

BRAINTREE BOARD OF HEALTH

MINUTES

July 13, 2017

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman
Laurie Melchionda, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

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

MINUTES:

Motion By: Dr. Nedelman to approve the meeting minutes of May 18, 2017.

Second By: Mrs. Melchionda
Unanimously Voted

Motion By: Mrs. Melchionda to approve the meeting minutes of June 15, 2017.

Second By: Dr. Nedelman
Unanimously Voted

NEW BUSINESS: (Old and New Business Agenda Items Taken Out of Order at the Board of Health Meeting by Chairman Arthur Bregoli)

2. Request for Keeping of Chickens: Donna Connors-94 Cedarcliff Road
Present: Donna and Patrick Connors, property owners

Ms. McGrath advised the Board that Mr. and Mrs. Connors are requesting a permit for the keeping of chickens on their property located at 94 Cedarcliff Road. Ms. McGrath reviewed the documentation provided for this agenda item with the Board members.

Ms. McGrath advised that she has conducted a site visit. The proposed chicken coop is 15.6' off of the back portion of the house, 12' off of the rear property line and 11' off of the side property line. All of the direct abutters have been notified of the request for the keeping of the chickens, and Ms. McGrath has received no response back from any of the abutters.

Mrs. Connors advised that she is requesting to keep six chickens that will be fully enclosed in the coop on the property, and the chicken manure will be collected and placed in the trash.

Ms. McGrath advised that in addition to the Connors notifying the direct abutters in writing, she also notified all of the direct abutters in writing to invite them to the Board of Health meeting. No direct abutter was present at the meeting.

Motion By: Dr. Nedelman to approve the request for variance for the keeping of 6 chickens and NO roosters at 94 Cedarcliff Road by Donna and Patrick Connors.

Second By: Mrs. Melchionda
Unanimously Voted

3. Request for Hearing: Order to Correct Housing Code Violations-1 McCusker Drive, Apartment # 2

Present: Matthew Bordeau, Attorney representing Braintree Village Apartments
Robin Magner, Environmental Health Specialist-Health Division

Ms. McGrath advised the Board of Health that on June 5, 2017, department inspector Robin Magner was contacted and conducted a complaint investigation at 3 McCusker Drive, Apartment # 2. The order had an error indicating 1 McCusker Drive, and should have been 3 McCusker Drive. The building is addressed 1-3 McCusker Drive, with one half of the building addressed as number one and the other half addressed as number three. It is the same building with apartments on each side. There is only one apartment number two in the building, and it is 3 McCusker Drive # 2. This particular apartment physically is 3 McCusker Drive #2.

The violation items noted on the inspection conducted on June 5, 2017 were:
-the heat was not working;

Ms. McGrath noted that the temperature at that time was such that heat would still be necessary.

-dampness about the apartment, as a result of conditions in the apartment;
-construction had been occurring in the apartment resulting in white dust all over the furnishings and the floors, requiring that it be addressed.

Ms. McGrath advised that the Order was issued on June 6, 2017, based on the June 5, 2017 inspection. She advised that as of July 7, 2017, when she conducted a compliance inspection, and nothing has been corrected. Braintree Village has engaged their attorneys, and sent a letter to the department on June 13, 2017 to discuss and appeal this order, which is why it is before the Board this evening.

Ms. McGrath advised the Board that the role they would play in this matter is to uphold the order as it is written, modify or rescind the order. Her recommendation is to uphold the order because none of the violations have been corrected.

Ms. McGrath advised the Board that Ms. Magner is present this evening, if they have any questions for her.

Attorney Bordeau, representing Braintree Village Apartments advised the Board that the reason that nothing has been done is because the tenant refuses to his client into the apartment to view the issues and to set up appointments to clean up the dust, the heat and fix the dampness.

He advised that the tenant has been refusing entry into the apartment for a few years, and they cannot address the issues unless she lets them in. So, he is asking that the tenant be added to the complaint, so that she is forced to let management in to fix the issues, or stay the matter until the issues are fixed.

Mrs. Melchionda stated to Attorney Bordeau that the tenant will let a Board of Health agent in to the apartment, but will not let Braintree Village management into the apartment.

Attorney Brodeau advised that is correct. The tenant will not let them in to address the issues.

Ms. McGrath advised that neither she or the department were aware, or have been given the impression that the tenant was not allowing management access to the apartment.

Dr. Bregoli asked Ms. McGrath if the tenant was present this evening.

Ms. McGrath advised that the tenant is not present.

Attorney Bordeau advised that the denial of access to the apartment was outlined in the letter of appeal, which is why he is present this evening. He further stated that his client is more than happy to accommodate the tenant as they have in the past, as she has lived there for over 40 years. But, lately the tenant will not let them into the apartment.

Ms. McGrath advised that she finds the attorney's statement to be a bit confusing, as the tenant allowed Braintree Village Apartments maintenance access to the apartment for construction activities, which is what caused the violations. So, they are being allowed in for the construction, but are now being denied access by the tenant to address the cleanup.

Attorney Bordeau advised yes. They just need to be allowed access in to correct it.

Ms. McGrath advised the Board that the department called the tenant and scheduled a compliance inspection. She conducted the compliance inspection last Friday July 7, 2017, and had no difficulty gaining access to the apartment by the tenant.

Attorney Bordeau advised that his client is more than happy to do the work, if they can just get into the apartment.

Ms. McGrath advised that the department would be happy to mediate them gaining access to the unit. The department was not aware that was the issue.

Attorney Bordeau advised that is the issue. He also understands that the tenant is going to allow the department in to view this conditions, and not allow his client in to address them.

Ms. McGrath recommended that the Board uphold the order as it is written, and the department try and make contact with the tenant to mediate in providing reasonable access for management and facilities maintenance to get in to the apartment to make corrections.

Attorney Bordeau advised that is agreeable with him.

Motion By: Mrs. Melchionda to uphold the order as written, and allow for Health Division staff to attempt to make contact with the tenant to make arrangements for Braintree Village management and facilities maintenance to access the apartment to make the corrections.

Second By: Dr. Nedelman
Unanimously Voted

OTHER BUSINESS:

Ms. McGrath advised the Board that every year she notifies them that the Norfolk County Mosquito Control District conducts Springtime aerial larval control in large wetlands, and in the summertime they conduct ground application by using a truck mounted sprayer that travels on the roadways in Braintree spraying to control mosquitoes. Norfolk County Mosquito Control District performs truck mounted spraying for mosquito control each Thursday evening from late May through September. The ground application is performed weekly every Thursday from dusk until late evening on a specific scheduled route in Braintree. Each week, the route for that week's Thursday evening ground application is posted the Wednesday prior to the Thursday spraying on the Norfolk County Mosquito Control website. Additionally, Ms. McGrath advised that residents can request an exclusion from the ground spraying of their property when spraying is scheduled in their area by applying to the MA Department of Agricultural Resources on their website.

Motion By: Mrs. Melchionda to recess the meeting at 7:15 pm and to reconvene at 7:30pm to continue the Board of Health meeting.

Second By: Dr. Nedelman
Unanimously Voted

Motion By: Mrs. Melchionda to reconvene the Board of Health meeting at 7:30pm.

Second By: Dr. Nedelman
Unanimously Voted

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman
Laurie Melchionda, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I
Lisa Maki, Town Solicitor

OLD BUSINESS:

1. Hearing (continued): Motel 6-125 Union Street

Motion By: Dr. Nedelman to continue the hearing.

Second By: Mrs. Melchionda
Unanimously Voted

Official Transcript of the Motel 6 hearing prepared by Arlene R. Boyer, Court Reporter with G & M Court Reporters, Ltd. and inserted into the Board of Health Meeting Minutes of July 13, 2017, as follows (166 page transcript, including transcription certification page):

BRAINTREE BOARD OF HEALTH

MOTEL 6 HEARING

Thursday, July 13, 2017
7:30 p.m.

Cahill Auditorium
Dept of Municipal Licenses and Inspections
1 JFK Memorial Drive
Braintree, MA 02184

1 P R O C E E D I N G S

2 MR. BREGOLI: We resume the Board of
3 Health meeting at 7:30 p.m. on July 13, 2017 in
4 the Cahill Auditorium.

5 MS. McGRATH: We have a motion to come
6 out of recess.

7 MR. NEDELMAN: Second.

8 MR. BREGOLI: All in favor.

9 (Aye)

10 MR. BREGOLI: Present: Marybeth
11 McGrath, Department of Municipal Licenses and
12 Inspections Director; Laurie Melchionda, Clerk;
13 Dr. Philip Nedelman, Vice Chair; and Town
14 Solicitor, Lisa Maki.

15 MR. NEDELMAN: And yourself.

16 MR. BREGOLI: And Dr. Arthur Bregoli,
17 Chairman. Thank you, Philip. I'm going to
18 announce the next agenda meeting item, continued
19 emergency revocation hearing, Motel 6, 125 Union
20 Street. We need a motion to continue the
21 hearing.

22 MR. NEDELMAN: So moved.

23 MR. BREGOLI: We need a second.

24 MS. MELCHIONDA: Second.

1 "Dear Ms. Maguire, You are hereby
2 notified that an emergency hearing before the
3 Board of Health, herein the "Board," will be held
4 on May 18, 2017 at 7:30 p.m. in Cahill Auditorium
5 located at Braintree Town Hall, to determine if
6 you have violated certain provisions of your
7 license, to wit:

8 "Violation. Revocation hearing in
9 violation of Mass. General Law, Chapter 140,
10 Section 32B, Chapter 111, Section 122, and 105
11 CMR 410.

12 "This hearing will be held pursuant to
13 all of the provisions of General Laws, Chapter
14 140 and 111, including, but not limited to
15 Chapter 140, Sections 30 and 32B, Chapter 111,
16 Section 122, as well as 105 CMR 410.

17 "This hearing is being held to address
18 concerns relating to public health and safety at
19 the above-referenced location as a result of the
20 exorbitant number of police-related responses to
21 the motel since 2010, including, but not limited
22 to, sudden deaths, sexual assaults and offenses,
23 drug overdoses, warrant services, as well as the
24 most recent shooting of a Braintree police

1 please feel free to contact me. Sincerely, Mary
2 McGrath." Also, that was served by a constable
3 to Ms. Maguire on May 12.

4 I also have a request from Attorney
5 Jeremy Weltman from Kerstein, Coren &
6 Lichtenstein on May 18, 2017. It's an emergency
7 hearing request for continuance.

8 "Dear Attorney Maki, As you know, I've
9 been retained by Motel 6 with respect to the
10 above-referenced matter regarding the emergency
11 hearing at Motel 6, 125 Union Street. Please be
12 advised that my clients request a continuance of
13 the hearing scheduled tonight for 7:30 before the
14 Board of Health. Should you have any questions,
15 please feel free to email or telephone. Very
16 truly yours, Jeremy Weltman."

