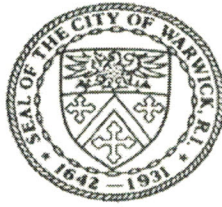


CITY OF WARWICK

LESLIE WALASKA BAXTER
Chairwoman

JAMES PAOLUCCI
Vice-Chairman

THOMAS P. MCGOVERN
Clerk



BOARD OF PUBLIC SAFETY
Warwick, Rhode Island 02886

POLICE DEPARTMENT
99 Veterans Memorial Drive
401-468-4200

FIRE DEPARTMENT
111 Veterans Memorial Drive
401-468-4000

POLICE DEPARTMENT – REGULAR SESSION

BOARD OF PUBLIC SAFETY ROOM
WARWICK POLICE HEADQUARTERS

Tuesday, June 23, 2015

MINUTES

The Board of Public Safety opened this session at 7:25 p.m. Present were Deputy Chief Michael Babula, Chairwoman Leslie Walaska Baxter, Vice Chairman James Paolucci, Clerk Thomas McGovern, Assistant Solicitor Diana Pearson, and Recording Secretary Lisa Ferolito.

1. The minutes of the Board of Public Safety meeting held on Tuesday, June 9, 2015 were submitted for approval.

ACTION: Chairwoman Baxter made a motion to approve the minutes. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

2. Commander Michael Babula recommended transfers and reassignments.

Detective Barbara L. Frazier submitted her intent to retire from the Warwick Police Department effective, Saturday, July 4, 2015 with a pension rate of 50.005 percent. Detective Frazier was sworn in as a member of the police department on July 2, 1995, and will have served the department for 20 years. Her last physical working day will be Friday, July 3, 2015.

ACTION: Chairwoman Baxter made a motion to accept the retirement request of Detective Barbara L. Frazier. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

LICENSES AND PERMITS

3. Request for Weapons Carry Permit (New)

Chairwoman Baxter: I move that the previous closed session of the Board of Public Safety remain closed pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Chairwoman Baxter moved to go into closed session pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:35 p.m., the Board entered into Executive Session.

At 8:50 p.m., the Board returned to Regular Session.

ACTION: Chairwoman Baxter made a motion to deny with a reason that this applicant already holds a permit from the Attorney General's Office. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

4. Request for Weapons Carry Permit (New) – **EXECUTIVE SESSION**

Chairwoman Baxter: I move that the previous closed session of the Board of Public Safety remain closed pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Chairwoman Baxter moved to go into closed session pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:25 p.m., the Board entered into Executive Session.

At 8:30 p.m., the Board returned to Regular Session.

ACTION: Chairwoman Baxter made a motion to approve based on the applicants concern for his safety. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

5. Liquor License – Class F

Jean Johnson
House of Hope, CDC
Event to be held at 3188 Post Road
Ann & Hope Parking Lot
June 27, 2015
3:00 p.m. – 7:00 p.m.

ACTION: Deputy Chief Babula recommended approval. Chairwoman Baxter made a motion to approve. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

6. Liquor License – Class F

Therese Quigley
Event to be held at Aspray Boathouse
Pawtuxet Park
September 12, 2015
11:00 a.m. – 5:00 p.m.

ACTION: Deputy Chief Babula recommended approval. Chairwoman Baxter made a motion to approve pending. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

7. Liquor License – Class F

Keith Davignon
Vision 3 Architects
Event to be held at Aspray Boathouse
July 24, 2015
3:00 p.m. – 7:00 p.m.

ACTION: Deputy Chief Babula recommended approval. Chairwoman Baxter made a motion to approve. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

8. Second Class Victualer (New)

Hulya Bequir
Dear Hearts Creamery, LLC
2121 Elmwood Avenue
Change of Ownership

ACTION: Deputy Chief Babula recommended approval pending building, fire, city, and state taxes. Chairwoman Baxter made a motion to approve pending building, fire, and city and state taxes. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

9. Holiday Sales (New)

AutoZone
d/b/a AutoZone
1020 Bald Hill Road

ACTION: Deputy Chief Babula recommended approval pending state taxes. Chairwoman Baxter made a motion to approve pending state taxes. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

10. Holiday Sales/Tobacco (New)

Imad Melhem
Sandy Lane Gas & Tobacco Shop, Inc.
1015 Sandy Lane
Change of Ownership

ACTION: Deputy Chief Babula recommended approval pending building, fire, and city taxes. Chairwoman Baxter made a motion to approve pending building, fire, and city taxes. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

11. Second Class Victualer (New) – Midnight

Cumberland Farms, Inc.
Cumberland Farms #1292
3335 Post Road

ACTION: Deputy Chief Babula recommended approval pending building, fire, city and state taxes, and Rhode Island Department of Health. Chairwoman Baxter made a motion to approve pending building, fire, city and state taxes, and Rhode Island Department of Health. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

12. Holiday Sales/Tobacco (New)

Cumberland Farms, Inc.
Cumberland Farms #1292
3335 Post Road

ACTION: Deputy Chief Babula recommended approval pending building, fire, city, and state taxes. Chairwoman Baxter made a motion to approve pending building, fire, and city and state taxes. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

13. Second Hand Dealer (New)

Young & Moreland, LLC
d/b/a Plato's Closet of Warwick
399 Bald Hill Road

ACTION: Deputy Chief Babula recommended approval pending building and state taxes. Chairwoman Baxter made a motion to approve pending building and state taxes. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

14. Private Detective (Renewal)

Ryan Robison
Ryan R. Robison & Company
1269 Willow Lane
Birmingham, MI

ACTION: Deputy Chief Babula recommended approval. Chairwoman Baxter made a motion to approve. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

15. Live Entertainment (Outside)

Al Bouyea, Michelle Fairman
Texas Roadhouse
1200 Quaker Lane
Motorcycle Ride
Event to be held August 9, 2015
7:00 a.m. – 2:00 p.m.

ACTION: Deputy Chief Babula recommended approval pending building and fire. Chairwoman Baxter made a motion to approve pending building and fire. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

16. Game of Chance/Raffle

Virginia Barham
Conimicut Village Association
Event to be held in Conimicut Point Park
August 15, 2015
11:00 a.m. – 5:00 p.m.

