

Members present: Allen R. Phillips Christopher A. Rucho
John J. O'Brien Kevin M. McCormick
Members absent: Steven R. Quist

Mr. Phillips convened the meeting at 7:06 p.m.

Public Hearing in Accordance with the Town of West Boylston Motel Operation Permit Regulations to Consider the Revocation, Suspension, or Modification of the Motel Operations Permit Issued to the Reservoir Motor Lodge, 90 Sterling Street for Failure to Comply with any Condition, Stipulation or Agreement Upon Which any Permit was Issued or Renewed by the Board or upon which any Application or Petition Relating to the Premises was Granted by The Board.

Mr. Phillips opened the public hearing at 7:06 p.m. and read the following notice. Notice is hereby given, in accordance with Town of West Boylston Motel Operation Permit Regulations, that the Board of Selectmen of the Town of West Boylston will hold a public hearing on Tuesday, April 3, 2012 at 7:05 p.m. for the purpose of considering the revocation, suspension, or modification of the Motel Operations Permit issued to the Reservoir Motor Lodge, 90 Sterling Street for failure to comply with any condition, stipulation or agreement upon which any permit was issued or renewed by the Board or upon which any application or petition relating to the premises was granted by the Board. The hearing will be held in Meeting Room #1 of Town Hall, 127 Hartwell Street, Ste. 100, West Boylston. All interested persons, groups, and agencies are invited to attend. Allen R. Phillips, Chairman, Board of Selectmen, advertised on March 26, 2012.

Mr. Phillips announced that this meeting is being recorded by West Boylston Public Access and is being voice recorded by The Banner news. This is an administrative proceeding and strict rules of evidence do not apply. We will take all the evidence we gather and we will give it the weight we think is appropriate when we make our decision.

Town counsel, Tom McEnaney swore everyone in who intends to provide testimony this evening. Do you solemnly swear that the testimony you are about to give this evening will be the truth, the whole truth and nothing but the truth so help you God.

Mr. Phillips called the West Boylston Police Department to give the complaint we received from them.

Officer James Bartlett, West Boylston Police Department – On March 6th at 10:06 a.m. I was at Clinton Court and also I run the warrant management system within the town. I noticed that three individuals from the Reservoir Motor had outstanding warrants. I knew they had stayed in various rooms in the past so I went to the motel to check the log and saw the owner's wife and only saw first names like Fred, Joe, Mike and I said what's this, what are the last names of the people who are here. She said I don't know what the last names are. We only have first names. I was looking for certain people and was not sure who they were – for instance they had two Mikes. The lady said she would call her husband in Boston and he could tell her. I left and later on I talked to a fellow officer about who he knew was staying where and we went back and we were able to arrest two of the three people on outstanding warrants.

Mr. Phillips – Board questions. What were the warrants for?

Officer Bartlett – one assault and battery and disturbing the peace, the second on destruction of property over \$250, and the third for assault and battery. Based upon the hand written log that I saw I was not able to determine who was in what room.

Mr. Rucho – do you go there on occasion and check the log to see who is staying there?

Officer Bartlett – sometimes, this was the first time I saw the log like that.

Attorney Jonathan Finklestein, attorney with an office at 19 Cedar Street, Worcester, here on behalf of Kirit Malaviya, the current licensed operator and Reservoir Motor Lodge. To address the first violation by Officer Bartlett on the date that he arrived at the motel it was an unfortunate coincidence for Mr. Malaviya and that is why Mrs. Malaviya is here. It was the day he offered to take Mr. Ouellette to Boston municipal court for a personal meeting. In order to do that, he spent the night in the motel with Mrs. Malaviya. They live in New Hampshire and as a favor to Mr. Ouellette, who does not have a car and who lives at the motel and works for Mr. Malaviya, he stayed overnight. He asked his wife, who never works the front desk to stand at the front desk. It was unfortunate because at that time Officer Bartlett arrived. When he asked for the log he was given this book (provided Board with a binder-style book) He showed Officer Bartlett the book and asked if it was the same book.

Officer Bartlett - this seems about right.

Mr. Finkelstein – showed the book to the Board of Selectmen

Mr. McCormick – I am back to March 3rd and there is only a first name on every page - what did she work, every day? So your argument is null and void because there is not a day here that shows anyone's last name it is only first names.

Mr. Finkelstein – I want you to see what Officer Bartlett saw.

McCormick - You said it was unfortunate she was there because she only took the first name because she never waits on the counter. That is just what you said.

Mr. Finkelstein – what Officer Bartlett did not see and what Mrs. Malaviya didn't know was that right next to her in a wall cabinet that both Mr. Malaviya and Mr. Ouellette use were these cards that are used are these cards (held a packet of cards up) every card has a name, picture i.d. and room number assigned to it. We took these out of the box this evening off of the wall, today's current roll

Mr. Phillips and Mr. McCormick would like to look at cards for March 5 and March 6.

Mr. Phillips –would you ask your client to separate them out for March 5 and March 6. There is one for today and the others are January, February and March. I see every date but those two dates. We would like

to see the cards from those two dates. Ask Mr. Malavia to pull out the cards from those two dates. I do not see any sir with those two dates.

Mr. Finkelstein – I pulled out the cards from today and not the 6th to demonstrate that a daily record is kept with names, addresses and photo id's. I only brought this as a demonstration between what was showed to Officer Bartlett and what Mrs. Malaviya knew about at that time what was available to Officer Bartlett . Had Mr. Ouellette and Mr. Malaviya been there they would have opened the door to the right of the desk, each card is in a slot for every room with a name and a picture of every resident currently there.

Mr. Phillips – if a person comes in and wants a room to stay in and Mr. Malaviya is not there, who is filling out the card if he is not there?

Mr. Finkelstein – two people who operate for the day and at night Mr. Malaviya and Mr. Ouellette run the desk, 24-hours a day

Mr. Phillips – so the rest of the staff is not trained if somebody went up there when Mrs. Malaviya was there who was filling out the cards? It is March 6th I am going to the motel and I say I want a room, who will fill out the card?

Mr. Finkelstein - Mr. Malaviya will have to answer that question.

Mr. Malaviya – at that time I was not there and Mr. Ouellette was not there she can fill out the card.

Mr. Phillips - did we ask for her for additional information on the people in the room?

Officer Bartlett - asked why only the first name and she said because we know everybody by their first name and they are here such a long time that is why we know.

Mr. Phillips – did you ask here is there was any way to identify the last names?

Officer Bartlett – there was kind of a language barrier she said she would have to call her husband in Boston.

Mr. McCormick – so I understand, somebody stays there for more than one night, their card is in the slot and it sits in there by the day. Officer Bartlett would have to know to look into that slot for that room. On the log book it lists every day someone's name. As an example, Room 112 you have Dan on the 4th and then you have Dan on the same day, so you write down Dan every day that he is in that room? So in the slot you have that information for Room 112.

Kirit Malaviya – yes. We have the id, address license number in the slot for room 112. Since the last two years we put the information in the slot. That day the only thing was my wife was unknown as to how the operation was done.

Mr. McCormick - so you fill out the log every day and you just put down like room 112 you write in that

Dan is there so you know that the room is full that the person is there. The book (3-ring binder) is useless.

Mr. Finkelstein – the purpose of the book is internal use and is not what Officer Bartlett would have been shown if Mr. Malaviya or Mr. Ouellette had been there.

Mr. Rucho – what time was this?

Officer Bartlett – 10:06 a.m.

Mr. Rucho – was there a manager on duty when the officer came by?

Mr. Finkelstein – the two managers, Mr. Malaviya and Mr. Ouellette went to Boston municipal court for a personal matter - no manager on duty.

Mr. Phillips – do you have the past logs from last year?

Kirit Malaviya – yes, I didn't bring them. It is in the same manner.

Mr. Phillips – all the logs going back are maintained with only first names?

Kirit Malaviya - yes.

Mr. Phillips – when the Police Department has gone in have you asked for who is in different rooms or looked for certain people with any other warrants in the past.

Officer Bartlett – yes, sometimes we know, because we know what room number they are in. To be quite frank sometimes I like to look at the book myself because I feel that the people are tipped off that we are looking for them for my own safety and our own safety I want to know who is in there and I want to look at the log because in the past after checking in at the office the people are getting a call that police are here, they get tipped off.

Mr. McCormick –you can't tell by looking at the log who is in the room because it just says Dan.

Officer Bartlett –on that day I backed off.

Mr. O'Brien – you said when you were there she called her husband in Boston.

Officer Bartlett – she offered to call her husband. I wanted to find out myself. There was a language barrier. I wanted to find out myself from the records.

Mr. Finkelstein – I brought that book, it is a log book it is not the registration book it is not a book people sign in at or that they keep identifying information as required by Chapter 140. It is a book they use for internal use and the real information you were looking for is present it was their fault that somebody could not provide Officer Bartlett with it immediately as it was it immediately available.

Mr. Phillips – has his wife ever worked there before?

Kirit Malaviya – no her first time in the last 7 years I have been there.

Mr. Phillips – no tax return that says she works?

Kirit Malaviya - no.

Mr. Rucho –so this pile you gave us is the same report of what is in the log.

Mr. Finkelstein – yes

Kirit Malaviya - it is a present log of today.

Mr. Rucho – (looking through cards in box) some of these do not have starting dates that they came in, some licenses not legible some do not have starting dates. This one has no starting date, no signature, nothing.

Mr. Finkelstein – didn't look at them, gave what came in. On this incident the failure by Mr. Malaviya is that there was no one at the desk who could readily provide Officer Bartlett with the log information that he requested. It is an important function under the rules that there be records kept and for a variety of reasons. One of those is for the reason he came that night. Mrs. Malaviya will testify that they came the night before to do a favor for Mr. Ouellette she will testify she does not work there and didn't know the operation and it was only going to be for the morning and part of the afternoon until Mr. Malaviya and Mr. Ouellette returned. If she called Mr. Malaviya and Mr. Ouellette they would have said on the wall it is built into the wall and it has everyone's records. It is like a medicine cabinet.

Mr. Phillips – what disturbs me that if somebody would have come to that motel and walked into a room there would be no registration because there was someone there who could properly register them – no driver's license, no information and if the Police Department, as often times they do, have to go out and look for somebody, they walk into the motel, they have no idea what they are walking into, whether it is for an hour or an entire day, it puts people at risk by not properly recording this information.