17 I'd also like to read into the record a
18 hearing notice that I placed in the paper on
19 Saturday, July 8.

20 "Pursuant to Mass. General Law, Chapter
21 140, Sections 30 and 32B and Chapter 111, Section
22 122, as well as 105 CMR 410, on Thursday, July
23 13, 2017 at 7:30 p.m. in the Cahill Auditorium at
24 Town Hall located at 1 JFK Memorial Drive,

1 executive vice president and general counsel for
2 Accor North America, Incorporated.

3 "Dear Ms. McGrath, As you are aware,
4 pursuant to your letter dated October 26, 2010,
5 Motel 6 has been requested at the Board of Health
6 meeting scheduled for December 16, 2010 to appear
7 before and provide the Board with an update to
8 review the status of concerns relating to public
9 health and welfare at our location located at 125
10 Union Street in Braintree.

11 "As discussed, due to previous travel
12 commitments, I will be unable to personally
13 appear; however, with the consent of Peter Morin
14 from the Mayor's office, you have graciously
15 agreed to allow Motel 6 to provide the Board with
16 the aforementioned status through a written
17 submission. We appreciate and thank you for your
18 willingness to accommodate our request.

19 "As you will recall, at the onset,
20 Motel 6 made two commitments to the City of
21 Braintree and the Board back in 2009 when the
22 health and safety concerns were first raised.
23 First, we agreed to implement a number of
24 security measures to address the specific

1 property had substantially improved since the
2 implementation of the enhanced security measures,
3 and particularly since December of 2009.

4 "This substantial improvement was
5 reflected in the number and, more significantly,
6 the type of calls for service recorded by the
7 police for the property, and was confirmed by
8 statements made by representatives of the police
9 department and the Mayor's office at that time.
10 Nonetheless, at that time, we recognized the need
11 for us to maintain our diligence and continue our
12 efforts to improve conditions at the property.
13 We also agreed to appear before this Board again
14 in November, which is now December of 2010, to
15 report back on the status of our commitments. I
16 am pleased to do so now.

17 "Since my last appearance in May of
18 2010, I am pleased to report that the renovation
19 of the motel has been completed. In fact, we
20 held the grand reopening on November 10, an event
21 that was attended by both the Mayor, the
22 executive director from the Boston Convention
23 Marketing Center, and a number of local
24 merchants. During the grand reopening, we

1 not the place to be. Importantly, we continue to
2 work very closely with the Braintree Police
3 Department. Victor Glover, our senior vice
4 president of safety and security, maintains an
5 ongoing dialogue with Deputy Chief Jenkins, and I
6 believe that Deputy Chief Jenkins will validate
7 both the continued cooperation of the management
8 and staff, as well as the considerable
9 improvement that has occurred at the property.

10 "In addition, as I also mentioned in
11 May, we have completed the installation of an
12 interactive camera system, which is now
13 operational. I also believe that the police
14 department is impressed with the capabilities of
15 this system, and we recently agreed to purchase
16 for the Braintree Police Department the necessary
17 computer equipment to allow them to log into this
18 camera system and monitor what is going on at the
19 property in real time. We are currently just
20 waiting for them to provide us with their
21 requirements.

22 "In summary, I believe that Motel 6 has
23 fully met and complied with the commitments that
24 we made to the City of Braintree and this Board.

1 successful relationship going forward.

2 "If there is any further information I
3 can provide, please let me know. Thanks again
4 for your courtesies in allowing us to appear
5 through this written submission.

6 "Sincerely, Alan Rabinowitz, Executive
7 Vice President and General Counsel, Accor North
8 America, Incorporated." This letter was dated
9 December 15, 2010.

10 What I'd also like to mention is what's
11 been provided to the Board from the police
12 department. The Board has documentation from the
13 police department of any police responses or
14 incidents that have occurred at all of the
15 Braintree hotels from 2010 to 2016, and those
16 hotels would be Candlewood Suites, Extended Stay,
17 Hampton Inn, Holiday Inn, Motel 6, and the
18 Sheraton, or slash, now Hyatt.

19 We also have documentation from the
20 police department of incidents that have occurred
21 at all of the hotel-motels in Braintree from
22 January 2017 until July 11, 2017. Again, those
23 hotel-motels are Motel 6, the Sheraton/Hyatt,
24 Extended Stay, Candlewood, Hampton Inn, and

1 community service officer -- he will be
2 discussing or providing information, data on
3 calls for service to Motel 6 -- and Lieutenant
4 Michael Want, watch commander, who will provide
5 some historical perspective on Motel 6.

6 If I may at this point just give you a
7 brief overview. The Motel 6, as you are aware,
8 requested and was granted a continuance to
9 tonight for a full hearing. We were at that time
10 of the hearing extension going to be discussing
11 measurements, security improvements, and
12 enhancements cooperatively. In that 45 days, we
13 are now here talking about where we are after
14 that agreement.

15 Before I get to that, I want to touch
16 briefly on May 6 -- or correction, May 5. Your
17 Braintree Police Department, my officers, went to
18 serve a warrant, like any routine warrant
19 service, on a person at a private room in a
20 public hotel. Officers Delaney, Ryan McHugh,
21 Paul Hamilton, John Hurley, and William Cushing
22 went there with a valid arrest warrant, and this
23 routine warrant service turned into a fight for
24 their lives.

1 not be the end. With that in mind, I would like
2 to now offer you information from my officers.
3 My first officer will provide you with some
4 information of that night.

5 I want to just reiterate that private
6 crime and public crime are two different things.
7 We have an ability to control crime in public
8 pretty well. And private crime, if you're going
9 to listen to statistical information about what
10 happens behind closed doors, often limits our
11 ability to control that.

12 What am I saying? That there's an
13 obligation. There's an obligation on an inn
14 holder. There's an obligation on a person
15 renting a room. When the person enters into that
16 room, their constitutional rights are intact.
17 They must step up. They must do more. With that
18 in mind, I would like you to listen to how this
19 private crime or this private domicile at the
20 time turned into a public problem. Lieutenant
21 Cohoon.

22 LIEUTENANT COHOON: Good evening. My
23 name is Tim Cohoon. I'm a lieutenant with the
24 Braintree Police Department. I also serve as a

1 Enforcement Council, the SWAT team. Being one of
2 the tactical commanders, they called me, but they
3 also followed the protocol, called Wellesley
4 Police. They put out a page and activated the
5 team. I was en route probably five minutes after
6 that, I live about 15 minutes away, and I arrived
7 on scene about 9:30 p.m.

8 While I was en route, I was able to
9 contact Sergeant Bata, who was working an
10 overtime shift as a patrol supervisor, to see
11 what he had going on. And Sergeant Bata had let
12 me know that the subject, after the attempted
13 murder of five police officers, had not responded
14 to any of their calls to come out of the room or
15 they hadn't had any movement from the room in
16 some time, but they still had positions on the
17 room.

18 There were four or five officers that
19 were in what we call the hot zone, and the hot
20 zone would basically be anywhere that would be a
21 danger zone for that particular area. And the
22 hot zone for this incident was the entire front
23 side of the motel, to include Union Street.
24 Because of the gunfight, and obviously, bullets

1 When I got there, they had pretty
2 adequate containment on the room. I had enormous
3 resources from metro SWAT coming, we had our own
4 vehicles coming, we had the command post coming,
5 and they all eventually arrived on scene. My
6 concern, again, was that hot zone and trying to
7 limit that hot zone. We were able to place a
8 BearCat, which is an armored vehicle, directly in
9 front of the door and the window so that if any
10 shots were to come out again that they would be
11 absorbed by the armor of that vehicle.

12 The incident itself lasted probably
13 until about 1:00 in the morning, and during that
14 time, we conducted a significant amount of
15 evacuations from all of the rooms -- I want to
16 say there's close to a hundred rooms there -- and
17 Sergeant Bata, when he and I talked when I was on
18 the way there, we had conferred, and he was going
19 to try to start evacuations if he had the
20 personnel available from the rear of the
21 building.

22 The rear of the building behind the
23 affected room was also a hot zone area because,
24 you know, bullets can travel through a wall, so

1 line -- we were confident we had most of the
2 hotel evacuated. Our objective at that time was
3 to try to make contact with the suspect, who we
4 were certain was still inside Room 113, and I
5 believe the command post and detectives at the
6 command post were able to obtain a cell phone
7 number, and we were also trying to call the room
8 and access the office to get, you know, master
9 keys and things like that that also helped with
10 the evacuations.

11 We received more support from Boston
12 SWAT, SEMLEC, which is our counterpart to the
13 south -- it's Southeastern Massachusetts Law
14 Enforcement Council. They sent up an armored
15 vehicle with a few operators, Boston SWAT sent an
16 armored vehicle with a few operators, and again,
17 the objective was to -- we use the armor in such
18 a way to create a bullet trap, so to speak. And
19 should we effect a surrender or should somebody
20 come out and he was firing at us that it would be
21 contained only to that area, that we wouldn't
22 have bullets flying all over that part of this
23 town.

24 We were able to lock that down.

1 rerouted, Exit 17 was shut down by the Mass.
2 State Police, Ivory Street was closed and, you
3 know, our mutual aid response was enormous, and
4 it was a significant impact on the community that
5 night. Are there any questions?

6 MR. BREGOLI: Thank you.

7 MR. NEDELMAN: Yes, I have a question.
8 The Board of Health is empowered to investigate
9 nuisances regarding public health or unreasonable
10 interference. In your comments, was the public
11 health and safety or public peace interfered with
12 that evening?

13 LIEUTENANT COHOON: Yes.

14 MR. NEDELMAN: Thank you.

15 MS. MELCHIONDA: Significantly?

16 LIEUTENANT COHOON: Significantly, yes.

17 MR. BREGOLI: Please continue.

18 POLICE OFFICER WOO: Good evening,
19 Board members, council, and citizens. My name is
20 Officer Ed Woo with the Braintree Police
21 Department. Based on my private sector
22 analytical background prior to law enforcement, I
23 was asked to provide a general statistical
24 analysis of violent crimes, warrant services, and

1 2017 to May 14, 2017, and close with May 14, 2017
2 through July 11, 2017.

3 From 2005 to 2007, violent crime
4 decreased at an average of 50 percent annually
5 and continued to decrease to an all-time low of
6 one violent crime incident in 2009, and this is
7 all in relation to Motel 6. The following year,
8 2010, violent crime spiked significantly to an
9 all-time high of 18 violent crime incidents that
10 year. From 2010 to 2015, there was a consistent
11 increase in violent crimes to a new all-time high
12 of 121 violent crime incidents in 2015.

