

Office of the Ayer Board of Selectmen
Office of the Ayer Town Administrator



Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | Fax 978-772-3017 | www.ayer.ma.us

Town of Ayer

PRESS RELEASE

December 21, 2016

Town of Ayer Completes First Phase of Abatement and Remediation of Nuisance and Dangerous Conditions at 66 Westford Road

- As a result of Orders issued by the Ayer Board of Selectmen and Ayer Board of Health on December 8, 2016 (Refer to Town of Ayer's first press release issued on December 9, 2016); on Friday, December 16, 2016 the Middlesex Superior Court at the request of the Town of Ayer issued an Order for Temporary Restraining Order (See Attached) ordering the property owner to immediately vacate the property; remove all remaining animals on the property; and authorized the Town to proceed with securing and boarding the property; and for the Town to take the necessary measures to ensure the public safety and public health by abating and remediating the nuisance and dangerous conditions. A full no trespass order was put into effect by the Ayer Police Department. The Court's ruling was a result of local inspectional reports from the local Building Inspector, Health Inspector, and Animal inspector (See Attached).
- On Saturday, December 17, 2016 the Town of Ayer commenced with boarding and securing the house and property at 66 Westford Road. At that time the remaining farm animals were removed from the property.
- On Monday, December 19, 2016 the Town contracted with a professional exterminator specializing in the extermination of rats which conducted a site assessment of the property and is putting in a plan for the extermination of the rats to be implemented on December 28, 2016. According to the assessment, the rat infestation is contained to the property at 66 Westford Road and the Town will do everything in its power to ensure that the rat nuisance is contained and effectively exterminated.
- On Monday, December 19, 2016 a temporary fence with locks was installed in the front of the property to further ensure the containment of the property and public safety. The utilities to the property were turned off.
- On Tuesday, December 20, 2016 the Ayer Board of Selectmen at their regularly scheduled meeting issued a public update pertaining to the enforcement measures taken to date regarding 66 Westford Road. (A video recording of the December 20, 2016 Ayer Board of Selectmen Meeting will be available on the Town of Ayer's website at www.ayer.ma.us). The Board reaffirmed its commitment to the full remediation of the nuisance conditions at the property at the earliest possible time.

- On Tuesday, December 27, 2016, at the request of the Judge, the Town will be returning to the Superior Court to provide an update on the status of clean-up efforts. At that time, the Town will seek authorization to commence with the removal of the junk and debris that constitutes the harborage of the rat infestation. The Town is advised by its exterminator that effective extermination cannot occur until a substantial amount of junk and debris is removed. The extermination plan and removal of material has been put in place for implementation on December 28, 2016 pending the conclusion of the Court Hearing.
- All costs associated with this extensive abatement and remediation of 66 Westford Road will be billed to the property owner and subject to property liens.
- The Town of Ayer remains committed to the successful abatement and remediation of all nuisance and dangerous conditions at 66 Westford Road to ensure the public safety and public health.
- Documents Attached:

Order for Temporary Restraining Order issued by the Middlesex Superior Court on December 16, 2016

Verified Complaint Submitted by the Town of Ayer to the Middlesex Superior Court on December 16, 2016

Town of Ayer Building Inspector's Re-Inspection/Compliance Inspection Report for December 14, 2016

Town of Ayer Health Inspector's Re-Inspection Report for December 14, 2016

Town of Ayer Animal Inspector's Re-Inspection Report for December 14, 2016

- All Public and Press Inquiries Should Contact:

Robert A. Pontbriand
Ayer Town Administrator
(978) 772-8220
ta@ayer.ma.us

I

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT

C.A. NO. 16-3591

TOWN OF AYER, by and through its Board
of Selectmen and Board of Health,

Plaintiff

v.

RALPH ANDREW MCNIFF,

Defendant

~~PROPOSED~~ ORDER FOR
TEMPORARY RESTRAINING ORDER

In this matter, having come before this Court for a hearing, it is hereby ordered that a Temporary Restraining Order issue in favor of the plaintiff, Town of Ayer, acting by and through its Board of Selectmen and Board of Health ("Town"), with respect to the property located at 66 Westford Road, Ayer, Massachusetts (the "Property") and in accordance with the following terms:

- (1) The defendant shall immediately vacate the Property, and relocate to suitable alternative housing until further order of the Court.
- (2) The Town, through its authorized agents and/or contractors, may enter the Property and immediately take all reasonable and necessary steps to completely secure the buildings located on thereon to prevent unauthorized entry by any persons or animals, including closing any holes or gaps in the exterior of the buildings and boarding up all doors and windows.

(3) The defendant shall take all the remaining animals to auction on Tuesday, Dec. 20, 2016.

(4) The town shall arrange for food + water

16-3591

on or after 12/20/16

- (5) The Town, though its authorized agents and/or contractors, may enter the Property and immediately take such actions with respect to the removal of ^{any remaining} animals, animal food, animal waste, as it deems necessary to abate the threat to public health and safety.
- (6) The Town, through its authorized agents and/or contractors, may enter the Property and immediately take such actions as may be deemed necessary to exterminate any and all infestations of rats and other vermin.
- (7) The Town, through its authorized agents and contractors, may enter the Property for purposes of assessing the scope of work to be done and for conducting further inspections for compliance with this Order and applicable laws within their jurisdiction, or responding to other imminent dangers to health and safety and shall issue a report of existing conditions and actions needed to make the premises habitable.
- (8) Any and all expenses incurred by the Town in carrying out the requirements of this Order shall be billed to the defendant, which shall constitute a lien on the Property, if not paid, in accordance with M.G.L. c. 139, §3A.
- (9) No person other than duly authorized agents and contractors of the Town, the Commonwealth of Massachusetts and/or the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), shall enter or remain upon the Property or any of the buildings thereon unless authorized by Town or further order of this Court. *Any person entering or remaining upon the Property without authorization to do so shall be considered a trespasser subject to removal and arrest in accordance with M.G.L. c. 266, §120. The Town shall post the Property with a sufficient number of "No Trespassing" signs as may be deemed necessary to provide adequate warning of this requirement.


* Defendant may enter the property on Dec. 20, 2016, to effectuate removal of the remaining animals to auction.

16-3591

December 27, 2016 at 2:50 PM.