Mr. Finkelstein – just want to make it clear that the book I gave you is not their registration book.

Mr. Phillips – understand, they register by the cards and they put the name as an internal in the book.

Tom McEnaney, Town counsel swore in Sgt. Francis Glynn.

Sgt. Francis Glynn – West Boylston Police Department. We responded to a report from the UMass Hospital of a stabbing that occurred and they had the patient at the hospital and the stabbing occurred at the Reservoir Motor Lodge. We didn't receive a call from the Motor Lodge management itself in reference to the incident. Once we arrived at the motor lodge to find out about the situation we did speak

with a tenant there who said she had did notify the management of a domestic that had turned physical. We didn't receive that information. During the course of the investigation, the person who was stabbed was a male who was removed from the motor lodge by us one week prior to that at the request of the motor lodge management and he was evicted for causing a continuing disturbance. The problem with that is after they removed him they allowed him to come back in and stay there and the end result was more violence and a stabbing. This seems to be the theme of the hotel management as they continue to allow these people to come into the hotel and cause these types of disturbances. Since the beginning of the year we have responded to the hotel for 42 calls since January 1. A good portion of those calls are drug or alcohol related, involving verbal or physical violence which result in one in a stabbing and recently we had a female almost choked to death in a very violent struggle in the doorway of the hotel.

Mr. Phillips – that will be a separate hearing.

Officer Glynn - the person who requested us to remove that person 7 days prior to the stabbing was the person who received the information of the verbal domestic that turned violent that didn't call us, Ron Ouellette, the manager for the night. The date of the removal of the guest was on February 14 and the stabbing was on February 21.

Mr. Rucho – clarification is this number on our letter the first violation? Was there another violation on the 25th?

Sgt. Glynn – we have several violations of that person coming back to the hotel and violating a court order at the hotel.

Mr. McEnaney – it is a different violation.

Mr. Rucho – the issue about the 21st a high degree of supervision?

Mr. McCormick - the person stabbed was removed the week before?

Sgt. Glynn –correct, a male for causing a domestic disturbance and gets stabbed by the female. On the 14th the management requested the Police Department to remove him from the property because he was evicted. On the 21st when we responded to the stabbing we found out that he was the victim of the stabbing in another domestic, but he was let back in the hotel and he should not have been there because he was evicted. If he was not let back in the problem would not have kept going.

Mr. Phillips – did anyone speak to Mr. Ouellette to find out why he didn't call the Police Department?

Sgt. Glynn – we spoke with him in the hall and he said no one told him.

Mr. McCormick - do we have the name of the person who supposedly told him.

Sgt. Glynn – yes, I was there when she was spoken to. What happened is when we talk to these people who stay at the hotel, the majority of them when they are leaving provide us with information - they do

not want a police report or sign a statement or provide us a report. In my opinion the motel management tells them if they talk to the police they will be evicted from the hotel. I have received several people telling us this on the way out of the hotel. When they leave they come and tell us what is going on at the hotel and this is what happens at the hotel.

Mr. Phillips – is Mr. Ouellette here?

Mr. Finkelstein – no he is working at the desk this evening.

Mr. Phillips – did he give any kind of a statement.

Mr. Finkelstein - I will be reporting, as the officer did, on what I heard from people on the day of the incident. That is why I stood up and was sworn in. On the day of the incident I interviewed Mr. Ouellette, Ms. Crisp and Ms. Schlegl. I am giving you the testimony without bringing them here. This evening he gave a statement I will be reporting. When this incident occurred Ms. Schlegl lived next door to Ms. Crisp. On the evening of the incident, the report says 8:45 the call was first received by the West Boylston Police Department from the UMass Police reporting that there had been a stabbing in West Boylston and the victim was there in the emergency room. He had been taken there by his wife, Ms. Crisp after the incident. Ms. Crisp called Mr. Ouellette from the hospital and said I am at the hospital is something bad going to happen to me. She was worried about being evicted because of what happened. But no one had reported it to the police, Ms. Schlegl hadn't called the police and although she did speak to Mr. Ouellette, she didn't speak with Mr. Ouellette that evening. On the other occasions when she did call to complain to Mr. Ouellette and as she testified to me this evening that Mr. Ouellette on each occasion he would always respond he would always come to the room and deal with the people.

Mr. Phillips – in the past did he call the police or did he go to the room?

Mr. Finkelstein – he would respond. It is not unusual for people in an establishment like this for people to be arguing these are close quarters. These are rooms for long-term residents and there are two apparently volatile people involved here. If Mr. Ouellette were here he would testify that Ms. Schlegl did call him but not on the night of the incident and when she did call he would respond and Ms. Schlegl would testify that he immediately responded. He went to the rooms three times until they were quiet. On the night of the incident, she didn't call him and the first time he learned about the incident is when Ms. Crisp called from the emergency room because she thought she was in trouble. The police returned to the motel to inquire about the incident.

Mr. Phillips – what time did Ms. Crisp call Mr. Ouellette?

Attorney Finkelstein – I couldn't tell you. I spoke to her this evening she is frightened, not a reliable witness, don't know what happened to her as a result of this I know she was arrested. Her reporting of the incident was all over the place - she did say she called and Mr. Ouellette also reported, not in the same room I interviewed them separately that he did received a call from her informing him of the incident.

Mr. Finkelstein – Ms. Schlegl also said she would come and testify.

Mr. McCormick – Ms. Crisp stabbed Mr. Crisp and she took him to the hospital, but there was this kind of action happening at this motel.

Mr. Finkelstein – on that evening no call was made to Mr. Ouellette, there was no ambulance that came.

Mr. McCormick- not disagreeing with you, but this kind of activity is happening.

Mr. Finkelstein – my point is we are talking about a specific incident and I heard Officer Glynn talk about a wide range of incidents that might occur sort of creating a certain character of this motel. We are relying on the testimony of people who are not here Officer Glynn gave an accurate account of what he heard. The only way we can get any further into this is if Mr. Ouellette, Ms. Schlegl and Ms. Crisp were to testify. I think what we would discover is that the information because it is not in a signed statement, probably changes over time. Mr. Ouellette seems to me to have an accurate record of the events and was telling me that there were previous incidents of going to the Crisp room and telling them to be quiet. On the night in question Ms. Schlegl did not call she said she didn't know about the stabbing either, she had no knowledge of the stabbing and it was right next door to her.

Mr. Phillips –did Ms. Schlegl tell you she called that night

Sgt. Glynn – said didn't say she called, she said she spoke to the manager that night about that incident because it had been going on for so long. She did not know that someone was stabbed, she did say that it became physical. Mr. Crisp was not supposed to be at the motel. He was removed on the 14th and he was not supposed to return to the motel.

Mr. Finkelstein – it is fairly irrelevant.

Mr. Phillips – did they tell you that person was previously removed

Mr. Finkelstein – I was not aware he was previously removed. I would say that it is irrelevant people who were evicted often came back to the place if they are willing to pay rent again. According to Mr. Malaviya there was a restraining order that was dropped and it allowed Mr. Crisp back in the motel.

Mr. Rucho – you testified for Mr. Ouellette – are you doing it from memory or do you have notes.

Mr. Finkelstein – I spoke with him less than one hour ago.

Mr. Rucho – He said he never got a call in regards to this incident that night.

Mr. Finkelstein – he said only from Ms. Crisp and only from the hospital

Mr. Rucho - at the same time the police got the call

Mr. Finkelstein - I do not know the timing of when the UMass Police called the West Boylston Police

Department or when Ms. Crisp, who is an unreliable witness, but both of them testified earlier, separately, that she called Mr. Ouellette and Mr. Ouellette told me that he received a call from Mrs. Crisp which was the first time he heard about this incident.

Mr. Rucho - when he received that call from Ms. Crisp did he call the police?

Mr. Finkelstein - I cannot tell you that because I did not ask him that question. From what I have read the police were already at the Reservoir Motel.

Mr. McCormick - what bothers me the most is this is a pretty important incident. We had a stabbing and no one calls and there is no one here to testify about anything. We have Sgt. Glynn here to testify and he and I read here that Officer Petit did some work and he is here. To me if you are going to defend yourself why aren't the people here why is not Ms. Schlegl here? It seems like you are trying to put this off. Why is not Mr. Ouellette here - he is involved in every single thing. It seems like a delaying tactic. I am not happy I cannot get an answer. If you did not ask the questions we have to make a decision on this. If we are asking you the question and you do not bring the right defense it is not my fault. I am not happy that people are not here. You have nobody here and you need a lot of these people here.

Attorney Finkelstein - I am not proving that we didn't do something. The police have brought a complaint to you that names Schlegl, Crisp and Ouellette. They have not brought them here to testify either. The crux of this is a phone call from Ms. Schlegl that the police have to prove that she made that evening to Mr. Ouellette who then failed to call the police.

Mr. Phillips - we are getting hung up on the terminology of a phone call and that why I asked Sgt Glynn the question and he said she told Mr. Ouellette she didn't say it was a phone call she didn't say she didn't go over and tell me and maybe what he is not saying is she walked over to my office and knocked on the door and said you better do something about that room

Mr. Finkelstein - I am telling that Mr. Ouellette said he didn't speak to Ms. Schlegl that evening about any disturbance that night. I am giving you the same testimony that the officer is giving you who did not produce Ms. Schlegl, Mr. Crisp and Mr. Ouellette. You are taking here say, which is what I am presenting as well. I have no reason to lie to you because my license is on the line. I am reporting what I heard from somebody just as Officer Glynn is.

Mr. Phillips - the difference is Officer Glynn is here to answer questions Mr. Ouellette is not here to answer questions.

Mr. Finkelstein - he is telling you what he heard from people he did not witness a phone call being made or not made he heard from Ms. Schlegl who is not here that she talked to Mr. Ouellette and Ms. Schlegl told me about an hour and a half ago that every time she called Mr. Ouellette he responded and Mr. Ouellette confirmed that but said it was not on the night of the incident.

Mr. Phillips - I understand that and what you are saying to me that brings even more questions to mind of how many times have incidents gone on down there that there are incidents handled by the manager down

there and probably shouldn't have been if there is a room full of violence all the time, I as the manager should not knocking be on that door, I should be picking up the phone and calling the Police Department and have them deal with the situation. That is what I am getting out of what you just said to me.

