

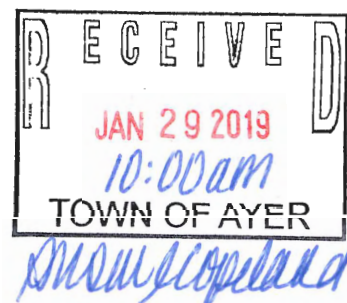
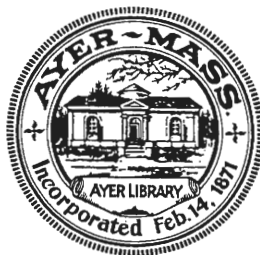
## TOWN OF AYER BOARD OF HEALTH Minutes of January 14, 2019

Chair P. Peters called the meeting to order at 5:34 pm in the downstairs meeting room, Ayer Town Hall.

Members present included: *Chair* Patricia Peters, *Vice Chair* Pamela Papineau, and *Clerk* Mary Spinner.

*Administrative Assistant* Jane Morriss, *Health Agent* Bridgette Braley, *Town Manager* Robert Pontbriand, and resident Ruth Maxant Schultz (17 Taft Street), were also in attendance.

The meeting was recorded by APAC.



PUBLIC INPUT: None.

EMERGENCY CONDEMNATION HEARING—9 MECHANIC STREET, AYER, MA: It was duly noted that this is the second condemnation hearing regarding this second-floor unit. The first order was issued on February 11, 2013. The tenant has been living in this second-floor unit since 2013. The owner of the property seems to have abandoned the property; the bank is paying the property taxes. After the tenant contacted the BOH last week, B. Braley inspected the property and found a number of violations prompting her to issue an Emergency Condemnation Order, Order to Vacate, Dwelling Unfit for Human Habitation dated January 10, 2019. Her list of findings included: no working smoke detectors or carbon monoxide alarms, no functional heating system in the unit, windows with broken locks, a water leak in the kitchen saturating the kitchen floor, no electricity in the bathroom, lead paint violations, missing storm windows, a fire escape in disrepair, and an egress that was blocked with clothing. The tenant has been ordered to vacate the property, and the bank has been notified. B. Braley said the bank has been paying property taxes.

**M. Spinner made a motion, P. Papineau 2<sup>nd</sup>, and the Board voted unanimously to condemn the second-floor unit located at 9 Mechanic Street in Ayer, finding the unit to be unfit for human habitation based upon the inspection report from the Board's Health Agent B. Braley. A 3/0.**

A copy of the Emergency Condemnation Order/Order to Vacate/Dwelling unfit for human habitation dated January 10, 2019, is filed with these minutes along with the Written Finding of Unfitness for Human Habitation Under the State Sanitary Code, Chapter 2, 105 CMR 410.000, Minimum Standards of Fitness for Human Habitation, issued at the behest of the Board. It was also noted that town officials are working with the tenant to find more suitable housing.

### CONTINUING REVIEW OF BOARD OF HEALTH REGULATIONS:

- **GOVERNING THE KEEPING OF ANIMALS AND FOWL (CONTINUED FROM DECEMBER 10, 2018 (P. PAPINEAU):** The Board reviewed the Regulation showing track changes suggested by Town Counsel, and P. Papineau.

**After considering the changes, M. Spinner made a motion to approve the Animal Regulation as drafted, and to change the fee from \$25.00 to \$35.00, which will be posted on the BOH webpage. P. Papineau 2<sup>nd</sup>, and the Board voted unanimously to incorporate the changes as drafted, effective January 14, 2019. A 3/0**

J. Morriss and B. Braley will groom the document which will be presented at the January 24, 2019, meeting of the BOH to be signed.

- **AQUIFER DISTRICT HEALTH REGULATION:** B. Braley told the Board she will present the findings of her review at the next meeting, and the Board agreed to continue its discussion at the January 28, 2019, meeting.