13 In 2016, violent crimes dropped from
14 121 incidents to 114, which ranked second overall
15 in an 11-year period for the Motel 6. In
16 comparison to other lodging establishments, in
17 2015, as noted earlier, Motel 6 had 121 violent
18 crime incidents. Coming in second place --
19 pardon the reference to second place -- the Hyatt
20 had 18 violent crime incidents. In 2016, Motel
21 6, as noted earlier, had 114 violent crime
22 incidents versus its nearest comparable, being
23 Candlewood Suites, at 14.

24 Diving deeper into the statistics to

1 That 164 total is twice the amount of incidents
2 where police responded to the Hyatt, it's eight
3 times the amount responded to both Extended Stay
4 and Candlewood Suites, and it's eighteen times
5 the amount at Hampton Inn and the Holiday Inn.

6 During that same period, from January
7 to May, there were 49 warrants served versus its
8 nearest comparables, being the Hyatt and Extended
9 Stay, each having two warrants served. In that
10 same period, five drug overdoses at the Motel 6
11 versus the Hyatt and Candlewood Suites with one
12 overdose each. There were two drug law
13 violations versus its comparables of Extended
14 Stay and Candlewood Suites with one each.

15 For the most recent period of May 14,
16 2017 to July 11, 2017, Motel 6 experienced 15
17 total incidents requiring police interaction.
18 These 15 incidents -- technically, it's 40, but
19 we discounted the motor vehicle stops of six,
20 general service and extra checks of 19.

21 Why those were discounted was general
22 service and extra checks of 19 incidents, those
23 ones were more related to checking in on the
24 security of the establishment as opposed to 911

1 nightly review of the guest registry by the
2 Braintree Police, prohibition of visitors after
3 10:00 p.m., no use of housing vouchers or parking
4 pass policy for all motel guests, employee
5 training, as well as the interactive camera
6 system, and still the calls went up every single
7 year? Violent crime went up essentially every
8 single year?

9 POLICE OFFICER WOO: Yes, sir.

10 MR. BREGOLI: Higher than any of the
11 other hotels in the town, motels also?

12 POLICE OFFICER WOO: Yes, sir.

13 MR. BREGOLI: Thank you.

14 LIEUTENANT WANT: Good evening, ladies
15 and gentlemen, residents of the town. Thank you
16 for taking your time to come out to this hearing.
17 My name is Lieutenant Michael Want. The last
18 name is spelled W-a-n-t.

19 I'll start first by telling a little
20 bit of my involvement in this incident, and then
21 I'll get into why I'm giving you testimony
22 tonight.

23 I was also off duty Friday, May 5, when
24 I received a phone call that one of our officers

1 9:45, I, Mayor Sullivan, Town Solicitor Lisa
2 Maki, and the Mayor's chief of staff, Joe
3 Reynolds, met with the Motel 6 representatives,
4 Alan Rabinowitz and Michael Brower, in the
5 Mayor's office. Alan Rabinowitz is the general
6 counsel, executive vice president and secretary
7 of North America for Motel 6. Michael Brower
8 stated he was the chief operating officer.
9 Listed below is a summary of the meeting.

10 "Mayor Sullivan opened the meeting,
11 explained the town's position, and offered a
12 couple of possible solutions to this property.
13 He's included a temporary shutdown, a
14 redevelopment of the property or sale of the
15 property. Mayor Sullivan also explained how
16 Braintree residents felt about Motel 6.

17 "At some point, I explained my feelings
18 about the property, the feelings amongst the
19 patrol union and the supervisor's union and
20 offered my solution for the property, which is a
21 total tear-down and rebuild. I also informed Mr.
22 Brower and Mr. Rabinowitz we would be asking the
23 Mayor and the town council to pass a problem
24 property ordinance, similar to those passed in

1 asked twice a month checks are mailed out, SSI
2 checks are mailed out. People ride the MBTA
3 train to Braintree, walk to Pearl Street shopping
4 area, buy some food and alcohol, rent a room at
5 the Motel 6, and stay there until their money and
6 supplies run out. This group then returns to a
7 temporary shelter in another community until they
8 receive more money.

9 "Another percentage of the clientele
10 are persons associated with groups engaged in
11 criminal activity. When these groups are feuding
12 in other cities and towns, the renter will stay
13 or use a stay at the Motel 6 as a safe place to
14 go. In my experience, we've seen groups of
15 construction workers that are in the area working
16 stay at the hotel along with some families,
17 usually from out of state or another country.
18 Last, we have drug dealers and prostitutes using
19 the Motel 6 as a place of business.

20 "Mr. Rabinowitz acknowledged he was
21 aware of the '1st and 15th clientele.' I should
22 explain to anyone who reads and anybody sitting
23 here today that I am in no way stereotyping or
24 trying to blame that people are having

1 have a Braintree police officer on site who uses
2 the same radio channel so when an incident kicks
3 off, we can communicate and deploy together.

4 "Mr. Rabinowitz offered another
5 solution where the Motel 6 would immediately
6 implement a credit card only policy to eliminate
7 cash transactions. While I appreciated their
8 solution, I explained to Mr. Rabinowitz and Mr.
9 Brower a percentage of our renters using the
10 MBTA walk to Motel 6 and rent a room. At night
11 and during inclement New England weather, a
12 person who does not have a credit card will now
13 have no place to stay and will have no
14 transportation.

15 "It will then be up to the Braintree
16 Police Department to house people in the lobby of
17 the station, arrange housing or shelter in
18 another community, and then potentially provide
19 transportation. Each winter, we currently have
20 one or two people in our lobby who are homeless
21 and ask to sleep there on a regular basis.
22 Obviously, I come in contact with people there.
23 I spoke with a person who said they'd rather
24 sleep in our lobby because they feel more secure

1 clearly not worked.

2 MR. BREGOLI: Thank you.

3 MS. MELCHIONDA: Question for you.

4 Since May 18, how frequently has Motel 6
5 intervened with the police on trying to work out
6 safety situations before tonight's meeting?

7 CHIEF SHASTANY: They have not.

8 MS. MELCHIONDA: So when we convened on
9 May 18, they were going to work with the town,
10 the town officials, and the police to come up
11 with a plan to improve the safety for the
12 citizens, and you have not heard from them, and
13 they have not worked with you in order to do
14 that?

15 CHIEF SHASTANY: I met with Motel 6,
16 the attorney, and the security director, and they
17 apologized saying that they had not reached out
18 to us.

19 MS. MELCHIONDA: Thank you.

20 CHIEF SHASTANY: If I may, in closing,
21 I'm dealing with the aftermath of this incident.
22 I must tell you, it's the most troubling in my
23 career. I have police officers that call into
24 question whether there's a commitment by me to

1 to commit their crime.

2 The Braintree Police Department and
3 Motel 6 at this point cannot insure the safety of
4 its citizens, nor my officers, not the way this
5 business model is operating. I don't have the
6 luxury to increase my presence, my police
7 presence. I will not intrude into the privacy of
8 guests in an effort to eliminate criminal
9 activity where I create disrespect and
10 indignation out of a zealous effort to create a
11 safe environment.

12 I and your officers continually ask
13 ourselves how does the public see us, what would
14 it be like to be policed by us. I'm not willing
15 to sacrifice the nobility and the good efforts of
16 my officers that were exposed to life-threatening
17 and death that night to a less than noble cause.
18 I'm confident to say that our capacity to control
19 people does not create trust. We certainly
20 understand our role and the challenges of Motel 6
21 as well.

22 In summation, I believe that we've
23 defined ourselves in this incident. I ask and on
24 behalf of the police officers and the citizens, I

1 before the Board.

2 MS. McGRATH: Okay. Well, before that
3 happens, if anyone is providing testimony, I'd
4 like to swear them in.

5 (Witnesses sworn in.)

6 MR. WELTMAN: Mr. Rabinowitz.

7 MR. RABINOWITZ: Thank you for the
8 opportunity to respond. First, I'd like to say
9 that when we were here the last time on May 18,
10 the commitment that we made to the Board and to
11 the mayor and to the police was that we would go
12 back and we would come up with a comprehensive
13 plan that would address the concerns of the city.

14 MS. McGRATH: Could I interrupt you for
15 just one minute, Mr. Rabinowitz?

16 MR. RABINOWITZ: Yes.

17 MS. McGRATH: Could you state your name
18 for the record?

19 MR. RABINOWITZ: I'm sorry. Alan J.
20 Rabinowitz. I am executive vice president of
21 business affairs and general counsel and
22 secretary for G6 Hospitality.

23 MS. McGRATH: Thank you.

24 MR. RABINOWITZ: And that is what we've

1 came here this week. And I take full
2 responsibility for that, but it wasn't that we
3 weren't looking for feedback. We wanted to come
4 to you with, as the chief says, an integrated
5 plan that would address and that would enhance
6 what we're doing today.

7 And if it pleases the Board, I'd like
8 to take the opportunity to show you some
9 renderings and explain what it is that we are
10 proposing that we are willing to commit to.

11 Can everyone see this so I can move it
12 closer? Are you okay? These two renderings are
13 -- and I'm going to go through and tell you what
14 we're doing. So there's a number of things that
15 we propose to do structurally, architecturally to
16 the property, and the first thing we're doing is
17 we are constructing a wall here -- not wall, a
18 fence that's different than we have around the
19 entire perimeter.

20 What you can see here, and I'll show
21 you a different picture in a second, but around
22 the front of the building, and it will go from
23 here around to here and here around to here.
24 Around the back-end and around the sides, it will

1 will come through the building. The lobby is
2 going to be there, because over here, you can see
3 -- oh, you can see over here. I'm sorry. We
4 will be building an atrium (?) so that when you
5 come in, there will be parking spaces here, that
6 you'll have to go through the office and get your
7 key, and then the key will unlock the gate.

8 What you can't see on that picture, but
9 over here, there will be another gate over here
10 so you cannot drive through here. So everybody
11 will be sent through here, they'll park here,
12 here, they'll check in, and then they'll come
13 onto the property. So this will greatly enhance
14 our ability to make sure that we know who's
15 coming and who's going by the property, because
16 that's going to be right by the office.

17 We also have a camera system today that
18 we talked about previously. It's 16 cameras. We
19 are going to enhance that, obviously, when we
20 construct this, and we'll enhance that to at
21 least 32 cameras. And what we told the chief
22 yesterday is that we would work with he and his
23 team as to the proper placement and where they
24 would like to see the camera. And as we've had

1 So all traffic will come this way and exit that
2 way. And again, you'll be going through the
3 office.

4 The other thing we're planning on
5 doing, and again, this has to be approved by the
6 city, is we want to create here a sidewalk that
7 goes around the property so that -- because
8 today, currently a lot of our activity,
9 particularly at night coming from the train, are
10 not people that are staying, but they're walking
11 through the property, and so this will direct
12 people outside the property and not allow them to
13 be on the property where they can create a
14 disturbance.