Mr. Finkelstein – what I want you to get out of it is on the night of the incident Mr. Ouellette was not informed of the stabbing until Ms. Crisp called him from the hospital and Mr. Schlegl said on every occasion that she called Mr. Ouellette he would always respond. What it meant to me was that after Mr. Ouellette said yes, she did complain to me and I would go up to the room for each incident. She did not call me on the night of this incident when I asked him. When I asked, Ms. Schlegl, she was not aware of any stabbing and it occurred right next door to her - she was not aware that it occurred and somebody had gone off to the hospital until after it was over.

Mr. Phillips – how did you have a conversation with the police department?

Mr. Finkelstein- she was there. She didn't report that she knew anything about a stabbing. Look at the report.

Sgt. Glynn – she reported a verbal domestic that went on for a long period of time that turned physical she didn't say anything about a stabbing but the verbal domestic with the people who had been having a verbal domestic for at least 7 days because he was evicted on the 14th not to come back was at it again. She said she spoke to Ronny about the verbal domestic that had been going on for a long period of time.

Mr. Finkelstein - all I can say is Officer Glynn's report says we spoke with Tracy Schlegl, room 122 she stated that she called the management about fighting in the next room from hers but not the police. A fight is a term Officer Glynn used. It could be many things, it could be a loud argument or fisticuffs or a stabbing. It is what Ms. Schlegl said to the officer I am telling you what she said to me. I am piecing together from talking to people a 3-dimensional picture of what happened that night that makes sense. None of us were there but it is clear that this was not an incident that rose to a place where an ambulance had to appear, that the police were called by a neighbor, or anyone visibly saw an injured Mr. Crisp leaving the premises. I cannot give you any presentation about any other night.

Mr. Phillips – can the people in the rooms call the police department or can they only call the front desk. If I pick up the front desk, can I dial the West Boylston Police Department?

Kirit Malaviya – yes, 9911 it goes through to the office. We do not know that somebody has called the police.

Mr. Phillips – it routes through the office - do they know this?

Kirit Malaviya – yes

Mr. Rucho – so what you do not know is what Mr. Ouellette did with the information when he did get it.

Mr. Finkelstein- or I don't know when he got it

Mr. Rucho - you do not know what he did with it, or when he got, it so he might not have notified the police

Mr. Finkelstein – he didn't notify the police because I believe the police were already present. I do not know that

Mr. Phillips – Officer Pupecki was there somebody back there who wants to speak on this incident?

Officer Pupecki - yes, former employee who was involved in the incident

Joseph Chabot – employee at the Reservoir Motor Lodge on Friday, Saturday and Sunday, & Monday for about three months during this incident in the February time frame.

Mr. Phillips – what do you know about the incident.

Mr. Chabot - what I know about the incident. I was not on duty but would frequent the office to see Mr. Ouellette to see how things were going. I was notified by Tracy Schlegl in room 122 that the next door neighbor in 123 had been stabbed and she had been the one that bandaged the wound.

Mr. Phillips – when were you notified of that?

Mr. Chabot – immediately

Mr. Phillips that night?

Mr. Chabot yes sir

Mr. Phillips – so February 21st where were you when you were notified?

Mr. Chabot – I was in the office, when I was approached by Tracy. She told me that there was a serious fight upstairs. David had been stabbed by his wife, she bandaged it. I approached David, David was half way to the office and his wife was in the truck I told him I wanted to see it and he refused to show me the cut and jumped into the truck and left he went to U Mass. I looked at Ronald Ouellette, the manager not on the books at the hotel and I told him you need to report this a stabbing is very serious and it is going to jeopardize the hotel you need to do that you are on duty you are the manager on duty - do it. After that I went to speak with Tracy Schlegl.

Mr. Phillips – what was your conversation with Ms. Schlegl

Mr. Chabot – Ms. Schlegl had prior incidents with herself, had cut herself was well aware of what needed stitches and what didn't she told me she wrapped it enough for him to go to UMass and it would definitely need stitches. He was cut on his left forearm top, a slash not a jab. It was not the first incident that I had seen her with a knife in her hand going after her husband. She had a knife in her hand another time when

Mr. Ouellette was working and he called me he didn't want to go up alone. I approached the room it was 151 on the top floor. When I knocked on the door David opened up the door and said thank God you are here. I saw her putting the knife back in the draw and I told her you need to take that knife and leave it alone. I was not on duty at the time and I said I saw what you just did she said she was just putting things away. I said that is not going to fly if you guys have one more problem here you will be thrown out. These two people were here at that motel a couple of months ago and they were moved away from each other and she was given a separate room in the back of another building. They were a constant problem and evicted before that. He was picked up on a warrant and taken out of there and she stayed there for a week alone and never came out of her room. After they left I personally took the card out of the rack, pulled it out and wrote arrested for warrant and put it in a do not rent again slot and I did that with many cards when we had trouble with people.

Mr. Phillips – do you have cards like that? Are there such cards present, do not rent cards.

Kirit Malaviya – some of those yes.

Mr. Phillips – do not have them - is it possible to get those tonight?

Kirit Malaviya – they are in a different slot - I could go and get them.

Attorney Finkelstein – would you like Mr. Ouellette to come as well.

Mr. Phillips – I certainly would. I would like to speak to him, but I don't want to tell you to leave you facility without someone there. If you want to handle that part of it. I would also like to see the do not rent cards.

Mr. Chabot – I personally did about 9 of them myself.

Mr. O'Brien - you were there as a resident or as the manager.

Mr. Chabot – resident and part/time manager for three months, 4 days, 3 months was a manager.

Mr. Finkelstein to Officer Glynn did you speak with Mr. Chabot that that evening.

Officer Glynn – I do not recall if I spoke to him or not.

Mr. Finkelstein – were you listening to his testimony?

Officer Glynn – no I did not.

Mr. Finkelstein - it was pretty dramatic and very detailed – he seems to be the one person who claims to have seen the wound, been in the room, seen the knife and claims Ms. Schlegl also wrapped the bandage. Did Ms. Schlegl give you that testimony?

Officer Glynn - she did not give me any testimony.

Mr. Finkelstein are you the same Mr. Chabot listed in the report on February 25th for selling alcohol and cigarettes?

Mr. Chabot – yes I am with candy and soda through the office.

Mr. Finkelstein – were you also evicted that night?

Mr. Chabot – yes I was.

Mr. Finkelstein – you harbor no ill will against Mr. Malaviya.

Mr. Chabot – no, I do not, but I want to make the record straight on what happened that night and all the time I was working.

Mr. Finkelstein – you were a manager and you did not call the police about this incident.

Mr. Chabot – no, I told the person who was the manager on the clock it was his responsibility he was on duty.

Mr. Finkelstein – you are the person who has more information on this incident and you didn't talk to the police. Were you there when the police arrived.

Mr. Chabot – It depends on what day you are talking about. In room 151, I was there when the police had to kick in the door and take out Mr. Crisp with violence when he was going to get stabbed. I was outside the office when Mr. Crisp got stabbed and he jumped in his car to leave. I was there. The reason people didn't call the cops is because they are told not to call the cops ever.

Mr. Rucho – under the license do we have a list of who is the manager.

Kirit Malaviya - it is me.

Mr. Finkelstein - there is only one manager of record. Everyone else is an employee. There is only one manager of record. If you are at the front desk you call yourself a manager.

The Board took a short recess.

Mr. Phillips – for those not here when we started, this meeting is being recorded by West Boylston Public Access and voice recorded by The Banner. Town Counsel will swear in any new people. Town counsel swore in the new arrivals

Mr. McCormick – in the report it says you are in room 145.

Mr. Chabot - no 141 and 149.

Mr. McCormick – you live with.

Mr. Chabot – live with my wife Lori and my daughter. The room originally was under Lori and changed to me.

Mr. Phillips – looking for the card for Mr. Crisp saying not allowed to stay there anymore. I do not see them here.

Mr. Chabot – there should be two of them.

Mr. Phillips – the pile of do not rent to - does it look like this.

Mr. Chabot – yes, could be 7-9 cards.

Mr. Phillips – asked counsel to ask Mr. Malaviya where the cards are for Mr. Crisp.

Mr. Malaviya – can I look in the box.

Mr. Phillips – as another point of order admitted as part of the record for the items discussed already and we will continue to discuss are all the police reports.

Mr. Finkelstein – are they the ones I was provided (checked the reports)

Attorney McEnaney – the reports are February 21, 2012, the alleged stabbing incident 2nd report is March 6, 2012 the incident Officer Bartlett testified about, the third report is dated February 25, 2012 incident with Mr. Chabot all three will be submitted into the record.

Mr. Chabot – there should be 4.

Mr. Finkelstein- there are 3 police reports

Mr. Phillips – Mr. Chabot you said there were multiple cards for Mr. Crisp.

Mr. Chabot – there should be two I wrote on both of them. I write on the very top states why they were removed from the hotel. Any individual removed by the Police Department or asked to leave it was written on top of the card what the reason was so they would not be taken back in.

Mr. Phillips –I see it on one of the cards it was from 12-2.

Kirit Malaviya – looking for the second card.

Mr. Finkelstein – you stated you were inside the room.

Mr. Chabot – which room?

Mr. Finkelstein – Mr. Crisp during the night of the incident.

Mr. Chabot – no I was not in Mr. Crisp room at all that day.

Mr. Finkelstein - You reported that you saw the knife in the room.

Mr. Phillips – that was on a previous occasion.

Mr. Chabot - that was in the room 151 when I went up to the door with Ronald Ouellette we knocked on the door, the door was open, his wife went to put the knife back in the drawer and he said thank god you came. And they were given a warning.

Mr. Finklestein- that was not the night of incident - the night you said you saw Ms. Schlegl wrap up .

Mr. Chabot - I did not see her wrap it up - she reported to me that she did wrap it up.

Mr. Finkelstein - you did not report it to the police

Mr. Chabot - I was not on duty the manager was on duty and I told the manager.

Mr. Chabot – There was another incident before 151.

Mr. Phillips - they were in room 151 – the cards I have are 127 that was changed to 123 and with this one there is a letter from Mr. Crisp, I David Crisp promise to control my anger, my drinking and avoid fighting with my spouse and will not disturb the other residents at the Reservoir Motor Lodge. I also promise not to give or harass managers Ronald or Rachel Ouellette at any and all times. If I break these promises I will not be allowed back on said premises, no money will be refunded and it is underlined signed by Crisp and Malaviya it says leaving room 151 for 123.