- **MORATORIUM ON WELLS IN THE TOWN OF AYER:** The Board agreed this Moratorium would remain in effect with no changes. The Board will officially sign an addendum at its next meeting showing that the Moratorium has been reviewed.

**NABOH REPORT (B. BRALEY):** A permit to operate a food-service establishment was issued to Nashoba Restaurant on January 9, 2019; Routine inspections were made at Nashoba Medical Center and McDonalds. B. Braley also reviewed a "transmittal" request for All Alcoholic Beverage Package Store Off-Premise License submitted by Jeff Gendron on behalf of The Vineyard at 63 Park Street, Ayer. She Marked it "N/A," (not applicable) She also reviewed a request by Andrew Boucher, of 10 Elm Street, who is seeking two variances on a preexisting non-conforming property, requesting permission to convert a two-unit residence to a three-unit residence. She also put "N/A" in the comment section.

**REVIEW OF MINUTES:** M. Spinner made a motion to accept the minutes of December 10, 2018, as submitted, and P. Papineau 2<sup>nd</sup>. The Board voted unanimously to accept the minutes as submitted. **3/0 A.**

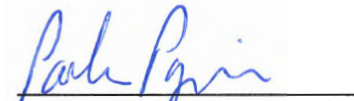
**ADMINISTRATIVE MATTERS:**

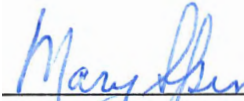
**CORRESPONDENCE:** A December 17, 2018 e-mail from R. Simeone telling of the next RAB meeting January 24, 2019, at 6:30 pm. December 17, 2018. Massachusetts DEP approval of a pilot study to evaluate the use of granular activated carbon media or anion exchange resin media for the removal of Perfluorinated Alkyl Substances (PFAS) from the water at the Grove Street Water Treatment Plant in Ayer. A December 20, 2018, Yearly Operational Plan from National Grid pertaining to application of herbicides to control vegetation along the National Grid Right-of-Way in 2019. A notification dated December 20, 2018, from US EPA to Robert Simeone BRAC Environmental Coordinator regarding Shepley's Hill Landfill Extraction and Treatment System Failure. A January 2, 2019 e-mail from R. Simeone to Julie Corenzwit regarding the government shutdown and its impact on R. Simeone and the US Army Corps of Engineers. A December 27, 2018, Notice of Audit Findings pertaining to the Ayer Fire Station from the DEP to the Town Manager.

**ACTION ITEMS FOR JANUARY 24, 2019 MEETING** Review the Aquifer Protection Regulation. Signing revised Regulations Governing the Keeping of Animals and Fowl; and signing an addendum to indicate that the Board has reviewed the Groundwater Well Moratorium, and that it remains in affect without change.

**ADJOURN:** M. Spinner motioned to adjourn the meeting at 7:07 pm, and P. Papineau 2<sup>nd</sup>. **A 3/0**

  
Patricia Peters, Chair

  
Pamela Papineau, Vice Chair

  
Mary Spinner, Clerk

Respectfully Submitted by  
Jane Morriss, Admin. Asst.



**Nashoba Associated Boards of Health**  
**Environmental Health Service**  
30 Central Avenue, Ayer, Ma. 01432

January 10, 2019

Owner:  
Roberta Polly  
11 Shirley Street  
Ayer, Ma 01432

Occupant:  
Shannon Williams  
9 Mechanic Street (2<sup>nd</sup> floor)  
Ayer, Ma 01432

