

BRAINTREE BOARD OF HEALTH

MINUTES

May 20, 2010

IN ATTENDANCE: Dr. Philip Nedelman, Chairman
Paula Dowd, Vice-Chairman
Dr. Mark Samuelson, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Nedelman called the meeting to order at 7:00pm.

REORGANIZATION OF THE BOARD:

Motion By: Mrs. Dowd to vote that Dr. Nedelman remain as the Chairman
Second By: Dr. Samuelson

Motion By: Dr. Nedelman to vote Mrs. Dowd as the Vice-Chairman
Second By: Dr. Samuelson

Motion By: Mrs. Dowd to vote Dr. Samuelson as the Clerk
Second By: Dr. Nedelman

MINUTES:

Motion By: Mrs. Dowd to approve the minutes of March 11, 2010.
Second By: Dr. Samuelson

NEW BUSINESS:

1. Request for Variance of Lifeguard Provision-Riverbend Condominium Trust

Ms. McGrath advised the Board that this is a renewal of their annual lifeguard variance request. As the Board is aware, this particular location is predominantly adults and they have an extremely low bather load. Records indicate that they usually see about three people per day. Riverbend Condominium is located on Pond Street, and they currently have all of the required warning signs posted.

Motion By: Mrs. Dowd to approve the variance.
Second By: Dr. Samuelson
Unanimously Voted

2. Request for Plumbing Variance-Proposed California Pizza Kitchen at South Shore Plaza

Present: Phil Ruggiero, CPK/Ashling, Inc.

Mr. Phil Ruggiero, with Ashling, Inc., the contractor for California Pizza Kitchen advised the Board that they are requesting a variance to waive the requirement for an internal grease trap due to space limitations in the area below. So, they are asking if they can put in an exterior grease trap in the sidewalk which will be within 25' of the appliances.

Dr. Nedelman advised that he has reviewed all of the documentation submitted and asked what the difference was between an internal grease trap and an external grease trap.

Mr. Ruggiero advised nothing. They both operate the same way. In this case, it is just lack of space because of the Target below this location that has a tremendous amount of ductwork and piping in the ceiling. So, it does not allow them to put in a grease trap below, in their ceiling space.

Dr. Nedelman inquired if most restaurant facilities have an external grease trap.

Ms. McGrath advised the Board that depending upon the size of the establishment; they can have both an internal and external grease interceptor. External grease interceptors on average are between 1000 to 1500 gallons in size. Internal grease traps start at about 25 pounds to larger sizes.

Mr. Ruggiero advised that the Trapzilla that California Pizza Kitchen is proposing to install a 600 grease storage capacity. The South Shore Plaza also installed an external grease interceptor for this establishment which is about 50' farther from the building. He further advised that to meet code the trap needs to be mounted directly below the appliance or within 25' of the appliance. This external trap mounted in the sidewalk outside within 25' of the establishment would meet this requirement, as well.

Ms. McGrath advised that with regard to this variance request, the applicant has to apply to the local Board of Health to either get an endorsement of the variance request or not. There are two separate matters here with regard to grease traps. First, per the state plumbing code an internal grease trap is required. External grease traps are required per the Water & Sewer Department.

Ms. McGrath further advised that the only thing that the Plumbing Inspector can speak to is the requirements per the plumbing code for internal fixtures, including internal grease traps. The Water & Sewer Department is the only one that can speak to the requirements for external grease traps. In this instance, Water & Sewer will be requiring an external grease trap for this proposed establishment. The external grease trap for this proposed establishment has already been installed by the South Shore Plaza.

The variance request indicates that it is a hardship for California Pizza Kitchen to install an internal grease trap. Internal grease traps are normally mounted right below a fixture by having it recessed into the floor or above the floor and connected to the plumbing of the fixture.

The establishment is claiming that they cannot make the recess into the floor because it will interfere with the ceiling space for Target. The plumbing code requires that you have internal grease trap inside the establishment within 25' of a fixture that generates grease. The Trapzilla that is being proposed is going to be located outside because they are stating that they cannot put anything into the floor.

