

**Hamilton Town Council
March 8, 2010
Hamilton Town Office**

The meeting was called to order at 7:00 PM. The Pledge of Allegiance was followed by Roll Call.

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

Also Present: Ms. Maureen Gilmore (7:18)

Mr. David Beniamino, Zoning Administrator

Ms. Lori Jones, Treasurer

Mr. Robert McCann, Planning Commission Chairman

Guests

Ms. Margaret Morton, Leesburg Today

Deputy Matt Dressler, LCSD, provided an update for the Month of February 2010. There were 10 calls for service were responded to, 14 traffic stops and 14 police initiated stops.

Captain Eric Noble, Commander for western Loudoun advised that a new County Station to be located in Round Hill is in the planning stages. This will put the LCSD in better touch with the community and will allow the department to advocate for issues that affect the west end of the County. The two biggest issues are larceny out of unlocked vehicles and theft of machinery that is left outside or in unattended yards. The 3 administrative issues the LCSD is reviewing:

- 1) How to enforce Town Ordinances, will work with County Attorney in order to structure agreements to present to the Towns for review and agreement.
- 2) Round Hill station will decentralize the force and provide 24 hour citizen access
- 3) Overtime evaluation from an outside firm to analyze the workload and areas of emphasis. This will indicate where resources are needed based on density, call frequency, etc and this will be reviewed by the County Board for direction and decision.

Mayor Whitbey asked if the quarterly meeting at Harmony will resume and also inquired about permanent Town stickers. Captain Nobel responded yes the meetings are planned to resume and is unsure about the permanent sticker issue. Mr. Beniamino asked if the deputies had noise meters which would allow enforcement of a Noise Ordinance. Captain Noble responded no, they judge by ear and if the noise extends past the property line.

Mr. Campbell asked if he could speak for a moment about something that was not on the agenda. Mayor Whitbey acknowledged the request. Mr. Campbell stated "it has come to my attention that Ray has questioned my eligibility for Town Council. When I was initially told about this I was quite confused. When I inquired about the specific allegation I was told there was speculation that I did not live in my home. That was quite surprising to me because I can say with complete conviction that I unequivocally do live in my home. Ray, I want to give you an opportunity here to publicly put those concerns to rest by recognizing and acknowledging that I am indeed a resident of Hamilton".

Mayor Whitbey responded "the reason this was brought up was because I have been asked by 5 or 6 folks whether you actually did live there. And if you recall, right around the filing deadline I had David make sure you had everything done over there, in fact David advised that you need a Certificate of Occupancy, right David, is that the term?" Mr. Beniamino responded: "that is correct". Mayor Whitbey continued: "and I ask him to go get you to do that so you would be in compliance with all requirements to live in that house. So at this point I questioned it because I had been asked by 5 or 6 people: Does he live there? And I answer I cannot tell you, I don't know. Mr. Snyder stated: "let me help you out. I live next door, he lives there and 2 of his children were born in that house. If that helps maybe we could put it to rest". Mayor Whitbey stated "the only reason these folks have raised the issue is because the house appears to be dark every night, that's all I know." Mr. Campbell responded: "I do go to bed at night". Mayor Whitbey: "I'm just saying they raise it to me, as I said I tell the folks I don't know, I can't 100% guarantee that you live there, however I assured them that you were properly registered with the Certificate of Occupancy which makes you legal since you had registered to vote, to run for office I meant." Mr. Campbell stated "I just found it an astounding thing". Mayor Whitbey responded "I appreciate that". Mr. Campbell advised "that as long as we are clear on that". Mayor Whitbey: "If I am approached by a citizen I think I have somewhat of a duty, anyone who sits in this position, to try to determine, and as David said the 1 part that kept you from being a legal resident. I asked to make sure you got that. Ok?"

Mr. Campbell asked: "as long as we are all clear that I am a legal resident of Hamilton, that is all I wanted to have clarified." Mayor Whitbey advised: "you are the one with the Certificate of Occupancy that certifies you are. Until someone has facts to the contrary you are."

Minutes

Mr. Unger made a motion to adopt the February 16, 2010 Town Council Public Hearing minutes into record. Mr. Wine made a second on the motion and the vote passed 7-0-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Mr. Wine made a motion to adopt the February 16, 2010 Town Council Minutes into record. Mr. Wilmoth made a second on the motion and the vote passed 7-0-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Mayor's Report

A bid has been received for the roof repairs for \$3012.00. Mr. Wine will review the details of the proposal.