ACTION: Deputy Chief Babula recommended approval pending Rhode Island State Police approval. Chairwoman Baxter made a motion to approve pending Rhode Island State Police approval. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

17. Game of Chance/Raffle

Ray DiPasquale
CCRI Foundation
To be held at Warwick Country Club
September 21, 2015

ACTION: Deputy Chief Babula recommended approval. Chairwoman Baxter made a motion to approve. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

18. Bazaar

Toni Andersen
Wow! Face Art
Event held in Pawtuxet Park
June 14, 2015
9:00 a.m. – 4:00 p.m.

ACTION: Deputy Chief Babula recommended approval with a provisional issued. Chairwoman Baxter made a motion to approve with a provisional issued. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

19. Festival (Gaspee Days)

Kyle Phillips
Frannie's Franks
Event held in Pawtuxet Park
June 13, 2015
June 14, 2015
10:00 a.m. – 5:00 p.m.

ACTION: Deputy Chief Babula recommended approval with a provisional issued. Chairwoman Baxter made a motion to approve with a provisional issued. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

20. Arts & Crafts

Melissa Harrison
Our Family Affair
Event to be held in Conimicut Point Park
August 15, 2015
11:00 a.m. – 5:00 p.m.

ACTION: Deputy Chief Babula recommended approval. Chairwoman Baxter made a motion to approve. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

21. Parade (Bike Run)

Al Bouyea
Texas Roadhouse
1200 Quaker Lane
"Homes for Troops" Bike Run
Event to be held August 9, 2015
8:00 a.m. – 2:00 p.m.

ACTION: Deputy Chief Babula recommended approval pending traffic and Rhode Island Department of Transportation approval. Chairwoman Baxter made a motion to approve pending traffic and Rhode Island Department of Transportation approval. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

22. Block Party

David A. Gobern, Jr.
366 – 368 Sea View Drive
Event to be held July 4, 2015
2:00 p.m. – 8:00 p.m.

ACTION: Deputy Chief Babula recommended approval pending traffic. Chairwoman Baxter made a motion to approve pending traffic. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

23. Kennel (New)

Robert Cochran
111 Brightside Avenue
Requesting to keep four dogs

Chairwoman Baxter: What kind of dogs are they?

Mr. Cochran: They're cockerpucci. They are like cocker spaniel, poodle, chihuahua mix.

Chairwoman Baxter: Good lord, and you have four; they're your pets?

Mr. Chochran: Yes.

Chairwoman Baxter: And you're breeding them?

Mr. Chochran: I was but then Animal Control told me to go to get the breeding license, which is in the process right now.

Chairwoman Baxter: Okay, and where do you keep them? Are they inside, outside?

Mr. Cochran: They stay inside at night and during the day, we will take him out to the bathroom. I bath them every month--

Gentleman in audience: [interposing] They have free reign of downstairs with us, which is were we spend most of our time, and like he said they go in and out doors and they need to.

Chairwoman Baxter: Okay, is your yard fenced in?

Mr. Cochran: Yes.

Chairwoman Baxter: And how big are these dogs?

Mr. Cochran: They're little ankle biters, they're lap dogs.

Chairwoman Baxter: And you're planning on breeding them?

Mr. Cochran: I only have one that will be bred at the moment. The other two will not be breeding anymore because they are too old. They've been fixed.

Chairwoman Baxter: Is the anybody here who is a neighbor?

Nothing is heard. No one is seen.

Chairwoman Baxter: Where is Brightside?

Mr. Cochran: In Conimicut.

Chairwoman Baxter: How long have you had the dogs?

Mr. Cochran: I've had them for a long time. The first one for five years, and the other two girls are four or five and are siblings with the mother and the youngest one, I'm not sure, is two years old.

Chairwoman Baxter: Are there any other questions with this kennel?

Vice Chairman Paolucci: What are your long-term plans? Just maintaining four dogs?

Mr. Cochran: I'm not going to go any further than four dogs sir. They're like family to me. They are like my daughters and my son.

Vice Chairman Paolucci: Do you have a veterinarian that takes care of them?

Mr. Cochran: I have CAWS, that's in West Warwick. They take care of everything.

Clerk McGovern: So if and when they breed, is there a demand, because it didn't sound like it.

Mr. Cochran: So what we do is when we are breeding and they have their babies we put an ad on Craig's List as an adopting process. We do offer an adoption of \$200 because it helps with the medication because we give them the 911 shots which we get from tractor supply that supplies them with the Parvo and the distemper, but not the rabies shots because I know that the rabies shot is not legal in Rhode Island. We give them all of the other shots, and we give them three every four weeks after they turn six weeks old.

Chairwoman Baxter notes again that there are no neighbors in the room.

ACTION: Deputy Chief Babula recommended approval pending zoning. Chairwoman Baxter made a motion to approve pending zoning. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

24. Review of Chelo's on the Waterfront Live Entertainment (Outdoor) license.

Chairwoman Baxter: So we're doing a review from Memorial Day until today, okay. Who is going to speak for Chelo's?

Nicholas Goodier (Atty): My name is Nicholas Goodier, and I'm the attorney here tonight on behalf of Chelo's for the review. As you indicated, this is a review for the specific time period of Memorial Day until today's date. I believe that some city officials have actually had an occasion to visit the premise and review the sound system. We've been continuing to comply with all of the other mitigation steps that Chelo's has implemented. The continuing practice to address any parking concerns, have a detail officer present any time there are performances, keep a sound log, and essentially comply with any requests by officers. It's my understanding there have been some complaints raised by neighbors, however, there has been no citations issued by the police department. We would request that the license remain in effect as approved for this season for the remainder of the season. Tonight we have a couple of principals from Chelo's, managers from the waterfront, sound tech, sound engineer and we're here to respond to any questions or any concerns that the Board might have.

Chairwoman Baxter: Okay. A concern I have, we have an email from a Mr. Miga, is there anyone here? No? He's from the lot at the corner of Post Road and Masthead, and they are having some problems with parking; people parking in their lot, and I think they'd like some signs put up. They've put no parking signs in their lot but they're being moved it says, and he's seeing beer cans and bottles in his lot. He wants that taken care of. He says he has no problems with the operation of Chelo's but they share responsibility as to where their patrons park. If you could put signs up with your name on them, he would appreciate that.

