

MEMORANDUM

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OFFICE OF THE CITY MANAGER

TO: Pallas C. Lombardi, Interim Director

FROM: Lindsay McCoy

DATE: June 6, 1994

SUBJECT: Communication #05, dated 5/23/94 RE: Cardullo's Gourmet Shoppe

Regarding the letter addressed to the Arts Council from Frank R. Cardullo expressing his concern with the street performers in Harvard Square, and suggesting the banning of all amplification among street performers; I called Mr. Cardullo on May 24 and discussed this issue with him. He seemed very pleased that I called and indicated satisfaction that we (the CAC and the City) are looking into ways of making the current Ordinance better serve the public.

As far as his idea of banning amplification, I did suggest that it was my understanding that this had been discussed in the past and didn't pass legal scrutiny. I told him that it would not be impossible to look into this again, but that there might be other means to bring the sound down to a more tolerable level. I also told Mr. Cardullo that I would ask Marie Manis, the new Street Performance Monitor who began work on May 23 to give him a call and set up a time to introduce herself and speak with him in more detail about his concerns. As a follow-up, I sent Mr. Cardullo a letter (copy attached). I subsequently found that Marie had called several times, but that he was either ~~out or too busy to talk~~; hopefully, by now they have gotten together. (Pls. see Marie's report attached.)

I am hopeful that with Marie's and Matt's input, we will be able to come up with some viable suggestions for amending the Ordinance to send to the Legal Department by the end of this week. (Matt is currently doing some research on amplifiers to determine if we can ban a certain type.)

Some preliminary suggestions:

1. Ban certain types of amplifiers completely, OR limit number of amps used by a group.
2. Performers who are the subject of repeated complaints (3 in one week?), or have received

a number of tickets within a certain time period (3 in one month?), will have their permits suspended or revoked (if the problem is serious).

3. Only one replacement permit will be given at \$10--any more would be full price.

4. All unaccompanied drums would be banned. (We tried this last time the Ordinance was ammended--it was one of the recommendations of the forum--but the City Council didn't like it.

5. Bann ALL SALES!!

6. If a performer has any outstanding unpaid tickets, he/she will have to pay all in order to get a permit the following year.

7. Finally, clarify the definition of a "performer"--of course, if we have banned all sales, this may not be necessary.

As far as positive steps we have taken so far: Marie Manis began work on May 23. She will be putting in approximately 25 hours per week monitoring the performers and speaking with businesspeople. She is very qualified for this position, and I believe, mature and responsible with an air of authority which should work very well with both performers and businesspeople. Her current contract is up June 30--we can renew it through October 15, or make changes as we see fit.

Please let me know if you would like any further information from me. I should have specifics on amplifiers in a couple of days.

Thank you



Cambridge Arts Council

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

May 24, 1994

Mr. Frank R. Cardullo
Cardullo's Gourmet Shoppe
Six Brattle Street
Cambridge, MA 02138

Dear Mr. Cardullo:

I enjoyed talking with you today about your very justifiable concerns regarding the Street Performers in and around Harvard Square. We at the Arts Council share those concerns and are presently working with the City's Legal Department to see how the current Street Performance Ordinance (copy enclosed) might be ammended to better serve the needs of the business-people and residents, as well as protecting the rights of the performers themselves.

In a more immediate effort to get this situation under control, the Arts Council has hired Marie Manis to be Street Performance Monitor through October 15, when we can expect things to quiet down. Ms. Manis is beginning work this week and will be visiting businesspeople to discuss their needs for a reasonable and pleasant working environment. I will ask Marie to give you a call to set a time this week to stop by Cardullo's.

I look forward to speaking with you again in the near future.

Sincerely,

B. Lindsay McCoy
Director of Community Arts

BLM:dp

enclosure

To: Lindsay McCoy
Cambridge Arts Council

From: Marie Manis 

Re: Street Performers - week of 5/22/94

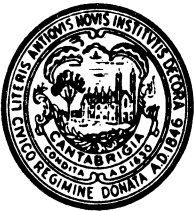
Date: 1 June 1994

It being my first week on the job, I began the process of introducing myself to local businesses and to the street performers. I called Frank Cardullo several times, each time he was out. I finally stopped in and introduced myself. Initially he was a bit annoyed and said he told the Arts Council he would be very busy this week. I apologized and assured him that we had misunderstood. He calmed down and asked that I call him the end of next week.

On Friday evening and Saturday there were a handful of performers in the streets without permits. I told them that since the Arts Council office was closed, it would be okay for them to perform throughout the weekend and on Tuesday, 5/31 they must get permits, otherwise, I'd be ticketing them next week.

Most performers, that is, solos and one and two person guitar, accordion, vocals were within the 80 dB range. Luko set his amps to my sound check of 80 dB's - a couple of hours later, I asked him to tone it down again and let him know I would begin ticketing next week, if necessary.

On Saturday nite, 3 non-amplified performers complained that the Andes group was very loud and they asked them to tone it down. When I went over to them to do a sound check, they were below 80dB's. When I told them other performers complained to me earlier and asked if they usually play within the range I sound checked them at, of course, they said, "oh yees". I can see this will be a bit of a cat and mouse game.



CITY OF CAMBRIDGE

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EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

June 13, 1994

To The Honorable, The City Council:

With reference to Awaiting Report Item No. 36, which requested a report on a communication received from Cardullo's Gourmet Shoppe regarding amplified music in Harvard Square, please find attached a response received from Lindsay McCoy, Director of Community Arts.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda # 2

S-281

Response to Awaiting Report Item Number
Thirty-Six regarding a report on the
communication received from Cardullo's
Gourmet Shoppe concerning amplified music
in Harvard Square.

*for original see 1994
Sundries # 247.*

In City Council,

June 13, 1994

Placed on file