

City of Salem, Massachusetts



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City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs

met in the Council Chamber on February 18, 2021 at 6:00 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on

February 16, 2021 at 1:53 P.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: None

Also in attendance: Beth Renard, City Solicitor; Ilene Simons, City Clerk, Giovanni Alabiso, Tour Guide and petitioner for item #541

SUBJECT(S)

#496 Amending an Ordinance Relative to Public Guides – Amplification

Councilor Morsillo introduces the item, explaining that a resident of 99 Washington St requested that the driveway between City Hall and 99 Washington St be added to the list of streets which prohibit amplification. The resident states that tour groups have been coming into the driveway for a few years during their tour, but recently, over the past year, they have been using amplification. The sound bounces off the walls in the alleyway and it has become a nuisance. The resident did not want to ban tour groups from using the alleyway, simply prohibit amplification in the alleyway.

Councilor Dominguez asks about the noise ordinance, and whether it includes this type of amplification. Beth Renard, City Solicitor provides information on the noise ordinance, that noise is limited to 73 decibels from 4PM-8PM M-F, 11AM-8 PM Saturdays, Sundays, and holidays. This includes between 93 and 155 Washington St.

Councilor Prosniewski adds that during October, there is a map that specifies where amplification is allowed. He explains that tour groups go into this driveway to get off the sidewalk, otherwise pedestrians would have to go onto Washington St to get around the tour groups.

Beth Renard provides the language for the ordinance change: **by adding "or in the alley between 93 and 99 Washington St"** to the end of Chapter 40 sec. 30, subsection (8) of the Salem City Ordinances.

Public Comment: Giovanni Alabiso questions whether other noise in a downtown area also causes a problem for residents.

Councilor Sargent moves to refer this back to the City Council with a positive recommendation to amend Chapter 40 Sec 30, subsection (8) of the Salem City Ordinances, but adding "or in the alley between 93 and 99 Washington Street" to the end. Councilor Dominquez seconds the motion. Vote: 5-0 in favor.

#541 Waving Public Guide Fees for 2021

Giovanni Alabiso explains that the Licensing Board waived fees for restaurants among other things. He asks for a waiving of fees for Tour Guides, and also asks that fees be waived for buskers, psychics and other licensed individuals, as a gesture to lessen the burden for everyone.

Councilor Dominguez comments that he is in agreement regarding fairness in support of our businesses large and small.

Councilor Hapworth wonders what fees are waived, where. Is there a standard for why fees were waived. Where do we draw the line on waiving fees. Beth Renard explains that the Licensing board sets the fees annually for liquor licenses, common victualler licenses, and other fees. The Licensing Board took this item up previously, examined the impact of the pandemic on local businesses, deliberated and voted in November to waive some of the fees.

Ilene Simons discusses the breakdown of the tour guide renewal fees (\$10 before February 1, \$20 after) and \$65 for new tour guides, which covers the exam, CORI fees, administrative fees and the license.

Councilor Morsillo is in favor of discussing waiving the renewal fees for tour guides, but not the NEW tour guide fees.

Councilor Prosniewski asks whether this will open a Pandora's box, which will end up hurting us, when it comes to the fees collected in October, which help to cover the additional costs of holding Haunted Happenings. At what point do we say no; but he is in favor of waiving the fees for the Tour Guides.

Councilor Morsillo asks Mr. Alabiso how much tour tickets cost. He stated that prices start at \$15 and go up, depending on the length of the tour. Councilor Morsillo asks how many tour guides have store fronts. Mr. Alabiso offers that there was confusion about whether tour companies must have a store front. He does not know for sure how many companies have store fronts.

Councilor Morsillo points out that the fees waived by the Licensing Board ranged from liquor licenses, which are just under \$2000, to the common victualler fee, which is \$50. Ilene Simons adds that the City Clerk's office handles permits for second hand valuable, second hand clothing, sea worms, etc., with fees ranging from \$10 to \$100. She is also concerned about what this means for other fees.

Councilor Prosniewski points out that the fees waived by the Licensing Board were for year-round businesses, like the tour guide businesses, not the Halloween seasonal businesses. He suggests that this gives a little guidance about where we should be going with this.

Ilene Simons discusses how the waivers should be processed. 60 licenses have been renewed at the \$10 fee, 20 at the \$20 fee, and 2 at the \$65 new tour guide fee. She wants to make sure we are specific in how to handle the fees that have been collected.

Public comment: Tammy Harrington, Salem Trolley. She thinks it would be great to waive the fees this year, and if the fees have already been paid, maybe hold onto the fee for next year's renewal. Also, will the city be doing this for the Driver for Hire licenses? She feels that waiving fees will be helpful for employees who are laid off right now.

Councilor Dominguez moves to refer this item back to the City Council with a recommendation to waive the 2021 Tour Guide License Renewal Fees of \$10 or \$20. Seconded by Councilor Sargent.

Councilor Sargent then asks how the City Clerk would like to handle the fees that have already been collected.

Councilor Prosniewski moves to amend the motion by adding that if the tour guide has already paid the fee, it will be held for the tour guide's 2022 Tour Guide Renewal fee only. Seconded by Councilor Hapworth.

The OLLA committee votes 5-0 to refer this item back to the City Council with a recommendation to waive the 2021 Tour Guide License Renewal Fees of \$10 or \$20, and if the tour guide has already paid the fee, it will be used for the tour guide's 2022 Tour Guide Renewal fee only.

On the motion of C. Sargent the meeting adjourned at 6:42 P.M.

Patricia Staver

(Chairperson)