15 So it all is intended to make sure
16 who's coming, we can see them coming, and that
17 they'll be -- so this is the ingress and egress
18 portion. Again, the fence may look like an
19 enclosure, but the way it's going to be designed
20 by our architects -- it's an outside firm -- it
21 will be very decorative and very nice curb appeal
22 for the property.

23 In addition, as a phase two to our
24 project -- everything I've talked about right now

1 The first was people that come to our
2 property to hide out when it gets too tough in
3 their area, and they simply run through and they
4 hide out. And from our perspective, we have for
5 years always given to the police our register
6 every single night to allow them to find people
7 who are trying to hide. We publicize that. Our
8 guests know that. We tell them. There's a sign
9 that says we cooperate with the police.

10 But still some decide, well, maybe they
11 won't be diligent about it. And we are. And we
12 give the police -- and we cooperate. We have for
13 the past seven to eight years given them the
14 guest register, which is, by the way, why our
15 warrants are so much higher than any other hotel
16 because until very recently, the other hotels
17 wouldn't do that. They wouldn't allow that. And
18 they don't do it on a daily basis. They do it at
19 the request.

20 We have a police detail every night,
21 and every night the police come to the desk, get
22 our register and look for bad guys. And we are
23 more than happy. I can tell you we've done that
24 in some other places, and we've been attacked by

1 with cities, I refused to do it because I said we
2 could manage the issue without having to do it,
3 and we've done it in every single case.

4 Here, I saw the compelling reason. It
5 was really causing an issue, and we felt by doing
6 that, we would stop the flow of people to our
7 property. Lieutenant Want did say, well, what
8 are they going to do. I said that after a few
9 weeks, they'll know. The word will get out that
10 they can't rent a room because they can't give us
11 a credit card.

12 By the way, it's a credit card issued
13 by a bank with their name on it. It's not
14 something you go to Walmart. It's not somewhere
15 they can get it. It's a bank-issued credit card.
16 And the people that we were told were most
17 concerning don't have access to that.

18 I know it's a short window, but in the
19 three weeks that we implemented that, we didn't
20 have any of the issues we had before. You can
21 look at the calls for service. There were 15,
22 but look at those things. Most of those were our
23 police detail handling something where they said
24 sent on way, rendered service. There wasn't any

1 actual criminal activity. Victor will talk in a
2 little bit about, you know, what attracts
3 criminals to properties.

4 I know the police have given some of
5 that information. But when you look at the last
6 five years -- and we looked at every single call
7 for service, and we didn't count -- in deference,
8 we didn't count warrants as a violent crime.
9 Without the warrants, we had 35 crimes of
10 violence in the five years, 35.

11 We hired an expert to go through -- a
12 criminologist to go through every single call for
13 service in the last five years, and Victor will
14 speak to that, and we have a report he's prepared
15 that puts a different perspective on these calls
16 for service, why they occurred on our property,
17 what separates us from the other motels. There
18 are a number of generators we have, and
19 (inaudible) will tell that the other people
20 don't. None of them are by the train. None of
21 them have the vehicle issues that go on. And
22 I'll let Victor talk about that, but I just
23 wanted to put first that in perspective.

24 And I want to add one more thing. From

1 and Mayor Sullivan did anyone ever tell us that
2 you guys aren't doing what you're supposed to do.
3 To the contrary. There's been articles in 2014
4 and in 2015 that lorded us as the model, and not
5 just the model for cameras.

6 We were the model that other hotels
7 should follow. We didn't have the human
8 trafficking issues the others had because we were
9 cooperating. We had a police detail. We were
10 giving them access to our register that no one
11 else would do. In 2015, that was a major impetus
12 of human trafficking in Braintree. The other
13 five hotels were mentioned as problems. We were
14 not. And that was quotes from elected officials
15 from Braintree.

16 I'm not saying that we can't do better
17 and that we shouldn't do better, but I want to
18 put this in proper perspective. We've never not
19 agreed to do something. Had anyone ever said to
20 us -- again, Victor would talk about the calls
21 for service on a monthly basis. If the chief had
22 said, if the police detail, who Victor also
23 talked to, said Victor, your people aren't doing
24 a good job, your people are really being lax,

1 we've added hours to make sure that we have not
2 just coverage with the police for eight hours.
3 We have 24 total hours of coverage at the
4 property. We believe that the coverage we have
5 today, the changes we made in the policies today
6 make us a safe place to be.

7 The things we're showing you here are
8 enhancements that will make it even better, and
9 we're prepared to start doing this stuff right
10 away. And this is the kind of stuff that is in
11 response to what we've been told. We met with
12 the mayor and chief yesterday, and I asked -- and
13 he can speak for himself, but I walked out of the
14 meeting with the idea that he liked what we were
15 planning on doing.

16 You know, we could tinker with you, we
17 could talk about it, we can work together on the
18 cameras, we can work together on the fence. We
19 could do things, but overall, this was a very
20 integrated security posture. And I will tell you
21 no other economy hotel in the country does stuff
22 like this, nobody, I don't care who they are.
23 And I have an expert that we work with who works
24 for all of them. We set the standard in many

1 So I just wanted to make that point,
2 because it wasn't that we were ignoring you. It
3 wasn't that we weren't trying to keep you
4 involved. We had every intention of working with
5 the police and the city in talking about how we
6 execute this. I'm sorry, do you have a question?

7 MS. MELCHIONDA: Well, you didn't work
8 with the police on putting these plans together.

9 MR. RABINOWITZ: I'm sorry?

10 MS. MELCHIONDA: You did not work with
11 Chief Shastany in putting these plans together to
12 make sure that our citizens would be safe. You
13 didn't work with them. You put the band aids
14 together yourself, and then come out in the last
15 to just think that we're all -- everyone is going
16 to think that they're okay and that they are
17 going to improve the safety for our citizens,
18 when we have the chief of police saying he cannot
19 provide that. He cannot provide the safety for
20 his men. He cannot provide the safety for the
21 citizens. So you're contradicting yourself.

22 MR. RABINOWITZ: No, and I would
23 challenge that. I respectfully challenge that
24 with the current policies in place and the

1 are not living up to -- you're not doing what we
2 expect you to do.

3 MS. MELCHIONDA: Twenty-seven
4 overdoses.

5 MR. RABINOWITZ: Excuse me?

6 MS. MELCHIONDA: Twenty-seven
7 overdoses. We could go through the statistics
8 again. They far exceed any other motel, hotel in
9 the town, far exceed.

10 MR. RABINOWITZ: We understand that.

11 MS. MELCHIONDA: This is a significant
12 problem. And as you said, I think you said you
13 messed up, and now you want to put band aids
14 again on what you've messed up. We did it in
15 2009, and here we are back again in 2017. I
16 think our citizens, our police force deserve
17 better.

18 MR. RABINOWITZ: Well, we would like
19 the opportunity to respond to these calls for
20 service in comparison to other hotels because
21 there's more to be said about just the pure
22 numbers.

23 MR. BREGOLI: Dr. Nedelman, did you
24 have a question?

1 tell me on the other side that you're protecting
2 your patients -- or you're protecting your
3 clients, and you're decreasing -- or you're
4 increasing safety, and you're decreasing calls,
5 but these statistics don't support your
6 statement.

7 MR. RABINOWITZ: As I said, I would
8 like an opportunity to address those statistics
9 and put them in perspective.

10 MS. McGRATH: Can I request a five-
11 minute recess?

12 MR. NEDELMAN: What's that?

13 MR. BREGOLI: If we can get a five-
14 minute recess. Do we have a motion for a five-
15 minute recess?

16 MS. MELCHIONDA: You have a motion for
17 a five-minute recess.

18 (Whereupon, a brief recess was taken.)

19 MR. NEDELMAN: I made the motion to
20 come out of recess.

21 MS. McGRATH: There's been a motion to
22 come out of recess by Dr. Nedelman and seconded
23 by Mrs. Melchionda at 8:55 p.m.

24 MR. BREGOLI: I think Victor was going

1 Q And who told you that?

2 A There were several officers. I don't have the
3 names of officers at the time. It was
4 inconsequential, just conversation.

5 Q You would agree that Motel 6 has always worked
6 closely with the Braintree Police, right?

7 A As close as others and maybe more.

8 Q "Maybe more," meaning other motels in the city,
9 right?

10 A Yes. It was my impression that it drew a
11 significant response from the police department
12 to the extent that the history required a detail
13 there, and to me, that raised an eyebrow. I
14 thought it was unusual.

15 Q But, in fact, placing of the detail there was an
16 increased security protocol by the motel; isn't
17 that right?

18 A Yes.

19 Q And are you aware of the other security protocols
20 that the Motel 6 has put into place in an effort
21 to curtail calls for service at the property?

22 A What is your --

23 Q Well, you're aware that they have the cameras,
24 correct?

1 Q No, the police department.

2 A That's what I'm hearing.

3 Q Do you have any reason to believe that's not the
4 case?

5 A No.

6 Q Prior to the May 5 incident, had anyone in your
7 department expressed concerns regarding the
8 health and safety at the Braintree Motel 6 to
9 Motel 6?

10 A Yes.

11 Q When?

12 A I'm sorry. To Motel 6, not to my knowledge.

13 Q Why not?

14 A Because we had a relationship. I know that one
15 of my officers, David Jordan, who works at and is
16 involved in communications with Victor, quite
17 frequently had some communications about what he
18 perceived are potential improvements to security,
19 and the type of relationship that the officer has
20 was a cooperative and what I would think is a
21 beneficial relationship in crime prevention
22 strategies.

23 Q And so there was no reason, then, you're telling
24 me for the Braintree Police Department to make

1 A It talks about the type of process when renting
2 rooms, the amount of people accessing the rooms,
3 when people are renting the room to ask who the
4 names of the persons going into the room are,
5 obtaining information, identification such as
6 license information, so that when we check our
7 wants, the officer can determine if this person
8 is wanted or not wanted, also look at -- when
9 they look at the register, that is, also try to
10 determine in the database the reference to assist
11 them on prevention of recurring rentals for
12 people that the police have had problems with at
13 that property.

14 And he cited a few persons here that I
15 would assume were contacted by the Braintree
16 Police Department that had been engaged in
17 criminal activity that he felt that the Motel 6
18 would benefit by barring those persons.