**EMERGENCY CONDEMNATION ORDER**  
**ORDER TO VACATE**  
**DWELLING UNFIT FOR HUMAN HABITATION**  
**BOARD OF HEALTH**

Dear Ms. Polley,

In accordance with Sections 127A and 127B of Chapter 111 of the Massachusetts General Laws, 105 CMR 400.000, et seq. (State Sanitary Code, Chapter I, General Administrative Procedures, and 105 CMR 410.000, et seq. (State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation), the Board of Health of the Town of Ayer (the "Board"), acting by and through its duly authorized agent, Health Agent Bridgette Braley, R.S., found on January 9, 2019 during an inspection initiated by an occupant of the 2<sup>nd</sup> floor unit at 9 Mechanic Street in Ayer, is unfit for human habitation, based on conditions, which, pursuant to 105 CMR 410.750, are deemed to endanger or impair the health, safety and welfare of the persons occupying said premises and further that there is a danger to the life or health of the occupant(s) that is so immediate that no delay may be permitted in issuance of an order. Specifically, in accordance with 105 CMR 410.831(D), it has been determined that there is a danger to the life and health of the occupants that is so immediate that no delay may be permitted in the issuance of an order requiring that the premises be vacated and secured. The facts upon which this decision was based are listed in the Housing Inspection Report attached hereto.

For these reasons, the owner and occupants of the premises located at 9 Mechanic Street (2<sup>nd</sup> floor unit), Ayer, Massachusetts, are hereby ordered to immediately vacate and secure the premises and that said premises shall not be reoccupied without the prior written permission of the board of health; and further that the owner and/or occupants shall correct said violations and/or secure the premises within twenty-four hours of this order, and if they do not, that the Town may cause the premises to be cleaned and/or secured at the owner's expense.

You are hereby further informed that, on Monday, January 14, 2019 at 5:30 PM, at Town Hall (1<sup>st</sup> floor meeting room) the Board of Health will convene a public hearing to determine whether this order should be affirmed, vacated or revised. During said hearing, the Board will evaluate the action taken and may make such further orders as may be deemed necessary for the protection of the health, safety and welfare of the occupants and the public at large. Please be advised, however, that this emergency order requiring that the premises to be vacated and secured shall remain in effect unless and until the Board orders otherwise.

**(978) 772-3335 (800) 427-9762 FAX (978) 772-4947**

Violation List  
9 MECHANIC ST  
Ayer

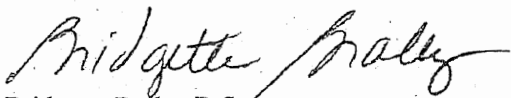
- 410.200     Heating Facilities Required\*  
No Heat  
*Tennant using space heaters*
- 410.252     Bathroom Lighting and Electrical Outlets\*  
Light in the bathroom is not working
- 410.253     Light Fixtures other than in Habitable Rooms or Kitchens  
Electrical outlet covers missing througout.
- 410.280     Natural and Mechanical Ventilation  
Bathroom vent is not operational
- 410.351     Owner's Installation and Maintenance Responsibilities\*  
Leak under kitchen sink. The leak is saturing the kitchen floor. The kitchen floor is in disrepair.
- 410.401     Ceiling Height  
Ceiling height 6"8" - 6"9"
- 410.451     Egress Obstruction  
Tenant has means of egress blocked ( biles of cloths)
- 410.480     Locks\*  
Locks broken on some of the windows
- 410.481     Posting of Name of Owner  
Ownners name is not posted
- 410.482     Smoke Detectors and Carbon Monoxide Alarms\*  
No Smokes or Carbon Monoxide Alarms
- 410.500     Owner's Responsibility to Maintain Structural Elements  
Bathroom door in disrepair
- 410.500     Owner's Responsibility to Maintain Structural Elements  
Rotting wood around the exterior of the home. Broken siding around exterior of the home. The fire escape is in disrepair.
- 410.501     Weathertight Elements  
Storm winodow missing.
- 410.502     Use of Lead Paint Prohibited\*  
Lead Paint Violations
- 410.602     Maintenance of Areas Free from Garbage and Rubbish  
Trash out in front of the house needs to be disposed of properly.

The occupants of said premises may contact Bridgette Braley R.S. for relocation assistance in accordance with G.L. c. 79A, §13.

You are invited to attend the hearing and be represented by counsel at your own expense if you wish. At that time you may produce any documentation and/or witnesses which show that said dwelling is not unfit for human habitation and should not be vacated and secured.

