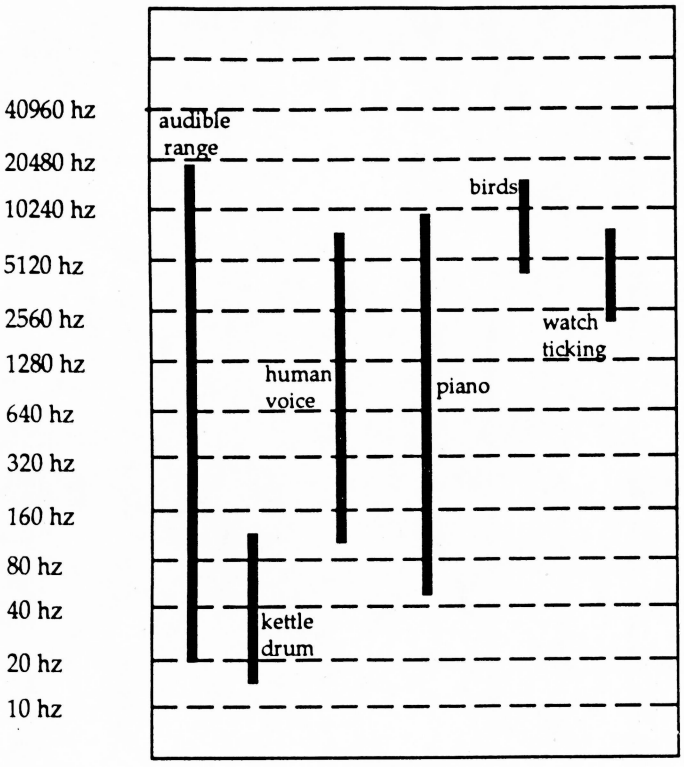


Chart # 2

real world decibel levels

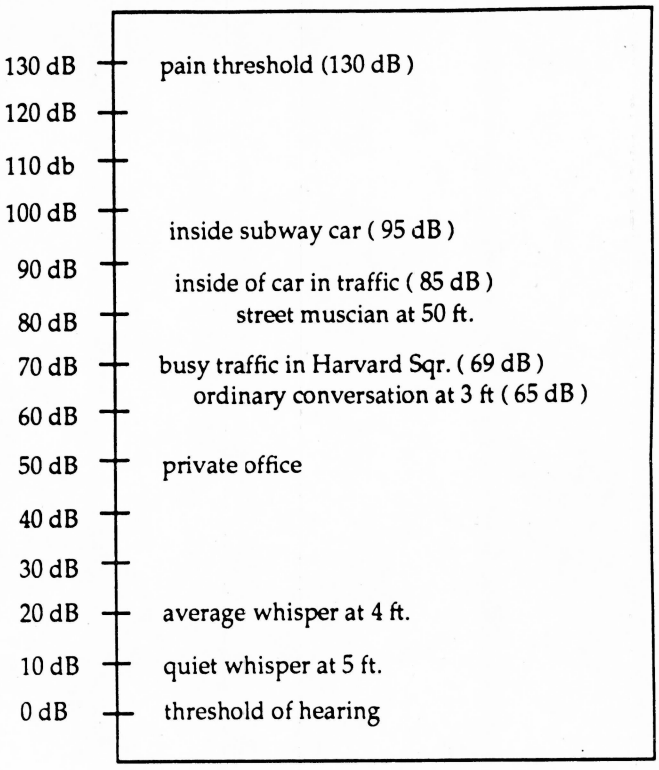
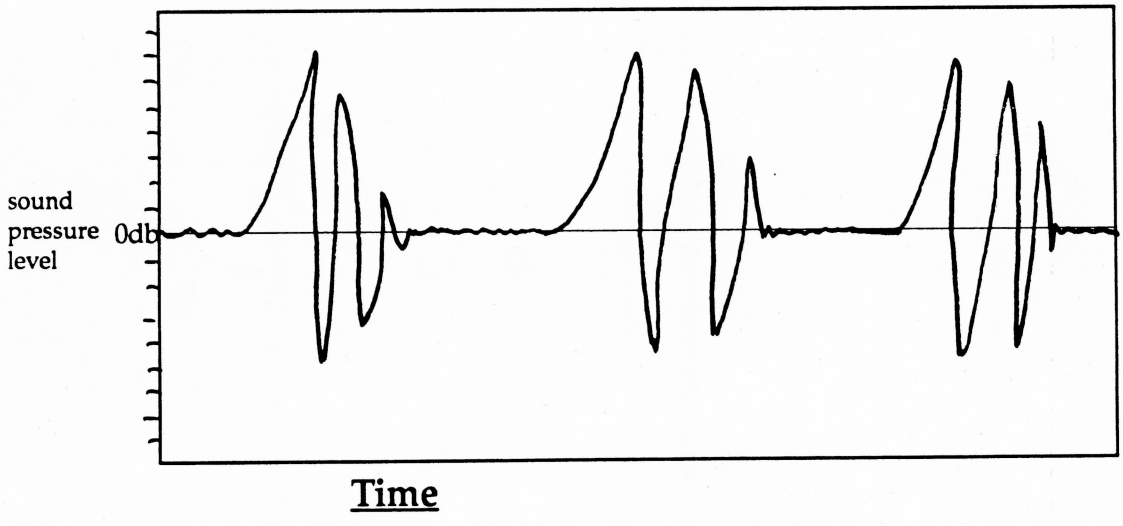


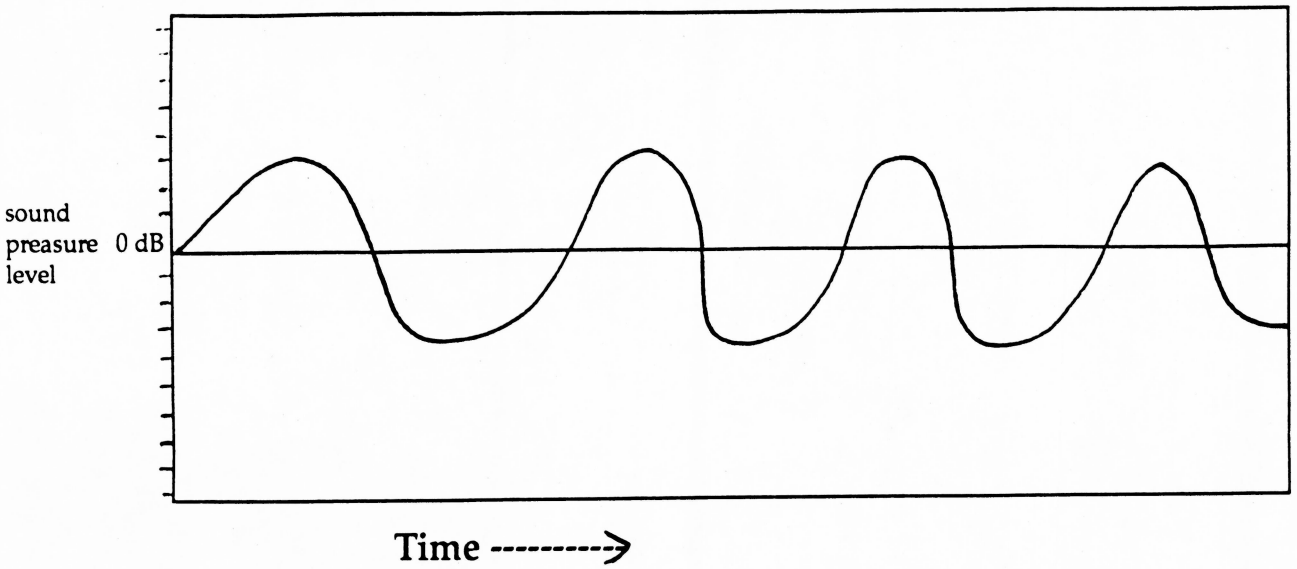
Chart # 3

Drums produce **short bursts** of sound called **transients.**
They look like this on a graph.



These **transient sounds** will make the **needle on a sound meter bounce** at regular intervals

It is easier to measure a continuous sound which looks something like this.



For this sound the needle will remain more steady.

In answer to why it is harder to measure a transient drum sound, it is because it makes the meter needle bounce more. Especially when the meter is at the setting which will measure the transient sounds most precisely.

For the second question:

At **different frequencies** (pitches) the human ear requires the **sound presure levels to vary** in order to perceive the sound as being the **same loudness.**

See chart,

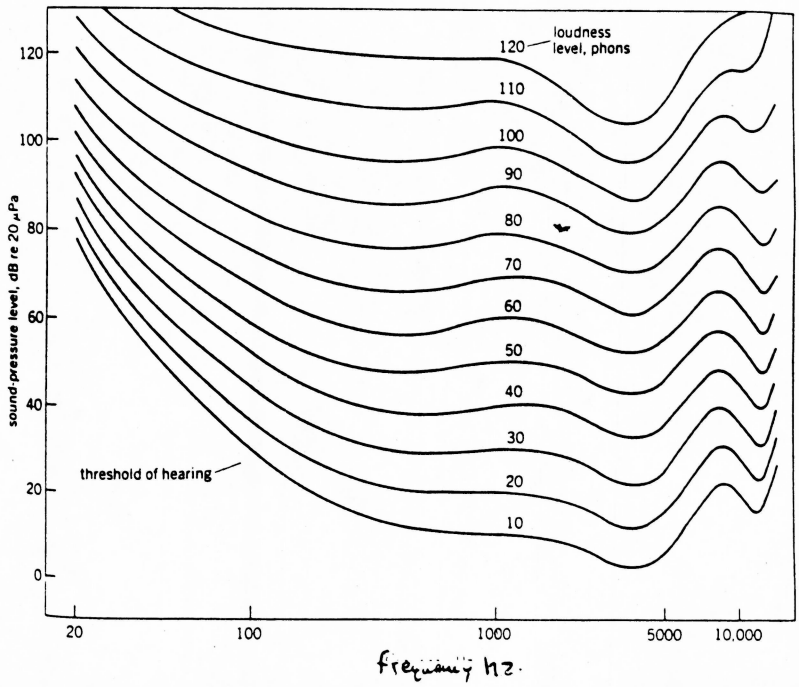


Fig. 3. Equal-loudness contours for pure tones. (*After D. W. Robinson and R. S. Dadson, A re-determination of the equal loudness relations for pure tones, Brit. J. Appl.*

Drums create many **low frequency** sounds.

For the human ear **to perceive low frequency sounds** as equal to mid-range sounds they **must have much greater sound energy** behind them.

So, in a basic way, even though they don't sound any louder lower frequency sounds have **more energy** which enable them to **travel further** before they disperse.

Also....

Sounds of **different frequencies** have **different lengths.**

The low end of our hearing at 20 hz. has a wave length of about 32 ft.
In the middle at 1000 hz. it is about 1 ft.
At the high end they are tiny fractions of an inch.

The **shorter the wave-length** the **more easily it is absorbed** into the environment.

The **longer the wave-length** the **less easily it is absorbed** and it even begins to **pass right through solid objects** with relative ease.

So a lot of the problem with drums

is that the low frequency sounds they produce have much more energy for a given perceived loudness and this carries the sound further. These low sounds are also not easily absorbed into the environment and will even pass through substancial objects.

Suggestions:

Information received indicates that on a good decibel meter a **transient sound is no less apparent than a continuous sound** of equal energy and frequency. The only difference is that the **needle will move more** to register the peaks of the transients.

It was suggested that if our **"slow"** setting will not effectively register the transients that we should switch to the **"fast"** setting.

Also there is a **peak hold function** which should be available on most good meters which will greatly assist in recording these transients because the needle may then be held or recalled to the point of the loudest sound during a given reading period

In conclusion:

1. Possibly a greater familiarity with the usage of our fine quality dB meter for this particular application would allow a well trained operator to decern the readings of a drum beat from the background noise at the "fast" setting.
(largely because of its inherent regularity)

2. If someone cannot be trained possibly a meter with a peak hold feature needs to be purchasedto facilitate the process.

Bibliography:

Encyclopedia of Physics
Rita G Lerner / George L. Trigg
2nd Ed.
V.C.H. Pub. Inc., 1991

Collier's Encyclopedia
MacMillian, 1988

Van Nostrand's Scientific Encyclopedia
Van Nostrand Reinhold, 1991

Noise Controll
Crocker, M.J. et al
Van Nostrand Reinhold, N.Y. 1984

Fundamentals of Acoustics
L.E. Kinsler/ A.R. Frey
Wiley, N.Y. 1962

other sources of information included telephone conversations and visits to several area colleges, sound studios, acoustic consultants, and retail stores all of which were unable or unwilling to go on the record with their suggestions. However all of the basic information presented here is contained in the above volumes. Their interest and enthusiasm is appreciated and their sugestions were invaluable.

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

December 5, 1991

Councilor Francis H. Duehay
City Hall
Cambridge, MA 02139

Dear Councilor Duehay:

At the last meeting of the forum for discussion on the Street Performance Ordinance, those present voted to send you a letter as Chairman of the Ordinance Committee outlining the forum's views on the proposed changes to the Ordinance for Street Performance as presented at the public hearing on October 10, 1991.

With regard to #1, which would set the legal decibel level at 70, measured at a distance of 25 feet: the forum agrees unanimously that changing the distance for taking readings to 25 feet would be beneficial, but the majority, particularly the performers, would not like to see the decibel level lowered to 70 as well. The members feel that cutting the distance would also cut the sound level. As you can see from the readings taken by the Arts Council and the License Commission in Harvard Square (see attached), almost all performers would be in violation of the Ordinance if the allowable decibel level was set at 70.

With regard to #2, which would restrict unaccompanied drums to a decibel level of 50: one of the members of the forum is currently researching methods of measuring drums; the forum feels that no action should be taken on this aspect until more information on reading drums is available. Also, the difficulty of measuring drums at 50 when the ambient sound level in the Square is approximately 69 decibels, would seem to make this particular solution unworkable.

With regard to # 3, which would prohibit all musical performances on the area known as the Brattle Square Triangle: the forum for the most part would suggest adding this area to the other list of exclusions. A spokesman for the street performers on the forum stated that he could not support banning musical performances on Brattle Square; he feels that the performers would see this move as a precedent to further restrictions.

This forum respectfully requests that its recommendations to the Ordinance Committee be considered in further drafts for revision.

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We are also including a copy of the draft of the minutes taken at the last meeting of the forum. If you have any questions, or require any further information, please contact me at the Arts Council.

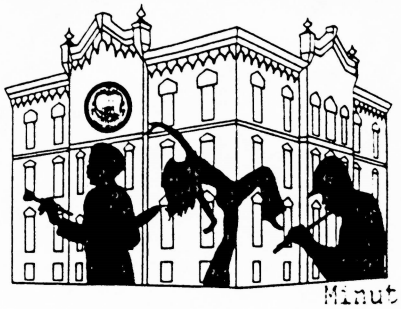
Sincerely,



Roy-Alan Hansen
Deputy Director
for the Forum for Discussion on the
Street Performance Ordinance

enclosures

c Joseph E. Connarton, City Clerk



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performance

DRAFT

Wednesday, November 13, 1991

Present:	Birge Albright	Cambridge Law Department
	Sally Alcorn	Harvard Square Business Association
	Cynthia Frude	Woolcott & Company
	Lillian Greeley	Resident, University Road
	Roy-Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	Kevin McNamara	Street Artists Guild
	Richard Scali	Cambridge License Commission
	Will Stackman	Cambridge Arts Council
Recorder:	Lindsay McCoy	Cambridge Arts Council

Roy-Alan Hansen, Deputy Director of the Arts Council, opened the forum for discussion of issues of concern regarding the Street Performance Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. The minutes were approved as written.

Mr. Hansen stated that the Street Performance permits will be changing next year. There will be space on the permit for extra guidelines; if anyone has information that they feel should be on the permit, they should get the information to the Arts Council within the next three weeks. Phone numbers (the Arts Council, the Street Artists Guild, etc.) could also go on the permits.

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Roy then handed out copies of the Chronicle's ARTSLINE article on ticketing Street Performers who are in violation of the Ordinance. He stated that the article gives "fair warning" to the performers, and also that most violations are not related to sound levels, but to crowd control, use of space, etc. At least one half of the performers still do not have their permits showing. The Arts Council staff will be ticketing as necessary. Mr. Hansen requested representatives of the street performers to spread the word that permits should be visible and that this will be enforced.

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Roy noted that the Ordinance Committee's suggestions for change seemed to be based on a letter from the Harvard Square Business Association. He also pointed out that the forum does agree with some of the suggested changes such as taking decibel readings at 25 feet instead of at 50 feet.

Richard Scali said that he hoped the Ordinance Committee has taken note of the minutes of these forums, but he feels that perhaps we need to send a very concise summary to the Committee. Birge Albright stated that, as the Committee only set one-half hour for discussion of these issues, that it can be assumed that no action was planned at that time, and that the purpose was to introduce the topic and possible measures. David Holzman stated that he feels that the most positive thing to come out of that hearing was the stronger emphasis on enforcement.

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   Will Stackman suggested that perhaps the Legal Department should look at the noise ordinance and clear up these discrepancies. David Holzman noted that some areas in the Square would have different legal sound levels, which would complicate matters. Kevin McNamara suggested that drums might be read at a shorter distance (10 feet?). Roy thought the forum should wait for the

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3. On the section regarding drummers which states that no drummers may exceed 50 decibels--we should let the Ordinance Committee know that we have someone researching this aspect. There would be no way to enforce 50 decibels, which is substantially below the ambient sound level.

4. With regard to the banning of musical performances on Brattle Square--there is a problem in Brattle Square as well as the Common and Winthrop Park, the forum would suggest adding Brattle Square to the list of exclusions (especially as there is as yet no realistic way of measuring the sound level of drums). Kevin McNamara stated that, as a performer, he could not support banning performances on Brattle Square. There would be a concern that this would start a series of bannings. He does feel that Brattle Square should be included with the Common and Winthrop Square as far as solutions to the drum problem. The point was raised that there will be "new turf" opening up for the performers by HMV Records.

All of the above points should be covered in the letter to Councilor Duehay with a request from the forum to have input as to the proposed changes in the Ordinance.

For the next meeting the forum plans to discuss the issue of traffic in this area of the City. Cynthia Frude thinks it would be nice to have some passive space where people can just relax. Birge Albright wondered if the Chief of Police has the authority to ban certain areas. Roy answered that he does have that ability. It was also suggested that Stephen Baird be contacted to see if he knows of anyone else in the country has developed a method of measuring drums satisfactorily.

* The next meeting of this forum will be on Wednesday, December 11, from 12:30 until 1:30 pm.