19 Q You said this was sent in April of this year?

20 A April 13, 2017.

21 Q And prior to the April 13 email, in the past
22 seven years, has there been any contact or any
23 request of the Braintree Police Department to
24 Motel 6 to make a change to increase the safety

1 improve safety"?

2 A Again, if you'd like to read everything that he
3 said in that statement, my response is the same.

4 Q That you're unaware of what's in here?

5 A I never read that.

6 Q How long have the other motels in the town of
7 Braintree allowed the police access to their
8 guest registries?

9 A Under the law, we can look at the registry.

10 Q I'm sorry?

11 A Under the law, we can look at the guest registry.

12 Q Which law is that?

13 A The Mass. General Laws. We can go into the hotel
14 and ask to see the guest register of people at
15 the hotels.

16 Q Why is it, then, that in the same article that
17 Mayor Sullivan had made the point that the other
18 motels had finally agreed to immediately adopt
19 the policy the Motel 6 had for several years in
20 allowing the police to access the guest registry?

21 A Why would I know? I wouldn't know.

22 Q Can you tell me if you know of any time in the
23 past seven years that the Braintree Police
24 Department has asked the motel to add security

1 there are options such as identification with
2 credit cards and many other things. I'm not
3 going to sit here and describe what other hotels
4 and litigators have said are ways to improve
5 security. You're in the business, and I would
6 expect that you would have had some of your own
7 recommendations.

8 Based on the last meeting where you
9 changed your policy on credit cards -- from cash
10 to credit cards. There is also, you know, an
11 education process about what you can and can't do
12 and what we can and can't do. So in my opinion,
13 we mutually share a problem. You truly must
14 solve it.

15 Q Thank you. If we mutually share a problem, as
16 you say, the only specific thing I heard from you
17 that the Motel 6 could have done was to identify
18 with credit cards, and you agree with me that the
19 Motel 6 now does that, right?

20 A It is not one measurement. It's a multitude of
21 other things. To sit down and look at CPTED,
22 which is Crime Prevention Through Environmental
23 Design, there are issues such as vehicle
24 movement. There's a multitude of ways that we

1 You, as subject matter experts in the hotel
2 business, would be able to help us with the
3 technology that you see across the country.
4 Victor is a very smart man. Victor can help us
5 with this. That didn't happen.

6 Yesterday is a great step forward.
7 Yesterday is the beginning. These statements
8 today are a reflection of where we are as of
9 yesterday, and my sense is that we have to step
10 it up -- you have to step it up. I'm not
11 satisfied with your response.

12 Q Chief Shastany, with all due respect, I agree
13 we're not here for a tennis match. However, we
14 are here because the Braintree Board of Health
15 has suggested that it wishes to revoke the
16 operating license of Motel 6, which then requires
17 me to ask you the question of what it is that
18 Motel 6 is failing to do in terms of health and
19 safety that you think that they could do better.
20 Because if you're going to tell us that it's a
21 health and safety problem, then I think it's fair
22 for Motel 6 to have an opportunity to understand
23 what it is that they're not doing specifically
24 that is contributing to the health and safety

1 Motel 6 has failed to do and could do better.

2 A And I would like --

3 Q Excuse me. I'm sorry, Chief Shastany, if I may
4 just finish. I think that would be very helpful
5 in the communication that you've talked about in
6 terms of finding a mutual solution here because
7 -- and correct me if I'm wrong -- you told me
8 that Motel 6 has always worked in good concert
9 and cooperation with the Braintree Police
10 Department; is that right?

11 A They have worked, yes, with the Braintree Police,
12 and I'm saying something isn't working. And you,
13 as subject matter experts with hotel management,
14 are in a position where you know what the best
15 industry standards are and practices. So I would
16 expect that you would come up with a list as
17 well. Because if you are truly doing what you
18 need to do for me, we would have had those
19 conversations. So we can sit here and agree to
20 disagree about who's responsible for doing more,
21 but the point here is we aren't safe there, and
22 your property needs to change, so let's work
23 together on it.

24 MR. BREGOLI: I'd like to move this

1 or a record, as something can be mediated between
2 the individuals involved.

3 Q And sometimes even then, when something can be
4 mediated between the individuals involved, a call
5 for service results; is that right?

6 A Yes, sir.

7 Q If a police officer, a Braintree police officer
8 is stationed at an address every night, would you
9 expect that they would routinely make calls for
10 service in?

11 A I can't answer that. I mean, there's kind of two
12 perspectives when looking at it. One is that if
13 there's a continue at issue, it would make sense
14 to say yes. There would be more calls for
15 service because you'd have an onsite officer
16 investigating, on alert, looking for issues. But
17 on the flip side of that is if there is a
18 geographical area that has a high crime rate and
19 we inflow it, like we add more officers to it or
20 we station an officer there, you would think that
21 the other school of thought is that crime
22 displaces out of that area and will go into, in
23 this example, other hotels.

24 Q So you'd agree with me, then, that if you're

1 officer there?

2 A I'm sorry. I don't understand your question,
3 sir.

4 Q Well, tell me about the 15. How did you get that
5 number?

6 A There's 40 total calls of service, just as we've
7 mentioned. An officer can call in, and that ends
8 up being a call for service. Why we said 15 as
9 opposed to 40 is because I took out the -- well,
10 we took out the general service calls, which were
11 all just checking up on the safety of the motel,
12 which technically is a call for service, as we
13 just discussed, but then also the extra checks,
14 which is the same thing as well.

15 That's nine and ten, that's 19, and
16 then also the motor vehicle stops, which we can't
17 necessarily say didn't derive from the motel, but
18 just trying to give a better picture to the
19 Board, a clearer picture, I guess. If we take
20 away the motor vehicle stops, the extra checks,
21 and the general service, the residual would be
22 more what I certainly would consider a call for
23 service, if that makes sense.

24 Q And how many of those are actual violent crimes?

1 service involved a call for a domestic dispute
2 inside one of the rooms. Someone had called from
3 the motel, stating that there's a fight amongst
4 three sisters of some sort without getting into
5 any further detail. An investigation was
6 conducted, and one of the individuals had a
7 warrant.

8 Q Is it possible that the domestic dispute that
9 showed up in the warrant service number is the
10 same domestic dispute that shows up in the
11 category above it?

12 A Derived from the same incident, separate -- yes,
13 sir. Yes. To answer your question, yes.

14 Q So in that sense, what you're telling me is that
15 it's possible that out of all these calls for
16 service here, there's one domestic dispute
17 arising out of a warrant that involved three
18 sisters arguing; is that correct?

19 A Yes, sir, one warrant deriving from a domestic
20 dispute.

21 Q And you took us all the way back to 2005 with
22 your statistics, didn't you?

23 A Yes, sir.

24 Q Are you telling me that you looked at none of the

1 A There may be incidents that are calls for
2 services that do not have a narrative report,
3 which you just asked us about. There might be a
4 CAD note in there. A CAD note is something that
5 the dispatcher puts in for a note so that the
6 officer does not actually -- is not required to
7 give a more detailed report and place it in
8 there.

9 Q I see. Do you know how many calls for service
10 total between 2005 and May 14, 2017?

11 A I do not have a set number in front of me. I
12 could generate it, but I don't have it in front
13 of me, sir.

14 Q Well, would you agree with me that your list of
15 calls for service would have some of the same
16 things we saw in the May 14 to July 11 list,
17 right? So there would be some warrant services
18 that are also categorized as domestic disputes?

19 A If you're referring to possible duplications
20 consistent with the May 14 to July 11 incident
21 that you mentioned, yes, sir.

22 Q And you would agree that there are some calls for
23 service listed as a disturbance, but without the
24 benefit of looking at the actual police report,

1 Q That's not an expense of the town, is it?

2 A I don't know, sir.

3 Q And that police officer is off duty at the time,
4 right?

5 A Off duty from their normal patrol shift, yes,
6 sir, I believe so.

7 Q And can you tell me how many of the other motels
8 and hotels in Braintree have off duty police
9 officers stationed there?

10 A I don't have a set number, sir. I don't know.

11 Q You're not sure?

12 A No, I'm not.

13 Q Now, you had mentioned a number of times that
14 warrant service is included in your definition of
15 violent crime, right?

16 A Yes, sir.

17 Q And you would agree with me that only the
18 Braintree Motel 6 until very recently is the only
19 motel in town that voluntarily shared their guest
20 registry with the police every single night; is
21 that right?

22 A I can't agree with that, sir, because I don't
23 know what the other hotels do.

24 Q Have you seen guest registries voluntarily

1 A No, sir.

2 Q Do you have any idea how many guests of other
3 motels and hotels in Braintree have guests
4 staying with them that have an outstanding
5 warrant?

6 A I do not personally, sir.

7 Q Officer Woo, you would agree with me that the
8 Motel 6 is situated right next to the Braintree T
9 station, wouldn't you?

10 A Yes, sir.

11 Q Do you get a lot of calls for service at the
12 Braintree police station -- I'm sorry, excuse me,
13 the Braintree T station?

14 A I know that we've received calls from the
15 Braintree T station, but I do not know the
16 numbers, sir.

17 Q Do you have jurisdiction over the T station, or
18 is that transit police?

19 A Transit police, sir.

20 Q So they don't call you if there's an issue there
21 anyway, do they?

22 A They do call us for assisting.

23 Q Do you have any idea how many people come through
24 the Braintree T station every day?

- 1 Is this a fair view, bird's eye view of that area
2 where the Motel 6 is and the other motels?
- 3 A Yes, sir.
- 4 Q And you agree with me that the Motel 6 is all the
5 way down here in the corner, right?
- 6 A Yes, sir.
- 7 Q Right next to the T station; is that right?
- 8 A Yes, sir.
- 9 Q And the commuter rail goes through there?
- 10 A Yes, sir, the same T station.
- 11 Q A couple of buses, right?
- 12 A Yes, sir.
- 13 Q The Sheraton is way up here on Granite Street,
14 isn't it?
- 15 A Yes, sir.
- 16 Q The Candlewood Suites, Wood Road?
- 17 A Yes, sir.
- 18 Q It ends on Wood Road. Holiday Inn Express on
19 Wood Road; is that right?
- 20 A Correct.
- 21 Q The Extended Stay is on Rockdale Street. It's
22 even further, isn't it?
- 23 A Yes, sir.
- 24 Q All of these are the ones you're comparing, isn't

1 MR. WELTMAN: Please sit down.

2 Q Officer Woo, would you agree with me that at
3 least part of the increase in the calls for
4 service for Motel 6 as opposed to the other
5 motels is due to the location or proximity to
6 that T station?

7 A It's a possibility, but I can't definitively say
8 that, sir.

9 Q And would you also agree with me that some of the
10 reasons that the calls for service are higher for
11 Motel 6 than other motels, particularly in the
12 warrant service category, is because the Motel 6
13 voluntarily shares their guest list each night
14 with the police?

