

**Hamilton Town Council Meeting
February 16, 2010
Hamilton Town Office**

Mayor H. Ray Whitbey called the meeting to order at 7:17 PM.

Present: Mayor H. Ray Whitbey, Vice Mayor John Unger, Mr. Greg Wilmoth,
Mr. Michael Snyder, Mr. Greg Wilmoth, Mr. Tom Rollins, Mr. Ken Wine,
Mr. Brent Campbell.

Also present: Ms. Maureen Gilmore, Town Attorney
Mr. David Beniamino, Zoning Administrator
Mr. Robert McCann, Planning Commission Chairman
Ms. Sally Hood, ASL interpreter
Ms. Michelle Rosati, Attorney for the Gallagher's
Ms. Margaret Morton, Leesburg Today

Mr. Unger made a motion to have Mr. W. Keith Brower, Chief Fire Marshal for the Department of Fire, Rescue & Emergency Management of Loudoun County to give a presentation about smoke alarms. Mr. Snyder made a second on the motion and the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Guests

Mr. W. Keith Brower, Chief Fire Marshal Department of Fire, Rescue & Emergency Management for Loudoun County, spoke about the new 'Put a Finger on It' fire safety awareness program that was initiated in Purcellville in early 2009. Mr. Brower advised that Hamilton and Round Hill are the next communities to have the program implemented in western Loudoun County. The Fire and Rescue squads participate in a door to door campaign offering a free home safety check, free smoke detectors and free tips on how to make your home safer from fire damage and loss. The home safety check is available to any Loudoun County Resident and can be scheduled by calling 703 737-8093 or 540 338-5961. Mayor Whitbey asked if donations are being accepted and Fire Chief responded that they will be accepted but are not being solicited. Ms. Jones advised that a message can be placed on the Town Park sign and Mr. Brower advised that he has signs and banners are available to display in Hamilton.

Deputy Matt Bressler provided a summary of recent activity in Hamilton:
25 calls for domestic and civil reasons, 21 traffic stops and 70 staff initiated patrols made in and around Hamilton.

Minutes

Mr. Wine made a motion to adopt the January 11, 2010 Town Council minutes into record. Mr. Wilmoth made a second on the motion the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Mr. Unger made a motion to adopt the January 25 Special Town Council Meeting minutes as presented. Mr. Wine made a second on the motion the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Action Items

Mr. Snyder motioned to approve the proposed change to the Hamilton Sewer Ordinance as follows:

Section 19-10 "There shall be three (3) classes of building sewer permits:

(c) for service to residential properties with an existing home served by a failing septic system owned and resided in by qualified property owners who are not less than 65 years of age or who are permanently and totally disabled and who are eligible according to the provisions of charter 572 of the Codified Ordinances of Loudoun County, Virginia, 1980, as amended, which chapter is hereby adopted by reference.

Section 19-12 add:

a. In the event that the property owner/resident qualifies for classification under Section 19-10 (c), then the hookup charge and availability fee shall be \$5,000, to be paid as determined by the Town Council.

b. In the event that the property owner/resident qualifies for classification under Section 19-10 (c), then the hookup charge and availability fee shall be \$5,000, to be paid as determined by the Town Council.

Mr. Wine made a second on the motion and the Roll Call vote passed 7-0, the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Mayor's Report

Snow update: Mayor Whitbey summarized the estimated costs of the snow event of the previous week: \$3800 in staff overtime, \$500 for fuel and \$500 for roof repairs. The Town is looking into a possible reimbursement of funds from F.E.M.A.

Sump Pump Brochure: The brochure has been reviewed by Ms. Gilmore with some changes recommended in an effort to soften the information prior to distribution by the mail in early March. Mr. Wilmoth offered to draft a letter of introduction that would be included when the brochure is mailed. The letter would help avoid confusion while explaining why participation is important, what it means to each homeowner and what the consequences are to the Town. Mr. Unger also suggested changing some of the questions on the brochure in an effort to reduce intimidation to the reader and he will work with Mr. Wilmoth on this.

Mr. Campbell asked if he could interject and made a motion to move Gallagher Sewer under New Business to be reviewed now. Mr. Snyder made a second on the motion the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

New Business

Gallagher Sewer

Mr. Snyder motioned to charge the \$5000 on the same terms as we were going to charge them the \$6500. Mr. Campbell made a second on the motion.

Ms. Gilmore stated that she believes that the interest rate is different and asked Mr. Snyder if he is talking about the 2006 agreement. He responded yes and Ms. Gilmore advised that the interest rate would be Prime + 2. Ms. Gilmore advised that the most recent interest rate that was voted on in October 2009 was 3%. Discussion revealed that the term in October 2009 was a monthly payment of \$70.64 which was based on what the Gallagher's could afford. Based on a #5,000 fee Ms. Jones calculated that that a monthly payment of \$70.00 at 3% would be take approximately 5-7 years to pay off.

The Roll Call vote did not pass 0-7, (Aye: none. Nay: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell).

