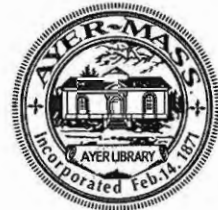


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2017 MAY 16 AM 9:58

*M. Spinner*

Town of Ayer  
Board of Health  
Ayer Town Hall – 1st Floor Meeting Room  
Ayer, MA 01432



**Thursday March 16, 2017**  
**Open Session Meeting Minutes**

**Present:** Mary Spinner, Chair; Pamela Papineau, Vice – Chair; Patricia Peters, Clerk

Robert A. Pontbriand, Town Administrator; Attorney Gregg Corbo, KP Law; Carly M. Antonellis, Assistant to the Town Administrator; Bridgette Braley, Health Agent; Charles Shultz, Building Commissioner; Robert Pedrazzi, Fire Chief

**Call to Order:** M. Spinner called the meeting to order at 5:00 PM.

**Emergency Hearing 14 Williams Street and 128 Washington Street:** Attorney Corbo stated that for each property, the Town will hear findings from Town Departments, hear from the property owners/tenants, the Board will deliberate and then issue orders, if necessary.

P. Papineau stated that she is married to the cousin of one the tenants at 14 Williams Street. She has filed a disclosure and stated that it will not affect her decision making as a member of the Board of Health.

G. Corbo then asked for confirmation from Police Lt. Brian Gill that the Notices of Emergency Hearing had been delivered to the homeowners and the tenants. Lt. Gill confirmed that the notices were delivered by hand.

**128 Washington Street**

B. Braley presented her findings, stating that she obtained an administrative search warrant from the District Court after a report was filed by the Ayer Fire and Police Departments, who responded to a call for a disoriented man, being the homeowner Mr. Hugh Ernise. Upon arrival they noticed large amounts of trash both inside and outside the house, dog feces both inside and outside the home, and that the deck of the home had holes in it and appeared to be structurally unsound. After obtaining the search warrant, B. Braley did an inspection with both the Fire Department and the Building Commissioner. B. Braley reported that the bathroom in the house could not be accessed due to debris in the home; the furnace is not functioning, prevalence of animal feces and urine throughout the home; the back porch is in despair; and that the house is unfit for human habitation.

C. Shultz Building reported that during his inspection he made the following observations: the deck, which is part of the egress system, is in disrepair; the foundation and deck footings are all in a state of disrepair; exposed electrical wiring on the railing of the deck; excessive debris and trash on and under the deck; heating system is in disrepair; plumbing and electrical systems are not to code. He stated that in his file for the home he has records of numerous violations, none of which have been corrected. He is recommending condemnation of the property as it is unsafe for human habitation and not safe for emergency personnel.

R. Pedrazzi stated that there is a non-functioning heating unit in the home; multiple space heaters being used for primary heat; no smoke or carbon monoxide detectors; multiple electrical hazards throughout the home and a blocked basement door. He stated that he is very concerned about the high risk of fire.

Mr. Ernisse thanked the Board for the work they have done and that since 1964 he has been buying homes. He stated that he had a biblical and Christian background and that he planned on living to 120 years old like Noah. He said he is a veteran of Paris Island and was poisoned by the water there.

M. Spinner asked Mr. Ernisse to stick to the facts.

He stated that the electrical system worked, but he preferred the space heaters.

C. Corbo asked Mr. Ernisse if he had any family he could stay with. Mr. Ernisse stated that he has a son in New Hampshire or Townsend but he hasn't seen him.

Mr. Ernisse stated that he doesn't believe there are any violations at 128 Washington Street.

Board of Health members stated that they are very concerned about Mr. Ernisse's living situation for his health and safety. They stated they are also concerned about putting first responders at risk.

P. Peters said that there are continually problems at this property and it is far beyond getting fixed. She doesn't feel anyone should be living there.

P. Papineau also stated that she doesn't feel it is fit for human habitation.

**Motion:** A motion was made by M. Spinner and seconded by P. Papineau that the Board declare that the dwelling units on the property located at 128 Washington Street are unfit for human habitation based on the existence of numerous conditions which may endanger or impair the health, safety and well-being of persons occupying said premises, including those described at this hearing and in the March 13, 2017 inspection report, and that the Board issue the following order:

1. All dwelling units located at 128 Washington Street are hereby condemned and the owner shall vacate the premises within twenty-four (24) hours of delivery of written notice of this order;
2. The owner shall secure the premises by boarding all doors, windows and other openings and the building shall be posted with No Trespassing signs, all within twenty-four hours of delivery of this order;
3. The owner shall remove and properly dispose of all junk, refuse and debris from the exterior of the property within seven (7) days of delivery of written notice of this order; and
4. The owner shall correct all other violations of the State Sanitary Code within thirty (30) days of delivery of written notice of this order.

