

**Hamilton Town Council Meeting
June 14, 2010
Hamilton Town Office**

The hearing was called to order at 7:09 PM.

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

Absent: Vice Mayor John Unger

Also Present: Ms. Lori Jones, Treasurer

Mr. David Beniamino, Zoning Administrator

Ms. Maureen Gilmore, Town Attorney

Mr. Robert McCann, Chairman, Planning Commission

Guests

Ms. Margaret Morton, Mr. David Simpson, Mr. Dimitri Kesari, Mr. William Gallant

Minutes

Mr. Wine motioned to adopt the May 10, 2010 Town Council Public Hearing minutes into record.

Mr. Wilmoth made a second on the motion and the vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Snyder motioned to adopt the amended May 10, 2010 Town Council Meeting minutes into record. Mr. Wilmoth made a second on the motion and the vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Wine motioned to adopt the May 24, 2010 Town Council Public Hearing minutes into record. Mr. Wilmoth made a second on the motion and the vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Snyder motioned to adopt the May 26, 2010 Town Council Special Meeting minutes into record. Mr. Rollins made a second on the motion and the vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mayor's Report

Generator Annual Maintenance Agreements – Cummins has presented 4 new contracts for renewal with a fifth contract for the generator coming soon. Mayor Whitbey advised that he would like Mr. Wilmoth to review and approve the proposals before signing takes place.

Town Sign Update – Federal approval has been received and bids are being accepted.

Town Council Summit Meeting – Mr. Beniamino, Mr. Campbell, Mr. Simpson, Mr. Gallant and Mr. Kesari will be attending. In the interest of time, Mr. Beniamino has requested a joint meeting with Mr. Denino for the Towns of Hamilton and Middleburg.

Town Office Column Repair – work has begun

VRA Bond Refinancing – completed, all documents signed. Ms. Jones advised that the total savings to the Town is \$85,000.

Devine Waterline Extension – the bid package has been sent to VDOT for approval

Water & Sewer Committee (Mr. Wilmoth and Mr. Snyder)

Lead & Copper Testing Results – Mr. Wilmoth reported that the testing results look good. Sampling procedures will go unchanged.

Well 14 PMMP will be reviewed under Executive Session. Mr. Rollins asked Mr. Simpson and Mr. Kesari, Town Council elect, to be present for Executive Session and Ms. Gilmore stated that this is not a problem. Hamilton received a response from the County regarding the conditions that the Town is being asked to meet in regard to the Special Exception for Well 14. Ms. Gilmore advised that the County has sent a response in their Staff Report and they have basically rejected the proposals that the Town has made. Ms. Gilmore did receive an email from a County Staff person for Building and Development and has forwarded the email to the Town

Office for distribution to the Council. This email contained other options from the County for the Town to consider and also imposed a limit of 80,000 gallons/day that can be pumped from the well. Mr. Snyder stated he has spoken briefly with a County representative in an attempt to understand where the 80,000 gallon/day limit came from, what was the scientific basis for this decision, but no answer was received. Mr. Snyder stated that the 9 months of data that the Town has collected indicates that there is an impact when the well is pumping, but the recovery is quick and is at the same or near the same levels as they were prior to pumping.

Letter to BOS re Well 14 – letter sent to the Loudoun County Board of Supervisors pertaining to the Public Hearing for a Special Exception for Well 14, SPEX 2010-0005, Town of Hamilton Well 14, Stone Eden Farm Public Hearing June 7, 2010.

Integration Plan Estimate from Waste Water Management – is not yet completely reviewed but Mr. Wilmoth advised that they will try to hook up Well 6 & 8 as the first step of the integration. Mr. Wilmoth stated that Well 14 complications have taken some focus off of this task.

VPDES – was sent in after the last meeting. The Town received it back with some comments and is due for resubmission by the end of the month after additional testing is complete.

Flushing Program is ongoing. A notation will be placed on the water bills to raise community awareness.

