

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 9, 2016**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Mike Nelson, and Rich Kuklewicz. Town Administrator Frank Abbondanzio and Executive Assistant Wendy Bogusz

Approve Selectmen minutes of April 25 and May 2, 2016

Kuklewicz makes the motion to approve the minutes of April 25, 2016. Seconded by Boutwell approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

May 2, 2016 Minutes not available

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment:

Tina Tyler: The employees at the WPCF respectfully request a meeting with the Sewer Commissioners to discuss the future of the Montague Process at the plant. We are currently working under outdated job descriptions which don't show the additional responsibilities each and every one of us have taken on over the trial period of this process. To ask the unions to discuss the finer details of those job descriptions is not reasonable. This is not their jobs. Discussions are to take place between the governing bodies and the employees and then go to the union to see that the best interest of these employees is met. That discussion has not taken place. One team member has been asked to decide for all of us what our futures will look like. This continued atmosphere of disrespect and lack of communication serves no one but those wishing to do "back door" business. We want the Montague Process to continue and need the support of the Sewer Commission to change job descriptions to keep current staff and fill any future vacancies. A commission who chooses to ignore our input shows a lack of knowledge in what we have developed and where we can go. Please grant our request to discuss the options at your earliest convenience and with the current superintendent retiring in June instead of December it becomes even more imperative that we do so.

Kuklewicz states as he has at other meetings, there is not an attempt at disrespect but we work under certain constraints because of bargaining units that limits what we can and can't do without having discussions with the associations and to simply change job descriptions whether or not that is completely warranted is almost beside the point when it comes to negotiations and the concerns it would have and possible negative ramifications with other bargaining units. We are trying to work through a process and we have expressed that to Mr. Little and to Bob and we will continue to keep those discussions but we need to go through the proper process.

Further discussion

J. Little: Personally I have been trying since 2008 to fix this problem I even petitioned the state and if you read my petition you saw clearly what the petition was all about. I sent letters, I've come to meetings and I've done everything I could think of and still to this day nothings been done. We cannot perform with the current job descriptions that we have because they are outdated. The process we are doing, we actually shouldn't be doing if you look at our job descriptions. I am asking you please to change it, by your means or who's means, the process is going to end and I don't want that to happen; it took me basically 10 years to do this and I've come too far to have it stop now. It's a win-win for the town, politics aside it doesn't make a difference.

Kuklewicz: It's not politics, it's union negotiations, the board has never seen any letters and Frank has not seen them either. TOMEA and the UE need to submit current letters

Little: Copies will be given to the town

Dawn Montague, Use of Public Property

5K to benefit the Brick House on June 18, 2016 from 8:00 AM to 1:00 PM

Kuklewicz makes the motion to approve the request from Dawn Montague, representing the Brick House to hold a 5K walk or run race to benefit the Brick House on June 18, 2016 from 8:00 AM to 1:00 PM. The Chief has requested people be located at busy intersections with bright colored vests on. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

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Liquor License Hearing, Arthur Binaco & Merchant, LLC dba Five Eyed Fox

Change of Manager: Meredith Merchant to Aric Binaco

Kuklewicz makes the motion to approve the change of Manager request of Arthur Binaco & Merchant, LLC dba Five Eyed Fox from Meredith Merchant to Aric Binaco. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Jeff Singleton

Response to DESE regarding the Foundation Budget (Chapter 70) Review Process

Singleton: Basically what had happened was you guys approved the same letter the school committee and Gill Selectboard did requesting that DESE and the Foundation Budget Review Commission estimate the cost of the impact of the recommendations or commission. On an individual district's concern was the concern was given other issues with the formula is going to be wide variations on what district including him on your district really really correlate with the goals of the foundation budget review committee rather than get into any huge argument and bags process to look and \$50 million go in the school district support of that and you voted to support that before we got it out Department of elementary and secondary education get back to us and said we don't usually do this plus it is too complicated to project.