Mr. Chabot – stabbing occurred in 123.

Mr. Phillips – the day after he was removed he was allowed back in with that condition. There is no writing on those cards, please look through all of them. Can I have our counsel look to see if there are any more for Jean or David Crisp.

Mr. Malaviya – they were in 127 and next time in 151 and then we moved to 123, I never remember them in 116.

Mr. Chabot – in 116 it was a couple months before that because Mr. Crisp was incarcerated. His wife stayed there. We separated them and gave her a room down in the back of the small building away from everyone because they were knocking on doors where there was no one in the room and I told them to stop knocking on doors and that is when they came to pick up Mr. Crisp for an outstanding warrant. That

is the card that is not here.

Attorney Finkelstein – we are talking about an incident on a particular night and a particular violation on that particular night that the licensee did not properly notify the authorities of a particular event, a stabbing. We are hearing from Mr. Cabot's testimony on other nights and he said he talked to Ms. Schlegl. He saw the wound. He has more information that anybody else and he didn't reveal it to the police. I am trying to zero in on what we are talking about on this particular violation. As I read the letter from you and the report it was clear that the violation alleged is a failure to report this incident to the police. So whether or not Mr. Crisp was evicted before and whether he was allowed back in having signed that document, which counsel will tell you is not a legal document, you cannot throw out somebody if they violate that letter it is not a lease so what we are talking about is the alleged failure to report an incident which the police claim they have told you that the licensee's agent knew that. The testimony from Mr. Chabot is of course they knew because he must have seen it or heard about from Mr. Schlegl but that he told him about it as well. The police have no report of having talked to Chabot. Mr. Chabot didn't come forward and now he is talking about other incidents that are not relevant.

Mr. Phillips – the relevance of the incident is the party that was there and if there is the continued activity of allowing this party there that lead up to this incident is what I want to know about. I didn't hear Mr. Chabot say he told the Police Department this.

Mr. Finkelstein – he didn't he said it many times tonight he said I didn't call the police it wasn't my job.

Mr. Chabot – I wasn't on duty.

Mr. Finkelstein –He claims he talked to Ms. Schlegl about wrapping the wound and there is nothing in the police report about Ms. Schlegl having anything to do with the wound.

Mr. Phillips – we need to make sure we have a full understanding of that. If I have to ask additional questions we will. No additional questions from the Board or Mr. Finkelstein to Mr. Chabot.

Mr. Phillips - called Mr. Ouellette - we have questions we are going to ask you about the incident on February 21.

Mr. Ouellette – Ron James Ouellette, Jr., 90 Sterling Street, #136.

Mr. O'Brien – you found out about the stabbing how.

Mr. Ouellette – Jean Crisp called me from U Mass hospital and asked me if everything was good at the hotel with her. I said why I had no clue no one called me, I hadn't seen nothing the only thing I saw was I was on the phone, they came down stairs, got in the truck and then they left and then she called me about an hour later.

Mr. Phillips - what time was it when she called you?

Mr. Ouellette - -- it was getting dusky, I don't know exactly.

Mr. O'Brien - when she called did she tell you why she was worried.

Mr. Ouellette - no, she said something happened and Davey told her to leave.

Mr. Phillips and you didn't know what happened at that time .

Mr. Ouellette - No sir.

Mr. Phillips - so the Police Department hadn't been there yet - did you call the Police Department.

Mr. Ouellette -no sir I didn't know what it was about.

Mr. Phillips - you didn't ask her.

Mr. Ouellette -She would not tell me she just asked if everything was good at the hotel with her and I said yes. I had no clue.

Mr. Finkelstein - can you tell the board here what you told me earlier about your conversation with Ms. Schlegl on that evening. In the report Ms Schlegl claims that she.

Mr. Phillips - did you have a conversation with Ms. Schlegl that evening?

Mr. Ouellette - I talked to her two days before - she has called me and said there was fighting and I went up and took care of it and the next day she said this happened.

Mr. Phillips - what did she tell you happened?

Mr. Ouellette - well I knew by then.

Mr. Finkelstein - what time did the police show up.

Ouellette - I do not know exactly what time.

Mr. Finkelstein - did they interview you.

Ouellette -they just asked what I knew about it.

Finkelstein - tell us again what you told the police when they came that evening.

Ouellette - the same thing I said - I was working and Jean Crisp called me and said is everything good.

Finkelstein - when was the first time that you found out that there was actually a stabbing.

Mr. Ouellette - when the police officer came.

Mr. Finkelstein - it was later that evening after Jean's call so Jean did not tell you.

Mr. Ouellette – no

Mr. Phillips – did you have any conversation with Mr. Chabot.

Mr. Ouellette - on that night no.

Mr. Phillips - did you see him on that night at all – what time

Mr. Ouellette - yes, later - I am not going to say what time - it was dark.

Mr. Phillips – when you saw Mr. Chabot that night did he tell you anything that transpired.

Mr. Ouellette – yes, he said that David got stabbed

Mr. Phillips – was that before or after you spoke to the police.

Mr. Ouellette – it was after.

Mr. Rucho - you mentioned a few days before you got a call from them saying there was a fight or something going on.

Mr. Ouellette – there was a disturbance, an argument.

Mr. Rucho – did you contact the police that night.

Mr. Ouellette – no just an argument I went up asked them to keep it down. Actually Tracy came down the next day and said thank you Ron they were quite.

Mr. Rucho – so when you got the call on a disturbance you didn't call the police

Mr. Ouellette –no not for an argument. I went up and said can you guys keep it down I had a complaint. It was not a fistfight.

Mr. Rucho on the 21st did you speak with Tracy Schlegel in regards to this incident.

Mr. Ouellette – it was the next day, after I heard everything. Tracy said the cops didn't knock on her door and she never told them she called the office that night. She called the night before and the night before that and I took care of that. She said she never said anything.

Mr. Rucho – the night before and the night before that you didn't call the police.

Mr. Ouellette - there was an argument, I went up and took care of it and they were quiet.

Tom McEnaney, Town Counsel swore in Tracy Schlegl.

Tracy Ann Schlegl, 90 Sterling Street, Room 122.

Mr. Phillips – can you tell us what you know about the night of February 21.

Tracy Schlegl – was that the stabbing night or the night I called the establishment about the fighting.

Mr. Phillips – the stabbing night

Tracy Schlegl – that night it was quite and Ron took care of the previous night. I opened up my door and they needed bandages. He had been cut so I went in my house and got a bandage and gave it to them. I said it looked like it should be fine. I am a cutter, I used to be up until the last 8 years ago. After that I guess they went to the hospital. That was the end of that evening.

Mr. McCormick – you never talked to any officer that night

Tracy Schlegl – I am not sure if an officer came the stabbing night and asked me if I had called to report anything. I said no because I didn't hear any furniture banging off the walls. They were not keeping me awake. They were just arguing so I didn't call the office because I didn't think there would be a stabbing because the night before it was like a hurricane in there. That night it was relatively quiet, just a lot of arguing so I didn't bother. I thought I could sleep and be okay so I was not expecting that knock on the door to get a bandage.

Mr. McCormick – on the night of the stabbing their doors are open, your door is open, you give them a bandage and you do not call anybody?

Tracy Schlegl – no, they are grown adults. They were not arguing any more and I would think that they should be able to take care of it themselves as adults

Mr. Phillips – did Mr. Crisp tell you what happened.

Tracy Schlegl – he told me that his girl friend stabbed him but he had hit her off the head first.

Mr. McCormick – the night before they are throwing furniture, you call Ron and he stops them. The next night you open the door and he says that she stabbed him and you didn't call anybody. You didn't say that they were going to the hospital.

Tracy Schlegl – they said they were going to the hospital. I gave them the bandages and said they should be fine. They were talking about going to the hospital. It was unbearable it was disturbing my dog and my

sleep.

Mr. McCormick – the next night they tell you he got stabbed.

Tracy Schlegel – they were not arguing any more it was a tiny cut.

Mr. Finkelstein – what happened after you saw the cut.

Tracy Schlegel –nothing I went to bed.

Mr. Finkelstein – you didn't speak to anybody.

Mr. Phillips – you didn't speak to anyone that night.

Ms. Schlegel - no, it was late at night I didn't call anybody

Mr. Finkelstein – you didn't speak with Ron Ouellette.

Ms. Schlegel - I am not sure maybe I called Ron and told him, I might have. No, I don't remember calling Ron he does not answer the phone late at night he is in his room this was after hours.

Mr. Rucho – what time was it.

Ms. Schlegel – I don't know maybe 8:30-9:00 maybe check with the hospital and they could tell you a better time frame

Mr. Phillips – your door was open or did someone knock on it?

Ms. Schlegel – they knocked on my door.

Mr. Phillips - you open your door and Mr. Crisp was there and said my arm is bleeding.

Ms. Schlegel – yes he said my arm is bleeding do you have a bandage. He said his wife stabbed him.

Mr. Phillips - so you had bandages there - did he come into your room.

Ms. Schlegel - no, I said go back to your room we are close together.

Mr. Phillips - so you went to his room.

Ms. Schlegel - – I went to his room and looked in the light and I said- yes, it could use a few stitches.

Mr. Phillips - was Mrs. Crisp wife there.

Ms. Schlegl - yes she was there, she said he needed to go to the hospital and he said he didn't want to go to the hospital. It was not bleeding, it was not like there was blood gushing everywhere - it was a slice.

Mr. Phillips - what did you do after you gave him the bandage.

Ms. Schlegl - I went home to my house, climbed backed into my bed and tried to get some sleep.

Mr. Phillips - was there no activity over there.

Ms. Schlegl - no it was dead quiet over there.

Mr. Phillips – there were no police cars coming up - did you speak with Mr. Chabot?

Ms. Schlegl – no cars and I didn't speak to Mr. Chabot since he left the building, except for maybe twice on the phone.

Mr. Phillips – did you speak to Mr. Ouellette at all.

Ms. Schlegl – no, it was after hours. It was after he left the office.

Mr. Phillips – did you speak to the West Boylston Police Department at all.

Ms. Schlegl – I'm not sure if one of them came to the door that night or came the next day and I told them it was taken care of they went to the hospital. I am not absolutely positive on the stabbing night. I just know that the night in question on the noise I did not talk to any police officer

Mr. Phillips –I do not care about the noise

Ms. Schlegl - – the police either came that night of the stabbing or they came the next day and asked me about it.

