

Dear Chelmsford Board of Selectmen,

This letter is in reference to the Chelmsford Grinder Pump Maintenance Program and more specifically in reference to the charging of homeowners for misuse and abuse of their grinder pump under the Chelmsford Grinder pump bylaw Section 132-2. My involvement in a recent case of alleged misuse or abuse at [REDACTED] has revealed to me that homeowners are not being afforded the due process rights that any reasonable citizen would expect.

In the case of [REDACTED] the charge of abuse or misuse was based on a grinder pump repair report which identified 2 possible causes for the failure of the grinder pump.

The first possible cause identified was that the pump may have been damaged by a neighborhood power outage. No homeowner would be expected to be responsible for damage to their grinder pump caused by a neighborhood power outage. The Town dismissed this possible cause so the homeowner requested that the grinder pump technician be invited to his appeal hearing so that the technician could either defend or correct his repair report. The Town rejected the homeowner's request.

The second possible cause identified in the repair report was that the homeowner had set his generator to an incorrect voltage. A homeowner could be expected to be responsible for damage to the grinder pump if he had set his generator to an incorrect voltage. The homeowner presented evidence to the Town that his generator had only one voltage setting making it impossible to set it to an incorrect voltage. The homeowner also reported that the technician had not looked at the generator while he was on site repairing the grinder pump. The homeowner requested that the technician be invited to the appeal meeting so that he could either correct or defend his repair report. The Town rejected the homeowner's request.

The result of the homeowner's appeal to the Town is that the Town has reduced the homeowner's charge from \$1065 to \$640. With this action the homeowner is still being charged with abuse or misuse of his grinder pump even though the Town has not specified the method of abuse or misuse. I find the Town's actions in this case to be arbitrary and unreasonable. I believe a process for appealing a charge of abuse or misuse of a grinder pump needs to be put in place which affords the homeowner basic due process rights. In this context due process refers to fair procedures.

Under the Board of Selectmen's Policy of Resolution of Problems and Appeals and Hearing of Appeals I am requesting that the Board of Selectmen hear an appeal of this grinder pump misuse or abuse case and also to establish a fair procedure for the appeal of future grinder pump abuse or misuse cases.

Sincerely,

David Foley
President Sewer Fairness Alliance Inc.
Town Meeting Representative Precinct 5.