Ms. McGrath further advised that the Plumbing Inspector cannot recommend endorsement of this variance request because it goes against the requirements of the State Plumbing Code, which is why the applicant is seeking a variance before the State Plumbing Board. The Trapzilla, although it will serve a similar purpose of providing a grease trap for those internal fixtures is placed outside. The Plumbing Inspector cannot endorse it because it does not meet the plumbing code requirement.

Dr. Nedelman asked what the frequency is normally of servicing internal and external grease traps.

Mr. Ruggiero advised that it depends of the volume of the trap. California Pizza Kitchen will probably be every two to three weeks.

Ms. McGrath advised that an external grease trap is much larger, normally between 1000 to 1500 gallons, so would not need to be cleaned as frequently as an internal grease trap, which is much smaller in size.

Ms. McGrath advised that given what is on the proposed menu for California Pizza Kitchen, pizza is a grease generating food.

Mr. Ruggiero advised that servicing of the Trapzilla would likely be in the early morning.

Mrs. Dowd asked why the proposed establishment could not place an internal grease trap on the floor.

Ms. McGrath advised that is an option that she has spoken with Mr. Ruggiero about by placing internal grease traps on the floor under fixtures, and use a low-boy for the dishwasher, which would be recessed into the floor slightly, but not the depth Mr. Ruggiero was talking about.

Mr. Ruggiero advised that they could use internal grease traps under the sink fixtures, but could not use a low-boy under the dishwasher because of the size of the dishwasher. The outlet on the dishwasher is about six inches above the floor, so it would be physically impossible to put a trap in. The other option would be to recess it into the floor, but because of the ductwork and equipment that they have in the Target space below, it is

virtually impossible to hang a grease trap in the space below. Also, it would need to be accessed for the top and you need room to get in there to clean it.

Ms. McGrath advised that she has to stand behind the plumbing inspector and the plumbing code not to endorse it.

Dr. Nedelman asked what would happen if the state does not approve the request.

Mr. Ruggiero advised that if the variance does not get approved then California Pizza Kitchen would not take the space and have to terminate their lease.

Mr. Ruggiero advised that this is not an unusual application. Most large full-service restaurants, especially in a bi-level mall have them. He advised that they have used them at other California Pizza Kitchen locations in malls with no incidents.

Ms. McGrath advised this would be the first use of a Trapzilla in Braintree.

Mrs. Dowd asked if they would still be installing an internal grease trap for the sinks inside the establishment.

Mr. Ruggiero advised that by installing the Trapzilla, it would take care of all of the fixtures and eliminate the need for the internal grease trap.

Dr. Samuelson asked if someone checks these traps on a routine basis to make sure they are being cleaned.

Ms. McGrath advised the Board that establishments are required conduct routine cleaning, and when pumping is done on internal and external grease traps the health department is supposed to get written reports of the pumping which is also forwarded to the Water & Sewer Department. The reports include how much was pumped and where the grease was disposed of.

Ms. McGrath also advised that the Water & Sewer Department has a program in which they are checking external grease traps to make certain that they are being pumped, so that grease is not entering the sewer system.

Motion By: Dr. Samuelson to endorse the variance request from a public health standpoint.

Second By: Mrs. Dowd

Unanimously Voted

3. Town of Braintree Yearly Operational Plan-Vegetation Management

Ms. McGrath advised the Board that on behalf of Daryn Brown, the Superintendent of the Golf Course and licensed applicator, she would be presenting this subject matter for him as he took ill today with the stomach flu.

Last year, Mr. Brown came before the Board for the five-year vegetative management plan to address vegetation growth in the squares, sidewalk areas, islands and the gateways into town. He would be doing it with backpack sprayers and the approved herbicide that is allowed. As the plan was not approved until late in the season last year, they did not implement it last year, so this will be the first year the Town will be implementing this vegetative management plan. Mr. Brown has put out the required 45-day public notice, which will be up in early June. So, his hope is that he will be able to provide the herbicide to these areas by middle to late June.