Mr. Chelo: Will do.

Chairwoman Baxter: That's one issue. Okay, who's going to speak first?

Rob Byrne: Um, Rob Byrne, Seabreeze Lane, I believe there were nine calls to the police. There were at least one or two of those calls where several neighbors had called and they were logged as one call. So, you could call it seven, nine, somewhere in that range.

Chairwoman Baxter: Commander, you have it as how many calls?

Commander Babula: We have it as four calls. There were readings taken on every occasion, none of which exceeded 60 decibels. There might well have been multiple complainants but we have four separate occasions. We responded promptly on three of them, we were delayed on the fourth because an officer needs assistance call, but readings were taken on all four occasions and all of them were below 60 decibels.

Mr. Byrne: Now at the last meeting there was discussion and there was instruction from the Board to keep the sound level on their property to 50 decibels, and Jan Kovan again, who is away taking care of a family member--

Chairwoman Baxter: [interposing] We received a letter from her and it's been noted.

Mr. Byrne: She had emailed the Board and Colonel McCartney had responded and said well that's not really possible because the ambient sound at the venue is above 50, I think it was 60 or something like that. So that seems to, the impression that we got, that particular instruction to them is not operational. So, that makes us wonder so if that isn't a possibility what would plan b be? But even with that, the neighbors have decided to be proactive and we, if you remember last year or early in the season they were talking about their license for 2014. They had installed some mitigation, they had put a curtain on the stage, and they also installed the volume control and talked about several things they had done. But, there was also talk about an acoustic fence that they were going to put on their property. Well, as far as we know, that was never done.

Chairwoman Baxter: [interposing] If I could, I went over today because I have seen the sound system many times, I was in the closet up on a chair today looking at it because I wanted to look at what the volume looks like, to see if it goes one to ten or by decibels. It goes one to ten. Secondly, I happen to see out of the corner of my eye the bandstand, let me go look at the bandstand. So I went out there, as you know it goes like this (Chairwoman Baxter is seen moving her hands to show how the bandstand is set up), there is plexiglass along the back. The acoustic fence is inside. The acoustic fence is thick, heavy, black plastic and that's lining all three sides. There's also a new drum shield, which is about five feet high and is a new one because the old one cracked. So, the acoustic fence is up.

Mr. Byrne: Okay, but the acoustic fence, what I thought, what you're describing I had understood was being called some sort of a curtain inside the stage.

Chairwoman Baxter: It is.

Mr. Byrne: There was also mention, at the time they were talking about this over a year ago, some sort of a fence that was going to run along their property line. I don't want to get into the weeds on that. The reason I'm bringing that up is some of us in the neighborhoods decided to be proactive and we've consulted with an Environmental Engineer who is sitting to my left. His name is Rich Hittinger and he's principal of Alliance Environmental Group. We had talked to him about okay, so what is possible here. We asked him to talk to us and to kind of do a little bit of an investigation as far as to what he sees that might be continued to be done; because obviously, you are still getting complaints and it's only the beginning of the year. So, we would like, if I might ask that Mr. Hittinger, that Rich, if he can talk a little bit about what he sees as a professional engineer and what might be done because it seems like there may be more things that could be done, particularly since this 50 decibels limit that you had placed last year doesn't seem to be working. Therefore, I would like to ask if Mr. Hittinger could speak.

Chairwoman Baxter: Let me ask. We can accept him as an expert. I do want to see some credentials and I am going to swear you in.

Mr. Hittinger: Sure. I have a resume with me. It shows that I've been in the environmental consulting business since 1979, so I've been around. I'm a Warwick resident so I'm interested in helping resolve the situation if at all possible.

Mr. Hittinger is giving his resume and business card to Chairwoman Baxter.

Chairwoman Baxter: You seem to be involved in solid waste management.

Mr. Hittinger: No, that's not accurate. I do some solid waste management work, but more air pollution control and permitting of new facilities.

Chairwoman Baxter: Okay, how does this relate to noise mitigation?

Mr. Hittinger: I didn't try to highlight my noise mitigation, but if you look at the very last I know there is one thing on there for an expert witness for noise mitigation for a gun club in, I believe the one that is listed is Richmond. I've done quite a bit of noise mitigation associated with new facilities. So, I've looked at noise mitigation for truck stops, noise mitigation for gun clubs, and noise mitigation for industrial equipment that sort of thing. I can't say that I've done a lot of work with music but one thing in particular about music is that it's a pattern. So, just like a siren is a pattern, a bird song is a pattern, when you have a pattern to the sound its more recognizable, and therefore there's more of an impact to the listener.

Chairwoman Baxter: Diana, again, we've just got this one bullet point on the resume.

Solicitor Pearson: You can choose to accept him as an expert, you can choose to listen to his testimony in light of his resume inexperience and accept that and then put whatever weight you choose to on his testimony.

Chairwoman Baxter: You said you haven't really worked with music before?

Mr. Hittinger: Correct.

Chairwoman Baxter: I am going to swear you in as someone who has some expertise. I'm a little leery of, I'm not seeing sound engineering or anything, and we only have one bullet point on your resume as far as noise.

Mr. Hittinger: Sure. I can supply a resume that's more tailored to the sound impact assessment that I've done if you'd like.

Chairwoman Baxter: All right, could you stand and raise your right hand. Again, we're an informal board, but I need to know this is [inaudible] testimony. Do you swear to tell the whole truth and nothing but the truth so help you God?

Mr. Hittinger: I do.

Chairwoman Baxter: Okay, state your name again please.

Mr. Hittinger: Richard C. Hittinger

Chairwoman Baxter: So, tell me specifically what you have done looking at the situation from the neighbors' point of view. I don't want to hear anything else, just that.

Mr. Hittinger: Sure. One thing was that I was able to visit the neighborhood last Friday evening, and I will say that in that neighborhood the music that was playing was clearly audible. You could hear the words and sing along with the songs from Dr. Malik's driveway. So, you could clearly hear it. I

did not have a sound meter myself, Dr. Malik did and there was a police officer that came and was measuring the sound. At that time, the sound level was in the 50s so it was anywhere from 52 to 58.