Singleton reads his proposed letter into the record

Kuklewicz makes the motion authorizing the chair to send a letter similar to the one read by Jeff Singleton, in response to the denial of our request from DESE involvement in the Foundation Budget (Chapter 70) Review Commission. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Town Administrators Report

Authorize Cell Phone Stipend for Jamal Holland, \$5.77 week, effective 5/2/16

Kuklewicz makes the motion to approve the cell phone stipend for Jamal Holland, \$5.77 week effective 5/2/16. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Discussion regarding WWTP Superintendent Search

Abbondanzio: We received a letter from Bob Trombley that he will be retiring effective June 30, 2016, so I will begin the process of finding an interim solution as well as a long term solution.

Kuklewicz wants a discussion at the next meeting regarding plans for treatment plant

J. Little: Do you realize the state requires you to have someone licensed at the plant? June 30th you're done, you have nobody except for myself. I'm willing to work, I have always been willing to work, but I'm saying it one more time and I'll be done; I want this process to continue. You get an outside superintendent who won't know the process. I and these gentlemen here know the process, I know it intimately, I taught these people. This process has not been done anywhere in the world, we are in contact with Australia. I would suggest I would do this for nothing, to be honest with you Gran Weaver is the man that can help us, the one you talked about, he is an engineer, a biologist, we work well with him. It's not about money with me or anybody here it's about the job descriptions and keeping this process going. It has been mishandled from day one, it's hard to understand what we've done down there because there's a lot of biological chemistry. We have an SOP I wrote that five years ago but it's changed 10 times. I'm getting calls to sell organics, I don't know what to do I'm sitting here saying what do we do because we have no clear path, we have talented people here

Nelson: This Board has no plan to interrupt the process. Prior to the receipt of Mr. Trombley's letter today, the reason we wanted to start the search was we had from now till December to find someone so if he wasn't the right person we could keep going until we found that person.

Discussion about contacting Grant Weaver to help out for the interim time period.

This will be discussed next week

Liquor License Hearing, Montague B.P.O. Elks #2521

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Change of Manager: Kevin J. Hastings to Michelle C. Cloutier

Kuklewicz makes the motion to approve the request from the Montague B.P.O. Elks #2521 to change managers from Kevin J. Hastings to Michelle C. Cloutier. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Carolyn Olsen, Town Accountant

Updates to Surplus Policy

Surplus policy – Ch 30B threshold has increased from \$5,000 to \$10,000

Kuklewicz makes the motion to approve the updates to the surplus policy as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

Updates to Financial Policies and Procedures Manual

1) New Single Audit requirements mean adding section IV for Federal Grants 2) Updated Section III (Purchasing) for current Chapter 30B Thresholds 3) Updated Appendix C (Surplus Policy) for #1.

Kuklewicz makes the motion to approve the updates to the financial policies and procedures manual as presented. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Nelson – Aye, Kuklewicz – Aye

Other

Event Application: Use of Montague Center Town Common, Anne Fisk, applicant

Montague Center Fire Association, Memorial Day Service, May 29, 2016, 10:00 AM to Noon

Kuklewicz makes the motion to approve the use of the Montague Center Town Common by Anne Fisk, Montague Center Fire Association, Memorial Day Service on May 29, 2016 from 10:00 AM to Noon. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

1st Congregational Church of Montague, Jazz Festival, July 9, 2016, 10:00 AM to 8:00 PM

Kuklewicz makes the motion to approve the request by the 1st Congregational Church of Montague for a Jazz Festival on the Montague Center Town Common on July 9, 2016 from 10:00 AM to 8:00 PM. Seconded by Boutwell – Aye, Kuklewicz – Aye, Nelson – Aye

1st Congregational Church of Montague, Montague Old Home Days, August 19 & 20, 2016, 8:00 AM to 7:00 PM

Kuklewicz makes the motion to approve the request by the 1st Congregational Church of Montague to use the Montague Center Town Common for Montague Old Home Days, on August 19 and 20, 2016 from 8:00 AM to 7:00 PM. all fees are waived. Seconded by Nelson, approved unanimously. Boutwell – Aye, Kuklewicz- Aye, Nelson – Aye

Topics not anticipated

Woman: Says the apartment she lived in at 4K Street did not have a permit and she got very sick due to mold.

