

TOWN OF RANDOLPH, VERMONT
POLICY ON WATER AND SEWER BILL ABATEMENTS

I. Policy Objectives

It is the intent of this policy to provide for clear guidance and consistent practice of hearing and taking action requests for abatements of water and/or sewer charges.

II. Definitions

- A. Abatement – The reduction or waiver of any or all charges for usage of the public water or sewer services.
- B. Commissioners – The Randolph Selectboard, acting as either the Water or Sewer Commissioners, as applicable.
- C. Customer – Any owner whose property receives water and/or sewer service from the public systems, as applicable.
- D. Department – The Water and/or Sewer Department, as applicable.

III. General Requirements

- A. Any person requesting an abatement of his or her water and/or sewer bill shall provide such a request in writing within 30 days from the due date of the bill. As described below, a form may be provided depending on the nature of the abatement. Only requests from persons who are customers of the service from which an abatement is being sought shall be considered. Failure to request an abatement within the afore-mentioned 30 days shall render the bill final and payable as indicated on the bill.
- B. The Town Manager shall take action on all requests in a timely manner, preferably before the next billing cycle of the customer. The Town Manager is encouraged to consult with the Water and Sewer Superintendent about the request to ascertain the facts and nature of the request and also may forward the request to the Water and Sewer Advisory Committee for a recommendation. If the amount of the abatement, if granted, would be over \$500, the Town Manager is encouraged to obtain a recommendation from the Water and Sewer Advisory Committee. The customer shall be notified in writing of the Town Manager's decision regarding the abatement request considered under this policy. Such decision shall be appealable as provided for below.
- C. An abatement request does not absolve the customer from having to pay the bill in question in a timely manner and special charges may be assessed as is protocol for overdue bills.
- D. Once an abatement has been granted:
 - 1. If the bill has been paid in full, the abatement shall be reflected as a credit on the next bill. No refunds shall be paid unless the customer will not own the property at the time of the next bill.
 - 2. If the bill has not been paid in full or not paid at all, a revised bill shall be prepared and mailed to the customer.

IV. Allowable Water Bill Abatements

- A. In general, requests for water bill abatements shall be granted if it can be ascertained that the water did not pass through the meter or if the water was used by the Town. Specific situations which qualify for a water abatement are as follows:
1. A bill for which a water meter tested by Department personnel was found to over register the amount of water passing through it¹. If the meter, after testing, is found to be accurate within 5% or is under registering, the charge for the testing shall be borne by the customer making the abatement request.
 2. Water needed by the Town that is obtained from the customer.
 3. Running of water to prevent freezing ONLY if authorization to do so is received from the Department prior to allowing it to run. Such authorization must be obtained each year and a prior authorization does not automatically carry over to subsequent years. (see the Randolph Village Water Ordinance)
- B. The amount of the abatement shall be for the water not used by the customer or as otherwise determined to reflect the amount not used. For the specific situations described above, the amount of the abatement shall be as follows:
1. For water meters found to be over registering - the amount of over-registration based on the water meter testing.
 2. For water utilized by the Town - the actual amount used if it was metered separately or if meter readings were obtained such that the actual usage is known, or the difference between the current bill and the average bill for that billing cycle from the past 3 years.
 3. For authorized running of water - the difference between the current bill and the average bill for that billing cycle from 3 previous years when water was not running.

V. Allowable Sewer Bill Abatements

- A. In general, requests for sewer bill abatements shall be granted if it can be ascertained that an unusual event occurred whereby there was no discharge into the public sewer system or the Department authorized running of water for system maintenance. Specific situations which qualify for a sewer abatement are as follows:
1. Filling of swimming pools which are not drained into the public sewer ONLY if request is made and approved PRIOR to the filling of the pool (form to be provided and submitted with request). Such approval must be obtained each year and a prior approval does not automatically carry over to subsequent years.
 2. A broken water pipe where the water did not enter into the public sewer system.
 3. Running of water to prevent freezing ONLY if authorization to do so is received from the Department prior to allowing it to run. Such authorization must be obtained each year and a prior authorization does not automatically carry over to subsequent years. (see the Randolph Sewer Ordinance).

¹ It is understood that the likelihood of a malfunctioning meter to over-register is extremely rare. However, it was thought prudent to this option open to the customer.

- B. The amount of the abatement shall be for the sewer service not used by the customer or as otherwise determined to reflect the amount not used. For the specific situations described above, the amount of the abatement shall be as follows:
 - 1. For the filling of swimming pools - the volume of the pool or metered usage, at the discretion of the Superintendent.
 - 2. For a broken water pipe - the difference between the current bill and the average bill for that billing cycle from the past 3 years.
 - 3. For authorized running of water - the difference between the current bill and the average bill for that billing cycle from 3 previous years when water was not running.

VI. Typical Unallowable Abatements

Below is a list of typical situations for which water and/or sewer bills will not be abated. It is not intended to be an exhaustive list but is included only to clarify the most common situations for which abatements are requested and to illustrate the types of situations for which abatements will not be granted.

- A. Vacancy and/or non-use of a structure, either in whole or in part.
- B. Outdoor use of water for car washing or lawn watering.
- C. Leaking toilets, dripping faucets or other such faulty appliance or indoor plumbing.
- D. Excessive use by tenants.
- E. Unauthorized running of water to prevent freezing.
- F. Pools filled prior to receiving abatement approval.
- G. Topping off of swimming pools.

VII. Appeals

- A. Any person aggrieved by a decision of the Town Manager regarding an abatement request may appeal that decision to the Commissioners within 30 days of notification of such decision. Failure to appeal the decision within this 30 days shall render the decision final and binding.
- B. All appeals shall be in writing, addressed to the Chair of the Commission and shall state the reason for the appeal.
- C. If the abatement request and decision under appeal was never before the Water and Sewer Advisory Committee, the Commissioners may chose to obtain a recommendation of the Committee prior to rendering a decision on the appeal.
- D. Any person aggrieved by a decision of the Commissioners may avail him- or herself to any remedy allowed by state statute.

Repeal of Prior Policies, Ordinances, Regulations

This policy shall amend and replace any provisions of any policy or ordinance of the Town in effect at the time of enactment of this policy that governs any activity included in this policy. Nothing in this policy shall be constructed to supersede or replace any Vermont Statute.

VIII. Severability

Each of the provisions of this policy is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

IX. Effective

This policy is hereby adopted by the Randolph Selectboard, acting as the Water and Sewer Commissioners, this 17th day of March, 2009, and is effective as of this date until amended or repealed.

/s/Dennis Brown

/s/Carol Flint

/s/Lawrence Townsend, Chair

/s/Joseph Voci

/s/Stephen Webster