When the Board endorsed the five-year plan last year, you requested that Mr. Brown provide the amounts of herbicide applied last year. He did not implement the plan last year, so has no numbers to report. As this will be the first year of implementation, Mr. Brown will be bringing forward to you next year, the number that he applied this year.

Mr. Brown does not need approval of this plan, but is required to provide it to the Board of Health and have a signature of receipt, of which Ms. McGrath advised she will take care of.

OLD BUSINESS:

4. Motel 6-Update

Present: Peter Morin, Town of Braintree Chief of Staff & Operations
Chief Paul Frazier, Braintree Police Department
Carolyn Murray, Town of Braintree Solicitor
Attorney Bill Hunt, Motel 6/Accor, NA
Alan Rabinowitz, Executive VP of Accor, NA/Motel 6
Victor Glover, Senior VP of Security with Accor, NA
Don Rose, Area Manager with Accor, NA

Mr. Morin advised the Board that he has provided a memorandum to the Board with an update on the status of Motel 6. In doing so, he would respectfully take this opportunity to review the circumstances that brought us to this hearing, update the Board on the progress that has been made and outline the steps that Mayor Sullivan believes are essential for this project to continue and reach a successful conclusion.

The Board will recall that in April and May of 2009, three deaths—a murder/suicide and a drug overdose occurred at this establishment. On May 9, 2009, Mayor Sullivan ordered the immediate implementation of six public safety steps designed to reduce the crime at Motel 6. These steps included:

1. The establishment of a nightly police detail;
2. Nightly review of the guest registry by the Braintree Police;
3. The prohibition of visitors to guest rooms after 10pm;
4. No use of housing vouchers;
5. A parking pass policy for all motel guests, and

6. Employee training to improve the identification and reporting of suspicious activity.

Mr. Morin further advised that since the inception of these steps we have been carefully monitoring the activity at the motel to assess whether they have had the desired positive impact. He advised the Board has been provided with the data from the Braintree Police Department on the criminal activity at the Motel 6 and for comparison, the other hotels in Braintree. While there has not been a complete elimination of criminal activity at Motel 6, there has been a significant reduction in serious crime. The most common call for service in 2009 was for suspicious activity, which may be attributable at least in part to increased staff vigilance. The service of 15 warrants on individuals present at Motel 6 provides further evidence of cooperation with public safety, yet also demonstrates the criminal element that is disproportionately drawn to the facility.

Equally important to the elimination of crime at Motel 6 is the parent company's commitment to invest in and reinvent the establishment. This has come at a slow pace. Accor, NA has developed plans, solicited bids and met with the town's planning departments on repeated occasions to discuss their renovation plans. At the Mayor's insistence, they have recently announced a \$ 1.5 million overhaul that would refurbish all rooms, replace the roof and install security cameras that would be jointly monitored by the management and the Braintree Police. This is welcome news and another step towards changing the culture of the current facility.

Mr. Morin advised that the progress that has been made is due in large part to the persistent monitoring by the town's public safety, planning and inspectional personnel. For this to be sustained, it is essential that three safeguards must be in place. First, the public safety measures implemented in May 2009 must continue. Second, the planning and inspectional offices of the town must maintain oversight of the proposed renovations to ensure the quality of the work. Third, the Board of Health must remain vigilant to ensure that the previous conditions which threatened public safety do not recur. The Mayor would request that another update be provided in or around December 2010 when Motel 6' license will be reviewed for renewal, so that the success of these safeguards can be assessed.

Mr. Morin further advised that it should be noted, and the Mayor recognizes, that some residents have called for the closing and razing of the current Motel 6 operation due to their past history on the site. Much of this history took place prior to the establishment of our new government in January 2008. The Mayor believes it is presently in the best interest of the town to continue to work with and when necessary force Accor to improve the property. Yet, we will not tolerate a resumption of the earlier track record. Thus, it should be stated that failure of Motel 6 to make the improvements to which they have committed or any future incident that is due to a replication of past mistakes will be met with appropriate and swift action by the town.