Mr. Phillips – you do not remember.

Ms. Schlegl - no I do not remember sir. I told them exactly what I am telling you and that is it.

Mr. Phillips – when you went to bed do you recall getting up.

Tracy Schlegl – I went to sleep, believe I spoke with police the next day or they woke me up knocking on my door.

Mr. Phillips – when you spoke with the Police Department, what did you tell them, did you tell them you fixed the wound.

Ms. Schlegl – no, they didn't ask . I am trying to remember if I had told one of them I am not sure if I

spoke to the Police Department . If I had I would have told them what I am telling you. The Police Department came lots and regularly. To me it was no big thing.

Mr. Phillips – did you speak with them the next day.

Ms. Schlegl – I don't know, probably.

Mr. Phillips – and what did you say to them.

Ms. Schlegl - the next day I said they were arguing. They were fighting for days she stabbed him and he supposedly hit her off the head.

Mr. Phillips – you didn't say anything about fixing the wound – bandaging the wound.

Ms. Schlegl - no.

Mr. Phillips - did you ever tell anybody about that.

Ms. Schlegl - no, I might have said I gave them a bandage. I am not positive.

Mr. Phillips – who would you have said that to.

Ms. Schlegl - if there was a police officer that came to my office and ask him. I can't be positive that police officer asked me about it. The last time I saw a police officer at home was with a problem with me and my daughter, that is the last time I spoke to a police officer it was probably two weeks prior to that.

Mr. Phillips – so your testimony is that you didn't speak to any police officer after that.

Ms. Schlegl - that's my testimony - I don't believe I spoke to any police officer after.

Mr. Phillips – did anybody tell you that you would get kicked out of the place if you spoke to a police officer.

Ms. Schlegl - – heck no if I don't pay my rent I will get kicked out.

Mr. Phillips - did anybody give you a rent break.

Ms. Schlegl – come on -you are talking about Kit here - I hope he gives me one one day.

Mr. Rucho – the night before you said was a hurricane in the room furniture was thrown. Did the management come up.

Ms. Schlegl – it was horrible, management came up you could hear a mouse after Ron talked to them. If there was any more noise I would have had one of them removed out of there like Ron said he would

have done.

Mr. Ouellette came back up – he is still under oath.

Mr. McCormick – the hours you are on duty at the desk.

Mr. Ouellette – we changed it a few weeks ago it is now 7:30-9:30 at night.

Mr. Phillips – at the time of the incident.

Mr. Ouellette – 7:30 to 9:00

Mr. McCormick – are you familiar with the management policy.

Mr. Ouellette – no sir I just watch the desk and answer phone calls – I do not take care of the paperwork.

Mr. McCormick – the Manager's Policy says the manager shall be on duty during office hours of 7:30 a.m. to 10:00 p.m. and shall be present in the office, except for attending to other motor lodge business. The manager or his designee shall be available on the motor lodge's premises at all other times.

Mr. Ouellette – I've never see that.

Mr. McCormick - you would not be there until 10:00.

Mr. Ouellette – I was for a long time.

Mr. McCormick – so when Tracy Schlegl said she would not call you because you would be in your room, it is because you didn't stay until 10:00 and this happened at 8:00.

Mr. Ouellette – if it happened at 8:00, I was in the office. I live above the office and I have a phone that rings in my office I was there until 9:00 p.m.

Mr. O'Brien – the night before the stabbing it was like a hurricane and you went up there did you call the police that night.

Mr. Ouellette – You already asked me that sir and it wasn't like a hurricane. I walked inside the room, there was no furniture tipped over. They were arguing I heard them when I walked up the stairs I said if I heard any more noise one of them would have to leave.

Mr. McCormick – On February 14 did you request Mr. Crisp be removed.

Mr. Ouellette - on that day I did sir.

Mr. McCormick - did you tell him he was not to come back.

Mr. Ouellette – I did not say not to come back. He was causing a big disturbance.

Mr. McCormick - so he is causing a big disturbance and you tell him to leave and the next night he comes back and it could be an ongoing situation as it was on the 25th because on the 21st you said one of them would have to leave.

Mr. Ouellette – for the night.

Mr. Finkelstein – when you are not at in the front desk you are on the premises.

Mr. Ouellette – yes I have a phone in my room. I answer it up right up to when I go to bed. People come to my room if they need something and I take care of it.

Mr. McCormick – you have never seen this manager's policy signed and agreed to between the Board of Selectmen and Kirit Malaviya on February 22, 2008.

Mr. Ouellette – never seen it.

Mr. McCormick - have you ever seen the Reservoir Motor Lodge Policy.

Mr. Chabot – absolutely not, never.

Mr. Phillips – when you were on duty as the manager when were you on duty.

Mr. Chabot - I was on duty four days a week, 7:30 a.m. I opened and closed at 10:00 p.m. The first night I worked 5-10, 2nd night 7:30-10, 3rd night 7:30-10, 4th night 7:30-10, Mr. Malaviya would be there at noon or 1:00 or 2:00.

Mr. McCormick – you would stay until 10:00 p.m. and you were the part time manager, and the full time manager stayed until 9:00 p.m.

Mr. Chabot – that is what I was told to do.

Mr. Phillips – the night of the stabbing, February 21, did you speak to Tracy Schlegel.

Mr. Chabot – yes I did.

Mr. Phillips – and what time was that.

Mr. Chabot – probably between 7:30 and 10:00, during working hours.

Mr. Phillips – at that point did she tell you she bandaged the wound.

Mr. Chabot – yes she did. She told me that she looked at it and she bandaged the wound and he also told me that to.

Mr. Phillips - did you also speak with Mr. Ouellette that night.

Mr. Chabot - Mr. Ouellette was told what happened. Officer Dugan came to my door because he knew that I was on duty certain days and the first thing he said to me was why didn't you call us. I said I was not on duty. Ron is on. He said oh I thought it was Ron's door and then he went to talk to Ron. I let him know there was a stabbing. I spoke to Ron before he spoke with Dugan. Dugan was upset with me I told him Ron was on duty.

Officer Dugan sworn in

Mr. Phillips – did you speak with Mr. Chabot that night.

Officer Dugan – yes, I did.

Mr. Phillips – what was your conversation.

Officer Dugan – I asked him why he didn't report the incident to us. He said because I was not on duty Ron was on duty it is his responsibility and Ron was the manager. We had a conversation with Ron at that point. At first Ron denied knowing about the stabbing and we asked more questions and he said he spoke with Tracy Schlegl and she talked to him about the stabbing. I had already spoken to Ms. Schlegl.

Mr. Phillips – what did Ms. Schlegl say to you.

Officer Dugan - I was the one who knocked on her door and we did wake her up. She said there was a fight earlier she didn't call the police.

Mr. Phillips – she was sleepy and groggy

Officer Dugan – I think she was confused because we were there and said I didn't call police I called the management she was definitely sleepy and groggy.

Mr. Finkelstein – you report that you talked to Tracy Schlegl she said she had told the management about the stabbing. Who prepared the report.

Officer Dugan – Sgt. Glynn prepared it.

Mr. Finkelstein – did you report to him that Ms. Schlegl had told you that she told Mr. Ouellette that there was a stabbing.

Officer Dugan – was in the immediate area

Mr. Finkelstein – he failed to put it in his report.

Officer Dugan - it is in the report

Mr. Finkelstein- no, it just says she reported a fight in the next room. It does not say she told him about any stabbing.

Officer Dugan – during the conversation it was very clear that we were talking about a stabbing and not just a very argument.

Mr. Finkelstein – but you heard her testimony earlier that she didn't tell anybody about the stabbing.

Officer Dugan – yes I did.

Mr. Phillips – did Tracy Schlegl tell you she bandaged the wound.

Officer Dugan – she did not.

Mr. Finkelstein – this evening when I spoke with Mr. Ouellette and Tracy Schlegl, Ms. Crisp was there as well. She was nervous about what the hearing was about and I told her that it had nothing to do with her personally.

Mr. Phillips – to Mrs. Crisp this hearing is nothing about you it is incidents that transpired at this facility. The Board has nothing they would like to talk to Ms. Crisp about nor does counsel.

Last incident sale of alcohol and hand rolled cigarettes on the premises.

Sgt. Francis Glynn presented the report of Sgt. Thomas Balvin

Sgt. Glynn – on February 25, 2012 at 1 p.m. I went

Mr. Finkelstein – would like the report recited, and not editorialized because he is giving the report

Sgt. Glynn – on February 25, 2012 at 1300 I went to the Reservoir Motor Lodge at the request of the guests in room 135, Daniel Hart and Kimberly Foster to investigate their claim of harassment. Hart reported another motel guest Joseph Chabot in room 145 is harassing and threatening him. Today at 7:30 Chabot confronted Hart and said he wanted to punch him in the face and he also said he was going to get him arrested this weekend. Both Hart and Foster are on pre-trial probation, a condition of the probation is to stay away from Chabot. Hart and Foster reported that Chabot is running an illegal liquor store out of his room at the motel. They report he sells hand rolled cigarettes for \$5.50 a pack of 20, 40 oz. natural ice beer for \$5.00. He also sells nips, one-half pints and pints of alcohol. Foster said she just bought cigarettes and beer from Chabot three days ago. She claims many motel guests shop at Chabot's since the Reservoir Package Store closed many guests do not have access to a vehicle. I spoke with Joseph Chabot, he denies threatening Hart. He claimed Hart is selling oxycotin pills at the motel. He claims Hart gets his supply from Patrick MacDonald of Clinton. He claims that Hart charges \$40 for a 60 mg oxycotin pill. I asked

about the liquor and cigarette sales from his room. Chabot admitted to selling alcohol and cigarettes from his room and said he makes a couple of dollars per sale. He was holding a cigarette rolling machine in his hands while I spoke with him. Chabot said the motel proprietor Kit knew about his store and even thanked him for doing it. Chabot said before he sold the items motel guests would go door to door looking for alcohol and cigarettes. Chabot also claimed that Hart sold pills to the current motel manager Ronald Ouellette, Jr. this morning while in the office. I spoke with Ouellette, he was working the front desk at the motel. I asked him about the incident this morning. Ouellette said he did not see or hear anything. I asked if he buys pills from anyone in the motel and he said he did not. I asked if he was aware that Chabot sold alcohol and cigarettes from his room for profit and Ouellette said he was aware he sold cigarettes but not alcohol. I informed him of Chabot's admission to me about the alcohol. I asked if the proprietor was aware of this activity and Ouellette did not know. I told him he may want to notify his boss. Ouellette did call Kit. He asked to speak to me and I gave him the information I had. He said he was going to instruct Ouellette to have the guests in room 145 removed for illegal activity in the room. He asked that I stand by because Chabot may cause a problem.

