



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 4, 1992

Mr. Daryl Janes
50A J.F.K. Street
Cambridge, MA 02138

Dear Mr. Janes:

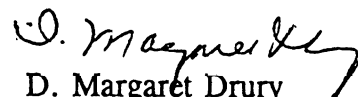
Please be advised that Councillor Alice K. Wolf, Chair of the Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 to discuss a proposed amendment to the Municipal Code as it relates to the exclusion of Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinance.

This hearing will be held in the Sullivan Chamber, City Hall, 795 Massachusetts Avenue and will begin at 7:00 P. M.

You are invited to attend this hearing and be heard.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,


D. Margaret Drury
Temporary City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 4, 1992

Ms. Sue Kuelzer
19 Copley Street
Cambridge, MA 02138

Dear Ms. Kuelzer:


Please be advised that Councillor Alice K. Wolf, Chair of the Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 to discuss a proposed amendment to the Municipal Code as it relates to the exclusion of Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinance.

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CITY OF CAMBRIDGE

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(617) 349-4260

June 4, 1992

**TO: ROY-ALAN HANSEN, DEPUTY DIRECTOR
ARTS COUNCIL**

**FROM: D. MARGARET DRURY^{DM D}
TEMPORARY CITY CLERK**

SUBJECT: COMMITTEE ON ORDINANCES

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 at 7:00 P. M. in the Sullivan Chamber.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinance,

Per my telephone conversation with your office today, I would appreciate it if you would once again notify the appropriate individuals regarding this hearing.

Thank you for your cooperation in this matter and if you need any help in this matter please do not hesitate to contact me.

snow during the night, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public Works. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

B. Removal of Ice from Sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway any portion of which is encumbered by ice shall within six hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance. (Prior code § 17-79)

12.16.130 Cleaning carpets in streets.

No person shall shake or otherwise clean a carpet in any street. (Prior code § 17-37)

12.16.140 Alteration or repair—Authority.

The provisions of this chapter and Chapters 2.54, 12.04 and 12.12 of this code shall not be construed as limiting in any manner the legal rights and duties of the Superintendent of Streets to order such alterations and repairs in streets as he may deem that the safety and convenience of the inhabitants require. (Prior code § 17-43)

12.16.150 Alteration or repair— Improvement assessments.

Whenever the City Council determines that land or buildings shall be taken for street widening or street laying out purposes betterments shall be assessed according to law for the improvement of any property that the City Council may determine is in the benefited area. (Prior code § 17-8)

12.16.160 Violation—Penalty.

A. Criminal Penalty. Any person who violates Section 12.16.110 (Sidewalks—Snow and ice re-

moval) shall be subject to a fine not exceeding fifty dollars. Each day's violation shall constitute a separate offense.

B. Noncriminal Disposition. Whoever violates Section 12.16.110 (Sidewalks—Snow and ice removal) may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Public Works Enforcement Officers. The penalty for each violation will be twenty-five dollars. Each day's violation shall constitute a separate offense. (Ord. 1084 § 5, 1989)

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes. This section seeks to balance the interests of the performers with those of the residents of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

1. A permit shall be issued by the Cambridge Arts Council to each applicant therefor in exchange for a completed application and a fee of twenty-five dollars.

2. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number, and shall be signed by the applicant.

3. A permit shall be valid from the date on which it is issued through the end of that year.

4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than one hundred dollars total for permits for group members.

5. Upon issuing a permit, the Arts Council shall also give the performer a copy of this section.

D. Display of Permit.

A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any Cambridge police officer or staff person of the Cambridge Arts Council on request.

E. Permitted Performances.

1. Performances may take place in the following locations:

a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the City Council, the Commissioner of Public Works, or the Chief of Police pursuant to subsection F of this section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 11:00 p.m.

Friday, between 7:00 a.m. and 11:00 p.m.

Saturday, between 7:00 a.m. and 11:00 p.m.

Sunday, between 10:00 a.m. and 11:00 p.m.

3. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels measured at a distance of fifty feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident the designated staff of the Cambridge Arts Council shall, with the permission of the resident, measure the sound level from inside the residential dwelling. If the sound level exceeds a median sound level of sixty decibels in the daytime or a median sound level of fifty decibels in the nighttime, as defined in the City's noise ordinance, the performer(s) causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations, providing that the music noise level being measured exceeds the background noise by at least ten dB(A). Background noise for this purpose shall mean L90.

4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform less than fifty feet from another performer or group of performers.

6. A performer may request contributions of

money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale representations of their own work, including but not limited to photos, records, cassettes, videotapes or compact discs. No display of such representations of the performer's own work shall exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which the display is installed. In public areas other than sidewalks, no such display shall exceed twenty-five square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.

F. Exclusion of Public Areas.

1. A specific public area may be excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised once in a local newspaper no less than fourteen days prior to said hearing. In addition a written notice shall be sent to the Street Artists Guild no less than ten days prior to said hearing; or

a. Based upon evidence presented to the City Council during its deliberations on the adoption of the ordinance codified in this section, the City Council designates Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

2. By decision of the Chief of Police in the case of an emergency: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

3. By decision of the Commissioner of Public Works in the case of an emergency regarding a park or playground: any holder of a license who disputes the need for said emergency exclusion may appeal to the City Council for review.

G. Penalties.

1. Noncriminal Disposition.

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the following officials shall be enforcing persons: police officers and Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars.

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge police may suspend a permit for no more than thirty days if a performer is found to have knowingly provided false information in the application. Before suspending a permit, the Arts Council must hold a public hearing, after ten days written notice to the performer setting forth the facts constituting the basis for the proposed suspension.

H. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinance applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City noise ordinance.

I. Peace and Quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

J. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall stay in full force and effect. (Ord. 1104, 1990)



City of Cambridge

3.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN

ORDERED: That the City Council consider adding Winthrop Park to the areas of Harvard Square which would exclude street performers as per process outlined in the Cambridge City Ordinance 12.16.170, Section F, Sub-section 1.

CONSENT ORDER #3

*vmcyn
wash*

Councillors Russell and Sullivan re: to
exclude Winthrop Park from the Street
Performers Ordinance.

In City Council,

April 13, 1992

*Referred to the
Ordinance Committee &
Working Group for a
Maximizing
copy sent to Ray Alon Hansen
4/17/92 & Ordinance Committee
4/17/92 @*



City of Cambridge

33.

IN CITY COUNCIL

June 1, 1992

Councillor Wolf

ORDERED: That the attached amendments to the Street Performers Ordinance, recommended by the Forum on Street Performers, and drafted by the Law Department be referred to the hearing set to continue discussion of banning of Street Performers from Winthrop Park.

CONSENT ORDER #33

Vince Wolf

Councillor Wolf re: The amendment to the
Street Performers Ordinance.

In City Council,

June 1, 1992

Order adopted



OFFICE OF THE CITY CLERK
CITY OF CAMBRIDGE
CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

May 6, 1992

**TO: ROY-ALAN HANSEN, DEPUTY DIRECTOR
ARTS COUNCIL**

FROM: JOSEPH E. CONNARTON *JEC*
CITY CLERK

SUBJECT: COMMITTEE ON ORDINANCES

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances, has scheduled a public hearing for Wednesday, May 20, 1992 to act on a series of amendments to the Municipal Code.

At 7:00 p. m. the committee will discuss a proposed amendment to the Municipal Code as it relates to the exclusion of street performers at Winthrop Park.

As we discussed, by telephone on Tuesday, May 5, 1992, I would appreciate it if you would once again notify the appropriate individuals regarding this hearing.

The hearing will be held in the Sullivan Chamber, City Hall.

Thank you for your cooperation in this matter and if you need any help in this matter please do not hesitate to contact me.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

May 6, 1992

Mr. Daryl Janes
50A J.F.K. Street
Cambridge, MA 02138

Dear Mr. Janes:

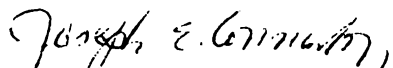
Please be advised that Councillor Alice K. Wolf, Chair of the Committee on Ordinances, has scheduled a public hearing for Wednesday, May 20, 1992 to discuss a proposed amendment to the Municipal Code as it relates to the exclusion of street performers at Winthrop Park.

This hearing will held in the Sullivan Chamber, City Hall, 795 Massachusetts Avenue and will begin at 7:00 P. M.

You are invited to attend this hearing and be heard.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,


Joseph E. Connarton
City Clerk

JEC/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

May 6, 1992

Ms. Sue Kuelzer
19 Copley Street
Cambridge, MA 02138

Dear Ms. Kuelzer:

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Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

0133

Ordered that the attached
amendments to the Street Performers
Ordinance, recommended by the
Forum on Street Performers, ~~be~~
~~and drafted by the Law Department~~
referred to the hearing already
set to continue discussion of
~~established for continuation of~~
banning of street performers from
~~the~~ Wentworth Park.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

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:

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90} .

Order Banning Unaccompanied Drummers from Winthrop Park, the
Brattle Square Triangle and the Cambridge Common

WHEREAS the procedures set forth in Paragraph F.(1) of Section 12.16.170 of the Cambridge Municipal Code (Street Performers) appear to have been satisfied;

NOW, THEREFORE, be it ordained and ordered by the Cambridge City Council as follows:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

ORD#\STRTPERF\DrumOrder



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

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That Section 12.16.170 entitled "Street Performer" in Paragraph F (1) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

City of Cambridge

PUBLIC HEARING

The Cambridge City Council Committee on Ordinances will conduct a public hearing for Wednesday, May 20, 1992 beginning at 7:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code to exclude Winthrop Street from the Street Performers Ordinance.

All interested persons are requested to attend and be heard.

For the Committee,

Councillor Alice K. Wolf
Chair

display ad - May 14, 1992 - Chronicle



Cambridge Arts Council

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

1992 MAY 28 AM 10: 24

CAMBRIDGE MA.

May 26, 1992

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

Dear Mr. Connarton:

For your information I am enclosing a draft amendment to the Street Performers Ordinance, prepared at the request of Councilor Wolf and intended to implement the recommendations of the Forum on Street Performance, as set out in the group's letter to Councilor Wolf of April 22, 1992.

Please do not hesitate to call if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, reading "Roy-Alan Hansen". The signature is fluid and cursive, with a long horizontal line extending to the right.

Roy-Alan Hansen
Deputy Executive Director

RAH:lm

enclosure



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

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Winthrop Park

Brattle Square Triangle

Cambridge Common

ORD#\STRTPERF\DrumOrd

Ordinance Committee

Speakers List

Street Performers Ordinance / Wintthrop Park

An Opinion

NAME

ADDRESS

~~Howard Medeiros~~
? Sue Kueger

~~57 Washington Ave
62 Copley St
Cambridge~~

288 HARVARD ST #6 CAMB.

HARVEY SMITH
Peter Sosna

18 Fenwick St.

Ray De Haussen
Erik Olaf

Camd Arts Council
29 Pratt St.

~~Murray Tucker~~

LYNN CHASE

CAMBRIDGE STUDIOS BANK

Joe Kellher
Ned Landin

193 Concord Ave.
67 Prescott St.

David Holtzman

35 Cottage St. Watertown

DAVID WHITE

8 EMERSON ST. SOM MASS
02143

RACHEL ROUBENMAKER

18 Mellen St, Cambridge

EMANUEL MEDeiros

17 Charnwood Rd, Som.

Sally Leon

18 Brattle St.

Ordinance Committee

Speaker's List

Street Reformer Ordinance Winthrop Park

In Support

<u>NAME</u>	<u>ADDRESS</u>
James [unclear] DANIEL JAMES	50 W. F. K ST.
Howard N. Madwed	58 Washington Ave
Peter [unclear]	16 Fenwick St. Som.
[unclear]	8 [unclear] St. Som.
RACHEL ROGERS	48 Mellen St, Camb.
FR PAUL KODJANIAN	100 Mt. Auburn Crank.
Ned Landin	67 Prescott St.
David Holzman	35 Cottage St. Watertown
Fanny Medeiros	17 Charwood Rd, Som.
Joe Kettler	193 Concord Ave



Cambridge Arts Council

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

PEOPLE WHO WERE NOTIFIED OF ORDINANCE COMMITTEE MEETING OF MAY 20, 1992

Kevin Crane (Complainant)
104 Mount Auburn Street
P.O. Box 1030
Cambridge 02138

Ron Kalman (Complainant)
1200 Massachusetts Avenue
Cambridge 02138

Kim Terroyask (Complainant)
Motto
17 Brattle Street
Cambridge 02138

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

Barry Feeney (Complainant)
11A Arrow Street
Cambridge 02138

Ezra Sims (Complainant)
1160 Massachusetts Avenue
Cambridge 02138

Roberta Crumie (Complainant)
Three Concord Avenue
Cambridge 02138

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

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

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

Fredrick Spotts (Complainant)
Three Concord Avenue
Cambridge 02138

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

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

Kimball Jones (Complainant)
One Waterhouse Street
Cambridge 02138

Kathleen C. Van Courtlandt Elliot
(Complainant)
One Waterhouse Street #25
Cambridge 02138

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

Birge Albright (Forum Member)
Legal Department
City Hall
Cambridge 02139

Harvey Smith
(Forum Member & Performer)
Association for Street Performance
P.O. Box 2107
Cambridge 02138

Sally Alcorn (Forum Member)
Harvard Square Business Assoc.
18 Brattle Street
Cambridge 02138

Catherine A. Berry (Forum Member)
Tumbleweed
99 Mount Auburn Street
Cambridge 02138

Hazel Geary (Forum Member)
Tumbleweed
99 Mount Auburn Street
Cambridge 02138

Cynthia Frude (Forum Member)
Woolcott & Co.
99 Mount Auburn Street
Cambridge 02138

Vince Dixon (Forum Member)
Cambridge Discovery
287 Harvard Street #64
Cambridge 02138

Mike McMahon (Forum Member)
Cambridge Police Department
831 Massachusetts Avenue
Cambridge 02139

Lt. James Hallioe (Forum Member)
Cambridge Police Department
5 Western Avenue
Cambridge 02138

Daryl Janes
(Forum Member & Complainant)
50A JFK Street
Cambridge 02138

Kevin Mollamara
(Forum Member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge 02143

Ned Landin
(Forum Member & Performer)
Assoc. for Street Performance
67 Prescott Street
Medford 02155

Richard Scall (Forum Member)
License Commission, Lombardi Building
831 Massachusetts Avenue
Cambridge 02139

