

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee on Ordinances, Licenses and Legal Affairs

met in the Council Chamber on Thursday, June 28, 2012 at 6:30 P.M.

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

June 20, 2012 at 3:55 P.M.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: _____

SUBJECT(S)

Claims, Licenses, Public Guide Licenses

Claims - c/McCarthy motion to ~~move~~ ^{R.I.C.} to review
c/Siegel 2ND
voted yes 5-0

License - c/McCarthy moved to approve
c/O'Keefe 2ND
5-0 yes

Public Garden % \$500 Sec 2-2027 PARAG A
last sentence
c/Siegel moved to amend passing grade from 80% to 75%
c/Mc 2ND
5-0 passed

c/O'Keefe move to approve entire pkg as amended.
c/Siegel 2ND
5-0 passed

On the motion of C. *OK. R.*

the meeting adjourned at 6:45 P.M.


(Chairperson)



City of Salem, Massachusetts

Office of the City Council City Hall

COUNCILLORS-AT-LARGE

2012
KEVIN R. CARR, JR.
THOMAS H. FUREY
JOAN B. LOVELY
ARTHUR C. SARGENT III

JOAN B. LOVELY
PRESIDENT

CHERYL A. LAPOINTE
CITY CLERK

WARD COUNCILLORS

2012
ROBERT K. MCCARTHY
MICHAEL SOSNOWSKI
TODD A. SIEGEL
JERRY L. RYAN
JOSH H. TURIEL
PAUL C. PREVEY
JOSEPH A. O'KEEFE, SR.

June 15, 2012

Ms. Bonnie Celi
Collector
Collectors Office
City of Salem
Salem, MA 01970

Dear Ms. Celi:

Attached is a list of license applicants. Would you please check to see if anyone on this list owes the City any money for taxes, water & sewer, fines, etc.

Please report back to the City Clerks office, Room 1, by Tuesday, June 26, 2012.

Yours truly,

CHERYL A. LAPOINTE
CITY CLERK

JUNE 14, 2012

PETITIONS

Petition from Attorney George Atkins for AL Prime Consultants for extended hours of operation

HEARING ORDERED JUNE 28, 2012

Application for increase of Inflammable License for a total of 40,000 gallons at 175 Lafayette Street

HEARING ORDERED JUNE 28, 2012

The following license applications:

PUBLIC GUIDE

① Nicole Hanscom, 5 Osborne St., Salem ✓✓

McCarty
O'Keefe

Action Contemplated

Councillor Sosnowski

Moved Referred to the Committee on Ordinances,
Licenses and Legal Affairs

Voted

JUNE 14, 2012

PETITIONS

The following license applications:

TAXI OPERATOR	Milciades Pichardo, 16 Hersey St., Salem	
VEHICLE FOR HIRE	Salem Trolley, 8 Central St., Salem	(6 Trolleys)
VEHICLE FOR HIRE OPERATOR ONLY	Benjamin Kelley, 412 Cabot St., Beverly	

Action Contemplated

Councillor Sosnowski	Moved Granted	Voted
----------------------	---------------	-------

Hearing Request from Thomas Vallor on the denial of his Public Guide License

Action Contemplated

Councillor Sosnowski	Moved Referred to Comm. on Ord., Lic. & Legal Affairs to hold an Executive Session	Voted
----------------------	--	-------

The Following Claims

② Louis Arak, 12 Abell Ave., Ipswich ✓✓

Action Contemplated

*Mc
Jing4*

Councillor Sosnowski	Moved Referred to the Committee on Ordinances, Licenses and Legal Affairs	Voted
----------------------	---	-------

DIVISION 1. - GENERALLY

Sec. 40-26. - Required.

No person shall, upon any highway within the corporate limits, for hire or reward, act as a public guide whether on foot, vehicle for hire or electronic personal assistance mobility device, in pointing out to any person any historical object or impart information relative thereto or direct anyone how to arrive at such object without being licensed by the city council as a public guide. Every business owner requires a license issued by the city council while each employee of said business is required to obtain a public guide license held under the certified business name. A public guide who also acts as a business owner must be licensed as both a public guide and a certified business owner. A public guide who is an employee of a business owner must possess a badge that identifies him as a employee of the licensed public guide and business owner, the contents of said badge conforming to the specifications outlined in section 40-28.

