

From: John McPartland <mcpruitt@myfairpoint.net>
Sent: Thursday, August 4, 2022 6:01 PM
To: Tom Hanley <Thanley@MiddleburyPolice.org>
Subject: Re: Noise Ordinance

Dear Chief Hanley

I spoke with Andy Hooper, on the Public Safety Committee, about my interest in changing Middlebury's weekend "quiet hours," He asked me to ask you to add me to the agenda of the next Public Safety Committee. Thank you.

Derek Doucet, dean of students, came to my house today for a site visit. He mentioned that a meeting is being scheduled between himself, you, and Tinsley. Would it be possible for me to also attend that meeting? Thank you.

FYI: yesterday Tinsley's contractor moved the "party equipment" (Adirondack chairs, steel fire pit) from the west side of his house to the east side of his house: now looking directly into our bedroom window, 30 yards away. Either he's completely clueless or it's a direct provocation. I emailed him yesterday, asking for an explanation, "Your behavior breaks my heart," and he did not respond.

Respectfully,
John McPartland

On Jul 26, 2022, at 7:42 PM, John McPartland <mcpruitt@myfairpoint.net> wrote:

Dear Chief Hanley

I've just returned this evening from six days away—road trip to Michigan for a wedding. Finding a backlog of 120 emails, I'm tending to yours second. Hope you don't mind that Officer Ailinger's email (re: Tinsley) generated my first response. :)

Thank you for taking the time to provide me with this clarifying information—particularly the two important parts in the ordinance that you describe below. Patty (my wife) and I happened to be discussing this ("quiet hours" vs. "unreasonable" noise) today, while driving between Buffalo and Rochester on our way home.

Thanks again for taking a personal interest in our situation.

Respectfully,
John McPartland

On Jul 21, 2022, at 6:16 PM, Tom Hanley <Thanley@MiddleburyPolice.org> wrote:

John,

The other day you inquired about changes to the noise ordinance. Attached is the current noise ordinance. The two important parts of the ordinance are the “prima Facia” section (that is, any noise after certain hours is a violation of the ordinance) and a section dealing with unnecessary, unreasonable noise which does not require a time prohibition. Enforcement is civil – issuance of a municipal ordinance ticket with a fine.

To have an ordinance change, the matter must be brought to the selectboard. It is usually then given to the Public Safety Committee (Andy Hooper is on the committee) for research and deliberation and the committee forwards a recommendation to the board. If adopted by the board it goes to a public hearing, if a final amended version is approved it is held for 40 days before it becomes effective.

The enforcement process requires an affected 3rd party to call the police. The police then arrive and make an independent observation (more relevant to the “reasonable issue”). The person in charge of the house, the party, whatever is identified and given a warning. On a second response if there has been no abatement the person can be ticketed. If it is the third time in a week the same process must be followed.