I.C.E. (In Case of Emergency), is a program designed to encourage people to program emergency contact information into their cell phone under the name ICE. Public safety agencies in the US are starting to train their first responders to look for this acronym in cell phones in the event the person in need of help cannot communicate with them. Stickers that can be placed on cell phones as a way to identify that this method of communication exists are available for purchase. Mayor Whitbey believes that for a minimal investment this is a great service for Hamilton residents.

MOU, County/GIS access, Mr. Beniamino will be using this system to make maps for the Town and the Comprehensive plan including maps of GIS zoning layers, JLMA, aerial views, etc. Included is the Land Management Information System which allows documents to be scanned which will save time and travel to/from Leesburg. The County is offering training and software refresher courses.

Water & Sewer Committee

Well 14 & generator update: The Town is working with Mr. Hemstreet, County Administrator, to resolve the outstanding issues for well 14. The Mayor is meeting with Mr. Hemstreet on March 11, 2010.

Integration Plan: Mr. Wilmoth has met with Mr. Rigby and is waiting on the final plan which is still being developed. Changes in Zoning and some environmental issues are possibly causing the delays. Ms. Jones reported that partial payment has been requested from Rigby and Mayor Whitbey advised that he hopes to have the plan by the end of March.

Wastewater Treatment Plant: water flow is close to 200,000 gdp due to the recent snow melt and rain fall. Stantec was here for their monthly inspection and provided a monthly report for which they are receiving payment. Mr. Wilmoth noted that there were 3 recommendations and raised concerns that there were no suggestions on how to resolve the issues. Mayor Whitbey reported that Stantec was working with Bill at the plant on some of the issues and they had cut the air it helped the solids to settle and there was discussion about using the 2 small tanks as a clarifier which would double the clarifier capacity.

Discussions about the I & I were held and it has been found that less chemicals are being used than planned, which is good and SOPs (Standard Operating Procedures) are being developed for VDH for the water treatment plant.

Mr. Snyder asked what the effect of grease is on the sewer collection, which was mentioned as a recommendation/action/suggestion. Mr. Wilmoth responded that grease is sometimes a problem in the collection lines and at the pump station when it is cold. Ms. Gilmore noted that the Sewer Ordinance has a provision that addresses grease. Mr. Wilmoth suggested putting a line in the sump pump letter to the Town residents about grease disposal.

Wastewater Discharge Permit: Mayor Whitbey sent out an RFP to Mr. Rigby for a quote to prepare a permit. Work is estimated to take 3 weeks and the work needs to be completed in May. Mr. Wilmoth questioned why it would take 3 weeks to prepare a quote since there are no real changes to the application. Mr. Wilmoth suggested that it might be possible that this could be done in house.

Water complaint letters: Mr. David Campbell wrote a letter concerning a recent leak and the billing for the water, also mentioned was the time the call was made to the Town and the time it took the Town to come and read the meter for verification. The point of contention is that the Town did not advise him of the higher usage and Mayor Whitbey advised that the Town system is designed to flag the Staff once usage hits 150% of previous normal usage. Mr. Campbell inquired what action the Town was going to take in response to the complaint letters. Ms. Jones advised that Ms. Reale has already explained the policy to Mr. Campbell. Mr. Wine responded that a call should be placed to Mr. Cao in reference to his letter. Mr. Brent Campbell stated that he is not related to Mr. David Campbell, who wrote to the town expressing his concerns about his water bill.

Mayor Whitbey noted that the flushing of dead ends has begun but that is not always a solution to an immediate problem. Mr. Wilmoth stated that he has received complaints about brown water and advised that the lines need to be flushed and continue to be flushed on a regular schedule. The recently approved addition of the actuator and control valves on the cla-valve will help also and Mayor Whitbey advised that a log of calls/complaints of the issues is being kept in an effort to raise awareness and trend areas that require attention.

Flushing program: Mr. Wilmoth advised that signs will be posted in Town about the water line flushing that will be taking place in the near future. The signs will be borrowed from Purcellville. Mr. Wilmoth explained that brown water comes from accumulated sediment which is affected by a charge or surge of water in the line, which is why advisories to the residents are made when this is going to occur. Mr. Wilmoth advised that line flushing is a 2 step process and is a normal part of line maintenance.

Sump Pump Brochure: Mr. Wilmoth presented 3 versions and inquired how this would be signed. Agreement was reached by all that it would be signed from the entire Town Council. A mention of the problem of grease being discarded in the Town system will be added. Mr. Wilmoth advised that he has calculated the proposed cost of the 500,000 minimum gallon equalization tank at about \$2.00 per gallon for construction, which ultimately would be funded by the residents if this becomes necessary. Mayor Whitbey advised that the question was raised as to whether it would be cheaper for the Town to fix the sump pumps as a corrective action or construct a new tank. Mr. Snyder raised concern that this would be an improvement made only to the affected homes through Town but the cost would be absorbed by everyone for a service that would not be required to all. Mr. Rollins suggested that if a resident seeks advice for resolution that the Town be available to provide ideas because the benefit will be to both the Town and the resident. Mayor Whitbey and Mr. Wilmoth will prepare a final Sump Brochure for all to review.