The Board tells her they cannot help her and she should contact the Board of Health. She was also told the last time she was in she should write a letter to the Board and they would look into her problems.

Approve Updated Regulations Governing the Control of Noise from Activities Licensed Under Chapter 140, Section 183A Entertainment License in the Town of Montague

There are two drafts plus the current version that is being circulated. (which are attached) The main issues are to increase or decrease noise, time frame and what we should do for penalty if there is a violation. One version is from a group of citizens that got together and brought forward their proposal and another version is from a business owner. There will be a public hearing on 5/23/16 where the drafts can be discussed in detail

Discussion was held regarding drafts proposed

Topics not anticipated

Broadband Committee

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Steingberg and Hart: MBI is requesting a meeting on 5/12, a report was released with recommendations to go with Comcast; the report had a lot of false statements. We need to refute this report which looks like they are giving it to Comcast. Matrix is working on their rebuttal; we just got the report and we can't review it in 7 days. Haste is not a smart thing to do for this Town. We need to get our point out there in an honest and direct way, and hopefully common sense will prevail.

Steinberg: We want to deliver a strong reputation in a coherent manner in a public forum and we want to do it the week of 5/23.

Hart: I would much rather be able to refute it on the spot, if we are wrong, then prove us wrong or let them prove us wrong.

Steinberg feels it should be a dialog, not a presentation.

Hart: There were 59 homes when we built this committee, they are now going to leave out 141 homes. We will have less leverage and buying power if we diminish the numbers. They divided us up early and that's what they don't realize

The Board is open to having the meeting the week of May 23rd. The Broadband Committee will meet with the Selectmen on 5/23 to update them on their proposal before the meeting with MBI.

Executive Session under G.L. c. 30A §21(a)(6) to consider Colle Building lease renewal, votes may be taken
Michael declares having in open session will be detrimental to the public good

Kuklewicz makes the motion to go into executive session at 8:45 PM under G.L. c. 30A §21(a)(6) to consider Colle Building lease renewal, votes may be taken. Seconded by Boutwell, approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

Kuklewicz makes the motion to adjourn the meeting at 8:58 PM. Seconded by Boutwell, approved unanimously. Kuklewicz – Aye, Boutwell – Aye, Nelson – Aye

List of Documents and Exhibits:

- Use of Public Property Form, Brick House 5K
- Form 43, Arthur Binaco & Merchant, LLC dba Five Eyed Fox, change of manager
- Form 43, Montague B.P.O. Elks #2521, change of manager
- Surplus Policy
- Financial Policies and Procedures Manual
- Draft Response to DESE regarding the Foundation Budget (Chapter 70) Review Process
- Current Noise Regulation
- Cell Phone Stipend form for Jamal Holland

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**Regulations Governing the Control of Noise from Activities Licensed
Under Chapter 140, Section 183A Entertainment License in the
Town of Montague**

Adopted by the Board of Selectmen on: _____ October 11, 2005 _____

SECTION ONE

Because excessive noise from establishments holding entertainment licenses can interfere with the public health, safety, welfare and the peace and quiet of the inhabitants of the town, and therefore in order to promote public health, safety, welfare and the peace and quiet of the inhabitants, the Board of Selectmen adopts the following regulations and makes them conditions of all entertainment licenses in Town.

