

Saugus Board of Selectmen
June 26, 2012

***** MEETING MINUTES *****

AGENDA
Saugus Board of Selectmen
7:30 PM June 26, 2012
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: 7/7/10; 9/7/10; 5/24/11; 11/29/11; 12/13/11; 1/3/12; 1/10/12; 1/24/12 & 4/25/12 executive sessions.
June 11; June 12; and June 19, 2012.
- 4.) Enhanced Citizen's Forum
- 5.) Continued Hearings: - "Show Cause" Hearing on: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway.
FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**
- 6.) Public Hearings:

8:00 PM "Show Cause" hearing for the purpose of the possible suspension, modification, revocation and/or cancellation of the Class III Auto Dealer's License of , Tran's Recycling Trading, LLC d/b/a Patty's Auto located at 140 Salem Turnpike and/or to take any other action deemed appropriate. This hearing is based on police reports submitted to the Saugus Board of Selectmen alleging violation of MGL c. 140, Section 62

Correspondence

- 1.) Town Clerk re: request for appointment of Poll Workers.
- 2.) Mr. Rando re: request for Block Party on Pratt Street.
- 3.) Special Town Meeting & Article for feasibility study.
- 4.) MAPC re: request for appointment of MAPC Rep.
- 5.) Mr. Camuso re: request for signage on Eustis Street & at Anna Parker.
- 6.) Town Meeting Resolution

Manager's Report
Member's Motions
Enhanced Citizen's Forum

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The Saugus Board of Selectmen met on June 26, 2012 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Stephen Castinetti, Stephen Horlick, Julie Mitchell, Debra Panetta and the Chairman Michael Serino. The Town Manager Scott Crabtree was also present.

Invited Guests: Saugus Tree Committee

Nancy Prag, Chairman was present with Andrew DeSantis and Tim Hawkes of the Tree Committee. Ms. Prag listed accomplishments along with the distinction of being named "Tree City USA" for 13 years in a row. Mr. Hawkes thanked the Board for their support over the years and explained how the Tree Committee came to be in 1998 and how they started the tree farm and said they have come a long way. The Board presented them with citation and congratulated them on all their accomplishments. Mr. Horlick thanked them for all they do around Town. Ms. Panetta said they make sure the right trees are being planted and is proud of the work they have done and continue to do and said she is pleased with the number of students and people that help out at the tree farm.

Approval of minutes:

Mr. Horlick moved to approve the July 7, 2010 executive session minutes. Chair seconds. Vote: 2-0 with 3 abstentions by Mr. Castinetti, Ms. Mitchell & Ms. Panetta.

Mr. Horlick moved to table the September 7, 2010 executive session minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the May 24, 2011 executive session minutes. Chair seconds. Vote: 2-0 with 3 abstentions by Mr. Castinetti, Ms. Mitchell & Ms. Panetta.

Ms. Panetta moved to approve the November 29, 2011 executive session minutes. Chair seconds. Vote: 3-0 with 2 abstentions by Mr. Castinetti & Ms. Mitchell.

Mr. Castinetti moved to approve the December 13, 2011 executive session minutes. Chair seconds. Vote: 4-0 and 1 abstention by Ms. Mitchell.

Ms. Panetta moved to approve the January 3, 2012 executive session minutes. Chair seconds. Vote: 4-0 and 1 abstention by Ms. Mitchell.

Ms. Panetta moved to approve the January 3, 2012 executive session minutes, 2nd session. Chair seconds. Vote: 4-0 and 1 abstention by Ms. Mitchell.

Mr. Castinetti moved to accept the January 10, 2012 executive session minutes. Chair seconds. Vote: 4-0 and 1 abstention by Ms. Mitchell.

Ms. Panetta moved to accept the January 24, 2012 executive session minutes. Chair seconds. Vote: 4-0 and 1 abstention by Ms. Mitchell.

Mr. Castinetti moved to approve the April 25, 2012 executive session minutes. Chair seconds. Vote: 5-0.

Ms. Panetta moved to accept the June 11, 2012 minutes. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to accept the June 12, 2012 minutes. The Chair offered a correction. Chair seconds. Vote: 5-0.

Ms. Panetta moved to accept the June 19, 2012 minutes. Chair seconds. Voted: 5-0.