Sec. 40-27. - Application Requirements, Professional Examination; Exemption.

a) Each applicant who applies for a public guide license after the effective date of this ordinance shall be at least eighteen years of age, submit to and clear a criminal background investigation by the salem police department, and pass a professional examination testing the knowledge of the applicant concerning the city's history and places or points of historic or public interest. A passing score for the examination shall be eighty percent. 75%

b) Applicants shall pay an examination fee as provided in section 14-38. An applicant who fails the examination may retake the examination once without paying an additional examination fee.

c) Any person while acting as teacher employed by a public or private school may function as a public guide for students enrolled in such school without first applying for a public guide license.

Deleted: 57

Deleted: ¶

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.31"

Formatted: Font: (Default) Arial, Not Bold

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 14 pt

*Siegel
McCant*

*O'Keefe
Siegel*

d) Each person who applies for a renewal of a public guide license that is current on or before the effective date of this ordinance shall be required to pass a professional examination, administered under the supervision of the city clerk or his/her designee, prior to such renewal. Current applicants may, at their option, take the professional examination for the current licensed year.

Sec. 40-28. - Contents; badge of licensee.

The City Clerk shall issue a badge to every license holder which sets forth the name of the person licensed. The person so licensed shall, at all times while engaged in the business of guide, wear conspicuously in sight a suitable badge with the words "licensed public guide" and the number of his license thereon. Each employee of a licensed public guide and business owner shall also display a suitable badge that indicates the name and valid license number of said business owner and public guide. Neglect to comply with this section shall be sufficient cause for revocation of such license.

Sec. 40-29. – Fees; term.

The fee for each lices, professional examination and criminal background information shall be provided in Section 14-38. All licenses shall expire on December 31 of each year.

Sec. 40-30. – Prohibitions.

 No licensed public guide shall;

 a) conduct a tour that does not conclude prior to 10 p.m. daily, except prior to 11 p m on weekends (Friday and Saturday) and October 31;

 b) conduct a tour in a public cemetery after dusk;

 c) conduct a tour that blocks the entrance of a business;

Deleted: ¶

Deleted: Sec. 40-27. - Fee; term. ¶
The fee for each license issued under this division shall be provided in section 14-38. All licenses shall expire on December 31 of each year.

Deleted: E

Deleted: issued under this division shall

Formatted: Font: 16 pt, Bold

Formatted: Indent: Left: 0"

Formatted: Font: 16 pt, Bold

Formatted: Font: 16 pt, Bold

d) conduct a tour on private property without permission of the owner;

e) place a sales booth on public property unless such public guide or business owner owns or leases a storefront and the licensing board has authorized such a sales booth, or

OR WHAT!

f) violate chapter 22 of the city ordinance relative to noise.

Formatted: Indent: Left: 0.31"

Formatted: Indent: Left: 0"

Deleted: 29

Deleted: -

Deleted:

Formatted: Font: Arial, 14 pt

Sec. 40-31. - Revocation; Penalty.

Every person licensed as a public guide shall conduct himself in an orderly manner at all times when engaged in the business of guide. Any violation of this section shall be sufficient cause for revocation of such license and/or a penalty by a non-criminal disposition, as provided in M.G.L. c. 40, § 21D in an amount set forth in Sec. 1-10 of this Ordinance. The police department and the special investigator assigned to the Licensing Board shall assist the city council in enforcing this division.

Any person aggrieved by the revocation of a license or imposition of a penalty may file an appeal as provided by the general law.

Secs. 40-32—40-85. - Reserved.

Deleted: 0

Section 14-38

Insert new fees:

<u>Public Guide Examination Fee</u>	<u>\$30.00 one time-</u>
	<u>passing: \$0 1st</u>
	<u>retake: \$30 2nd</u>

Formatted: Font: Not Bold

Formatted: Superscript

Formatted: Superscript

and subsequent
retake

Formatted: Font: Not Bold

Public Guide License Fee \$20.00/ year

Public Guide Criminal Investigation Fee \$25.00 one time

Formatted: Font: Not Bold

twelve

to amend an Ordinance pertaining to public guides

Division I of Chapter 40, Article II is hereby amended by:

1) adding the phrase “whether on foot, vehicle for hire or electronic personal assistance mobility device,” after the word “guide” as it first appears in the first sentence of Section 40-26. And, further amending Section 40-26 by deleting the numbers “40-57” as they appear at the end of this section and replacing them with “40-28”.

