

Due Process Civil Action Press Release from Sewer Fairness Alliance

The Sewer Fairness Alliance (SFA) of Chelmsford has joined Chelmsford homeowners in a civil action against the Town of Chelmsford for a lack of due process in the Town's Grinder Pump Maintenance Program. The homeowners were charged for the cost of a repair to their grinder pump in violation of the Town by-law, which requires the Town to provide the repair when the failure of the pump is not attributable to the negligence of the homeowner.

A grinder pump is a sewage pump and during power outages the pump stops. This means no water usage and no flushing toilets. The Sewer Fairness Alliance of Chelmsford is an organization of homeowners who received grinder pumps as part of the town wide sewer program.

This grinder pump failure took place during a power outage. According to the grinder pump repair report, the cause of the grinder pump failure was either the power failure itself or that the homeowners had operated the grinder pump with a generator set to an incorrect voltage. The homeowners presented evidence to the Town that this generator had only one voltage setting making it impossible to set it to an incorrect voltage. The homeowners also reported that the technician had not even looked at the generator while he was on site repairing the grinder pump. The homeowners requested that the technician be invited to the appeal meeting before the Department of Public Works so that he could either correct or defend his repair report. The homeowners also requested the Town to inspect their generator if they wanted to refute their claims. The Town denied the homeowners' requests and provided them with no means to correct the demonstrably erroneous grinder pump repair report. The Town's response was an offer to reduce the amount charged to the homeowner from \$1070 to \$640. As part of the SFA's investigation of this incident the rebuild records of the failed pump were requested and they showed that when the failed grinder pump was rebuilt by the same technician that did the on-site repair he concluded at that time that the failure was not due to abuse. Despite this finding the Town was unmoved. The homeowners' response is that it is not right to force them to pay for a grinder pump repair when they have done nothing wrong and when they have not been given an opportunity to correct an erroneous grinder pump repair report.

The Sewer Fairness Alliance of Chelmsford finds the Town's actions in this case to be arbitrary and unreasonable. We are requesting changes to the process of appealing a charge of abuse or misuse of a grinder pump that afford the homeowners basic due process rights allowing them to present a defense. Due process refers to government's fundamental obligation to provide for fair procedures before penalties may be assessed and, in this example, the Town of Chelmsford failed in this obligation. By joining with this civil action the Sewer Fairness Alliance of Chelmsford seeks to establish due process rights not only for grinder pump homeowners, but for all the citizens in the Town of Chelmsford. Those wishing to learn more about the SFA's actions in this case, and to contribute to its efforts to support homeowners may do so at <https://www.sfa-chelmsford.org/case-study.html> .

<https://www.sfa-chelmsford.org/>

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