Alex Rodriguez (Forum Member)
Licence Commission, Lombardi Building
831 Massachusetts Avenue
Cambridge 02139

David Holzman
(Forum Member & Performer)
Association for Street Performance
35 Cottage Street
Watertown 02172

Marilyn Sandau
(Forum Member and Performer)
25 Hammond Street #5
Cambridge 02138

Marc Redlich (Forum Member)
Law Offices of Marc Redlich
1000 Massachusetts Avenue
Cambridge 02138

David Kistler (Forum Member)
Legal Department
City Hall
Cambridge 02139

Maria Maritoni
(Forum Member & Performer)
Association for Street Performance
10 Magazine Street
Cambridge 02139

John Friscone (Forum Member)
Vice President
Cambridge Saving Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Peter Rattigan (Forum Member)
Assistant Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Stephen Baird
(Forum Member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge 02143

Man Ronald
(Forum Member & Performer)
60 Pleasant Street #3
Cambridge 02139

Mr. Lynn E. Chase
Executive Vice President and Treasurer
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Edward T.M. Tsoi (Complainant)
Tsoi/Kobus & Associates
50 Church Street
P.O. Box 9114
Cambridge 02238-9114

City of Cambridge

1992 MAY 15 PM 4:02
CAMBRIDGE MA.

HEARING SCHEDULE

- Monday, May 18, 1992
- 5:30 P. M. Regular City Council meeting. (Sullivan Chamber)
 - 7:00 P. M. The City Council will conduct a public hearing relative to the Cambridge Resident Job Policy. (Sullivan Chamber)
- Wednesday, May 20, 1992
- The Ordinance Committee will conduct a public hearing as follows:
- ✓ 5:30 P. M. Mid Cambridge Conservation Commission amendment.
 - ✓ 6:30 P. M. Amendment to the Noise Ordinance relative to condominium associations.
 - ✓ 7:00 P. M. Proposed amendment to the Street Performers Ordinance to exclude Winthrop Park from the ordinance. (Sullivan Chamber)
- Monday, June 1, 1992
- 5:30 P. M. Regular City Council meeting. (Sullivan Chamber)
- Tuesday, June 2, 1992
- 5:30 P. M. The Rent Control Committee will conduct a public hearing relative to the discussion of the rehab and loan programs in the City of Cambridge: what's working, what's not working and how the city proceeds from here. (Sullivan Chamber)
- Monday, June 8, 1992
- 5:30 P. M. Regular City Council meeting. (Sullivan Chamber)
- Monday, June 15, 1992
- 5:30 P. M. Regular City Council meeting. (Sullivan Chamber)



City of Cambridge

6.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR WOLF
COUNCILLOR DUEHAY

WHEREAS: The City Council is in receipt of a letter from Daryl James regarding the possibility of making Winthrop Park off limits to street musicians; and

WHEREAS: There is a working group meeting regularly to discuss enforcement of the street performers' ordinance and issues that arise around that enforcement; now therefore be it

ORDERED: That the City Manager be and hereby is requested to forward the attached letter to the working group that enforces the street performer's ordinance for their study and recommendation; and be it further

ORDERED: That the City Manager be and hereby is requested to report back this recommendation to the City Council by the second week in May for its consideration.

REFERRED TO THE ORDINANCE COMMITTEE AND THE WORKING GROUP FOR A HEARING.



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.

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

Sincerely,

Street Performance Task Force

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
Joseph Connarton, City Clerk



City of Cambridge

3.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
VICE MAYOR CYR
COUNCILLOR WALSH

ORDERED: That the City Council consider adding Winthrop Park to the areas of Harvard Square which would exclude street performers as per process outlined in the Cambridge City Ordinance 12.16.170, Section F, Sub-section 1.

REFERRED TO THE ORDINANCE COMMITTEE AND WORKING GROUP FOR HEARING

9/91

D R A F T

Dear Member:

The Harvard Square Business Association has been intensively involved in efforts to reduce the problems that many of you have encountered in Harvard Square resulting from street performance and associated noise. We have had reports from our members as to acute noise problems, especially as they affect our retail merchants and offices in and around Harvard Square. In many cases our members and their staff have become "captive audiences" to street performers who have parked outside of their stores or office buildings, blocking entrances or performing either extremely loudly or persistently (as in the case of drummers), for hours at a time. In addition, we know that our members have complained about loss of customers and business when patrons have left, or declined to enter our members' premises in order to avoid the noise.

We thought it would be helpful to bring to your attention the efforts that the Association has been making in order to reduce and end these noise problems, as well as some suggested steps that our members can take in order to alleviate specific problems as they occur.

Over the past several months both the Executive Director and a member of the Board of Directors of the Association have attended ongoing meetings sponsored by the Cambridge Arts Council which are intended to seek solutions to the street

performer/noise problems. Those meetings have been attended by representatives of the business community, residents, Arts Council and City Hall representatives (including a member of the City Law Department), as well as a number of representatives of the street performers' guild. The purpose of the meetings has been to seek amicable solutions to the various problems, especially those that arise from the business community concerning the location and noise level of the street performers, as well as discussing various amendments to the noise ordinance in order to alleviate the problems. Among the successes of this ongoing dialogue have been the following:

1. The attending members of the street performers' guild have clearly gotten the word out to their colleagues to try to be more cooperative with the business community, and to avoid problems on an amicable basis. This is not to say that there are not situations where "bad apples" seem to spoil things; but on the other hand, we have received feedback from various institutions and businesses in the Square that they have been able to work out reasonable solutions with those street performers who have been operating either too loudly or too close to their premises;

2. The City Law Department has prepared an amendment to the Ordinance which would ban unaccompanied drumming in both Winthrop Park and Cambridge Common after 6:00 o'clock in the evening.

3. The street performers guild has drafted a proposed code of ethics, which will be discussed at an upcoming meeting, and which we hope to influence in order to encourage the street performers to be more cooperative with businesses in the Square;

4. The Arts Council is seriously considering making a recommendation to the City Council to amend the noise ordinance in order to decrease the decibel level and decrease the measurement distance, so as to make it illegal to exceed this lower noise threshold; and

5. An officer of the Cambridge Police Department has been a regular participant in the meetings, which have also been attended by representatives of the city License Commission. Since those two entities as well as the Arts Council itself share responsibility for enforcing the Ordinance, we have been encouraging and pressuring all three organizations to enforce the Ordinance when called upon by the business people in the Square.

We do not believe for a moment that all of the problems have been resolved. However, we have seen progress, especially where business people have followed a series of steps in order to reduce the noise problems in their vicinity. From some recent experiences during the course of the last summer, we are encouraging our members and other businesses in the Square to follow these steps in order to address specific problems that they encounter:

1. The first step is to try to discuss the problem immediately with the street performer. This generally means

talking to the street performer in a reasonable and businesslike way about whatever the problem is: excessive noise, persistence, the need to "take a break," and in some cases the need to move the operation a little further from the store entrance in order to allow patrons to get by. In a number of cases the street musicians have indicated a willingness to cooperate, and in some cases they expressed genuine surprise that the music was being perceived as being too loud. In other instances, the street performers, although a reasonable distance from the entrance, attracted a crowd that in turn blocked the entrance to a store. A reasonable low-keyed discussion has resulted in a number of situations being resolved right on the spot, quickly and effectively.

What we have found to be counterproductive is a business person trying to "order" the street performer to move or to be quiet, or to try to chase the street performer away. Whatever one may think about the consequences, the street performers are very much aware of their First Amendment constitutional rights to speak, play or perform on public streets, as long as they comply with the decibel level rules. So that you are aware of what those rules are, we are attaching a copy of the applicable City Ordinance.

2. If an amicable approach does not work, and the street performer continues to play too loudly, to block entrances, or to drum persistently without end or break, then the next step is to call the city authorities for enforcement. This approach obviously will take longer, and is more of an "iffy"

proposition. What our members have encountered in the past is a reluctance by the police to enforce the Ordinance, or a claimed unavailability of decibel meters either at the Licensing Commission, Arts Council or Police Department; or in some cases, the Licensing Commission or Arts Council is closed for the evening or weekend, and nobody can locate a person experienced and competent to take meter readings. We have received assurances from all three city departments that they will be available and will coordinate their efforts to enforce the Ordinance. However, all of these organizations have experienced cutbacks in funding and personnel over the past year or so, and all are short handed to some extent. We say this not to excuse or justify the problems that our members have encountered, but simply to alert you to the problems that these entities have told us about. However, despite these problems, our members should immediately contact the Police Department, the Arts Council and/or the Licensing Department, and request that a meter reading be taken in the event of a noisy performer, or that the distance between the business entrance and performer/crowd be measured.

3. We urge you to call Sally Alcorn or Greta Cowan of the Business Association in order to let us know what problems you have been encountering, especially those which have not been resolved. Wherever possible, please tell us the name of the street performer or group, or at least provide us with a description so that we can in turn alert the authorities for future enforcement efforts.

4. Call the Arts Council (Roy-Allen Hansen or his staff), the police commissioner's office (Lieutenant Halice), and Commissioner Alex Rodriguez of the Licensing Commission in order to let them know the specific problems that you are having. We know that Mr. Hansen and his staff had visited with business people in the Square on request in order to learn what the specific problems consist of, and your calls and complaints to these entities in turn help to encourage them to enforce the Ordinance and to seek solutions. We have found that when genuine complaints are brought to the attention of these organizations, it makes it more feasible for us to convince them that the problem is real (not imagined) and that it affects citizens and taxpayers in Cambridge, which is more likely to be taken seriously by the city officials, including the City Council which votes on amendments to the noise and street performer Ordinance.

We want to assure you that this problem is one that we take very seriously and that we have been working to solve. There are both political and constitutional issues here, and therefore the problems are not susceptible of easy or simple solutions.

In addition, we have found a consensus among our members that although we want to solve the problems, we recognize that street performance, within reasonable parameters, enhances the business and esthetic climate in the Square. We do not seek to

prevent or ban street performers, but to help achieve a more balanced situation that works to benefit our members and the business community at large.

We certainly welcome your suggestions and advice, and we will keep you advised of developments concerning amendments to the Ordinance and enforcement.

If you have any questions or suggestions to make, by all means call Sally or Greta, [Tod Beaty or Marc Redlich], and let us know.

Sincerely,

1/92

D R A F T

Dear Member:

The Harvard Square Business Association has been intensively involved in efforts to reduce the problems that many of you have encountered in Harvard Square resulting from street performance and associated noise. We have had reports from our members as to acute noise problems, especially as they affect our retail merchants and offices in and around Harvard Square. We thought it would be helpful to bring to your attention the efforts that the Association has been making in order to reduce and end these noise problems, as well as some suggested steps that our members can take in order to alleviate specific problems as they occur.

Since the summer the Executive Director and a member of the Board of Directors of the Association have attended ongoing meetings sponsored by the Cambridge Arts Council which are intended to seek solutions to the street performer/noise problems. Those meetings have been attended by representatives of the business community, residents, Arts Council and City Hall representatives (including the Police and City Law Department), as well as a number of representatives of the street performers' guild. The purposes of the meetings have been to seek amicable solutions to the various problems, especially those that affect the business community concerning the location and noise level of the street performers, and to press for amendments to the noise ordinance in order to alleviate the problems. Among the successes of this ongoing dialogue have been the following:

1. Members of the street performers' guild have gotten the word out to their colleagues to be more cooperative with the business community, and to avoid problems on an amicable basis. This includes the guild's proposal of a performers' code of ethics;
2. The City Law Department has prepared an amendment to the Ordinance which would ban unaccompanied drumming in both Winthrop Park and Cambridge Common after 6:00 o'clock in the evening.
3. The Arts Council is seriously considering making a recommendation to the City Council to amend the noise ordinance in order to decrease the decibel level and decrease the measurement distance, so as to make it illegal to exceed this lower noise threshold; and
4. Lieutenant Halice of the Cambridge Police Department has been a regular participant in the meetings, which have also been attended by representatives of the City License Commission. Since those two entities as well as the Arts Council itself share responsibility for enforcing the Ordinance, we have been encouraging and pressuring all three organizations

to enforce the Ordinance when called upon by business people in the Square.

From some recent experiences during the course of the last summer, we are encouraging our members and other businesses in the Square to follow these steps in order to address specific problems that they encounter:

1. Try to discuss the problem immediately with the street performer to seek an amicable solution. Reasonable low-keyed discussions have resulted in a number of situations being resolved right on the spot, quickly and effectively.

2. If an amicable approach does not work, and the street performer continues to play too loudly, block entrances, or drum persistently without end or break, then the next step is to call either the Police Department, the Arts Council or the Licensing Department, and request that a meter reading be taken in the event of a noisy performer, or that the distance between the business entrance and performer/crowd be measured.

3. Please also call Sally Alcorn or Greta Cowan of the Business Association in order to let us know what problems you have been encountering, especially those which have not been resolved. Wherever possible, please tell us the name of the street performer or group, or a description so that we can in turn alert the authorities for future enforcement efforts.

We want to assure you that this problem is one that we take very seriously and that we have been working to solve. There are both political and constitutional issues here, and therefore the problems are not susceptible of easy or simple solutions. In addition, we have found a consensus among our members that although we want to solve the problems, we recognize that street performance, within reasonable parameters, enhances the business and esthetic climate in the Square. We do not seek to prevent or ban street performers, but to help achieve a more balanced situation that works to benefit our members and the business community at large.

We welcome your questions, suggestions and advice, and we will keep you advised of developments concerning amendments to the Ordinance and enforcement.

Sincerely,

Harvard Square Business Association

18 BRATTLE STREET, CAMBRIDGE, MASSACHUSETTS 02138

RECEIVED BY
MAY 21 11:18 AM '92

OFFICERS

ESTABLISHED 1910

1992 MAY 21 AM 11:18

CAMBRIDGE MA.

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'CONNOR
Attorney at Law

Executive Director

SALLY ALCORN

May 20, 1992

Ms. Alice Wolf
Committee Chair
Cambridge Ordinance Committee
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Alice,


Enclosed please find copies of material prepared for our directors on the subject of the Harvard Square Business Association's efforts to work with the City and licensed street performers to amend the Street Performers Ordinance. The drafts were prepared by Atty. Marc Redlich, a former director of ours who attended several of the monthly forums held at City Hall Annex.

Recently, the Business Association has voiced its concern over insufficient monitoring of performance decibel levels throughout the Square. Regarding proposed amendments to eliminate performances in Winthrop Park, some of our members wonder whether closing off the park to street performers will only exacerbate the situation elsewhere in Harvard Square.