I assisted Ouellette. I called for patrolman Richardson as back up. The Chabots gathered his belongings for the night and turned in their key and left without incident. They will call the motel in the morning to retrieve more belongings. Daniel Hart, current employee of the hotel is paid \$100 a week for conducting maintenance. Ronald Ouellette is an employee of the motel who also works the desk he claims he gets a reduction of his weekly room rate. Joseph Chabot is a former employee of the motel.

Mr. McCormick – it would appear from this report that they did remove Chabot immediately once Kirit was called and talked with Sgt. Balvin.

Mr. Finkelstein – understand that the rules of evidence do not apply here, this goes beyond that. I have a general objection to examining an officer on a report he did not write and was not present at.

Mr. McCormick - I will not ask the question and risk a further problem down the road.

Mr. Phillips to Mr. Chabot – the statement that Sgt. Glynn read on behalf of Sgt. Balvin, is that accurate.

Mr. Chabot – about 80% accurate. I did sell cigarettes out of my room and alcohol out of my room, canned soda, everything patrons they needed that they couldn't get because they didn't have a vehicle. I provided that for them.

Mr. Phillips – did you make a statement that Kirit knew about the store and thanked you for doing it.

Mr. Chabot - he told me I was helping the patrons and he didn't mind. I was rolling cigarettes while I was at the desk and he did asked me to do it in my room. I said sure I will do it from my room and Mr. Malaviya and Ron Ouellette would send people there.

Mr. O'Brien – did sell nips and alcohol while working there.

Mr. Chabot – yes.

Mr. Rucho – management knew of this.

Mr. Chabot – the manager knew of this and the owner knew. The owner asked me to do it from my room and now in the office. The manager purchased liquor himself. It was well known that this was what I was doing to make my rent to pay Mr. Malaviya.

Mr. Rucho – who were the people you told and knew you were selling.

Mr. Chabot – while working in the office Mr. Malaviya saw me roll cigarettes it was not a big deal somebody came in and said the ATF will shut the motel down, Mr. Malaviya said do it in your room. Mr. Gaumond – you referenced the word owner, are you this talking about Mr. Malaviya.

Mr. Chabot – Mr. Malaviya leases the building from a man named Doug George. Mr. Malaviya is the one who spoke to me as my boss and said I should not do it in the office.

Mr. Phillips – Mr. Chabot were you arrested for this activity.

Mr. Chabot – no sir I was not, I admitted my guilt and I was asked to leave the motel and I left with no incident. I am not a violent man.

Mr. Phillips – when you spoke to the police department and gave them this statement, had you been evicted from the building?

Mr. Chabot – what statement was that.

Mr. Phillips - your statement that Kirit knew about it and thought you were doing a good thing for people at the hotel.

Mr. Chabot – prior.

Mr. Rucho – you said management purchased items from you, who was that.

Mr. Chabot – Ronald Ouellette purchased butter shots for another tenant, gave me cash, sometimes gave me pills. Also Ron got vodka for his girl friend not his wife.

Mr. Finkelstein – you were not arrested.

Mr. Chabot – no sir.

Mr. Finkelstein – did the police give you the reason why you were not arrested.

Mr. Chabot – what I was told you admitted that I were doing it and Kirit said he was going to request that I get removed from the property. I provide a service to the people with everybody knowing it in the hotel.

It was not a store, but you could get nips or cigarettes and I was requested to pick up certain things for certain people and I ran tabs for them.

Mr. Finkelstein – which police officer said you did not commit a crime.

Mr. Chabot – I do not think I said I did commit a crime the officer said there was nothing he could do, not his jurisdiction

Mr. Finkelstein – was it Sgt. Balvin.

Mr. Chabot – yes it was.

Mr. Finkelstein- do you know Sgt. Balvin.

Mr. Chabot – no, I do not know him

Mr. Finkelstein- where do you live now.

Mr. Chabot – would rather not disclose, refuse to answer.

Mr. Finkelstein – asked the relevance.

Mr. Chabot – refused to answer the question

Mr. Finkelstein – you were thrown out of the premises for this incident.

Mr. Chabot – I was asked to leave and I did it with no violence immediately upon request.

Mr. Finkelstein – did the police confiscate anything, any contraband.

Mr. Chabot – no, they did not they told me to take everything that was mine that I purchased it, and pack it up.

Mr. Finkelstein – so the only evidence is you told them you were operating a store what did you tell the police about Mr. Ouellette.

Mr. Chabot – Mr. Ouellette purchased alcohol from me. I told them that I was selling things I did not operate a store. I sold things to the people in the hotel they requested me to purchase for them.

Mr. Finkelstein – did you tell Officer Balvin that day that you sold him alcohol.

Mr. Chabot – yes, I did.

Mr. Finkelstein – who was living with you at the time.

Mr. Chabot - my wife and daughter.

Mr. Finkelstein - were they also involved in the business

Mr. Chabot – no.

Mr. Finkelstein- did they know about it.

Mr. Chabot – yes, absolutely .

Mr. Finkelstein – where do you work now.

Mr. Chabot – I am an honorably discharged disabled Veteran, wounded, service connected. No record at all in the state of Massachusetts or Florida where I reside.

Mr. Finkelstein – did you provide services to the West Boylston Police Department. How did they find you?

Mr. Chabot – when I was at the motel I had a rapport with them since I was at the motel. They kept in contact with me when I worked. No, I do not provide any services to them.

Mr. Finkelstein – how did they find you since your address is well concealed you informed them of where you lived.

Mr. Phillips – I think what you are getting to is why did he end up here. He sent a letter to the Board of Selectmen concerning some other issues and it is in not regarding this hearing it is regarding something that will be coming up. Along with that there were ways to contact him.

Mr. Mr. Finkelstein – may I see that

Mr. Phillips – he sent this it will be a different hearing.

Mr. Chabot – this was advertised in the newspaper.

Mr. Phillips – this is something on our agenda for tomorrow.

Mr. Finkelstein – are you claiming this is not public record.

Mr. Phillips gave the paperwork with Attorney McEnaney.

Attorney McEnaney – the question is whether this document is a public record – it probably is, but there is certain information that would be redacted from the various document statutes in the public records law, Chapter 4, Section 7, Clause 26, regarding documents that come in from the outside if it contains certain

information.

Mr. Phillips – there may be information in there that would deal with on an going investigation.

Mr. McEnaney – there is a certain policy exemption D, which would include information brought to the attention of a Board before any decision being made.

Mr. Chabot – may I say something about that?

Mr. Phillips – no.

Mr. Chabot – I gave it to you in confidence that you would take care of your town

Mr. Phillips – that is how he ended up here tonight

Mr. Finkelstein – is it customary when people introduce themselves and give testimony that they give their name and address. Can I please have the address of Mr. Chabor. You should demand it or not take his testimony.

Mr. McEnaney – do not believe the Board can make a demand like that.

Mr. Phillips – maybe there are safety concern I will not require him to give his address.

Mr. McEnaney – do not believe any of the police officers gave their addresses as well. It has not been a requirement of oher witnesses.

Daniel K. Hart joined the Board to answer questions for safety concerns will not give his address.

Mr. Phillips – are you a current employee of the motel.

Mr. Hart – yes sir.

Mr. Phillips – did you have an incident or a run in with Mr. Chabot.

Mr. Hart – yes sir.

Mr. Phillips - do you know anything about alcohol, cigarettes, nips, candy, soda from Chabot General Store.

Mr. Hart – yes sir.

Mr. Phillips – can you please tell us what you know.

Mr. Hart – I am just maintenance. I do not work for the office. If somebody has a toilet back up I fix it, I

do not work for the office, I do not take money or give money somebody calls me from management to fix their toilets. I do it and yes I did know about the selling of everything. A lot of this will plead the 5th on because we have an on-going criminal case – I will elaborate.

Mr. Phillips – if it does not concern this I would not elaborate.

Mr. Rucho – you said you know about the store, did your management know they were running a store
Mr. Hart no sir.

Mr. Phillips – how do you know that.

Mr. Hart - I did not tell them I did not know if anybody else did. I did not say anything.

Mr. Phillips – but you do not know if they knew.

Mr. Hart – right, I do not know if somebody else did.

Mr. Rucho – you are not an employee of the establishment.

Mr. Hart – I am a maintenance worker only I do not work in the office.

Mr. O'Brien - who did you pick up, that was managing the front desk tonight.

Mr. McCormick – who do you get paid by.

Mr. Hart - Kirit I work for the hotel I am a maintenance worker.

Mr. McCormick – so you are an employee of the hotel.

Mr. Finkelstein – you made a blanket statement that the management did not know about Mr. Chabot's activities. Is there any reason that you could tell us that you know that management would know about this.

Mr. Hart – no sir, anybody who worked in the office Kirit is the manager, his wife, Ron, Joe - I do not deal with the office. I unclog toilets.

Mr. Finkelstein – did you ever see Mr. Malaviya purchase anything from Mr. Chabot.

Mr. Hart – no sir,

Mr. Finkelstein – did you ever tell anybody that they could buy things from .

Mr. Hart – no sir.

Mr. Hart – in a statement to the court Mr. Chabot told the court he had to leave the motel because he, his wife and daughter were in fear of their life.

Mr. Phillips – do you have a copy of the statement

Mr. Hart – no sir

Mr. Phillips - for the purpose of what

Mr. Hart – for the purpose or credibility I spend six hours in jail because he said me and my girl friend threatened him. The police report said he was thrown out because of bootlegging so his credibility is he lies on every turn it is on record. It is on record at the court house and on the police report.

Mr. Phillips to Mr. Ouellette did you have a conversation with the Police Department that evening of February 25th the alcohol sale.

Mr. Ouellette – that was during the day, yes.

Mr. Phillips – what was your conversation.