Clerk McGovern: At what time?

Mr. Hittinger: I think it was right after 8:00 p.m., maybe 8:15 p.m., or 8:30 p.m.

Chairwoman Baxter: [interposing] I have heard that the officer measured...

Commander Babula: [interposing] Between 45.3 and 56.5

Chairwoman Baxter: Okay yes, thank you.

Mr. Hittinger: So it was basically the same general range. The one thing that I did look at was the fact that there was a direct line of sight from these particular residences to the stage. That's what impacting some of these people in particular because there is literally nothing that blocks it. If, for example, and the rise is approximately seven feet of elevation for every 100 feet of distance between the stage and this neighborhood. So in order to something to physically block the sound, you would need a barrier that is close to the point of generation, which would be at least seven feet high for every 100 feet away from the stage. That's one thing that can be done, is some sort of a noise fence. The other thing that can be done is just reducing the amount of hard surface in the immediate area of the stage. In the immediate area of the sound generation, so that right now there is some grassy surface, but there's a large concrete rectangle right out in front of the stage. That is reflecting a good amount of the sound and allowing it to carry. Simple things like increasing the amount of sound deadening material in that area right in front of the stage, between the stage and the restaurant itself, would help reduce the total sound pressure and it would reduce the amount of sound that was leaving that area. In addition, it would actually make the sound more clear to the patrons in the restaurant. These are some of the things that I think the neighbors would like to be cooperative and reach out however possible to Chelo's to try and get a situation that helps, that helps reduce the impact so that they can continue and the neighbors don't have to listen to it.

Clerk McGovern: You started by saying something along the lines of every seven feet for so many yards, they need a barrier. Do you consider the restaurant being a barrier?

Mr. Hittinger: Yes, it certainly is.

Clerk McGovern: So, like how close is that compared to, I mean I know and I've been there, but I'm just trying to figure it out.

Mr. Hittinger: Sure, so directly behind the restaurant there is actually a shadow, so that the people who are literally 100 feet north of these people on that same hill don't experience the same impact that these few houses do. That's because these houses are south of the line that would hit the building. So, if you drew a straight line from Dr. Malik's house or the Byrnes house, it would go to the south of the building as it goes towards the stage. I've actually done that on a map. You can see what you would need to do, you would need to have a barrier along that parking area which is just south of the stage area. It could be a decorative barrier, but because of the distance it would need to be at least seven feet higher than where the speakers are located. So if the speakers were two feet off

the ground, it would have to be a nine foot barrier. Like I said, it could be decorative and look like a hedge but it would need to be in place in order to be a direct line of sight barrier.

Chairwoman Baxter: Um, a couple of things. A nine-foot barrier is something that would need to go before the Zoning Board, because I think that would be something that is higher than allowed. Secondly, I understand how this, from what you're saying, it's going to protect Mr. Byrne's house, it's going to protect Dr. Malik's house; the folks who live north, Arnold's Neck, up on Reeland, what would happen to them?

Mr. Hittinger: Well, certainly the fact that those barriers are sound absorbing material would help. Just the curtain that they put behind the stage helps because it reduces the amount of reflected sound. It doesn't reduce the amount of direct sound because the speakers are in front of it and the speakers are producing sound pressure coming out so that the curtain behind helps reduce the reflected sound. This curtain on the south side would reduce the sound in Arnold's Neck simply by reducing the reflected sound again. The sound absorbing materials in the immediate area in front of the stage help everywhere beyond the property line, so that would help everywhere and in any direction.

Clerk McGovern: Those things that you are talking about, are they made out of wood, rock, tile, what are they made out of?

Mr. Hittinger: Various materials. You can get materials that are made of rock, because basically mass absorbs sound, but the most common materials are materials that are made out of a metalized sound absorbing material that can be installed in a decorative--

Clerk McGovern: [interposing] Is it flat like a dance floor would be flat?

Mr. Hittinger: Yes, it can be flat like a dance floor. For example, the floor in some gymnasiums is sound deadening material, a rubberized material instead of the concrete. The concrete that's out there now reflects sound.

Chairwoman Baxter: So, if they tore, I'm just saying, if they tore up the concrete which is the dance floor or it's just a patio to walk on, if they were to put this stuff down is that something that is going to get ruined by the weather?

Mr. Hittinger: No, you've got the exterior. There are materials that are allowed for exterior use and you don't necessarily have to tear up what's there. You can install a small layer on top of what's there.

Chairwoman Baxter: I'm still concerned about this, I mean we're just talking in theory here obviously, this nine foot barrier. When you're coming down the hill, here's the restaurant when you're coming down the hill, is it here?

Mr. Hittinger: No

Chairwoman Baxter: Is it here?

Mr. Hittinger: Yes.

Chairwoman Baxter: Okay, so they're going to have this big nine-foot barrier between them and the marina.

Mr. Hittinger: Much smaller, when you say big nine-foot barrier it's much smaller than the size of the building. So, like right now what you see is the back of the kitchen as you come into this area. You see the dumpster, well I don't want to say you see the dumpster, but you the area where the dumpster is located.

Chairwoman Baxter: Yeah, I told the manager that when I go listen to the music I sneak in there. I park in there so no one knows I'm there.

Mr. Hittinger: Yeah, so that's the area that I'm talking about. They right now have a hedge, but the hedge is only four feet high. But that's where it would be most effective in eliminating the transmission of sound up into the neighborhood where Dr. Malik and Mr. Byrne live.

Clerk McGovern: So just for the record, you're saying nine-feet high. How long?

Mr. Hittinger: Well, it depends what you want to block. So, you would be talking about a minimum of 30 feet long. It doesn't have to be nine feet high through its entire distance either, it would just have to be nine feet high where you need to block at that angle. So, they can begin at nine feet high close to the building and then you could taper down so that it's lower as you go closer to the water.

Chairwoman Baxter: And what does, in your experience, what does something like this cost?

Mr. Hittinger: I don't know, I didn't price it out.

Chairwoman Baxter: Do you know of any other companies or places that have such a wall and such deadening equipment outside?

