

Chapter 198A
UTILITY ABATEMENT REQUESTS

§ 198A-1. Filing of abatement requests; valid complaints.

§ 198A-2. Required information; burden of proof.

§ 198A-3. Submittal and investigation of request.

§ 198A-4. Placement of request on Selectmen's agenda.

§ 198A-5. Resolution of request.

§ 198A-6. Payment of disputed amount.

§ 198A-7. Nonpayment of outstanding bills.

§ 198A-8. Applicability.

§ 198A-9. Assistance with filing applications.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 7-9-01. Amended 8-30-04, July 11, 2005, September 8, 2009 and April 12, 2010.]

§ 198A-1. Filing of abatement requests; valid complaints.

Any customer of the Northbridge water system or sanitary sewer system may file an abatement request if he or she believes that the amount charged on the utility bill is in error by reason of incorrect readings, disruption of service, miscalculation of bill or other similar reason. Beginning with all sewer bills issued after July 1, 2009, the Town has adopted a winter quarter billing policy for all sewer bills. On March 22, 2010 the Board of Selectmen amended the winter quarter billing policy so that it applies only to single family residences. All other categories of sewer customers will be billed using actual water consumption for each billing quarter. All sewer bills for single family residences will be based on the customer's winter quarter water consumption, therefore sewer abatement requests for lawn watering, garden irrigation, pool maintenance and similar outdoor usages will not be accepted. Abatement requests will not be considered when filed to dispute the utility rate being used to calculate the utility bill.

§ 198A-2. Required information; timeframe for filing; burden of proof.

Abatement requests must be received by the Town within 30 calendar days of the billing date of the bill being disputed on a form approved by the Board of Selectmen. Application forms may be obtained from the Town Manager's Office, Treasurer-Collector's Office, Department of Public Works or on the Town of Northbridge website at www.northbridgema.org/dpwforms.htm. Applications received more than 30 days after the billing date are untimely submissions and will be returned without action. The request must state the reason for the abatement request and the amount of abatement being requested. The burden of proof for the abatement shall rest upon the applicant. The abatement request must include adequate information that will support the applicant's request. Some examples include previous utility bills indicating different meter readings, evidence of mathematical errors in computing charges, evidence of faulty meters, etc.

§ 198A-3. Submittal and investigation of request.

Abatement requests will be submitted to the Town Manager's office and immediately forwarded to the Department of Public Works (the Department) for investigation and review. The written determination of the Department on the disposition of the abatement request will normally be completed and returned to the applicant within calendar 30 days of receipt of the abatement request. The Department is authorized to approve, modify, or reject the request of the applicant or take any other action deemed appropriate in disposition of the abatement request. The Department will notify the applicant in writing of their determination.

§ 198A-4. Placement of request on Selectmen's agenda.

In the event that the applicant disputes the decision of the Department, the applicant may appeal the decision in writing to the Board of Selectmen. The applicant's appeal must provide specific evidence in support of his/her position in disputing the decision of the Department. At the next regularly scheduled Selectmen's meeting after receipt of the applicant's written appeal, the Chairman of the Board of Selectmen will place the abatement request appeal on their agenda and will so notify the applicant. The Selectmen will review the abatement request appeal, allowing the applicant to speak to the issue, and the determination of the Department of Public Works. The Board of Selectmen will then render a final decision on the applicant's appeal.

§ 198A-5. Resolution of request.

The Board of Selectmen may resolve the abatement request appeal on the basis of the applicant's position, the Department's determination, some combination thereof, or on any other basis as deemed appropriate by the Board. The Board may also table the matter to a future meeting should it require additional time to make a decision or require additional information, but in no event will a final decision be delayed longer than 30 days after the matter has first been heard by the Selectmen.

§ 198A-6. Payment of disputed amount.

To prevent the issuance of late notices and the assessment of interest charges, applicants must make timely payment of their utility bills. It is not necessary for the abatement applicant to pay the disputed amount pending the decision of the Department of Public Works; any undisputed amount, however, shall be paid when due. Before applying for an abatement, applicants should contact the Department of Public Works at 508-234-3581 to obtain information on minimum payments that must be submitted to prevent issuances of late notices. Should the decision of the Department not be in favor of the applicant or should the amount of the abatement that is approved be less than the amount requested, the applicant will be required to pay any interest charges that may have accrued on the disputed balance.

§ 198A-7. Nonpayment of outstanding bills.

Although it is the policy of the Board of Selectmen to use discontinuance of service as its preferred method of requiring payment of outstanding utility bills, in certain situations liens may be placed on the real estate where the service is provided pursuant to MGL C. 40, §§ 42A through 42E (water) or MGL C. 83, §§ 16A through 16E (sewer). The owner of the real estate has a right to request an abatement of the amount of the lien as allowed in the before-mentioned statutes and, to the extent possible, the Board of Selectmen will utilize the procedures outlined in this policy in deciding the abatement request.

§ 198A-8. Applicability.

This policy is effective seven days after adoption by the Board of Selectmen and is applicable to all water and sewer bills issued by the Town of Northbridge with a billing date more than seven days after the adoption of this policy.

§ 198A-9. Assistance with filing applications.

Applicants may contact the Northbridge Department of Public Works (DPW) at 508-234-3581 to obtain assistance in filing an application. Contact with the DPW does not relieve applicants of their responsibility to make timely payments of the undisputed billing amount or of the requirement to file an application within thirty days of the billing date.