Citizen's Forum:

Mark Gannon, Retirement Board explained the Retirement Board is at the end of their 3 year audit and up to now everything went perfect and commended their clerk Ann Quinlan and said a letter was sent to the Board, but was not on the agenda and explained they need information to complete the audit and asked the Board to acknowledge the letter. The Chair said the Board doesn't handle personnel issues and asked why the letter wasn't addressed to the Town Manager. Mr. Gannon said the Retirement Board always addresses to the Selectmen. The Manager asked for copy of letter and will review and address. Mr. Gannon noted the form the school dept. uses is very good and asked if the Town could piggy-back on that. Ms. Panetta asked as long as the Board acknowledges the letter and asked the Manager to provide information it should cover what they need. Mr. Gannon said yes.

Ms. Panetta moved to take up the 8:00PM public hearing. Chair seconds. Vote: 5-0.

8:00 PM "Show Cause" hearing for the purpose of the possible suspension, modification, revocation and/or cancellation of the Class III Auto Dealer's License of , Tran's Recycling Trading, LLC d/b/a Patty's Auto located at 140 Salem Turnpike and/or to take any other action deemed appropriate.

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This hearing is based on police reports submitted to the Saugus Board of Selectmen alleging violation of MGL c. 140, Section 62.

The Chair swore in those to testify. Town Counsel John Vasapolli and Lt. Ronald Giorgetti were present. Attorney Marc Chapdelaine was also present with licensee Toan Tran.

Lt. Giorgetti read report submitted to the Board dated April 30, 2012 regarding incident on March 3rd and passed out documents and said the police did forward to report to the Governor's Auto Theft Strike Force and explained the 3 record books were incomplete and they did find one other stolen vehicle and based on the investigation, forwarded the report to the Police Chief for the Board and said there were 272 violations and criminal violations were also filed. The Chair asked when the criminal hearing is scheduled. Lt. said he doesn't have a date yet. Ms. Mitchell asked if the car bought from Andy's Towing had no receipt. Lt. said they denied any involvement. Mr. Horlick said on the document from Andy's Towing there's no address or contact or phone number. Lt. said it is incomplete. Mr. Horlick said the towing company should have a log book with record of the tow. Lt. agreed and said at a minimum there should be record of sale. Mr. Horlick asked if he tried to obtain the information. Lt. said the owner was cooperative and there was no willful act to mislead. Mr. Horlick said he was negligent in his paperwork. Ms. Panetta said because of the police report, the State Police investigated and then the Governor's Task Force investigated and asked if the place was ever inspected prior to the initial call. Lt. said yes, prior to this owner. Ms. Panetta asked if it was a clean inspection. Lt. said there were issues and they were addressed. Town Counsel asked how many counts were filed in court. Lt. said 272 improper or incomplete entries. Atty. Chapdelaine said he had an opportunity to review the books in question and had them with him to show 320 cars listed had titles and the 272 cited did not have VIN numbers and 115 of those were State Police tows, 35 were Lynn Police and explained since that time the owner has put effort into book keeping and said there were 530 vehicles on the lot and said he is not running a chop-shop but was negligent in book keeping and since that time procedures have been put in place, such as no one can purchase a vehicles except the owner and noted the vehicles involved are not big money vehicles. The Chair said regarding vehicles from the State & Lynn Police and asked if it mattered where the cars came from. Atty. Chapdelaine said if 115 vehicles show up from the State Police then they would have been checked if stolen and said the sole purpose of the law is about stolen cars. The Chair asked if the State Police authorized the tow does that mean his client doesn't have to comply with the paperwork. Atty. Said he is required to keep records. The Chair asked how often the State brings vehicles. Atty. Said out of the last 1,000 cars on the lot, 115 were State tows. Mr. Horlick asked if his client wouldn't need to get information to complete paperwork. Atty. Said he does now and explained prior to March things were done differently. Mr. Horlick said if he bought the business he should know the rules & regulations and he should have gotten rid of employees that didn't and said it is his responsibility and he'd held responsible if he's doing a horrible job. Atty. Disagreed that his client was doing a horrible job and said he has been cooperative and did what he was told to do and his record keeping today reflects he is doing what he should be doing. Ms. Panetta said it's clear that out of 300 vehicles that he has gone back and now there are complete records. Atty. Said yes. Ms. Panetta asked if the records have been audited. Atty. Said no. Mr. Castinetti asked how he verifies a car is not stolen. Atty. Said there's no hot line to call or anything to do with the VIN numbers unless the police run them and noted there's nothing in place to check and said the law requires a title and if not available the VIN number and as much information as possible. Mr. Castinetti asked how he protects against purchasing stolen vehicles. Atty. Said the seller must show a license said the vast majority did allow licenses photocopied and that satisfies the statute. Mr. Castinetti said if he has the VIN numbers asked if there's any way to check if stolen. Atty. Not at this time. Mr. Castinetti asked the Lt. Lt. Giorgetti said there are some databases but they aren't current and said having the title is the only way to prove ownership and said he is not insinuating they are running a chop-shop and the owner has not been charged with receiving a stolen vehicle. Mr. Castinetti asked about abandoned vehicles and police tows. Lt. said when the police recover a vehicle they attempt to locate owner and if unable the tow company can apply for ownership and receive a title. Mr. Horlick said databases are out there and asked if they are involved with any. Lt. said those are not live or up to date information and said there's no avenue other than having a title. Mr. Horlick asked if he could call if a