Street Artists' Guild

Stephen Baird, P.O. Box 570, Cambridge, MA 02238 617/522-3407

LM

FYI

October 21, 1991

Mr. John Kenney
The Ethnics
46 Bigelow St.
Cambridge, MA 02139

Dear Mr. John Kenney:

This letter concerns your excessively loud performances the past two year's in Harvard Square with your band the Ethnic. Individual street performers have repeatedly asked you to turn down your amplifiers because the volume of your performances have interfered with their ability to perform and be heard. Members of the Harvard Square business community have also asked you lower the volume. Recent decibel readings have confirmed that you and your band has clearly violated the sound levels in the Street Performing Ordinance.

Therefore, I will be calling a meeting of the Street Artists' Guild to vote on the following actions:

1. The Guild will vote to publish the enclosed "Open Letter of Censorship"

2. The Guild will picket your performances and pass out these flyers to the general public and your audiences.

3. The Guild will hire attorneys to sue you and the individual members of your band for violating Street Artists' Guild members Civil Rights in court.

To avoid these sanctions you must send a letters of apology to the Street Artists' Guild, the Harvard Square Business Association, the Cambridge Arts Council, and the Cambridge City Council by November 1, 1991. You must also purchase a decibel meter and monitor your own volume and keep it <u>below 80db at 25 feet</u>.

I deeply regret having to send this letter, but you are making it impossible for other street artists to perform. Your actions are also creating an environment of animosity between the community and street artists that could lead to the curtailment of all street performances. I can not allow your abusive actions to continue.

Sincerely,

Stephen Baird

cc: Attorney Dianna Stallone, Cambridge Arts Council, Members of the Guild

Street Artists' Guild

Stephen Baird, P.O. Box 570, Cambridge, MA 02238 617/522-3407

Do not support John Kenney's Band also known as the Ethnics.

Open Letter of Censorship

The Street Artists' Guild decided by a vote of___ to___ to censor John Kenney's Band, aka the Ethnics, for the following reasons:

1. For keeping their amplifiers so loud that it interferes and curtails other street performers ability to perform and be heard. Specifically, the band has been measured at 88 db which is in clear violation of the present Street Performers' Ordinance and makes it impossible for other artists to perform within an entire city block (300 feet, the length of a football field).

2. For keeping their amplifiers so loud that police are called to stop their performances due to community complaints. (Other street artists are often shut down simultaneously in these sweeps.)

3. For repeatedly refusing request by fellow street artists to turn down the volume of their amplifiers. (This includes requests at Street Artists Guild meetings.)

5. For generally creating an environment of animosity between the community and street artists that could lead to the curtailment of all street performances.

Therefore, the Street Artists Guild members urge the general public not to support John Kenney and his band the Ethnics.

We would like to add that the Guild has no problem with rock music or other forms of amplified expression (Many Guild members use amplification with responsibility). However, we feel that amplification should not be used as a tool to suppress the First Amendment rights of others. Please do not allow selfishness, greed and power to overwhelm other artists. The future of the community is in the diversity of ideas presented- storytellers and jazz artists, dancers and mimes, jugglers and clowns, folk and ethnic artists - all have a unique message and all have the right to be heard.

Two Views of a Saturday Night

First View: On a Saturday night in Harvard Square thirty different artists- two jugglers, two magicians, one mime, three clowns, a five person musical group from South America, a three person blues band, a storyteller, a three piece jazz band, a solo rock act, three solo folk acts, and a three piece rock band are playing. Each group has about 50-200 people watching (1500-6000 people total). During the breaks the crowd shifts between all the different groups. Over 300-400 people will visit each artists in the evening during these shifts. There is a lot of excitement. The crowds are generous and they come back with their friends. "If you like this act wait till you see the next one!"

Second View: On a Saturday night in Harvard Square thirty different artists set up. One rock band sets up in the middle of Brattle Square and turns the volume so loud that all other acts have to stop their show. Immediately 300-400 people who like rock music and other curious people converge. The crowd expands and then reduces to the number who can see and participate (300-400 people total). During the breaks there is no crowd shifts because there are no other crowds. When the second show begins the audience consists of many the same people and donations go down dramatically. There is no diversity. There is no excitement. People do not come back. Weeks later the crowds will continue to grow smaller (Note: It is now easier for businesses and governmental authorities to curtail street music because less people will protest.). "I've seen that group before. They're here all the time. Let's go to a movie"

Conclusion: The first view it is a real cultural movement- full of diversity, different cultures, conflicting opinions and ideas, a real community that cares about and for each individual. A community that understands the interdependence between people.

The second view is the usual problem of poverty's blind rage. Rock music is one of the primary vehicles for expressing that rage. And clearly rage needs to be expressed. The streets are in fact one of the best forums. However, did burning down the ghetto cure poverty? Is the message of rock street music going to say we don't care about other street artists- tough luck if that storyteller is too old to compete, so what if that classical duo is expecting a baby, I don't care if the clubs are so racist that the Hispanic artists can't play anywhere else.... Are we as a community going to allow rock music to be used as a tool of oppression?

Cambridge Arts Council
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DECIBEL READINGS TAKEN IN HARVARD SQUARE
10/4/91

PERMIT #	NAME	50 FEET	25 FEET
1. 019	Glen French (Banjo) playing in front of the Coop; 32A Briggs St., Salem 01970	74.6	78.0
	Later, it became a trio:	75.4	79.0
273	Nathan Phillips 195 Ashmont St., Dorcester 02124		
	The 3rd person did not have a permit.		
2.	"Yawar Huauqui" group playing at Out-of-Town News; All residing at the same address: 16 Gorham St., Somerville 02144		
168	Roberto Cachimuel	82.3	85.5
		83.6	87.5
169	Humberto Ajaia		
170	Jose Manuel Cachimuel		
171	Pedro Vasquez		
172	Carlos Cachimuel		
173	Luis Alberto Cachimuel		
174	Humberto Cordova		
	Only 5 people were playing.		
3.	Jazz quintet, playing on Church St./Mass Ave.;		
249	Rene Hart 173 Morrison Ave., Somerville 02144	80.5	84.1
		83.8	
		75.5	77.6
	Jeff Charland did not have a permit although he said he had one but had forgotten it.		
	The 3 other people did not have a permit either.		

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4. 1 man playing Peruvian music in front of Cambridge Booksmith;

192	Alfredo Velasquez, "Inca Son"	79.4	84.0
	P.O. Box 1899, Cambridge 02238	81.6	82.6

From inside Cambridge Booksmith: - 72.0/74.0, door closed
- 77.0, door open

5. Jazz trio playing in Winthrop Park;

		84.6	83.2
148B	James Weinstein	74.3	75.9
	50 Charlesgate East, Boston 02215		

The 2 others did not have a permit.

6. 011 Edward Landin, "Flathead" 73.5 76.8
P.O. Box 1472, Cambridge 02238

7. Quartet;

030	Fred Owens	85.5
	42 Blakeslee St., Cambridge 02138	
432	Tony Beeler, "The Ethnics"	
	46 Bigelow St., Cambridge 02139	

The 2 others did not have a permit.
At 10:00 pm, the group was shut down by police.

8. 040 David E. Levin, "Magic Piano" 72.9 75.8
55 Norfolk St., Cambridge 02139

9. Blues Duo;

331	Liz Hamill	82.4
	P.O. Box 689, Cambridge 02238	

The other person did not have a permit.

10. Manny --- (Guitar & Amp) 81.8

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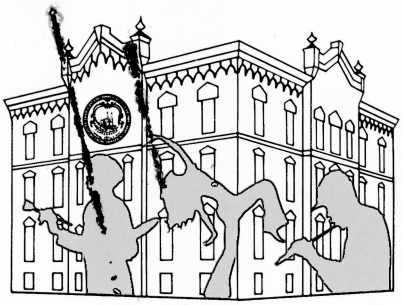

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Sincerely,

Roy-Alan Hansen
Deputy Director
for the Forum for Discussion on the
Street Performance Ordinance

enclosures

c Joseph E. Connarton, City Clerk

Comm. # 7

Comm. from Roy-Alan Hansen, Deputy Director for the Forum for Discussion on the Street Performers Ordinance regarding proposed amendments to the Street Performers Ordinance.

In City Council,

December 9, 1991

Referred to the Ordinance Committee.
Copy sent to Ordinance Committee 12/10/91 dc

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

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3. On the section regarding drummers which states that no drummers may exceed 50 decibels--we should let the Ordinance Committee know that we have someone researching this aspect. There would be no way to enforce 50 decibels, which is substantially below the ambient sound level.

4. With regard to the banning of musical performances on Brattle Square—there is a problem in Brattle Square as well as the Common and Winthrop Park, the forum would suggest adding Brattle Square to the list of exclusions (especially as there is as yet no realistic way of measuring the sound level of drums). Kevin McNamara stated that, as a performer, he could not support banning performances on Brattle Square. There would be a concern that this would start a series of bannings. He does feel that Brattle Square should be included with the Common and Winthrop Square as far as solutions to the drum problem. The point was raised that there will be "new turf" opening up for the performers by HMV Records.

All of the above points should be covered in the letter to Councilor Duehay with a request from the forum to have input as to the proposed changes in the Ordinance.

For the next meeting the forum plans to discuss the issue of traffic in this area of the City. Cynthia Frude thinks it would be nice to have some passive space where people can just relax. Birge Albright wondered if the Chief of Police has the authority to ban certain areas. Roy answered that he does have that ability. It was also suggested that Stephen Baird be contacted to see if he knows of anyone else in the country has developed a method of measuring drums satisfactorily.

* The next meeting of this forum will be on Wednesday, December 11, from 12:30 until 1:30 pm.

Street Artists' Guild

Stephen Baird, P.O. Box 570, Cambridge, MA 02238 617/522-3407

LM

FYI

October 21, 1991

Mr. John Kenney
The Ethnics
46 Bigelow St.
Cambridge, MA 02139

Dear Mr. John Kenney:

This letter concerns your excessively loud performances the past two year's in Harvard Square with your band the Ethnic. Individual street performers have repeatedly asked you to turn down your amplifiers because the volume of your performances have interfered with their ability to perform and be heard. Members of the Harvard Square business community have also asked you lower the volume. Recent decibel readings have confirmed that you and your band has clearly violated the sound levels in the Street Performing Ordinance.

Therefore, I will be calling a meeting of the Street Artists' Guild to vote on the following actions:

1. The Guild will vote to publish the enclosed "Open Letter of Censorship"

2. The Guild will picket your performances and pass out these flyers to the general public and your audiences.

3. The Guild will hire attorneys to sue you and the individual members of your band for violating Street Artists' Guild members Civil Rights in court.

To avoid these sanctions you must send a letters of apology to the Street Artists' Guild, the Harvard Square Business Association, the Cambridge Arts Council, and the Cambridge City Council by November 1, 1991. You must also purchase a decibel meter and monitor your own volume and keep it <u>below 80db at 25 feet</u>.

I deeply regret having to send this letter, but you are making it impossible for other street artists to perform. Your actions are also creating an environment of animosity between the community and street artists that could lead to the curtailment of all street performances. I can not allow your abusive actions to continue.

Sincerely,

Stephen Baird

cc: Attorney Dianna Stallone, Cambridge Arts Council, Members of the Guild

Street Artists' Guild

Stephen Baird, P.O. Box 570, Cambridge, MA 02238 617/522-3407

Do not support John Kenney's Band also known as the Ethnics.

Open Letter of Censorship

The Street Artists' Guild decided by a vote of___ to___ to censor John Kenney's Band, aka the Ethnics, for the following reasons:

1. For keeping their amplifiers so loud that it interferes and curtails other street performers ability to perform and be heard. Specifically, the band has been measured at 88 db which is in clear violation of the present Street Performers' Ordinance and makes it impossible for other artists to perform within an entire city block (300 feet, the length of a football field).

2. For keeping their amplifiers so loud that police are called to stop their performances due to community complaints. (Other street artists are often shut down simultaneously in these sweeps.)

3. For repeatedly refusing request by fellow street artists to turn down the volume of their amplifiers. (This includes requests at Street Artists Guild meetings.)

5. For generally creating an environment of animosity between the community and street artists that could lead to the curtailment of all street performances.

Therefore, the Street Artists Guild members urge the general public not to support John Kenney and his band the Ethnics.

We would like to add that the Guild has no problem with rock music or other forms of amplified expression (Many Guild members use amplification with responsibility). However, we feel that amplification should not be used as a tool to suppress the First Amendment rights of others. Please do not allow selfishness, greed and power to overwhelm other artists. The future of the community is in the diversity of ideas presented- storytellers and jazz artists, dancers and mimes, jugglers and clowns, folk and ethnic artists - all have a unique message and all have the right to be heard.

Two Views of a Saturday Night

First View: On a Saturday night in Harvard Square thirty different artists- two jugglers, two magicians, one mime, three clowns, a five person musical group from South America, a three person blues band, a storyteller, a three piece jazz band, a solo rock act, three solo folk acts, and a three piece rock band are playing. Each group has about 50-200 people watching (1500-6000 people total). During the breaks the crowd shifts between all the different groups. Over 300-400 people will visit each artists in the evening during these shifts. There is a lot of excitement. The crowds are generous and they come back with their friends. "If you like this act wait till you see the next one!"

Second View: On a Saturday night in Harvard Square thirty different artists set up. One rock band sets up in the middle of Brattle Square and turns the volume so loud that all other acts have to stop their show. Immediately 300-400 people who like rock music and other curious people converge. The crowd expands and then reduces to the number who can see and participate (300-400 people total). During the breaks there is no crowd shifts because there are no other crowds. When the second show begins the audience consists of many the same people and donations go down dramatically. There is no diversity. There is no excitement. People do not come back. Weeks later the crowds will continue to grow smaller (Note: It is now easier for businesses and governmental authorities to curtail street music because less people will protest.). "I've seen that group before. They're here all the time. Let's go to a movie"

Conclusion: The first view it is a real cultural movement- full of diversity, different cultures, conflicting opinions and ideas, a real community that cares about and for each individual. A community that understands the interdependence between people.

The second view is the usual problem of poverty's blind rage. Rock music is one of the primary vehicles for expressing that rage. And clearly rage needs to be expressed. The streets are in fact one of the best forums. However, did burning down the ghetto cure poverty? Is the message of rock street music going to say we don't care about other street artists- tough luck if that storyteller is too old to compete, so what if that classical duo is expecting a baby, I don't care if the clubs are so racist that the Hispanic artists can't play anywhere else.... Are we as a community going to allow rock music to be used as a tool of oppression?

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

DECIBEL READINGS TAKEN IN HARVARD SQUARE
10/4/91

	PERMIT #	NAME	50 FEET	25 FEET
1.	019	Glen French (Banjo) playing in front of the Coop; 32A Briggs St., Salem 01970	74.6	78.0
		Later, it became a trio:	75.4	79.0
	273	Nathan Phillips 195 Ashmont St., Dorcester 02124		
		The 3rd person did not have a permit.		
2.		"Yawar Huauqui" group playing at Out-of-Town News; All residing at the same address: 16 Gorham St., Somerville 02144		
	168	Roberto Cachimuel	82.3	85.5
			83.6	87.5
	169	Humberto Ajaia		
	170	Jose Manuel Cachimuel		
	171	Pedro Vasquez		
	172	Carlos Cachimuel		
	173	Luis Alberto Cachimuel		
	174	Humberto Cordova		
		Only 5 people were playing.		
3.		Jazz quintet, playing on Church St./Mass Ave.;		
	249	Rene Hart 173 Morrison Ave., Somerville 02144	80.5	84.1
			83.8	
			75.5	77.6
		Jeff Charland did not have a permit although he said he had one but had forgotten it.		
		The 3 other people did not have a permit either.		

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

4. 1 man playing Peruvian music in front of Cambridge Booksmith;

192	Alfredo Velasquez, "Inca Son"	79.4	84.0
	P.O. Box 1899, Cambridge 02238	81.6	82.6

From inside Cambridge Booksmith: - 72.0/74.0, door closed
- 77.0, door open

5. Jazz trio playing in Winthrop Park;

		84.6	83.2
148B	James Weinstein	74.3	75.9
	50 Charlesgate East, Boston 02215		

The 2 others did not have a permit.

6. 011 Edward Landin, "Flathead" 73.5 76.8
P.O. Box 1472, Cambridge 02238

7. Quartet;

030	Fred Owens	85.5
	42 Blakeslee St., Cambridge 02138	
432	Tony Beeler, "The Ethnics"	
	46 Bigelow St., Cambridge 02139	

The 2 others did not have a permit.
At 10:00 pm, the group was shut down by police.

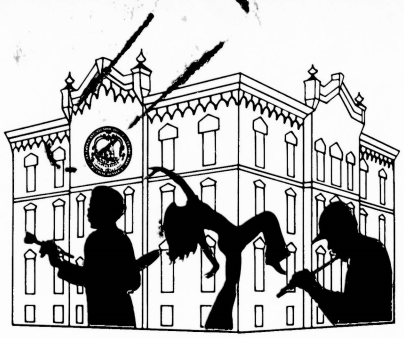
8. 040 David E. Levin, "Magic Piano" 72.9 75.8
55 Norfolk St., Cambridge 02139

9. Blues Duo;

331	Liz Hamill	82.4
	P.O. Box 689, Cambridge 02238	

The other person did not have a permit.

10. Manny --- (Guitar & Amp) 81.8



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

December 5, 1991

RECEIVED BY
OFFICE OF CITY CLERK
1991 DEC -6 AM 9:34
CAMBRIDGE MA.

Mr. Joseph E. Connarton
City Clerk
City Hall
Cambridge, MA 02139

Dear ~~Mr. Connarton:~~ Joe

For your records I am forwarding the draft of the notes taken at the forum on the Street Performance Ordinance on November 13, 1991. I am also sending you a copy of a letter addressed to Councilor Duehay, as chairman of the Ordinance Committee, from the forum.

If I can answer any questions, please do not hesitate to give me a call.

Sincerely,

Roy-Alan Hansen
Deputy Director

RAH:lm

enclosures

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

December 5, 1991

Councilor Francis H. Duehay
City Hall
Cambridge, MA 02139

Dear Councilor Duehay:

At the last meeting of the forum for discussion on the Street Performance Ordinance, those present voted to send you a letter as Chairman of the Ordinance Committee outlining the forum's views on the proposed changes to the Ordinance for Street Performance as presented at the public hearing on October 10, 1991.

With regard to #1, which would set the legal decibel level at 70, measured at a distance of 25 feet: the forum agrees unanimously that changing the distance for taking readings to 25 feet would be beneficial, but the majority, particularly the performers, would not like to see the decibel level lowered to 70 as well. The members feel that cutting the distance would also cut the sound level. As you can see from the readings taken by the Arts Council and the License Commission in Harvard Square (see attached), almost all performers would be in violation of the Ordinance if the allowable decibel level was set at 70.

With regard to #2, which would restrict unaccompanied drums to a decibel level of 50: one of the members of the forum is currently researching methods of measuring drums; the forum feels that no action should be taken on this aspect until more information on reading drums is available. Also, the difficulty of measuring drums at 50 when the ambient sound level in the Square is approximately 69 decibels, would seem to make this particular solution unworkable.

With regard to # 3, which would prohibit all musical performances on the area known as the Brattle Square Triangle: the forum for the most part would suggest adding this area to the other list of exclusions. A spokesman for the street performers on the forum stated that he could not support banning musical performances on Brattle Square; he feels that the performers would see this move as a precedent to further restrictions.

This forum respectfully requests that its recommendations to the Ordinance Committee be considered in further drafts for revision.

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

We are also including a copy of the draft of the minutes taken at the last meeting of the forum. If you have any questions, or require any further information, please contact me at the Arts Council.

Sincerely,

Roy-Alan Hansen
Deputy Director
for the Forum for Discussion on the
Street Performance Ordinance

enclosures

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

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10/4/91

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10. Manny --- (Guitar & Amp) 81.8



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performance

DRAFT

Wednesday, November 13, 1991

Present:	Birge Albright	Cambridge Law Department
	Sally Alcorn	Harvard Square Business Association
	Cynthia Frude	Woolcott & Company
	Lillian Greeley	Resident, University Road
	Roy-Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	Kevin McNamara	Street Artists Guild
	Richard Scali	Cambridge License Commission
	Will Stackman	Cambridge Arts Council
Recorder:	Lindsay McCoy	Cambridge Arts Council

Roy-Alan Hansen, Deputy Director of the Arts Council, opened the forum for discussion of issues of concern regarding the Street Performance Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. The minutes were approved as written.

Mr. Hansen stated that the Street Performance permits will be changing next year. There will be space on the permit for extra guidelines; if anyone has information that they feel should be on the permit, they should get the information to the Arts Council within the next three weeks. Phone numbers (the Arts Council, the Street Artists Guild, etc.) could also go on the permits.

The next item on the agenda was a review of the status of the Association for Street Performance Code of Ethics. Kevin McNamara reported that there was no progress yet; the Association is planning to meet in December and may make changes at that time.

Roy then handed out copies of the Chronicle's ARTSLINE article on ticketing Street Performers who are in violation of the Ordinance. He stated that the article gives "fair warning" to the performers, and also that most violations are not related to sound levels, but to crowd control, use of space, etc. At least one half of the performers still do not have their permits showing. The Arts Council staff will be ticketing as necessary. Mr. Hansen requested representatives of the street performers to spread the word that permits should be visible and that this will be enforced.

Mr. Hansen reported that there had been two incidents during the past month of which the Arts Council had been notified: a visually-impaired man in front of the Cambridge Savings Bank who was taking long breaks during which he was blocking access and may have been panhandling; and a complaint from one of the Cambridge Discovery volunteers about a performer right near the Discovery booth. The Arts Council sent a staff member to investigate both problems and talk with the performers.

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

DRAFT

A copy of the letter (attached) sent to the group the "Ethnics" and drafted by Stephen Baird of the Street Artists Guild was read to the forum. (This is a letter to a performing group from other performers complaining about the group's inappropriate and unprofessional behavior.) Roy Hansen noted that it is nice to see the performers themselves taking such positive steps to resolve problems. Kevin McNamara stated that it is counter-productive for other performers to see one group get away with this type of behavior, which gives all performers a bad name.

Mr. Hansen then asked Richard Scali if any incidents had been reported to his office. Mr. Scali replied that there had been no problems.
Under new business, the next item on the agenda was a discussion of the public hearing of the Ordinance Committee during which some changes to the Street Performance Ordinance were discussed. David Holzman stated that he was concerned that the Committee had come up with proposals which were not related to the proposal generated by this forum.

Roy noted that the Ordinance Committee's suggestions for change seemed to be based on a letter from the Harvard Square Business Association. He also pointed out that the forum does agree with some of the suggested changes such as taking decibel readings at 25 feet instead of at 50 feet.

Richard Scali said that he hoped the Ordinance Committee has taken note of the minutes of these forums, but he feels that perhaps we need to send a very concise summary to the Committee. Birge Albright stated that, as the Committee only set one-half hour for discussion of these issues, that it can be assumed that no action was planned at that time, and that the purpose was to introduce the topic and possible measures. David Holzman stated that he feels that the most positive thing to come out of that hearing was the stronger emphasis on enforcement.

The forum, at the suggestion of Richard Scali, proceeded to discuss the changes it wants to recommend. Roy Hansen stated that he feels the members of the group are all agreed that the forum should have some input in the proposal of amendments to the Ordinance. He suggested that the Arts Council draft a letter to Councilor Duehay, as the chair of the Ordinance Committee, clearly stating the forum's recommendations.

1. Everyone agrees that the decibel readings should be taken at 25 feet rather than at 50 feet.

2. On the decibel level itself--most performers would not like to see it go to 70. (Cutting the measurement distance will also cut the sound level.) Richard Scali noted that the License Commission only allows 5 decibels over ambient sound. Roy stated that the noise level inside Cambridge Booksmith is very high, based on the readings taken there in October. (The readings ranged from 72 with the door closed to 77 with the door open.)

   Will Stackman suggested that perhaps the Legal Department should look at the noise ordinance and clear up these discrepancies. David Holzman noted that some areas in the Square would have different legal sound levels, which would complicate matters. Kevin McNamara suggested that drums might be read at a shorter distance (10 feet?). Roy thought the forum should wait for the

DRAFT

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3. On the section regarding drummers which states that no drummers may exceed 50 decibels--we should let the Ordinance Committee know that we have someone researching this aspect. There would be no way to enforce 50 decibels, which is substantially below the ambient sound level.

4. With regard to the banning of musical performances on Brattle Square--there is a problem in Brattle Square as well as the Common and Winthrop Park, the forum would suggest adding Brattle Square to the list of exclusions (especially as there is as yet no realistic way of measuring the sound level of drums). Kevin McNamara stated that, as a performer, he could not support banning performances on Brattle Square. There would be a concern that this would start a series of bannings. He does feel that Brattle Square should be included with the Common and Winthrop Square as far as solutions to the drum problem. The point was raised that there will be "new turf" opening up for the performers by HMV Records.

All of the above points should be covered in the letter to Councilor Duehay with a request from the forum to have input as to the proposed changes in the Ordinance.

For the next meeting the forum plans to discuss the issue of traffic in this area of the City. Cynthia Frude thinks it would be nice to have some passive space where people can just relax. Birge Albright wondered if the Chief of Police has the authority to ban certain areas. Roy answered that he does have that ability. It was also suggested that Stephen Baird be contacted to see if he knows of anyone else in the country has developed a method of measuring drums satisfactorily.

* The next meeting of this forum will be on Wednesday, December 11, from 12:30 until 1:30 pm.

Street Artists' Guild

LM

FYI

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October 21, 1991

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46 Bigelow St.
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To avoid these sanctions you must send a letters of apology to the Street Artists' Guild, the Harvard Square Business Association, the Cambridge Arts Council, and the Cambridge City Council by November 1, 1991. You must also purchase a decibel meter and monitor your own volume and keep it <u>below 80db at 25 feet</u>.

I deeply regret having to send this letter, but you are making it impossible for other street artists to perform. Your actions are also creating an environment of animosity between the community and street artists that could lead to the curtailment of all street performances. I can not allow your abusive actions to continue.

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Street Artists' Guild

Stephen Baird, P.O. Box 570, Cambridge, MA 02238 617/522-3407

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Therefore, the Street Artists Guild members urge the general public not to support John Kenney and his band the Ethnics.

We would like to add that the Guild has no problem with rock music or other forms of amplified expression (Many Guild members use amplification with responsibility). However, we feel that amplification should not be used as a tool to suppress the First Amendment rights of others. Please do not allow selfishness, greed and power to overwhelm other artists. The future of the community is in the diversity of ideas presented- storytellers and jazz artists, dancers and mimes, jugglers and clowns, folk and ethnic artists - all have a unique message and all have the right to be heard.

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DRAFT

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performance

Wednesday, October 16, 1991

Present:	Birge Albright	Cambridge Law Department
	Vince Dixon	Cambridge Discovery
	Ric Finnegan	Cambridge Booksmith
	Cynthia Frude	Woolcott & Co.
	Lt. James Hallice	Cambridge Police Department
	Roy-Alan Hansen	Cambridge Arts Council
	Ned Landin	Association for Street Performance
	Lindsay McCoy	Cambridge Arts Council
	Richard Scali	License Commission
	Harvey Smith	Association for Street Performance
	Will Stackman	Cambridge Arts Council
Recorder:	Josie Llado	Cambridge Arts Council

Lindsay McCoy, administrative coordinator of the Cambridge Arts Council, opened the forum for discussion of issues of concern regarding the Street Performance Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. Two errors were pointed out, and these have been changed accordingly.

The first item on the agenda was the status of the Association of Street Performance Code. Harvey Smith said that the Association for Street Performance was trying to keep it simple, so that it could be used as a guideline for Boston street performers. Technical information necessary for Harvard Square street performers could be given to them separately, in the Guidelines for Street Performers. Lindsay McCoy suggested it could be given to street performers along with their permits.

Vince Dixon said the guidelines should include a general understanding in terms of allowing access to businesses. Lt. Hallice said it should also include the responsibility of performers for their audience. Lindsay McCoy noted that this is already stated in the ASPC code. Roy-Alan Hansen said that it could also include an emphasis on choosing your performance site according to the size of your group and the size of audience you want to draw. He also felt it should stress the need for individual permits displayed visibly, as specified in the ordinance.

Roy-Alan Hansen stated that tickets for non-compliance to the Street Performance Ordinance would begin being issued next week. Lt. Hallice requested a complete list of performers with permits for the Cambridge Police Department. Roy-Alan Hansen said he spoke with Commissioner Anderson about what could be done to enforce the ordinance without a police-owned

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

decibel meter. They agreed that no one should be allowed to perform in the square without a permit, and that public safety has to be emphasized. Roy-Alan Hansen said that any Arts Council staff member can ticket performers, and asked the Association for Street Performance representatives present to give advance warning to street performers in Harvard Square.

Cynthia Frude suggested that until the police get their own meter, the Arts Council could lend their meter to the police, so that they will be trained and ready for enforcement at the start of next season. Roy-Alan Hansen said it was a good, creative suggestion, and definitely a possibility. Lt. Hallice said he would call the person involved in training.

Ned Landin asked about the possibility of finding a special meter-reader for drums. Richard Scali said a vibration meter would not work because of the traffic and trains in the area. Roy-Alan Hansen said the only instrument he has heard of that registers drums is extremely expensive and can only be used by trained scientists. Ned Landin offered to do research on the subject for the next meeting.

There followed a discussion of the possible changes read at the ordinance committee meeting concerning cutting the meter reading distance from 50 to 25 feet and the sound level from 80 to 70 decibels. Drums would not be allowed to exeed 50 decibels at 25 feet. It would also restrict all performances from the Brattle Square triangle in the interest of public safety.

Harvey Smith said that he and most street performers would be against banning performers from the Brattle Square triangle, because it is such a popular spot that historically has been open to performers even when the rest of Harvard square has not. Lt. Hallice said that the more important issue was public safety. He says it is an area where crowds forming on the island block the main thoroughfare. Roy-Alan Hansen said this measure was introduced as a response to a group of complaints. He added that not all performance needs to be barred.

Harvey Smith felt that banning drums from that area would resolve the problem. Roy-Alan Hansen confirmed that the drums were bothering a sizeable business and residential area. Ned Landin felt that there is a potential to use the island for musical performers that do not attract large crowds, because shrinking the space available for performers would only worsen the problem. Lt. Hallice said there is new territory opening up for performers soon so that would not be a problem (he was referring to the HVM Records Plaza.) Roy-Alan Hansen said that these items were now under discussion, having been publicly presented at the Ordinance Commitee meeting. He said suggestions should be made at the continuance, which will probably not happen until after the election. Will Stackman suggested putting responses to discussion items in writing, so that they would have tangible proof of people's opinions.

The topic of reducing meter-reading distance and allowable decibel levels from 80 decibels at 50 feet to 70 decibels at 25 feet was also discussed. Roy-Alan Hansen said that 80 decibels at 50 feet (the location of the next performer) is too high, but that the data showed that 70 decibels at 25 feet would be too low. The cut in distance from 50 to 25 feet would in effect also cut the sound by 3-7 decibels. Ned Landin felt that 80 decibels at 25

feet would be supported by street performers.

Birge Albright asked how the group felt about setting the drumming limit at 50 decibels, because it was stated at a previous meeting that you could not adress the drum problem with decibel meters. Roy-Alan Hansen said it would be difficult to measure the drums, and that another possibility could be to force drum muting for all drummers wanting to play in the Square. Ned Landin said he would research means of measuring drums.

Some current concerns were voiced as well. Vince Dixon wanted suggestions on assuring access to the Cambridge Discovery and Out-of-Town News areas. Lt. Hallice suggested asking performers to move, and if they do not, call the police. He also gave Mr. Dixon the number he should call if another problem arises. Harvey Smith said that in Section 5A of the code, a section could be added stating specific areas where most problems occur. Lt. Hallice said that, next year, a copy of the Street Performers Code should be made available to permit applicants. Ric Finnegan added a complaint that he asked a street performer to move from in front of his store, and she refused.

Topics for the next meeting will include further discussion of the proposed changes to the Ordinance, a review of the Code of Ethics, and means of measuring drums. It will be held on Wednesday, November 13, 1991 from noon to two o'clock.

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

RECEIVED CITY CLERK
1991 NOV -4 PM 5:15
CAMBRIDGE MA.

November 4, 1991

Mr. Joseph Connarton
City Clerk
City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

For your records I am forwarding the draft of the notes taken at the forum on the Street Performance Ordinance on October 16, 1991.

If I can answer any further questions, please do not hesitate to give me a call.

Sincerely,

Roy-Alan Hansen
Deputy Director

RAH:lm

enclosure

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

Conga Drums

10/2/91

C. Duehay – wants alternative wording for proposed amendment

D. Driscoll Must have technical data before C/C adopts amendment.

R. Alan Hanson Decibel meter not purchased by Police shld be bought FY93.

- 80 decibels too high to enforce ordinance
- ban all musical instruments on island
- Cambridge Common / Winthrop Park and island

High range / low range but still here rights.

(25 to 50 – 50 to 25) gen. measurement
50 decibels @ 25 feet ?

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety One

AN ORDINANCE

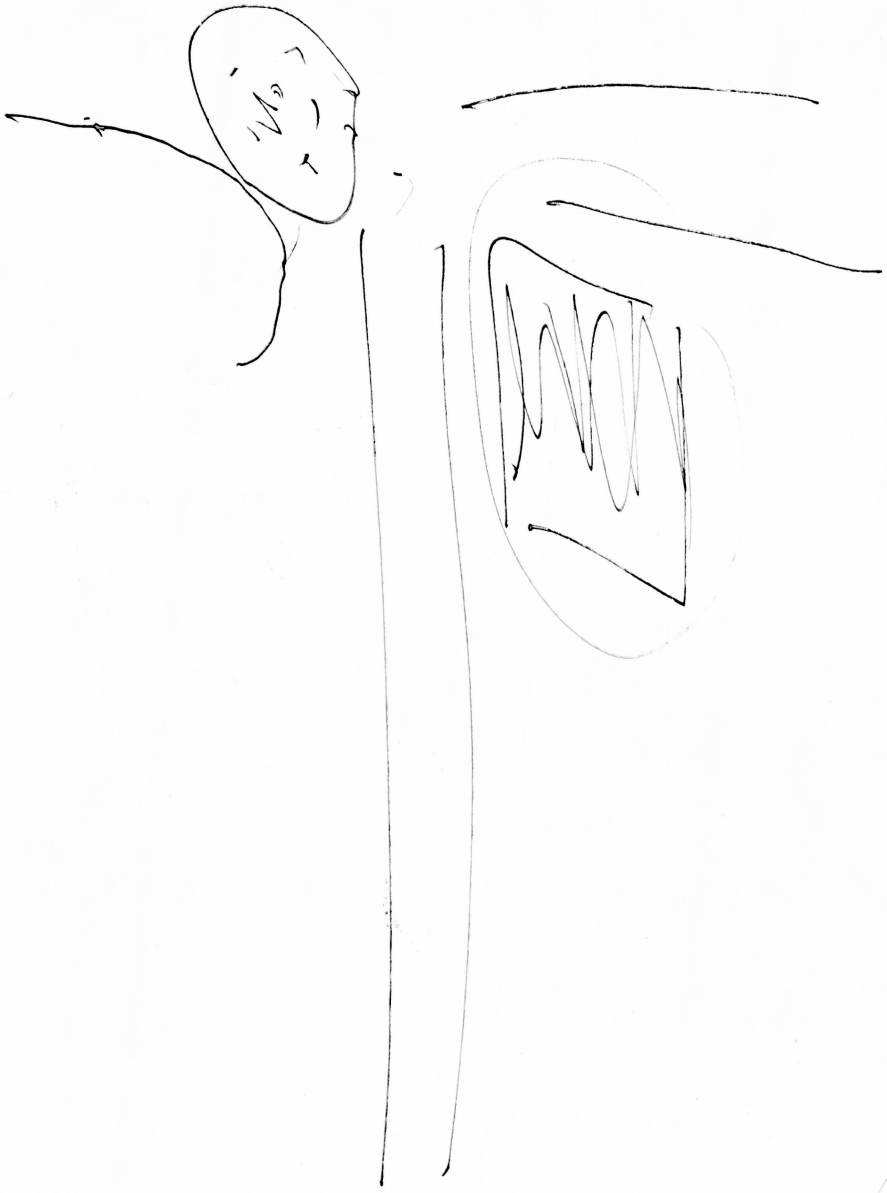
In amendment to an ordinance designated as the "Cambridge Municipal Code".

Be it ordained by the City Council of the City of Cambridge as follows:

Section 12.16.170 of the Code (Street performers) is hereby amended by adding the following new paragraph (b) to subsection F. (Exclusion of Public Areas):

(b) There shall be no unaccompanied drumming on the Cambridge Common or Winthrop Park between the hours of 6 P.M. and 9 A.M..

