

Minutes of a Town Council work session held on December 10th, A.D. 2015 at 6:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen. Also present: Police Chief A. Marion, III and Bill Moore, Building/Zoning Official. Various members of the public and licensee representatives were in attendance.

At 6:00 PM the Town Council President called to order this work session for the purpose of reviewing two (2) ordinance proposals and comments submitted by affected neighbors, licensees, citizens in general, Town Council Members and Members of Boards and Commissions.

Synopsis of discussion:

- Councilor Mushen suggests the Council should use alternative #3 on the draft revision to 3-1, Disturbing the Peace.**
- Section 3-1-2 speaks to hours of limitation – 9 pm, 10 pm, 7 pm all mentioned**
- All agree they need to create a balance between the noise and entertainment ordinances so both the licensees and the citizens can both enjoy use of their properties, needs to be reasonable restrictions**
- Written comments asked for consideration to be given to livestock, crop cannons, harbor, landscapers etc. Councilor Golembeske**

thought livestock should be handled in the Animal Control ordinance.

- **Question – do we fundamentally want to base the noise on decibel levels?**

- **Varied suggestions on how to handle objections or miss use or compliance of ordinance guidance. Certain number of complaints filed or requiring the licensee to keep a log of decibels were two suggestions**

- **Councilor Bodington noted that using a decibel meter was not difficult. He used one in his previous occupation. He also noted that the ordinance needs to be defensible in court, simply attesting that it was loud is not sufficient, you need some form of measurement**

- **Should we approach this through a review of degree of non-conformance which existed previously vs. increase in non-conformance use? Constrain the licensee to the level of non-conformance which existed in past.**

- **Should applicants for entertainment license be required to submit a plan for events for license period? And be held to that number of events?**

- **Could tailor license to licensees, ask to submit a plan upon application with review process, and/or hold applicants to any special requirements the property may have levied against it. i.e. If a property has a conservation easement or development rights restriction should the holder of those rights be asked to sign off on compliance prior to issuing any town licenses?**

- **Some suggested illumination needs to be included within this proposal. Council Mushen would like to take that matter on**

separately.

- How to handle non-profit events i.e. Church Fairs?
- Suggestion to limit to annual only license, the Clerk was asked to weight in on this matter. She stated that very few instances occur where the single event license is issued; she saw no need to eliminate the availability of that license.
- Tents – building vs. not a building, canvass sides? Does that mean it complies with outdoor entertainment? Sound absorbing boards how do they apply to indoor vs. outdoor licenses. Also need clarification on tent permit process?
- Consider setting an outdoor noise hour earlier than that of an indoor noise limit.
- Amplification – if limiting it needs to be specific not in general, defensible
- Some desire to have a proposal past in the next weeks with further tailoring to occur as needed
- Wording of 3-1.2,c is defensible because it is specific on no noise after a certain hour. No need for decibels after hours, but during hours how do you defend an interpretation of “loud” in court?
- Should requirements be made to define how a speaker system for amplification can be set up on the site? How can you enforce compliance if a specific requirement for speaker set up is set? Annual review? Or some level through out the license period?

Councilor Mushen will remain after the closure of this work session to allow anyone who wished to be heard to speak to him. He

acknowledged that he wanted the Councilors to be able to discuss the matter within the time they had allotted this evening which did not allow for public participation.

Councilors Mushen and Mataronas will review their notes and revise the proposals to be submitted at the December 17th, 2015 Council meeting.

Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 7:05 PM.

Carol A Wordell, Town Clerk