In closing, Mr. Morin wanted to thank the Board of Health and the health and inspection services staff for their continuing work on behalf of the Town of Braintree. The Board's patience and professionalism in this matter is greatly appreciated.

Chief Frazier advised that he concurs with the comments made by Mr. Morin, the Chief of Staff. From a public safety standpoint, Mr. Glover, the Senior Vice-President of Security with Accor, who is here this evening, has been a good partner with the Police Department in addressing the concerns they have. He stays in almost weekly contact with Deputy Chief Jenkins, and they have been extremely cooperative with the details. They are very cooperative with the Braintree Police Department, so he is pleased with what has been implemented and hopes it continues.

Dr. Samuelson asked Chief Frazier questions about the incident types, such as motor vehicle.

Chief Frazier advised that if one of his officers stops a motor vehicle on Union Street by Motel 6, then the incident is recorded under that address.

Dr. Samuelson asked Chief Frazier to explain about how the nightly patrol works.

Chief Frazier advised that Motel 6 hires private police details seven days a week from 8pm to 4am. If the detail officer needs assistance when onsite, they will call the station for assistance. He advised that the detail is a great deterrent.

Attorney Bill Hunt, representing Accor NA/Motel 6 advised the Board that he is accompanied tonight by Alan Rabinowitz, the Executive Vice-President of Accor, NA, Victor Glover, Senior Vice President of Safety and Security and Don Rose, the Area Manager. So, they have a straight line of authority right to the top to demonstrate their sincere commitment to the town and to these procedures.

Mr. Rabinowitz advised the Board that he holds responsibility for matters that are before the Board this evening, safety and security reports through him. Mr. Glover and he have worked together for over twenty-two years, so have worked on these issues for quite a while over the years. He advised that he is not going to go through the history because the Board knows the history. But, they did make two commitments a year ago. They made a commitment to upgrade the facility and improve the environment, and they made a commitment to improve the security measures to address the crime.

Mr. Rabinowitz advised the Board that he wants them to know who stands behind that commitment. Core Hospitality is the largest hotel company in North America. They own, operate and franchise over 1000 Motel 6' and Studio 6'; two thirds, of which they operate themselves, so they have a vested interest in how it is done. They employ 15,000 people. They operate in New England and 49 states and Canada. They are a company that takes great pride in their civic responsibility. They are very involved in communities in which they operate, and participate in many national programs, such as the Ronald McDonald House and Amber Alert program. They believe it is important to

participate. They operate a lot of properties, and from time to time they drop the ball. They did that in Braintree, and they admit that. They really did not pay as much attention as they should have and underestimated what was going on.

He advised that he is here and Mr. Glover is here to tell the Board that they got the message and that they will make it work. In every other city where they have had an issue, they work actively with the police and fix the problem, and not once have they not done that. It will be no different in Braintree.

Mr. Rabinowitz advised that the renovation is a significant renovation. In 2007, they put about \$ 800,000 into room renovations at this property. Mr. Rabinowitz showed the Board pictures of what the rooms currently look like. He advised that typically when they invest that much money into a property, then they are not going to renovate it for another seven or eight years. But, as part of their commitment to put a better product in Braintree and tie into what the Town is trying to do, they are doing that significant renovation and writing off what they did three years ago.

Mr. Rabinowitz advised that there are two phases to the renovation, the exterior and the interior, the interior being much more extensive. Accor told the town that they would get plans to them by December, which Accor did. They said they would start the renovation by spring. He knows that it seems to take a long time and it is frustrating, but they do not like to do this kind of work in this part of the country during the winter. So, they plan to do it in late spring and complete it in summer, or on schedule. They began the exterior renovations this week. The parking lot has been repaved. The stripping should be completed now or by morning. As soon as they are done, the roof contractors are coming in to put on a new roof throughout the whole building, they are also replacing old windows, they are going to paint the entire outside façade, and they are looking into putting up a different fence on the outside. They want the curb appeal to look nicer and once done it will look much more refreshed.