If you have any questions in this regard, you may contact the Board's agent, Bridgette Braley R.S., District Health Inspector, Nashoba Associated Boards of Health, at 978-772-3335 ex 303.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bridgette Braley".

Bridgette Braley R.S.

Enclosure.

cc: WSFS Bank, 500 Delaware Ave, Wilmington, DE 19801

**WRITTEN FINDING OF UNFITNESS FOR HUMAN HABITATION UNDER THE STATE  
SANITARY CODE, CHAPTER 2, 105 CMR 410.000, MINIMUM STANDARDS OF FITNESS FOR  
HUMAN HABITATION**

**PROCEEDING:** To determine whether or not the dwelling located at 9 Mechanic St. (2<sup>nd</sup> floor unit) or portion thereof is unfit for human habitation.

**PROPERTY LOCATION:** 9 Mechanic Street (2<sup>nd</sup> floor)

**OWNERS OF RECORD:** Roberta Polley and WSFS Bank

**INSPECTION DATE:** January 9, 2019

**DATE OF HEARING:** January 14, 2019

**MEMBERS PRESENT:** Patricia Peters, Pamela Papineau and Mary Spinner

**PUBLIC HEARING:** The Ayer Board of Health held a public hearing on the above date to consider whether the dwelling located at 9 Mechanic Street (2nd floor unit) or a portion thereof is unfit for human habitation under the State Sanitary Code, Chapter 2, 105CMR410.000, Minimum Standards of Fitness for Human Habitation.

**STATEMENT OF MATERIAL FACTS AND CONDITIONS UPON WHICH THE FINDING IS  
BASED:**

On January 9, 2019 the Health Agent for the Board, Bridgette Braley conducted an inspection of the dwelling at the above mentioned address at the request of the tenant. The inspection revealed numerous violations to the State Sanitary Code, Chapter 2, 105CMR410.000, Minimum Standards of Fitness for Human Habitation (Housing Code).

At the hearing, Chairman Peters presented the results of the housing inspection conducted by Ms. Braley.

The Health Agent provided the following reasons for the dwelling to be considered unfit for human habitation.

- 1.) There were no working smoke detectors/Carbon Monoxide Alarms.
- 2.) No functional heating system in the unit.
- 3.) Some windows had broken locks.
- 4.) Water leak in the kitchen causing the kitchen floor to be in disrepair.
- 5.) The bathroom has no electricity (thus no light or working fan).
- 6.) Lead Paint violations.
- 7.) Some storm windows were missing
- 8.) Fire escape in disrepair.
- 9.) Some means of egress were blocked with clothing.

**FINDING:**

At the meeting held on January 14, 2019 a motion was made by Ms. Papineau and seconded by Ms. Spinner to find the dwelling located at 9 Mechanic Street (2nd floor unit) unfit for human habitation and to order the dwelling to remain vacant and to be immediately secured against unauthorized access.

The Board found that the dwelling at 9 Mechanic Street (2<sup>nd</sup> floor) is unfit for human habitation based upon the inspection report from the Board's Health Agent at the public hearing on January 14, 2019.

The Board voted 3 to 0 in favor of this motion.

Patricia Peters	AYE
Pamela Papineau	AYE
Mary Spinner	AYE

**ORDERED:**

Having determined that the dwelling at 9 Mechanic (2<sup>nd</sup> floor unit) is unfit for human habitation the Board ordered the dwelling to remain vacant and it must be immediately secured against unauthorized access.

The property at 9 Mechanic St (2<sup>nd</sup> floor). cannot be used for human habitation until the owners receive written approval from the Board of Health that the property has been found fit for human habitation. The Board may grant permission to access the unit to perform necessary work or to retrieve belonging that may still be in the unit; those seeking permission must submit a written request to the Board of Health, stating the purpose for entry, prior to permission being granted.

FOR THE AYER BOARD OF HEALTH,

Patricia Peters, Chairman.