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vehicle was suspicious. Lt. said he could call the registry, but that wouldn't be feasible in this type of business. Ms. Panetta asked if he is recommending that all cars have titles. Lt. said it's the only way of proof of ownership. Atty. Chapdelaine said the vast majority without titles were State Police tows and the VIN numbers were recorded and said it's not required to have title. Town Counsel said the source of where the vehicles come from does not waive any record keeping requirements. Lt. said correct. The Chair asked if the licensee wished to say anything. Atty. Chapdelaine said there are criminal charges pending and he has advised his client not to speak.

The Chair said this is a public hearing and asked if anyone wished to speak and announced any comments are subject to cross examination. None.

Mr. Castinetti moved to close the hearing. Chair seconds. Vote: 5-0.

The Chair asked Town Counsel to explain the Board's options. Town Counsel explained their rights under MGL c. 140 section 59 and read. Mr. Castinetti asked if there would be any liability if the Board took action before the court. Town Counsel said no and said the criminal complaint is separate from this administrative hearing. Mr. Horlick asked the difference between revocation and cancelation. Town Counsel explained cancelation is a non-renewal. Ms. Panetta asked if a license could be revoked for a period of time. Town Counsel said no, a revocation is permanent. Mr. Castinetti said he's troubled with the record keeping and then in March procedures were changed and feels it's incumbent upon the licensee to know the rules & regulations and he did not adhere to them and was close to ignoring them and said he is not in favor of revocation but suspension for a period of time is more in line and said if the police found a number of stolen vehicles it would warrant more, but actions were taken to make sure things changed and proper procedures were put in place. Mr. Horlick said he is concerned with the fact a process was not in place before and said he hasn't heard of any other violations and would look for 90 day suspension and said they shouldn't overlook 272 issues. Ms. Panetta said it's a horrible thing to have your car stolen and this place took in a stolen vehicle and it's not right and would like to see an audit done. Mr. Castinetti said there's no firm protocol to check and said 90 days, he would like 30 days and an audit of the book keeping. Ms. Mitchell asked if the license is suspended would they close completely. Town Counsel read license and said yes. The Chair said 272 incomplete records is a gross violation. Mr. Horlick asked police recommendation. Lt. said the police defers to the Board and said the licensee was cooperative. Atty. Chapdelaine asked to be heard. The Chair said the hearing is closed and the Board is deliberating. Ms. Mitchell said this is a first violation and 90 days seems too long. Mr. Castinetti offered compromise of 45 days. Ms. Panetta said she didn't realize they would be completely shut down.

Mr. Horlick moved the Board vote that the Board had ample evidence and found the testimony of the police Lt. and reports were truthful and accurate and further vote to suspend the Class III Auto Dealer's License of Tran's Recycling Trading, LLC d/b/a Patty's Auto located at 140 Salem Turnpike, for forty-five days. Ms. Panetta added: the records to be audited. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.

Mr. Horlick moved the suspension be effective immediately. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.

Mr. Horlick moved for recess. Chair seconds. Vote: 5-0. Meeting recessed at 9:12PM.

The Chair called the meeting back to order at 9:22PM.

1.) Town Clerk re: request for appointment of Poll Workers.

Mr. Castinetti moved to appoint the list of poll workers as submitted by the Town Clerk. Chair seconds. Vote: 5-0. (Attached)

2.) Mr. Rando re: request for Block Party on Pratt Street.