ORD#3\Drumming



C. C. 106

City of Cambridge

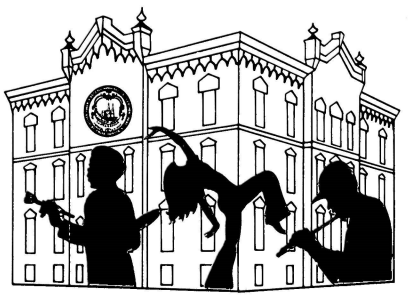
HEARING SCHEDULE

Monday, September 30, 1991	5:30 p. m.	City Council Meeting. (Sullivan Chamber)
	6:30 p. m.	The City Council will reconvene the previously held public hearing of September 23, 1991 on the allocating of the local property tax levy for fiscal year 1992. (Sullivan Chamber)
Thursday, October 3, 1991	5:30 p. m.	The Committee on Claims will conduct a public hearing relative to the pending claims before the committee. (Ackermann Room)
Monday, October 7, 1991	5:30 p. m.	City Council Meeting. (Sullivan Chamber)
	7:00 p. m.	The City Council will conduct a public hearing to discuss allegations of severe disorderly conduct and unruly behavior by patrons of the Harvard Sports Bar. (Sullivan Chamber)

C. C. 106

City of Cambridge

Thursday, October 10, 1991		The Ordinance Committee will conduct a public hearing to discuss the following:
	1:00 p. m.	Proposed amendment to the Street Performers Ordinance as it relates to congo drums. (Sullivan Chamber)
	1:30 p. m.	Proposed amendment to the Municipal Code in Chapter 2.66 entitled "Code of Conduct of City Officials and Employees" and Chapter 2.68 entitled "Statements of Interest by Certain City Officials and Persons Conducting Business with the City." (Sullivan Chamber)
	2:30 p. m.	Proposed amendment to the Municipal Code in Chapter 8.60 entitled "Enforcement of the State Sanitary Code." (Sullivan Chamber)
	3:00 p. m.	Proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Commonwealth Energy, et al to rezone land in the East Cambridge area. (Sullivan Chamber)
	4:00 p. m.	Proposed amendment to the Zoning Ordinances of the City of Cambridge on the petition of Irene M. Herman, et al to rezone land in the Northern Massachusetts Avenue area. (Sullivan Chamber)
Monday, October 21, 1991	5:30 p. m.	City Council Meeting. (Sullivan Chamber)
Monday, October 28, 1991	5:30 p. m.	City Council Meeting. (Sullivan Chamber)



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

CAMBRIDGE MA.

October 18, 1991

Mr. Joseph Connarton
City Clerk
City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

Enclosed is a copy of a letter which I thought might be of interest to you with regards to the public hearing on proposed amendments to the Street Performance Ordinance.

Sincerely,

Roy-Alan Hansen
Deputy Director

RAH:lm

enclosure

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

XB

Send to City Clerk.

MAURICE KAMEN-KAYE
1 WATERHOUSE STREET (5)
CAMBRIDGE, MASS. 02138

RECEIVED
OFFICE OF CITY CLERK
1991 OCT 21 AM 11:39
CAMBRIDGE, MASS.

October 8, 1991

Roy-Allen Hansen
Cambridge Arts Council
57 Inman Street
Cambridge, Massachusetts 02139

Dear Mr.Hansen,

Many thanks for advising Mrs. Kamen-Kaye and me of the public hearing to be held on Thursday, October 10 on amendments to the Street Performers Ordinance.

You may be sure that everyone at 1 Waterhouse Street is in favor of your proposed amendments to

Sub-Paragraph E, section 3
and
Sub-Paragraph F, section 1 b
(exclusions).

Probably you remember that the initiative on "decibels" in this building came from Mrs. Kathleen O. Elliott. My letter to you at that time was merely in support of hers. Mrs. Elliott would have written to you today, but is unable to do so. She asks me, instead, to tell you that she too is entirely in support of your proposed amendments.

Sincerely,

K-K.

Committee on Ordinances

Councillor Francis H. Duehay — 10/10/91

1:05 P.M.

1. C. Myers
2. C. Sullivan
3. C. Cyr
4. C. Russell
5. C. Walsh 1:33 P.M.
6. Mayor 1:37 P.M.
7. C. Reeves 1:50 P.M.
8.
9.

Congo Drums

C. Duehay — Agenda outlined his concerns w/ noise, drums etc.

Roy Alan Hanson
Arts Council — We've been meeting since May w/ effected Groups hoping to get compromise

Common is quiet, Bradle Triangle is picking up. w/ drum playing

Taking meter readings @ 50' unit reading, it gives us a false reading.

Recommends ordinance amendment to resolve this.

Last weekend we had a 4-piece band in Bradle Square which had to be stopped.

Nick London
67 Prescott St.
Street Performers Guild

We didn't hear about this since Tuesday.
460 permits have been issued
Ques. if there is consistent monitoring

D. Lillian Greeley
4 University Road

Supports proposed amendment.
Elderly and children are disturbed

Drumming noise brings on headaches and nausea, people can't sleep. Arts Council not always available to do readings.

Against 12 midnight cut off, no drums in residential communities.

Cynthia Fruce
42 Essex St.

I've lost customers from my store, because of noise.
Supports changes

Rick Finnegan
25 Brattle St.
Cambridge Book Smith

Although we generally support street musicians, but have a real problem w/ noise.
Music is too loud.
This c/c didn't conduct it's business w/ music playing all the time.

All musicians shld be 50' apart

C. Reeves — A solution might be to designate locations for performers.

Sally Akorn — Read prepared text about Business Association position and it's concern over noise. Reading shld be 25' not 50' (supports amendment)

C. Duchay — Wants Lt. Hallice and Roy to think about enforcement.

Evelyn Sueller
99 Mt. Auburn — Supports changes, charge more $ for the permits. Why must everything be amplified.

C. Myers — Noted street performers here but haven't been heard from. If enforcement isn't in place not sure we shld be making changes.

Mayor — Major complaint is drums and something has to be done.

It's unfortunate that enforcement has not gotten off the ground.

C. Durham — In the last analysis this C/C has to be responsible for what happens on this.

Mayor — Seems to me this enforcement shld have been ongoing.

C. Myers — Need to separate issues.

Mr. Hallice — We don't have funds for enforcement. Since written to Commissioner, we will have a meter reader in July 1992.

C. Reeves — Shld ban performers who are a problem, don't spend $ & resources on this.

Ron Hanson — $8,000 in fees collected during past 2 years.

C. Durkay — Hearing to be continued w/in 10 days

Amendment to stay in committee.

Stay 2:26 P.M.

2:37 P.M. Code of Conduct

C. Cryer — Outlined documents before committee changes in definitions sharpened fiduciary responsibility S. 2.66.030

This is less restrictive than for state officials

* C. Cryer — C. 2.66 Revision 10/10/91 and C. 2.68 10/10/91 be substituted for current documents.

V/V

C. Walsh — This is a complicated document and we didn't get it until 11:30 A.M.

Requested legal counsel - Vern Vance be available by phone during the next few days; possibly another meeting of committee.

C. Cyr — Moved to amend 5.2.6.8.010(f) v/v

Adj: 3:36 PM

3:37 PM State Sanitary Code

Don Drisdell — outlined text, citation etc.
5.3 pg-3

Ellen Schaffer, Esq. ? C. Son. Leg. Serv. — Low income landlords / buildings in receivership for $ to be targeted

Don Drisdell — I will work on language to address this.

C. Walsh — this is just another tax

Don Drisdell — Spoke against Section 8c and it shld be deleted

Atty Schafter — Fine and tax different things wants Section 8c to stay.

John Natale
92 Fourth St. — Opposed to amendment I believe this is unconstitutional. What emergency exists

Salim Kabawat
145 Richard Allen Drive — Opposed to amendment

C. Cyr — Moved to substitute language dated 10/9/91 for what is in committee
V/V

Don. — this language is broad enough.

C. Cyr. — Ref. to full c/c (Roll Call)

Adj 4:~~[illegible]~~ 24 P.M.

COMMITTEE ON ORDINANCES

SPEAKER LIST

CONGA DRUMS

IN FAVOR of the Ordinance

NAME	ADDRESS
Dr. Lillian Greeley	41 Univ. Rd., #105, Camb., MA 02138
Cynthia Fuke	42 Creek St Camb - 02139
Ric Finnegan	Cambridge Bikesmith
Sally Alpern	HARVARD Sq. Business Assoc.
Evelyn Steele	99 Mt Auburn St Cambridge
Catherine A. Berry	99 Mt. Auburn St. Cambridge
VINCE DIXON	287 HARVARD ST. No. 64 Cambridge Cambridge Discovery



COMMITTEE ON ORDINANCES

SPEAKER LIST

CONGO DRUMS

IN OPPOSITION To The Ordinance

NAME	ADDRESS
~~[illegible]~~	~~[illegible]~~
~~[illegible]~~ David Holzman	35 Cottage St., Watertown
Kevin McNamara	417 Somerville Ave. #2, Somerville, Mass

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

LIST OF PEOPLE WHO WERE NOTIFIED OF ORDINANCE COMMITTEE MEETING OF OCTOBER 10, 1991

KEVIN CRANE (Complainant)
104 Mount Auburn Street
P.O. Box 1030
Cambridge 02138

Kim Terroynsk (Complainant)
Motto
17 Brattle Street
Cambridge 02138

Charles Ridewood (Complainant)
Cambridge Booksmith
25 Brattle Street
Cambridge 02138

Barry Feeney (Complainant)
11A Arrow Street
Cambridge 02138

Roberta Cruminie (Complainant)
Three Concord Avenue
Cambridge 02138

Elizabeth A.C. Smith (Complainant)
Three Concord Avenue
Cambridge 02138

Frederic Spotts
Three Concord Avenue
Cambridge 02138

Charles L. Jeer (Complainant)
Jeer Management Co.
57 JFK Street
Cambridge 02138

Kathleen O. VanCourtlandt Elliot (Complainant)
One Waterhouse #25
Cambridge 02138

Ron Kalman (Complainant)
1200 Massachusetts Avenue
Cambridge 02138

Dr. Lawrence Hartmann (Complainant)
147 Brattle Street
Cambridge 02138

Ezra Sims (Complainant)
1168 Massachusetts Avenue
Cambridge 02138

Holy Cross Armenian Church (Compl.)
100 Mount Auburn Street
P.O. Box 15
Cambridge 02138

Wendy Fiering (Complainant)
19 Centre Street #2
Cambridge 02139

Dr. Lillian Greeley (Complainant)
4 University Road #105
Cambridge 02138-5723

Kimball Jones (Complainant)
One Waterhouse Street
Cambridge 02138

Maurie Kamen-Kaye (Complainant)
One Waterhouse Street #5
Cambridge 02138

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

Birge Albright (Forum Member)
Legal Department
City Hall
Cambridge Ø2139

Sally Alcorn (Forum member)
Harvard Square Business Assoc
18 Brattle Street
Cambridge Ø2138

Catherine A Berry (Forum member)
Tumbleweed
99 Mount Auburn Street
Cambridge Ø2138

Hazel Geary (Forum member)
Tumbleweed
99 Mount Auburn Street
Cambridge Ø2138

Cynthia Frude (Forum member)
Woolcott & Co
99 Mount Auburn Street
Cambridge Ø2138

Vince Dixon (Forum member)
Cambridge Discovery
287 Harvard Street #64
Cambridge Ø2138

Ric Finnegan (Forum member)
Cambridge Booksmith
25 Brattle Street
Cambridge Ø2138

Lt James Hallice (Forum member
Cambridge POlice Dept
Five Western Avenue
Cambridge Ø2139

Daryl Janes
(Forum member & Complainant)
5ØA JKF Street
Cambridge Ø2138

Kevin McNamara
(Forum member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge Ø2143

Harvey Smith
(Forum member & Performer)
Association for Street Performance
P.O. Box 21Ø7
Cambridge Ø2238

Richard Scali (Forum member)
Licence Commission, Lombardi Bldg
831 Massachusetts Avenue
Cambridge Ø2139

Alex Rodriguez (Forum member)
Licence Commission, Lombardi Bldg
831 Massachusetts Avenue
Cambridge Ø2139

David Holzman
(Forum member & Performer)
Association for Street Performance
35 Cottage Street
Watertown Ø2172

Marilyn Sandau
(Forum member & Performer)
25 Hammond Street #5
Cambridge Ø2138

Marc Redlich (Forum member)
Law Offices of Marc Redlich
1ØØØ Massachusetts Avenue
Cambridge Ø2138

David Kistler (Forum member)
Legal Dept
City Hall
Cambridge Ø2139

Maria Maritoni
(Forum member & Performer)
Association for Street Performance
1Ø Magazine Street
Cambridge Ø2139

John Friscone (Forum member)
Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge Ø2138

Peter Rattigan (Forum member)
Assistant Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge Ø2138

Stephen baird
(Forum member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge Ø2143

Nan Donald
(Forum member & Performer)
6Ø Pleasant Street #3
Cambridge Ø2139

Harvard Square Business Association

18 Brattle Street, Cambridge, Massachusetts 02138

Established 1910

Officers

President
Richard R. Beaty
Ingram Rettig & Beaty

Vice-President
Richard K. Getz
Richard Getz Associates

Vice-President
Frank S. Kramer
Harvard Book Store

Treasurer
James H. Smith
Cambridge Center
for Adult Education

Secretary
Joan E. O'Conner
Attorney at Law

Executive Director
Sally Alcorn

Directors

Blake P. Allison
Blake Allison Architects

Martin Applebaum
The SQuare Deal

Robert Banker
Banker Real Estate Co.

David P. Barillari
Barillari Books

George P. Beal
Cambridge Trust Company

Carola E. Cadley
The Boston Phoenix

Fred Cohen
Out of Town News

James D. Collins
Sheraton Commander Hotel

Robert F. Gray
BayBank/Harvard Trust

Sue E. Kuelzer
Grendel's Den

Cornelius T. Lee
Beehive & Lee's Restaurants

Charlotte B. Moore
Cambridge Discovery

Jeffrey C. Nadherny
Harvard Real Estate

Marc Redlich
Law Offices of Marc Redlich

Liliana P. Sanchez
Coolidge Bank & Trust

Justin H. Slate
Bob Slate's Stationers

Martha W. Sullivan
The Charles Hotel

Thomas A. Wagner, Jr.
The Harvard Coop

September 10, 1991

The Cambridge City Council
c/o Mr. Joseph Connarton
Cambridge City Clerk
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Joe,

The Harvard Square Business Association has been increasingly concerned about the lack of enforcement of the current Cambridge Street Performers Ordinance. In order to address these concerns on behalf of the members of our business community, our Board of Directors voted last Friday to draft the following Position Paper calling for suitable amendments to the existing ordinance:

"Although street performances can add considerably to the life of Harvard Square, the extent to which certain musicians (especially drummers) dominate the air waves has become intolerable for staff in key locations in the Square to conduct simple business transactions. The parameters of the current ordinance require meter readings from 50 feet and allow a maximum of 80 decibels at that distance. To reduce said readings to ~~60~~ 70 decibels from 25 feet seems reasonable to all who have had to suffer 75+ decibels of continuous noise within the confines of adjacent stores and restaurants from repetitious outdoor gigs nearby.

"The current ordinance has been the subject of cooperative discussion for the past four monthly forums conducted by the Arts Council and attended by representatives from the Arts Council, the License Commission, the Police Department, the Street Performers Guild, and the Harvard Square Business Association. Together, we have tried to effect a proactive approach to specific problems and have accomplished as much as possible within the limitations of the current ordinance.

"In Cambridge, the lack of equipment (i.e., sound meters) and the limited availability of authorized personnel to take regular readings (especially at night and on the weekends, when street performances tend to crank up) have frustrated all of us.

-more-

Telephone: (617) 491-3434

"The general frustration is evident. Even musicians complain to the Arts Council that they are drowned out by their competitors; store owners are exasperated by constant disruption of their peace and blocking access to their stores during normal business hours (9-6); and residents complain that their sleep and quiet evenings are disturbed.

"Furthermore, the existing ordinance has made it possible to issue permits to twice as many street performers -- 410 permits so far this year, compared to 210 permits last year, under a mandate that requires each performer in a group to display his or her own permit while playing. Provision was made in the ordinance to double the number of permits to performers, but no penalties or fines are imposed on those that refuse to comply with the basic guidelines of the ordinance in its present form.

"In presenting our views on this complicated subject, the Harvard Square Business Association does not wish to challenge the First Amendment rights of others to express themselves, but to try to achieve greater harmony in our shared environment. Thank you for your cooperation with the process of amending the Street Performers Ordinance to meet common standards necessary to conduct our mutual livelihoods here in Harvard Square.

Sincerely yours,

Sally Alcorn
Executive Director

cc City Manager Robert Healy
HSBA President Tod Beaty

FINN AND CRANE
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
104 MOUNT AUBURN STREET
HARVARD SQUARE
P. O. BOX 1030
CAMBRIDGE, MA 02238

RECEIVED BY
OFFICE OF CITY CLERK
1991 OCT -8 PM 4:43
CAMBRIDGE MA.

DANIEL C. CRANE
KEVIN P. CRANE

EDWARD A. CRANE
(1938-1982)
HARRY FINN
(RETIRED)

TELEPHONE
(617) 876-8500

October 8, 1991

Honorable Francis Duehay,
City Councillor
Chairman, Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Proposed Amendments to the Street Performers Ordinance

Dear Councillor Duehay:

I understand that there is a proposed amendment to the street performers ordinance such that performances would be excluded from the area known as Brattle Square Triangle. My brother Daniel and myself have been lessees practicing law at 104 Mount Auburn Street/One Eliot Square since September 1, 1985. This property abuts the Brattle Square Triangle. Until the Spring of 1991, there was never any trouble with street performers. However, in the Spring of 1991, a band would gather in the public triangle in front of our building which I believe is the so-called Brattle Square Triangle at approximately 3:00 P.M. and cause havoc. I could not carry on a telephone conversation in my fifth floor office once the show started. I did complain to the police department, Mayor Wolf's office, and the Cambridge Arts Council. On one occasion I met with police officers and representatives of the Cambridge Arts Council in an attempt to remedy the situation. The Arts Council representative explained to me the procedure for decibel reading. The performers were apparently not in violation of the then decibel standards.

I am not an acoustical engineer but I was offered many reasons as to why the music might be so annoying. One was the construction of the new One Brattle Square building and the other was that I was on the fifth floor rather than the first floor. In any event business could not be conducted

with the ongoing performance. Accordingly, I would like you to register my strong support as well as my brother's support for any proposed amendment excluding musical performances from this triangle. I might add that the continuing existence of performers at this area will not encourage, and in fact will discourage, the leasing of One Brattle Square as well as the two empty floors in my building. Finally, I note to you that once the musical performance would start, the public plantings on this triangle would be trampled by revelers. A WASTE OF PUBLIC FUNDS!

Sincerely,

Kevin P. Crane

Daniel C. Crane

KPC/DCC/mls

CHAPMAN ARMS APARTMENTS

(617) 864-7334

4 University Road
Cambridge, Massachusetts 02138

Most of you are aware of the intrusive noise generated by the street performers' music playing at Brattle Square, which is located up the street at the triangle park where Brattle Street and Mt. Auburn Street intersect. In particular, the drum playing is particularly difficult for the residents of the neighborhood, for the noise travels down Mt. Auburn Street between the buildings and amplifies by the time it reaches our apartments.

Many of the residents of the area have complained to the police, to the Cambridge City Council and to the Arts Council to no avail, for the Cambridge City Ordinances do not reflect recognition of this problem. Some neighborhoods, notably the Cambridge Commons area and the Winthrop Park area [in front of Grendle's restaurant] have organized to request relief from the noise of the offensive drums, which produce a sound which is perceived more audibly to the human ear than sounds which are louder in reality.

The Arts Council is proposing a weak solution to the problem that does not truly address our problem. First, as you can see from the enclosed proposal, the area producing our noise problem is not included in the proposal. Second, even if there is no unaccompanied drumming in these areas, any drumming produces the disturbing noise. Third, the time of restriction is limited to between 6 PM and 9 AM, which means that it would be permissible for the obtrusive noise to disturb us from 9 AM to 6 PM, during the time that many need the peaceful repose of home, which is a recognized right of tenants.

Our concern is that 1] our area is not included in the proposed Ordinance because we have not made our needs known to the Cambridge City Council in an effective and organized manner, and, 2] the proposed Ordinance does not adequately reflect the real needs of our community. In order to remedy these shortcomings, we need to come together as a community and speak with a unified voice, which we can do if you will lend your support by signing the attached petition that calls for:

1] The community of the Mt. Auburn Street area near Brattle Square requests to have its community included in the proposed Ordinance concerning Street Performers' music restrictions;

2] The Cambridge communities around the Harvard Square area request that in their neighborhoods there be no drum playing at all, nor amplification systems, except for the Harvard University Band marches around the Harvard Square area that usually occur on Saturday mornings during the home football games. This proposal recognizes the unique and primary demand for quiet reflection in a community where scholarly pursuits constitute livelihood, as well as the creative attraction of the community;

3] We request this accommodation for all hours.

There will be a City Council Meeting to act on the inadequate proposal by the Arts Council on October 10, 1991, at 1 PM at the Cambridge City Council Chamber at the Cambridge City Hall, and as many of the community that can attend are urged to do so. If you are able to attend, please call the Chapman Arms Office at 864-7334 to arrange to meet. If you are unable to attend, please lend your support by signing this petition. Thank you.

THE FOLLOWING MENBERS OF THE HARVARD SQUARE COMMUNITY LEND THEIR SUPPORT TO THE ABOVE PROPOSAL:

Managed By:
CORNU MANAGEMENT COMPANY
95 Broadway
Boston, Massachusetts 02116

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety One

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code".

Be it ordained by the City Council of the City of Cambridge as follows:

Section 12.16.170 of the Code (Street performers) is hereby amended by adding the following new paragraph (b) to subsection F. (Exclusion of Public Areas):

(b) There shall be no unaccompanied drumming on the Cambridge Common or Winthrop Park between the hours of 6 P.M. and 9 A.M..

ORD#3\Drumming

115 Mt. Aub.
4 Univ. Rd.

(1) Albert PUCKERINE Apt 406
(2) Nancy Connerty Manager Carnu Management

Eric Ernst Resident
Lillian Greeley Resident
Patricia P. Thomson Resident
Andrew Sec Resident
Tim Landry Resident
Erica Kanberg Resident
Paul Bull Resident
Kristi Di Trani Resident
Joselyn Almeida Resident
Ina M. Alloway
Harry L. Voorhees Resident
Judith E. Collins
Mary Glover
Terry Siegfried
Matilda Fico
Alice Flores
Marianela St
Aubrie Belle
Dawn Resident
Eulalee Allen
MR. + MRS. Owen Hearty Resident # 205
Georgianna Varona Resident 206
Donna Varona " 206
Margaret Hewitt 30p
Dorothy Brown 302

[illegible] 4 University Rd Camb MA
Enrique A. Torres 4 UNIVERSITY RD.
[illegible] 4 University Rd
Barbara W Goldman 4 University Rd
John H LERCH
Victoria Hickey 4 University Rd camb. MA
[illegible] 4 University Rd. #313
Laura B Thorsy 4 University Rd. #313
Ted Chiappari 4 University Rd. #408
Noah Fleischman 4 University Rd #405
Julie Fleischman 4 University Rd. #405
Rose Amazon

#1

Petition in Support of Street Entertainment

We the undersigned Businesses in the Harvard Square Area:

- **Believe the Entertainers to be a great asset to the City of Cambridge and the livelihood of business in Harvard Square**
- **Feel the existing ordinance regarding street performance promotes a positive environment for all interested parties.**
- **Believe that the current ordinance as it regards db levels is acceptable if adequately enforced**
- **Support extending the curfew on Friday and Saturday evenings from 11:00 p.m. to 12:00 midnight**

name		*business & address*	
RICHARD A. BROWN	STORE MANAGER	CHARRETTE / 44 BRATTLE	
Kristen Nelson	Manager	The Body Shop / 1440 Mass. Ave.	
[illegible]	ASST. MGR.	THE CRATE & BARREL / 48 BRATTLE	
[illegible]	MGR	SOLA, JASMINE, SOLAMEN 37 BRATTLE	
[illegible]		RAAK 35A Brattle St.	[owner]
[illegible]		35 BRATTLE ST CAMB.	[owner]
[illegible]	MGR.	CALLIOPLE 33 BRATTLE	
[illegible]		31 Brattle	[owner]
Maura J Brine		James F. Brine, Inc 29 Brattle St	[owner]
Kevin R Berrie	Asst. Mgr.	27 Brattle St. / WARBURTON'S	
Jean Gonsalves	Asst Mgr	Bertuccis 21 Brattle St.	
Mark Roy	SM	The GAP 15 Brattle St.	
John [illegible]	Manager	The Tannery 11A Brattle St.	
[illegible]	owner	Schebella Brattle St.	
Susan Martin	manager	Origins 8 Brattle St.	
Michael Hagen	STR. MANAGER	11 JFK St. - Urban Outfitters	
Kevin McCready	Str. Mngr.	The Lodge 20 Brattle St.	
Cheryl Kelly	asst manager	Wordsworth 30 Brattle St	
Kevin Demier	MANAGER	MUDD 9 JFK ST.	
JERRY BERKELEY	ASST. MGR.	DISCOUNT RECORDS 18 JFK ST.	

#2

Petition in Support of Street Entertainment

We the undersigned Businesses in the Harvard Square Area:

- **Believe the Entertainers to be a great asset to the City of Cambridge and the livelihood of business in Harvard Square**
- **Feel the existing ordinance regarding street performance promotes a positive environment for all interested parties.**
- **Believe that the current ordinance as it regards db levels is acceptable if adequately enforced**
- **Support extending the curfew on Friday and Saturday evenings from 11:00 p.m. to 12:00 midnight**

name - Title - *business & address*

Nancy Lamb-Gribbin Cambridge Artists Co-op 59A Church St.
Kenneth B Levine Cambridge Artist Co-op 59A Church St.
Thy Ru GENRAL MANAGER LASER DESIGNS 54 CHURCH ST
Steve Rossman 58 Church ST Cam. [Swiss Watch maker]
Tony Davis (manager) Million Year Picnic 99 Mt. Auburn St.
MIKE LUCE (MGR) MILLION YEAR PICNIC 99 MT. AUBURN ST.
[illegible] (MGR) Words Worth 30 Brattle St.
Lance Reliche Mgr's Mngr. Urban Outfitters 11 JFK St. 1426 [illegible] Harvard Sq.
DAKIRI Khalid Cash personnel Asst. M. C. U.S. [illegible]
Frederick Humphrey Briggs - Briggs 1276 Mass Ave
[illegible] manager Conoco Copy 1304 Mass Ave Camb
[illegible] Serendipt 1312 Mass Ave Cambridge
John Ballo Manager 9 August Co. 1320 MASS AVE.
[illegible] Manager Store 24 1438 MASS AVE CAMBRIDGE
Mary Nellie Mayflower Owner Good Good the Elephant 106 Winthrop St Camb.
Ben B[illegible] OWNER BERK'S 50 JFK ST CAMB
PETER WARD MANAGER Christy's 40 JFK.
[illegible] MANAGER STRAWBERRIES 38 JFK ST
RENA WRIGHT MANAGER VIDEOPRIS 36 JFK ST
VALERIO PORGIONE MNGR NEWBURY COMICS 36 JFK ST.

Petition in Support of Street Entertainment

We the undersigned Businesses in the Harvard Square Area:

- **Believe the Entertainers to be a great asset to the City of Cambridge and the livelihood of business in Harvard Square**
- **Feel the existing ordinance regarding street performance promotes a positive environment for all interested parties.**
- **Believe that the current ordinance as it regards db levels is acceptable if adequately enforced**
- **Support extending the curfew on Friday and Saturday evenings from 11:00 p.m. to 12:00 midnight**

name	*business & address*
Bob Carroll Asst. Mgr.	Uno's JFK St Cambridge
Maureen Harvey Manager	Sports Etc 24 JFK St Cambridge
Danelle Smith Manager	1390 Mass. Ave Photo Hour
J. Tarona Asst. Mgr	1360 Mass Ave Au Bon Pain
George Sarki's Manager	Crest Bon 1432 Mass Ave [owner]
Ted Ulle MANAGER	MASS ARMY NAVY STORE
Gary P. Trovin Supervision	Kinko's

Street Entertainment Petition

We the undersigned Business support the current ordinance covering street entertainment in Cambridge ~~and would like to see the curfew extend from 11:00 pm to 12:00 pm on Friday and Saturday evenings~~. We feel that the current ordinance provides adequate provisions for enforcement if they will be implemented by the city.

Name Kristen Nelson Address 1440 Mass. Ave. Tel. # 354-9419

The Body Shop - Manager

David Dillon - Catch A Rising Star Gen. Manager - 30 JFK St, Camb.

Nicole [illegible] The Pennsylvania Company 28 JFK Blvd. [Manager] 491-8536

[illegible] Pizzeria Uno Manager

Don Valcovic night shift manager - TASTY Restaurant

[illegible] Night Ass manager - Christy's Market + (the square + heads, the mix and enter)

[illegible] Manager (Stuff Its Inc. 836 JFK St.

[illegible] Coffee Connection JFK + Dunster

Don Weber Out of Town News * If enforcement

John Pasquale Bertuccis - Brattle St - Manager

[illegible] - Store Manager - Store 24 1438 Mass Ave Cambridge

[illegible] - Photo Hour Manager 1340 Mass Ave Cambridge Ma.

Karen Moreau - Au Bon Pain Manager 1360 Mass Ave Cambridge Ma

Robert [illegible] PASSIM PACMAN ST CAMBRIDGE

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

OCTOBER 3, 1991

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOSEPH E. CONNARTON, CITY CLERK JEC

SUBJECT: PROPOSED AMENDMENT TO THE STREET PERFORMERS ORDINANCE.

Pursuant to the request of Councillor Francis H. Duehay, Chairman of the Committee on Ordinances, I am forwarding to you the enclosed proposed amendment to the Municipal Code of the City of Cambridge in the Street Performers Ordinance by further restricting sound levels and areas in which performances are allowed and request that you review this amendment prior to the Ordinance hearing scheduled for Thursday, October 10, 1991.

Your kind attention in this matter will be greatly appreciated.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code".

Be it ordained by the City Council of the City of Cambridge as follows:

In Chapter 12.16 of the Code (Street and Sidewalk Use Regulations), section 12.16.160 (Street performers) is hereby amended as follows:

1. In subsection E.(3), strike the first sentence and substitute therefor the following sentence:

"No performer or group of performers may generate noise exceeding a median sound level of 70 decibels measured at a distance of 25 feet from the performer or group of performers."

2. In subsection E.(3), insert a new second sentence to read as follows:

"No performer or group of performers who are playing a drum or drums unaccompanied by any other instrument may generate noise exceeding a median sound level of 50 decibels measured at a distance of 25 feet from the performer or group of performers."

3. In subsection F. (Exclusion of public areas), add a new subsection (1)(b) as follows:

"(b) There shall be no musical performances at any time on the traffic island known as the Brattle Square triangle."

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

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CITY CLERK

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In the Year One Thousand, Nine Hundred Ninety-One

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3. In subsection F. (Exclusion of public areas), add a new subsection (1)(b) as follows:

"(b) There shall be no musical performances at any time on the traffic island known as the Brattle Square triangle."

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

October 9, 1991

Mr. Joseph E. Connarton
City Clerk
Cambridge City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

For your records I am forwarding copies of the notes taken at all of the forums for discussion on the Street Performance Ordinance. Please note that the notes from the September forum have not yet been approved by the group.

I am also sending you copies of our reports on the decibel-readings taken in Harvard Square on September 13, and October 4, of this year by the Arts Council, Marlene Knight of the License Commission, and Mike McCann of the Police Department.

Please do not hesitate to call if I can answer any questions.

Sincerely,

Roy-Alan Hansen
Deputy Director

RAH:lm

enclosures

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director



DRAFT

Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performance Ordinance

Wednesday, September 25, 1991

Present:	Birge Albright	Cambridge Law Department
	Sally Alcorn	Harvard Square Business Association
	Catherine A. Berry	Tumbleweed
	Vince Dixon	Cambridge Discovery
	Ric Finnegan	Cambridge Booksmith
	Cynthia Frude	Woolcott & Co.
	Hazel Geary	Tumbleweed
	Lt. James Hallice	Cambridge Police Department
	Roy-Alan Hansen	Cambridge Arts Council
	Daryl Janes	Resident
	Lindsay McCoy	Cambridge Arts Council
	Kevin McNamara	Street Artists Guild
	Richard Scali	License Commission
	Harvey Smith	Association for Street Performance
	Will Stackman	Cambridge Arts Council
Recorder:	Josie Llado	Cambridge Arts Council

Roy-Alan Hansen, Deputy Director of the Cambridge Arts Council, opened the forum for discussion of issues of concern regarding the Street Performers Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. One error was pointed out; this has been changed accordingly. Complaints to the Arts Council were also reviewed. Ric Finnegan stated that dancers had blocked his doorway at 10:30 at night on several occasions.

The first item on the agenda was the results of the on-site decibel readings taken by Roy-Alan Hansen and Lindsay McCoy of the Cambridge Arts Council, Marlene Knight of the License Commission, Mike McCann of the Cambridge Police Department, and David Holzman and Harvey Smith of the Association for Street Performance. Copies of the results were passed out to those present.

It was noted by Roy-Alan Hansen that they came upon several performers without permits, but most were within legal noise limits. Competition between performers to make themselves heard was observed; some performers complained to the testers about high noise levels of the other performers.

Roy-Alan Hansen stated that Inca Son, an Andean drum band playing in front of Cardullo's, sounded especially loud, but was , in fact, within the legal decibel levels when tested.

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

Ric Finnegan feels that there should be 50 feet between open businesses and performers as well as between performers. Vince Dixon agreed that he feels the biggest problem is street performers playing near open businesses.

Roy-Alan Hansen stated that the current 50-foot concept does not work. He feels it makes no sense because groups fight to be heard above one another. He suggested a limit of 70 to 75 decibels at 25 feet. He felt that, at the next meeting, a proposal should be drafted dealing with changes in spacing between performers and decibel levels. Lindsay McCoy then replaced Roy-Alan Hansen, who had to leave.

The next topic of discussion was the letter form the Harvard Square Business Association, which suggested a limit of 60 decibels at 50 feet. Sally Alcorn, of the Harvard Square Business Association, felt that the ordinance favors the street performers rather than the rent-paying business people.

Cathy Berry said that she saw street performers selling T-shirts in Winthrop Park, and Hazel Berry stated that they are selling the same goods as some Harvard Square vendors rent-free. They feel it is necessary to define what goods performers are allowed to sell, whether it be tapes, posters, or T-shirts.

Lindsay McCoy suggested that it may be necessary to develop appropriate changes to the Ordinance, and then find the means to enforce it. Harvey Smith suggested fining performers who play over the noise limit. Cathy Berry added that if they do not pay their fine, their licenses could be revoked. Kevin MacNamara said he believes a small amount of ticketing would convince street performers to quiet down.

Cynthia Berry said her customers have complained about the drummers, and agrees performers should be fined.

Lt. Hallice said a request for Complaint of Violation of Ordinance could be set up in the same manner as a Jaywalking ticket, but the police do not have the tools to enforce it. He suggested a meter-reading person be available to the police on weekends. Lindsey McCoy noted that all agree that the police are the best equipped to handle the problem, and therefore, should have their own sound meter.

Lindsay McCoy brought the meeting to a close by taking suggestions for topics for the next meeting. Vince Dixon suggested that at the next meeting blockage of access to businesses by street performers should be discussed. Harvey Smith also suggested the possibility of a publication which could be distributed with new permits advising new permit holders of guidelines for street performers. Richard Scali said that before the next meeting, more meter readings would be taken by his office and the Arts Council.

The date set for the next forum for discussion of potential ammendments to the Ordinance for Street Performance was set for Wednesday, October 16 from noon until 2 pm.

Richard Scali said that the 25-foot readings seem high and suggested that the limit be lowered to 75 decibels at 25 feet instead of 80. He felt that, under the existing ordinance, small businesses are being disturbed. Ric Finnegan of the Cambridge Booksmith confirmed this. Roy-Alan Hansen said that an adjustment to the ordinance would benefit everyone, allowing performers to be heard with an overlap effect.

Richard Scali asked if the ordinance affected indoor noise readings. Roy-Alan Hansen answered that it takes ambient noise into account, and has to exceed it by 10 decibels. Richard Scali said that we need to make a distinction between interior and exterior noise.

Roy-Alan Hansen said that the performer playing the dulcimer could be heard clearly, although he registered at lower than ambient sound. The guitarist, piano, and fiddle players were also discussed. The rock group tested was extremely loud, and was told to turn down their amplifiers. Unlicensed members of the group were told to leave. After the testers left, the unlicensed group members returned. Officer Folger was told of the situation; but no action was taken, probably because of the proximity of the 11:00 pm closing.

Cynthia Frude (Woolcott & Company) stated that no law is any good unless it can be enforced. Kevin McNamara suggested fining ordinance violators. Roy-Alan Hansen said there is no way to collect fine money, and that revoking licenses is against the ordinance. Daryl Janes felt that licenses should be revokeable, but Kevin McNamara said that the reason for this measure in the ordinance was that, before the ordinance existed, performers were harrassed regularly and without distinction.

