

MEMORANDUM

TO: Jonathan Freedman, Chair, Select Board
FROM: Jamie Errickson, Deputy Town Administrator, Operations
CC: Melissa Malone, Town Administrator
DATE: October 12, 2020
RE: **Water/Sewer abatement request:** Andrew & Erin Sibley

This memo provides additional context and explanation regarding the recent abatement request of Andrew and Erin Sibley for property at 13 Hudson. The Sibleys received a quarterly water/sewer bill for the period of 4/1/20 to 6/30/20 for \$1,235.86 (usage 62 units) and applied for an abatement on July 31, 2020. The abatement request noted the reason for the increase in usage being the installation of a new lawn, which necessitated watering. No permanent irrigation system was installed as part of the new lawn, but a temporary irrigation system was used during the initial lawn watering.

Per the Water and Sewer Bill Adjustment/Abatement Policy, this abatement request was determined to apply under Section 2f, which states:

A user installs an irrigation system and was not told by the installer that the town uses irrigation meters and therefore an irrigation meter would be required to avoid paying sewer charges. The owner has subsequently installed an irrigation meter. An abatement of the water and sewer charges may be granted by calculating the average use for that quarter and billing the excess water used at irrigation rates. The abatement can only be granted where it has been demonstrated to the Deputy Town Administrator's satisfaction that an irrigation meter has been installed for future use.

Town Administration determined that an abatement in the amount of \$465.02 could be applied to this request upon evidence of the installation of an irrigation meter. In discussions with the Sibleys, an irrigation meter is not desired since no formal irrigation system was installed and therefore such a meter would not be a benefit. Further, this was a one-time significant lawn watering, and the installation of such a meter would cost more than the abatement. As such, the abatement request was effectively denied.

The Sibleys inquired whether Section 2c is applicable for this request. This section states:

the sewer portion of a water & sewer bill where it has been demonstrated to the Deputy Town Administrator for Operations' satisfaction that uncharacteristic elevated water usage during a

particular billing period did not result in the water entering the sewer system; i.e. an outside leaky faucet, a burst heating pipe.

Upon review of the policy and past practice, it was determined that Section 2c would not apply in this case. Based on research of the past applications of Sections 2f and 2c, abatement requests similar to the Sibleys have typically been handled under the provisions of Section 2f. Further, Section 2c applies to "uncharacteristic elevated water usage" such as an "outside leaky faucet" or "burst heating pipe". Given the examples provided as defining uncharacteristic water usage, Town Administration determined that the installation of a lawn thereby necessitating the deliberate watering of said lawn is not consistent with the examples provided in Section 2c that the policy considers to be uncharacteristic, which are unexpected events.

Please note that the Sibleys and Town Administration worked closely throughout the review process for this abatement request. As noted in the policy, ratepayers have the right to appeal the decision of the Deputy Town Administrator, which the Sibleys chose to do and which is why this case is before the Select Board.