- (B) The Court shall conduct a hearing on the Town's Motion for Preliminary Injunction with ten days of issuance of this Order, at which time the Court will consider the inspection reports of Town Officials and determine whether to appoint a receiver or take such other action as it may deem necessary to bring the Property into compliance with applicable law.
- (H) The defendant shall pay the Town its attorneys' fees and costs associated with bringing this enforcement action.

Middlesex Superior Court by:


LEILA R. KERN
JSC

Dated: 12/16/16

571316/AYER/0001

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
C.A. NO.

TOWN OF AYER, by and through its Board of
Selectmen and Board of Health,

Plaintiff

v.

RALPH MCNIFF,

Defendant

VERIFIED COMPLAINT

INTRODUCTION

This is an enforcement action brought by the Town of Ayer (“Town”), by and through its Board of Selectmen and Board of Health (collectively the “Town”), to enforce the Boards’ December 9, 2016 Nuisance and Condemnation Orders (true and accurate copies of which are attached hereto as Exhibits 1 and 2) with respect to the property located at 66 Westford Road, Massachusetts (the “Property”). The Boards have declared that said Property constitutes a nuisance to the community and is unfit for human habitation based on the existence of numerous hazardous conditions, which pursuant to G.L. c. 139, §1 and 105 CMR 410.750, constitute a nuisance and are deemed to greatly endanger and impair the health, safety and welfare of the occupants, as well as an adjacent tenant and the greater public. These harmful conditions include decaying deceased animals and contaminated animal waste located at the Property, rat and vermin infestation and burrowing, sick and neglected animals, unstable structures, unsafe electrical wiring, non-functioning heat and accumulated filth and debris throughout the Property. To protect against the imminent public health risks to the defendant and the public, through this action, the Town seeks immediate enforcement of its December 9, 2016 Orders, by requiring the

defendant, Ralph McNiff, immediately vacate the Property, to authorize the Town to take all necessary steps to remove all remaining animals at the Property, secure the buildings and abate any emergency conditions, at the defendant's sole expense.

PARTIES

1. The plaintiff, the Town of Ayer, acting by and through its Board of Selectmen and Board of Health, is a duly constituted Massachusetts municipality with a principal place of business located at 1 Main Street, Ayer, Massachusetts.
2. The defendant, Ralph McNiff, is the owner of 66 Westford Road, Ayer, Massachusetts.

STATEMENT OF FACTS

3. Defendant McNiff is the owner of real property located at 66 Westford Road, Ayer, Massachusetts (hereinafter referred to as the "Property").
4. The Property is comprised of a single family residential dwelling, three accessory structures and a large yard area. The conditions at the Property, as well as its structures, are depicted in the photographs attached hereto as Exhibits 3 and 15.
5. The Property is located in a neighborhood with adjacent residential properties located on Iris Avenue and Lilac Lane, off Loon Hill Road in Ayer.
6. Upon information and belief, McNiff resides in the dwelling and uses the remainder of the Property to raise animals, primarily cows and pigs, for slaughter.
7. Following complaints from neighbors regarding the condition of the Property including noxious odors emanating from the Property affecting surrounding homes, on November 23, 2016 and November 28, 2016, the Massachusetts Department of Agricultural Resources ("MDAR") conducted an inspection of the Property. During

said inspections, the state's animal health and dairy inspector observed the following dangerous conditions at the Property, which are outlined in the inspection report attached hereto as Exhibit 4:

- a. Rats in the main pig barn;
 - b. Rat burrows around the pig barn and pig feeding areas;
 - c. Overcrowding in the main pig barn and pallet lean-to;
 - d. Deceased and decaying pig carcasses in the pallet lean-to;
 - e. Pigs eating the decaying pig carcasses;
 - f. Underweight sheep and goats;
 - g. Underweight, ill and injured pigs;
 - h. Bone and carcass remnants in the swine pen;
 - i. Inadequate shelter for animals;
 - j. Calves with various communicable diseases, including diarrhea, ringworm fungus, conjunctivitis and nasal discharge; and
 - k. Metal, trash, debris, glass and broken machinery throughout the Property.
8. In addition to the MDAR inspections, on November 27, 2016, the Board of Health's Agent conducted an inspection of the Property. A true and accurate copy of the Inspection Report is attached hereto as Exhibit 5. The Health Agent's inspection also revealed significant violations of the State Sanitary Code, including as follows:
- a. Non-functional heat in the residential structure, in violation of 105 CMR 410.200.
 - b. Temperatures in the living room and the bedroom below legal limits (living room temperature was 58 degrees; bedroom temperature was 43 degrees) in violation of 105 CMR 410.201.
 - c. Burnt-out electrical outlets, including evidence of smoke on the wall, in violation of 105 CMR 410.253.
 - d. Structure did not have any working smoke or carbon monoxide detectors, in violation of 105 CMR 410.482.
 - e. Portions of the structure's floors and ceilings were in disrepair and several segments of the exterior house were rotting, exposed and not weather tight, in violation of 105 CMR 410.500 and 410.501.
 - f. Significant accumulation of trash and debris, evidence of rats and rat burrows, accumulation of trash in abandoned vehicles on the Property, in violation of 105 CMR 410.602.
9. Photographs depicting these conditions are attached hereto as Exhibit 3.

10. In addition to State Sanitary Code violations, the Town's Building Inspector observed several structural deficiencies at the Property's buildings on November 30, 2016. The Building Inspector's observed violations included:
- a. Floor joist on the first floor of the barn deteriorated and not supported.
 - b. Main center support beam front section of barn not structurally sound.
 - c. Portions of foundation of barn missing.
 - d. Collapsing floor.
 - e. Accessory buildings at the Property are not weather-tight, with exposed electricity.
 - f. Structural failure at the front of the barn.
 - g. Portion of the front of the residence exposed to the elements.
11. As a result of the continued unsafe conditions, on December 1, 2016, the Town's Health Agent issued an Order to Correct, requiring the defendant to remedy the State Sanitary Code violations at the Property observed during her November 28, 2016 inspection. A true and accurate copy of the December 1, 2016 Order to Correct is attached hereto as Exhibit 6.
12. Due to the severity of the observed conditions at the Property by the MDAR, the Health Agent and the Building Inspector, this matter was referred to the Board of Selectmen and Board of Health for further review and enforcement.
13. On December 6, 2016, the Town provided the defendant with Notice of a Joint Hearing before the Board of Health and Board of Selectmen to discuss the nuisance, dangerous conditions and potential condemnation of the dwelling to be held on December 8, 2016. A true and accurate copy of the hearing notice is attached hereto as Exhibit 7.
14. The defendant was served with notice of the hearing and attended the December 8, 2016 joint public hearing.