Mr. Rabinowitz showed the Board pictures of the interior renovations and what the rooms will look like when completed. It will be much more sleek and updated. The rooms will have a sitting/business area with connectivity to attract more business travelers. They are predominantly a leisure business, but are trying to capture the business traveler as well. There will be a built in 32" flat screen television, all new furniture, wood floors, granite counters, new fixtures, etc. Mr. Rabinowitz reviewed the room details through the pictures with the Board.

Mr. Rabinowitz advised that this is a significant undertaking that they are starting to do nationally, to create a bit more upscale living for their brand and give their travelers more quality for what they are paying. He advised that this concept has been well received by their travelers. It is upscale, but still simple.

Dr. Nedelman asked what the time table was for remainder of the project.

Mr. Rabinowitz advised that the entire project should be done by the end of the summer.

He advised that all of the fixtures and bedding have been ordered.

Mrs. Dowd asked if there would be more security cameras.

Mr. Glover advised that they are installing a interactive CCTV system. It is being installed now. The interactive feature has a couple of nice things available to it. It will allow for Braintree Police Department to log into the cameras from their communications center, it will allow the officers that have laptops in their cars to log into the cameras and see around the entire facility based on where they have the cameras, it will also allow the motel employee to have an interactive connection with a monitoring facility that is in Des Moines, Iowa. So, they can basically push a button and the monitoring facility will log in and talk to the front desk and see if everything is okay. The employee can tell the monitoring facility that someone is loitering at the far end of the parking lot by Bickford's and to make contact with them and tell them they have to leave. The monitoring station at that point can log into the camera located on the far end of the building and through a audio feature can speak to the people and tell them to leave, etc. This is an interactive system connected to a high speed DSL line monitored on a regular basis. The monitoring facility also does tours of the property on a random basis throughout the day, every single day. This system allows their employees to make contact with the monitoring facility any time they feel that something may be going wrong that needs to have them address. The monitoring facility have trained intervention specialists that are trained in observing, seeing what is going on and making a determination on whether the police need to be contacted and have them respond. The full interactivity should be completed by next week.

Mr. Rabinowitz advised additionally with the police detail on the property, if there is a need for assistance they can radio the police officer. They have a number of different options to make sure that there is nothing inappropriate happening.

Mr. Rabinowitz advised that he would agree that over the past year they have implemented the measures mentioned by Mr. Morin, and probably the most important was using the Braintree Police officers from 8pm to 4am daily. He feels with that measure that they have virtually rid the property of any real criminal activity. He is not saying that there is nothing that goes on, but they have not had any of the types of incidents that they had in the prior time to implementing the measures. No homicides, no drug overdoses, no prostitution. They have only had two assaults, which was the unfortunate incident involving the owner of a pit bull and a domestic dispute. The type of predatory crime which is most concerning to any police department does not exist there. They do have a lot of traffic being close to the train station. The things they are seeing is suspicious activity, like a person sitting in a car in which the police officer walks up to and asks what they are doing. They say they are waiting to pick up someone and that is fine, but it is a call for service. Every time the police officer does something, it is a call for service. They are managing guest control. Some of the disturbances have been for loud noise. They go up to the room and ask them to quiet down and they do. There have been some evictions because of that, and that is exactly what we want them to do. He advised that they are not having the type of activity that they were before and are

very proud of that. On the other hand, they still have a challenge. The challenge is that they still have the train station, people in the parking lot and that is why they are being diligent on putting in the cameras. He met with the Mayor a few weeks ago, and indicated that their intent is to continue to use the Braintree Police because they think it is working and they are not done. Also, little by little the message has gotten out to the community that if you want to come here, you better behave. They have also made it very clear to the community that they share information with the Police Department. It is also his understanding that Motel 6 is the only hotel in Braintree that is willing to sharing information with the Police. They do it as a service and the right thing to do. If they have someone on their property, they do not know who they are or if they have a warrant out on them. So, they give it to the police and they come and get them. So, little by little those incidents disappear.