Mr. Ouellette – Officer Balvin came into the office and asked me if I knew that things were happening about cigarettes and alcohol. I told him about cigarettes and everything like that I do not know what happened between these two at Daniel's apartment.

Mr. Phillips – when you were asked about the alcohol and cigarettes, have you ever purchased anything?

Ouellette – no, Chabot just said get a card board box and move in, I am shutting you guys down. He is going to say whatever it takes to shut this place down. He said once he got evicted he will this this place. His van is at the police department when you go by.

Mr. Phillips – My concern here is the statement was made before he was evicted while he was still living here and everybody is contradicting everybody.

Mr. Finkelstein – what is the possibility of getting Officer Balvin in to corroborate his own report

Chief Minnich – he is unavailable.

Doug George, owner of the property

Town counsel swore in Mr. George

Douglas George, Needham - It was stated by Chabot that I as the owner and was one of the people who purchased stuff. I did not buy anything or know anything.

Mr. Phillips – I believe the reference was made to Mr. Malaviya, not yourself it was clarified .

Mr. Finkelstein - what do you know about Mr. Chabot who worked for you.

Mr. Malaviya – worked one month, month and a half, part-time, weekends, he worked the desk.

Mr. Finkelstein – were you aware he was selling things from his room.

Mr. Malaviya – no, one time he was rolling cigarettes in the office and I said you cannot do this take it outside we are not licensed for cigarettes.

Mr. Finkelstein – did you ever tell him you were glad that he was selling this.

Mr. Malaviya – I do not want illegal things or activity in my motel.

Mr. Finkelstein – did Mr. Chabot ever give you money that he got from this activities, did he ever offer you money.

Mr. Malaviya – no, never financially benefited

Mr. Finkelstein – what possible benefit would this be for you if Mr. Chabot sold illegal goods.

Mr. Malaviya – none.

Mr. Finkelstein – could you get in trouble if he was found out.

Mr. Malaviya – yes, as soon as I found out on February 25th by Sgt. Bartlett

Mr. Finkelstein – do you drink, do you smoke.

Mr. Malaviya – no drink, never smoke.

Mr. Finkelstein – is it a religious thing does Mrs. Malaviya.

Mr. Malaviya – no, never, drink or smoke

Mr. Rucho – he was rolling cigarettes in your office and you told him you do not want him to do that.

Mr. Malaviya – I told him we cannot do this we do not have cigarette license. I told him take it from the office I do not want it in the office.

Mr. Phillips – did you think that what he was doing was illegal.

Mr. Malaviya – he was rolling cigarettes and by then in my I told him he could not do that we do not

have a cigarette license. I told him to take it from the office.

Mr. Phillips – did you think it was illegal to roll cigarettes and sell them.

Mr. Malaviya – yes, if he was selling it was illegal. We cannot keep the cigarettes in my office because I do not have a cigarette license.

Mr. Phillips - you told him to take it out of here because you know it is illegal - did you contact the police department?

Mr. Malaviya – I do not know if he was rolling them for himself. I do not have a cigarette license and I cannot keep the cigarettes in my office. He does not smoke himself.

Mr. Phillips – he does not smoke - what did you think he was doing? Did you not know what.

Mr. Malaviya – I do not know anything what he was doing with the cigarettes.

Mr. Phillips – if you did not know what he is doing why did you tell him he could not do it in the office?

Mr. Malaviya – I told him he cannot keep the cigarettes in my office, we cannot keep cigarettes in this in the office.

Mr. Phillips – you told him not to do this there because you do not have a license to sell so he cannot do it there. Did you call the Police Department and let them know about that activity.

Mr. Malaviya – did not thinking rolling cigarettes is illegal activity. I do not have cigarette license and I do not want to jeopardize my motel license.

Mr. McEnaney – closing statements – I would suggest on all three incidents.

Mr. Finkelstein – you heard testimony on three different incidents. The first on March 6, 2012. I do not know if there any misunderstanding about what happened. There was no conflicting testimony. I gave a presentation about how the management handles their registrater log required by law, one internal log and the other is the one kept on a daily basis. We explained to you what happened on the day when Mr. Malaviya and Mr. Ouellette were not present and Mrs. Malaviya was at the desk and didn't know where to find the information immediately to her right. There is no requirement under Chapter 140, Section 27 about a particular format of this register and I did not see anything in the rules of the Town of West Boylston Motel Bylaws that dictates a particular format. Mr. Malaviya chose to keep the records in the fashion we showed you tonight, one for themselves was a loose leaf notebook, for long-term residents and the other was a daily log keep secure in the wall with the date with the name and the identification. Had the police officer had Mrs. Malaviya call Mr. Malaviya they would have discovered where the cards were and maybe that would have been the end of the incident. It was unfortunate. There is nothing in the record he can see that suggests that this has been a problem within the last four years. I do not know how many occasions the police have been there to look at records. Hope you chalk it up to perhaps bad judgment, but not let it rise to the level of a violation. The records were available but could not be given

immediately to the officer.

The second incident, stabbing on the night of February 21 started with a call from U Mass Police Department to the West Boylston Police Department about a stabbing that occurred, somebody in the ER who lives in West Boylston. Here the issue is whether the management knew about the failure to supervise and give notice to the Police Department about what they know about the incident. We have heard testimony from a number of people and it is all conflicting. Some people do not know if they spoke to the police, there is no report on what night the police spoke to Ms. Schlegl. There is nothing that suggested other than Mr. Chabot who is not a creditable witness. He has admitted to selling contraband at the motel, he was evicted, and has a grudge against the motel. He is the best and only evidence you have that you heard tonight that Mr. Ouellette knew this incident and failed to report it to the police. We heard from Ms. Schlegl that Mr. Ouellette was very responsive every time she talked to him and quelling every kind of testimony she never said she spoke to him about the incident. There is no testimony that Mr. Ouellette failed to call the police other than Mr. Chabot who seems to know everything but he does not tell the police but comes here after he was evicted. There is no evidence that Mr. Ouellette failed to do his duty. You did not ask Ms. Crisp what she thought Mr. Ouellette knew. No one other than Mr. Chabot has told you what Mr. Ouellette knew, his testimony is not credible, with admitting to selling contraband and was evicted he is the best and only witness you have. Mr. Ouellette knew of this incident and failed to report it to the office. Ms. Schlegl said Mr. Ouellette was very responsible every time she talked to him about any disturbance. There is no testimony that Mr. Ouellette failed to call the police. Ms. Schlegl seems to know everything but does not tell the police until after he is convicted. You did not ask Miss Crisp if she told Mr. Ouellette.

On the final issue with the liquor, this should be dismissed for two reasons. One is no testimony from the officer who provided the report. You cannot provide due process to Mr. Malaviya without having the officer here. It is two dimensional – it does not tell the whole story. He is not here to give evidence about his report and at the very least this should be continued until he can give testimony. You are depriving Mr. Malaviya of his due process. On the merits of it, you are relying on a piece of paper. There is no crime here. No one was arrested. The police did not think it was bad enough to confiscate anything, the police only saw a cigarette rolled. Mr. Chabot, feeling guilty about something, decided to leave. No testimony about anyone but Mr. Chabot, a former employee, somebody who has a grudge. You are relying on his testimony almost exclusive. If somebody is rolling cigarettes in the office Mr. Malaviya has no obligation to call police because no crime has been committed, no testimony except Mr. Chabot's that Mr. Malaviya and the management knew about it, it is a scan brought by Mr. Chabot. He asked the Board to dismiss this.

Mr. Phillips to Chief Minnich, what time was this report written, assault with the knife report?

Chief Minnich that the card was started at 8:45 that evening of the 21st

Mr. Philips – regarding the incident with the tobacco and alcohol, what would the reason be for there not being an arrest? Can you tell us why

Chief Minnich – the incident could still be under investigation, it could be a criminal complaint that was

filed or a document placed on record. We do not always arrest people.

Mr. Finkelstein – can you tell us why in this case.

Chief Minnich – I do not believe it is an arrestable offense.

Mr. Finkelstein asked if the board would deliberate after they closed the public hearing.

Mr. Phillips – it will be a discussion with the Board only should we find there was a violation, we could discuss it tonight or hold it in abeyance because we will have another discussion tomorrow night about another incident at that facility.

Mr. Finkelstein if the Board should find a violation he would like to address the Board about the penalty.

Mr. McEnaney - The Board of Selectmen could hear from counsel, but they do not need to either

Mr. Phillips – if we find there are violations we will give you an opportunity

Motion Mr. McCormick at 10:18 to close the public hearing, seconded by Mr. O'Brien, all in favor. Mr. Phillips – this is an administrative proceeding and strict rules of evidence do not apply. We will weight each item accordingly and make a decision. Discussion on the first incident which occurred on March 6th, license holder failure to properly identify guests a violation of MGL 140, Section 27 and Motel bylaw Section 9 b(1) and Section 12 a (4).

Mr. McCormick believes there was a violation. There was no one there who knew what they were supposed to be doing. The policy is strict about that and the fact that the police officer would have to make a phone call to someone Boston, it should have been readily available. He believes there is a violation. If you are going to have somebody fill in they should have been told what to do.

Mr. O'Brien agrees. Counsel admitted that it was an unfortunate coincidence. The police officers need to know who they are dealing with. While it is unfortunate, it should have been done 100% of the time always.

Mr. Rucho – no manager on duty. First of all even if the officer did get the cards, they were incomplete. He would have to research to see what was good information and what was not. They have to have them available when he asked – not to make phone calls - the regulations say that they must be available and Mass General Law also requires that they must be available if the police need to see them.

Mr. Phillips agrees. Reading the Manager Policy states, each card will be filled out legibly by the guests and each guest must provide a photo ID which will be kept on file. We also heard from Counsel who said if they would have only asked they could have called and then we heard from the Police Department in the past when they have gone here and when they get to the room, the phone is ringing notifying the occupant that the police are on their way. With these types of warrants I do not believe the police officer would want to give notification to the people who are about to be arrested.

Motion Mr. Rucho that on the March 6, 2012 the license holder failed to holder failed to properly identify guests who were staying at the facility, in violation of MGL, Chapter 140, Section 27 of the Reservoir Motor Lodge Manager's Policy and West Boylston Motel Operations Permit Regulations Section 9 b(1) and Section 12 a (4), seconded by Mr. McCormick all in favor.

Mr. Phillips – on the second incident on February 21st that the license holder failed to exercise a high degree of supervision and that the license holder failed to report known illegal activity on the premises, that the license holder failed to notify the police of a serious crime.

