



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

May 29, 2019

REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Wilfred N. Mbah	Vice Chair	Absent	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	

Others present: James Aurilio - ISD, John Long - City Clerk, Stephen Jones - SPD, Frank Wright - Law, Peter Forcellese - Legislative Clerk.

The meeting took place in the Sub Committee Room and was called to order at 6:00 PM by Chairman Rossetti and adjourned at 7:24 PM.

Approval of the April 10, 2019 Minutes

RESULT:	ACCEPTED
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Public Hearing - 207994

207994: New Used Car Dealer Class 2 License, Real Auto Shop, 39 Webster Ave, 0 vehicles inside, 20 outside, opening Mon-Fri 8AM-7PM, Sat 8AM-3PM, Sun Closed.

There was no one present for the public hearing, therefore the public hearing was not held.

Chairman Rossetti expressed her desire to keep this item in committee until another public hearing is held. Mr. Aurilio provided the committee with photos and parking layouts of the site and told members that he believes that approximately 14-16 vehicles would be able to fit on the premises if the Webster Avenue entrance is closed and 2 parking spaces are relocated. He has not spoken to the proprietor.

RESULT:	KEPT IN COMMITTEE
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Public Hearing - 208306

208306: New Garage License, Automotive Transport Service, 40 Joy St, for mechanical repairs, washing cars and operating a tow service, 15 cars outside, 9 inside, Mon-Fri 8AM-6PM, Sat-Sun 9AM-3PM.

The public hearing was held, however, there was no one present to speak on the matter.

Chairman Rossetti would like to keep this item in committee. Councilor Scott mentioned that the applicant had previously appeared before the committee and explained that he was an employee of the business who was going to purchase and operate it under a different name. Essentially, this is the same business and the only thing changing is the company name. Mr. Long explained that it's the name change that triggers the new license application. Mr. Long has spoken to Mr. Souza about a change to the number of vehicles permitted on the property.

The committee voted to **amend the garage license to have storage for 0 vehicles outside and 9 vehicles inside.**

The committee voted to **amend the used car license to have storage for 15 vehicles outside and 0 inside.**

RESULT:	APPROVED AS AMENDED
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207691: New Lodging House License, Tufts University, 123 Packard Ave, 9 residents.

Tufts representatives Rocco DiRico, the Director of Government Affairs and Community Relations, and Robert Chihade, the Director of Real Estate, appeared before the committee. The property in question was previously owned by a fraternity, Theta Delta Chi, whose members were involved in an incident resulting in the fraternity being suspended until at least 2027, at which time it could be eligible to petition to return. Consequently, Tufts decided to purchase the property by exercising a clause in the deed that granted Tufts an option to purchase. The sale has since been completed and members were told that the property is within the Tufts zoning district and will be used as a dorm, housing 20 undergrads and 1 graduate student. Tufts will continue to pay real estate taxes on the property and will make several improvements to the property.

The application before the committee states that there will be 9 residents, however Tufts will house 21 residents there. Mr. Long suggested that if this item is approved, it should fall into the regular review cycle of housing in the fall.

The committee approved this item for 9 residents for the remainder of the term of the permit and will address increasing that number to 21 during the fall review.

RESULT:	APPROVED
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207025: Robert Toro submitting comments re: C&M Auto Sales, licensed as a Used Car Dealer at 39 Webster Ave.

RESULT:	KEPT IN COMMITTEE
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207772: Police Detective conveying a report of the arrest of the owner of Tosh Enterprises, which holds a Junk Dealer License at 260 Elm St.

This item was last discussed by the committee on April 10, 2019. Since that time, the City Solicitor has informed Chairman Rossetti that the video which had been submitted could be viewed in open session. Mr. Bayles, the proprietor of the business in question agreed with the Solicitor's opinion. The committee viewed 2 videos of the interaction between Mr. Bayles and a MA State Trooper at the place of business.

Councilor Scott clarified that the committee/City Council may revoke a license at any time, for cause and Mr. Wright pointed out that there is a higher standard when it involves a criminal case. He also

stated that if a license is revoked without just cause, it could be challenged since it involves the ability of a person to earn a living.

Collin Lee, Mr. Bayles' attorney, told members that 2 previous court hearings were heard and continued. All evidence has been provided to the court and the next court appearance is scheduled for July 2 at Somerville District Court.

Chairman Rossetti expressed her concern that Mr. Bayles gave the wrong name to the trooper, twice and Attorney Lee explained that Mr. Bayles uses a professional alias, (Dylan McDermitt), to protect himself from someone who might want to find personal information about him. Mr. Lee stated that his client provided the trooper with all of the information requested, except for his real name, and doesn't believe that the investigation was impeded, therefore this incident shouldn't affect Mr. Bayles' ability to operate a business and earn a living.

Retired SPD detective, Ernest Nadile, told members that during his time on the force, he worked with pawn shops in the city and dealt with Mr. Bayles, whom he knew as Dylan McDermitt and Michael Bayles. Mr. Nadile commented that Mr. Bayles was very thorough in the operation of his business and followed the law. He explained that, by law, after 31 days, any pawned item not picked up may be sold or disposed of as the pawn broker sees fit. An employee, Daniel Bothe, told the committee that the business worked with police and returned items over 31 days old when they were found to be stolen.

Mr. Bayles stated that he has been in business for 25 years and he provided multiple clippings of him being identified as Dylan McDermitt. He also provided the records for the items being investigated by the State Police. He told the committee, that should a similar situation arise in the future, he would take the police officer aside and provide his real name and explain the reason for using an alias.

SPD Detective Stephen Jones stated that he has spoken to the trooper involved, who said he was following state law and wanted proof that the items were sold. When that proof wasn't provided, the situation escalated. Asked why he didn't provide the information, Mr. Bayles and Mr. Bothe explained that it takes time to gather the records and had the request been made in advance, the information would have been available.

Councilor Scott stated that the actions of both parties are understandable. Chairman Rossetti said that the item will be kept in committee and that the license will remain active, adding that she reserves the right to revisit this item after the court makes its determination on the matter. She asked that the City Clerk be updated after each court appearance.

Committee recessed at 7:02 PM reconvened at 7:05 PM.

RESULT:	KEPT IN COMMITTEE
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Show-Cause Hearing on why the Junk Dealer License for Tosh Enterprises, 260 Elm St, should not be suspended, revoked, modified or not renewed, based upon an alleged incident (see #207772).

Handouts:

- Examples - D McDermitt (with 207772)
- Photos - Real Auto Shop (with 207994)
- Documentation (with 207772)