2) deleting section 40-27 in its entirety and replacing it with the following:

“Sec. 40-27. – Application Requirements, Professional Examination; Exemption.

- a) Each applicant who applies for a public guide license after the effective date of this ordinance shall be at least eighteen years of age; submit to and clear a criminal background investigation by the Salem police department; and pass a professional background examination testing the knowledge of the applicant concerning the city’s history and places or points of historic or public interest. A passing score for the examination shall be eighty percent.
- b) Applicants shall pay an examination fee as provided in section 14-38. An applicant who fails the examination may retake the examination once without paying an additional examination fee.
- c) Any person while acting as teacher employed by a public or private school may function as a public guide for students enrolled in such school without first applying for a public guide license.
- d) Each person who applies for a renewal of a public guide license that is current on or before the effective date of this ordinance shall be required to pass a professional examination, administered under the supervision of the city clerk or his/her designee, prior to such renewal. Current applicants may, at their option, take the professional examination for the current licensed year.”

3) deleting the first sentence of section 40-28 Contents; Badge of Licensee in its entirety and replacing it with the following;

“The City Clerk shall issue a badge to every license holder which sets forth the name of the person licensed.”

4) deleting section 40-29 in its entirety and replacing it with the following new sections:

“Sec. 40-29. – Fees; term.

The fee for each license, professional examination and criminal background information shall be provided in section 14-38. All licenses shall expire on December 31 of each year.

Sec. 40-30. – Prohibitions.

No licensed public guide shall

- a) conduct a tour that does not conclude prior to 10 p.m. daily; except prior to 11 p.m. on weekends (Friday and Saturday) and on October 31;
- b) conduct a tour in a public cemetery after dusk;
- c) conduct a tour that blocks the entrance of a business;
- d) conduct a tour on private property without permission of the owner;
- e) place a sales booth on public property unless such public guide or business owner owns or leases a storefront and the licensing board has authorized such a sales booth; or
- f) violate chapter 22 of the city ordinance relative to noise.

Sec. 40-31 Revocation; Penalty.

Every person licensed as a public guide shall conduct him or herself in an orderly manner at all times when engaged in the business of guide. Any violation of this section shall be sufficient cause for revocation of such license and/or a penalty by a non-criminal disposition, as provided in M.G.L. c. 40, § 21D, in an amount set forth in Sec. 1-10 of this Ordinance. The police department and the special investigator assigned to the Licensing Board shall assist the city council in enforcing this division.

Any person aggrieved by the revocation of a license or imposition of a penalty may file an appeal as provided by the general law.”

Section II. This Ordinance shall take effect as provided by city charter.

twelve

to amend an Ordinance pertaining to fees

Division I of Chapter 14, Article II is hereby amended by adding the following fees within Section 14-38:

“Public Guide Examination Fee:

\$30.00 one time examination passing

\$0.00 first re-examination

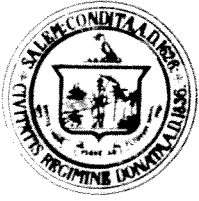
\$30.00 second and subsequent re-examinations

Public Guide Criminal Investigation Fee:

\$25.00 one time fee”

Section II. This Ordinance shall take effect as provided by city charter.

500



CITY OF SALEM

In City Council, September 9, 2010

Ordered:

That the Committee on Ordinances, Licenses and Legal Affairs do a feasibility study regarding public guide licenses, and the historic accuracy of said guided tours. And that the following be recommended:

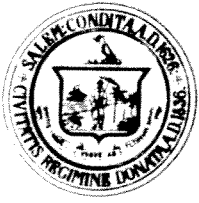
1. We require I.D. photo badges, same as required by psychic readers, CORI checks
2. Require written disclaimer be given to said tourist regarding historic accuracy of said tour.
3. Review cost schedule regarding cost of CORI check, photo I.D's, licenses etc.

In City Council September 9, 2010
Adopted

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

500



CITY OF SALEM

In City Council, September 9, 2010

Ordered:

That the Committee on Ordinances, Licenses and Legal Affairs do a feasibility study regarding public guide licenses, and the historic accuracy of said guided tours. And that the following be recommended:

1. We require I.D. photo badges, same as required by psychic readers, CORI checks
2. Require written disclaimer be given to said tourist regarding historic accuracy of said tour.
3. Review cost schedule regarding cost of CORI check, photo I.D's, licenses etc.

In City Council September 9, 2010
Adopted

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK