

Kathy Spofford

From: Rick Bailey <rbailey@townsendpd.org>
Sent: Thursday, January 18, 2018 10:30 PM
To: Kathy Spofford; Jim Kreidler
Subject: Re: FW: [Townsend MA] Public Record Request (Sent by Katie Supernor, ksupernor@yahoo.com)

I have nothing on this request.

Chief

On Jan 12, 2018 9:30 AM, Kathy Spofford <kspofford@townsend.ma.us> wrote:

Please see the below public records request and copy me on all responses to the request.

Thank you,

Kathleen M. Spofford
Town Clerk
Town of Townsend
272 Main Street
Townsend, MA 01469
978-597-1704
FAX: 978-597-8135

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL c. 4, s. 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL c. 66.

-----Original Message-----

From: vtsdmailer@vt-s.net [mailto:vtsdmailer@vt-s.net]
Sent: Thursday, January 11, 2018 6:51 PM
To: rao@townsend.ma.us
Subject: [Townsend MA] Public Record Request (Sent by Katie Supernor, ksupernor@yahoo.com)

Hello Public Records Request,

Katie Supernor (ksupernor@yahoo.com) has sent you a message via your contact form (<https://www.townsend.ma.us/user/39/contact>) at Townsend MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townsend.ma.us/user/39/edit>.

Message:

To Whom it May Concern,

I am requesting all correspondence between the Town Administrator, Chief Bailey and The Department of Public Utilities. Including but not limited to all emails and written correspondence.

Thank you for your time,
Katie Supernor

James Kreidler

From: Keenan, John X (DPU) <john.x.keenan@state.ma.us>
Sent: Wednesday, January 10, 2018 11:40 AM
To: jkreidler
Subject: RE: Eastbound Transport Public Authority Towing Application

This has been received. Shouldn't take very long to turn around.

From: James Kreidler [<mailto:jkreidler@townsend.ma.us>]
Sent: Wednesday, January 10, 2018 10:56 AM
To: Keenan, John (DPU)
Cc: 'Rick Bailey'
Subject: Eastbound Transport Public Authority Towing Application

Dear Mr. Keenan,

Thank you very kindly for taking the time to speak with me for the second time just now.

As per our conversation, please consider this a public records request.

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10).

I request that I be provided copies of the following records:

Any and all application materials submitted to DPU/Transportation Oversight Division from Eastbound Transport, 41-9 Lomar Park, Pepperell, MA 01463 related to public authority towing, to include record of submittal date/receipt.

I understand, at a minimum, that there is application material that was submitted in late December, perhaps December 26, 2017 (prior to the conversations that you had with both Chief Bailey and me of December 28, 2017).

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. Electronic copies instead of paper would be preferable, and scanned copies via email would be most effective. If you need me to supply a thumb-drive, let me know. If you expect costs to exceed \$10.00, please provide a detailed fee estimate before proceeding.

The Public Records Law requires you to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing. Please respond to this email when you receive it in your office so I may have a record of your receipt for my records.

As I have a Selectmen's meeting next Tuesday, January 16, 2018 at 6:00pm at which time I am expected to offer an update on this matter, I would appreciate anything that you can do to expedite the request.

Once again, I thank you for your time in this matter.

Sincerely,

Jim

James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

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James Kreidler

From: Cottle, Rachel (DPU) <rachel.cottle@state.ma.us>
Sent: Thursday, January 11, 2018 4:07 PM
To: jkreidler
Subject: DPU Public Records Request
Attachments: DPU Response Letter 1-11-18.pdf; DOC010818-002_Redacted.pdf; DOC010918-001_Redacted.pdf

Dear Mr. Kreidler:

Please see the attached documents related to your recent public records request.

Sincerely,
Rachel

Rachel Cottle
Records Access Officer

Department of Public Utilities
Legal Division
One South Station, 5th Floor
Boston, MA 02110
Direct Dial: 617-305-3769
Fax: 617-345-9103
Rachel.Cottle@MassMail.State.MA.US



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MATTHEW A. BEATON
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

ANGELA M. O'CONNOR
CHAIRMAN

ROBERT E. HAYDEN
COMMISSIONER

CECILE M. FRASER
COMMISSIONER

January 11, 2018

Via Electronic Mail

James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
jkreidler@townsend.ma.us

RE: Public Records Request

Dear Mr. Kreidler:

The Massachusetts Department of Public Utilities ("Department") has received your public records request dated January 10, 2018, seeking records relating to "any and all application materials submitted to DPU/Transportation Oversight Division from EastBound Transport, 41-9 Lomar Park, Pepperell, MA 01463 related to public authority towing, to include record of submittal date/receipt." Additionally, in a follow-up e-mail and telephone call on January 10, 2018, you inquired about the date the Department received an application for authority submitted by EastBound Transport as well as your understanding of the date of receipt related to previous conversations with John Keenan, an employee of the Department's Transportation Oversight Division. After a reasonable search, the Department has located the record responsive to your request and is enclosing this record. Additionally, the Department is enclosing e-mail correspondence related to EastBound Transport's application.

Please note that G.L. c. 4, § 7(26)(c) exempts from the definition of public records "personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion

of personal privacy.” Accordingly, the Department has redacted certain personal information, such as a social security number or federal identification number, residential address, non-Department employee signatures, routing and checking account numbers, asset and liability information related to a company balance sheet, and a personal e-mail address, prior to producing the records in response to your request.

The Department received an application for authority submitted by EastBound Transport on January 3, 2018. An application for authority by a towing company is deemed received by the Department when the application fee is remitted to the Department. Further, please note that the Department received an unofficial copy of the application for authority of EastBound Transport by fax on January 2, 2018. Additionally, the Department notes that the applicant signed the application on December 26, 2017, as noted on page 6 of the enclosed records in “Section F – Verification”.

Nevertheless, please note that the Department requires all carriers who conduct involuntary towing of motor vehicles to be authorized under a Department-issued Certificate of Compliance. See G.L. c. 159B, § 6B, 220 CMR 272. The Department makes a determination regarding whether to issue a Certificate of Compliance following receipt of an application for authority and after due notice and hearing. See id. A hearing related to the pending application of EastBound Transport is currently scheduled for February 13, 2018 at 9:30 a.m. in Hearing Room B, which is located at the Department’s offices at One South Station, Fifth Floor, Boston, MA 02110. You may access information related to public hearings related to towing certificates on the Department’s website at the following link: <https://www.mass.gov/event/notice-of-hearings-department-of-public-utilities-transportation-oversight-division-2018-02>.

The Department is not charging you for the costs of compiling this information as Department staff spent less than four hours compiling and reviewing the documents related to this request. See G.L. c. 66, § 10(d); 950 CMR 32.07 (record custodian permitted to charge \$0.05 per page for double-sided black and white photocopies, and \$25.00 per hour for every hour of actual work preparing documents in excess of four hours).

Any person denied access to public records may appeal to the Supervisor of Public Records (“Supervisor”) within ninety (90) days and has the right to seek judicial review of an unfavorable decision by commencing a civil action in superior court pursuant to G.L. c. 66, §§ 10A(a), 10A(c). An appeal to the Supervisor shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. G.L. c. 66, § 10A(a); 950 CMR 32.08.

Town of Townsend
January 11, 2018

Page 3

If you have any questions or require further information, please contact me at 617-305-3769.

Sincerely,

/s/

Rachel Cottle, Esq.
Legal Division

Enc.



DEPARTMENT OF PUBLIC UTILITIES

TRANSPORTATION OVERSIGHT DIVISION

ONE SOUTH STATION, BOSTON, MA 02110

TELEPHONE NO. (617) 305-3559 FAX NO. (617) 478-2598

FOR DEPOSIT ONLY

DEPT. OF PUBLIC UTILITIES

ACCN

01 0103'2018 10:03

TND CHECK

\$100.00

THIS APPLICATION MUST BE ACCOMPANIED BY A FEE OF \$100.00
CERTIFICATE NO. 31872 MVAPPLICATION FOR AUTHORITY TO TRANSPORT PASSENGERS OR PROPERTY FOR HIRE
PURSUANT TO MASSACHUSETTS GENERAL LAWS - CHAPTERS 159A OR 159B, AS AMENDED

SECTION A - BACKGROUND INFORMATION

A.1. Lon H. Morine

(Full Name(s) of Applicant, Partners, or Corporation)

A.2. If doing business under a d/b/a, state the d/b/a below:

EastBound Transport

A.3. Principal place of business (P.O. Box # not acceptable):

41-9 Lomar Park

(Street)

Pepperell, MA 01463

(City/Town, State, Zip Code)

A.4. Vehicle garaging point (P.O. Box # not acceptable):

41-9 Lomar Park

(Street)

Pepperell, MA 01463

(City/Town, State, Zip Code)

A.5. Mailing address (if different from A.3.):

[REDACTED]
(Street)Pepperell, MA 01463

(City/Town, State, Zip Code)

A.6. The name of the contact person who can answer inquiries regarding this application:

Tim Morine

(Name)

978-302-0052

(Tel. # - including area code)

_morineservices@yahoo.com

(Email)

978-925-9310

(Fax #- including area code)

A.7. Indicate if applicant or any of its principals presently holds a certificate or license from this Department. If so, state license number(s) No

A.8. Indicate if applicant or any of its principals has ever had a certificate or license from this Department suspended or revoked. If so, state license number(s) No

A.9. Indicate if applicant or any of its principals holds a license or certificate from any other state or federal regulatory agency. If so, identify:

No

A.10. Indicate the type of business enterprise below and submit one copy of the required document with this application. The document should be identified as "Appendix A.10".

Type of Business

Document to be Submitted:

- ☐] An individual proprietorship
- ☒] An individual proprietorship operating under a d/b/a
- ☐] A partnership
- ☐] A corporation incorporated in the Commonwealth of Massachusetts
- ☐] A foreign corporation incorporated under the laws of

X

- None
- A certified copy of the business certificate filed with the City/Town Clerk
- A certified copy of the business certificate filed with the City/Town Clerk
- A certified copy of the articles of organization from the Massachusetts Secretary of State
- A certified copy of foreign corporation approval to do business in Massachusetts from the Secretary of State and a certified copy of corporation papers from home state

(State)

A.11 If a **partnership**, list names and addresses of principal partners:

Name

Address

A.12.(a). If a **corporation**, list names, titles and addresses of officers:

Name

Title

Address

(b) If a **corporation**, list names and addresses of principal stockholders:

Name _____

Address

SECTION B - FITNESS

- B.1. Describe fully the transportation or other relevant work experience of applicant or its principals. (If necessary, attach additional sheets and identify as "appendix B.1.").

Towing since 2008

- B.2. Provide information on the financial condition of the applicant/company to conduct a business, i.e., **A current balance sheet must be attached to this application and identified as "Appendix B.2"**.

- B.3 (A) Has any license or certificate issued to applicant or any of its principals ever been suspended or revoked by the United States Government, this State or any State or Territory?

___ Yes X No

(B) Are there any charges or complaints now pending against applicant or any of its principals before any court, regulatory body or government agency?

___ Yes X No

(C) If you answered yes to any of the above, please describe in detail below or on an attachment identified as "Appendix B.3.":

- B4. Describe each of the motor vehicles owned or to be leased and operated by applicant in the service proposed. (If necessary, attach additional sheets and identify as "Appendix B.4.").

Year of Mfr.	Type of Vehicle	Name of Mfr.	Mfr.'s Rated Seating	Owned by Applicant	To be leased by Applicant
			Capacity		
				(Check One)	
<u>2017</u>	<u>F550 Wrecker</u>	<u>Ford</u>	<u>5</u>	<u>[X]</u>	<u>[]</u>
<u>2016</u>	<u>5500 Wrecker</u>	<u>Dodge</u>	<u>5</u>	<u>[X]</u>	<u>[]</u>
<u>2012</u>	<u>T270 Flatbed</u>	<u>KW</u>	<u>3</u>	<u>[X]</u>	<u>[]</u>
<u>2015</u>	<u>M2 Flatbed</u>	<u>Freightliner</u>	<u>5</u>	<u>[X]</u>	<u>[]</u>
<u>2016</u>	<u>550 Ramp</u>	<u>Dodge</u>	<u>3</u>	<u>[X]</u>	

SECTION C - DESCRIPTION OF SERVICES

- C.1. Describe the service to be performed and the territory to be served. Attach additional sheets or maps to fully explain and identify as "Appendix C.1."

Police towing for the town of Townsend, MA

- C.2. Will the transportation service be open to the general public?

X Yes No

If No:

Indicate the name(s) and addresses of the individual(s) or the organization(s) with whom the applicant will contract:

Name	Address
<u>Townsend Police Department</u>	<u>7 Brookline Street, Townsend, MA 01469</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

- C.3. Indicate how frequently the service will be provided (i.e., daily, weekly, summertime only, on demand, etc.):

On Demand – Weekly - Daily

- C.4. Check below how fares or charges will be collected:

Sale of tickets or collection of individual fares ☐
Contract with a group at a fixed price per bus ☒
Any other method (specify below); ☒

Price Per tow

SECTION D - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (PASSENGER CARRIERS ONLY)

Section D is to be filled out **only** by applicants who are proposing to operate a service that would fit the classification of a "**regular route common carrier service**" for the transportation of **passengers only**. If you are not proposing to operate a service as defined below, indicate "Not Applicable" in the spaces provided.

A "**regular route common carrier service**" shall mean any route, or system of routes over which a motor bus or motor buses are regularly operated and which are under the ownership or control of an individual, company or corporation which is licensed to operate over the same.

- D.1. List below for each proposed route: The termini of each route and the names of all cities and towns included in each route. Describe each route in detail by highways or streets to be traversed. **A map, plan, or sketch of the proposed bus route or routes must be submitted with the application and identified as "Appendix D.1.A".**

Route 1 N/A

Route 2 N/A

(If necessary, attach sheets to describe additional routes and identify as "Appendix D.1.B").

- D.2. Every owner of a motor bus or motor buses to be operated on the public ways of the Commonwealth of Massachusetts shall conform to the law by obtaining municipal street licenses from the licensing authorities of each city and town in which said bus or buses are to be operated. **Copies of each municipal street license obtained from the Cities and/or Towns in which the applicant intends to operate must be submitted with the application and identified as "Appendix D.2."**
- D.3. A schedule of proposed fares should be appended to the application and identified as "Appendix D.3."

SECTION E - OTHER INFORMATION

- E.1. The transportation services proposed to be provided by this application are presently being provided by the following carriers (if none, so state):

Carrier Name

Carrier Address

<u>None</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

- E.2 Applicant may submit additional facts in support of this application. (If necessary, attach additional sheets and identify as "Appendix E.2".)

SECTION F - VERIFICATION

F.1. Dated at 11:27 AM the 26th day of December 2017

I hereby certify that the statements contained in this application herein made are full, just and true to the best of my knowledge and belief. This statement is made under the penalties of perjury.

NAME _____
(sign)

TITLE	Owner
	Applicant, Partner, Corporate Officer

F.2. Pursuant to G.L. c. 62C, § 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

____ Social Security Number or Federal
Identification Number

Signature of Applicant or (print) Corporate Name

Corporate Officer (if applicable) Signature of

F.3. If application is executed **OUTSIDE** the Commonwealth of Massachusetts, the form below must be executed.

Subscribed and sworn to before me this _____ day of _____

(Notary Public)

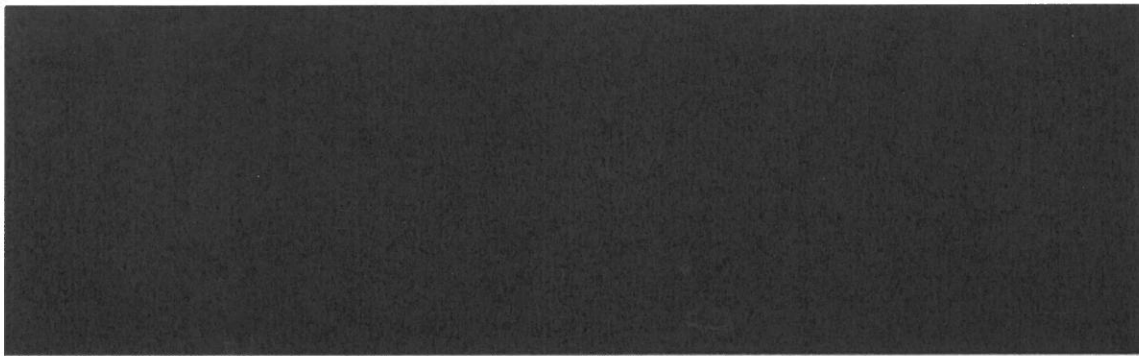


COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

BALANCE SHEET

ASSETS:



Total



LIABILITIES:



Total



Net Worth



Keenan, John (DPU)

From: Keenan, John (DPU)
Sent: Tuesday, January 02, 2018 9:22 AM
To: [REDACTED]
Subject: FW: Police Towing Question

Good morning;

I've spoken to both the Chief of Police and the Town Administrator and explained to them that Eastbound is not certified yet to do involuntary towing. They have applied for the certification and it is now in process. They both understand that Eastbound cannot do this type of work until they have their certification in place from the DPU, and I've given them the names of a few certified towers in the area they can use in the interim. Please let me know if you have any questions.