Mr. Hittinger: Yes, many, many. For any type of industrial fans--

Chairwoman Baxter: [interposing] I'm talking about a place that plays music, because that's specifically what we're talking about.

Mr. Hittinger: I would have to check. In Newport I believe there are a few venues on the waterfront that have something similar to this.

Atty. Goodier: Ms. Chairwoman, I don't mean to interrupt, but this is kind of a vague concept.

Chairwoman Baxter: Like I said, we're just talking in theory.

Atty. Goodier: I don't think that Chelo's would have any objection that if a group of the neighbors engaged a in a design concept to come up with a scheme that they wanted to build on Chelo's property, Chelo's review proposals like that. So, if a group of the neighbors wanted to get together and present a proposal to the Chelo's for a review, I think they would consider it.

Quiet talking is heard in the background.

Atty. Goodier: Because, I think this Board would be far beyond its breadth to have a certain, any type of construction be required as part of the license, so if the neighbors wanted to get together and build something on the Chelo's property, I'm pretty sure that Chelo's would review it. At least we're open to reviewing such type of proposals as a good neighbor.

Chairwoman Baxter: Go ahead Mr. Byrne.

Mr. Byrne: First of all, we've engaged Mr. Hittinger on a limited basis because we wanted to get some ideas what he thought were possibilities. We're not engaging him to come up with any kind of design plan at this point. I mean that's beyond the scope of anything we asked him to do. He happened to be there on Friday, Ernie was there, and the District Manager was there because they came up when the police were up there. So he heard from our neighborhood what was happening. So he was looking at it from that standpoint. The Arnold's Neck neighborhood is a totally different matter. That would have to be addressed in some other way, perhaps there's overlap, perhaps not. We're talking about engineering work here this is not a final plan, we're talking about conceptually what could be done. The point that I'm making is that in the last year Chelo's said that they were engaging in sound mitigation. Well, the effect of that sound mitigation doesn't seem to be as great as what we were really expecting based on what was talked about at the time. In fact, one part of that was not really ever implemented.

Atty. Goodier: It's my understanding that it's compliant with the City ordinance. There haven't been any citations this year. I'm not an expert, but we could enclose the whole property and I'm pretty sure that would reduce the sound but that's not the atmosphere an outdoor venue is looking for.

Chairwoman Baxter: If I could ask Diana, it is beyond our purview to say you need to build a nine-foot barrier right?

Solicitor Pearson: Right. You can't put those kind of restrictions.

Chairwoman Baxter: Right, I'm just putting it out there, that's just not what we do.

Mr. Byrne: Can I ask what kind of sound mitigation was considered when the changes were made to the venue?

Atty. Goodier: They looked at all different things, they changed the positions of the speakers, they hired a sound engineer.

Mr. Byrne: I'm talking about when all of this work, when the expansion of the venue was done several years ago.

Chairwoman Baxter: Mr. Byrne, we are reviewing from Memorial Day to today.

Mr. Byrne: Well, I would say that you had come up with an instruction to them to try to keep the sound to a tolerable level.

Chairwoman Baxter: And I have to tell you, it was and we went through our notes, and our interpretation of it and the Colonel's interpretation and Diana's interpretation is that it was a good faith suggestion. I have all the emails too, you don't need to read them to me.

Mr. Byrne: No, but in the minutes I believe it was said that if the ambient was already exceeding the 50 decibels we talked about there were be more reviews. Mr. McGovern said that, if I read the minutes correctly. What I'm getting at is we are trying to find other alternatives we can do to...I mean we've had, the Deputy Chief said, four calls. We had counted seven or eight, now they may have been multiple calls, but it's not like there have been no calls and everyone is happy.

Chairwoman Baxter: I understand that, but there have been no violations. I need to know from you guys what is you end result? What is it you want exactly? Do you want to hear nothing? That is what I need to know.

Dr. Tarik Malik: Last year when you had said 50 decibels and it's in the minutes that you said that you would take people in the neighborhood with you so that they could also see what is being implemented, I'm afraid that, we tookay it at faith. We also said that it was a very good suggestion that 50 decibels [inaudible] and you also said that you are empowered to make it 25 if it's not satisfactory. At that time also the Chelo's came up with this [inaudible] in fact it was just sort of an [inaudible] thing, but you went on line as we were sitting her and you were very helpful to tell them where to find it and so on. I think I don't accept this argument that we've brought this person who's talked very knowledgably and so on and he has premised it by saying look we want to do something or we can do something which keeps their music on and doesn't disturb the peace of the neighborhood. To come up with a suggestion that you can bring up an estimate and so on, I mean this is really, well let me not say what it is. But, the thing is that they have now an option of going with the limits that you had proposed and they could do that picking up from here and we could in a collaborative way could achieve something that works on both sides and it doesn't disturb the peace in the neighborhood and it lets them continue with the music. So, I think we're trying to find a way of doing it, when you suggested 50 decibels, really the onus is on the Board and whoever else you want to do that, otherwise let's say we're not keeping the faith in what the Board had decided. So, I think what I'm asking is what are you going to do about it and what is Chelo going to do about it, because it's not working. This citation and no citation is a very separate issue and let's not go into you know these small things. Let's see is that workable and how are you going to make it work.

Chairwoman Baxter: Okay. I understand what you are saying Dr. Malik, again, the Board has absolutely no power to say to Chelo's you need to build this, you need to tear up your stage, or you need to put this down. That is something that if you want to approach them you're free to do that.

Dr. Malik: No, we are not putting in any money in that. I think it's an option for them and it's a very good suggestion that we have, at our cost, made some suggestions. If they want to pick it up, fine. That would [inaudible] the issue. If not, then you have to say all right guys you need to abide by the limits that we proposed.

Chairwoman Baxter: Go ahead Mr. Byrne.

Mr. Byrne: All I want to say is I don't think that people are saying they don't want to hear anything. You asked that question.

Chairwoman Baxter: I've heard that in the past.