Mr. McEnaney – this applies to both February 21 and 25th and is a violation of violation of the West Boylston Motel Operations Permit Regulations Section 9(b)(1) and (2) and Section 10(a) and (c), Section 11(a)(1) and (3), Section 12(a)(1) and (4) Section 11(b) and Section 12 (a)(1);

Mr. Rucho - the February 21st stabbing incident – thinks there is credible evidence we heard and showed the management did know that it was going on and the police were not notified in violation of the regulation

Mr. O'Brien agrees with Mr. Rucho, two officers heard the same thing at the same time. It does say in the complaint and failure to exercise a high degree of supervision, which is consistent with all the testimony tonight.

Mr. McCormick agrees. There is no supervision. We have a Reservoir Motor Lodge Manager's Policy and no one even knows about what was agreed to in 2008. In the policy it states that from time to time the manager shall survey the premises by walking the premises to look for illegal activity. We had people getting stabbed, people leaving in vehicles and people bringing in bandages. No one knows what is going on. No one is checking that is not tolerable. You are responsible for everything that goes on with your property. It would appear that there is no coordination between the Police Department and the staff. You are supposed to be calling us with any type of noise situation. We heard testimony from everyone including the manager and if there is any noise or activity the it says you should be calling the Police Department immediately. Your people said they do not call, they go and handle it themselves. There is a violation of lack of supervision on the premises.

Mr. Phillips – the testimony was all over the place. One thing that was credible is the fact that Ms. Schlegl said she went to bed that night and then she didn't speak to the officer and then she spoke with the officer or didn't speak to the officer or then she spoke to the front desk and then she didn't speak to the person at the front desk. She was all over the place and then how could Mr. Chabot know that the wound was bandaged if she didn't tell him. I think the front desk knew it and they didn't call because they were concerned with what might be the outcome. The activity the night before Ms. Schlegl said sounded like a hurricane the Police Department should be notified. We should not have that happening especially when these people were asked to leave the facility on a number of occasions already and there is a letter attached to their card to control their anger. This is activity that should be handled by the Police Department and not the hotel staff. It is an issue where it goes beyond a hotel being able to manage it.

Motion Mr. O'Brien that on February 21st that the license holder failed to notify the Police of a serious crime and failed to exercise a high degree of supervision over the licensed premises in violation of the West Boylston Motel Operations Permit Regulations Section 9 b(1) and (2) and Section 10 (a) and (c), Section 11 a (3) and Section 12 a (1) and (4) and that the license holder failed to report known illegal activity on the premises, which is in violation of the West Boylston Motel Operations Permit Regulations Section 9 b(1) and (2) and Section 10 (a) and (c), Section 11 a (1) and (3) and Section 11 b and Section 12 a (1), seconded by Mr. Rucho, all in favor.

Mr. Phillips – discussion on the third incident, sale of alcohol, cigarette, nips and soda from one of the rooms.

Mr. McCormick feels there is a violation because there is no supervision. The Manager's Policy states that the Manager shall from time to time during his office hours, survey the premises to observe any unusual activity. If this gentleman is selling alcohol and cigarettes the manager does not know about it, there is no supervision. No one knows this is going on, or if they did, they chose not to make any inroads to it.

Mr. O'Brien – this one he struggled with a little more because he did ask him to stop rolling the cigarettes, however, if you listened to the testimony he had to know it was going on I do not think it is possible to manager this an operation like this and not know what is going on.

Mr. Rucho – could we take this one part out because the officer was not here. Would like to delay this to hear further testimony on this. My concern is if management knew about this. Could we delay this because the officer is not here.

Mr. McEnaney - at this point you closed the public hearing you could postpone this and reopen the public hearing for the purpose of hearing further testimony.

Mr. Rucho – my concerns are if the management knew it was going on, and I don't know if it would help having the officer here.

Mr. Phillips – the officer's reports almost becomes here say because we had the actual person here telling us what happened. Prior to him being evicted by the hotel he made his statements to the police so that takes away the revenge factor. Mr. Chabot's words were he thanked him because he was helping out the people who live there and didn't have a vehicle. I think better than having the officer here you had the actual person telling you. Like Mr. O'Brien, I think they knew about it and when I asked Mr. Malaviya if he thought it was illegal he said yes that is why I told him to go elsewhere. He should have notified the police instead of saying go elsewhere. I think the management knew and it as convenient for the residents there and when it was out in the open and the Police Department knew about it Mr. Malaviya had no other option but to evict Mr. Chabot to protect himself and his facility.

Motion Mr. Rucho to find that on February 25th the that the license holder failed to exercise a high degree of supervision over the licensed establishment in violation of the West Boylston Motel Operations Permit Regulations Section 9 b(1) and (2) and Section 10 (a) and (c), Section 11 a (3) and Section 12 a (1) and (4) and Section 11 a (1) and Section 11 (b) and that the license holder failed to report known illegal

activity on the premises, which is in violation of the West Boylston Motel Operations Permit Regulations Section 11 a (1) and Section 11 b, seconded by Mr. O'Brien. Mr. McCormick – the crime we heard was probably not criminal, but it was an illegal activity. Mr. Rucho – believes selling alcohol without a license is illegal. Vote on the motion – all in favor.

Mr. Phillips – we can have disciplinary action tonight or hold it until after additional items that have come to our attention. We can hold this and have another public hearing in May on the next set of violations and then take action on all of them at the same time.

Mr. McCormick is all set to move on.

Mr. O'Brien would like to wait and do one penalty to have a better feeling for the context of the whole situation

Mr. Rucho has enough to move on – tomorrow we might vote to have another public hearing

Mr. Phillips – we could do this tonight and then schedule another public hearing tomorrow night.

Tom McEnaney – tomorrow night there is an agenda item before the Board of Selectmen concerning a potential violation. After that you could schedule another hearing. You could postpone action on these and consider one penalty on all the violations. Regardless of what you do this evening, you would still have that discussion tomorrow and could postpone this until tomorrow.

Mr. Finkelstein – requests the Board postpone this because of the late hour.

Mr. Phillips – offered Mr. Finkelstein the opportunity to make a statement before the Board decides on the penalty.

Mr. Finkelstein- you found violations on all three of the allegations. Your avenues of disciplinary action are provided for you in the town of West Boylston's Permit regulations, Section 13. Having read it, your regulations discuss about stepping this so that it would be a first offense which one of these are. Unfortunately, we are listening to the three violations in one hearing. We have not had a violation in the last two years and the policy says.

Mr. Rucho – not sure I understand the question, but #3 says we do not have to follow the suggested penalty.

Mr. Finkelstein – if you rate one of these, I the first offense it could be warranted to up this could escalate to a revocation. With respect to what you hear tonight if I were to take the incident regarding the proper personnel at the desk it was a misjudgment on the part of the licensee. The violation here is not that they did not have the information it is that somebody was not able to find it. I hope the penalty for that is a warning and vote that the information has to be kept in the files in a format of the Police Department. The second is a lack of supervision on the stabbing incident. The evidence as all over the place. You found there was a lack of supervision if you were going to give a suspension that you bear in mind that a

suspension might close it down with 60 people living there in 30-40 rooms. A better choice may be suspension hanging over their head and make it known that people who lack appropriate skills are not able to work there. The third violations are a violation he does not understand everybody said it is not a criminal violation and he does not believe this requires a penalty at all. Look at the facts that the person was asked to leave immediately. It is a residential facility with a population unless those you will find in a multi-family home and rental situation. You have these policies in place because there is a high degree of risk here. Certain individuals need a place to reside. I have been involved with Mr. Malaviya and they have been involved in a number of eviction actions and he does take action. It makes no sense to him to have people living here who may be a danger to other people.

Mr. McCormick – I have been here a while. This will be my 12th hearing on this motel, if we count tonight as three. My patience is running out. I have argued to suspend, not to suspend and hold in abeyance to help this gentleman. Every time we try to help him he thinks we do not know half the stuff that goes on there. I own a business in town so I understand how licenses and everything can destroy you but in this case I would recommend that we revoke the license. I do not want to be here in another 12 more hearings.

Mr. O'Brien – I was close to thinking we should revoke the license. In thinking and listening to Mr. McCormick what jumps out to me was a statement of Officer Dugan said he has been there 42 times this year. If that does not give you a wakeup call that you have the wrong people at the front desk and you are putting the police officers in jeopardy it is unacceptable. I would agree to revoke.

Mr. Rucho - just look back. We have done a two day suspension, five days, we have held in abeyance. He would say revoke immediately and start tomorrow. The issue of leaving the people and putting the residents and the population in danger.

Mr. Phillips – in the past when we have had this discussion we have been as far as we can to the residents so they were not put out at holidays and in the winter. We have issued warnings and there is a concern for the police officers and our EMTs that have to go there for medical calls and you do not know what you are walking into. There is a concern for the residents and the police officers We have done everything we can to work with the facility to get them to change their habits and we went two years without a disciplinary hearing. We had other hearings dealing with them not paying taxes or sewer bills. The activities have been continuous for almost ten years now and it has gotten to the point of being a safety hazard to the people in the community.

Mr. McEnaney recommends the Board provide a specific date for the revocation to be effective, including a provision that any guest of the motel be notified of the Board's order and be required to vacate by that particular date. The motion should have the license holder removing all occupants prior to that date and if there is a vacant room and as rooms become vacant they should not be rented out and the license holder shall assist the guests with their relocation.

Motion Mr. McCormick to revoke the license of the Reservoir Motor Lodge effective April 17, 2012 with the following stipulations, 1) that all guests be notified by the management of the Board's order and the town is to receive a copy of each of those notification letters, 2) they are required to vacate the

premises by April 17th and assist the guests in their relocation, and 3) that the license holder shall not rent out any rooms that are vacant as of April 3 and as rooms become vacant that the rooms are not allowed to be rented, seconded by Mr. Rucho, all in favor.

With no further business to come before the Board, motion Mr. Rucho at 11:30 p.m. to adjourn, seconded by Mr. McCormick, all in favor.

Respectfully submitted,

Approved: May 21, 2012

Nancy E. Lucier, Municipal Assistant

Allen R. Phillips, Chairman

John J. O'Brien, Vice Chairman

Christopher A. Rucho, Clerk

Kevin M. McCormick, Selectman