Mr. Rabinowitz concluded by advising that they do think that they have made significant progress and they do recognize that they did drop the ball initially. However, they want the Board to know that they are serious about their responsibilities in Braintree. They recognize the frustration on the part of the town regarding this matter, but they have also been frustrated. They have invested a huge amount of money into this property, over \$ 200,000 in security, which is money well spent. They think that this positive message is not getting to the townspeople based on the articles that he has read. They still have these misperceptions that they are still section 8 housing, that they still use vouchers, that they have gang activity, that they rent by the hour. None of those things occur at this property or any of their properties. They do not allow it. They are trying to partner with the Town, and need the Town's support to get the message out that they are making progress and doing the right thing. Even though they are not done, they are moving in the right direction because frankly unless they get the support they cannot be successful.

Mrs. Dowd advised that there was a very positive article in the paper about all of the updating that is being done, and then the next day the pit bull incident happened. So, all the good that was done in the article about all the change that was taking place was destroyed the next day. She feels that the Town has tried to let the residents know about the change that is taking place at Motel 6 in the Braintree Forum articles that she has seen.

Dr. Nedelman asked about the parking between Bickford's and Motel 6.

Mr. Rabinowitz advised that Accor does not own any of the land. They lease the entire property from an owner. They sublease the part that Bickford's is on to Bickford's. That has been one of the challenges in doing what they want to do is that they do not own the land.

Mr. Glover advised that he does not know how many spaces have been allotted to Bickford's.

Dr. Nedelman asked if they allow eighteen-wheelers to pull in the parking lot and park.

Mr. Rabinowitz advised that they are allowed to park there, but they are looking at different locations for them to park so that the police officers visibility would not be obstructed.

Dr. Samuelson asked Mr. Rabinowitz what he meant by call for service by the police. He is trying to figure out how the incidents are logged.

Mr. Rabinowitz advised that it is his understanding that anytime the police take an action, or interact with a person or render help to an injured person it is reported as a call for service.

Most of the calls, about 60% are when the police detail is on the property and the police officer is handling the matter with generally no need to call for assistance. So, there is no draining of town resources, as was thought in the past.

Chief Frazier advised the Board that if the officer is handling something, more than likely they will not call it in. Most of the calls while that officer is there are handled by that officer.

Dr. Samuelson reviewed the police data report with Mr. Rabinowitz.

Dr. Nedelman advised that he thinks that the Board should review this matter again on Thursday November 4, 2010 to get an update to see that everything that the Board has been informed of has been accomplished.

Dr. Samuelson inquired with Mr. Rabinowitz if their intention is to keep up the six measures that Mr. Morin mentioned earlier.

Mr. Rabinowitz advised at this point yes.

Dr. Samuelson asked if there was a need to bring everyone back here if they are complying with the measures and the items they have committed to. He advised that if that is the case, he would be happy with a report from Mr. Morin and Chief Frazier.

Dr. Nedelman advised that if the Mayor and Mr. Morin are happy there may not be a need to, but there should be communication.

Ms. McGrath advised that there should be at least one representative. If the Board is requesting an update from Motel 6, then they need to be given the opportunity to speak and be heard.

Dr. Nedelman advised that everything should be in place by November.

Mr. Morin advised the Board that the Mayor's Office will be in communication well in advance of the November meeting. If things are going in a cooperative manner and as expected then the Board will probably see a report. If there is a disagreement or they

need the opportunity to be heard because of something the Town may present that will be offered.

Motion By: Mrs. Dowd to request that Motel 6 provide an update, through a report or by being present at the November 4, 2010 Board meeting.
Second By: Dr. Samuelson
Unanimously Voted

MATTERS BY THE BOARD:

Dr. Nedelman asked if there has been any progress on the proposed dog park.

Ms. McGrath advised that she has not heard anything about the property, but it is being maintained.

Dr. Nedelman also advised that he read the recent article in the paper about the proposed Holbrook Transfer Station and that the Randolph Board of Selectmen sent a letter to Holbrook that they were in opposition to it.

Motion By: Mrs. Dowd to adjourn the meeting at 8:00 pm.
Second By: Dr. Samuelson