Other practical solutions have been offered by the Street Performers Forum and by other individuals here in the Square who are most affected. For example, some would prefer to *eliminate electronic amplification and drum sets* and to return to an era of quieter, acoustic performances, which experts say benefit the public and the performers alike. There are other issues that aren't addressed by the present ordinance, such as a) an acceptable code of ethics among musicians; b) common courtesy for taxpayers, i.e. residents and business people in the area; c) reducing repetitive performances in any one area of the Square; and d) policing the relatively few performing groups who fail to comply with the spirit of the law.

We appreciate your willingness to reconsider the present Street Performers Ordinance now that the summer is almost here. I plan to attend tonight's hearing in City Hall.

Sincerely yours,



Sally Alcorn
Executive Director

Enclosures

DIRECTORS

BLAKE F. 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

Telephone: (617) 491-3434

CONSENT COMMUNICATION #7

Communication received from Sally Alcorn,
Executive Director, Harvard Square
Business Association, transmitting pro-
posed amendments to the Street Performers
Ordinance.

In City Council,

June 1, 1992

Referred to the petition

May 20, 1992

RECEIVED BY
OFFICE OF CITY CLERK
1992 MAY 27 AM 11: 17
CAMBRIDGE MA.

Councillor Alice K. Wolf, Chair
City Council Committee on Ordinances
City Hall
Cambridge, MA 02139

Dear Ms. Wolf:

It is with great disappointment that I write to you today. I will be unable to attend the public hearing tonight regarding the proposed amendments to the Municipal Code as it relates to the exclusion of street performers at Winthrop Park. Therefore, I wish to make my comments in writing, though they are not limited to the Winthrop Park issue.

I am an employee of a Harvard Square business. Although the Square is terrific, and the atmosphere is full of life, conducting business each day can sometimes be difficult. A major reason for this is the fact that many street musicians in one place can and usually does produce greatly distracting melodies.

I do not wish to sound like a person who does not understand the desirability of a place which provides a level forum for its performers. Quite the contrary, I have been entertained several times by many talented people. However, I now find it necessary to "switch camps" and throw my support behind at least a limit on the amount of time one performer may remain in the same spot playing the same music.

Certainly, few people would listen to the same song or few songs over and over; hour after hour. However, if you work in a business in The Square, you are often subjected to the same monotonous strains for hours on end. Let's face it, concentration becomes an extremely difficult exercise under such conditions. I am here to work, and my employer is not getting 100% from me some days because of conditions which are totally out of its control. I can understand the argument that this is my problem because of a character flaw I may have. That fact notwithstanding, I do not believe that this is a fair argument.

Please, let's have some fairness and compromise in this matter. I do not believe that any severe restrictions are needed, simply a requirement that musical artists not be allowed to ply their trade for more than a couple of hours in any one geographical area (within 100 yards perhaps?). Also, a limit on how loud the output may be could be a help.

Thank you for your consideration in this matter.

Very truly yours,



Adlime Etoc

Consent Communication # 19

Comm. from Adlime Etoc regarding a
proposed amendment to the Municipal
Code as it relates to Street Performers.

In City Council,

June 1, 1992

*Referred to the
petition*

RECEIVED BY
OFFICE OF CITY CLERK
1992 JUN -8 PM 3:03
CAMBRIDGE MA.

Daryl Janes
50A JFK Street
Cambridge, MA 02138
(617) 547-6927

June 8, 1992

Office of the City Clerk
City Hall
Cambridge, MA 02139
Attention: D. Margaret Drury

Dear Ms. Drury:

Enclosed is a letter from the Veterans' Hospital in Boston. It explains my personal concerns for wanting Winthrop Park OFF LIMITS to the Street Musicians.

Your attention to this matter would be appreciated.

Sincerely,



Daryl Janes

CC: Edward N. Cyr
Francis H. Duehay
Jonathan S. Myers
Kenneth E. Reeves
Sheila T. Russell
Walter J. Sullivan
Timothy J. Toomey, Jr.
Terry Anderson
William H. Walsh
Alice K. Wolf
Roy-Alan Hansen



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
150 South Huntington Avenue
Boston MA 02130

In Reply Refer To:

June 5, 1992

To Whom It May Concern

Mr Daryl James is a disabled veteran followed at this hospital on medication for myoclonus and anxiety/depression. His symptoms are greatly exacerbated by noise from street musicians in Winthrop Park

It would very much be in the interest of this patient if such musicians could be excluded from Winthrop Park, particularly in view of their free access to other areas in Harvard Square

Sincerely
John J Vecchione MD
Staff Physician

JAMES, DARYL C
50A J.F.K. ST
CAMBRIDGE

22
025
MA 02138

33 34 6638 NM 120144 523

01-513215 3 000 7

City of Cambridge

June 1, 1992

The Committee on Ordinances conducted a public hearing on Wednesday, May 20, 1992 beginning at 7:50 P.M. in the Sullivan Chamber at City Hall. The purpose of the hearing was to receive public testimony relative to a proposed amendment to the Street Performers ordinance. Members present were: Councillor Alice Wolf, Councillor Francis Duehay, Councillor Sheila Russell, Councillor Jonathan Myers, Councillor William Walsh, Mayor Kenneth Reeves, Councillor Timothy Toomey and City Clerk Joseph Connarton.

Councillor Wolf, Chair of the Committee welcomed all those present and stated that the Committee had been presented with a petition from a resident to exclude Winthrop Park from the existing Street Performers ordinance. Furthermore, she indicated that given the fact that only a short time frame for public notice and the ordinance requires 14 day notice another hearing would be held in addition to this one on this amendment. Councillor Wolf then read into the record a letter from Roy-Alan Hansen, Deputy Executive Director of the Cambridge Arts Council indicating several further amendments to the Street Performers ordinance as offered by the Street Performance Task Force.

Councillor Duehay stated that he believed that the Committee should take action on the content of the letter from Mr. Daryl Janes who has petitioned the Council for an ordinance amendment and the Ordinance Committee should request that the City Solicitor prepare proper language for those amendments offered by the Task Force.

The Committee then heard from Mr. Daryl Janes, 50 JFK Street, Cambridge, who stated that he had written to the City Council because he believed his constitutional rights were being violated because of the very loud and consistent noise from musicians playing on Winthrop Park. He stated that the music goes on for hours, sometimes for as long as 16 hours a day. Furthermore he stated, that he did not know why the decibel reader was still not available to the Police Department after being told for 3 years that the Police would be the proper department to enforce the Street Performers ordinance. He further stated that he is continually bothered by screams from people at all hours of the night coming from bars, the loud music and from car alarms which always go off.

Councillor Duehay questioned why Mr. Janes had not contacted the Arts Council for a decibel reading given the fact they had the appropriate equipment.

Mr. Janes responded by stating that Mr. Hansen would refer him to various departments throughout the city before actually getting an appointment to have a reading done.

Councillor Duehay questioned whether or not any readings were in fact taken.

Mr. Janes responded by stating that a reading was taken once and he was told that the noise did not violate the ordinance, but he disputed that statement.

Councillor Duehay reminded the audience that when the City Council had previously considered this ordinance it was advised by legal counsel representing the street performers that it was illegal to stop all amplified noise in the city.

Councillor Russell moved that the City Manager be and hereby be requested to take the appropriate steps to instruct the Police Commissioner to have the decibel reader available to members of the Police Department immediately.

The motion as submitted carried.

The Committee then heard from Cambridge Police Officer, Michael McMabor, whose current assignment is working with the License Commission, who informed the Committee that the decibel reader is currently located in the Police Academy and officers are being trained in its utilization.

The Committee then heard from Howard Medwed, Esquire, 58 Washington Avenue, Cambridge who stated that the Harvard Square Defense Fund supports the exclusion of Winthrop Park from the Street Performer ordinance. He stated that the noise is too loud and 11 hour days of music is far too much for any individual to accept.

Mayor Reeves stated that it would seem to him that the logical place for people who reside near Harvard Square and Winthrop Park could go up to the Cambridge Common for some quiet. He further stated that he believed that rather than have a total ban in Winthrop Park, some thought should be to restricting the time music could be played at Winthrop Park.

Councillor Duehay reminded the Committee that several public hearings were held last year by the Ordinance Committee dealing with all of these issues and that the Committee was constantly reminded of the First Amendment rights of the musicians. Furthermore he stated that

the Street Performance Task Force holds regular meetings to deal with all of these issues and has made some recommendations which have not been placed into ordinance form as of yet.

Councillor Myers stated that he was very concerned about any attempt to place real stringent enforcement provisions against musicians without letting the current ordinance work for a while. He further stated that given the fact that the Police are current being trained on how to use the decibel reader, this should be sufficient to stop any future violations.

Councillor Toomey stated that it would seem to him that for the Committee to be totally fair, the Committee should look at the entire area of Harvard Square not just Winthrop Park.

The Committee then heard from the Reverend Paul Kodjanian, Pastor of the Holy Cross Armenian Catholic Church, 100 Mt. Auburn Street, Cambridge who stated that he supports the exclusion of Winthrop Park from the ordinance. He further stated that although he truly enjoys music, what he hears is not music. Also he indicated that although the musicians cooperate and do not play during Masses, it is difficult for members of the parish to come by during the week day and pray in peace.

Speaking in opposition to the proposed amendment to the Street Performers ordinance were: Sue Luelzer, 19 Copley Street, Cambridge who stated that she was the co-owner of Grendel's Den Restaurant in Winthrop Park and she supports the musicians, although she would not recommend groups which encourage dancing in the Park. Also speaking in opposition were: Harvey Smith 238 Harvard Street, Cambridge, Peter Sosna, 18 Fenwick Street, Somerville, Roy-Alan Hansen, Deputy Executive Director of the Arts Council, Ned Landin, 67 Prescott Street, Cambridge, David Holtzman, 35 Cottage Street, Watertown, Rachel Rockenmachor, 18 Mellon Street, Cambridge, Emanuel Medeiros, 17 Charnwood Road, Somerville and Sally Alcorn, Executive Director of the Harvard Square Business Association, 18 Brattle Street, Cambridge. All of whom spoke in strong opposition to the proposed amendment and in support of street musicians.

The Committee also heard from Mr. Lyn Chase, representing the Cambridge Savings Bank who indicated to the Committee that something needs to be done with the overall issue of street performers particularly within the Harvard Square area during normal business. He informed the Committee that the bank's offices are right in front of Holyoke Center and it is

it is impossible to conduct any business during the day because of the noise. Although, he continued, that the bank has no objection to street performers per se, something needs to be done with the decibel level.

Councillor Russell questioned whether or not any compromise could be worked out so that all individuals, the street performers, residents and business people could all work together.

Mr. Roy-Alan Hansen, responded by stating that some alternatives in addition to what has been submitted in writing are being worked on, such as establishing a formal "break time" for the musicians, such as what happens in night clubs.

Councillor Duehay moved that the proposed ordinance be referred to the full City Council without recommendation.

The motion as submitted carried.

Councillor Russell moved that the Street Performance Task Force work on developing a plan to rotate the performers around various locations within the Harvard Square area.

The motion as submitted carried.

Councillor Duehay moved to refer to the Law Department, the communication dated April 22, 1992 from Roy-Alan Hansen, Deputy Executive Director of the Arts Council, for the purpose of having the recommendations of the Task Force put in proper ordinance form for a future hearing.

The motion as submitted carried.

-5-

The hearing was adjourned at 9:53 P.M.

For the Committee,

Councillor Alice K. Wolf
Chair

Daryl Janes
50A J.F.K. Street
Cambridge, MA 02138

April 6, 1992

Office of the City Clerk
City Hall
Cambridge, MA 02139

Attention: Joseph E. Connarton

Dear Mr. Connarton,

I live opposite Winthrop Park, two blocks from down town Harvard Square. Last summer the street musicians used the park; they played seven days a week beginning at twelve noon and ending at eleven o'clock (sometimes later). They played at eighty decibels on a P.A. system, so there was no way you could tune them out. (Eighty decibels is louder than a train.) I believe that any reasonable person can see that the limit of toleration has been reached and that the street musicians should be restricted to areas where there are no residential apartments.

I therefore wish to petition the City Council to restrict Winthrop Park as off limits at any time to the street musicians. Also the people in Harvard Square should have some place where they can go and not be blasted by a P.A. system every fifty feet.

Please schedule a hearing at the earliest possible time. Your cooperation on this matter would be appreciated.

Time is of the essence.

Sincerely,



Daryl Janes

CC: Edward N. Cyr
Francis H. Duehay
Jonathan S. Myers
Kenneth E. Reeves
Sheila T. Russell
Walter J. Sullivan
Timothy J. Toomey, Jr.
Terry Anderson

William H. Walsh
Alice K. Wolf
Roy-Alan Hansen
Alex Rodriguez
Richard V. Scali
Henry Breen
Kevin Fitzgerald
Gladys P. Gifford



Cambridge Arts Council

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

TO: Margaret Drury, City Clerk
FROM: Roy-Alan Hansen, Deputy Director, Arts Council
DATE: June 8, 1992
SUBJECT: People informed about the June 22 Public Hearing
on Street Performance

A handwritten signature in black ink, appearing to read 'Roy-Alan Hansen', with a long horizontal line extending to the right.

As per your request, I am forwarding to you a list of people informed by the Arts Council of the upcoming public hearing scheduled for Monday, June 22, 1992. This list represents citizens and business people who have registered complaints with the Arts Council related to Street Performers and also people who have attended the Forum for Discussion on Issues relating to the Street Performance Ordinance. If I can be of any further assistance, please do not hesitate to contact me.

RECEIVED BY
OFFICE OF CITY CLERK

1992 MAY 15 AM 10:36

CAMBRIDGE MA.

Daryl Janes
50A JFK Street
Cambridge, MA 02138

May 14, 1992

Office of the City Clerk
City Hall
Cambridge, MA 02139

Attention: Joseph E. Connarton

Dear Mr. Connarton,

Please allow me to clarify my viewpoint about the proposed amendment to the Municipal Code as it relates to the exclusion of the street performers at Winthrop Park coming up May 20th. I feel strongly that due to the nature of the governing structure shared by the Arts Council, the License Commission and the Police, great confusion will result if anything less than a total restriction is implemented in Winthrop Park. The ongoing decibel meter disaster is only one example of how the system can be clogged. If just one exception to a total restriction to Winthrop Park is allowed, such a clogging of the system I feel will again be implemented by this special interest group.