Mr. Byrne: You may have heard that from one or two people in the past, I don't know, I can't speak for other people. I will say that, I've not been home a lot, especially in the last couple of weeks, we

weren't home Memorial Day. There are other times when I can hear music and I say fine, it's not in my face. But, last Friday night when we were going to meet with Rich at my house, and it was just a planned appointment that we had set up, all of a sudden the music was so much louder even than it had been the day before to me and at that point I said that I probably would have called the police. It turns out that Dr. Malik had and we were up there talking to the officer, Lieutenant Tainsh I believe. But there are other nights I can hear music, and again, I don't know where it is exactly, I'm not sure where that level is, but there is a point at which you say okay it's just now too much in my environment. That's why we thought if we talked to somebody of Rich's experience and background he might offer some options to tamp that sound down, not just for our neighborhood, but for other neighborhoods. We're not doing this just for ourselves. We think that this is a good approach. We were trying to be proactive and we were trying to be cooperative. Chelo's has the business and they had already talked about sound mitigation, it just seems that it didn't go far enough.

Clerk McGovern: Mr. Byrne, I know you've consulted with Mr. Rich (Hittinger) here, it is possible to find out where those places in Newport are that have that soundproofing floor? I understand the concept inside. I play basketball in gyms and I understand the difference between a hardwood floor and a rubberized floor. I don't know what the cost would be but it sounds easy enough and I'm one for easy solutions. So far what we've asked them many times they are trying to work together too between the drum guard, the curtains, the different things. So, I think that would be something that doesn't sound astronomical to me. If you could find one out I wouldn't mind going there and checking it out myself.

Mr. Hittinger: The other thing is, you know I will say, I do think that putting a sound deadening curtain behind the stage does something. It does certainly help, because it does what I was talking about, absorbing sound pressure at the source. Unfortunately, it doesn't take care of the direct sound coming out of the speakers because we have a direct line of sight to the impacted area.

Chairwoman Baxter: Go ahead sir.

Jim Fraher: Jim Fraher, I live on Arnold's Neck. You had asked what people are willing to live with. Me, I'm okay with some background sound while I'm sitting on the deck. When I have to listen to it in my dining room and my living room it's not acceptable. When I have to close the windows, not acceptable.

Chairwoman Baxter: Okay.

Woman in Audience (Mrs. Fraher?): We were home one night about 9:00 p.m., just got in and were were watching a movie with the doors closed and it was quiet. It was soft when we got home, but all of a sudden it was blasting. I called the police that night and it measured at 6.2, but there was no music playing when they came. Barbara, my neighbor, also called at the same exact time and two officers showed up at the same time. They only measured one house, not the other, and they said that is the problem is that the ambience of the people measures that high. But the levels were not below six they were above six.

Chairwoman Baxter: It's 60, and if the officers had it measured over 60 they would have gone over and issued a citation.

Woman: But there was no music.

Chairwoman Baxter: Oh, I'm sorry, okay.

Commander Babula: I have the call here, but we are required by the statute to take base ambient noise levels and we've taken base ambient noise levels between 43 and 65. Sometimes the ambient noise is louder than the audience. At the time the officers took this reading, the ambient noise was louder than the ordinance allows the band, but the band wasn't playing.

Woman: We were also told that they heard the call and then maybe the music was turned down due to that, but then they get the call back and the reading and the music goes up again.

Chairwoman Baxter: Who's calling them back, the police department?

Woman: I'm not sure.

Mr. Hittinger: I was just going to add something. A restaurant with a lot of patrons and no music is going to measure well over 60 if you are right in the restaurant or immediately adjacent to the restaurant.

Commander Babula: These readings were taken at the complainant's house.

Chairwoman Baxter: Yeah, that's where the readings are taken by the police, at the call.

Commander Babula: We've taken ambient readings on Post Road that were above 70.

Mr. Hittinger: On Post Road, but from the traffic.

Commander Babula: Yes, from the traffic.

Mr. Hittinger: Traffic noise certainly is an issue.

Chairwoman Baxter: Go ahead Mrs. Malik.

Mrs. Malik: The interesting thing about ambient sound is that it does not hit you in the head the way the loud drums do. Ambient sound is almost like a white noise that's there, but the music is not. It's got rhythm and it's got a pattern and that's what plays havoc with the human mind.

Mr. Byrne: To the unwanted listener. I mean obviously people are enjoying the music there. That's what they are there for. It's when you're the unwanted listener or the involuntary listener, that's when it becomes an issue.

Chairwoman Baxter (to Mr. Petrangelo): If I could ask, you're the sound person at Chelo's?

Mr. Petrangelo: Yes.

Chairwoman Baxter: Where do you put the volume? Where on the dial between one and ten?

Mr. Petrangelo: There's really no dial.

Chairwoman Baxter: I saw the dials, I saw all of the plugs, I saw inside and outside of Chelo's.

Mr. Petrangelo: There's really no dial. It's not a one to ten kind of thing. We have limiters on the system that will only allow so much volume to go in and out of the system. So, it's get to a certain volume and it just squashes it down, kind of like a car engine. But, there is no volume control.

Commander Babula: They demonstrated that for Colonel McCartney some time back.

Chairwoman Baxter: You guys know that Colonel McCartney and Major Kelly were out there and lookayed at the sound system and listened to readings. It was the Colonel's findings that he said, "It is not humanly possible for Chelo's to maintain an internal control, in the building on the stage 50 decibel noise level mechanism based on all of the ambient sounds that occurs around the marina. It's clear that they have satisfactory controls that allow them to turn the band music down if necessary, the band does not control the sound".

Dr. Malik: Which almost brings one to the point, Colonel McCartney saying that it can't be controlled which is in contradiction to what the Board had decided.

Chairwoman Baxter: That's not it, the Colonel is saying--

Dr. Malik: [interposing] I know what the Colonel is saying.

Chairwoman Baxter: That there is so much noise, people noise just going on in the area of the restaurant that you can't control that little area to 50 decibels because there is so much else going on before the music.

Dr. Malik: It's very interesting because we don't hear the people in the restaurant talking and so on, but I think that the point is this, if it's not humanly possible there are decibels and there are machines that measure them. So, I don't think the point is not valid, humanly or not. But the other thing is that we very surprised that you had promised that you would take us with you before the season started. Was there a special reason that we weren't invited to go?

Colonel McCartney: Well, the Colonel went--

Dr. Malik: [interposing] No, I'm talking about the Board. Was there a special reason that the neighbors weren't invited?