15 A That is a possibility, sir.

16 Q And would you also agree with me that one of the
17 reasons that the, quote, unquote, "disturbance"
18 category or suspicious activity category are
19 higher at Motel 6 than other motels is directly
20 related to the fact that an off duty Braintree
21 police officer is there making those calls for
22 service every night?

23 A I cannot say that, sir.

24 Q You would agree, too, that the Motel 6 is

1 motor vehicles, right?

2 A Say that again. I'm sorry. I didn't hear that.

3 Q Well, there's a lot of violations, a lot of calls
4 for service related to motor vehicle accidents
5 and motor vehicle issues; is that right?

6 A There are calls for services, but we took those
7 out of there.

8 Q You took them out. What do you mean?

9 A When I mentioned the 164 instances, though, we
10 took out the motor vehicle stops.

11 Q One hundred sixty four instances for what time
12 period exactly?

13 A Standby, sir. From January 1, 2017 to May 14,
14 2017, I stated there was 164 total incidents
15 requiring police interaction, which I compared to
16 two times more than Hyatt, eight times more than
17 both Extended Stay and Candlewood. The complete
18 total amount, if I put back in the motor vehicle
19 stops, the accidents, things of that like, is
20 about 197, sir.

21 Q Have you seen this chart before, Officer?

22 A Have I seen it? Yes, sir.

23 Q This is a chart put together by the Braintree
24 Police, isn't it?

1 Q Extended Stay on Wood Road, one, right?

2 A Yes, sir.

3 Q Domestic dispute, four, right?

4 A Correct.

5 Q Extended Stay, three, the one on Wood Road?

6 A Correct.

7 Q You didn't look at these calls for service,
8 though, right, so we don't know what this
9 actually means?

10 A I did not individually look at the narrative, no,
11 I did not, sir.

12 Q Property and sex offense, one each, right?

13 A Yes, sir.

14 Q The Sheraton Hyatt, it also has the sex offense,
15 doesn't it?

16 A Yes, it does.

17 Q Now, we talked about warrant service, right?

18 A Yes, sir.

19 Q Well, of course, there's high warrants at the
20 Motel 6 property because they share their guest
21 list every night; isn't that right?

22 A I don't know if that's the true determiner of it,
23 sir, but you are correct, they do share the list
24 every night, or the nights that the detail

1 Q Motel 6?

2 A Yes, sir.

3 Q And the motor vehicle stops, right -- if there
4 was a motor vehicle stop on the street right out
5 front of the Motel 6 that had nothing to do with
6 the Motel 6, it still would be listed as a call
7 for service for Motel 6, wouldn't it?

8 A It could. We wouldn't know if it derived or did
9 not derive from the motel, but it is a
10 possibility what you're saying, sir.

11 Q Other offense. What's an other offense?

12 A Those could be either categorized differently
13 from trespassing to anything of the like, sir.

14 Q Well, we have a trespassing, right?

15 A That's true.

16 Q So we have no idea what this could be without
17 looking at the narratives?

18 A We do not, because some things might be
19 incorrectly categorized.

20 Q So when you made the statement that comparing
21 Motel 6 to the other hotels, there's a huge
22 discrepancy in numbers, is that still your
23 opinion, looking at this chart?

24 A Yes, sir.

1 with the fact that Motel 6 voluntarily shares
2 their guest list each night to run warrant
3 service is contributing to those calls for
4 service being high?

5 A I cannot agree with you regarding the first piece
6 that you had mentioned regarding the location of
7 the MBTA transit facility because I don't know
8 the numbers for that. That's kind of subjective,
9 I guess. But what you say about the sharing of
10 the list for details, yes, I can agree with you
11 there. That could add to the possible service of
12 warrants.

13 Q You'd also agree with me that sometimes when a
14 suspicious activity is reported as a call for
15 service, the result is "sent on way," right?

16 A Yes, it is, sir.

17 Q What does that mean?

18 A A suspicious activity ends up not rising to the
19 level of criminal activity, and the individual is
20 sent on their way.

21 Q And so did you make any determination as to how
22 many of those calls for service or suspicious
23 activity were actually just sent on their way?

24 A No, sir.

1 Police, then, is categorizing warrant service as
2 violent crime?

3 A I would say as it relates to our community,
4 again, from the principle of why, how the actual
5 incident that kind of ignited this whole
6 situation being a warrant, looking at it from a
7 perspective of a general warrant in general, what
8 we're trying to do is arrest an individual.
9 Taking that person's freedom away can get turned
10 into a violent situation.

11 Q So it's the propensity to turn into a violent
12 situation that you're calling violent?

13 A At times, yes, sir.

14 Q And not actually of the occurrence of effecting
15 the warrant; is that right?

16 A That, I cannot say because some of the warrants
17 are based on violent activity.

18 Q But you can't tell me, as you sit here today,
19 which ones, right, because that would require an
20 actual look at the narratives that went along
21 with the calls for service?

22 A Correct.

23 MR. BREGOLI: Excuse me. How much
24 longer is the cross examination going to go on

1 Q And how were you injured?

2 A A 15-year-old hit me in the eye, my left eye,
3 with a bottle, and I lost the vision in my left
4 eye and had to take a medical retirement.

5 Q Would you say you're still familiar with general
6 policing policies?

7 A Yes. In my job, I deal with law enforcement
8 agencies all over the country on a regular basis.

9 Q So you understand how warrant service works?

10 A Yes.

11 Q You understand basic security protocols?

12 A Yes.

13 Q You understand what a call for service entails?

14 A Yes.

15 Q You had heard me earlier ask Chief Shastany how
16 the relationship has been between Motel 6 and the
17 Braintree Police Department, and I wanted to ask
18 you the same question. From your perspective,
19 how has that relationship been?

20 A I think it's been a great relationship over the
21 years, and I think even continuing to now, and I
22 would hope that based on Chief Shastany's
23 comments earlier that the actions or even the
24 inactions on our part over the last 45 days

1 criminology expert to complete a security
2 analysis of the Braintree Motel 6?

3 A Yes.

4 Q And who did you hire?

5 A Dr. Dan Kennedy.

6 Q And who is Dr. Dan Kennedy?

7 A Dr. Dan Kennedy is a forensic criminologist that
8 we've used as a security expert in the past.

9 Q And did he conduct a security analysis of the
10 property?

11 A Yes.

12 Q Did he write a report?

13 A Yes.

14 Q You've seen the report, haven't you, Mr. Glover?

15 A Yes, I have.

16 Q This is the security analysis report right here
17 I'm holding in my hand?

18 A Yes.

19 Q Are you familiar with its content?

20 A Yes.

21 Q Are you familiar with the analysis that was
22 undertaken by Dr. Kennedy?

23 A Yes.

24 MR. WELTMAN: If I may, I have a copy

1 implement visitor's hours, what we call quiet
2 time, so that anyone on the property after 10:00
3 at night has to be a registered guest, or they
4 are asked to leave the motel property.

5 We have, again, our normal check-in
6 process whereby guests are informed that we
7 cooperate with the Braintree Police Department,
8 and we provide guest information to the police
9 department as part of that cooperation, and
10 again, monitoring that activity via a 16 camera,
11 what we call an interactive CCTV system, which is
12 more than just a regular recording camera system.

13 This particular system allows a
14 monitoring facility to have the ability to
15 actually voice down to any area of the motel
16 where there may be activity going on that's
17 noticed by our staff. They have a contact button
18 that they can push or a red phone that they can
19 pick up, make contact with the monitoring
20 facility and ask the monitoring facility to voice
21 down to anyone that may be loitering, and they
22 can say please leave the premises, and if you
23 don't, police will be called. That's, again,
24 instituted and monitored on a regular basis, and

1 A Yes, he did.

2 Q And could you tell us approximately how many
3 enter each month and how many exit the station
4 each month?

5 A Yes. According to Dr. Kennedy, over 110,000
6 people enter the station each month, and
7 approximately 60,000 people exit the station per
8 month.

9 Q And you'd also agree that not all of these people
10 who are exiting and entering could possibly be
11 patrons of Motel 6, right?

12 A That's correct.

13 Q Do you know if the users of the Braintree T ever
14 access the Motel 6 property in Braintree?

15 A I believe they do, yes.

16 Q Do you know if they park their vehicles there?

17 A Yes.

18 Q And is it overflow parking for the T?

19 A No.

20 Q Sometimes they just park their vehicle there and
21 walk up to the T?

22 A Yes.

23 Q And so with the new enhancement and security that
24 has been proposed earlier with the reformatting

1 provided to Motel 6 through counsel?

2 A Yes, he did.

3 Q When he made his analysis of the crimes for
4 service at Motel 6, did he make any comments
5 about the fact that an off-duty Braintree Police
6 Department officer was stationed there every
7 night?

8 A Yes.

9 Q What was his comment?

10 A The fact that in having a police officer onsite
11 every night would actually lead to generating
12 more calls for service.

13 Q It's his opinion that more calls for service
14 equals more crime?

15 A No.

16 Q What is his opinion as to calls for service?

17 A That calls for service, in and of themselves,
18 just strictly the numbers, are strictly in
19 security expert terminology and in civil actions
20 just considered hearsay without being able to
21 dial into or dive into the substance of what
22 caused those calls to be generated. And, in
23 fact, a large number of those items that are
24 considered calls for service are, in fact, not

1 A No. We've always done that voluntarily. And as
2 a point of fact, there was a United States
3 Supreme Court decision early last year that as a
4 result of a hotelier suing the City of Los
5 Angeles that basically stated that jurisdictions
6 cannot require that a hotelier provide their
7 guest list information to law enforcement. And
8 even with that in place, we have still forged
9 ahead in providing that information voluntarily
10 to law enforcement agencies, including the
11 Braintree Police Department.

12 MR. BREGOLI: I'd like to try to move
13 this along, please. Thank you.

14 MR. WELTMAN: Thank you. We'll do our
15 best.

16 Q Do you know whether or not Dr. Kennedy had
17 analyzed the calls for service over the five-year
18 period that was referenced by Officer Woo?

19 A Yes.

20 Q And when he made that analysis of those calls for
21 service over the five years, what did he find; do
22 you recall?

23 A Yes. So in that five-year period, Dr. Kennedy
24 reviewed 1701 calls for service, and in reviewing

1 A That's correct.

2 Q That doesn't mean that 305 people were arrested,
3 does it?

4 A That's correct.

5 Q And we have no idea what those warrants were for,
6 do we?

7 A No, we do not.

8 Q How about the category of disturbances and
9 suspicious activity; how many calls for service
10 did Dr. Kennedy count through the five years of
11 call logs for disturbances and suspicious
12 activities?