Roy-Alan Hansen emphasized the need for regulation through mutual understanding. Of 435 performers licensed, he feels that 99 percent do what is asked of them. Several individuals felt that it would be useful to discuss enforcement of the Ordinance as it stands with Commissioner Anderson of the Cambridge Police.

Daryl Janes asked for clarification on the way the Street Performance Permit functions, and whether the numbers of street performers will increase. Roy-Alan Hansen and Kevin McNamara both said that it is difficult to say, because this is the first year that getting a license has been enforced. Cathy Berry asked if there is a cap on the number of permits allowed. Roy-Alan Hansen replied that the ordinance places a limit of fifty feet between performers; that is the only limit. He felt that there are less performers on the street at any given time now that the Ordinance is being enforced. He also wants to speak with the commissioner about enforcing the fact that the performers' permits should be visible.

Daryl Janes wanted performers to stop altogether until the problem is solved. Roy-Alan Hansen feels this may be overreacting. Richard Scali said he feels that meeting with the Police Commissioner commissioner's meeting is vital, and should be made a priority for the next meeting.

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performance Ordinance

Wednesday, August 14, 1991

Present:	Birge Albright	Cambridge Law Department
	Sally Alcorn	Harvard Square Business Association
	Stephen Baird	Street Artists Guild
	Vince Dixon	Cambridge Discovery
	Ric Finnegan	Cambridge Booksmith
	Lt. James Hallice	Cambridge Police Department
	Roy-Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	Daryl Janes	Resident
	Marc Redlich	Attorney for Harvard Square Business Assoc.
	Alex Rodriguez	License Commission
	Marilyn Sandau	Performer
	Richard V. Scali	License Commission
	Harvey Smith	Association for Street Performance
	William Stackman	Cambridge Arts Council
Recorder:	Lindsay McCoy	Cambridge Arts Council

Roy-Alan Hansen, Deputy Director of the Cambridge Arts Council opened the forum for discussion on issues of concern regarding the Street Performers Ordinance by asking those present to look over the minutes of the previous meeting and note any corrections or additions. One error was pointed out; this has been changed accordingly. Roy then handed out samples of cards which will be given to performers after decibel readings have been taken of their acts by Arts Council staff. The performers may then call the Arts Council to get more detailed information on the readings taken.

The first item on the agenda under old business was drummers and percussion instruments; at the forum's request Birge Albright of the City's Legal Department has drafted a proposed ammendment to the Street Performance Ordinance which would restrict unaccompanied drumming on the Cambridge Common and Winthrop Park between the hours of 6 pm and 9 am. (Copies of the proposed ammendment were passed out to those present.)

Stephen Baird noted that there has also been a problem with drummers on Arrow Street. Lt. Hallice offered to address that situation. He has spoken with the proprietor of Talking Drums, and she stated that she will not continue to use drummers to advertise her business. Lt. Hallice feels that this will no longer be a problem.

Lt. Hallice added that the police officers who regularly do duty in Harvard Square will be trained in the use of the decibel meter. Roy stated that this would help to solve some of the difficulties in enforcing the

Eliza Collins, Co-Chair • John Constable, Co-Chair • Joan Brigham • Judith Contrucci • Arawana Hayashi
Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

Ordinance. Since the Arts Council does not have 24-hour staff coverage, the police need to have access to a sound meter for weekend hours. If the police officers can respond to particular complaints during evening and weekend hours, this would really help to solve the problem.

Alex Rodriguez stated that he is very concerned about civil liberties issues. Mr. Rodriguez thinks that the proposed ammendment would be found to be discriminatory and would lose in a civil rights trial. Marc Redlich answered that the forum has been working very hard to come up with solutions. He feels that we can set limits; it may be someone's right to play their instrument loudly, but exercizing that right might disturb other people.

Roy-Alan Hansen brought up the subject of drums as a separate issue from other musical instruments. He stated that in order for drummers to carry less than one block, the decibel level would have to be set at 40 at the source of emanation. (This level is based on information from both a drum manufacturer and the New York Philharmonic.) Roy feels that this indicates a need to address drums as a separate issue; since drums are distinctly different from other instruments, and since they are physically and sonically in a catagory of their own, it would be neither arbitrary nor discriminatory to deal with drums as a group apart from violins, guitars, jugglers, and other types of performances.

Richard Scali stated that the forum has discussed many ways of dealing with the drumming problem, and that this particular ammendment would be the narrowest workable method. Roy Hansen said that everyone at the forum agreed at the previous meeting that this would be the best way to solve the drumming issue.

Marc Redlich stated that he feels that the forum should go with the ammendment as it is written. He added that the group has already agreed that the drummers present a problem which needs to be addressed.

Daryl Janes stated that he lives in Harvard Square; he had called the police during all of the previous weekend to lodge a complaint about a drum combo in Winthrop Park which played for ten to twelve hours straight.

Marc Redlich stated that he has heard other complaints like this, though perhaps not as serious. Roy added that everyone is agreed that this is a problem, but as the drums almost never exceed the legal decibel limit, as stated in the current ordinance, nothing can be done. David Holzman pointed out that if the police are going to have a decibel meter and be trained in its use, the problem should be lessened in the future.

Alex Rodriguez said the he drove by Winthrop Park on the Sunday under discussion and that he understands the problem. He wondered if there was some type of sound barrier the performers could set up when they play. Marc Redlich answered that he didn't think the street performers or the City could afford any advanced technical solution. Alex Rodriguez pointed out that the more popular groups have a natural sound barrier made up of their audience.

Roy Hansen stated that there may be many other ways to solve the problems, but that the ammendment as proposed would be a step towards improving the situation, rather than continuing to discuss options for another three months.

Daryl Janes asked Lt. Hallice if he could call the police if the proposed ammendment is adopted by the City Council. Lt. Hallice said yes, if the ammendment became part of the ordinance, the police would be able to enforce it.

Sally Alcorn wondered if the current legal decibel level as stated in the Ordinance could be lowered. Marilyn Sandau said that, as a performer, she would like to have meter readings with the Arts Council so that the performers could be familiar with what 80 decibels sounds like.

Roy Hansen thinks that would be a good idea and that it would be valuable if someone really familiar with the equipment did these readings. He feels that this would also be a good way to test the 25/50 foot issue (as a distance for taking readings). Harvey Smith also thinks that this would be helpful; he believes that the best time would be Friday or Saturday night.

Alex Rodriguez offered the information that one of his staff could be available on weekends (the License Commission has a meter). People with a complaint should call the Police Department and they will contact the License Commission; if there is someone available at the time, they will get the meter to the police for a reading until such time as the police obtain their own decibel meter.

Mr. Janes wanted to know when the proposed ammendment would be in effect. Roy Hansen answered that, as there had been no serious objections to the proposed ammendment to the Street Performance Ordinance, it would be forwarded to the Ordinance Committee at once, and that all are aware that this may not be the ultimate solution, but a step in the right direction.

Richard Scali asked Daryl Janes to give him his name and address so that the License Commission can check with him (Mr. Janes) over the weekend.

Ric Finnegan stated that he was present at the forum to represent the management and employees of Cambridge Booksmith. The store has a couple of problems with the street performers. They need to be able to communicate with their customers. Even if the performer is under the legal limit of 80 decibels, when the shop door opens and closes, they cannot hear the customer. He feels that everyone has rights: the performers have the right to play, and the employees of the store have a right to comparative sanity. Cambridge Booksmith would like to keep the door open, but they cannot do this because of the sound. He stated that they would really like a free-zone (no performers) by their store; Mr. Finnegan also stated that he believes that uncontrolled street performance is actually bad for business.

David Holzman offered that in all the times he has purchased books at the Cambridge Booksmith, he has never had any difficulty in getting in or browsing. Marilyn Sandau said that she has seen lots of people going into

that store. They seem to prefer to be nearer the store than to the performers. Stephen Baird added that, in his opinion, it would be a violation of First Ammendment rights to tell a performer that he/she could not play in front of the store.

Ric Finnegan wondered why, at a time when nearby stores are closed, the performers stayed in front of the shops that are still open. Marc Redlich suggested that perhaps the best thing would be for someone from the Cambridge Booksmith to talk to the performers about these difficulties. He added that both Cambridge Discovery and the Cambridge Savings Bank were able to work out many of their problems with the street performers through dialogue.

Roy stated that it would be gdod if everyone kept an eye on the book store during the coming month--noting who is performing there. If there is a particular person who seems to create problems, the Street Performers Guild could be asked to speak with that person. David Holzman felt that it might be possible to put something into the Street Performers Code of Ethics asking the performers to be aware of the general businss interests.

Roy-Alan Hansen then brought the forum to a close saying that the status of the Street Performers' Code of Ethics could be discussed at the beginning of the next meeting. He also said that he would get together with the License Commission and the police and get a series of readings done before the next meeting so that the results could be discussed at that time.

The date for the next forum for discussion of potential ammendments to the Ordinance for Street Performance was set for Wednesday, September 25, from noon until 2 pm.

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performers Ordinance

Wednesday, July 10, 1991

Present:	Birge Albright	Cambridge Law Department
	Vince Dixon	Cambridge Discovery
	John Friscone	Cambridge Savings Bank
	Lt. James Hallice	Cambridge Police
	Roy-Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	David Kistler	Cambridge Law Department
	Maria Maritoni	Association for Street Performance
	Kevin McNamara	Street Artists Guild and Association for Street Performance
	Peter A. Rattigan	Cambridge Savings Bank
	Marc Redlich	Attorney for Harvard Square Business Assoc.
	Richard Scali	License Commission
	Harvey Smith	Association for Street Performance
Recorder:	Lindsay McCoy	Cambridge Arts Council

Roy-Alan Hansen, Deputy Director of the Cambridge Arts Council, opened the forum for discussion on issues of concern regarding the Street Performers Ordinance by asking those present to look over the minutes from the previous meeting and note any corrections or additions. Two errors were pointed out; these have been changed accordingly.

The first item on the agenda was an update on the Cambridge Discovery Kiosk. Roy-Alan Hansen reported that the Arts Council had only one complaint from the Cambridge Discovery people during the past month. The Arts Council staff suggested that she speak to the performers and ask them to move their position. The musicians were very cooperative. Vince Dixon of Cambridge Discovery said that he appreciated the Arts Council's help; the situation worked out quite well for everybody. Vince Dixon also stated that if some sort of performance schedule could be worked out for the Street Performers, Cambridge Discovery could list these performances as part of its information for visitors.

Roy Hansen asked if there had been any further thoughts with regard to some type of visual boundary around the Discovery booth. Mr. Dixon replied that the people associated with Cambridge Discovery seem to like that idea; but have not come up with the precise method yet. Roy wondered if the MBTA would see a boundary as a way to help insure pedestrian safety in that area. Lt. Hallice (Cambridge Police) pointed out that it is much easier to ask people to move outside some kind of a line or boundary than to ask them to move completely.

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Roy-Alan Hansen, Deputy Director

Kevin McNamara, a performer with the Street Artists Guild as well as a member of the Association for Street Performance, asked if there would be any problem if he played his music next to the Cambridge Discovery booth after closing; in other words, would the boundary-line limit be in effect at all times? Vince Dixon does not think there would be any problem with musicians playing right next to the Discovery booth after hours.

John Friscone spoke next as a representative of the Cambridge Savings Bank. He reported that the bank is having far fewer problems than in the past; with the exception of one performer (a man with a seeing-eye dog). This person has set up his amplifier directly facing the front door of the bank. Harvey Smith of the Association for Street Performance stated that he knows of this particular performer and agreed that he can be a problem. Mr. Smith said that he has tried to convince the man to move, but that he seems to be resistant and feel threatened by any interference. Peter Rattigan, also of the Cambridge Savings Bank, stated that having a performer in that particular spot can create a traffic bottleneck, especially at lunchtime. Harvey Smith said that he would try talking to this man again. Roy-Alan Hansen observed that the situation as a whole seems to be taking a turn for the better. Peter Rattigan agreed.

The next item on the agenda was drums and percussion instruments. Roy Hansen stated that although drums are not generally loud, (they almost never exceed the "80-decibal median limit") they are constant, and can be irritating to some people. Richard Scali of the License Commission reported that he still receives complaints about the drums; he has invited those concerned to attend the forum.

Roy stated that one of the drum problems is on Arrow Street--the store "Talking Drums" often has a drummer in front of the store on weekends. He wondered if this would relate to the License Commission rather than the Street Performers Ordinance.

Peter Rattigan asked if drummers could be limited to some specific amount of time. Marc Redlich agreed that limiting each drummer's time would provide a change. Roy Hansen pointed out that the major difficulty with a two-hour limit would be enforcement; neither the Arts Council nor the police have the staff or the time to do this. He also said that the performers at Brattle Square have done very well by rotating spaces themselves; perhaps an informal solution can be reached?

Marc Redlich suggested that something like a two hour "parking spot", which would be self-regulated, might work. If the performer takes a long time to set up, he/she might need more time.

Roy stated that he thinks the idea of a break between sets, similar to a club date, might work. Harvey Smith agreed that a ten-minute break might be okay; he will suggest that to some of the performers. Roy pointed out that this would be a better solution from the performers' point of view than a mandatory two-hour limit.

Roy asked if anyone had thought of a way to deal with drums since they really do not relate to the decibel limit. Birge Albright wondered if all

public parks could be made off-limits to drummers. Roy answered that that plan would eliminate all jazz bands; perhaps only unaccompanied drums should be restricted. Roy also pointed out that some cultures use drums for recreation and meditation, not for performance; and that, therefore, several drummers do not have performance permits. Richard Scali said that drummers who were too loud would be disturbing the peace, whether or not they were required to have permits.

Roy stated that people seem to be annoyed by drumming over extended periods, even when the decibel rating is 60; therefore, Roy feels that the ordinance should be altered specifically as to drummers. John Friscone said that, as a musician himself, he thinks it would be wrong to limit just drummers. Roy answered that perhaps we should go with the idea of restricting drummers in the parks. David Holzman felt that plan would be too restrictive.

Marc Redlich suggested that imposing a time limit might work in this situation. Vince wondered what the time limitations are regarding construction noises in Cambridge. Kevin McNamara interjected that we are not talking about construction, but freedom of expression. Roy replied that people who live in these neighborhoods also have a right to quiet enjoyment, and thinks we should look into the time limitations on the books. Birge Albright had the information with him; it is illegal to make construction noises between 6:00 pm and 7:00 am daily and 6:00 pm and 9:00 am when the following day is a Saturday, Sunday, or holiday.

Roy stated that in the ordinance there is provision to address specific areas and problems, rather than City-wide changes.

Harvey Smith suggested that if the drummers moved into the Square, rather than the Common, there might be problems in the Square. Roy said that drumming in the park is more than a single issue; the drummers in the park are usually not members of the Association. He said that everyone is in agreement that the street performers are an asset; and that the group needs to come up with a specific, not a global solution. He feels that some kind of direct action is needed rather than talking about the "problem" for two years. Roy asked how everyone felt about the addition to the ordinance of some kind of restriction in the Common from 6:00 pm until 9:00 am. Marc Redlich recommended adding Winthrop Park to the restriction. Harvey Smith said that he felt that it would be better to try this rather than restrict drumming altogether. Everyone agreed; Birge Albright said he would draft an ammendment to the Street Performers Ordinance consistent with the City's sound regulations.

The next item on the agenda under old business was the status of the Street Performers' Code. Roy asked Harvey Smith how the drafting of this code was progressing. Harvey Smith passed out a draft of the proposed code to everybody at the meeting. He stated that he is trying to keep it simple and still wants to get feedback from a number of performers.

Roy Hansen then introduced new business. The first item to be discussed was "problems and solutions" since the last meeting; are there identifiable trends? He remarked that everyone at the meeting had already agreed that things seemed to be improving.

Roy stated that the Arts Council has issued to date over 300 Street Performers' permits. This is a fifty percent increase over the number issued during all of last year. Harvey Smith and Kevin McNamara pointed out that more of the performers are getting permits because the Arts Council is out on the streets checking.

Harvey Smith brought up an incident which occured a week or so before the forum. The group Forteleza was asked to pack up and go home by the Cambridge Police before the 11 pm curfew. A police cruiser with flashing lights came on the scene. There were reports that it was an unpleasant situation. Lt. Hallice said that there might have been other factors such as traffic, a noise complaint, crowd obstruction, etc. He asked Harvey Smith to find out exactly what occured and get back to him at the police station so that he can look into the matter.

Roy-Alan Hansen closed the meeting and added that if anyone has any topics they want to discuss at the next meeting, they should get in touch with the arts council within the next 2 1/2 weeks.

The next meeting of the forum on the Street Performers is scheduled for Wednesday, August 14, from noon until 2:00 pm.



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

Minutes from Forum on Street Performers Ordinance

Thursday, June 13, 1991

Present:	Birge Albright	Cambridge Law Department
	Sally Alcorn	Harvard Square Business Association
	Stephen Baird	Street Artists Guild
	Vince Dixon	Cambridge Discovery
	Nan Donald	Association for Street Performance
	Lt. James Hallice	Cambridge Police
	Roy*Alan Hansen	Cambridge Arts Council
	David Holzman	Association for Street Performance
	David Kistler	Cambridge Law Department
	Marc Redlich	Attorney; Harvard Square Business Association
	Richard V. Scali	License Commission
	Harvey Smith	Association for Street Performance

Roy*Alan Hansen, Deputy Director of the Cambridge Arts Council, opened the forum for discussion on issues of concern regarding the Street Performers Ordinance. He hopes to be able to open up lines of communication to establish constructive ways to evaluate means of enforcement and modification of the Ordinance in the best interest of all parties; and to advise the Ordinance Committee. He identified some of the problem areas since April 1st:

1. Type of instruments**drum issue

2. Specific places of playing
   Common
   Brattle Square
   Winthrop Park
   Kiosk in Harvard Square

3. Performers who market crafts as well as tapes of their music**4 how this is instigated and how it affects the local businesses.

Sally Alcorn, the director of the Harvard Square Business Association, spoke next; she suggested a type of "Neighborhood Watch" system to communicate with the performers (check permits, etc.). She feels that the music is actually good for the Square, but that it can become a negative factor if there is too much going on at once.

Roy interjected that the performers' permits are supposed to be visible while they are playing; if the permit is not displayed, the performer may not have one.

Marc Redlich, an attorney near Harvard Square, stated that he feels that the music is something the local businesses like and helps make the area unique;

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Willie Hills • Donna Lassiter • Altaf Mulla • George Turnbull • David Vickery
Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

but there can be some abuses--(too much, too loud, too piercing, too persistant). He wants to see this forum work out a modus operandi that does not rely on enforcement; also to create dialogue on issues that cause problems.