- A. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Failure to so muffle noise is a violation of these regulations.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this regulation shall be established by the time period and type of land use district listed below. Sound pressure levels (using a sound level meter) shall be measured at a lot line from where noise is emanating at a height of at least four feet or higher above the ground surface.
- C. Exceeding sound levels in Table 1 at a lot line shall be deemed excessive noise in violation of this regulation.
- D. If there is no sound meter available, assessment of the noise shall be as follows: if the noise is plainly audible at a distance of 200 feet from the building, or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, the fact that the noise is plainly audible at said distance of 200 feet shall constitute prima facie evidence of a violation of this regulation.
- E. The decibel levels specified in Table 1 may be exceeded by 10 decibels by written application to the Board of Selectmen for a modification of entertainment license, and upon approval by Board of that application.

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TABLE 1 (Noise levels exceeding those shown in Table 1 are a violation of this regulation)

	Sound Pressure Level Limits Measured in Decibels			
	6:59 a.m. – 9:59 p.m.		10:00 p.m. – 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(c)
* Business Districts	70	82	60	72
Other Districts	65	77	60	72
Industrial				
Agriculture				

dB(A) weight is a decibel measurement that excludes very low frequencies. dB(A) weight measures sounds the human ear hears best.

dB(C) weight is a decibel measurement that includes very low frequencies.

Therefore, if the dB(C) measurement is much higher than the dB(A) measurement that sound energy is concentrated in the very low frequencies.

Using both dB(A) and dB(C) measurements can ensure reliability of different frequencies of sound.

*** Shall mean: Limited Business Districts, General Business Districts, Central Business Districts and Unrestricted Districts, as defined in the Zoning By-Laws of the Town of Montague as amended from time to time.**

- F. Both dB(A) and dB(C) scales may be used, and a violation of either standard shall be deemed to constitute a violation of this regulation.
- G. Sound level meters used to assess decibel levels shall meet the standards of the American National Standards Institute (ANSI S1.41993) "American Standard Specification for General Purpose Sound Level Meters", as amended from time to time.
- H. No entertainment license holder shall engage in, cause, or permit to be engaged in activities that cause excessive noise on a site abutting any residential use between the hours of 9:59 p.m. on day and 6:59 p.m. of the following day.

Definitions

Excessive Noise shall mean any of the following:

1. Any noise produced by a person(s) or the operation of any sound equipment or amplification device, drum, musical instrument, sound amplifier or similar devices which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary plainly audible to a person of normal hearing at a distance of two hundred (200) or more feet from the property line of the property from which the noise is generated.
2. Any specific additional definition of excessive noise as provided herein.

Decibel: Measurement of the intensity of sound. The scale runs from the faintest sound the human ear can detect, which labeled 0 DB to over 180 dB, the noise at a rocket pad during launch. Decibels are measured logarithmically which means that each increase of 10 decibels at

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10 times the lower figure. This means that 20 decibels is 10 times the intensity of 10 decibels and 30 decibels is 100 times the intensity of 10 decibel (10 X 10 = 100).

Prima Facie: at first view, on its face: not requiring further support to establish existence, validity, credibility, etc.

Plainly audible: shall mean any sound that can be detected by a person of normal hearing abilities, using his or her unaided hearing faculties. An enforcement officer need not determine exact words of speech or amplified music; the title of a specific song, or specific words of a song. The detection of audible bass or other components of music or noise is sufficient to constitute plainly audible sound.

Sound level meter: technical instrument used to assess decibel levels. All sound level meters used shall meet the standards of the American National Standards Institute (ANSI S1.401961) "American Standard Specification for General Purpose Sound Level Meter," as amended from time to time. The instrument shall be set to the appropriate weight response scales and the meter to the slow response.

Severability

If any part or subsection of this regulation shall be held to be invalid by a court of competent jurisdiction, then such part or subsection shall be considered separately and apart from the remaining parts, provisions or subsections of this regulation, which shall remain in full force and effect.