15. At the hearing, the Health Agent provided a report to the Boards outlining the dangerous violations of the State Sanitary Code which exist at the Property, which in her opinion constituted “a nuisance, source of filth and cause of sickness in the Town” as well as a serious threat to public safety, to occupants, as well as to public safety officials. See Exhibit 8.
16. The Building Inspector also provided a report to the Board and his recommendation “that the property owner be ordered to cease and desist from any further use of these buildings” due to the unsafe structural deficiencies at the Property. See Exhibit 9.
17. At the public hearing, the Boards heard extensive evidence from the Health Agent, Building Inspector, as well as neighbors, itemizing the imminent dangers that exist at the Property, including those outlined above. The Boards also reviewed documentary evidence and photographs of the hazardous conditions at the Property.
18. Significantly, during the hearing, several neighbors who were not even direct abutters to the Property, complained that they could smell noxious odors at their residences. Area residents also reported that animals from the Property had left the Property due to inadequate fencing, and that numerous individuals have been seen coming and going from the Property at all hours of the day and night, that people have been burning unidentified items and that people have been hauling trash and debris into adjacent wooded areas.
19. At the conclusion of the hearing, the Boards both voted in open session on the issuance of orders to abate the nuisance and dangerous conditions, including a requirement that the dwelling be vacated and secured within twenty-four (24) hours. The defendant was present for the vote and the orders were explained to him.

20. Following the December 8, 2016 joint public hearing, on December 9, 2016, the Board of Selectmen issued a Notice of Decision and Order to abate the nuisance and dangerous conditions at the Property. The Board of Health also issued a Condemnation and Order to Vacate. The defendant was served with the Orders. True and accurate copies of the Boards' December 9, 2016 Orders are attached hereto as Exhibits 10 and 11.
21. The December 9, 2016 Orders required the defendant to take several steps to abate the nuisance at the Property, including vacating and securing the property within twenty-four (24) hours, removing and disposing of all animals, animal feed and animal waste from the Property, retain an exterminator to eradicate all rats and vermin from the Property, and remove all junk, refuse and debris.
22. To date, the defendant has failed to fully comply with the Boards' December 9, 2016 Orders.
23. Following inspections at the Property on December 13, 2016 and December 14, 2016 by the Town's Animal Inspector, Building Inspector and the Board of Health Agent, it is clear that hazardous conditions remain at the Property.
24. Specifically, the Town's health and safety officials observations during the December 14, 2016 inspections of the Property included:
 - a. Dead and decaying animals, including a deceased swine and calf, buried in the barn;
 - b. Electrical hazards, including exposed and unsafe electrical wiring;
 - c. Non-functional furnace;
 - d. Multiple rats at the Property and burrows seen in the swine barn; and
 - e. Unsafe stairs in basement, rotted floors, portions of the roof blown off and unsecure windows and doors.

25. True and accurate copies of the December 14, 2016 inspection reports, along with photographs taken during the inspections, are attached hereto as Exhibits 12-15.
26. As of the date of this Complaint, the nuisance and dangerous conditions that led to the issuance of the Town's orders have not been abated, such that a serious threat to public health and safety remains.

COUNT I
(Violations of the State Sanitary Code)

27. Plaintiff restates and reallages paragraphs 1 through 26 as if fully restated herein.
28. The defendant has caused or permitted to exist at the Property numerous conditions prohibited by the State Sanitary Code, 105 CMR 410.000, et seq., including: the existence of pervasive animal waste and dead animals, significant accumulation of trash and debris, rat and vermin infestations and unsafe conditions at the Property, including non-functional heat and electrical hazards.
29. The above-listed conditions are conditions which are deemed to endanger or impair the health or safety and well-being of a person or persons occupying said premises.
105 CMR 410.750.
30. The Board of Health ordered, in writing, that the Property be vacated and secured and that the Sanitary Code violations be corrected.
31. The defendant did not comply with the Board's orders insofar as he has not vacated the Property or secured the structures or corrected the significant violations which pose a significant threat to public health and safety.
32. These continued conditions at the Property greatly endanger the health and safety of the defendant, any occupants of the Property and the general public who may come

into contact with the Property, including public safety personnel, such that not further delay in enforcement of the Board's orders may be permitted.

COUNT II
(G.L. c. 111, §§122-125A)

33. Plaintiff restates and realleges paragraphs 1 through 32 as if fully restated herein.

34. Pursuant to G.L. c. 111, §122, the Board of Selectmen and Board of Health are statutorily authorized to respond to nuisances, sources of filth and contamination in the Town and to remove or prevent the same as the case may require.

35. The defendant has maintained the Property in a manner which constitutes a nuisance and cause of sickness within the Town.

36. The Property currently has decaying deceased animals, vermin, including rats and rat burrows, debris and trash, as well as pervasive animal waste and dilapidated and dangerous buildings.

37. The Town, through its enforcement orders, has declared that the current condition of the Property constitutes a nuisance and a threat to public health and safety.

38. The defendant has failed to remedy the Property's condition, which remain an imminent public health and safety concern.

COUNT III
(G.L. c. 139, §§1, 3)

39. Plaintiff restates and realleges paragraphs 1 through 38 as if fully restated herein.

40. Pursuant to its authority under G.L. c. 139, §1 and 3, the Board of Selectmen, may after notice, declare that a property is a nuisance, source of filth and cause of sickness

within the Town and declare buildings to be dangerous and nuisances and to issue such orders of abatement as they deem necessary..

41. Following its careful review of evidence submitted at the December 8, 2016 public hearing and deliberation, the Board of Selectmen declared that the Property's condition is a nuisance, source of filth and cause of sickness within the Town and that the buildings located thereon are dilapidated and dangerous.
42. To abate the nuisance, the Board of Selectmen has ordered the defendant to comply with its December 9, 2016 Order.
43. To date, the defendant has not complied with the Order, and the hazardous conditions still exist at the Property causing a nuisance and danger to the community.

