

MEMO

To: Sewer User Charge Appeal Committee
From: Michael P. Perreault, Public Works Director
cc: Jim Wheeler, City Manager
Subject: Sewer Abatement Requests
Date: June 7, 2018

This year the Sewer Dept. received 4 abatement requests. The status of these requests is as follows:

- No requests have been abated.
- Four requests to be reviewed by Sewer User Charge Appeal Committee (SUAC)

Attached are sewer abatement requests which by City Ordinance Sec.16-130 is to be reviewed by the Sewer User Charge Appeal Committee of the City Council. Prior to consideration of these requests, you may want to review Sections 16-130 of the Code (copy attached). Also attached are some policy guidelines which were adopted by the S.U.A.C. in 1997. The nature of the abatement requests will relate to:

- Faulty plumbing
- Bill too high
- Running water

A discussion of the individual cases follows. Included are copies of the current abatement requests as submitted to the Public Works Department. You are encouraged to review the individual abatement requests since the summary provided below is a condensed interpretation of each case.

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| 1. <u>Alan J. Lorandean Jr</u> | <u>Amount Billed:</u> | \$217 |
| 63 Emerald Street, Suite 515 | <u>Last Year's billing:</u> | \$64 |
| Keene, NH 03431 | | |
| Account # 023200 | | |

Reason for Request: Increased consumption because of pool fill up by tenant and none of water went to sewer.

Comments: Want an average of past years.

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| 2. <u>Colette Caron</u> | <u>Amount Billed:</u> | \$315 |
| 2 Grandview Drive | <u>Last Year's billing:</u> | \$309 |
| Berlin, NH 03570 | | |
| Account # 604250 | | |

Reason for Request: Finds the bill high for one person.

Comments: Informed Mrs. Colette Caron of the option of installing a meter on well supply.

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| 3. <u>D&L Lufkin Properties, LLC</u>
2494 Westside Lake Road
Maidstone, VT 05905
Account # 041200 | <u>Amount Billed:</u> \$3719
<u>Last Year's billing:</u> \$1447 |
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Reason for Request: Leaking faucets and toilets in 6 unit apartment building

Comments: They repaired everything immediately and consumption went down.

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| 4. <u>Gedeon J. Vallee</u>
118 York Street
Berlin, NH 03570
Account # 78200 | <u>Amount Billed:</u> \$1077
<u>Last Year's billing:</u> \$148 |
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Reason for Request: Leaky toilets 1st and 2nd floors.

Comments: faulty plumbing issues.

The Sewer User Charge Appeal Committee is being asked to officially rule on these requests at the June 11th, 2018 City Council meeting as you see appropriate.

Abatement Requests and Appeals Policy

1. It shall be the responsibility of the party seeking an abatement to provide reasonable proof and substantiating evidence that supports the request for an abatement.
2. The determination of the adequacy of the evidence shall be at the sole discretion of the Sewer User Charge Appeal Committee.
3. Each case shall be decided on its own merits, based on the supporting documentation provided.
4. A user's classification shall be defined by sewer use in accordance with Section 16-130 of the Code of the City of Berlin.
5. In cases where there may be a question with regard to sewer use and/or classification, the annual sewer bill may be based on the most stringent classification (100% of water consumption). The sewer bill may be abated through the abatement process, in accordance with the Sewer User Ordinance and supporting policy of the Sewer User Charge Appeal Committee.

Sec. 16-130. Abatements and appeals.

- (a) Requests from users for abatements and/or appeals shall be made to the Public Works Director in writing on prescribed forms. The Public Works Director is hereby empowered to grant abatements resulting from errors in the meter-reading calculation and clerical process of producing invoices.
 - (b) Other abatement requests and/or appeals shall be reviewed by a sewer user charge appeal committee of the City council. The committee shall adopt formal abatement policies and publicize these in the general news media.
 - (c) All abatement requests and/or appeals must be made to the committee within thirty (30) days of the date of invoice.
 - (d) The decision of the committee shall be final and subject only to the superior court relief under RSA149-I:15..
 - (e) All abatement requests must be accompanied by documentation sufficient to prove the extent of the abatement requested.
 - (f) No abatements shall be provided for prior years' sewer charges. No abatement shall be provided for swimming pools.
 - (g) The sewer user charge appeal committee reserves the right to make one-time abatements for special or unique circumstances.
 - (h) Abatements may be based on any percentage of the billed amount, up to and including but not exceeding one hundred (100) percent, as the sewer user charge appeal committee deems fit.
 - (i) In cases where it is impossible or impractical to submeter water flows which do not enter the City's sewer system or to meter actual sewer outfall flows, and because the nature of the water use indicates that the billable consumption for sewer use should not be based on the total water consumption, the sewer user charge committee reserves the right to establish automatic abatements for a period not to exceed three (3) years. In such cases, it is the responsibility of the customer to request extensions of the abatements after each three-year period, and the customer shall be required to provide proof that the water use patterns have remained the same or to substantiate any claims for greater or lesser abatements.
 - (j) Submission of an abatement request does not relieve the customer of payment of the original billed amount. Payment shall be required within thirty (30) days of the invoice date, regardless of whether an abatement is pending or not. Refunds of excess principal and interest shall be provided for accounts which are abated.
- (Ord. No. 37, Art. III, § 4, 11-16-81; Ord. of 8-7-89(2); Ord 2-5-07)