Adopted by the Montague Board of selectmen on October 11, 2005

by _____
Allen Ross, Chair

Patricia Allen, Member

Patricia Pruitt, Member

This regulation shall be in full effect on _____, 2005

SELECTMEN'S MEETING
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1 AVENUE A, TURNERS FALLS, MA
MONDAY, May 9, 2016
Draft Version A

**Regulations Governing the Control of Noise from Activities Licensed
Under Chapter 140, Section 183A Entertainment License in the
Town of Montague**

Adopted by the Board of Selectmen on: May 9, 2016

SECTION ONE

Because excessive noise from establishments holding entertainment licenses can interfere with the public health, safety, welfare and the peace and quiet of the inhabitants of the town, and therefore in order to promote public health, safety, welfare and the peace and quiet of the inhabitants, the Board of Selectmen adopts the following regulations and makes them conditions of all entertainment licenses in Town.

- A. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Failure to so muffle noise is a violation of these regulations.

- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this regulation shall be established by the time period and type of land use district listed below. Sound pressure levels (using a sound level meter) shall be measured at a lot line from where noise is emanating at a height of at least four feet or higher above the ground surface.

- C. Each instance of exceeding sound levels in Table 1 at a lot line shall be deemed a single violation of this regulation with a maximum of one violation per day, and be actionable as outlined in Section K.

- D. If there is no sound meter available, assessment of the noise shall be as follows: if the noise is plainly audible at a distance of 200 feet from the building, or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, the fact that the noise is plainly audible at said distance of 200 feet shall constitute prima facie evidence of a violation of this regulation.

~~The Board of Selectmen may permit the decibel levels specified in Table 1 to be exceeded by not more than 10 decibels by written application to the Board for modification of entertainment license if:~~

- ~~a) There is reasonable expectation a disturbance will not be created by such an approval~~
- ~~b) And no violations have occurred in the preceding year. During the term of the license modification, if the Board determines a~~

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~~disturbance has occurred the modification may be revoked or altered.~~

TABLE 1 (Noise levels exceeding those shown in Table 1 are a violation of this regulation)

	Sound Pressure Level Limits Measured in Decibels			
	7 a.m. – 8:59 p.m. (9:59pm on Friday and Saturday)		10:00 p.m. – 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(c)
* Business Districts	80	?	60	72
Other Districts	65	77	60	72
Industrial				
Agriculture				

dB(A) weight is a decibel measurement that excludes very low frequencies. dB(A) weight measures sounds the human ear hears best.

dB(C) weight is a decibel measurement that includes very low frequencies.

Therefore, if the dB(C) measurement is much higher than the dB(A) measurement that sound energy is concentrated in the very low frequencies.

Using both dB(A) and dB(C) measurements can ensure reliability of different frequencies of sound.

*** Shall mean: Limited Business Districts, General Business Districts, 09Central Business Districts and Unrestricted Districts, as defined in the Zoning By-Laws of the Town of Montague as amended from time to time.**

- F. The Board of Selectmen may reduce the decibel levels and/or time limits specified in Table 1 if they deem a significant disturbance is likely.
- G. Both dB(A) and dB(C) scales may be used, and a violation of either standard shall be deemed to constitute a violation of this regulation.
- H. Sound level meters used to assess decibel levels shall meet the standards of the American National Standards Institute (ANSI SI.41993) “American Standard Specification for General Purpose Sound Level Meters”, as amended from time to time.
- I. No entertainment license holder shall engage in, cause, or permit to be engaged in activities that cause excessive noise on a site abutting any residential use between the hours of 9 p.m. on day (10pm on Friday and Saturday) and 6:59 a.m. of the following day.

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- J. No entertainment license holder shall have any live outdoor music more than 6 times per calendar month.
- K. Violations may be documented by the Montague Police, Montague Board of Selectmen, Montague Board of Health, or any appointed Town official named by the Board.
- L. Upon notification of a violation(s), the Board of Selectmen shall address and validate the violation(s) at the first Board meeting that succeeds the violation(s), and without discretion issue the following penalties:

First offense: Written Warning

Second offense: A fine of \$100 and a suspension of the respective portion of the entertainment license for a period of 15 days

Third offense: A fine of \$250 and a suspension of the respective portion of the entertainment license for a period of 45 days

Fourth offense: A fine of \$500 and a suspension of the respective portion of the entertainment license for the remainder of the calendar year.