Mr. Horlick moved to grant the request with police and fire recommendations. Chair seconds. Vote: 5-0.

3.) Special Town Meeting & Article for feasibility study.

The Chair explained the Article for funding the HS science lab feasibility study and two Articles were referred regarding Chapter 90 fund projects.

Mr. Castinetti moved the Board call a Special Town Meeting on July 16, 2012 and to insert two Articles by the Manager and 1 Article by the School Committee. Chair seconds. Vote: 5-0.

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Mr. Castinetti moved to close the Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

4.) MAPC re: request for appointment of MAPC Rep.

The Chair said he talked with Janette Fasano and she is willing to continue as rep.

Ms. Panetta moved to reappoint Janette Fasano as MAPC Representative for the Town of Saugus.

Chair seconds. Vote: 5-0.

5.) Mr. Camuso re: request for signage on Eustis Street & at Anna Parker.

Lt. LoPresti was present and did recommend signage to indicate entrance to Anna Parker Field.

Bobby Camuso, 27 Eustis Street was present and explained. The Chair asked the Town Manager to have special signs made and said he will keep it in mind as they work on the rail trail project also.

6.) Town Meeting Resolution.

The Chair said he drafted a letter and gave copy to Board Members. Ms. Panetta said it is appropriate and clear.

Mr. Horlick moved to send the letter. Chair seconds. Vote: 5-0.

Citizen's ForumNone.

Manager's Report

- said the FY13 budget was passed last evening and will have a dept. head meeting to discuss the budget and said he is also working on the DOR requirements he will issue by July 18th and said he is working on budget to actuals and said there will be quite a bit of changes and will be in transition regarding Pranker's Pond Warden, Vitale Park Manager and Veterans Agent and is looking for volunteers to help out.

- said he submitted hand out and requested acknowledgment and said that the Finance Committee already did and asked the Board to accept the reclassification of revenue posted to expense accounts as outlined and explained the DOR wants the Board and Finance Committee aware.

Ms. Panetta moved the Board vote to acknowledge they received the document. Chair seconds. Vote: 5-0.

Member's Motions:

The Chair said the Board will schedule a meeting with CDM in July and said he passed out some information to Board Members and suggested they meet next week to discuss SCTV agreement. The Board will meet Monday, July 2 at 7:30PM.

Ms. Mitchell: said a couple of weeks ago she brought up the girls golf team and said she doesn't want to leave out others that went to the State, baseball, softball and track and would like them all to come in August to recognize them.

- said she would like to get signage on some crosswalks to stop for pedestrians. The Manager said he will have the signs put out.

Mr. Castinetti: said he mentioned at prior meetings that Chelsea Restoration has completed the rehab of a house on High Street and it will be going to auction with veterans preference. The Manager recognized Janet Leuci's hard work and said she just got two grants for historical projects. The Chair thanked Ms. Leuci and the Affordable Housing Committee.

- read notice announcing water main project on Rte. 1.

- asked when the last phase of the audit will be completed. The Manager said they are spending many hours working on it and agreed it has taken longer than expected. Mr. Castinetti said it is frustrating.

Ms. Panetta: thanked the Manager, Ms. Hatch, Town Meeting Members and the Board on the budget process and said with the cuts they have maintained a balance budget. The Manager said people should realize things are underfunded, but had to cut and said the problems are not going to go away and people should be aware. Ms. Panetta said a lot of people came to Town Meeting and it was positive and said she has faith in the Board and Town Manager to move forward.

- announced Saugus River Watershed Council family night at Ironworks.

- thanked the clerk for information on double poles on Lily Pond Road and asked for follow up.

Mr. Horlick: thanked Town Meeting, Finance Committee, Selectmen, people and the Town Moderator and said the budget is a work in progress and we will get a better handle with monthly actuals.

- asked for dam update. The Manager said DPW is following up on it.

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The Chair thanked the Manager and Ms. Hatch on their hard work on the budget and said it was great to see everyone come out and said he thinks the Board made the right decision not to close any department.

Citizen's Forum: Chris Peatridge, Chairman SCTV announced the audit is complete and will have copy for the Board.

The Chair said the Board will be meeting on SCTV and should advertise for appointment. Ms. Panetta agreed the Board should advertise.

Ms. Mitchell moved to adjourn. Chair seconds. Vote: 5-0.
Meeting adjourned at 9:59PM.

Respectfully submitted,
Wendy Reed, Clerk