Last summer there were almost five hundred licenses given out to perform in Cambridge; each performer is allowed to play at the legal limit of 109 hours a week. Over the next five months, which is the peak season, this will amount to over one million hours. Considering there are many towns which do not allow street performing, this is generous to say the least.

Harvard Square has always been a unique national landmark: tourists should be made to feel that strict order is preserved by the governing body of this city. Restricting Winthrop Park from street performers will assure that there is one place of quiet in the Square for both residents and visitors alike.

Sincerely,



Daryl Janes

Enclosures

CC: Edward N. Cyr
Francis H. Duehay
Jonathan S. Myers
Kenneth E. Reeves
Sheila T. Russell
Walter J. Sullivan

Timothy J. Toomey, Jr.
William H. Walsh
Alice K. Wolf
Perry Anderson
Harvard Square Defense Fund

The hearing was adjourned at 9:53 P.M.

For the Committee,

A handwritten signature in black ink, appearing to read "Alice K. Wolf". The signature is written in a cursive style with a large initial "A".

Councillor Alice K. Wolf
Chair

3.

COMMITTEE REPORTS

Ordinance Committee Report relative to
the proposed amendments to the Street
Performers Ordinance.

In City Council,

June 1, 1992

*Report accepted
Passed to a second
reading*



Cambridge Arts Council

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

PEOPLE WHO WERE NOTIFIED OF ORDINANCE COMMITTEE MEETING OF JUNE 22, 1992

Kevin Crane (Complainant)
104 Mount Auburn Street
P.O. Box 1030
Cambridge 02138

Ron Kalman (Complainant)
1200 Massachusetts Avenue
Cambridge 02138

Kim Terroynsk (Complainant)
Notto
17 Brattle Street
Cambridge 02138

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

Man Donald
60 Pleasant Street #3
Cambridge 02139

Ezra Sims (Complainant)
1168 Massachusetts Avenue
Cambridge 02138

Roberta Cruminie (Complainant)
Three Concord Avenue
Cambridge 02138

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

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

Mr. Lynn E. Chase (Complainant)
Executive Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Freorick Spotts (Complainant)
Three Concord Avenue
Cambridge 02138

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

Edward T.M. Tsoi (Complainant)
Tsoi/Kobus & Associates
50 Church Street
P.O. Box 9114
Cambridge 02138

Kimball Jones (Complainant)
One Waterhouse Street #5
Cambridge 02138

Kathleen O. Van Courtlandt Elliot
(Complainant)
One Waterhouse Street #25
Cambridge 02138

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

Birge Albright (Forum Member)
Legal Department
City Hall
Cambridge 02139

Harvey Smith
(Forum Member & Performer)
Association for Street Performance
P.O. Box 2107
Cambridge 02138

Sally Alcorn (Forum Member)
Harvard Square Business Assoc.
18 Brattle Street
Cambridge 02138

Catherine A. Berry (Forum Member)
Tumbleweed
99 Mount Auburn Street
Cambridge 02138

Hazel Geary (Forum Member)
Tumbleweed
99 Mount Auburn Street
Cambridge 02138

Cynthia Frude (Forum Member)
Woolcott & Co.
99 Mount Auburn Street
Cambridge 02138

Vince Dixon (Forum Member)
Cambridge Discovery
287 Harvard Street #64
Cambridge 02138

Mike McMahon (Forum Member)
Cambridge Police Department
831 Massachusetts Avenue
Cambridge 02139

Lt. James Hallice (Forum Member)
Cambridge Police Department
5 Western Avenue
Cambridge 02138

Daryl Janes
(Forum Member & Complainant)
50A JFK Street
Cambridge 02138

Kevin McNamara
(Forum Member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge 02143

Richard Scali (Forum Member)
License Commission, Lombardi Building
831 Massachusetts Avenue
Cambridge 02139

Alex Rodriguez (Forum Member)
Licence Commission, Lombardi Building
831 Massachusetts Avenue
Cambridge 02139

David Holzman
(Forum Member & Performer)
Association for Street Performance
35 Cottage Street
Watertown 02172

Marilyn Sandau
(Forum Member and Performer)
25 Hammond Street #5
Cambridge 02138

Marc Redlich (Forum Member)
Law Offices of Marc Redlich
1000 Massachusetts Avenue
Cambridge 02138

David Kistler (Forum Member)
Legal Department
City Hall
Cambridge 02139

Maria Maritoni
(Forum Member & Performer)
Association for Street Performance
10 Magazine Street
Cambridge 02139

John Friscone (Forum Member)
Vice President
Cambridge Saving Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Peter Rattigan (Forum Member)
Assistant Vice President
Cambridge Savings Bank
1374 Massachusetts Avenue
Cambridge 02238-0206

Ned Landin
(Forum Member & Performer)
Assoc. for Street Performance
67 Prescott Street
Medford 02155

Judith Newman (Complainant)
Resource Planning Associates
50 Church Street
Cambridge 02133

Stephen Baird
(Forum Member & Performer)
Street Artists' Guild
417 Somerville Avenue #2
Cambridge 02143

Sheldon Cohen
Winthrop Park Trust Inc.
P O Box 1517
Cambridge 02138



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 8, 1992

**TO: ROY-ALAN HANSEN, DEPUTY DIRECTOR
ARTS COUNCIL**

**FROM: D. MARGARET DRURY
TEMPORARY CITY CLERK**

SUBJECT: REVISED COMMITTEE ON ORDINANCES HEARING NOTICE

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 at 7:00 P. M. in the Sullivan Chamber.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinances and a proposed amendment to add a procedure to measure decibels inside a residential building upon a complaint by a residents.

Per my telephone conversation with your office today, I would appreciate it if you would once again notify the appropriate individuals regarding this hearing.

Thank you for your cooperation in this matter and if you need any help in this matter please do not hesitate to contact me.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 8, 1992

Mr. Daryl Janes
50A J.F.K. Street
Cambridge, MA 02138

Dear Mr. Janes:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 at 7:00 P. M. in the Sullivan Chamber, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The revised purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinances and a proposed amendment to add a procedure to measure decibels inside a residential building upon a complaint by a residents.

You are invited to attend this hearing and be heard.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
Temporary City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 8, 1992

Ms. Sue Kuelzer
19 Copley Street
Cambridge, MA 02138

Dear Ms. Kuelzer:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 at 7:00 P. M. in the Sullivan Chamber, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The revised purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinances and a proposed amendment to add a procedure to measure decibels inside a residential building upon a complaint by a residents.

You are invited to attend this hearing and be heard.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
Temporary City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 8, 1992

Mr. Sheldon Cohen
Winthrop Park Trust, Inc.
P. O. Box 1517
Cambridge, MA 02138

Dear Mr. Cohen:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances, has scheduled another public hearing for Monday, June 22, 1992 at 7:00 P. M. in the Sullivan Chamber, 795 Massachusetts Avenue, Cambridge, Massachusetts.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinances and a proposed amendment to add a procedure to measure decibels inside a residential building upon a complaint by a residents.

Per your request I have enclosed a copy of the proposed text of this ordinance for your information.

You are invited to attend this hearing and be heard.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc. First Publication No. 2590.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

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:

Section 12.16.170 of the Code (Street performers) is hereby amended as follows:

1. Paragraph E. (Permitted performances), subparagraph 3. is amended to read as follows:

No performer or group of performers may generate noise exceeding a median sound level of 80 decibels measured at a distance of 25 feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as this sound level is not exceeded. Upon a complaint by a resident, a designated staff person from the Cambridge Arts Council shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of 50 decibels, and exceeds the background noise by at least 10 dB(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations. Background noise for this purpose shall mean L_{90} .

That Section 12.16.170 entitled "Street Performer" in Paragraph F (1) be and hereby is amended by adding at the end thereof the following:

Unaccompanied drummers and groups of unaccompanied drummers are hereby forbidden to perform or play on drums in the following public areas:

Winthrop Park

Brattle Square Triangle

Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk



City of Cambridge

3.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
VICE MAYOR CYR
COUNCILLOR WALSH

ORDERED: That the City Council consider adding Winthrop Park to the areas of Harvard Square which would exclude street performers as per process outlined in the Cambridge City Ordinance 12.16.170, Section F, Sub-section 1.

REFERRED TO THE ORDINANCE COMMITTEE AND WORKING GROUP FOR HEARING



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

June 11, 1992

To all persons interested in the Street Performers Ordinance:

Please be advised that Councillor Alice K. Wolf, Chair of the City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 P.M. in the Sullivan Chamber.

The purpose of this hearing is to discuss three proposed amendments to the Street performers Ordinance, 12.16.170 of the Municipal Code:

1. A proposed amendment to exclude Winthrop Park from all performances:
2. A proposed amendment to exclude unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;
3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

A copy of the text of the proposed amendments numbered 2 and 3 above is enclosed with this notice for distribution to all who receive this notice.

Please notify individuals who may be interested in this matter of this hearing.

Thank you for your cooperation in this matter, and if you need any help in this matter, please do not hesitate to contact me.

D. Margaret Drury
Very truly yours

D. Margaret Drury
Temporary City Clerk

DMD/dl

Enc. (1)



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

AN ORDINANCE

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Cambridge Common

Passed to a second reading at the City Council meeting held on June 1, 1992 and on or after June 15, 1992 the question comes on passing to be ordained.

ATTEST:- John E. Flynn
Deputy city Clerk

City of Cambridge

PUBLIC HEARING

The Cambridge City Council will conduct a public hearing on Monday, June 22, 1992 at 7:00 P. M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

The purpose of this hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge to exclude Winthrop Park, Brattle Square Triangle and the Cambridge Common from the Street Performers Ordinance.

All interested persons are requested to attend at this time and be heard.

By Order of the City Council,

John E. Flynn
Deputy City Clerk

published - Chronicle - June 4, 1992

6/4/92 - Josey (Arts Council) call & will notify. (dl)

City of Cambridge

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By Order of the City Council,

John E. Flynn
Deputy City Clerk

City of Cambridge

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All interested persons are requested to attend at this time and be heard.

By Order of the City Council,

John E. Flynn
Deputy City Clerk

RECEIVED BY
OFFICE OF CITY CLERK

1992 JUN 18 AM 11:11

CAMBRIDGE MA.

3 Concord Avenue
Cambridge, Massachusetts
June 15, 1992

Dear Ms. Wolf,

Unfortunately I shall be out of the country on June 22 and therefore unable to attend the public hearing on the street performers ordinance. One of the reasons I leave Cambridge in the summers is because of the noise--the bongo drums--in the Cambridge Common, though there has been almost no problem so far this summer.

The Cambridge Common is as successful a public park as I know anywhere. It is attractive, well maintained and available for a variety of activities for persons of all ages. A certain amount of noise in a park of this sort is inevitable. But the noise of the bongo drums, because of its penetration and the distance it carries, is unbearable. It is also inescapable for those who live near the common. Closing windows, playing a radio or wearing ear plugs does not obscure the sound.

Consequently I appeal to the Cambridge authorities to prohibit the playing of bongo drums in the Common and other residential areas.

Yours sincerely,



Frederic Spotts

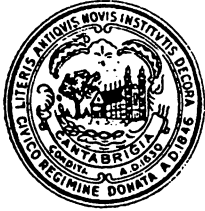
Consent Comm. # 4

Comm. from Frederic Spotts, 3 Concord Avenue, regarding the Street Performers Ordinance.

In City Council,

June 22, 1992

*Referred to the
Street Performers
Ordinance*



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Two

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 (Street performers) is hereby amended by adding the following sentence to subsection E.2:

"No performer or group of performers shall remain in a location for longer than two hours".

ORD#3\STRTPERF\S1216170.E2

CAMBRIDGE CITY
COUNCIL

ATTN: DODY

FROM: ASA 426-2800 ext 57
5 PAGES (INCL. COVER P.)

FOR THE HEARING
AT 7:00PM IN THE
SULLIVAN CHAMBER

THANK YOU FOR
YOUR HELP DODY!

Received at Rost-44

6-22-92

6:45 PM

TEF

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

Ozain Artists in Support of Human Rights (OASHR) is joining a campaign to lobby the Cambridge City Council on Ordinances to reject the following three proposed amendments with regards to the Street Performers Ordinance 12.16.170 of the Municipal code:

- 1. A proposed amendment to exclude Winthrop Park from all performances;
- 2. A proposed amendment to exclude all unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;
- 3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

We are calling on our friends and the Community to sign this petition and attend the public hearing set for Monday, June 22, 1992 at 7:00 pm in the Sullivan Chamber.

Drummers and friends of the Drumming community are united in opposing the proposed ban on performances at Winthrop Park as well as the exclusion of unaccompanied drummers from the Brattle Street Triangle, Winthrop Park and the Cambridge Common. It is our belief that the proposed Amendments Nos. 1 & 2 are too harsh and discriminatory against drummers.

We ask that these musicians be treated and recognized as Street Performers in compliance with the Street Performers Ordinance 12.16.170 of the Municipal code and that their rights to express themselves and communicate their ideas through the medium of music be protected under the First Amendment of the United States Constitution.

Name	<u>John Ma</u>	Address	<u>46C Dana St.</u>	Cambridge.	Zip Code	<u>02138</u>
Name	<u>Red Mountain</u>	Address	<u>13 Kingsley St</u>	Allston	Zip Code	<u>02134</u>
Name	<u>Chris Murray</u>	Address	<u>143 Albany St.</u>	Cambridge	Zip Code	<u>02139</u>
Name	<u>Alexei Nichols</u>	Address	<u>154 Auburn St</u>		Zip Code	<u>02139</u>
Name	<u>Heidi Given</u>	Address	<u>15 Nashua St.</u>	Somerville	Zip Code	<u>02145</u>
Name	<u>Josanne Rosenstein</u>	Address	<u>76 Easton St</u>	Allston	Zip Code	<u>02134</u>
Name	<u>Leanna Hanson</u>	Address	<u>1297 Cambridge St.</u>	Cambridge	Zip Code	<u>02139</u>

Name Coff Address 78 WINE ST. Jamaica Plain Zip Code 02130

Name [blacked out] Address 1821 NEW ST BROOKLINE Zip Code 02116

Name [blacked out] Address 57 Washington Zip Code 02128

Name [blacked out] Address 170 Oakley Rd (Belmont) Zip Code 02178

Name Zack Borden Address 10 WASHINGTON ST. Arlington Zip Code 02125

Name Kathy Address 350 Honor St Newton Zip Code 02154

Name Kim Arney Address 794 BOLLSTON ST. CHESTNUT Hill Zip Code 02107

Name Joseph L. Loran Address 160 River St Camb. MA Zip Code 02139

Name / Address _____ Zip Code _____

Name Ermond Gardner Address 4 Winfield St Dedham Zip Code 02026

Name A.V. Goldfarb Address 1257 Cambridge St Zip Code 02139

Name Gabriele Hall Address 157 Auburn St Camb. MA Zip Code 02139

Name Joseph L. Peck Address 88 Baystate Somerville MA Zip Code 02144

Name Rebecca Levin Address 88 Baystate Somerville Zip Code 02144

Name Phillip Egan Address 88 Baystate Somerville Zip Code 02144

Name [blacked out] Address 12 Park Rd Belmont Zip Code 02178

Name [blacked out] Address 618 Boston Ave Somerville MA Zip Code 02144

Name [blacked out] Address 618 Boston Ave Somerville Zip Code 02144

Name [blacked out] Address _____ Zip Code _____

Name [blacked out] Address _____ Zip Code _____

Name Edwin Saffo Address 9 Raymond, Somerville Zip Code 02144

Name [blacked out] Address 300 Congress St. Boston Zip Code 02210

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

Ozain Artists in Support of Human Rights (OASHR) is joining a campaign to lobby the Cambridge City Council on Ordinances to reject the following three proposed amendments with regards to the Street Performers Ordinance 12.16.170 of the Municipal code:

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We are calling on our friends and the Community to sign this petition and attend the public hearing set for Monday, June 22, 1992 at 7.00 pm in the City Council Chamber.

Drummers and friends of the Drumming community are united in opposing the proposed ban on performances at Winthrop Park as well as the exclusion of unaccompanied drummers from the Brattle Street Triangle, Winthrop Park and the Cambridge Common. It is our belief that the proposed Amendments Nos. 1 & 2 are too harsh and discriminatory against drummers.

We ask that these musicians be treated and recognized as Street Performers in compliance with the Street Performers Ordinance 12.16.170 of the Municipal code and that their rights to express themselves and communicate their ideas through the medium of music be protected under the First Amendment of the United States Constitution.

Name Rob Nichols Address Po Box 721 Brook Hill Zip Code 02146

Name BRIAN WOOD Address 7 Dow St. Somerville Zip Code 02144

Name By Garcia Address 08 Grove St Belmont Zip Code 02178

Name Barbara Bowers Address 1 Cameron Ave Somerville Zip Code 02144

Name J. Santos Address 15 EVERETT CAMB Zip Code 02138

Name Steve Williams Address 784 Cambridge Ave #133 Zip Code 02115

Name Ken B... Address 100 St. Key Zip Code 02124

Name Tracy Baker Address 73 Colby St. W. Mass Zip Code 02139

Name Janice Campbell Address P.O. Box 64 Zip Code 02140

Name Carole Byrne Address 456 Summer St. Somerville Zip Code 02143

Name Kenneth D. Jones Address 28 Suffolk St. Camb Zip Code 02139

Name Roscoe Utter Address 315 Presidental St. Zip Code 02125

Name Paul J. Dwyer Address 67 Maple St. Malden Zip Code 02148

Name Jonathan Auld Address 21 Museum St. Somerville Zip Code 02143

Name Kayleen Dwyer Address 100 Cambridge St. Boston Zip Code 02114

Name Margaret G. Address 857 Commonwealth St. Boston Zip Code 02119

Name Carla Gregorio Address 443 Stuart St. Morgan Zip Code 02125

Name Franklin - Jr. Jr. Address 204 1st St. Malden Zip Code 02148

Name Marisel Roman Address 144 Archer St. Malden Zip Code 02142

Name Valerie Herzfeld Address 300 9th St. NE Wash Zip Code 20007

Name Sonya Spelber Address 311 E. 7th St. Wash Zip Code 20001

Name Noah Southall Address 16 Thayer St. #4 Boston Zip Code 02118

Name Jean Jones Address 1st Pleasant St. Cambridge Zip Code 02139

Name Nancy Boland Address 16 Thayer St. Boston Zip Code 02118

Name Fred Brown Address 377 Highland Somerville Zip Code 02144

Name A. Stridland Address 84 Wendell St #22 Zip Code 02139

Name A. Lewis Address 40 Main St. Wakefield Zip Code 01880

Name Natasha Kirk Address 34 Cambridge Ter. Cambridge Zip Code 02140

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

1/1/1/1/1



Sample Models Showing the Ease with Which the City, Through the Arts Council, Can Afford to Hire an Individual to Administer the Provisions of the Street Performance Ordinance

5 Month Minimal Expenditure Plan:

Time Frame: May 1 through September 30
 Days Per Week: 2
 Fri. and Sat. - peak playing days, from 7-11p.m.
 Total Hours: Weekly: 8
 Monthly: 32
 Total over 5 mo.: 160

Total Expenditures: Weekly: \$56.00 (based on salary of \$7hr)
 Monthly: \$225.00
 Total over 5 mo.: \$1,120

Total Monies Left Over after Expenditure: \$10,000*
 - 1,120
 \$ 8,880

5 Month Medium Expenditure Plan:

Time Frame: May 1 through September 30
 Days Per Week: 4
 Wed. - Sat. -- heaviest playing days from 8-11p.m.

Total Hours: Weekly: 12
 Monthly: 48
 Total over 5 mo.: 240

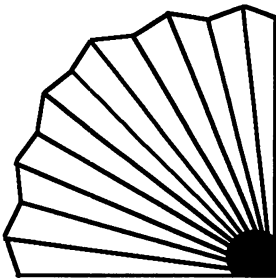
Total Expenditures: Weekly: \$84 (based on salary of \$7hr)
 Monthly: \$336.00
 Total over 5 mo.: \$1,680

Total Monies Left Over after Expenditure: \$10,000*
 - 1,680
 \$ 8,320

5 Month Random Exposure Plan:

Identical to either of the above, except that hours and times are random and not predictable. Gives the ordinance administrator more job flexibility while providing generally the same level of enforcement of the ordinance, as the unpredictability of this individual's presence in the Square will tend to keep performers' behavior in check at all times.

*Annual Arts Council earnings from street performers' fees, based on 1991 figures.



STREET ARTISTS' GUILD

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

Executive Director

Stephen Baird
Founder, Folk Arts
Network, Street Artists'
Guild

Board of Directors

President

Cornell Coley
Producer, Dancer,
and Arts Manager
Dance & Drum

Secretary

Alice Kane
Boston Public
Librarian and Coffee-
house Assoc. of New
England

Treasurer

Steve Jerrett
President, Coffeehouse
Assoc. of New England

Membership

David Neiman
Performing Artist

Janice Allen
Artist, Teacher and
Choral Director

Jorge Arce
Humano Cultural
Program

Marianne Donnelly
Performing Artist,
Cambridge Earth Day

Barbara Herson
Earthtunes

Billie Hockett
Robin Blecher
Memorial Fund

Marta Gredler
Community Arts
Consultant

Patricia Monteith
General Manager
WUMB

Richard Reinert
Director, Nashua
Center for the Arts

Sandy Sheehan
Sandy's Music

April 25, 1992

City Councilor Jonathan Myers
Cambridge City Council
Cambridge City Hall
795 Massachusetts Ave.
Cambridge, MA 02139

Dear Councilor Myers:

I received a telephone call late on Friday by Ms. Sally Alcorn from the Harvard Square Business Association concerning some loud street performances. There were some complaints about two performing groups by the businesses. Nothing was done because there was no sound meter.

We are now facing the third year of no enforcement of the sound levels despite repeated assurances by the police department and arts council that a decibel meter would be on-hand in Harvard Square. This is unacceptable. I was told a second meter was purchased by the police department and would be kept in Harvard Square.

There is no reason the arts council's decibel meter should not be left with the police in the Square if the arts council staff is not going to be available. I do not understand why only one person at the arts council has been trained and has access to the meter.

I hope you can ascertain if the police department has bought another meter and if so why it is not being used. If there is not a second meter available, I hope the City Council will instruct the Cambridge Arts Council to train additional staff members to use the meter and to leave the meter with the police in Harvard Square when the Arts Council staff is not available.

Thank you for your prompt attention to this matter.

Sincerely,

Stephen Baird
Street Artists' Guild

cc: Harvard Square Business Association



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.

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

Sincerely,

Street Performance Task Force

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
Joseph Connarton, City Clerk

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

Ozain Artists in Support of Human Rights (OASHR) is joining a campaign to lobby the Cambridge City Council on Ordinances to reject the following three proposed amendments with regards to the Street Performers Ordinance 12.16.170 of the Municipal code:

1. A proposed amendment to exclude Winthrop Park from all performances;
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We are calling on our friends and the Community to sign this petition and attend the public hearing set for Monday, June 22, 1992 at 7:00 pm in the Sullivan Chamber.

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We ask that these musicians be treated and recognized as Street Performers in compliance with the Street Performers Ordinance 12.16.170 of the Municipal code and that their rights to express themselves and communicate their ideas through the medium of music be protected under the First Amendment of the United States Constitution.

Name Melanie Fontana Address 51 Mass. Ave. Zip Code 02115
Name BERNARD Ange'lique Address 150 Mass Ave #1965 Zip Code 02115
Name KEVIN Kikuchi Address 150 Mass Ave. #431 Zip Code 02115
Name GUERRY Sabine Address 150 Mass Ave. Zip Code 02115
Name Giudiceu Jerome Address 150 Mass Ave #168? Zip Code 02115
Name Alberto Turley Address 1 Arcadia #4, Dorchester Ma Zip Code 02122
Name Diane Monk Address 3 Lindall Pl. #3 Boston Zip Code 02114

81 21

Name JACKIE GIRON Address 3 LINDBALL PL #3 BOSTON Zip Code 02114

Name Ian alex Address 51 Melcher #601 Zip Code 02110-1208

Name David Kim Address 462 Mt. Auburn ST. Zip Code 02172

Name Ken Sakuma Address 150 Mass Ave #164f Zip Code 02115

Name OMAR AMAR Address 1242 COMM AVE #33 Zip Code 02134

Name Diana Beavers Address 18 Harvard St Zip Code 02115

Name E.R. Johnson Address 530 Mass Ave Zip Code 02118

Name Paul Aguirre Address 225 LAKEVIEW, CAMB. Zip Code 02318

Name Esther Lou Address 292 Harvard Ave Zip Code 02118

Name Jacqueline Address 21 Westbourne Ter #5 Zip Code 02146

Name Dave Rosenberg Address 43 Grove Apt 2 Zip Code 02114

Name John Ma Address 24 Mayflower Zip Code 02766

Name Joyce Kelly Address 24 Mayflower Rd. Zip Code 02766

Name Michael Malson Address 528 Columbus Ave. Zip Code 02118

Name Simmons Address 127 Shore Dr SOM Zip Code 02145

Name M. Ha Address 47 Spring Park Ave, JP Zip Code 02130

Name Rita Malson Address 528 Columbus Ave Box Zip Code 02118

Name Rachel Friedman Address 130A Brook St Zip Code 02135

Name Cori Baychok Address 292 Harvard St Zip Code 02139

Name Asa Chitah Address 319 A Street, Boston Zip Code 02210

Name Benny Harris Address 17 Clarendon Park Zip Code 02118

Name Man-Ping Address 17 CLARENDON PARK Zip Code 02118

Name Sharrak Yuk Address PO Box 391642 Cambridge Zip Code 02139

Name Mary O'Leary Address 21 Westbourne Ter #5 Zip Code 02146

Name Ike Depanti Address 40 Hill Ave Zip Code 02146

Name Merida Address 87 St. Stephen Zip Code 02115

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Name Keith Kappach Address 10 Cherry St, Belmont Zip Code 02178
Name Corky BINGELLI Address 10 CHERRY ST. BELMONT Zip Code 02178
Name Paul Paul Address 3 Langdon St Zip Code 02138
Name Tom Ci Address 872 Mass Ave Apt. 703 Zip Code 02139
Name Bob Lucas Address 20 Pilgrim Rd Melrose Zip Code 02176
Name Anna Talamo Address 410 Concord Rd West Zip Code 02193
Name John Trovati Address 16 Braemore Rd. Boston Zip Code 02146

Name Tova Nahum Address 587 Washington St. Zip Code 02135

Name David Buss Address 15 Hamilton St MA Zip Code 02155

Name Fredrick Miller Address 9 Francis St Zip Code 02146

Name ~~Pat Miller~~ Address 127 Shore Dr. Somerville Zip Code 02145

Name J. Luccardi Address 75 Lowell Newton Zip Code 02160

Name Chris A. Pad. Address 10 Magazine St. 505 Zip Code 02139.

Name V. Kim Address 14 Munster Wickett Zip Code 01890

Name Jim Hynes Address 44A St James St Zip Code 02138

Name ~~Pat Miller~~ Address 10 Rowland St Zip Code 02113

Name ~~Pat Miller~~ Address 115 NOLAN ST # Zip Code 02115

Name Camera Kambon Address 11 Queensberry, Apt #1 Zip Code 02215

Name Jan Ayik Address 36 Broad St Zip Code 02135

Name Ronald P. Reid Address 31 Mass. Ave. #31 ^{BOSTON} Zip Code 02115

Name Nan Kim Address 1171 BOSTON # 41 ⁰²²¹⁵ Zip Code 02215

Name J. Pelster Address 15124 Comm. Ave #17 Zip Code 02135

Name Jackie Mallet Address 14 Waldo Ave Somerville Zip Code 02143

Name Paul J. Mouton Address 13 1091 Bay Stn Boston Zip Code 02215

Name J. Mouton Address 1000 Governor's P. Drive ^{Winthrop} Zip Code 02125

Name Jim J. Address 1529 ~~main~~ Zip Code 02

Name Liz Bogush Address 6 Ringbolt Rd. Rungnam Zip Code 02043

Name Ugo Gueyts Address 227 Ransom Rd. Brookline Zip Code 02146

Name Jim Viera Address 25 PETERBOROUGH ST. Zip Code 02215

Name Donna Whitehill Address 9 Belvidere St. Bos. Zip Code 02115

Name David P. Bruen Address 309 AUSTON ST. ^{BOS} Zip Code 02146

Name J. Allen Coffey Address 28 Peterborough St. Zip Code 02115

Name Sherryl DeVue Address 235 Commonwealth Ave Zip Code 02116

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Name DANIEL GALVEZ Address 18 COTTAGE, CAMBRIDGE Zip Code 02139
Name Michael Clarke Address 505 Mass. Ave, Boston Zip Code 02118
Name Drew Morris Address 505 MASS Ave. Boston Zip Code 02118
Name Martin Doyle Address 35 Brookline Ave Cambridge Zip Code 02139
Name Eric Aske Address 247 Hanover St. Boston Zip Code 02113
Name Monika Reti Address " " Zip Code " "
Name Benjamin H. Bedworth Address 16 South St Br ~~oston~~ Zip Code 02135

Name William Warden Address 72 Magazine St Zip Code 02139

Name Judy Brando Address 109 Rwy St Zip Code 02139

Name Brenda K. Haly Address Brookline Ave Zip Code 02139

Name Sergio Wengarten Address 1 SALEM ST Zip Code 02139

Name Oly Guarino Address 61 Brookbridge Rd Zip Code 02180

Name Emily Guarino Address ✓ Zip Code ✓

Name Stuart Vorina Address 87 Parkson Rd #2 Zip Code 02130

Name Mariko Sawa Address 221 Mass Ave #510 Zip Code 02115

Name John Lyall Address 39 Corn Boston Zip Code 02109

Name John J. Sings Address 1096 Baylton Boston Zip Code 02215

Name Heather H. Mulford Address 4 Benson St. Brighton MA Zip Code 02135

Name John Metha Address 60 Brook St. Brookline MA Zip Code 02146

Name Leanne Linn Address 54 Chestnut Street Zip Code 02108

Name David W. Watson Address 406 AVE G # 14 Zip Code 90277

Name Bud May Address Madison St 2613 Zip Code 02149

Name Michael Tocke Address 117 Kerkville Rd. #5 Zip Code 02130

Name Matt Bagnazzo Address 14 COLMARNE RD #A Zip Code 02135

Name Paul M. Haly Address 10 SPEAKMAN ST #202 Zip Code 02170

Name Larry Gluze Address 105 Garfield Ave Chelsea Zip Code 02150

Name Katrin Schladke Address Mariendorfer D. 87 Zip Code 1000 Berlin 42

Name Patrick Leonard Address 145 Princeton St #3 Zip Code 02128

Name Clint Cowley Address 7 Liberty Sq Zip Code 02090

Name Walter D. Cate Address 160 STRAWBERRY HILL RD #52 Zip Code 01720

Name Bob Evans Address 600 Cambridge St Zip Code 02134

Name Heather Jennings Address 98 Queensberry St #12 Zip Code 02215

Name Karen Casey Address 24 Hawland St #22 Zip Code 02115

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Name	<u>MOLTSEN KURO</u>	Address	<u>130 BROOKS</u>	Zip Code	<u>02135</u>
Name	<u>Ola Thos</u>	Address	<u>75 Fayette St</u>	Zip Code	<u>02139</u>
Name	<u>Dan M. L.</u>	Address	<u>15 Hanover St. North</u>	Zip Code	<u>02155</u>
Name	<u>Lisa Markowitz</u>	Address	<u>81 Bransfield, Somerville</u>	Zip Code	<u>02144</u>
Name	<u>Kerin m. Brown</u>	Address	<u>36 Howard St #2</u>	Zip Code	<u>02139</u>
Name	<u>Ally Safavi</u>	Address	<u>171 MASS AVE BOSTON MA</u>	Zip Code	<u>02115</u>
Name	<u>[Signature]</u>	Address	<u>5 BELMONT TERR JAMAICA PLAIN, MA</u>	Zip Code	<u>02130</u>

Name Marcio Quinby Address 220 Erie St Zip Code 02139

Name Jacqueline Rossi Address 36 Howard St Zip Code 02139

Name Judd A. Shah Address 5 Wight Farm Rd Zip Code 01760

Name Tomasa Galo Address 109 River St SA Zip Code 02139

Name George Vart Address 218 Green St Zip Code 02180

Name Marcelo Cidre Address 30 GARRISON ST. Zip Code 02116

Name Amador [unclear] Address 16 ABBY Rd Zip Code 02135

Name [unclear] Address 22 Cutter Ave Zip Code 02144

Name Jacques [unclear] Address " Zip Code "

Name Vivian C. Smith Address 65 Park Dr Bost Zip Code 02215

Name H. [unclear] Address 150 MASS Av. #875 Zip Code 02115

Name Kazuhiko Kato Address 150 Mass Av #2052 Zip Code 02115

Name Mitsumori Mori Address 150 Mass Ave #476 Zip Code "

Name Sho Hirose Address 1126 Boylston St Zip Code "

Name ACHIKO OKUMURA Address 38 Hemenway #30 Zip Code 2

Name Michiko Lynn Tatsun Address 187 St. Paul St Boston #BF Zip Code "

Name Yuzuki Inokura Address 20 Hemenway St Zip Code 02115

Name Robert [unclear] Address 24 Fremont Ten, [unclear] Zip Code 02154

Name Frank [unclear] Address 647 Boylston St Zip Code 02110

Name Joseph [unclear] Address 150 Huntington Ave Zip Code 02119

Name William [unclear] Address 1552 Cambridge St Zip Code 02139

Name James [unclear] Address 871 Cambridge St Zip Code 02139

Name Jesse Backstrom Address 1552 Cambridge St Zip Code 02138

Name Jane Beecher Address 1552 Cambridge St Zip Code 02139

Name [unclear] Address 174 Bowdoin St Cambridge MA Zip Code 02139

Name Melba [unclear] Address 764 [unclear] Ave Zip Code 02158

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Name Jeanne Asanti Address 35 Para St. Camb. Zip Code 02138
Name Marcina Zakharchy Address 12 Wellman St. #2 Brookline Zip Code 02146
Name Guengy Skumlog Address 508 Green St Zip Code 02110
Name Buruk Warner Address 48 Florence St Apt #3 Zip Code 02144
Name Jarvis Gortwe Address 40 Cornell Street Zip Code 02174
Name Jim Bithens Address 40 Cornell St. Zip Code 02174
Name Don Rundlett Address 22 Adams Rd Box 100 Zip Code 01921

Name Michael Address Mareton Zip Code 02195

Name Richard Giorgio Address 186 Thordike St. Zip Code 02141

Name Nelle McCartney Address 12 Middle St Newton Zip Code 02158

Name Eric Wolfe Address 21 1/2 Durken St. Somerville Zip Code 02145

Name Debra DiMilia Address 11 Canal Ave #2 Brookline Zip Code 02146

Name Eugene Owens Address 42 BLAKE SLEE CAMP Zip Code 02138

Name Danielle Sullivan Address 145 Madison Ave. Arlington Zip Code 02174

Name MARY STUBBIE Address 60 HAMMOND APT. 1 Zip Code 02145

Name Sy TEW Address 2366 COMM. AVE Newton Zip Code 02166

Name MATT JAMES Address _____ Zip Code _____

Name Debra Holmes Address 16 Allen St Cambridge Zip Code 02140

Name Christopher J Miller Address 5 Islington Terrace Zip Code 02134

STOP → Name Khadiah Britton Address 922 Mass. Ave #24 Zip Code 02139

Name Lisa Brown Address _____ Zip Code 02138

Name Liz Sorella Address 24 Concord Ave Zip Code 02158

Name Debra Goodwin Address _____ Zip Code _____

Name Paul Kupp Address 11 Jay St Somerville Zip Code 02144

CHRISTINA → Name Natalie Pappas Address 40 JFK STR Zip Code 02138

Name Lelen Pong Address 40 JFK street Zip Code 02138

Name Yael Address 40 JFK street Zip Code 02138

Name Ernie Abbott Address 12 Bellusfield #2 Brookline Zip Code 02146

Name Grace Abbott Address 160 WASHINGTON ST. #2 Zip Code 02134

Name Yvonne Address 33 Stone Ave BRIGHTON MA Zip Code 02143

Name Jan Johnston Address 20 Calvin St Somerville Zip Code 02142

Name Paul Address 5 Pickering North Hill Zip Code 01360

Name Ally Best Address 8 Park Ave, North Hill Zip Code 01360

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Name	<u>Raina Anderson</u>	Address	<u>724 Cambridge St Cambridge</u>	Zip Code	<u>02141</u>
Name	<u>Mimi Chaplinsky</u>	Address	<u>1888 Beacon St Brookline</u>	Zip Code	<u>02146</u>
Name	<u>Trevor L Doney</u>	Address	<u>20 Westland Ave #16 Boston</u>	Zip Code	<u>02115</u>
Name	<u>Omara Sgher</u>	Address	<u>6 Cornhill St #15 Brighton</u>	Zip Code	<u>02135</u>
Name	<u>Estimote Pichon</u>	Address	<u>184 Prospect St #2</u>	Zip Code	<u>02139</u>
Name	<u>Marko Pankovich</u>	Address	<u>88 Bay State Ave.</u>	Zip Code	<u>02144</u>
Name	<u>Low Pinyitors</u>	Address	<u>88 BAY STATE Ave</u>	Zip Code	<u>02144</u>

Name _____ Address _____ Zip Code _____

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Name	<u>Pat L...</u>	Address	<u>575 Cambridge</u>	Zip Code	<u>02134</u>
Name	<u>Chris SEFFERT</u>	Address	<u>93 SHERIDAN ST JP</u>	Zip Code	<u>02130</u>
Name	<u>Debrah...</u>	Address	<u>53 Putnam Ave 2R</u>	Zip Code	<u>02139</u>
Name	_____	Address	_____	Zip Code	_____
Name	_____	Address	_____	Zip Code	_____
Name	_____	Address	_____	Zip Code	_____
Name	_____	Address	_____	Zip Code	_____

PETITION IN SUPPORT OF
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The City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 pm in the Sullivan Chamber to discuss the following proposed amendments to the Street Performers Ordinance, 12.16.170 of the municipal code:

1. A proposed amendment to exclude Winthrop Park from all performances;
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The above-proposed amendments, put forward and supported by the Street Performance Task Force and the Cambridge Arts Council, impose unreasonable and unjustified restrictions on the rights of Street Performers to express themselves and communicate their ideas through the medium of music, both of which are protected under the First Amendment of the Constitution of the United States.

We ask that these Street Performers' First Amendment Rights be protected and that the above-proposed amendments of the existing Street Performers ordinance be rejected.

Name	<u>Rutha Lee</u>	Address	<u>292 Harvard Ave</u>	Zip Code	<u>02218</u>
Name	<u>Rachel Freedman</u>	Address	<u>130A Brook St.</u>	Zip Code	<u>02135</u>
Name	<u>Rita Malson</u>	Address	<u>528 Columbus Ave Boston</u>	Zip Code	<u>02118</u>
Name	<u>Michael Malson</u>	Address	<u>528 Columbus Ave Boston</u>	Zip Code	<u>02118</u>
Name	<u>Asa Olintay</u>	Address	<u>319 A Street Boston</u>	Zip Code	<u>02210</u>
Name	<u>Tom Milder</u>	Address	<u>6 Braemore Rd.</u>	Zip Code	<u>02146</u>
Name	<u>Tora Nahum</u>	Address	<u>583 Washington St</u>	Zip Code	<u>02135</u>
Name	<u>MOHSEN KURO</u>	Address	<u>130 Brooks St</u>	Zip Code	<u>02135</u>
Name	<u>Ola Thor</u>	Address	<u>75 Fayette St</u>	Zip Code	<u>02139</u>
Name	<u>Lisa Markowitz</u>	Address	<u>81 Bramfield, Somerville</u>	Zip Code	<u>02144</u>
Name	<u>LuAnn Brown</u>	Address	<u>31e Harvard #2</u>	Zip Code	<u>02139</u>



Name Maeve Oursky Address 220 Erie St Zip Code 02139

Name Jacqueline Rossi Address 36 Howard St Zip Code 02139

Name Todd A. Nyaf Address 5 Wight + ARMLD Zip Code 01760

Name Eamonn Kalo Address 109 River St 3A Zip Code 02139

Name Fredrick Melli Address 9 Francis St Zip Code 02146

Name ~~John~~ (M. T. S. H.) Address Brookline
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Name O. Bennett Address 75 Lowell Newton Zip Code 02160

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Name Mia Cucinelli Address 227 Ransom Rd. Brookline Zip Code 02146

Name Jim Viera Address 25 PETERBOROUGH ST Zip Code 02215

Name Annabeth Steele Address 9 Belvidere St. Zip Code 02115

Name David O'Brien Address 309 AUSTON ST. Zip Code 02146

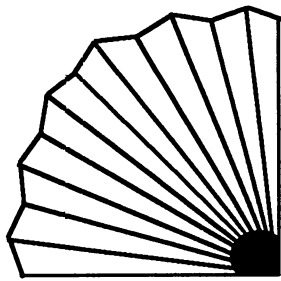
Name J. Albin Colbi Address 25 Peterborough St Zip Code 02215

Name Sherry DeVito Address 235 Comm Ave # 7 Zip Code 02116

Name Mig. Marino Address 61 Brookbridge Rd Zip Code 02180

Name Emily Gurgonio Address 61 Brookbridge Rd Zip Code 02180

Name John Address 39 Clark Boston Zip Code 02109



STREET ARTISTS GUILD

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

Executive Director
Stephen Baird
Founder, Folk Arts
Network, Street Artists'
Guild

Board of Directors

President
Cornell Coley
Producer, Dancer,
and Arts Manager
Dance & Drum

Secretary
Alice Kane
Boston Public
Librarian and Coffee-
house Assoc. of New
England

Treasurer
Steve Jerrett
President, Coffeehouse
Assoc. of New England

Membership
David Neiman
Performing Artist

Janice Allen
Artist, Teacher and
Choral Director

Jorge Arce
Humano Cultural
Program

Marianne Donnelly
Performing Artist,
Cambridge Earth Day

Barbara Herson
Earhtunes

Billie Hockett
Robin Blecher
Memorial Fund

Marta Gredler
Community Arts
Consultant

Patricia Monteith
General Manager
WUMB

Richard Reinert
Director, Nashua
Center for the Arts

Sandy Sheehan
Sandy's Music

April 22, 1992

Open Public Letter to
Mr. Daryl Janes
50A J.F.K. Street
Cambridge, MA 02138

Dear Mr. Janes:

I was present at the Cambridge City Council when your letter was published and presented for consideration. The City Council ordered the letter be sent to the working group on street performance ordinance. I attend this group on a periodic basis, but I do feel the letter needs a public response.

First, the Street Performance Ordinance has not been adequately enforced during its first two years of enactment. In fact, the tickets to enforce the noise levels were not even printed. (Just imagine what would happen if the City did not issue parking violations in Harvard Square for two years.) There were only a few decibel meter readings in the Square most evenings and almost none after 8:00 pm during the first two years. This situation should change. Tickets have been printed and the police now have a decibel meter on-hand in Harvard Square. The Street Artists' Guild has been a strong advocate for the enforcement of the ordinance for it hurts the majority of street artists, as well as the public when it is not enforced.

Second, you stated in your letter that 80 decibels is louder than a train. That is false. I live next to the Orange Line and have measured the trolley cars at an average of 86 decibels and commuter trains at 92 decibels. Thousands of citizens and residents along every train and trolley track have to tolerate decibels levels exceeding 80 db from 6:00 am to 1:00 am, seven days a week, 365 days a year. I also live in the flight path of runway 28 of the airport (like many other residents) and the decibel levels exceed 70 db inside our residences some 20-30 days a year. Just a week ago the planes started at 7:00 am and did not stop till 11:00 pm and a number of the planes exceeded 80 db inside my residence with the windows closed. I have also measured the noise levels in Harvard Square--construction projects often exceed 100 db, trucks and busses exceed 90 db, cars exceed 80 db, Building ventilation fans and air conditioners exceed 70 db. The average background noise often exceeds 80 db during the day and 70 db at night depending on the traffic pattern at the particular location in the Square (Winthrop Park background noise often exceeds these background sound level averages because of the cross traffic on Mt Auburn & JFK streets).

The sound level of 80 db allowed for street performances only matches the average background sound levels already created by, tolerated and accepted by the businesses, residents and community (to do otherwise would make the First Amendment insignificant because people would not be heard above the background noise). If, as you suggested activities that create sound levels exceeding 80 db can be banned than planes, trains, trucks, busses, cars, many businesses and construction projects must be eliminated before street performances. Most importantly, "to restrict Winthrop Park as off limits at any time to street musicians" is to suggest the First Amendment should be totally ignored in a public park where those rights have traditionally been exercised.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Baird". The signature is fluid and cursive, with a long horizontal stroke extending from the middle of the name.

Stephen Baird
Street Artists Guild

cc: Cambridge City Council, Cambridge Arts Council, Harvard Square Business Association, Cambridge Chronicle.



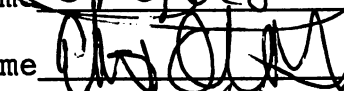
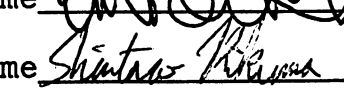
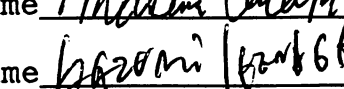
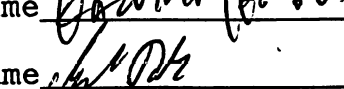

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

The City Council Committee on Ordinances has scheduled a public hearing for Monday, June 22, 1992 at 7:00 pm in the Sullivan Chamber to discuss the following proposed amendments to the Street Performers Ordinance, 12.16.170 of the municipal code:

1. A proposed amendment to exclude Winthrop Park from all performances;
2. A proposed amendment to exclude all unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;
3. A proposed amendment to reduce the distance for measure of decibels and to change the procedure to measure decibels inside a residential building upon a complaint by a resident.

The above-proposed amendments, put forward and supported by the Street Performance Task Force and the Cambridge Arts Council, impose unreasonable and unjustified restrictions on the rights of Street Performers to express themselves and communicate their ideas through the medium of music, both of which are protected under the First Amendment of the Constitution of the United States.

We ask that these Street Performers' First Amendment Rights be protected and that the above-proposed amendments of the existing Street Performers ordinance be rejected.

Name		Address	10 Hood St. Quincy	Zip Code	02169
Name		Address	91 Westland Av.	Zip Code	02115
Name		Address	55 Queensberry	Zip Code	02215
Name		Address	76 Ironway	Zip Code	02115
Name	Thomas Rieck	Address	16 Gardner Rd.	Zip Code	02146
Name	Miriam Quah	Address	50 Harbor Pt Blvd #103	Zip Code	02125
Name		Address	15 Edgely Rd #24	Zip Code	02115
Name		Address	52 Westland Av #34	Zip Code	02115
Name	Kurt Schuler	Address	111 Baylton St Apt 28	Zip Code	02115
Name		Address	299 Riverside Av Mattford	Zip Code	02155
Name	Takeshi Shimizu	Address	1709 Boyl St #2 Bos	Zip Code	02215

Name	<u>Michael Suprenant</u>	Address	<u>1109 Boylston St.</u>	Zip Code	<u>02115</u>
Name	<u>LAURO BELK</u>	Address	<u>120 Norway #1</u>	Zip Code	<u>02115</u>
Name	<u>James Schmitt</u>	Address	<u>33 ALSTON ST #2</u>	Zip Code	<u>02423</u>
Name	<u>George Heston</u>	Address	<u>7 Mt Hood #3 Brighton</u>	Zip Code	<u>02146</u>
Name	<u>Marcio Georg</u>	Address	<u>70A Nottingham rd</u>	Zip Code	<u>02135</u>
Name	<u>Alan Zundel</u>	Address	<u>1018 Boylston</u>	Zip Code	<u>02215</u>
Name	<u>Matt Delphin</u>	Address	<u>150 Mass Ave #1671</u>	Zip Code	<u>02115</u>
Name	<u>Jack Valiga</u>	Address	<u>150 MASS AVE PKA</u>	Zip Code	<u>02115</u>
Name	<u>Jackie Sulphik</u>	Address	<u>150 MASS AVE Box 499</u>	Zip Code	<u>02115</u>
Name	<u>John Donnelly</u>	Address	<u>150 Mass Ave Box 1304</u>	Zip Code	<u>02115</u>
Name	<u>Cheryl Harris</u>	Address	<u>150 Mass Ave #1579</u>	Zip Code	<u>02115</u>
Name	<u>Whitmore</u>	Address	<u>Box 521: 150 Mass Ave</u>	Zip Code	<u>02115</u>
Name	<u>Ryan Smith</u>	Address	<u>39 Rutland Sq. Bos., MA.</u>	Zip Code	<u>02118</u>
Name	<u>Age W. Still</u>	Address	<u>150 MASS AVE.</u>	Zip Code	<u>02115</u>
Name	<u>Manville</u>	Address	<u>150 Mass Ave.</u>	Zip Code	<u>02115</u>
Name	<u>John F. Madwell</u>	Address	<u>150 Mass Ave.</u>	Zip Code	<u>02115</u>
Name	<u>PAUL DAVIS</u>	Address	<u>150 MASS. AVE.</u>	Zip Code	<u>02115</u>
Name	<u>John Dixon</u>	Address	<u>150 Mass Ave</u>	Zip Code	<u>02115</u>
Name	<u>Demetrios Xenakis</u>	Address	<u>150 Mass. Ave.</u>	Zip Code	<u>02115</u>
Name	<u>Diome Primney</u>	Address	<u>150 Mass Ave.</u>	Zip Code	<u>02115</u>
Name	<u>Jai Cuth</u>	Address	<u>150 MASS Ave.</u>	Zip Code	<u>02115</u>
Name	<u>John Galt</u>	Address	<u>9, WESTLAND</u>	Zip Code	<u>02115</u>
Name	<u>Sharon Brovsky</u>	Address	<u>58 Westland AVE</u>	Zip Code	<u>02115</u>
Name	<u>Adam Topol</u>	Address	<u>46 Westland Ave #78</u>	Zip Code	<u>02115</u>
Name	<u>Jacob Jerome</u>	Address	<u>15. EDGERLY RD. #5 Box</u>	Zip Code	<u>02115</u>
Name	_____	Address	_____	Zip Code	_____

PETITION IN SUPPORT OF
STREET PERFORMERS IN HARVARD SQUARE

Ozain Artists in Support of Human Rights (OASHR) is joining a campaign to lobby the Cambridge City Council on Ordinances to reject the following three proposed amendments with regards to the Street Performers Ordinance 12.16.170 of the Municipal code:

1. A proposed amendment to exclude Winthrop Park from all performances;
2. A proposed amendment to exclude all unaccompanied drummers and groups of unaccompanied drummers from performing in Winthrop Park, Brattle Square Triangle and Cambridge Common;
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We are calling on our friends and the Community to sign this petition and attend the public hearing set for Monday, June 22, 1992 at 7:00 pm in the Sullivan Chamber.

Drummers and friends of the Drumming community are united in opposing the proposed ban on performances at Winthrop Park as well as the exclusion of unaccompanied drummers from the Brattle Street Triangle, Winthrop Park and the Cambridge Common. It is our belief that the proposed Amendments Nos. 1 & 2 are too harsh and discriminatory against drummers.

We ask that these musicians be treated and recognized as Street Performers in compliance with the Street Performers Ordinance 12.16.170 of the Municipal code and that their rights to express themselves and communicate their ideas through the medium of music be protected under the First Amendment of the United States Constitution.

Name Marianne Adams Address 146 Rhinecliff St, Arl. Zip Code 02174
Name Libby Marcus Address 791 Tremont St. Boston Zip Code 02118
Name JOHNETA TINKER Address 791 Tremont St Boston Zip Code 02118
Name Jang Walsh Address 37 Tlslington Rd Zip Code 02160
Name Mr Tom Address 18 Fenwick St, Som Zip Code 02145
Name M. Ozain Address 180 CHERRYWOOD AVE Zip Code 02130
Name James E. [unclear] Address 7 Wilson Terrace #2, Somerville, MA Zip Code 02143

Name Carl Address 10 W 15 St Jamaica Plain Zip Code 02130

Name [unclear] Address 82 Union St Brookline Zip Code 02116

Name [unclear] Address 57 Wash Ave Zip Code 02129

Name [unclear] Address 174 [unclear] St Zip Code 02114

Name Zack [unclear] Address 10 [unclear] St Zip Code 02125

Name Kathy Address 307 Honor St Newton Zip Code 02451

Name Don Mickey Address 111 [unclear] St Zip Code 02111

Name Frank [unclear] Address 160 River St Cambridge Zip Code 02139

Name [unclear] Address _____ Zip Code _____

Name Ermond Gardner Address 4 Winsfield St Dedham Zip Code 02026

Name Al Goldfarb Address 1257 Cambridge St Zip Code 02139

Name Gabriela Hall Address 164 Auburn St Cambridge, MA Zip Code 02139

Name Joseph L. Post Address 88 Baystate Somerville, MA Zip Code 02144

Name Rebecca Leon Address 88 Baystate Somerville Zip Code 02144

Name Phillip Edema Address 88 Baystate Somerville Zip Code 02144

Name [unclear] Address 12 Park Rd Belmont Zip Code 02177

Name [unclear] Address 618 Boston Ave Somerville, MA Zip Code 02144

Name [unclear] Address 618 Boston Ave Somerville Zip Code 02144

Name [unclear] Address _____ Zip Code _____

Name [unclear] Address _____ Zip Code _____

Name Edwin Saffo Address 9 Raymond Somerville Zip Code 02144

Name [unclear] Address 300 Congress St Boston Zip Code 02210

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

Name _____ Address _____ Zip Code _____

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Name	<u>John Ma</u>	Address	<u>46C Dana St.</u>	Zip Code	<u>02138</u>
			<i>Cambridge.</i>		
Name	<u>Red Mountain</u>	Address	<u>13 Kingsley St</u>	Zip Code	<u>02134</u>
			<i>Alston</i>		
Name	<u>Chris Murray</u>	Address	<u>143 Atkney St.</u>	Zip Code	<u>02139</u>
			<i>Cambridge</i>		
Name	<u>Alexei Nichols</u>	Address	<u>154 Auburn St</u>	Zip Code	<u>02139</u>
Name	<u>Heidi Given</u>	Address	<u>15 Nashua St.</u>	Zip Code	<u>02145</u>
			<i>Somerville</i>		
Name	<u>Jocanne Rosenfeld</u>	Address	<u>76 Easton St</u>	Zip Code	<u>02134</u>
			<i>Alton</i>		
Name	<u>Leanna Hanson</u>	Address	<u>4257 Cambridge St</u>	Zip Code	<u>02139</u>
			<i>Cambridge</i>		

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Name Rob Nichols Address PO Box 741 Brookline Zip Code 02116

Name Brian Woods Address 7 Dow St. Somerville Zip Code 02144

Name By Garcia Address 88 Grove St Belmont Zip Code 02178

Name Barbara Boreas Address 1 Cameron Ave Somerville Zip Code 02144

Name John Santos Address 15 EVERETT CAMB Zip Code 02138

Name Shari Himmelman Address 384 Comm Ave #135 Zip Code 02115

Name Kan Gao Address 100 R St Zip Code 02164

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Name	<u>Steve Sedentem</u>	Address	<u>150 MASS AVE. BOX 1614</u>	Zip Code	<u>02215</u>
Name	<u>Rigues</u>	Address	<u>91 Westland #81</u>	Zip Code	<u>02115</u>
Name	<u>Paul Oliver</u>	Address	<u>55 Queensberry</u>	Zip Code	<u>02215</u>
Name	<u>Sintara Khome</u>	Address	<u>26 Hemenway</u>	Zip Code	<u>02115</u>
Name	<u>Thomas Priede</u>	Address	<u>16 Gardner Rd.</u>	Zip Code	<u>02146</u>
Name	<u>Masumi Oshiki</u>	Address	<u>50 Harbor Pt. BLVD #103</u>	Zip Code	<u>02125</u>

Name Carol Hunter Address 15 Edgerly Rd #24 Zip Code 02115

Name Art Rand Address 52 Westland #34 Zip Code 02115

Name Kurt Schuler Address 114 Baylston St Zip Code 02208

Name W. O. [unclear] Address 299 Riverside Av. Medford Zip Code 02155

Name Art [unclear] Address 1204 Bayl St #2, Bos Zip Code 02215

Name Michael Jureman Address 1109 Baylston Zip Code 02115

Name LAURO BECK Address 120 Norway #1 Zip Code 02115

Name Kenneth Schmitt Address 33 ALTON ST #2 Zip Code 02423

Name Leon [unclear] Address 7 MT Hood #3 Brighton Zip Code 02146

Name Mauricio Georg Address 70 A Nottingham rd Zip Code 02135

Name Alan Zureklich Address 1078 Baylston Zip Code 02215

Name Math Delphy Address 150 Mass Ave #71 Zip Code 02115

Name Paul Vanden Address 150 Mass Ave #1914 Zip Code 02115

Name Jill [unclear] Address 150 Mass Box 499 Zip Code 02115

Name Joe Donohy Address 150 Mass Ave Box 1304 Zip Code 02115

Name Chris Reed Address 150 Mass. Ave. #5801 Zip Code 02115

Name Young [unclear] Address Box 1579 - 150 MASS Zip Code 02115

Name Chris [unclear] Address Box 521 - 150 Mass Ave Zip Code 02115

Name Tim Guillian Address Box 1455 - 150 Mass Ave Zip Code 02115

Name Jim [unclear] Address 150 MASS AVE - Zip Code 02115

Name John [unclear] Address 91 WESTLAND Zip Code 02115

Name Marian [unclear] Address 58 Westland Ave Zip Code 02115

Name Nicole [unclear] Address 58 Westland Ave #22 Zip Code 02115

Name Susan [unclear] Address 39 Rutland Sq. Box, MA Zip Code 02118

Name Adam Topol Address 46 Westland Ave #28 Zip Code 02115

Name Jacob Jerome Address 15 Edgerly Road #5 Box 1 Zip Code 02115

City of Cambridge

June 1, 1992

The Committee on Ordinances conducted a public hearing on Wednesday, May 20, 1992 beginning at 7:50 P.M. in the Sullivan Chamber at City Hall. The purpose of the hearing was to receive public testimony relative to a proposed amendment to the Street Performers ordinance. Members present were: Councillor Alice Wolf, Councillor Francis Duehay, Councillor Sheila Russell, Councillor Jonathan Myers, Councillor William Walsh, Mayor Kenneth Reeves, Councillor Timothy Toomey and City Clerk Joseph Connarton.