Reinstatement of the license shall not occur until all fines are paid and the penalty days are served. Triple monetary penalty may be paid in lieu of suspension of license for the second offense.

Definitions

Excessive Noise shall mean any of the following:

1. Any noise produced by a person(s) or the operation of any sound equipment or amplification device, drum, musical instrument, sound amplifier or similar devices which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary plainly audible to a person of normal hearing at a distance of two hundred (200) or more feet from the property line of the property from which the noise is generated.
2. Any specific additional definition of excessive noise as provided herein.

Decibel: Measurement of the intensity of sound. The scale runs from the faintest sound the human ear can detect, which labeled 0 dB to over 180 dB, the noise at a rocket pad during launch. Decibels are measured logarithmically which means that each increase of 10 decibels at 10 times the lower figure. This means that 20 decibels is 10 times the intensity of 10 decibels and 30 decibels is 100 times the intensity of 10 decibel (10 X 10 = 100).

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Plainly audible: shall mean any sound that can be detected by a person of normal hearing abilities, using his or her unaided hearing faculties. An enforcement officer need not determine exact words of speech or amplified music; the title of a specific song, or specific words of a song. The detection of audible bass or other components of music or noise is sufficient to constitute plainly audible sound.

Sound level meter: technical instrument used to assess decibel levels. All sound level meters used shall meet the standards of the American National Standards Institute (ANSI SI.401961) "American Standard Specification for General Purpose Sound Level Meter," as amended from time to time. The instrument shall be set to the appropriate weight response scales and the meter to the slow response.

Severability

If any part or subsection of this regulation shall be held to be invalid by a court of competent jurisdiction, then such part or subsection shall be considered separately and apart from the remaining parts, provisions or subsections of this regulation, which shall remain in full force and effect.

Adopted by the Montague Board of selectmen on May 9, 2016

by

Michael Nelson, Chair

Christopher Boutwell, Member

Richard Kuklewicz, Member

This regulation shall be in full effect on May 23, 2016.

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**Regulations Governing the Control of Noise from Activities Licensed
Under Chapter 140, Section 183A Entertainment License in the
Town of Montague
DRAFT B**

Adopted by the Board of Selectmen on: _____

SECTION ONE

Because excessive noise from establishments holding entertainment licenses can interfere with the public health, safety, welfare and the peace and quiet of the inhabitants of the town, and therefore in order to promote public health, safety, welfare and the peace and quiet of the inhabitants, the Board of Selectmen adopts the following regulations and makes them conditions of all entertainment licenses in Town.

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- C. **Each instance of** exceeding sound levels in Table 1 at a lot line shall be deemed **a single violation of this regulation with a maximum of one violation per day, and be actionable as outlined in Section K.**
- D. If there is no sound meter available, assessment of the noise shall be as follows: if the noise is plainly audible at a distance of 200 feet from the building, or structure or premises or shelter or lot line thereof, in which or from which the noise is produced, the fact that the noise is plainly audible at said distance of 200 feet shall constitute prima facie evidence of a violation of this regulation.

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TABLE 1 (Noise levels exceeding those shown in Table 1 are a violation of 24A:10-1.4(a))

	Sound Pressure Level Limits Measured in Decibels			
	6:59 a.m. – 7:59 p.m.		8:00 p.m. – 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
* Business Districts	70	82	60	72
Other Districts	65	77	60	72
Industrial				
Agriculture				

dB(A) weight is a decibel measurement that excludes very low frequencies. dB(A) weight measures sounds the human ear hears best.

dB(C) weight is a decibel measurement that includes very low frequencies.

