



Office of the Town Clerk

Town of Chelmsford
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Patricia E. Dzuris, CMC
 Town Clerk

CERTIFICATE OF VOTE
ARTICLE 32
Amend Chapter 132 “Sewage Disposal” Section 3 “Grinder Pumps”
2021 Spring Annual Town Meeting
Monday, June 21, 2021

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 32 as part of a consent agenda at the reconvened session of the 2021 Spring Annual Town Meeting on Monday, June 21, 2021 held at the Chelmsford Senior Center, 75 Groton Road, Chelmsford, MA 01863. The meeting was called to order at 7:30 PM by Moderator Jon H. Kurland. There were 118 members present which satisfied a quorum requirement of 82.

ARTICLE 32. To see if the Town will vote to amend Chapter 132 “Sewage Disposal” Section 3 “Grinder Pumps” of the Code of the Town of Chelmsford by adding a new subsection F. as follows:

Section 132-3

F. Allegations of misuse or abuse of any grinder pump or grinder pump system pursuant to Chelmsford Bylaw Chapter 132, Section 132-3, Subsection E shall comply with the following procedure.

- (1) The Town of Chelmsford shall send prior written notice of its intent to charge a property owner for the repair or replacement of any grinder pump or grinder pump system pursuant to Chelmsford Bylaw Chapter 132, Section 132-3, Subsection E. Such notice shall be sent by certified mail, return receipt requested. Copies of Chelmsford Bylaw Chapter 132, Section 132-3 and any repair reports completed by grinder pump repair technicians shall be provided with said notice. Property owners have the right to contest any charges to be assessed by the Town of Chelmsford for the repair or replacement of a grinder pump or grinder pump system. The three-level review process for contesting such charges is as follows:

- (i.) First, within thirty (30) days of the Town’s written notice of intent to assess a grinder pump charge, a property owner may file a written request for relief with the Superintendent of the Department of Public Works Sewer Division, together with copies of any documentation or information the property owner wishes to submit in support thereof. The Superintendent shall review the request and supporting materials and respond in writing within thirty (30) days.

- (ii.) Secondly, if a property owner remains aggrieved by the Superintendent’s response to a request for relief, he or she may appeal that response in writing to the Director of the Department of Public Works within fourteen (14) days. Upon receipt of that appeal, the Director shall schedule a grinder pump hearing to be held within twenty-one (21) days. The Director shall direct the grinder pump technician who repaired or replaced the property owner’s grinder pump or grinder pump system to attend the grinder pump hearing. The property owner may attend the grinder pump hearing (with or without counsel), call witnesses, question any Town witnesses or technicians, and offer any evidence regarding the request for relief. The Director shall issue a decision in writing on the appeal within thirty (30) days after the close of the grinder pump hearing. The attendance of the technician shall be at no cost to the property owner, and if the technician cannot attend due to sickness, vacation, or other comparable reason, the hearing shall

be rescheduled at a mutually convenient date for both the Director, the technician, and the property owner. If the technician cannot attend due to death, serious injury, or because he/she is no longer employed by the entity responsible for the grinder pump repair, or other comparable reason, the Director shall direct another technician to attend, who has comparable experience in servicing grinder pumps and can review the prior technician's report and be capable of testifying in the prior technician's stead.

(iii.) Thirdly, if a property owner remains aggrieved by the Director's decision on appeal, he or she may submit a further appeal in writing to the Town Manager within fourteen (14) days. The Town Manager shall review the proceedings and decision below and, within (30) days issue a decision in writing. The Town shall not assess any charges for the repair or replacement of a grinder pump or grinder pump system until the conclusion of this three-level process.

- (2) Regardless of whether a property owner pursues the three-level review process described above, he or she also has the right to contest a sewer assessment by filing an application for an abatement on an approved form with the Chelmsford Board of Assessors, pursuant to G. L. c. 59, Section 59. For deadlines for filing such applications, contact the Chief Assessor.
- (3) Finally, if the Board of Assessors denies an application for an abatement of a sewer assessment, either in whole or in part, an applicant may appeal to the Appellate Tax Board upon the same terms and conditions as a person aggrieved by a refusal of the Assessors to abate a tax. G.L. c. 83, Section 16E.

SUBMITTED BY: **Citizen Petition – David Foley**

MOTION UNDER ARTICLE 32. I move that the Town amend Chapter 132 "Sewage Disposal" Section 3 "Grinder Pumps" of the Code of the Town of Chelmsford by adding a new subsection F. as follows:

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F. Allegations of misuse or abuse of any grinder pump or grinder pump system pursuant to Chelmsford Bylaw Chapter 132, Section 132-3, Subsection E shall comply with the following procedure.

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 - (i.) First, within thirty (30) days of the Town's written notice of intent to assess a grinder pump charge, a property owner may file a written request for relief with the Superintendent of the Department of Public Works Sewer Division, together with copies of any documentation or information the property owner wishes to submit in support thereof. The Superintendent shall review the request and supporting materials and respond in writing within thirty (30) days.
 - (ii.) Secondly, if a property owner remains aggrieved by the Superintendent's response to a request for relief, he or she may appeal that response in writing to the Director of the Department of Public Works within fourteen (14) days. Upon receipt of that appeal, the Director shall schedule a grinder pump hearing to be held within twenty-one (21) days. The Director shall direct the grinder pump technician who repaired or replaced the property owner's grinder pump or grinder pump system to attend the grinder pump hearing. The property owner may attend the grinder pump hearing (with or without counsel), call witnesses, question any Town witnesses or technicians, and offer any evidence regarding the request for relief. The Director shall issue a decision in writing on the appeal within thirty (30) days after the close of the grinder pump hearing. The attendance of the technician shall be at no cost to the property owner,

and if the technician cannot attend due to sickness, vacation, or other comparable reason, the hearing shall be rescheduled at a mutually convenient date for both the Director, the technician, and the property owner. If the technician cannot attend due to death, serious injury, or because he/she is no longer employed by the entity responsible for the grinder pump repair, or other comparable reason, the Director shall direct another technician to attend, who has comparable experience in servicing grinder pumps and can review the prior technician's report and be capable of testifying in the prior technician's stead.

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- (2) Regardless of whether a property owner pursues the three-level review process described above, he or she also has the right to contest a sewer assessment by filing an application for an abatement on an approved form with the Chelmsford Board of Assessors, pursuant to G. L. c. 59, Section 59. For deadlines for filing such applications, contact the Chief Assessor.
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SUBMITTED BY: **Citizen Petition – David Foley**

Recommendations:

Finance Committee: Unanimously recommends approval of Article 32, 1 abstention.

Select Board: Unanimously recommends approval of Article 32.

The electronic voting devices registered the following votes:

YES: 136 NO: 0 Abstentions: 0

MOTION UNDER ARTICLE 32: Carries by unanimous consent.



Patricia E. Dzuris, CMC
Town Clerk