Councillor Wolf, Chair of the Committee, welcomed all those present and stated that the Committee had been presented with a petition from a resident to exclude Winthrop Park from the existing Street Performers ordinance. Furthermore, she indicated that given the fact that only a short time frame for public notice and the ordinance requires 14 day notice another hearing would be held in addition to this one on this amendment. Councillor Wolf then read into the record a letter from Roy-Alan Fansen, Deputy Executive Director of the Cambridge Arts Council indicating several further amendments to the Street Performers ordinance as offered by the Street Performance Task Force.

Councillor Duehay stated that he believed that the Committee should take action on the content of the letter from Mr. Daryl Janes who has petitioned the Council for an ordinance amendment, and the Ordinance Committee should request that the City Solicitor prepare proper language for those amendments offered by the Task Force.

The Committee then heard from Mr. Daryl Janes, 50 JFK Street, Cambridge, who stated that he had written to the City Council because he believed his constitutional rights were being violated because of the very loud and consistent noise from musicians playing on Winthrop Park. He stated that the music goes on for hours, sometimes for as long as 16 hours a day. Furthermore he stated, that he did not know why the decibel reader was still not available to the Police Department after being told for 3 years that the Police would be the proper department to enforce the Street Performers ordinance. He further stated that he is continually bothered by screams from people at all hours of the night coming from bars, the loud music and from car alarms which always go off.

Councillor Duehay questioned why Mr. Janes had not contacted the Arts Council for a decibel reading given the fact they had the appropriate equipment.

Mr. Janes responded by stating that Mr. Hansen would refer him to various departments throughout the city before actually getting an appointment to have a reading done.

Councillor Duehay questioned whether or not any readings were in fact taken.

Mr. Janes responded by stating that a reading was taken once and he was told that the noise did not violate the ordinance, but he disputed that statement.

Councillor Duehay reminded the audience that when the City Council had previously considered this ordinance it was advised by legal counsel representing the street performers that it was illegal to stop all amplified noise in the city.

Councillor Russell moved that the City Manager be and hereby be requested to take the appropriate steps to instruct the Police Commissioner to have the decibel reader available to members of the Police Department immediately.

The motion as submitted carried.

The Committee then heard from Cambridge Police Officer, Michael McMahon, whose current assignment is working with the License Commission, who informed the Committee that the decibel reader is currently located in the Police Academy and officers are being trained in its utilization.

The Committee then heard from Howard Medwed, Esquire, 58 Washington Avenue, Cambridge who stated that the Harvard Square Defense Fund supports the exclusion of Winthrop Park from the Street Performer ordinance. He stated that the noise is too loud and 11 hour days of music is far too much for any individual to accept.

Mayor Reeves stated that it would seem to him that the logical place for people who reside near Harvard Square and Winthrop Park could go up to the Cambridge Common for some quiet. He further stated that he believed that rather than have a total ban in Winthrop Park, some thought should be given to restricting the time that music could be played at Winthrop Park.

Councillor Duehay reminded the Committee that several public hearings were held last year by the Ordinance Committee dealing with all of these issues and that the Committee was constantly reminded of the First Amendment rights of the musicians. Furthermore he stated that

the Street Performance Task Force holds regular meetings to deal with all of these issues and has made some recommendations which have not been placed into ordinance form as of yet.

Councillor Myers stated that he was very concerned about any attempt to place real stringent enforcement provisions against musicians without letting the current ordinance work for a while. He further stated that given the fact that the Police are current being trained on how to use the decibel reader, this should be sufficient to stop any future violations.

Councillor Toomey stated that it would seem to him that for the Committee to be totally fair, the Committee should look at the entire area of Harvard Square not just Winthrop Park.

The Committee then heard from the Reverend Paul Kodjanian, Pastor of the Holy Cross Armenian Catholic Church, 100 Mt. Auburn Street, Cambridge who stated that he supports the exclusion of Winthrop Park from the ordinance. He further stated that although he truly enjoys music, what he hears is not music. Also he indicated that although the musicians cooperate and do not play during Masses, it is difficult for members of the parish to come by during the week day and pray in peace.

Speaking in opposition to the proposed amendment to the Street Performers ordinance were: Sue Kuelzer, 19 Copley Street, Cambridge who stated that she was the co-owner of Grendel's Den Restaurant in Winthrop Park and she supports the musicians, although she would not recommend groups which encourage dancing in the Park. Also speaking in opposition were: Harvey Smith 238 Harvard Street, Cambridge, Peter Sosna, 18 Fenwick Street, Somerville, Roy-Alan Hansen, Deputy Executive Director of the Arts Council, Ned Landin, 67 Prescott Street, Cambridge, David Holtzman, 35 Cottage Street, Watertown, Rachel Rockenmador, 18 Mellon Street, Cambridge, Emanuel Medeiros, 17 Charnwood Road, Somerville and Sally Alcorn, Executive Director of the Harvard Square Business Association, 18 Brattle Street, Cambridge. All of them spoke in strong opposition to the proposed amendment and in support of street musicians.

The Committee also heard from Mr. Lyn Chase, representing the Cambridge Savings Bank who indicated to the Committee that something needs to be done with the overall issue of street performers particularly within the Harvard Square area during normal business. He informed the Committee that the bank's offices are right in front of Holyoke Center and it is

it is impossible to conduct any business during the day because of the noise. Although, he continued, that the bank has no objection to street performers per se, something needs to be done with the decibel level.

Councillor Russell questioned whether or not any compromise could be worked out so that all individuals, the street performers, residents and business people could all work together.

Mr. Roy-Alan Hansen, responded by stating that some alternatives in addition to what has been submitted in writing are being worked on, such as establishing a formal "break time" for the musicians, such as what happens in night clubs.

Councillor Duehay moved that the proposed ordinance be referred to the full City Council without recommendation.

The motion as submitted carried.

Councillor Russell moved that the Street Performance Task Force work on developing a plan to rotate the performers around various locations within the Harvard Square area.

The motion as submitted carried.

Councillor Duehay moved to refer to the Law Department, the communication dated April 22, 1992 from Roy-Alan Hansen, Deputy Executive Director of the Arts Council, for the purpose of having the recommendations of the Task Force put in proper ordinance form for a future hearing.

The motion as submitted carried.



City of Cambridge

6.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR WOLF
COUNCILLOR DUEHAY

WHEREAS: The City Council is in receipt of a letter from Daryl James regarding the possibility of making Winthrop Park off limits to street musicians; and

WHEREAS: There is a working group meeting regularly to discuss enforcement of the street performers' ordinance and issues that arise around that enforcement; now therefore be it

ORDERED: That the City Manager be and hereby is requested to forward the attached letter to the working group that enforces the street performer's ordinance for their study and recommendation; and be it further

ORDERED: That the City Manager be and hereby is requested to report back this recommendation to the City Council by the second week in May for its consideration.

REFERRED TO THE ORDINANCE COMMITTEE AND THE WORKING GROUP FOR A HEARING.



VIEW FROM 50 J.F.K

Holy Cross Church
MINISTER'S RESIDENCE



snow during the night, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public Works. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

B. Removal of Ice from Sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway any portion of which is encumbered by ice shall within six hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance. (Prior code § 17-79)

12.16.130 Cleaning carpets in streets.

No person shall shake or otherwise clean a carpet in any street. (Prior code § 17-37)

12.16.140 Alteration or repair—Authority.

The provisions of this chapter and Chapters 2.54, 12.04 and 12.12 of this code shall not be construed as limiting in any manner the legal rights and duties of the Superintendent of Streets to order such alterations and repairs in streets as he may deem that the safety and convenience of the inhabitants require. (Prior code § 17-43)

**12.16.150 Alteration or repair—
Improvement assessments.**

Whenever the City Council determines that land or buildings shall be taken for street widening or street laying out purposes betterments shall be assessed according to law for the improvement of any property that the City Council may determine is in the benefited area. (Prior code § 17-8)

12.16.160 Violation—Penalty.

A. Criminal Penalty. Any person who violates Section 12.16.110 (Sidewalks—Snow and ice re-

moval) shall be subject to a fine not exceeding fifty dollars. Each day's violation shall constitute a separate offense.

B. Noncriminal Disposition. Whoever violates Section 12.16.110 (Sidewalks—Snow and ice removal) may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Public Works Enforcement Officers. The penalty for each violation will be twenty-five dollars. Each day's violation shall constitute a separate offense. (Ord. 1084 § 5, 1989)

12.16.170 Street performers.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes. This section seeks to balance the interests of the performers with those of the residents of the City.

The City Council designates the Arts Council of the City to be the agent of the City primarily charged with the responsibility of supervising the provisions of this section.

A. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

2. "Performer" means a person who has obtained a permit pursuant to this section.

3. "Public areas" means public sidewalks, parks, playgrounds and all public ways in Cambridge.

B. Prohibition.

No person may perform in a public area without a permit issued pursuant to subsection C of this section.

C. Permit.

DRAYTON HALL TRUST

BENCION M. MOSKOW

Trustee

48 JOHN F. KENNEDY STREET
P. O. BOX 188
CAMBRIDGE, MASSACHUSETTS 02238
TELEPHONE (617) 491-6700

May 13, 1992

Councillor Alice K. Wolf
Chair, Committee on Ordinances
Cambridge City Council

Dear Councillor Wolf:

Due to the fact that I will be away, I will be unable to attend the City Council public hearing scheduled for May 20, 1992, to discuss a proposed amendment to the Municipal Code as it relates to the exclusion of street performers at Winthrop Park.

My office is located directly across the street from Winthrop Park at 48 John F. Kennedy Street and my only concern is with "playing musical instruments".

So far this spring there has been an attempt by some to play musical instruments in the Park and the results have been disastrous to the nerves. A saxophone and a drum playing a cacophony of notes which defy the definition of "music". Basically, music is the art of producing pleasing combinations or sequences of sounds, sounds that have rhythm, melody and harmony.

I am not in complete accord with banning or excluding all street performers at Winthrop Park because in the past we have had some excellent music, but I would recommend the following:

1. The banning of all amplifying equipment;
2. Restricting the length of time a person/group can perform, i.e. 2 hours; and
3. A 9:00 P.M. curfew.

Due to the fact that the quality of music produced cannot be adequately controlled it is hoped that the above recommendations could at least reduce the agony inflicted by some so-called performers.

Sincerely yours,

DRAYTON HALL TRUST

By: 

Trustee

BMM/brm

RECEIVED BY
Daryl Janes
CITY CLERK
50A J.F.K. Street
Cambridge, MA 02138-24

CAMBRIDGE MA.
April 6, 1992

Office of the City Clerk
City Hall
Cambridge, MA 02139

Attention: Joseph E. Connarton

Dear Mr. Connarton,

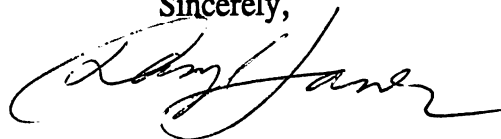
I live opposite Winthrop Park, two blocks from down town Harvard Square. Last summer the street musicians used the park; they played seven days a week beginning at twelve noon and ending at eleven o'clock (sometimes later). They played at eighty decibels on a P.A. system, so there was no way you could tune them out. (Eighty decibels is louder than a train.) I believe that any reasonable person can see that the limit of toleration has been reached and that the street musicians should be restricted to areas where there are no residential apartments.

I therefore wish to petition the City Council to restrict Winthrop Park as off limits at any time to the street musicians. Also the people in Harvard Square should have some place where they can go and not be blasted by a P.A. system every fifty feet.

Please schedule a hearing at the earliest possible time. Your cooperation on this matter would be appreciated.

Time is of the essence.

Sincerely,



Daryl Janes

CC: Edward N. Cyr
Francis H. Duehay
Jonathan S. Myers
Kenneth E. Reeves
Sheila T. Russell
Walter J. Sullivan
Timothy J. Toomey, Jr.
Terry Anderson

William H. Walsh
Alice K. Wolf
Roy-Alan Hansen
Alex Rodriguez
Richard V. Scali
Henry Breen
Kevin Fitzgerald
Gladys P. Gifford



City of Cambridge

6.

IN CITY COUNCIL

April 13, 1992

COUNCILLOR WOLF

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WHEREAS: There is a working group meeting regularly to discuss enforcement of the street performers' ordinance and issues that arise around that enforcement; now therefore be it

ORDERED: That the City Manager be and hereby is requested to forward the attached letter to the working group that enforces the street performer's ordinance for their study and recommendation; and be it further

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Overland CONSENT ORDER #6 0-23B
Councillor Wolf re: making Winthrop
Park off Limits to street musicians.

In City Council,

April 13, 1992

*Referred to the
Ordinance Committee
& Working Group
for a Reading
Copy sent to Roy Alan
Hansen, Arts Council 4/17/92
Copy sent to Ord Committee
4/17/92 *de**