PRAYERS FOR RELIEF

WHEREFORE, the Town respectfully requests this Honorable Court to take the following actions:

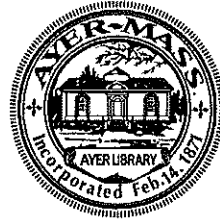
- A. After a hearing, enter a temporary restraining order/preliminary injunction requiring the defendant and all occupants to immediately vacate the Property and authorizing the Town to remove all remaining animals from the Property, to secure the Property and to abate any emergency conditions, as necessary, at the defendant's sole expense, as set forth in the proposed order attached hereto;
- B. After an adjudication on the merits, find that the defendant's Property constitutes a nuisance, source of filth and cause of sickness within the Town, that the buildings on the Property are dangerous and that the defendant's actions have violated the State Sanitary Code by causing and failing to remedy conditions at the Property which are in violation of said code and which are harmful conditions, greatly endangering the health, safety and

welfare of persons occupying said property and those members of the general public who may come into contact with the property, including public safety personnel and by violating the Town's Orders;

- C. After an adjudication on the merits, enter a permanent injunction enjoining the defendant from maintaining the Property in a manner that constitutes a nuisance or violates the State Sanitary Code, requiring the defendant to abate the nuisance and dangerous conditions, and further enjoining the defendant or anyone else from occupying the Property until such time as all code violations are remedied and the property is made safe for human habitation;
- D. After an adjudication on the merits, award to the Town all of its costs and reasonable attorneys' fees incurred during the prosecution of this matter;
- E. After and adjudication on the merits, assess fines and penalties in accordance with the applicable law for each day that the defendant failed to comply with the orders of the Board of Health; and
- F. Award such other relief as the Court deems just and equitable.

TOWN OF AYER,
By its attorneys,

Gregg J. Corbo (BBO #641459)
Janelle M. Austin (BBO# 666835)
KP LAW, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110
(617) 556-0007
gcorbo@k-plaw.com
jaustin@k-plaw.com



ZONING/BUILDING INSPECTOR

TOWN OF AYER

TOWN HALL 1 MAIN ST. AYER, MASSACHUSETTS. 01432

(978) 772-8214

CHARLES R. SHULTZ JR.
ASSISTANT ZONING OFFICER, BUILDING INSPECTOR

December, 14, 2016

Re: Compliance Inspection 64 Westford Rd.

Town Administrator/Board of Selectmen

At 10 am today I conducted an inspection at McNiff Farm according to the Towns Order. Present at the inspection were the towns Board of Health Agent, the Animal Inspector, Fire Dept. Captain and a Police Officer from the town. Ralph McNiff and his health service agent were also present for the inspection.

Upon entering the property I had a discussion with Ralph about the inspection process, and if he was going to hire an exterminator for the rats or if he would like the town to hire one. He stated that he would hire one.

I started my inspection in the basement (pictures 1-13) the foundation appears to be structural sound at this time, as you can see in the pictures there are a number of electrical hazards such as exposed wiring, no cover panel on the main fuse box, and wiring not done to code. The basement stairs are not safe to use for fire safety.

Pictures 14-23 are of the interior and exterior of the back porch. Again numerous issues, the interior floor are rotted, parts of the roof have blown off, windows and door are not secure.

Pictures 24-43 these buildings are in complete disrepair, roofs have collapsed into the cement block building, there is an electrical cable that is not secured, and has been cut and spliced in 2 different places with nothing but wire nuts, the other connecting buildings are either collapsed or are going to.

Pictures 44-57 are of the pole/pig barn which you can clearly see is supporting a heavier load than it was designed for.

Picture 58 is of the main electrical service wire entering the home. This is frayed and starting to decompose.

My recommendation is to consider the house, barn and accessory structures unsafe and should be made safe or taken down.

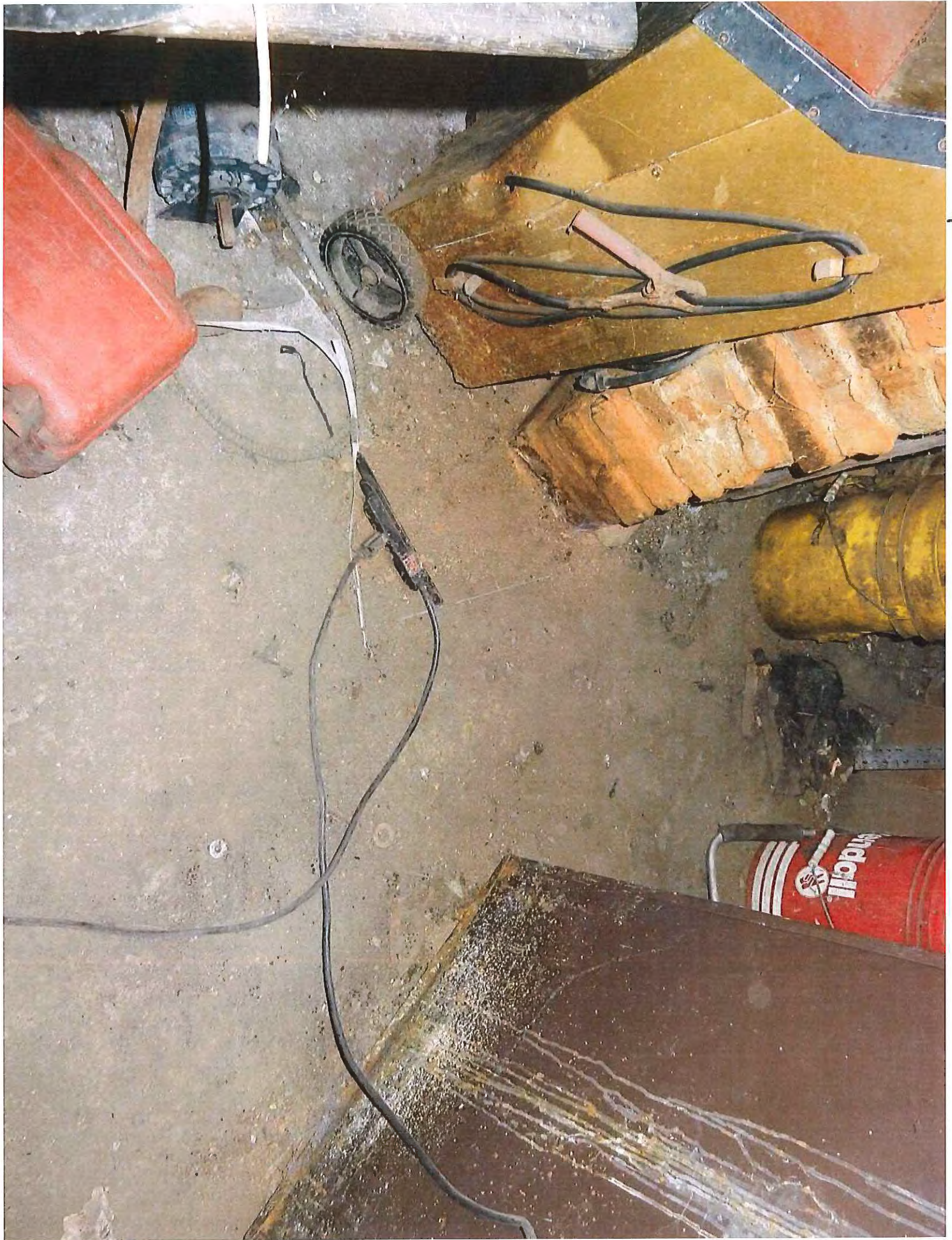
Sincerely,

Charles R Shultz Jr.



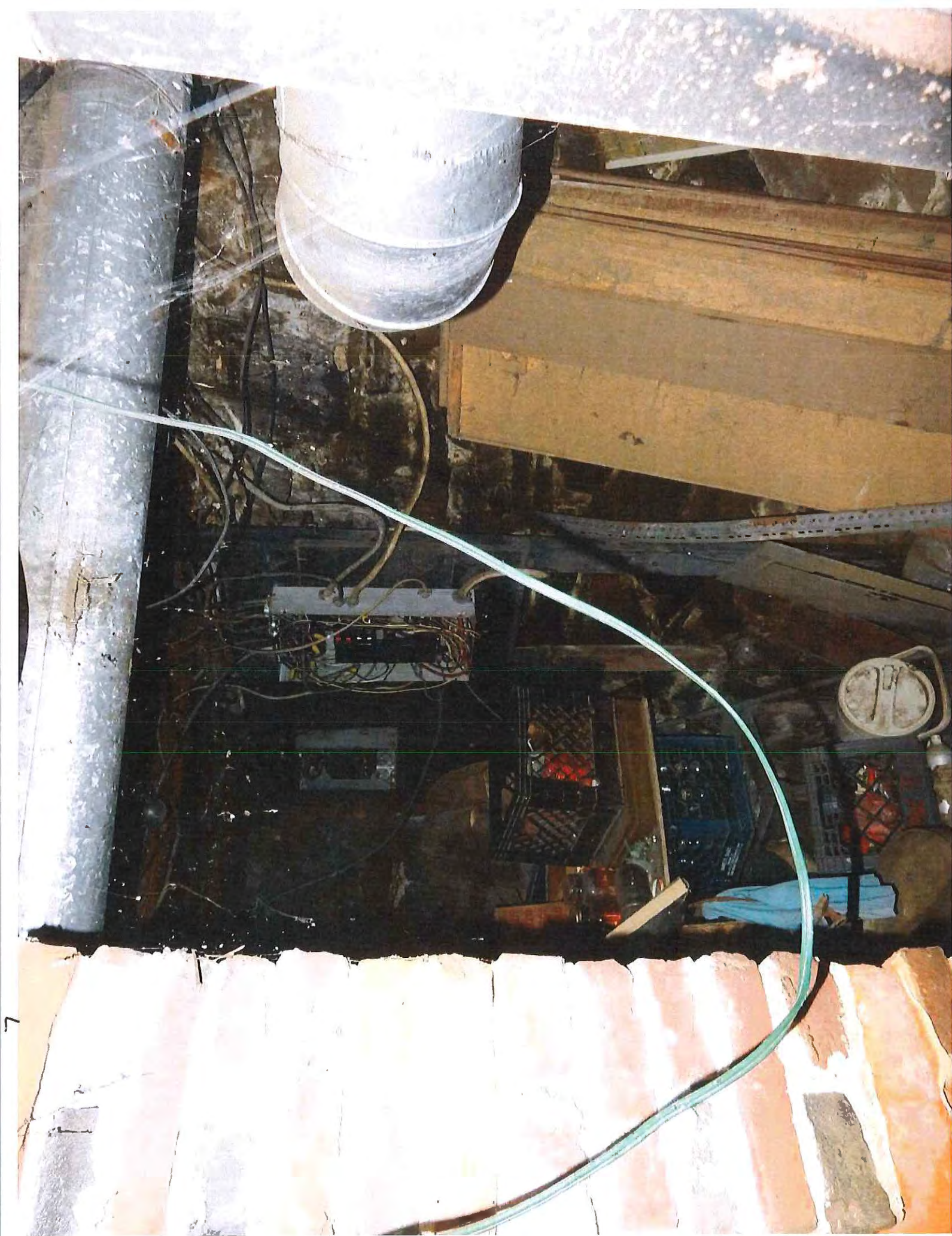












7



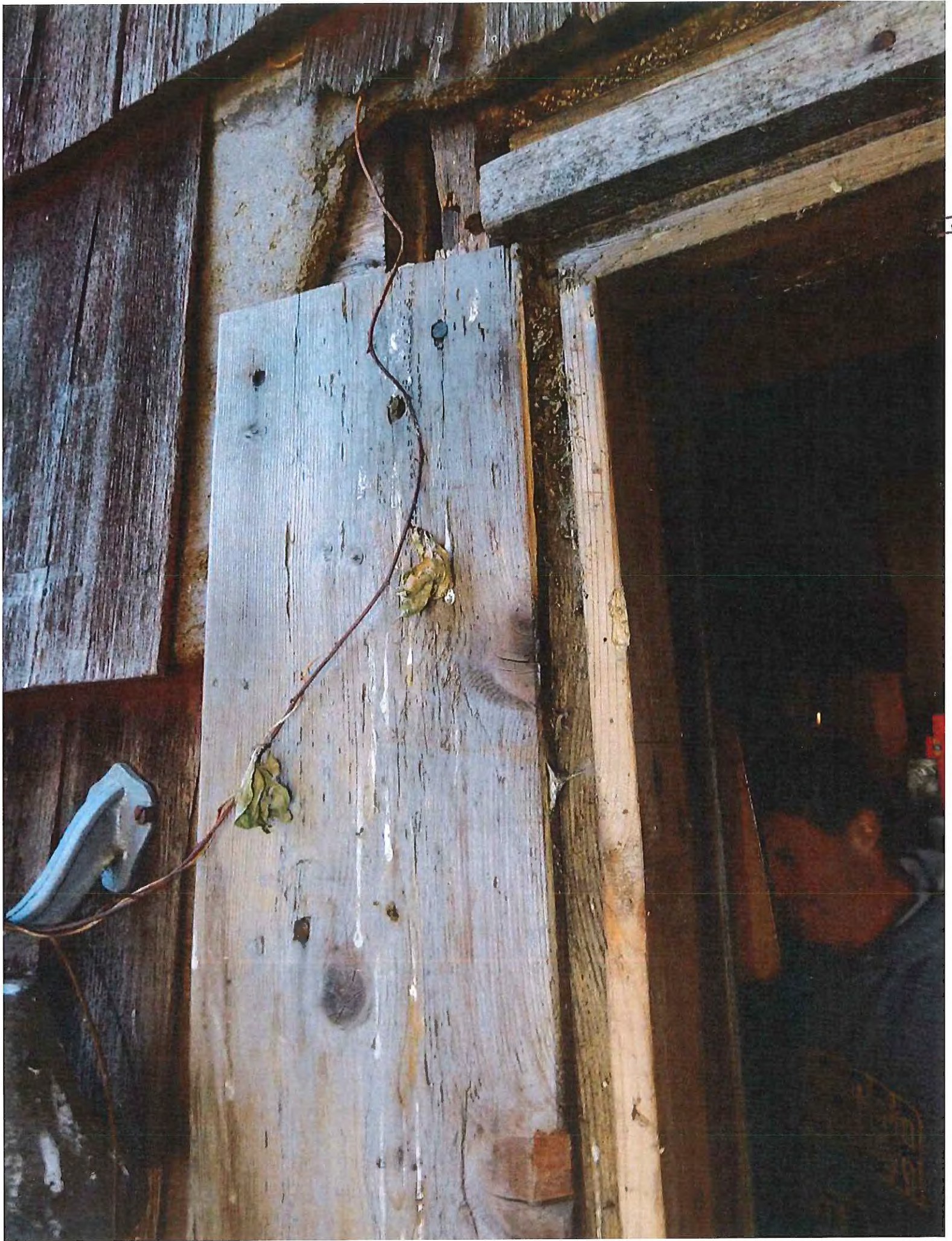
























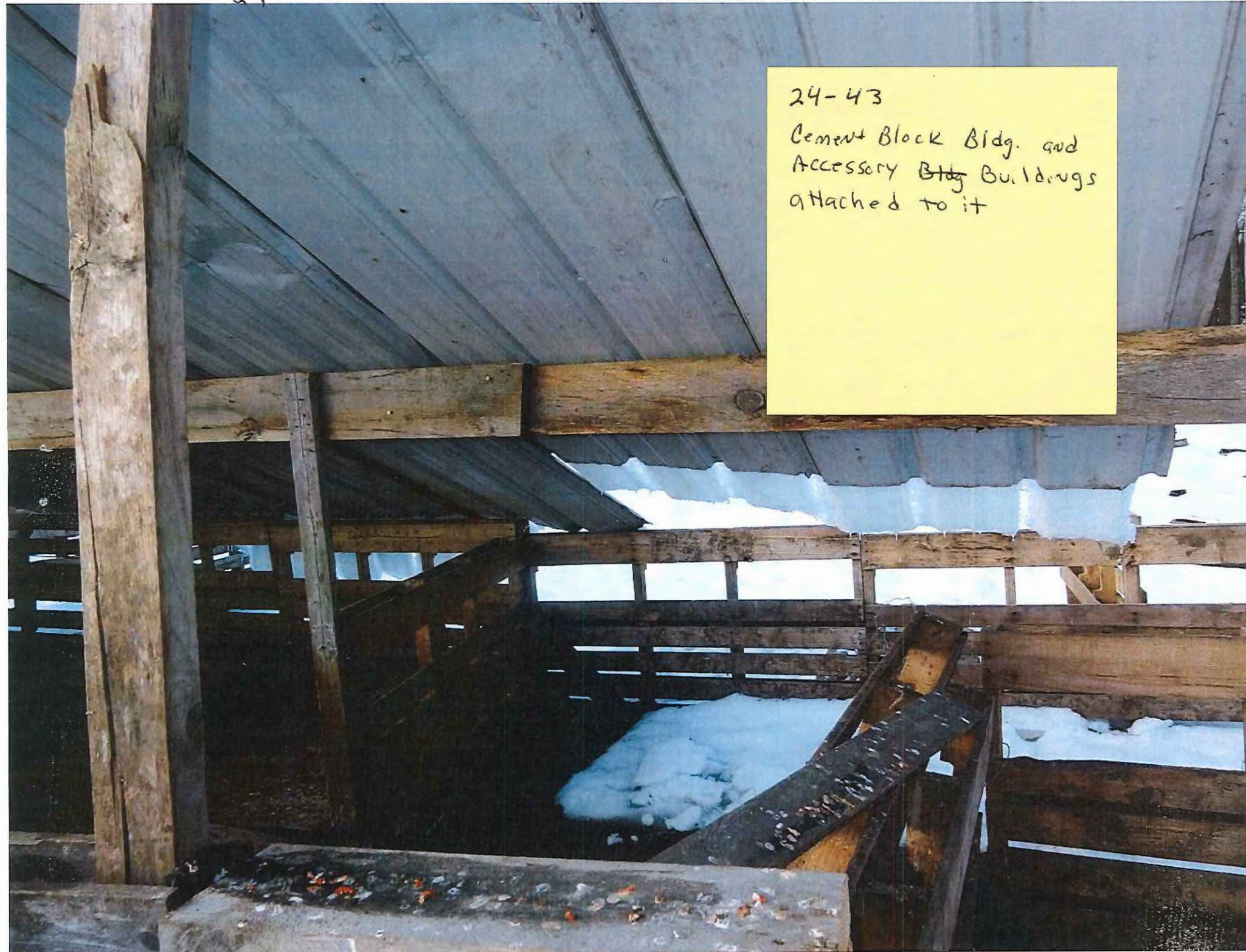




24

24-43

Cement Block Bldg. and
Accessory Bldg Buildings
attached to it

























35

















44

44 - 57

Pig Barn/Pole Barn





Sh



47













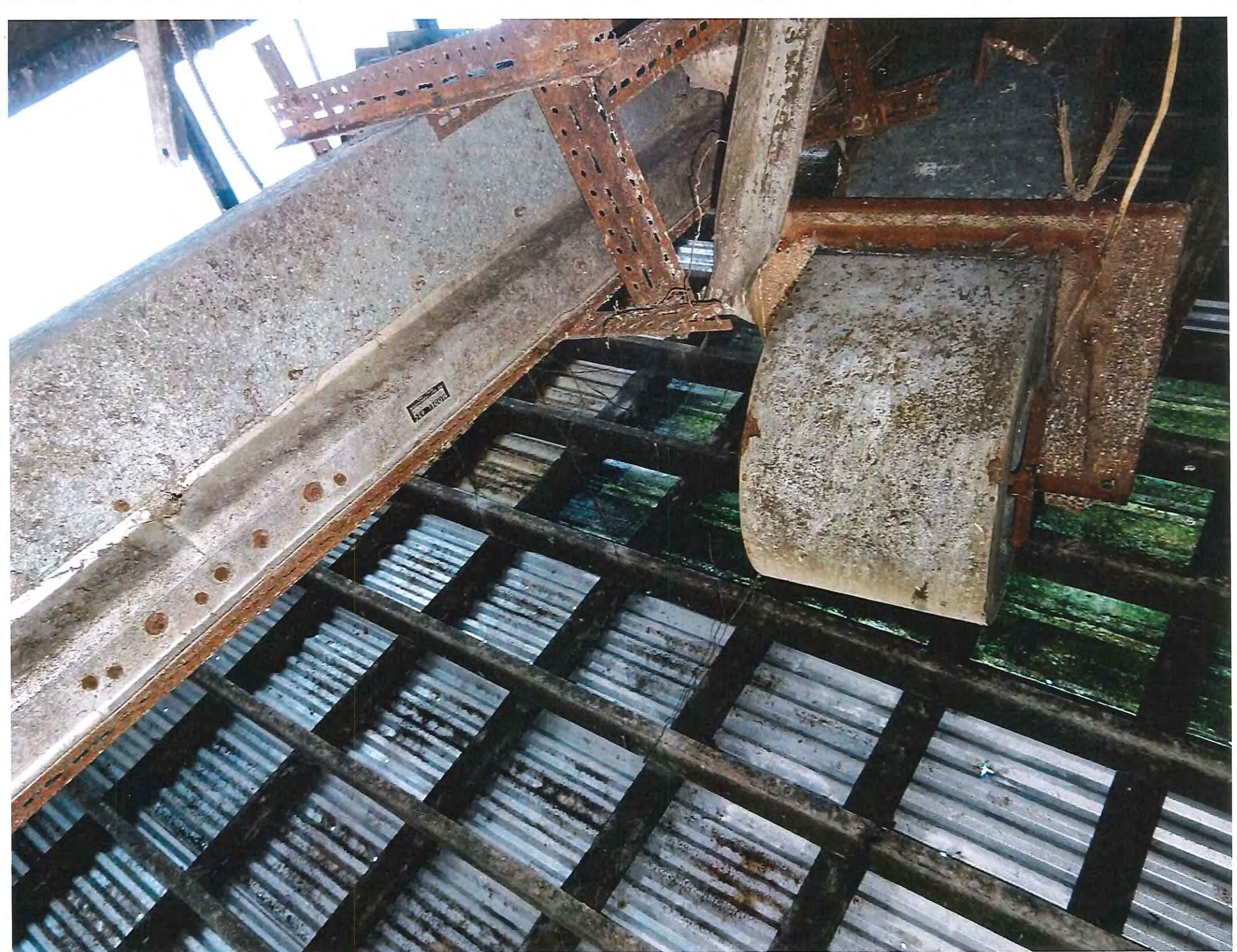






SS

PENNY
TINNY









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

December 14, 2016

66 Westford Road – McNiff Re-Inspection

Present during the inspection in addition to myself were Charles Shultz , Ayer Building Inspector, Carlène Purdy, Ayer Animal Inspector and a representative from the Ayer Police and Ayer Fire Departments as well as a representative from Elder Services.

The inspection was broken into 2 parts. The house was done first and the back yard was done second to assess the trash/rat issue.

Main House – List of Violations

1. Basement is full of debris/ wood (limits access to electrical panel and furnace and hot water heater).
2. Furnace does not appear to be functional.
3. Electrical panel is not safe (appears to be overloaded).
4. Exposed wires in the basement.
5. Basement stairs in disrepair.
6. Back porch/entrance from rear of the house is in complete disrepair. Holes in the floor.
7. Heat in living room was 57F. Heat in the bathroom was 47F. Heat upstairs on the second floor was approximately 39-43 F.
8. There is no evidence of a functional heat system other than a pellet stove in the kitchen/living room area.
9. Ceiling throughout the house is in disrepair (living room, bedrooms, hallway)
10. Several electrical outlets are missing covers and are not working properly.
11. Sub floor only in the kitchen. Floors in disrepair throughout the house.
12. Front doors are not weathertight.
13. Windows throughout are not weathertight and several are broken.
14. Bathroom upstairs is not functional
15. Attic is filled with debris (not accessible – see photos). Evidence of rats
16. Exterior of the house is still in disrepair (with the exception of the portion that was fixed and noted on the inspection report from 12/13/2016)

Exterior Yard- List of Violations

1. The yard is still filled with trash/debris such as plastic barrels, metal barrels, scrap metal, car parts, abandoned cars/trucks/trailers and tires.
2. Evidence of rats (I saw several live ones in the pig barn)
3. Evidence of active burrows near the big barn
4. There was one dead baby pig and one dead calf – see photos)

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

5. Food waste accumulating throughout the abandoned pig pen area outside (potential food source for rats)

According to Mr. McNiff there are approximately 20 pigs remaining and approximately 20 ducks left on the property) The Animal Inspector will have a complete list.

As we completed the inspection of the backyard I did explain to Mr. Miff that he must hire a licensed and insured pest control company to deal with the rat issue. He assured me he would. I also explained that he needed to get that information to the Town Administrator's office. I will follow up with him later today or early tomorrow to see if he is making progress finding a pest control company.


Bridgette Braley
District Sanitarian R.S
Town of Ayer

State Sanitary Code 105 CMR 410.000: Chapter II, Minimum Standards of Fitness for Human Habitation

Date	12/14/16	Time	Ayer	# Occupants	# Children < 6 Years
Address	16 Westford	Unit #		City/Town	Ayer
Occupant Name	Ralph Rd McNiff			Phone #	
Owner Name	"	"		Phone#	
Owner Address	"	"		City/Town	Zip Code
# Dwelling/ Rooming Units in Dwelling				# Stories	2
# Sleeping Rooms	3 bedroom			# Habitable Rooms (.400)	Approx 5
Inspector	B. Bralley			Title	Health Agent

If violations are observed and checked, describe them fully on Page 3.

