

**Special Town Council Meeting  
May 26, 2010  
Hamilton Town Office**

Mayor H. Ray Whitbey called the meeting to order at 6:38 PM.

The Pledge of Allegiance was followed by Roll Call.

Present: Mayor H. Ray Whitbey, Vice Mayor John Unger, Mr. Greg Wilmoth (arrived at 6:38pm), Mr. Michael Snyder, Mr. Brent Campbell, Mr. Tom Rollins (arrived at 6:40pm) and Mr. Ken Wine.

Also Present: Ms. Lori Jones, Treasurer, Mrs. Maureen Gilmore, Town Attorney and Ms. Margaret Morton, Leesburg Today

**Public Comment** – none

**Minutes**

Mr. Snyder began the meeting saying that the Loudoun County Planning Commission (LCPC) recommended approval of our special exception (SPEX) for Well 14 with some conditions. One condition requires us to amplify what is being done with our current pumping monitoring and mitigation plan (PMMP). They also want us to monitor after moderate drought as defined by LCPC. The current PMMP has us monitoring for two years, and if no adverse impact exists, the monitoring stops. With LCPC recommendations, it could be an additional 5 years that we will be required to monitor.

Mr. Snyder told the LCPC that this could cost a lot of money, upwards of \$70,000 in costs. LCPS wants assurances that we will follow the advice of Mike Maloy of Analytical Services Inc. We have a proposal from ASI for \$7,154 to perform an evaluation of the current plan and to find out what else needs to be monitored. For every well that is added to the PMPP, it will cost \$3,000 for the monitoring equipment.

The Town can always choose not to do this, however, Mr. Snyder is hoping the council can OK the proposal so that we can tell the Loudoun County Board of Supervisors (BOS) that we are willing to follow the advice of ASI and that their evaluation is in the works. Mr. Rollins asked if the county is helping financially with this and Mr. Snyder indicated that there are legal issues associated with the SPEX and the conditions this which will be discussed in closed session.

Mr. Wine is concerned about the length of time we would need to monitor. There could not be a drought for 10 years therefore requiring monitoring for 10+ years. Can there be a cutoff date?

Mr. Snyder commented that the original PMMP didn't say anything about a drought and the original plan is what we've included in our budget, not this additional monitoring.

Mr. Campbell commented, thinking back on the informational meeting on May 19<sup>th</sup>, that people need to understand the fact that well water as a supply is an unstable source. Mr. Wine added that everyone's well is different.

Mr. Snyder says that the County is looking for consistent data from the wells being monitored but we don't know if, with current data, consistent data is feasible. The amendment to the current PMPP to address the conditions being put forth by the County

need to be in place and posted to our web site by the close of business, Friday, May 18, 2010.

Mr. Snyder added that if we don't get this special exception, he doesn't believe that we could provide water to the two schools, within state mandated levels, and still be within the range of the permitted capacities of the other wells, exclusive of Well 14. So we have to have Well 14 if we are going to continue to provide water to Harmony and Culbert schools.

Mr. Wilmoth said that we built the treatment plant to treat the water from Well 14. We would have never have built a treatment plant of this size/expense had we known we couldn't use the water from Well 14. Mr. Snyder added that we were given the special exception for the WTP knowing we were going to use water from well 14 and requiring the PMMP and you are going to supply the schools. So why are we here?

Mr. Snyder wants the proposal to be voted on tonight and passed so that the BOS can see that we are willing to go along with the additional PMMP.

Mr. Snyder made a motion to accept the cost proposal from Triad Engineering dated May 3, 2010, and authorize the Mayor to enter into a contract for \$7,154 to address the County's concerns of the current PMMP. Mr. Unger seconded the motion.

Ms. Gilmore added that the current plan is pretty fluid and there is a lot of room for evaluation throughout the plan. The PMPP was approved in October of 2007 and it was approved as part of the WTP SPEX. You can question whether the county can go back now, but there exists flexibility that the County can come back and say that you need more monitoring. The county can do this now or in 6 months from now.

Mr. Snyder points out that we have a \$1.5 million investment sitting with the WTP. On June 7, 2010, the BOS is going to take up our SPEX. Mr. Snyder says we should spend the \$7,100 tonight to protect our \$1.5 million investment.

Mr. Campbell made a motion to table Mr. Snyder's motion until after we receive legal advice. Mr. Snyder seconded the motion and the vote passed 6-0-0 (Aye: Unger, Wilmoth, Snyder, Campbell, Rollins, Wine, Whitbey. Nay: none.)

Mr. Wine made a motion that the Hamilton Town Council recess its open meeting and convene a closed session to discuss the following: Actual or probable litigation as found in §2.2-3711 (A)(7) and discussion of legal matters in which legal advice may be required. Mr. Snyder seconded the motion and the voice vote passed 6-0-0 (Aye: Unger, Rollins, Wine, Wilmoth, Snyder, Campbell, Whitbey. Nay: none).

Mr. Wine made a motion that that Hamilton Town Council adjourn the closed session and reconvene the open meeting. Mr. Snyder seconded the motion and the voice vote passed 5-0-2 (Aye: Unger, Rollins, Wine, Wilmoth, Snyder, Whitbey. Nay: none. Absent: Rollins).

Mr. Wine made a motion that the Hamilton Town Council certify that while in closed session, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Mr. Wilmoth seconded the motion and the voice vote passed 5-0-1 (Aye: Unger, Wine, Wilmoth, Snyder, Campbell, Whitbey. Nay: none. Absent: Rollins).

Executive Session began at 7:09 PM.  
Executive Session ended at 8:40 PM.

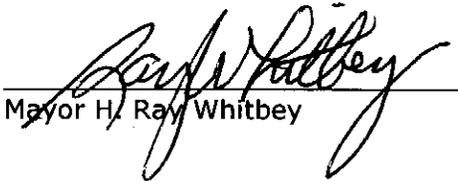
For the record, Mr. Rollins left during executive session at 7:44pm, he arrived at 6:38, and Mr. Wilmoth arrived at 6:40pm.

Mr. Campbell made a motion to take the Mr. Snyder's earlier motion from the table. Mr. Snyder seconded the motion and the vote passed 5-0-1 (Aye: Unger, Wilmoth, Snyder, Campbell, Wine, Whitbey. Nay: none. Absent: Rollins.)

To repeat, Mr. Snyder made a motion to accept the cost proposal from Triad Engineering dated May 3, 2010, and authorize the Mayor to enter into a contract for \$7,154 to address the County's concerns of the current PMMP. Mr. Unger seconded the motion. The voice vote passed 4-1-1 (Aye: Unger, Wilmoth, Snyder, Wine, Whitbey. Nay: Campbell. Absent: Rollins.)

Mr. Wilmoth made a motion to make Tony Hopson a full-time employee. Mr. Snyder seconded the motion and the voice vote passed 5-0-1 (Aye: Unger, Wine, Wilmoth, Snyder, Campbell, Whitbey. Nay: none. Absent: Rollins.)

Mr. Wine made a motion to adjourn at 8:43 PM.

  
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Mayor H. Ray Whitbey

  
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Ms. Jori M. Jones, Treasurer

  
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Ms. Mary Tussing, Recorder