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Michele E. Randazzo
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BY HAND

Marc LaCasse, Esq.
The McCormack Firm
One International Place
Boston, MA 02110

Re: Town of Provincetown

Dear Mr. LaCasse:

As a result of certain challenges made to the Town of Provincetown's Street Performances Bylaw (Section 9-4 of the General Bylaws) and the Excessive Musical and other noise Bylaw (Section 13-2-6 of the General Bylaws), and the Town's enforcement of said bylaws, the Town of Provincetown and Marcia Kostick [a/k/a Marcia Mello] have come to the following agreement.

In enforcing Sections 9-4 and Section 13-2-6 of the General Bylaws, the Provincetown Police Department will only issue verbal or written warnings to street performers until the fall town meeting, tentatively scheduled for November 5, 2007. No citations or fines shall be issued. Warnings will be to turn the music down [not off] unless there is some other factor (i.e. playing before 11:00 a.m. or after 11:00 p.m. or some other bylaw and/or public safety violation not solely noise-related) that warrants a requirement that the music be turned off.

The following citations issued pursuant to by-law 13-2-6-1 by the Police to Marcia Kostick of 25E Bradford Street shall be dismissed:

Citation No. 8476 issued on July 14, 2007
Citation No. 7329 issued on July 31, 2007
Citation No. 8036 issued on July 26, 2007

The Town of Provincetown will undertake to revise the Street Performances and/or the Excessive Musical and other noise By-laws (as appropriate), to include objective noise measurements of musical performance which will enable street performers to conform their performance to the requirements of the by-law, for submission to the voters at the fall town meeting.

No lawsuit will be filed in either state or federal court alleging that the By-laws referenced above, and their enforcement, are illegal or unconstitutional, including but not limited to any claims that these By-laws or their enforcement constitute a violation of 42 U.S.C. section 1983 alleging that Marcia Kostick's rights under the First and Fourteenth Amendments to the United States Constitution have been thereby violated, until such time as the fall 2007 town meeting has occurred.

