

	Town of Plymouth
	Water/Sewer Abatement Policy
Effective Date	July 9, 2008
Expiration Date	None
Last Date Revised	July 6, 2008
Town Manager	Approved July 3, 3008
Selectmen Vote	July 8, 2008

Water/Sewer Abatement Policy

Filing of abatement requests; valid complaints.

Any customer of the Plymouth 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. No abatement requests for lawn watering, garden irrigation and similar outdoor usages will be accepted. Timely payments of the disputed billing amount is a requirement to file an application. Abatement requests will not be considered when filed to dispute the utility rate being used to calculate the utility bill.

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, the Department of Public Works or on the Town of Plymouth website at http://www.plymouth-ma.gov/Public_Documents/PlymouthMA_Sewer/index 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.

Submittal and investigation of request.

Abatement requests will be submitted to the Department of Public Works office and immediately forwarded to the Water/Wastewater Division (the Division) 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 30 calendar 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.

In the event that the applicant disputes the decision of the Department, the applicant may appeal the decision in writing to the Office of the Town Manager. The applicant's appeal must provide specific evidence in support of his/her position in opposition to the decision of the Department. The written determination of the Office of the Town Manager on the disposition of the abatement request will normally be completed and returned to the applicant within 30 calendar days of receipt of the abatement request. The Office of the Town Manager 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 Office of the Town Manager will notify the applicant in writing of their determination.

Placement of request on Selectmen's agenda.

In the event that the applicant disputes the decision of the Office of the Town Manager, 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 opposition to the decision of the Office of the Town Manager. 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 both the Department of Public Works and the Office of the Town Manager. The Board of Selectmen will then render a final decision on the applicant's appeal.

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.

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 necessary for the abatement applicant to pay the disputed amount pending the decision of the Department of Public Works.

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.

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 Plymouth with a billing date more than seven days after the adoption of this policy.

Assistance with filing applications.

Applicants may contact the Plymouth Department of Public Works (DPW) at 508-747-1620 ext 131 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.



TOWN OF PLYMOUTH

Department of Public Works
11 Lincoln Street
Plymouth, MA 02360

Roger Hammond
Director of Public Works

Application for Utility Abatement

INSTRUCTIONS: Please type or legibly print all information. Attach documentation that supports the abatement request.

Sign, date and submit to: Office of the Department of Public Works, 11 Lincoln Street, Plymouth, MA 02360. Applications must be received within 30 calendar days of the billing date of the disputed bill. Late applications will be returned. For assistance in completing this form contact Plymouth DPW AT 508-747-1620 ext 131.

Name of Applicant: _____

Application Number: _____

(Leave Blank)

Mailing Address: _____

Telephone Number: _____

Utility Abatement Requested for (Check appropriate block)

Water: _____ Sewer: _____

Location and description of property served by the utility:

Account #: _____ Date of Bill: _____ Billing period from _____ to _____

Amount of Bill: \$ _____ Amount of Abatement Requested: \$ _____

Reasons for Abatement Request:

(Use additional pages and/or attach supporting documents if needed.)

Subscribed this _____ day of _____ 200__ under penalties of perjury.

Signature of Applicant: _____

Do not write below this line

Reviewed by: _____ Date of Review: _____

Application for Utility Abatement, cont.

Comments:

Recommendation: ___ Disapprove ___ Approve Amount \$ _____

Action Taken: ___ Approved Amount \$ _____ ___ Disapproved

Approval/Disapproval Signature: _____

Date: _____