Lightening Strike – a possible strike occurred at the Harmony Water Treatment Plant in late May. Mr. Wilmoth believes a little bit of wiring might have been damaged but everything seems to have worked itself out. Mr. Albright from Round Hill has been very helpful. A pressure line at the reservoir sprung a small leak but it was quickly repaired.

Harmony Church Road – water was shut down on the east end of Town, the connection was made and once the line is clean the taps will be completed to the houses. The old water line will not be removed but will be buried. Delays were due to VDOT permitting.

Parks & Recreation Committee

Mr. Campbell thanked all of the volunteers who helped plan a very successful Hamilton Day. Ms. Carri Michon provided a summary of the day's events and reported that the turnout was terrific. Ms. Michon has a checklist to assist in the planning for the event for next year and suggested changing Hamilton Day 2011 to be held on the Saturday over Memorial Day weekend. Ms. Michon urged the Town to place additional trash and recycling receptacles in the park and increase the emptying the receptacles. Ms. Michon also suggested adding portable restrooms in the Park.

Treasurer's Report (Ms. Jones)

Ms. Jones reviewed the YTD progress and stated that she does not expect Town revenue to be under \$173,000 by the end of the month as Property Taxes continue to come in. Lower sales taxes and interest rates resulted in a \$43,000 deficit but there will not be a surplus as seen in previous years. Mr. Snyder asked how many people in Hamilton are on Tax Relief and Ms. Jones advised 11. Mr. Snyder made a motion to accept the Treasurer's Report into record and Mr. Wilmoth made a second on the motion. The voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Ms. Jones advised that the FY2009/2010 audit will begin in mid July and be completed within 2 weeks.

Ms. Jones reviewed the delinquent utility accounts and advised what action should be taken;

180 S. Hughes - is going into foreclosure and a lien should be placed on the property

32 Sydnor - the owner is deceased and a lien should be placed on the property before a transfer takes place.

Mr. Snyder made a motion to take the appropriate action on the delinquent utility accounts, as recommended by Ms. Jones. Mr. Campbell made a second on the motion and the voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Public Safety & Zoning Enforcement

Mr. Beniamino reported that several zoning violation letters were sent out and he thanked Mr. Rollins and Mr. Wilmoth for their assistance in resolving previous outstanding issues.

GIS – Ms. Jones has been appointed the Town Security Officer and set up is coming next week.

Mr. Snyder – advised that that the County now has maps reflecting the vacant lots that do not have water in the Hamilton service area, and that the maps will be shared with Hamilton. Mr. Beniamino outlined the steps for future mapping plans for Hamilton and how this will benefit the Town. Ms. Gilmore suggested that she and Mr. Beniamino work on a disclaimer for the information that will ultimately be posted, especially in light of the fluidity of information with the County and the Town.

Personnel Committee (Mr. Wilmoth)

Mr. Wilmoth reported that Mr. Tony Hobson has accepted a full time position with the Town.

Planning Commission

Mr. Robert McCann advised that on Wednesday June 16, 2010 the Planning Commission will have a work session for Zoning Ordinance changes. Mr. Beniamino is doing most of the leg-work and will present options to the Commission for consideration and review.

Mr. William Gallant reported that everything for the Town Council Summit Meeting is covered but beverages might be needed for the evening session with a cost not expected to exceed \$50.00. Mr. Snyder made a motion to approve \$50.00 for the Town Council Summit Meeting evening refreshments. Mr. Wine made a second on the motion and the voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Old Business

Mr. Snyder made a motion to adopt the proposed budget for FY 2010/2011 beginning July 1, 2010 and ending June 31, 2011. Mr. Wine made a second on the motion and the voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Wilmoth made a motion for the adoption of resolution 2010-02, authorizing appropriation and expenditure for release of FY 2010/2011 funds. Mr. Snyder made a second on the motion and the voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

**TOWN OF HAMILTON
LOUDOUN COUNTY, VIRGINIA
RESOLUTION: 2010-02 PRESENTED: June 14, 2010
ADOPTED: June 14, 2010**

**A RESOLUTION: AUTHORIZING APPROPRIATION AND EXPENDITURE
FOR RELEASE OF FY 2010/2011 FUNDS.**

WHEREAS, pursuant to Virginia Code Section 15.2-2506, as amended, the governing body must appropriate money prior to the Town obligating revenue for contemplated expenditures; and

WHEREAS, the Town Council has adopted the FY 2010/2011 Budget.