13 A So there were 280 calls related to disturbances
14 and 185 related to suspicious activity.

15 Q So together, we're talking about 465 calls for
16 service?

17 A Yes.

18 Q And as Officer Woo told us earlier, we have no
19 idea what the disturbance or suspicious activity
20 might be without the narrative report; is that
21 right?

22 A That's correct.

23 Q If you look at a number of the call logs, though,
24 we do see that there are a great majority of them

1 belong to. They have an annual meeting that they
2 attend, and they talk about ways within their
3 communities and within their departments to
4 address problem-oriented issues in those
5 communities through law enforcement.

6 Q And so did Dr. Kennedy comment on a Center for
7 Problem-Oriented Policing study?

8 A Yes.

9 Q And what did he comment on?

10 A I'm sorry?

11 Q What did he comment on? Is there a study for
12 budget motels or economy hotels?

13 A Yes. So within the Center for Problem-Oriented
14 Policing, there is a document, or what's referred
15 to as a white paper, that's called "Disorder at
16 Budget Motels" that was produced a number of
17 years ago by the City of Chula Vista and one of
18 their crime analysts by the name of Karin
19 Schmerler, and he referred to that document in
20 reviewing our Motel 6.

21 Q And when Dr. Kennedy reviewed that document
22 against the security protocol at Braintree Motel
23 6, did he find that any of the 37 recommendations
24 were missing?

1 Kennedy pulled out. Do you remember that?

2 A Yes.

3 Q Dan Kennedy also took a three-year look of the
4 actual incident types from the call logs, didn't
5 he?

6 A That's correct.

7 Q And you went over 2014, 2015, and 2016 incident
8 logs; is that right?

9 A Yes.

10 Q And of these incidences for each year, we find in
11 2014 that there were a total of seven arrests for
12 suspicious activities and disturbances; is that
13 right?

14 A Yes.

15 Q And of all the incidences in 2015, 19 actually
16 resulted in an arrest from suspicious activity or
17 disturbance; is that right?

18 A Yes.

19 Q And the same with 2016, right? Out of all these
20 reported instances for disturbances and
21 suspicious activities, all we find are three
22 arrests; is that right?

23 A That's correct.

24 Q And he made another interesting point, Dr.

1 A Yes, I can do that. So in his opinion, he says
2 basically in his "professional opinion and to a
3 reasonable degree of criminological certainty,
4 the Motel 6 at 125 Union Street in Braintree not
5 only meets, but exceeds any applicable standard
6 of care for premises security. In addition, in
7 my professional opinion, and to a reasonable
8 degree of criminological certainty, it is a
9 function of both the location and the Braintree
10 Motel 6's voluntary cooperation with the
11 Braintree Police on warrant service that are the
12 primary causes of the relatively higher, as
13 compared to other hospitality properties in
14 Braintree, raw number of calls for service
15 recorded for the property."

16 Q So is it fair, then, to distill that down that
17 Dr. Kennedy believes that the reason you have a
18 higher call for service at the Braintree Motel 6
19 is, one, because of the location?

20 A Yes.

21 Q And two, because of the cooperation of the
22 Braintree Police, right?

23 A Yes.

24 Q And is it Dr. Kennedy's opinion that the Motel 6

1 facilities at one point in time were asked by the
2 police department and the city to institute a
3 police detail that they would all go in and
4 combine to pay for, and each one of them refused
5 that request.

6 So our calls for service are, in fact,
7 higher, but it is driven predominantly by the
8 fact that we use that detail, that we cooperate
9 with the police department. We always have. We
10 will continue to do that. That's what I stand
11 on. That's what I believe. I developed a great
12 working relationship with then Deputy Chief Russ
13 Jenkins, who ultimately became Chief Russ
14 Jenkins.

15 Our general managers back then and now
16 have maintained great contact with the PD. Our
17 general managers, previous to Patty being there
18 today, at minimum, on a monthly basis were in
19 contact with Deputy Chief Foster to make sure
20 that we were staying on top of our game and doing
21 the things that we needed to do to make sure we
22 were providing a safe environment for the guests
23 of our hotel, as well as for the community of
24 Braintree.

1 is substantial, and that far exceeds the other
2 hotels and motels, and you can't tell me why
3 that's happening.

4 MR. GLOVER: Well, again, I think we --

5 MS. MELCHIONDA: And you can't make
6 that change. Regardless of all the things that
7 you've put in place, and I know you worked hard,
8 you --

9 MR. GLOVER: I understand where you're
10 coming from with that.

11 MS. MELCHIONDA: -- have not addressed
12 that safety measure.

13 MR. GLOVER: Right, and I think the
14 Board, and I think the general public even needs
15 to understand when the guest checks in, and we've
16 done all our proper check-in procedures, when
17 they're issued a key, they walk in the room, they
18 close the door, there is still that reasonable
19 expectation of privacy.

20 I think you heard Chief Shastany
21 earlier in his comments say it's not their job to
22 violate the constitutional rights of those guests
23 at those hotels. We don't violate those
24 constitutional rights either. Once they go in

1 MR. GLOVER: The first time that we did
2 a forensic -- the first time we used Dr. Kennedy
3 was shortly after the incident happened on May 5.

4 MS. MELCHIONDA: And not before then?

5 MR. RABINOWITZ: No, no, that's not
6 true. Victor wasn't aware. When we had our
7 issues in 2009, we asked him to give us a review
8 to give us suggestions on how we could address
9 the problems that we were having, and we worked
10 with him on that and then worked with the City of
11 Braintree -- or Town of Braintree, I'm sorry --
12 to implement measures.

13 MS. MELCHIONDA: When was that?

14 MR. BREGOLI: And he came to Braintree?

15 MR. RABINOWITZ: Yes, he did.

16 MS. MELCHIONDA: When was that?

17 MR. RABINOWITZ: Excuse me?

18 MS. MELCHIONDA: When was the date?

19 MR. RABINOWITZ: I don't have the date
20 in front of me. It was around the same time that
21 we had hearings the first time.

22 MS. MELCHIONDA: So May 18?

23 MR. RABINOWITZ: No, no, no, no. In
24 2009 or '10 --

1 they go from May 14 all the way through July.
2 You had been closed June 1. So that's six
3 weeks --

4 MR. WELTMAN: Again, with all due
5 respect, if you look at --

6 MS. MELCHIONDA: -- okay, extra that
7 they had.

8 MR. WELTMAN: If you look at the
9 numbers and you pull up --

10 MS. MELCHIONDA: I did. I have. I've
11 studied. And just for the record --

12 MR. WELTMAN: -- and you pull out the
13 ones --

14 MS. MELCHIONDA: -- the motel has
15 received all of the same police statistics. We
16 have all the reports regarding all motels-hotels
17 in Braintree that Attorney Weltman received on
18 behalf of Motel 6, and we have reviewed them. So
19 we have the facts, we have the statistics, we
20 have the data.

21 MR. WELTMAN: May I respond?

22 MS. MELCHIONDA: Um-hmm.

23 MR. WELTMAN: I appreciate you have the
24 calls for service data. I just want to reiterate

1 MR. RABINOWITZ: Every night. I think
2 I would like to remind the Board that when you
3 look at the calls for service -- so over the past
4 five years that Dr. Kennedy looked at, there were
5 1700 calls for service. Let's break those down
6 very quickly. 405 from motor vehicle. That's
7 not crime activity. You have 300 warrants.
8 That's us giving the police the right to go in
9 and find people. That's cooperation. So that's
10 700 out of the 1700. You have 465 disturbances
11 and suspicious.

12 A great majority when you look at the
13 reports are filed by detail officers, and many of
14 their responses are service rendered, sent on
15 way, and that's directly related to people coming
16 off the T, coming to our property, them
17 confronting them and telling them to leave. So
18 now you're up to about 1200 out of that 1700.
19 You've got 211 or so that are ambulance. That's
20 directly related mostly to the people that were
21 coming up from the shelters. Again, we've taken
22 measures to address that.

23 Dr. Kennedy looked, and no one else has
24 looked, at those 1700 incidents or calls for

1 I realize we didn't collaborate on the
2 front-end, but this was a collaboration of a
3 number of different professionals. It took us
4 longer than we wanted. My bad for not
5 communicating. But I would challenge them to say
6 with what we do today and what we add, tell me
7 one thing, anything, that we would do, that
8 someone could do differently to address the
9 issues. There isn't.

10 MS. MELCHIONDA: Oh, I'm sure there is.
11 I'd love to see the research on a fence as
12 opposed to putting in a whole -- you know, a
13 regular hotel that's fully enclosed. You don't
14 think people can walk, they can get out of cars,
15 people are going to drive up? You're still not
16 going to prevent people coming in.

17 MR. RABINOWITZ: So what you're telling
18 me is if we tear down and build a new hotel,
19 that's okay. I don't think our inability to
20 build a new hotel should invalidate our ability
21 to operate a hotel. With your logic, all
22 exterior corridor properties should be torn down.
23 The majority of hotels in this country are
24 exterior corridor properties. And we take vast

1 the Board would finish with any questions they
2 may have for Motel 6, and then, certainly, they
3 would open the opportunity for you to respond to
4 comments that have been made.

5 LIEUTENANT WANT: Thank you.

6 MR. BREGOLI: Are there any questions
7 for Motel 6? I will then ask the police
8 department for an opportunity to respond, then.

9 MS. McGRATH: In the interim, while
10 they're just doing a review, I do want to make
11 some comments, if I may, Mr. Chairman.

12 MR. BREGOLI: Thank you.

13 MS. McGRATH: First and foremost, you
14 have been offered a presentation by Mr.
15 Rabinowitz this evening in the form of a proposed
16 redevelopment plan for the property. This is the
17 first that you are seeing it, this evening.
18 You've received no documentation or
19 correspondence before this evening to help you in
20 your review.

21 Additionally, you've just received a
22 lengthy report at approximately 10:00 this
23 evening, that is 2.5 hours after the hearing
24 started, that is not signed under the pains and

1 than ten, I start taking off my shoes. So I'm
2 not the stats person. But every other hotel, if
3 I'm not mistaken, took those numbers -- the
4 traffic stops and everything were taken out. Yet
5 we still ended up with the Motel 6 leading the
6 pack. And we do have -- it should be noted that
7 we do have self-initiated incidents from Motel 6
8 where the detail officer did notice something and
9 a stop was made -- I remember a specific example,
10 a drug trafficking case, where the stop was made
11 on Route 3.

12 So we do have some of those traffic
13 stops and some incidents that would show up as
14 225-240 Union Street because we don't have a
15 Route 3 in our computer system that were
16 generated from the Motel 6 that don't show up in
17 Officer Woo's stats.