Vince Dixon, with Cambridge Discovery, pointed out that the space near the T- Station was designed for performances; he wonders why it is not used.

Harvey Smith, of the Association for Street Performance, said that the bank shuts down that area during the day, and that there is not adequate lighting at night.

Stephen Baird, who represents the Street Artists Guild, added that this area has been in question before; and that the bank did not like the sound- proofing. He added that Harvard Real Estate regulates the space at Holyoke Center. He feels that they provoke the issue by allowing people there and having different decibel levels.

Vince Dixon wondered if there could be some way to set regular breaks for the performers.

Richard Scali, of the License Commission, brought up the 50-foot barrier which is set as the distance between performers. The sound readings are also supposed to be taken at a distance of 50 feet. He feels that this can cause some confusion.

Stephen Baird stated that the performers would prefer the decibel readings to be taken at 25 feet. This would avoid combined readings of adjacent groups.

Roy stated that drums seem to be a separate issue; most of the complaints the Arts Council receives are about drummers. He added that everyone's perception of sound is different; while drums very seldom exceed the 80- decibel limit, the sound seems to carry more than other instruments. Also, drums have no variation in pitch, which can make them monotonous.

Sally Alcorn feels that the drums can be annoying to a "captive audience".

Lt. Hallice suggested that areas of Harvard Square be zoned off and remarked that businesses as well as performers have rights.

Roy pointed out that the Arts Council does not have the staff to do frequent meter readings, but that the meter is kept on hand to check out complaints when they come in. The Arts Council also does spot readings on various evenings and weekend dates.

Lt. Hallice felt that the Street Performers Permit should be worn in one place to make for easier enforcement. It was suggested that either the point of collection or a uniform placement on the performer (i.e. "left- breast pocket", or "on the belt", etc.).

Sally Alcorn thinks that people should be notified of special events in the Square. Areas should be set up for these events so there are not conflicts of space. Some organizers might want to encourage performers at those times.

David Holzman stated that the Association for Street Performance is trying to establish a code of conduct for the Street Performers. He feels that the basis for cooperation is that both the performers and the businesses must work together.

Roy asked that this code (when set) be brought to the next forum for review and comment by the group.

Marc Redlich suggested that a time limit be set for the performers. If groups moved locations every two hours, there would be more variety which would create a more liveable situation for the businesses.

Vince Dixon pointed out that sometimes both performers and their audience block the Cambridge Discovery booth. He wondered what should be done about that.

Nan Donald feels that the performer has the obligation to control the location of the crowd.

Lt. Hallice suggested that they zone off a space around the booth with PVC piping to take care of the problem.

At this point, Roy Alan Hansen closed the meeting/suggested issues for discussion at the next forum:

1. Drums
2. The marketing of crafts by performers.
3. Preachers by the information booth.
4. Meter readings; frequency and distance.
5. The Kiosk Area.

Mr. Hansen suggested that these meetings be held monthly. The second Wednesday of each month was chosen; Wednesday, July 10, was set for the next forum on the Street Performers Ordinance.

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

DECIBEL READINGS TAKEN IN HARVARD SQUARE
10/4/91

PERMIT #	NAME	50 FEET	25 FEET
1. 019	Glen French (Banjo) playing in front of the Coop; 32A Briggs St., Salem 01970	74.6	78.0
	Later, it became a trio:	75.4	79.0
273	Nathan Phillips 195 Ashmont St., Dorcester 02124		
	The 3rd person did not have a permit.		
2.	"Yawar Huauqui" group playing at Out-of-Town News; All residing at the same address: 16 Gorham St., Somerville 02144		
168	Roberto Cachimuel	82.3	85.5
169	Humberto Ajaia	83.6	87.5
170	Jose Manuel Cachimuel		
171	Pedro Vasquez		
172	Carlos Cachimuel		
173	Luis Alberto Cachimuel		
174	Humberto Cordova		
	Only 5 people were playing.		
3.	Jazz quintet, playing on Church St./Mass Ave.;		
249	Rene Hart 173 Morrison Ave., Somerville 02144	80.5	84.1
		83.8	
		75.5	77.6
	Jeff Charland did not have a permit although he said he had one but had forgotten it.		
	The 3 other people did not have a permit either.		

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Roy-Alan Hansen, Deputy Director

4. 1 man playing Peruvian music in front of Cambridge Booksmith;

192	Alfredo Velasquez, "Inca Son"	79.4	84.Ø
	P.O. Box 1899, Cambridge Ø2238	81.6	82.6

From inside Cambridge Booksmith: - 72.Ø/74.Ø, door closed
- 77.Ø, door open

5. Jazz trio playing in Winthrop Park;

		84.6	83.2
148B	James Weinstein	74.3	75.9
	5Ø Charlesgate East, Boston Ø2215		

The 2 others did not have a permit.

6. Ø11 Edward Landin, "Flathead" 73.5 76.8
P.O. Box 1472, Cambridge Ø2238

7. Quartet;

Ø3Ø	Fred Owens	85.5
	42 Blakeslee St., Cambridge Ø2138	
432	Tony Beeler, "The Ethnics"	
	46 Bigelow St., Cambridge Ø2139	

The 2 others did not have a permit.
At 10:00 pm, the group was shut down by police.

8. Ø4Ø David E. Levin, "Magic Piano"
55 Norfolk St., Cambridge Ø2139

9. Blues Duo;

331	Liz Hamill	82.4
	P.O. Box 689, Cambridge Ø2238	

The other person did not have a permit.

10. Manny --- (Guitar & Amp) 81.8

Cambridge Arts Council
57 Inman Street Cambridge, MA 02139 (617) 498-9033

DECIBEL READINGS TAKEN IN HARVARD SQUARE
9/13/91

	PERMIT #	NAME	50 FEET	25 FEET
1.	339	Roger Nicholson (accoustic guitar & amps) 5 Pleasant Court, Great Barrington 01230	74.5 78.0 77.2	79.1 86.0 85.1
		Later (10:30 pm) trying to compete with rock trio near Out-of-Town News.	86.3	
2.		Four South American people;		
	009	Cesar Villalobos, "Inca Son" P.O. Box 1899, Cambridge 02238	78.3 76.3 75.2	83.0 83.2 82.8
	007	Rogelio Rangel, "Inca Son" 55 Norfolk St., Cambridge 02139	74.1 79.6	80.3 82.9
	192	Alfredo Velasquez, "Inca Son" P. O. Box 1899, Cambridge 02238		
	193	Victor Miguel Sisniegas, "Inca Son" P.O. Box 1899, Cambridge 02238		
3.	040	David E. Levin, "Magic Piano" (Piano) 55 Norfolk St., Cambridge 02139	72.9	75.8
4.	415	Jamie Janquer (Dulcimer) 22 Francis Ave., Cambridge 02138	66.0	68.0
5.	313	Idress J.J. Richardson (Electric guitar) 33 Warren Ave. #2, Somerville 02143	74.6	77.0

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Annabelle Hébert, Executive Director
Roy-Alan Hansen, Deputy Director

6. 058 Joseph Kessler (Fiddle, accordion, small drum - Acadian music)
"Waynards" 77.2 80.1
Box 742, Cambridge 02238

(Only fiddle had a permit)

7. 017 Emmanuel Madeiros (Accoustic guitar & amp) 75.5 80.6
17 Charmwood Rd, Somerville 02143 80.0
75.0 76.0

8. Rock trio, missing one permit (Near Out-of Town News);
030 Fred Owens 84.2 86.9
42 Blakeslee St., Cambridge 02138 84.0 87.4
77.4 82.4
177 John Kenney, "The Ethnics"
46 Bigelaw St., Cambridge 0213

Same group later (10:40 pm) 88.9

9. Trio in Winthrop Park (10:20 pm) 86.7
338 Kevin Shurtleff, "Blue Room"
39 Central Ave., Newton 02160

339 Roger Nicholson
5 Pleasant Court, Great Barrington 01230

400 Mark Baxter, "Finestone"
1152 Cambridge Ave., Allston 02134

10. Jazz trio: guitar, bass, drums (only 2 permits) 78.0 82.9
411 Chris Tarry 81.0 83.0
150 Huntington St., # 5J8, Boston 02115 79.9 82.8

412 Christopher Sung
38 Hemenway #31, Boston 02115

At 10:30 pm on Friday, 9/13/91, Roy-Alan Hansen spoke with Officer Folger who was then on duty in Harvard Square. Officer Folger was informed that the trio in Winthrop Park and the trio by Out-of-Town News were in violation of the Ordinance.

CITY OF CAMBRIDGE

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Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

M E M O R A N D U M

May 28, 1991

TO: Robert W. Healy

FROM: Birge Albright

Re: Street Performers

==========

This is a memorandum of a meeting which took place at 9 a.m., May 24 in the Deputy City Manager's office. The following were present:

Robert W. Healy, City Manager
Richard Rossi, Deputy City Manager
Roy A. Hanson, Arts Council
Richard Scali, License Commission
Lt. James Hallice, Cambridge Police Department
Lt. David Degou, Cambridge Police Department
Sgt. Joseph McSweeney, Cambridge Police Department
Birge Albright, Law Department

I. Problems

The meeting started with a discussion of problems which have arisen in connection with the playing of musical instruments in and around Harvard Square. The main problem has been the playing of various kinds of drums on the Cambridge Commons and in the Harvard-Brattle Square area. Many complaints have been received from people who live and work in this area about these drums when they are played for long periods of time, even if they do not exceed the 80 decibel limit. Apparently, most of the drummers play between 70 and 80 decibels.

Apparently, some of these drummers have not obtained the permit required of street performers by the Cambridge Municipal Code, § 12.16.170 (C). It was agreed that such unlicensed performers might be subject to arrest under G. L. c. 272, §59, which states:

> Whoever remains in a street or elsewhere in a town in wilful violation of an ordinance... may be arrested without a warrant...

Another problem is presented by a performer who plays an amplified flute for long periods of time near the entrance to the subway in Harvard Square. Several complaints have been received from people who work in a nearby bank.

II. Recommended Code Amendments

At the close of the meeting, the City Manager recommended the following amendments to the Cambridge Municipal Code, § 12.16.170 (Street performers):

A. Decibel Level

In § 12.16.170 (E)(3), reduce the permitted decibel level from 80 to 70 decibels.

B. Sunday hours

In § 12.16.170 (E)(2), performances may now take place on Sunday between 10:00 a.m . and 11:00 p.m. it was recommended that these hours be changed to between 1:00 pm and 6:00 pm..

C. Permit Revocation

Under § 12.16.170 (G)(2), the Cambridge Arts Council now has the power to suspend a permit for up to 30 days "if a performer is found to have knowingly provided false information in the application." It was recommended that the Arts Council should also have the power to revoke a permit under appropriate circumstances.

D. Criminal Penalties

At present, under § 12.16.170 (G), the penalties for violation of the section are (1) Non criminal disposition under G.L. c. 40, § 21D, and (2) suspension of permit. It was recommended that a criminal penalty be added to this list.

BA/jeb

Ord#3\sidewalk.use

CAMBRIDGE LICENSE COMMISSION
CITY OF CAMBRIDGE

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JAMES THADDEUS McDAVITT
Commission Chairman

ANTHONY G. PAOLILLO
Chief-of-Police Department
Commission Member

THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

DATE: June 5, 1991

TO: Richard Rossi, Deputy City Manager

FROM: Richard V. Scali, Acting Chairman RVS

RE: Street Performers - Harvard Square

Attached please find the reports of my investigators for the street performers complaint in the Square and on the Common.

As you can see from the reports from May 19, 25, & 26, 1991, no violations of the ordinance were found.

We await word from Roy-Allen Hanson on our next meeting or action from your office.

RECEIVED
91 JUN -9 AM 9:17
OFFICE OF THE CITY MANAGER

CAMBRIDGE LICENSE COMMISSION
CITY OF CAMBRIDGE

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THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Richard V. Scali, Acting Chairman

FROM: Marlene C. Knights, Chief Licensing Investigator

DATE: June 3, 1991

RE: Noise Investigations Harvard Square

The following reports are attached:

1) Noise - Monitoring Harvard Square Street Performances
Saturday, May 25, 1991 one page

2) Noise - Monitoring Harvard Square Street Performances
Sunday, May 26, 1991 one page

3) Noise - Bongo Drums/Cambridge Commons
Sunday, May 19, 1991 one page

4) Noise - Bongo Drums/Cambridge Commons
Saturday, May 25, 1991 one page

5) Noise - Bongo Drums/Cambridge Commons
Sunday, May 26, 1991 two pages

If you have any further questions, please advise.

MCK:VAL

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JAMES THADDEUS McDAVITT
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Commission Member

THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Richard V. Scali, Acting Chairman

FROM: Marlene C. Knights, Chief Licensing Investigator

DATE: May 29, 1991

RE: Noise Complaints:
Street Musicians

On Saturday, May 25, 1991, the above noise problems were monitored from 2:30 p.m. until 9:00 p.m. by myself and Investigator Henderson Headley.

In accordance with your instructions, the Harvard Square area, Cambridge Commons and Memorial Park were investigated with the following observations.

Street musicians were in the Square but did not set up until around 5:00 p.m. We checked permits and did not find any musicians without them. Noise levels were kept under 80 dB(A) and the musicians were at least fifty feet apart. I must add that I kept rotating back and fourth so it is possible that noise levels could have risen above 80 dB(A) in our absence when investigating other areas. Approximately 7:30 p.m., it started to rain heavily and the music stopped. However, afterwards (about 1/2 hour) the music started again.

Attached are a list of names and permit numbers of musicians who played or congregated in the Harvard Square area. I was told by Desk Supervisor (Cambridge Police Dept.) Richard Ryans that he had no knowledge of police officers being assigned to investigate street musicians. (349-3301)

I spoke with Officer Lashley who informed me that Lt. Hogan, Lt. Grady, and Sgt. Marfioni were not on duty until midnight. I explained to Officer Lashley that we might need assistance if we found any violations. He said he would be glad to assist us and he would be on duty in the area.

NOTE: The above three names were given to us as definite contacts from 3:00 p.m. to 9:00 p.m. We spoke to police officers on duty in the Harvard Square area. None of them were aware of this assignment.

See other report - bongo drums in Harvard Square.

HARVARD SQUARE NOISE MONITORING
STREET PERFOMANCES

DAY: Saturday DATE: May 25, 1991

TIME	PERFORMERS	PERMIT#	PERMIT DATE	LOCATION	dB(A)
SEE BELOW	Jason Williams	910082	April 12, 1991	Memorial Park	SEE BELOW
	George Aharonian	910030	April 12, 1991	The Coop	
	Margia Harris	910034	April 30, 1991	The Coop	
	Adrienne Zolondick	910035	March 6, 1991	The Coop	
	Earnest L. Pomareda	910010	---	Montgomery Frost	
	Cesar Villadobos	910009	April 1, 1991	Montgomery Frost	
	Marko Pankovich	910072	April 8, 1991	Calliope	

TIME

Most performers began playing arourd 5:00 P.M.
The above area was monitored from 5:00 P.M. to 9:00 P.M.
At 7:30 P.M. there was heavy rain and performers stopped playing for approximately 1/2 hour. Then they set up again at the same locations.

dB(A)

All readings taken from 50 feet of each performer ranged below 80 dB(A).

HARVARD SQUARE NOISE MONITORING
STREET PERFOMANCES

DAY: Sunday DATE: May 26, 1991

TIME	PERFORMERS	PERMIT#	PERMIT DATE	LOCATION	dB(A)
SEE BELOW	Jason Williams	910082	April 12, 1991	Memorial Park	SEE BELOW
	George Aharonian	910030	April 12, 1991	The Coop	
	Margia Harris	910034	April 30, 1991	The Coop	
	Adrienne Zolondick	910035	March 6, 1991	The Coop	
	Earnest L. Pomereda	910010	---	Harvard MBTA Station	
	Cesar Villadobos	910009	April 1, 1991	Montgomery Frost	
	Marko Pankovich	910072	April 8, 1991	Caliiope	
	John Kenney	910177	---	The Coop	
	William Cuddyer	910027		Bertucci's	
	Kurt Schuler	910049			
	Marcello Rossi	910045			
	Mary Lou Lord	Temporary permit	issued by Arts Council, No #	The Coop	
	Greg Sands	910163		Church Street & Mass. Ave.	

TIME

The above performers were observed and monitored from 3:00 P.M. to 9:00 P.M. except during our bongo drums investigation from 5:10 P.M. to 6:30 P.M.

dB(A)

All readings taken from 50 feet of each performer ranged below 80 dB(A).

CAMBRIDGE LICENSE COMMISSION
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THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Richard V. Scali, Acting Chairman

FROM: Marlene C. Knights, Chief Licensing Investigator MK

DATE: May 22, 1991

RE: Noise Complaint
Bongo Drums/Cambridge Commons

DATE OF INVESTIGATION: Sunday May 19, 1991

I submit the following report for your consideration.

On Sunday, May 19, 1991, in the early A.M., Investigator Henderson Headley was contacted by the Cambridge Police Dept. and informed to meet with me and Sgt. Garfield Morrison in Harvard Square outside the Wursthouse at 1:00 P.M. to investigate the above complaint. Henderson Headley and myself arrived at the designated meeting area where Sgt. Morrison and Office Shallow were positioned in a police car. The four of us drove thru the Cambridge Commons and around Harvard Square trying to locate the drummers.

At 2:15 p.m. a call was dispatched to Sgt. Morrison to resume this investigation at 4:00 p.m. as information was received (Cambridge Police Dept.) that the performers would be playing from 4:00 p.m. to 6:00 p.m. at this time I sent Henderson Headley to investigate St. Anthony's festival as instructed by you. I proceeded to St. John's festival to further monitor the noise problem that existed.

I returned and met with Sgt. Morrison. Again we circled the area and drove thru the Cambridge Commons. No drummers were in sight. I would like to mention at this time we didn't have a contact person or complainant to speak with to get the specifics.

At approximately, 4:45 p.m. a call was dispatched to the police car from Captain Breen stating that I could be dismissed. The noise would not take place this evening. I left and resumed my other duties.

CAMBRIDGE LICENSE COMMISSION
CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 499-6140

JAMES THADDEUS McDAVITT
Commission Chairman

ANTHONY G. PAOLILLO
Chief-of-Police Department
Commission Member

THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Richard V. Scali, Acting Chairman

FROM: Marlene C. Knights, Chief Licensing Investigator

DATE: May 29, 1991

RE: Noise Complaints
Street Musicians

DATE OF INVESTIGATION: Sunday May 26, 1991

On Sunday, May 26, 1991 I arrived in Harvard Square at 2:30 p.m. I walked around noting the permits/performers in the area, taking noise readings (Note: All below 80 dB(A)) from 50 feet of the performers and making sure all performers were at least 50 feet apart. See attached list for names, permit numbers, etc. The same performers were in the Harvard Square area until we left at 9:00 p.m.