Parks & Recreation

Mayor Whitbey announced that the park opened today and an inspection is still needed. Mr. Unger advised that he will schedule a Park Committee meeting in April to schedule clean-up and fix-up day in April. Mr. Wine offered his truck for clean-up day debris removal.

Mayor Whitbey advised that 1 inquiry has come in about a float for the Hamilton Day Parade.

Treasurer's Report

Ms. Jones reviewed the Treasurer's Report. Ms. Gilmore advised that the reflected legal fees were for services provided in December and January. Mr. Unger advised that the estimated electricity usage in the Water Fund is low and there will be an increase in the next budget to more accurately reflect the new treatment plant operation. Mr. Wilmoth noted that the Sales and Income Tax revenues seemed low and Mr. Unger advised that an adjustment will be made in the next budget. Mr. Wine made a motion to accept the Treasurer's Report in record and Mr. Unger made a second on the motion. The voice vote passed 7-0-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

Finance Committee

A Finance Committee meeting is planned for March 15, 7:00 PM.
A budget workshop is planned for April 5, 7:00 PM.

Financial Disclosure Statement questions were raised due to confusion on the questionnaire and Mr. Unger inquired if the Town Attorney could review the information to ensure accuracy, since this information is accessible by the Public under FOIA. Mr. Unger asked who looks at this information and Ms. Gilmore advised that there is a State agency that monitors the information and if a complaint is filed they will check the information submitted for accuracy or for conflict of interest. Ms. Gilmore advised that the disclosure statement is required for "those who serve" in the State of Virginia.

Public Safety

Banners for the smoke detector program being initiated by the County Fire and Rescue have been dropped off at the Town Office. One will be displayed at the Town Park and another at Mr. Unger's house.

Planning Commission

Mr. McCann reported out on the March 3 Planning Commission Comprehensive Plan Review meeting. The review is complete and a final review of the document will be on March 24, followed by a presentation to the Council in April. Mr. Beniamino reported that he is checking with the County on what the best process is to move forward in respect to submission to the County first or to the Council for Public hearing first? An update will be provided in April.

Old Business

The permit was issued for the Gallagher work but work has not begun yet.
Mr. Brent Campbell stated that for the record there he is not related to Pastor Campbell, advisor to the Gallagher's.

New Business

Per the request of the Council several months ago, Ms. Gilmore and Ms. Jones have worked on the wording of the Water & Sewer Ordinance. This will allow a better understanding of how residents can come in and sign up for service. The changes were distributed to the Council for review and consideration, with discussion to be planned in April with a Public Hearing to follow. Changes are highlighted in red or blue and Council input is welcome. Ms. Gilmore also suggested that in April the Council perform a review of the fees and usage rates to see if any action is necessary.

Mowing Contract

Pro Cutters has contacted the Town and advised that their fees would not be increasing for the coming season. The current contract goes through March 31, 2010 and that is when the offer to extend the contract at the same rates will expire. The contract includes the Park, well sites and the sides of the road and the Town is charged per mowing, not per season. Mr. Campbell stated that he would like to advertise and see what other interest comes in. Ms. Jones advised that in the past 2 years the Town has advertised and no other company has come close. Mr. Snyder stated that Pro Cutters has done a good job for the Town and asked if anyone had received a complaint about their performance. Ms. Jones believes there were 2 complaints and Pro Cutters responded immediately and resolved the issues promptly. Mr. Wilmoth inquired if the cost was really only \$6100 for last year versus the budgeted \$18,000. Mayor Whitbey reminded the Council that the budget runs June to June and the costs reflect a partial mowing season. Mr. Wine made a motion to accept the proposal by Pro Cutters. Mr. Rollins made a second on the motion and the voice vote passed 7-0-0, (Aye: Whitbey, Unger, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none).

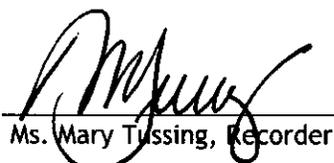
Executive Session

Mr. Campbell asked that Ms. Gilmore and Ms. Tussing not be present for the Executive Session.

Mr. Unger made a motion to adjourn.



Mayor H. Ray Whitbey



Ms. Mary Tussing, Recorder