

MEMO

To: James Wheeler
From: Eric Grenier, Public Works Director
Subject: Sewer Abatement Requests
Date: June 10, 2019

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

- No requests have been abated.
- Thirteen requests to be reviewed by Sewer User Charge Appeal Committee.

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. 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
- Financial Hardships
- 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.

1) Donald Baker Property: 20 Ramsey St. Mailing: 586 Main St Gorham, NH 03581 Account # 067500	<u>Amount Billed:</u> \$1,056 for 159 HCF <u>Last Year's billing:</u> \$105 for 16 HCF *BWW confirmed that \$429.00 was abated on assessment portion of the bill
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Reason for Request: Failed pipes burst. Water in cellar and top floor with many repairs.

2) Dennis and Karen Thompson Property: 186 Church St Mailing: 10 Elise Drive Berwick, ME 03901 Account # 075600	<u>Amount Billed:</u> \$1,195 for 180 HCF <u>Last Year's billing:</u> \$26 for 4 HCF
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Reason for Request: Summer seasonal home, very little water usage last year. This bill is substantially higher than normal.

3) Donald and Katherine Couture 302 Church St Berlin, NH 03570 Account # 075000	<u>Amount Billed:</u> \$432 for 65 HCF <u>Last Year's billing:</u> \$335 for 51 HCF
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Reason for Request: Leaking circulator pump.

4) **Daniel Schruender**
20 Houle St
Berlin, NH 03570
Account # 062700

Amount Billed: \$325 for 49 HCF
Last Year's billing: \$250 for 38 HCF

Reason for Request: Low income, financial hardship.

5) **Emile Vendette**
Property: 167 Norway St
Mailing: Ruth Vandette
24 Villa Roma Drive
Tewksbury, MA 01876
Account #085700

Amount Billed: \$2,915 for 439 HCF
Last Year's billing: \$217 for 33 HCF
*BWW confirmed that \$1,170.00 was abated on assessment portion of the bill

Reason for Request: Elderly resident with unknown sump pump issues during the last quarter of 2018.

6) **Rita Leclerc**
425 Coos St
Berlin, NH 03570
Account #133950

Amount Billed: \$498 for 75 HCF
Last Year's billing: \$250 for 38 HCF

Reason for Request: Shut off valve to water spigot was not working.

7) **Carlos Cernuda**
Red Baron Holdings, LLC
Property: 467 Burgess St
Mailing: 32 Shelburne Rd
Nashua, NH 03063
Account #146175

Amount Billed: \$2,397 for 361 HCF
Last Year's billing: \$381 for 58 HCF

Reason for Request: Two out of three vacant rents with a major water leak. Unable to get plumber there because of bed bug infestation. Had to wait until Presidential Pest Control took care of it until the plumber went in. Lots of water damage.

8) **Normand W. Roy**
1 Alice Street
Berlin, NH 03570
Account #600055

Amount Billed: \$1,872 for 282 HCF
Last Year's billing: \$420 for 64 HCF

Reason for Request: Leak in hot water heater, and leaking toilet.

Comments: Has a well with meter that serves three properties, but one of the properties is billed separately with an average.

9) **Dana Legendre**
Property: 683 Fourth Ave
Mailing: 529 Forbush Ave
Berlin, NH 03570
Account #18300

Amount Billed: \$120 for 18 HCF
Last Year's billing: \$217 for 33 HCF

Reason for Request: Water was shut off for the 3rd and 4th quarter of 2018.

Comments: WW Reading on 7/6/18 for 12HCF; and reading on 10/5/18 was 6HCF.

10) **Francine Boyer**
Property: 80 Eighth Street
Mailing: 1017 Meadow Lane
Dunbarton, NH 03046
Account #107700

<u>Amount Billed:</u>	\$438 for 66 HCF
<u>Last Year's billing:</u>	\$473 for 72 HCF

Reason for Request: Thinks there might be a problem with the meter. Also a financial hardship with limited income.

11) **Donna Silk**
8 Perkins Place
Berlin, NH 03570
Account #083800

<u>Amount Billed:</u>	\$910 for 137 HCF
<u>Last Year's billing:</u>	\$46 for 7 HCF

Reason for Request: Frozen and cracked outside spigot and expansion tank on water heater failed.

12) **William Glover**
106 Prospect St
Berlin, NH 03570
Account #62200

<u>Amount Billed:</u>	\$1,361 for 205 HCF
<u>Last Year's billing:</u>	\$401 for 61 HCF

Reason for Request: Broken water pipes, unusually high bill. Requesting and extension of the payment due date.

13) **Jean-Paul Michaud**
568 First Ave
Berlin, NH 03570
Account #009050

<u>Amount Billed:</u>	\$1,129 for 170 HCF
<u>Last Year's billing:</u>	\$434 for 66 HCF

Reason for Request: They have been upgrading/fixing the plumbing and it would be a financial difficulty paying such a high bill.

The Sewer User Charge Appeal Committee is being asked to officially rule on these requests at the June 10, 2019 City Council meeting or 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)