Note: From 5:10 p.m. until 6:30 p.m. I monitored the bongo drums in the Cambridge Commons with Lt. Hallice and Henderson Headley. Note: See report on Bongo Drums/Cambridge Commons.

NOTE: After asking police officers on duty in Harvard Square if Lt. Hallice was available to assist us as informed, we were told he would be on duty after midnight. Again, not one officer knew of this assignment. Not until I was beeped at 5:10 and told to meet Lt. Hallice in the Commons was I aware of his being on duty.

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THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Richard V. Scali, Acting Chairman

FROM: Marlene C. Knights, Chief Licensing Investigator

DATE: May 29, 1991

RE: Noise complaint
Bongo drums/Cambridge Commons

DATE OF INVESTIGATION: Saturday, May 25, 1991

Pursuant to your request to continue the investigation of the drummers in the Cambridge Commons I submit this report for your consideration.

Please see attached:

1) Complainant letter dated March 11, 1991 from Elizabeth A.C. Smith to Councillor Francis Duehay.

2) Police Dept. request letter dated March 28, 1991 to you from Captain Breen.

I requested the above information from the Police Dept. as I needed a contact person/complainant to measure noise levels from their residence.

Henderson Headley and myself were unable to contact Ms. Smith by telephone or at her home, 3 Concord Avenue #53 after numerous attempts. We were both on duty in Harvard Square monitoring the street musicians from 2:30 p.m. to 9:00 p.m. During this time period we tried to contact Ms. Smith. We also walked thru the Cambridge Commons trying to locate the drummers. On this day they did not perform.

City of Cambridge
Police Department

TELEPHONE
(617) 349-3300

FAX
(617) 349-3320

ADDRESS ALL COMMUNICATIONS TO
5 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS 02139

March 28, 1991

Mr. Richard Scali
Executive Officer
Cambridge Licensing Board

Richard,

Could you please call this lady and set up an appointment for your sound reading employee to go to the Common and measure the noise for decimal readings.

I will send a copy of this letter to Lieutenant Timothy Lane, Commanding Officer of Communications and when there is a disturbance of noise, a car will be dispatched to maintain social order.

This, of course, will be a secondary plan of operation.

Hopefully, your investigator, who does sound readings, will be able to solve this problem.

Thank you.

Henry Breen

Captain Henry Breen
Acting Chief of Police

HWB:smc

cc: Councillor Frank Duehay
Lieutenant Timothy Lane

P.S. Does your investigator or the Arts Council investigator do these sound readings? Please advise in writing.

Readings taken from 50 feet of the performers (drummers) from many directions, ranged from:

High 78.6 dB(A) - 82.4 dB(A)
Average 65.4 dB(A) - 75.4 dB(A)

Lt. Hallice, Henderson Headley, and myself walked over to 3 Concord Avenue. I informed Lt. Hallice that the complainant, Elizabeth A.C. Smith, was not home. Lt. Hallice rang the intercom bell of unit #43 located directly below #53 Ms. Smith's unit. The resident Ms. Mary Schaff was willing to allow us to enter her unit and conduct our investigation.

Readings taken from 3 Concord Avenue Unit #43 ranged from:

55.3 dB(A) - 59.8 dB(A)
Note: the windows were open

The three of us then returned to the Cambridge Commons and spoke with the performers. We asked for permits and names of each.

Permits:

1. Jason Williams #910082 4/12/91
2. Santorn Sato #910124 5/13/91
3. Yoshge Yonedan (Note: permit not in his possession) 5/23/91

No permit:

1. Scott Armstrong
   13 Haveland Street
   Boston, MA
2. Dan Edlefsen *
3. Joe Esselchick Sr. *
4. Jonathan Stein *

* No address given.

Lt. Hallice informed them to play lower as they exceeded the allowable 80 dB(A) range from 50 feet.

Attached please find Lt. Hallice's report.

Also please note: I spoke with Elizabeth A.C. Smith today May 29, 1991 and informed her of our being able to take readings on Sunday, May 26, 1991 from unit #43. Please forward a copy of the results to her.

Ms. Marlene Knights

City of Cambridge
Police Department

TELEPHONE
(617) 349-3300

FAX
(617) 349-3320

ADDRESS ALL COMMUNICATIONS TO
5 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS 02139

May 27,1991

To: Mr. Robert Healy, City Manager / Thru Channels
From: Lt. James F. Hallice, Cambridge Police

Sir:
On Sunday, May 26,1991 at 1:00PM I arrived at the Cambridge Common for the purpose of monitoring the drum playing activity. It was not until 4:00PM that I saw three people enter the common and go to the central part of the park (see location no. 1 on diagram) carrying percussion instruments.They sat down with a group that had been there since about 1:30PM. This other group of about six people, four males and two females had two guitarists among them. I waited a short time to see if the drummers were going to perform. After that I went over to the group and introduced myself (I was in full uniform) and asked if I could speak to the drummers in private. All three of them were very cooperative and I explained my purpose for being there. They identified themselves as:
Dan Edlefsen (tel: 508-264-4145)
780 Main St.
Acton, MA 01720

Joe Esseichick, Jr.
12 Oaklandvale Ave.
Saugus, MA 01906

Jonathen Stein
93 Sedwick St.
Jamaica Plain, MA 02130

I asked if they were going to play their drums today and they said they had intended to and were waiting for other drummers to arrive. I explained that when they commenced playing we would be conducting decibel level readings on their drum playing for purposes of compliance with the city ordinance. They welcomed the testing so that a decision could be made once and for all as to where they can and can't play. At approximately 5:20PM I met with

CAMBRIDGE LICENSE COMMISSION
CITY OF CAMBRIDGE

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JAMES THADDEUS McDAVITT
Commission Chairman

ANTHONY G. PAOLILLO
Chief-of-Police Department
Commission Member

THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Richard V. Scali, Acting Chairman

FROM: Marlene C. Knights, Chief Licensing Investigator MK

DATE: May 29, 1991

RE: Noise Complaint
Bongo Drums/Cambridge Commons

DATE OF INVESTIGATION: Sunday, May 26, 1991

Instrumentation Used: Bruel & Kjaer 2232 Sound Level Meter
Bruel & Kjaer 4230 Sound Level Calibrator

Pursuant to your request to monitor the above situation, I submit the following report for your consideration.

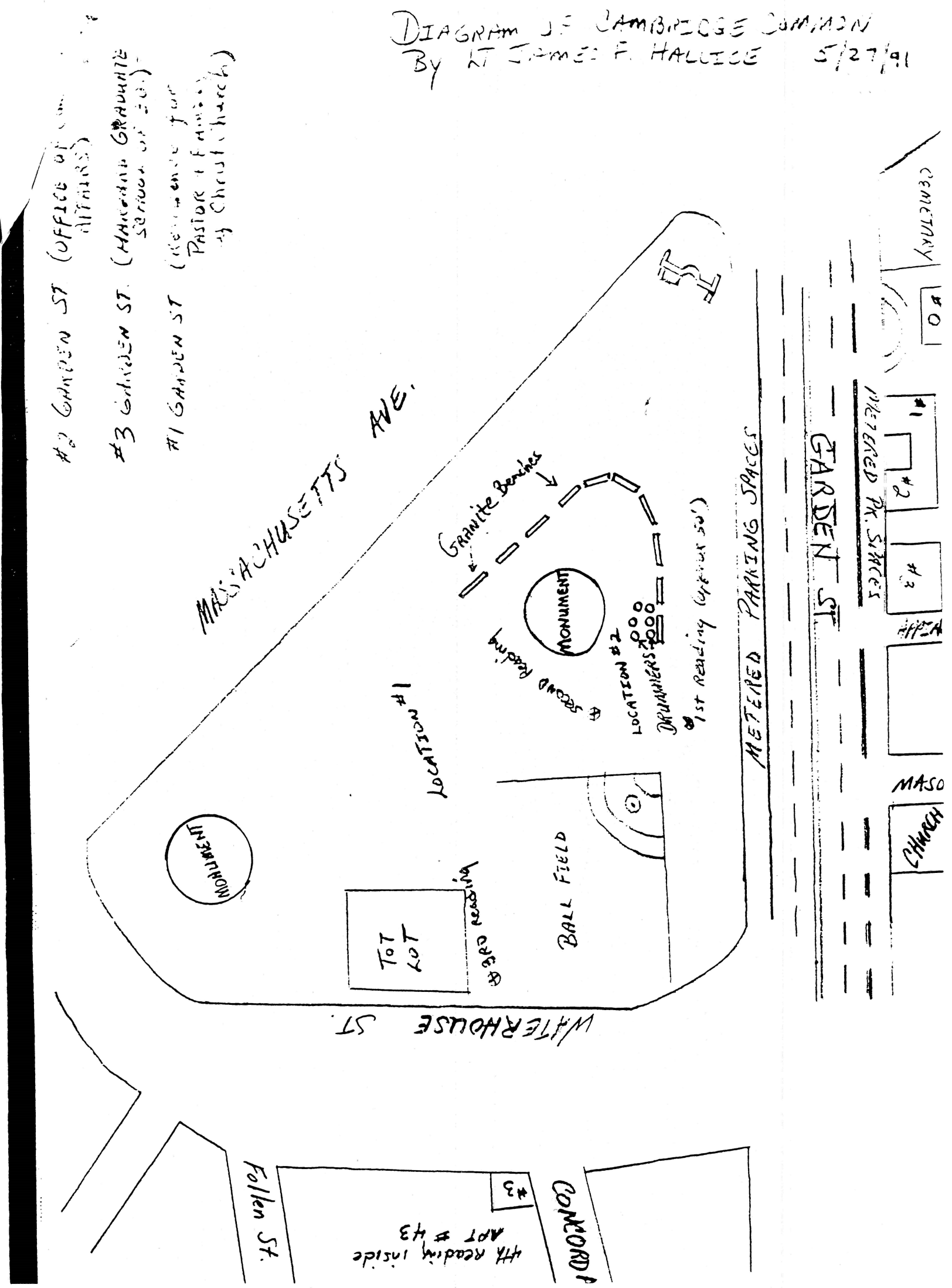
I was on duty in the Harvard Square area from 2:30 p.m. During this time I walked around monitoring the street musicians (see reports). At approximately 1/2 hour intervals I walked over to 3 Concord Avenue to try to make contact with Elizabeth A.C. Smith. I was unable to accomplish this until 4:30 p.m. At this time Ms. Smith was home. I spoke with her briefly as she was leaving her residence to attend a wedding rehearsal dinner. The drummers up until this time had not been heard.

At approximately 5:10 p.m. I was beeped by the Cambridge Police Dept. while on duty in Harvard Square. I was told to meet Lt. James Hallice at Garden Street and Appian Way. The drummers were starting to perform on the Cambridge Commons and I was told to take noise readings.

I proceeded to that location and left message for Henderson Headley to meet me there when he reported for duty.

Shortly after meeting Lt. Hallice, Henderson Headley arrived at the Cambridge Commons. Lt. Hallice explained to us that the performers were aware of our need to take noise readings. They cooperated fully with our request to play as loud as they could to enable us to take maximum decibel level measurements.

DIAGRAM OF CAMBRIDGE COMMON
BY LT JAMES F. HALLICE 5/27/91



CITY OF CAMBRIDGE
POLICE DEPARTMENT
INTEROFFICE CORRESPONDENCE

TO: Commissioner Perry L. Anderson DATE: May 23, 1991

FROM: Captain Henry Breen REFERENCE:

SUBJECT: Bongo Drum Noise

Sir:

Pursuant to your orders of last Sunday, I assigned Sergeant Garfield Morrison to the Cambridge Common to check on violations of excessive noise by bongo drums.

Between the hours of 1PM and 5PM there were no persons found by him with bongo drums. There were other people with musical instruments but not bongo drums.

At my request Richie Scali assigned Marlene, from the Licensing Board, with her noise monitor to work with Sgt. Morrison.

They terminated at 5PM. Deputy City Manager Rossi was also privy to these assignments by the Licensing Board employee, Marlene. I am requesting that a member of the Licensing Board or the Arts Council, be available on Saturdays and Sundays both in the mid-afternoon and evenings with a machine to monitor the noise.

Lieutenant James Hallice will represent me at a meeting at Deputy Rossi's office on this subject.

Penalties of this ordinance is non-criminal disposition Chap. 40-Sect. 21D, $25 fine. I suggested the ordinance be amended to make these criminal violations with a maximum fine of $300 so we can act more appropriately in our enforcement efforts under Chapt. 272-Sect. 59.

Respectfully submitted,

Captain Henry Breen
Day Operations Commander

HB/rh

P153

Ms. Marlene Knights, Chief Investigator of the Cambridge Licensing Commission and her Assistant Investigator Hendersen Hedley. Readings were taken by Ms. Knights and her report of the findings will also be submitted. Identification of the rest of the group and their names are:
Jason Williams, permit # 910082, issued 4/12/91

Saton Sato, permit #910124, issued 5/13/91

Yonedan Yoshge, permit not in his possession, issued 5/23/91

Scott Armstrong
13 Haveland St.
Boston, MA

There were six drums being played at the time of the testing. I asked the group to play them as loudly as they normally do so that a true and accurate test could be taken. They complied.
Attached to this report is a diagram showing the location of the drummers. They told me this is usually where they perform and they usually perform between the hours of 4:00PM to 6:00PM or 6:30PM.
Note: The complainant was not at home at the time of the testing, so we were allowed to conduct a test reading from apartment 43 of 3 Concord Ave., which is located directly below the complainant's apartment. We had full permission of the occupant Ms. Mary Schaaf.

Respectfully submitted,
James F. Hallice
Lt. James F. Hallice 916

c.c. Mr. Perry L. Anderson, Jr., Commissioner of Police
Captain Henry W. Breen, Jr., Commanding Officer/Day Platoon

Print for legibility

CITY OF CAMBRIDGE
POLICE DEPARTMENT
CAMBRIDGE, MASSACHUSETTS

DATE: May 20, 1991

TIME: A.M./P.M.

Report by Officer Captain Henry W. Breen
Badge # Rank

Subject: Council Order #41 Dated 5-13-91

Assignment: Car # Route # Bureau or otherwise

Directed to: Commissioner Perry L. Anderson
Rank or Position

Date and time of Occurrence

Action requested

Sir,

On April 4, 1991 Patrol Operations Officers assigned to both day and night operations and all officers of rank were given written policy on how to deal with the street performers oridance.

Acting Chairman of the Licensing Commission and Capt. Henry Breen of Day Operations assigned personnel on Sunday 5-19-91 between the hours of 1:30P.M. and 4:45 P.M. TO the Cambridge Common.

No Bongo Drums playing was observed by them. Acting Chairman Scali will be meeting with the Art's Council this week to determine who will be available to make noise readings for the police for the remaining weeks.

On weekdays the Art's Council 349-4380 or officer John McMahon are available for noise readings. The patrol operations will continue to follow April 4, 1991 policy

P650 (Rev81) Retain a copy for your records

Print for legibility

CITY OF CAMBRIDGE
POLICE DEPARTMENT
CAMBRIDGE, MASSACHUSETTS

DATE: _____

TIME: _____ A.M./P.M.

Report by Officer _____
Badge # Rank

Subject: _____

Assignment: _____
Car # Route # Bureau or otherwise

Directed to: _____
Rank or Position

Date and time of Occurrence _____

Action requested _____

in dealing with street performers.

Submitted

Henry W. Breen

Captain Henry W. Breen

copy: Richard Scali License Comm.

P650 (Rev8T) Retain a copy for your records

8.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 10, 1991

To the Honorable, the City Council:

In response to Awaiting Report #44 regarding the bongo/conga drums on the Cambridge Common, please be advised of the following:

Drum playing activity in the Cambridge Common as well as street performers' activities in Harvard Square have been monitored by the Police Department, the License Commission (reports attached) and the Arts Council. In addition, Deputy City Manager Richard Rossi convened a meeting to address this issue. A summary of the issues and the recommendations that resulted from the meeting are attached in a memorandum from Birge Albright, Legal Counsel.

Very truly yours,

Robert W. Healy
City Manager

Attachments

100% Recycled Paper

8. S-774

CONSENT AGENDA

Awaiting Report Item No. 44 regarding bongo/ conga drums at the Cambridge Common.

In City Council,

June 10, 1991

Referred to the Ordinance Committee
copy sent to Ordinance Committee 6/13/91 dl

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code".

Be it ordained by the City Council of the City of Cambridge as follows:

In Chapter 12.16 of the Code (Street and Sidewalk Use Regulations), section 12.16.160 (Street performers) is hereby amended as follows:

1. In subsection E.(3), strike the first sentence and substitute therefor the following sentence:

"No performer or group of performers may generate noise exceeding a median sound level of 70 decibels measured at a distance of 25 feet from the performer or group of performers."

2. In subsection E.(3), insert a new second sentence to read as follows:

"No performer or group of performers who are playing a drum or drums unaccompanied by any other instrument may generate noise exceeding a median sound level of 50 decibels measured at a distance of 25 feet from the performer or group of performers."

3. In subsection F. (Exclusion of public areas), add a new subsection (1)(b) as follows:

"(b) There shall be no musical performances at any time on the traffic island known as the Brattle Square triangle."

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

OCTOBER 3, 1991

TO: **THE HONORABLE, THE CITY COUNCIL**

FROM: **JOSEPH E. CONNARTON, CITY CLERK** JEC

SUBJECT: **PROPOSED AMENDMENT TO THE STREET PERFORMERS ORDINANCE.**

Pursuant to the request of Councillor Francis H. Duehay, Chairman of the Committee on Ordinances, I am forwarding to you the enclosed proposed amendment to the Municipal Code of the City of Cambridge in the Street Performers Ordinance by further restricting sound levels and areas in which performances are allowed and request that you review this amendment prior to the Ordinance hearing scheduled for Thursday, October 10, 1991.

Your kind attention in this matter will be greatly appreciated.

0-59

1.

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS

Communication received from Joseph E. Connarton, City Clerk, transmitting a proposed amendment to the Municipal Code of the City of Cambridge by amending the Street Performers Ordinance by further restricting sound levels and areas in which performances are allowed.

12/9/91 Placed on file without prejudice

In City Council,

October 7, 1991

Referred to the Ordinance Committee
Copy sent to Ord Comm.
10/8/91 ed