18 The second point I'd like to make is
19 that we did have another officer dealing with an
20 incident where he was almost thrown off the
21 second deck of the hotel onto the ground.

22 The third point is with the access of
23 every room outside, I do disagree that an
24 enclosed building would not matter. I believe an

1 done has been in response to major incidents at
2 that property. I can't speak to what happened
3 between Chief Jenkins and Deputy Foster and
4 yourself. It sounds like you had a good
5 relationship. But the things that were put in
6 place were in response to major incidents.

7 Yet with the police -- what I can't
8 picture -- when I think about the residents here,
9 because I take it for granted being a police
10 officer -- you have a marked police car at that
11 property. Yet we still have all these problems.
12 It's almost -- it defies logic. Because as
13 someone pointed out correctly on the Board, the
14 point of it is to deter crime. If I see a marked
15 police car sitting in the parking lot, and I'm up
16 to no good, why would I enter that parking lot?
17 Yet we still have big numbers. So everything
18 that we've done to this point, I agree, you've
19 cooperated, but it's because of these major
20 large-scale incidents.

21 So last, in relation to that point, the
22 reasonable standard of care, it might be
23 reasonable in other -- and I know Braintree is a
24 town. We're not a city. We have a city form of

1 The last point I wanted to make was you
2 heard that warrant service was added to our
3 definition for the reasons that we spoke of
4 earlier. You also heard earlier, I said it was
5 77 percent, a significant portion of the call
6 volume. If we were to theoretically take out
7 that 77 percent year over year, 2010-2016, Motel
8 6 is still leading in violent crime, even when
9 you take warrant services out of it. And that
10 was the only point I was going to make.

11 MR. BREGOLI: Thank you. Chief
12 Shastany.

13 CHIEF SHASTANY: What I would suggest
14 is that relationships do matter. Yes, you had a
15 relationship. And as I heard you describe that
16 the area of Motel 6, specifically the T, is a
17 crime generator, there are concerns of mine that
18 we should have had the opportunity to sit down.
19 I would like to have had a conversation with your
20 doctor, your criminologist. My sense, my
21 takeaway, is that from the start, there was a
22 defensive tactic in play that you wanted to
23 defend your position rather than work
24 cooperatively.

1 the cooperation that I had with Chief Russ
2 Jenkins and that I wanted to continue that
3 cooperation with him, and I would love to have a
4 conversation with him on the telephone about
5 that, and I never received a response to that
6 email.

7 So I did reach out the olive branch to
8 keep that cooperation going, and in part of that
9 email, I was welcoming him to the Town of
10 Braintree, congratulating him on that
11 appointment, and also reaching out to continue
12 that cooperation that had been started. And
13 unfortunately, I never got a response to that.

14 MR. BREGOLI: Thank you very much.
15 We'd like to call for a motion to close the
16 hearing.

17 MS. MELCHIONDA: Motion to close the
18 hearing.

19 MR. NEDELMAN: Second.

20 MR. BREGOLI: Second. All in favor,
21 aye.

22 (Aye)

23 MR. BREGOLI: So we'll begin
24 discussion.

1 to minimize criminal activity, and failure to
2 provide a safe environment for patrons,
3 especially first responders and our police, and
4 especially the public at large.

5 They put in six safety measures: a
6 nightly detail, a nightly review of the guest
7 registry by the Braintree Police, prohibition of
8 visitors to guest rooms after 10:00 p.m., no use
9 of housing vouchers, parking pass policy for all
10 motel guests, and employee training to improve
11 the identification and reporting of suspicious
12 activity.

13 But yet, every year, every single year:
14 2010, Motel 6 incidents, 157; 2011, incidents,
15 170; 2012, incidents, 186. And on and on up to
16 463 in 2016. I'd like that in the record. Thank
17 you.

18 MR. NEDELMAN: Massachusetts General
19 Law, Chapter 140, Section 32B grants the power to
20 the Board of Health to suspend or revoke license,
21 the motel license. In 2010, the Town of
22 Braintree entered into an agreement with Motel 6
23 to implement measures that would reduce the rate
24 of criminal activity at the motel. Motel 6 was

1 MR. BREGOLI: There is a motion on the
2 table.

3 MS. MELCHIONDA: Motion to revoke the
4 license, according to Chapter --

5 MR. BREGOLI: Is that a second?

6 MS. MELCHIONDA: That is a motion.

7 MS. McGRATH: Dr. Nedelman made the
8 motion.

9 MS. MELCHIONDA: And I have seconded
10 it.

11 MR. BREGOLI: He made the motion. Do
12 you have to second the motion?

13 MS. MELCHIONDA: That's correct.

14 MR. NEDELMAN: All in favor?

15 MR. BREGOLI: All in favor?

16 MS. MELCHIONDA: Aye.

17 MR. NEDELMAN: Aye.

18 MR. WELTMAN: For the record, I'd like
19 to point out that each of the Board members have
20 read from pre-written decisions, even though they
21 referenced the testimony tonight. It's a fact
22 that these things in the decisions were written
23 before we got here this evening. I just want
24 that to be clear on the record.

1 Braintree Board of Health any authority to revoke
2 a license that when they do so, a, it has to be
3 done on the basis of a Board of Health violation,
4 meaning a sanitary code violation, and, 2, and if
5 when they do revoke a license or suspend a
6 license, the commercial entity in which they are
7 to provide their property rights to have at least
8 a five-day notice in which to comply with that
9 notice of suspension or revocation, and there's
10 been no discussion of that whatsoever. So I'm
11 trying to make clear tonight what the intention
12 of the Board of Health is with respect to
13 enforcement of this decision they made tonight.

14 MS. MAKI (?): Are you asking to reopen
15 for three days prior to closing for revocation
16 (difficult to hear)?

17 MR. WELTMAN: I'm asking that the Board
18 of Health follow the requirements of the statute
19 and provide us five days in which we can operate
20 our business before we wind down so that existing
21 reservations that are in the system are not going
22 to be turned away tomorrow when they show up at
23 the door. Again, this is part of the due process
24 of the law that is written into this statute that

1 MS. MAKI: Are you disputing the
2 agreement for a 45-day closure, Mr. Rabinowitz?

3 MR. RABINOWITZ: I'm disputing -- my
4 recollection is that we would not open until we
5 presented our plan to the Board.

6 MS. MAKI: Is that a yes, you're
7 disputing the 45-day agreement that we had?

8 MR. RABINOWITZ: From my standpoint,
9 I'll have to look at the transcript to see
10 exactly what it says.

11 MS. MAKI: It wasn't on a transcript.
12 This was in a meeting in which you agreed to
13 this.

14 MR. RABINOWITZ: No. We put on the
15 record what we agreed to.

16 MS. MAKI: It was a 45-day closure, Mr.
17 Rabinowitz. Are you disputing that now?

18 MR. RABINOWITZ: I think I've given you
19 my answer.

20 MS. MAKI: Are the Respondents looking
21 to open for four days under their position?

22 MR. RABINOWITZ: We're looking for the
23 five-day notice, is what we're asking.

24 MS. MAKI: As counsel for the Board, I

1 July?

2 MS. MAKI: Correct. I don't have the
3 statute in front of me. I don't know if it's
4 five business days.

5 MS. McGRATH: Well, for them, that
6 would be business days.

7 MS. MAKI: Are you requesting five
8 business days?

9 MR. RABINOWITZ: Just to be clear,
10 you're saying our agreement was on May 18 for 45
11 days?

12 MS. MAKI: Correct.

13 MR. RABINOWITZ: And today is July 13,
14 and that's not 45 days?

15 MS. MAKI: My understanding was that
16 Saturday was the 45th day.

17 MR. RABINOWITZ: I go from May 18 to
18 June 18, which is 31 days, and then I go from --
19 June is 12 more -- that's 43 -- and 13 is --

20 MS. McGRATH: But you weren't closed on
21 May 18. You were not closed on May 18. You
22 closed on June 1.

23 MS. MAKI: Which would make July 15
24 your reopen date, your last day of the agreement,

1 MS. MELCHIONDA: Right, but you have
2 the five days, and two of those days you should
3 be closed upon your agreement, so then it's only
4 three days.

5 MR. WELTMAN: Ma'am, that's the
6 position --

7 MS. MAKI: Three days of being open --

8 MS. MELCHIONDA: Three days to be open.

9 MR. WELTMAN: If that's the position
10 that you should take, you may do so. I'm telling
11 you that due process requires five days notice
12 for the statute.

13 MS. MAKI: Are you now remembering the
14 45-day agreement so that the reopen date would be
15 July 16?

16 MR. RABINOWITZ: We didn't say any such
17 thing. We asked for a five-day notice.

18 MS. MAKI: No. Are you saying that you
19 remember now the agreement that it was 45 days?

20 MR. RABINOWITZ: All we're saying is
21 that we want a five-day notice.

22 MS. MAKI: And we're giving it to you.
23 I just want to advise the Board what that would
24 entail.

1 adjourns. I think that that's a reasonable thing
2 to ask, when you're opening.

3 MR. RABINOWITZ: The five days is the
4 notice you're giving us, not that we're giving
5 you.

6 MS. MELCHIONDA: Would they open with
7 the regulations the same as they were prior to
8 closing, which they had around-the-clock police
9 24/7? You know, it should be in the same way,
10 because we know that this is a public nuisance.
11 We know that this is not safe, so please, keep
12 people safe.

13 MR. RABINOWITZ: Whether or not it's 45
14 -- if I agreed to 45 days, fine, but we don't --
15 at this point, we will open. We don't need
16 permission to open other than in accordance with
17 our agreement, nor do I need to agree what
18 conditions under which I'll open. You're
19 revoking our license. You made a decision. We
20 tried to orchestrate -- we were going to do these
21 things. We were willing to open with conditions
22 and open with understanding of what we do. You
23 chose to say no.

24 MS. MAKI: While you still reopen, the

1 with you what we're going to do to run the
2 property if we open it.

3 MS. MAKI: Okay.

4 MR. BREGOLI: So in five days, Motel 6
5 closes; is that correct?

6 MS. MAKI: Well, it's when the
7 revocation order will take effect.

8 MR. BREGOLI: Will take effect. Thank
9 you. Do we have any old business? Any old
10 business?

11 MS. McGRATH: Motion.

12 MR. BREGOLI: Motion to adjourn?

13 MS. MELCHIONDA: Motion to adjourn.

14 MR. NEDELMAN: Second.

15

16 (Whereupon, the hearing adjourned at
17 10:45 p.m.)

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Motion By:
Second By:

Mrs. Melchionda to adjourn the meeting at 10:45 pm.
Dr. Nedelman
Unanimously Voted