Mr. Campbell made a motion to extend the terms at 3% and \$70.00 a month until the \$5000 is paid off with accrued interest and no Deed of Trust required. Mr. Wilmoth made a second on the motion. Discussion of why a Deed of Trust would not be required and how to protect the Town in the event of non-payment revealed that a Confessed Judgment Note could be signed. Mr. Unger asked Ms. Gilmore if she was comfortable with a Confessed Judgment Note if the Gallagher's are willing to sign the document. Mr. Snyder noted that he does not want to have a Deed of Trust because it goes on the Land Records and he does not wish to do that. Ms. Gilmore stated that once the Gallagher's sign a Confessed Judgment, non-payment on the agreement will result in a judgment being placed on their property. Also if the Gallagher's decide to sell their property they must advise the Town prior to that action being taken but this will not affect their ability to refinance on the property if so desired.

Mr. Campbell amended his motion to have the Town get a Promissory Note with a Confessed Judgment Provision. Mr. Wilmoth made a second on the amendment. The Roll Call vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Mayor's Report continued

2010/2011 Budget – The first planning meeting will be February 24 at 9:00 AM.

Water & Sewer Committee

Well 14 & Generator Update – Mayor Whitbey advised that Ms. Sarah Howard O'Brien has begun the Statement of Justification for Well 14 and the generator Special Exception. Ms. O'Brien has asked for the process to be expedited due to the delay. The building, fence and generator cannot be installed until this step is in place and the generator would be a good backup for the Town in the event of an emergency. The County Zoning office is who is holding up the progress of the generator installation and Supervisor Burton is supportive of the Town.

Integration Plan – Mr. Wilmoth advised that the cla-valve is in the ground and though there is a new water treatment plant being utilized the water is not feeding back to the Town as necessary. For around \$5200 the Town can resolve the issues and the water will run back into Town and though time is not of the essence today it still needs to be done. In addition the media filters at well 6 & 8 will need changed and that is about a \$10,000 fee that will eventually need to be completed. Mr. Snyder stated that the money is ready and available in the budget for these types of maintenance issues. Mr. Wilmoth noted that eventually additional improvements can be considered to improve communication between the pump station and the water treatment plant that would allow the wells to turn on and off automatically and will control pressure reading and water levels. A 2 week completion time is expected.

Mr. Wilmoth advised that Stantec comes once a month to do inspections and Mr. Wilmoth wants to find out if the Town is getting their money out of this service and inquired if a report is written after every visit. The Mayor confirmed that a report is received but Mr. Wilmoth wants to see if other alternatives can be considered to save money (inspections every other month, etc).

Loudoun Water – Mr. Wilmoth reported that a meeting was held with Loudoun Water and a proposal was provided for services to Hamilton. Mr. Unger reviewed the proposal for a cost comparison and at the present time this is not the best option for Hamilton. A future need may arise but Hamilton is not in an immediate need situation

and Loudoun Water offered their services for in-house engineering. The positive side is that Loudoun Water is now familiar with the Hamilton system and they are always a phone call away if there is a need.

Parks & Recreation Committee

Mayor Whitbey advised that the Hamilton Day Committee is still without volunteers and the Town is within 90 days of the event. Mr. Wine asked if the Town could run an advertisement in the paper and Mayor Whitbey advised that a notice could be put on the Park sign to encourage participation.

Park Signs – The Sheriffs Department reviewed the proposed language for the new Park Signs and the suggested replacing the term Dusk with Sunset because Sunset is a definite time and more enforceable.

Treasurer’s Report

Ms. Jones reported the \$72,018.07 Expense over Budget under the Operating Budget is due to an additional payment of principal on the sewer loan.

Mr. Unger reported that water and sewer usage is right on schedule.

Mr. Wine inquired about the charge of \$13,689.59 for Well #1 repairs and Mr. Wilmoth advised that the pump went out and the money was for the necessary repairs and testing.

Mr. Wine motioned to accept the Treasurer’s Report into record. Mr. Unger made a second on the motion and the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Mr. Wilmoth made a motion to move forward with the process to disconnect delinquent utilities. Mr. Wine made a second on the motion and the vote passed 7-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Public Safety & Zoning

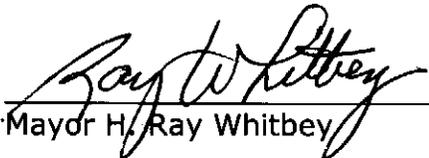
Mr. Wine and Mr. Beniamino will set up a meeting to lay the foundation for a review of the Zoning and Sub Division Ordinances.

Planning Commission

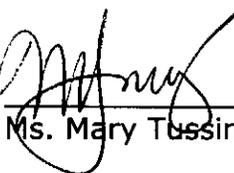
Mr. McCann advised that there will be a Planning Commission meeting on February 17, 2010 for continued work on the Comprehensive Plan Annexation section.

Executive Session began at 8:36 PM. Executive Session ended at 9:23 PM.

Mr. Snyder made a motion to adjourn at 9:24 PM



Mayor H. Ray Whitbey



Ms. Mary Tussing, Recorder