Chairwoman Baxter: Well I think Lisa mentioned that the three of us work, and the Colonel went representing the department.

Dr. Malik: That was long after. What I'm saying is that you had promised that before the music started this year that the Board would go and see prior to the start and they will say if things are satisfactory and I had said would you take us with you and Mr. Chelo had said yes. I'm asking was there a special reason for us not to be invited to go when you were visiting before the season?

Chairwoman Baxter: We did not visit before the season started the Colonel went representing the department.

Dr. Malik: The Colonel went long afterwards. I am asking again the same question. You had said that the music would not start, you would go, the Board would go before...

Atty. Goodier is heard interrupting, however it is inaudible due to the fact that he is talking over Dr. Malik.

Dr. Malik: I'm just asking a simple question.

Chairwoman Baxter: Like I said, we three have three different schedules, we have families, the Colonel went representing the department, and the Colonel has the equipment. We don't read the equipment, we don't have the equipment.

Mr. Byrne: I thought that, when the Colonel went, that was in response to Jan's email on Memorial Day. I thought in the minutes of the last meeting that some of the Board members were going to go and be monitoring the levels. You know, going to visit the site. Whether you did or not isn't, it's just that I think that's what Dr. Malik is referring to and there was some mention of would the neighbors be able to go along if they wanted to. Some people will and some people won't, and there was some mention that they can. The fact that it wasn't organized I don't know, but that's what Dr. Malik is referring to. I believe at the last meeting there was some mention that we have to do something different. Well the something different that you were thinking about turns out to not be possible. So, does that mean we just say oh well that's the end of that? That's what we were trying to accomplish when we engaged Mr. Hittinger, to say what's something different, let's go back to the sound mitigation issue. You can question whether he's got experience, this, that or the other thing and he can provide you with more information. The Chelo's do not have to engage Mr. Hittinger at all, it's their right to do what they want. We just felt that we're presenting ideas that we think should be taken seriously because there's an issue here. You know, you don't want to see us anymore. I'm sure you would be very happy if nobody came here to this meeting. I'm sure you would be ecstatic, I'd be ecstatic. That's what we're trying to work towards. I know maybe it's outside of the purview of the Board, but in the sense that this is kind of a negotiation or whatever you want to call it to try to resolve or come to an amicable situation, that's all.

Clerk McGovern: And Mr. Byrne, that's why I did ask, if you could provide me with an address I'll go. I don't have a problem going to Newport for a drink or whatever. But, sometimes the easiest solutions are not the most difficult ones either to solve. We're having trouble solving this one, but you know rubberized flooring makes sense. They talk about it on basketball courts. It just struck home with me.

Dave Sommers: I have a question for the sound manager, Mr. Ernie. What is the db reading at the venue when the band is playing? Is it like 150?

Mr. Petrangelo: It depends on how far you are away from the stage. If you're standing directly in front of the stage at the end of the cement dance floor it's around 75.

Mr. Sommers: So, would you be able to take that down to 65? In other words, if were reduced at my house from the 58 or 59 to below the 50, around 49 or 48 you all would not hear from me. If you just turned it down at the venue, and I understand loud music is funner to dance to and I used to do that when I was younger, but it seems like a simple no cost solution to a problem that's obviously gotten too complex. Would it be that big a deal to just turn it down at the venue 10 db or whatnot? And

would that translate to 10db lost down the road, that's what we're talking about here really is just that threshold where really it goes from like okay it's a little annoying to a point where I could live with this. We don't expect to cease and desist, that's unrealistic, but if we could just get it down to a manageable roar or whatever. Fifty hasn't been 55, 60, that's never been manageable to us. If it's below that to a point where we hear it but we don't have to sing along to it--

Chairwoman Baxter: [interposing] And we're talking 55, 60 at your house, not in front of the stage.

Mr. Sommers: No of course not, that's why I'm asking--

Atty. Goodier: [interposing] If I could respond to that, [inaudible].

Mr. Sommers is heard in the background talking, but the words are inaudible because he is talking over Atty. Goodier

Chairwoman Baxter: To the attorney, we, um you're not generally here for this, Mr. Mancini is generally here. We're asking, and we did ask this last time, we're asking a simple question. What is your name again sir?

Mr. Sommers: Still Dave.

Chairwoman Baxter: Dave has a simple question. Can you turn it down a little? That's all he's asking. I know what the City Ordinance is and I also know that they already have restricted hours, so we can kind of [inaudible] things as they go, and you know that. Can you turn it down at the source?

Mr. Petrangelo: Anything is possible.

Chairwoman Baxter: Yes or no?

Mr. Petrangelo: You can turn it down, yes.

Chairwoman Baxter: Can you start doing that? We need you to start doing that. That way we know you've turned it down, and if they're still hearing stuff you turned it down.

Mr. Sommers: You know, they'd start looking at spending hundreds of thousands of dollars on doing stuff.

Mr. Hittinger: Madame Chair, one of the reasons why you need to have the music louder is because the patron noise is at a certain level and you want to be able to hear the music over the patron noise. So, one of the things that happens when you put sound deadening material in the environment, that's the environment of the restaurant itself, and the environment right in front of the stage, you reduce the amount of patron noise at the same time. So, then relative to the patron noise, the music doesn't have to be quite as loud so then you get an even better effect of having sound deadening materials in that immediate environment. So it's kind of a double effect. You reduce the patron noise, so therefore, the music doesn't have to be as loud, and you reduce the total amount of sound pressure leaving that environment. So, you reduce the impact on the environment all around.

Woman in Audience: So, if the patrons are louder, you have to make the music louder.

Chairwoman Baxter: But again, we don't measure the patron sound, they are not complaining, I know what you're saying, it's a circle, but we're not getting any complaints about patron noise. But, is it, Mr. Chelo is it possible to just turn it down a little?

Mr. Chelo: We have turned it down, we have turned it down, and we have turned it down. It's almost to the point where it's unenjoyable to listen to the music there. It's not that we won't revisit it again. We will.

Atty. Goodier: Yeah, I think they'll explore the possibility of that rubberized material. I don't know if they have any restrictions on that concerning handicapped or ADA regulations, I'm not an expert in that but it seems like a plausible measure.

