



In all the world there is only one Essex Junction

David A. Crawford
Village Manager

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MEMORANDUM

TO: David Grimm, CVE General Manager, and Tom Oddy, Director of Special Events
FROM: David A. Crawford, Village Manager
DATE: September 23, 2011
SUBJECT: CVE Noise Violations – Phish Concert September 14, 2011

The Phish Concert was held at CVE on Sept 14, 2011. David Wechsler, Senior Scientist/Principal, Vermont Air Testing Services, measured the noise levels of the event in accordance with the CVE Noise agreement. He reported that the noise levels measured throughout the event did not exceed the established noise level criteria [allowable hourly average is 78.0 decibels] with the exception of Hour 1 (starting at 7:32 PM) [at 78.5 dBA] for the hourly average noise level. It is noted that the levels are over the one hour limits by 0.5 dBA is not perceivable by an average person. A copy of the full Monitoring Report is attached. The violation occurred when the concert ran over the agreed on ending time of 11:00 PM by about 4 minutes.

To that end, the Village Manager has met with CVE officials and agreed that changes should be made in the methods used when monitoring occurs. First, we should try to find ways to improve communication between the monitoring station and the sound control personnel. There was communication but even though attempts were made they did not occur quick enough to prevent minor violation. Without quick corrective action the event can reach violation noise levels. It should also be noted that the hourly average violation cannot be finally be determined until after the event is over and the data is analyzed. CVE and the event officials should target more conservative levels to prevent violations. CVE and the Village need to develop system so that the event promoters and sound technicians understand that noise levels limits must be adhered to and that violations will result in a fine.

At the Village Manager's request, CVE has provided the attached letter explaining their efforts to meet the noise levels agreed to per the issued permit. The monitoring data shows that the noise levels were reduced during the event and my personal observation of the attempts made during the event convinces me that the effort was made. CVE has agreed to meet this winter to discuss and define improved monitoring and sound level controls noted above.

The prime purpose is to keep event noise within reasonable levels. It is clear that being punitive, i.e., leveling fines will probably not correct future similar situations or improve the conformance to the noise levels. I should also be noted that this event was a great success in raising a very significant amount of money for Irene Flood Relief. CVE and many businesses fees and donated services and the public support contributed in making the event a success.

Based on this agreement (signed by CVE) and the fundraising nature of this event, the Village Manager is not imposing any fines related to the Phish Concert event.

THE FOLLOWING SIGNATURE INDICATES CHAMPLAIN VALLEY EXPOSITION'S ACCEPTANCE OF THE MONITORING OPERATING PROCEDURES NOTED IN THIS MEMORANDUM.

David F. Grimm, General Manager

September 23, 2011