**Motion passed 3-0.**

#### 14 Williams Street

B. Braley presented her findings, stating that she obtained an administrative search warrant from the District Court after a report was filed by the Nashoba Associated Boards of Health Visiting Nurse, who a home visit and reported the lack of a central heating system, lack of shower facilities and hoarding issues. After obtaining the search warrant, B. Braley did an inspection with both the Fire Department and the Building Commissioner. B. Braley reported that the house does not have a functioning tub, lack of heating system, water damage to ceilings in the home, basement stairs in disrepair, large amount of trash/debris on the outside of the house, lack of smoke and carbon monoxide detectors. In addition she reported that the house appeared to be an illegal boarding house (both the main house and the accessory structure) where people rented rooms from the homeowner, Mr. Ernisse. B. Braley stated that the home is not suitable for human habitation.

C. Shultz reported that Mr. Ernisse does not have a permit to be operating as a boarding house. He also stated that the accessory structure on the property was converted into rental rooms with no permit. C. Shultz also reports a large amount of debris in and outside the house; faulty wiring throughout the residence; no working furnace or tub; plumbing system not to code; exposed asbestos and water leakage. He is recommending condemnation until all the corrections have been made.

R. Pedrazzi stated that there is a non-functioning heating unit in the home; multiple space heaters being used for primary heat and that there are flammable substances near every space heater; no smoke or carbon monoxide detectors; multiple electrical hazards throughout the home and blocked egress doors. He stated that he is very concerned about the high risk of fire.

Mr. Ernisse stated that the house has a functioning hot water system and cable for all the tenants. He again stated that he preferred the space heaters. Mr. Ernisse further stated that the accessory structure of the home has squatters in it and they don't pay rent.

C. Corbo asked if the tenants in the main house paid rent and Mr. Ernisse said that they did. Mr. Ernisse reports approximately nine people living at 14 Williams Street.

Mr. Shaun Armstrong, tenant at 14 Williams Street in the accessory structure stated that he pays \$100 per week in rent. He stated that he has nowhere else to live because he is a convicted felon and he'll be thrown out on the street.

B. Braley stated that all tenants have been provided with a list of shelters in the area.

Mr. Gary Fells, tenant at 14 Williams Street in the main structure stated that he paid \$475 per month and he can't afford to live anywhere else but is looking in consultation with the Council on Aging and Veteran's Agent.

Mr. Frank Maxant, tenant at 14 Williams Street in the main structure said that he has lived in the home for 20 years and it is his bachelor pad and that he feels safe in that environment. He stated that he is the highest paying tenant at the home. He said that his sense is that the code violations are very minor.

Mr. Paul Dodoo, tenant at 14 William Street in the accessory structure stated that Mr. Ernisse is trying to help people. He said that something should be done with the trash at the house. Mr. Dodoo pays \$100 per week in rent.

P. Papineau said that the house should be condemned given the reports from the Town departments stating it was a safety issue.

Mr. Armstrong asked that the order be extended so that people could stay longer, up to 30 days, to be able to find a new place to live.

R. Pontbriand said that there is no question that everyone around the table is a human and feels for the tenants but he feels strongly that the Town should not extend the order, as it puts the tenants and emergency personnel at risk.

C. Corbo added that the purpose of the State Sanitary Code was to protect tenants from substandard, unsafe and unsanitary conditions.

**Motion:** A motion was made by M. Spinner and seconded by P. Peters that the Board declare that the dwelling units on the property located at 14 Williams Street are unfit for human habitation based on the existence of numerous conditions which may endanger or impair the health, safety and well-being of persons

occupying said premises, including those described at this hearing and in the March 13, 2017 inspection report, and that the Board issue the following order:

1. All dwelling units located at 14 Williams Street are hereby condemned and the owner and all occupants vacate the premises within twenty-four hours of delivery of written notice of this order;
2. The owner and/or the occupants secure the premises by boarding all doors, windows and other openings and that the buildings be posted with No Trespassing signs, within twenty-four hours of delivery of this order;
3. The owner and/or the occupants remove and properly dispose of all junk and debris from the exterior of the property within seven (7) days of delivery of written notice of this order; and
4. The owner and/or the occupants correct all other violations of the State Sanitary Code within thirty (30) days of delivery of written notice of this order.

**Motion passed 3-0.**

**Adjournment:**

**Motion:** A motion was made by P. Papineau and seconded by P. Peters to adjourn at 7:40 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BO<sup>H</sup>: 15 May 2017

Signature Indicating Approval: Paul Papineau Patricia Peters Mary Papineau