Area or Element	Type of Violation Use blank boxes for ones not listed	Possible Code Section(s)	✓if Violation Observed	Responsible Party	
				Owner	Occupant
Exterior, Yard & Porch	Locks	480			
	Posting, ID, Exit signs/emergency lights	481, 483, 484			
	Handrails, steps, doors windows, roof	500, 501, 503			
	Rubbish—storage and collection	600, 601			
	Maintenance of Area	602			
Common Areas & Entry	Light, windows	253, 254, 501			
	Egress	450, 451, 452			
	Handrails	503			
Interior Halls & Stairs	Floors, walls ceilings	500			
	Hallways, railings, stairs	503			
	Light, windows	253, 254, 501			
Bedroom 1	Location (circle): Front Rear Middle	Left Middle Right	Floor Level of Unit		
	Ventilation	280			
	Ceiling height	401, 402			
	Windows, screen	501, 551			
Bedroom 2	Location (circle): Front Rear Middle	Left Middle Right	Floor Level of Unit		
	Ventilation	280			
	Ceiling height	401, 402			
	Windows, screen	501, 551			
Bathroom	Toilet, sink, shower, tub, door	150			
	Smooth, impervious surfaces	150			
	Lights, outlets, ventilations	251, 280			
	Floors/walls	504			
Kitchen	Sink, stove, oven; good repair, impervious and smooth, space for a refrigerator	100			

Area or Element	Type of Violation Use blank boxes for ones not listed	Possible Code Section(s)	✓if Violation Observed	Responsible Party	
				Owner	Occupant
Kitchen, cont.	Lights, outlets, ventilation, windows, screens	251, 280, 501, 551			
	Ceiling height	401, 402			
	Floor	504			
Living room and Dining Room	Lights, outlets, ventilation	250, 280			
	Ceiling height	401, 402			
	Windows/screens	501, 551			
Basement	Maintenance	500			
	Watertight	500			
	Lighting	253			
Water	Source (circle): Public Private				
	Must be potable	180			
	Quantity, pressure	180			
	Responsible for paying MGL c 186 s 22, metering	354			
Hot Water	Fuel Type (circle): Natural Gas Oil Electric Other Temp.: °f Location taken:				
	Quantity, pressure, 110 F min, 130 max	190			
	Venting	202			
Heating	Type (circle): Forced Hot Water Forced Hot Air Steam Electric				
	No portable units	200			
	"Habitable room and every room with toilet, shower, tub"	201			
	• 68 F 7 am to 11 pm, 64 F 11:01 pm to 6:59 am, except 6/15-9/15				
	• 78 F max in heating season/measure 5 feet wall, 5 feet floor				
Venting, metering	202, 354, 355				
Electrical	Type (circle): 110 220 Amp:				
	Amperage, temporary wiring, metering	250, 255, 256, 354			
Drainage, Plumbing	Type (circle): Public Private				
	Sanitary drainage required and maintained	300, 351			
Smoke & CO Detectors	Required & operational	482			
Pests	Free of pests (rodents, skunks, cockroaches, insects)	550			
	Structural maintenance and elimination of harborage	550			
Asbestos or Lead Paint		353, 502			
Curtaillment		620			
Access		810			
Other					

*see back
w/m pg. 3*

Referral: Electric Fire Plumbing Building Other

This inspection report is signed and certified under the pains and penalties of perjury.

Inspector Signature *Middleton*

Occupant or Occupant's Representative Signature *X - Ralph [Signature]*

Reinspection Date _____ Time _____

Written description of any violation(s) checked above

Include Area or Element, code citation and a description of the condition(s) that constitute the violation. You may include remedies that would be an acceptable means of achieving compliance with 105 CMR 410.000.

NOTE: *indicates that this housing inspection has revealed conditions which may endanger or materially impair the health, safety, and well-being of any person(s) occupying the premises

windows - disrepair not weather tight

Area/Element, Code Citation and Description of Violation	Acceptable Remedies
- Basement is Full with debris - wood	
- Furnace does not appear operational	
- electrical panel - not safe - overloaded	
- exposed wires in the basement	
- basement stairs in disrepair	
- back porch rotting floors	
- exposed to elements (back porch)	
- Heat in living room 57, Heat in bath 47F	
- ceiling in living room in disrepair	
- sub floor in kitchen	
- sub floor in some parts of living room.	
- ceiling in back storage room in disrepair	
- ceiling in bedroom in disrepair	
- Front doors not weather tight	
- Floor - to second floor - in disrepair	
- electrical outlet covers missing upstairs	
- Bathroom upstairs - not functional	
- Floor in disrepair upstairs	
- Attic in disrepair - evidence of rats	
- Bedroom upstairs 39	
- Saw several live rats inside barn (pig barn)	

*1 dead pig
1 dead calf*

windows outside - still in disrepair

12/14/2016

Follow-up Re-Inspection of McNiff Farm located at 64/66 Westford Rd, Ayer, Ma

At 10:00 am today, 12/14/16, I arrived at the McNiff Farm located at 63/66 Westford Rd.

All cattle have been removed from property. Remaining count = 0

Ducks still remain on property. Count = 10

Most Swine removed from property, remaining count = 35

Multiple rats seen throughout swine barn (Pole Barn)

Multiple rat burrows throughout swine barn

Remaining Swine are confined to 2 stalls with clean shavings. Heavy Plastic has been applied to exposed side to protect against weather.

1 deceased swine witnessed on property in outside containment

1 deceased calf witnessed on property in outside containment

Verbally told by Mr McNiff where animals were taken to, response was "The Flame" which is a Stockyard located in Littleton, Ma. Others went to Pennsylvania.

Mr McNiff was informed by me that all ducks have to go as well as remaining swine. Reiterated to Mr. McNiff "All animals" are to be gone. He informed me they would all be gone by Sunday. He can only move so many at a time. I will be going back out on Monday 12/19/16 to confirm no animals remain on property.

Deceased animals have been referred to the MSPCA Officer covering this case.

Carlene Purdy
Animal Inspector
Town of Ayer