Therefore, if the dB(C) measurement is much higher than the dB(A) measurement that sound energy is concentrated in the very low frequencies.

Using both dB(A) and dB(C) measurements can ensure reliability of different frequencies of sound.

*** Shall mean: Limited Business Districts, General Business Districts, Central Business Districts and Unrestricted Districts, as defined in the Zoning By-Laws of the Town of Montague as amended from time to time.**

- F. Both dB(A) and dB(C) scales may be used, and a violation of either standard shall be deemed to constitute a violation of this regulation.
- G. Sound level meters used to assess decibel levels shall meet the standards of the American National Standards Institute (ANSI SI.41993) “American Standard Specification for General Purpose Sound Level Meters”, as amended from time to time.
- H. No entertainment license holder shall engage in, cause, or permit to be engaged in activities that cause excessive noise on a site abutting any residential use between the hours of 8:00 p.m. on day and 6:59 a.m. of the following day.
- I. Sustained periods of elevated noise shall not exceed 4 hours per day. In no case shall these events be more frequent than twice per month per city block.
- J. Violations may be documented or recorded by the Montague Police, Montague Board of Selectmen, Montague Board of Health, or any appointed Town official named by the Board.
- K. Upon notification of a violation(s), the Board of Selectmen shall address and validate the violation(s) at the first Board meeting that succeeds the violation(s) AND meets Open Meeting Law requirements, and without discretion issue the following penalties:

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- First violation:** A fine of \$250 and a 15-day suspension of the respective portion of the entertainment license
- Second violation:** A fine of \$350 and a 45-day suspension of the respective portion of the entertainment license
- Third violation:** A fine of \$450 and a 180-day suspension of the respective portion of the entertainment license
- Forth violation:** A fine of \$1,000 and permanent revocation of the respective portion of the entertainment license

Reinstatement of the license shall not occur until all fines are paid and the penalty days are served. Triple monetary penalty may be paid in lieu of suspension of license for the first and second offense.

Definitions

Excessive Noise shall mean any of the following:

1. Any noise produced by a person(s) or the operation of any sound equipment or amplification device, drum, musical instrument, sound amplifier or similar devices which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary plainly audible to a person of normal hearing at a distance of two hundred (200) or more feet from the property line of the property from which the noise is generated.
2. Any specific additional definition of excessive noise as provided herein.

Decibel: Measurement of the intensity of sound. The scale runs from the faintest sound the human ear can detect, which labeled 0 dB to over 180 dB, the noise at a rocket pad during launch. Decibels are measured logarithmically which means that each increase of 10 decibels at 10 times the lower figure. This means that 20 decibels is 10 times the intensity of 10 decibels and 30 decibels is 100 times the intensity of 10 decibel (10 X 10 = 100).

Prima Facie: at first view, on its face: not requiring further support to establish existence, validity, credibility, etc.

Plainly audible: shall mean any sound that can be detected by a person of normal hearing abilities, using his or her unaided hearing faculties. An enforcement officer need not determine exact words of speech or amplified music; the title of a specific song, or specific words of a song. The detection of audible bass or other components of music or noise is sufficient to constitute plainly audible sound.

Sound level meter: technical instrument used to assess decibel levels. All sound level meters used shall meet the standards of the American National Standards Institute (ANSI S1.401961) "American Standard Specification for General Purpose Sound Level Meter," as amended from

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time to time. The instrument shall be set to the appropriate weight response scales and the meter to the slow response.

Severability

If any part or subsection of this regulation shall be held to be invalid by a court of competent jurisdiction, then such part or subsection shall be considered separately and apart from the remaining parts, provisions or subsections of this regulation, which shall remain in full force and effect.

Adopted by the Montague Board of selectmen on _____, 2016

by _____
Michael Nelson, Chair

Christopher Boutwell, Member

Richard Kuklewicz, Member

This regulation shall be in full effect on _____, 2016