Chairwoman Baxter: Okay, because it seems that if we just turned it down a little that would be cheap and then we will know, and I know what you've spent, I've seen...when I was standing there I just thought if I was a musician it would be hot as hell in there. It's plastic and glass and wood and it looks pretty warm in there. But, it just seems as though you could just turn it down a little. We don't have sound expertise. I can't say turn it down a notch. I know it doesn't work by decibel level. Some of just have to be realistic, you are going to hear music. I have heard in the past, "I don't want to hear any music." That's not going to happen. Let's all remember there have not been any violations and everything has been under 60. Go ahead Ma'am.

Lorraine Byrne: Um, Lorraine Byrne. We were just looking at some review of Chelo's online, and there were some reviews that say that the music is so loud that you can't even enjoy eating there.

Chairwoman Baxter: Okay, well they are not here. It's just the neighbors. That could be someone from Pawtucket and then they don't go again. I don't know what to say about that.

Mr. Byrne: Can I just make the point that the location of the venue is in a very critical place, because it's just surrounded by residential people.

Chairwoman Baxter: And let's not forget, it's in a basin, and a lot of times depending on which way the wind is blowing is what neighborhood gets it the worst. That's something that cannot be controlled.

Mr. Sommers: That's something we need to be flexible on though.

Chairwoman Baxter: I understand.

Mr. Sommers: We need flexibility on both sides.

Chairwoman Baxter: That's why I'm asking.

Mr. Sommers: That's what I'm saying, if you have flexibility from us and y'all. They keep staying over 60 under 60, no there's no flexibility there. But you're right the humidity, the air temp, the direction of the wind and whatnot. Sometimes it's good and sometimes it's not.

Clerk McGovern: Pouring rain is the only solution we have and we don't want that.

Chairwoman Baxter: Mr. Byrne, I'm sorry you got cut off.

Mr. Byrne: It's all right, I've made my point. It's something that's a unique situation. There should be measures taken to try to resolve the situation amicably.

Chairwoman Baxter: Okay, go on Mrs. Malik.

Mrs. Malik: Um, I just wanted to respond to Mr. McGovern's question. If it's not music, it's the highway. Around so many of the highways, those walls have been put up. I do happen to know somebody that lives on the other side of one of these walls and they say that it's made a tremendous difference in their lives. That means that there are solutions, when we talk about walls and so on. I would really put the onus on Chelo's to go out and explore those now that we've established the fact that there are things other than what they've already implemented. Let's not bring how much they're spending in because it's a give and take. You know, you invest in your business and you get the returns so that's not part of the discussion. The discussion here is that [inaudible], that they need to check out other options like the flooring and the barriers and so on so that there is a peaceful co-existence.

Chairwoman Baxter: Mr. Hittinger, you're welcome to chat it up with them in the hallway before you leave. Again, this is not something, all we can recommend is that you guys just need to get together and play nice. We cannot tell them to build a wall. So, if he wants to speak to them. Yes, Doctor.

Dr. Malik: You can't tell them to build the wall, but we brought somebody at our expense. If they want to and they think that he's talking sense, then they could engage him. Also, if they want to talk to him they can do that. We have brought an expert in the sense of mutual agreement. We suggest what you can do, and it's in their best interest to take that. If they don't like Mr. Hittinger because we brought him, then they can go to somebody with comparable expertise and qualifications and they could easily find the same solutions if they trust that person more. We're not interested in that. What we're interested in is that we don't have to close our doors, we don't want to close our windows, we don't want intrusive noise, and so long as you are here to protect us and our interests, while you also take their interests into consideration, I think that the onus is on the Board and on Chelo's.

Chairwoman Baxter: Again, like I said, you are welcome to speak to them. That's something you guys need to do on your own.

Dr. Malik: They can invite Mr. Hittinger and pay his consultation fee.

Chairwoman Baxter: Again, that's up to both parties.

Dr. Malik: That's right. Or get somebody else. You know, we've given you a way out. You know there's the highway, but you need to find your exits.

Chairwoman Baxter: Is there anybody else?

Mr. Byrne: May I ask, since this has been a very, very long discussion. There's been a request by the chair to Chelo's to turn the music down some more. I know that's a rather vague..

Chairwoman Baxter: [interposing] I know it's vague.

Mr. Byrne: What I'm getting at is not that I love coming here. Neither does anybody else, but can we put this on the agenda for the next meeting to ask how successful that has been?

Chairwoman Baxter: July 15th is a Wednesday, because we have a swearing in that night. Is that something we are amenable to, is that something that you can do (to Mr. Petrangelo)?

Mr. Petrangelo: I will do what I am paid to do.

Chairwoman Baxter: Mr. Chelo?

Mr. Chelo: If we can lower it, we'll lower it.

Atty. Goodier: It's our intention to stay within the limits of the ordinance. If the ambient noise is over the ordinance. We indicated that we would look into some of that rubberized material for the concrete area. Again, barriers can be built anywhere between these neighbors' houses and in the yard. Hedges, there's other factors that can mitigate the noise.

Mr. Byrne: So, you're saying it's our responsibility?

Atty. Goodier: If the noise readings on Route 1 are 70, you can consult your council members, may there should be a barrier on Route 1. Ask the State.

Chairwoman Baxter: I think, I mean they have tried to go through their councilperson, and we've studied it for how many years?

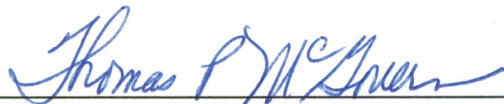
Clerk McGovern: It was a long time.

Atty. Goodier: And they recommended [inaudible]

Chairwoman Baxter: Yes, they did, and pretty much nothing was done. So, again, we enforce the ordinances, we do not set them. We've already restricted their hours, so that's where we are. We work within the parameters of what the ordinances are. So, we can do a review on 7/15. Mr. Hittinger if you want to talk to them out in the hallway, go at it. We can't tell anybody to build anything. We've asked them to turn it down and we will meet again I guess on the 15th

ACTION: Chairwoman Baxter made a decision to review again on Wednesday, July 15, 2015.

At 9:15, this session was ended.


Thomas P. McGovern, Clerk