

**Town of Hillsborough Water & Sewer Commission**  
**September 20, 2022**  
**Public Hearing Minutes**

Present were Commissioners Chris Sieg and Dave Lewis; and, Penny Griffin, Administrator.

In Attendance: no public in attendance

Commissioner Sieg opened the public hearing at 7:00 p.m.

The public hearing is held by the Hillsborough Water and Sewer Commission pursuant to the Code of the Town of Hillsborough §181-2 B to consider proposed revisions to Hillsborough Sewer Ordinance §181.

The proposed ordinance changes are to add the following highlighted information:

**§ 181-78 Appeals.**

Any party aggrieved by any decision, regulation or provision under this chapter, as amended, from time to time, shall have the right of appeal within 30 calendar days of said decision to the HW&SC, which shall issue a decision within 30 calendar days. If said appeal is denied by the HW&SC, then the aggrieved party shall have the right to appeal to the Hillsborough County Superior Court **or, if housing related, the NH Housing Appeals Board** for equitable relief, provided that said appeal is entered within 30 calendar days from the issuance of the decision of the HW&SC.

**ARTICLE XVI**  
**Conflict With Other Laws**

**§ 181-79 Higher standards to prevail.**

**If a provision of this chapter is found to be in conflict with any provision of any zoning, building, safety or health or other ordinance or code of the Town of Hillsborough or the State of New Hampshire existing on or subsequent to the effective date of this chapter, that provision which, in the judgment of the HW&SC, established the higher standard of safety and protection of health shall prevail; and that ordinance or provision which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the ordinance or provision which sets the higher standard.**

**ARTICLE XVII**  
**Waiver and Standards**

**§ 181-80 Granting of waiver.**

**Upon petition of any person, the HW&SC may, in its discretion, grant a waiver of the strict application of any rule, regulation or requirement set forth in this chapter.**

### **§ 181-81 Standards for making determinations.**

In the exercise of any discretion by the HW&SC pursuant to this chapter or any rules and regulations adopted pursuant to the authority herein, the HW&SC shall make its determination considering the best interests of the Town of Hillsborough, the protection of the sewer system, the protection of health and welfare of the residents and visitors of Hillsborough, and the hardship of the property owner and shall not be arbitrary, capricious or unlawful.

## **ARTICLE XVIII**

### **Miscellaneous**

### **§ 181-82 Repealer.**

Upon the date of adoption of the rules and regulations herein, the previous Sewer Ordinance adopted by the Town of Hillsborough is hereby repealed.

### **§ 181-83 Severability.**

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of this chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.

## **ARTICLE XIX**

### **Penalties**

### **§ 181-84 Service of Notice of Violation.**

Any person found to be violating any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The town may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person or any environment of which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the town include ex parte temporary judicial injunctive relieve, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge or demand of specific action by the person.

### **§ 181-85 Penalties for offenses.**

Any person found to be violating any provisions of this chapter shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**§ 181-86 Liability for expenses, loss or damage.**

**Any person violating any of the provisions of this chapter shall become liable to the town for any expense, including reasonable legal expenses or loss or damage occasioned by the town by reason of such violation.**

Commissioner Sieg closed the public hearing at 7:25 p.m. and motioned to adopt the ordinance revisions as presented to Code of the Hillsborough Chapter 181 – Sewers effective September 20, 2022. Commissioner Dave Lewis seconded the motion. Motion passed.

7:30 p.m. Meeting adjourned

Respectfully submitted,

Penny Griffin, Administrator

Water and Sewer Commissioners Meeting Minutes  
Approved by: Date:

Chris Sieg

Dave Lewis  
Water and Sewer Commissioners  
Town of Hillsborough