John Keenan

From: Ray, Peter (DPU)
Sent: Tuesday, January 02, 2018 8:31 AM
To: Keenan, John (DPU)
Subject: FW: Police Towing Question

From: [REDACTED]
Sent: Friday, December 29, 2017 12:54 PM
To: Administration, DPU
Subject: Police Towing Question

Good afternoon,

I spoke with a person yesterday about Townsend, Ma using East Bound Transport to conduct involuntary police towing as they were not DPU certified.

I was told they could not.

After speaking with our Chief of Police and Town Administrator, we were told that the DPU said it was ok as this was an emergency situation.

However this is not an Emergency Situation, we have Harbor Auto Body who is certified and Joe Shank the owner of Harbor Auto Body gave the Town Administrator several companies who were certified that could help until a second company was found.

James Kreidler

From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Thursday, January 11, 2018 4:38 PM
To: 'john.x.kennan@state.ma.us'
Subject: Townsend

John,

Thanks for talking again.

I just am looking for you to confirm that when you and I spoke on December 28, 2017 that you advised that Eastbound was not currently DPU approved but that they had an application pending and were under review.

This is the exact same phrase the Chief of Police heard from you in his call with you of earlier the same day.

I understand that there has been confusion surrounding when an application is considered "officially" received, which apparently isn't until the check is cleared the bank, but that is not my concern.

I am simply looking for confirmation of our conversation on the 28th.

Can you please confirm with a simple reply?

Thank you so kindly,

Jim

James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

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Keenan, John (DPU)

From: Keenan, John (DPU)
Sent: Tuesday, January 02, 2018 9:22 AM
To: [REDACTED]
Subject: FW: Police Towing Question

Good morning;

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John Keenan

From: Ray, Peter (DPU)
Sent: Tuesday, January 02, 2018 8:31 AM
To: Keenan, John (DPU)
Subject: FW: Police Towing Question

From: [REDACTED]
Sent: Friday, December 29, 2017 12:54 PM
To: Administration, DPU
Subject: Police Towing Question

Good afternoon,

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However this is not an Emergency Situation, we have Harbor Auto Body who is certified and Joe Shank the owner of Harbor Auto Body gave the Town Administrator several companies who were certified that could help until a second company was found.

James Kreidler

From: Keenan, John X (DPU) <john.x.keenan@state.ma.us>
Sent: Thursday, January 11, 2018 4:28 PM
To: jkreidler
Subject: FW: Police Towing Question

In our conversation on 12/28 I mentioned that Eastbound had sent in their application, but that it hadn't arrived here yet. I then asked them to fax me what they had submitted, which they did on January 2. The actual original application with the payment arrived here the next day, and he is now on the list for a hearing in February.

From: Keenan, John (DPU)
Sent: Tuesday, January 02, 2018 9:22 AM
To: 'sjs488@comcast.net'
Subject: FW: Police Towing Question

Good morning;

I've spoken to both the Chief of Police and the Town Administrator and explained to them that Eastbound is not certified yet to do involuntary towing. They have applied for the certification and it is now in process. They both understand that Eastbound cannot do this type of work until they have their certification in place from the DPU, and I've given them the names of a few certified towers in the area they can use in the interim. Please let me know if you have any questions.

John Keenan

From: Ray, Peter (DPU)
Sent: Tuesday, January 02, 2018 8:31 AM
To: Keenan, John (DPU)
Subject: FW: Police Towing Question

From: Stephen Sheldon [mailto:sjs488@comcast.net]
Sent: Friday, December 29, 2017 12:54 PM
To: Administration, DPU
Subject: Police Towing Question

Good afternoon,

I spoke with a person yesterday about Townsend, Ma using East Bound Transport to conduct involuntary police towing as they were not DPU certified.

I was told they could not.

After speaking with our Chief of Police and Town Administrator, we were told that the DPU said it was ok as this was an emergency situation.

However this is not an Emergency Situation, we have Harbor Auto Body who is certified and Joe Shank the owner of Harbor Auto Body gave the Town Administrator several companies who were certified that could help until a second company was found.

Can you please let me know if it is true, that East Bound can conduct police towing for Townsend without a DPU certificate?

Thanks you for your attention in this matter.

[Redacted Signature]

[Redacted Signature]