NOW THEREFORE, be it resolved that the Town Council of Hamilton approves an annual appropriation for the release of FY 2010/2011 funds.

PASSED THIS 14th DAY OF June, 2010.

Landscaping bids for the WTP – Mr. Campbell motioned to approve the contract as proposed for Blake Landscapes at \$19,776 for landscaping at the Harmony Water Treatment Plant. Mr. Wine made a second on the motion and the voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Planning Commission and BZA vacancies – There were no nominations for the BZA position and Mayor Whitbey has submitted his nomination for the Planning Commission position. Mr. Snyder suggested that this decision be deferred until the newly elected Council holds their first meeting in July 2010, since they will be working closely with these groups. Mr. Beniamino suggested posting multiple open positions for the BZA and the Planning Commission, and urged the Council to try to generate interest. Ms. Morton will mention the openings in the newspaper and nominations being accepted until the close of business on July 7, 2010. Mr. Beniamino suggested posting the open positions on the website and in the local newspapers.

New Business

VRS

The Virginia General Assembly, in its 2010 session, passed legislation implementing new plan provisions for employees hired or rehired on or after July 1, 2010 with no prior Virginia Retirement System (VRS) service. The new plan is called the VRS Plan 2. The legislation stipulates that Plan 2 employees will pay the 5 percent member contribution through salary reduction on a pre-tax basis according to Internal Revenue Code §414(h). However, you may elect to pay some or all of the 5 percent member contribution on behalf of your Plan 2 employees. To do so, you must submit a resolution to VRS.

Attached is a guide resolution. Here are your options regarding payment of the member contribution:

- Your employees pay the 5 percent member contribution. This option does not require action by your governing body. Check the first box in the attachment, fill in the blank with the name of your political subdivision and sign by **June 30, 2010**. The resolution is due to VRS by **no later than August 1, 2010**.
- You elect to pick up between 1 percent and 5 percent of the member contribution with the balance paid by your employee. Check the second box in the attachment and have your governing body complete and duly authorize the rest of the resolution by **June 30, 2010**. The resolution is due to VRS by **no later than August 1, 2010**.
- You elect to pick up the full 5 percent member contribution on a six-year, phase-in schedule. To implement this option, contact one of the individuals listed below for a separate guide resolution (not attached). Your governing body must complete and duly authorize this resolution by **June 30, 2010**. The resolution is due to VRS by **no later than August 1, 2010**.

Ms. Gilmore explained that if Hamilton, as a locality, wants to pay any whole %, up to 5%, of employee's VRS contribution you will need to adopt a resolution. Ms. Jones reported that currently the Town pays 5% for existing employees and continued to advise that Mr. Unger called in earlier today and voiced his opinion that the Town should not change their position for this FY 2010/2011. Ms. Gilmore advised that this can be revisited every year to decide what action to take. Mr. Snyder stated that for what it is worth he believes all employees should be treated the same. Mr. Snyder motioned to adopt resolution 2010-03, authorization to pick-up the employee's contribution to the VRS under §414(H) of the Internal Revenue Code for Plan 2 employees, as an additional benefit not paid as salary in an amount equal to 5%. This resolution is dated June 14, 2010. Mr. Rollins made a second on the motion and the recorded voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

TOWN OF HAMILTON LOUDOUN COUNTY, VIRGINIA

RESOLUTION: 2010-03 PRESENTED: June 14, 2010 ADOPTED: June 14, 2010

A RESOLUTION: Authorization to Pick-up the Employee's Contribution to Virginia Retirement System ("VRS") Under §414(H) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contributions will be paid through salary reduction according to Internal Revenue Code §414(h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Town of Hamilton, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 – June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code §51.1-700 et seq. nor shall they be considered salary for purposes of VA Code §51.1-100 et seq.; and

WHEREAS, the Town of Hamilton desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July 1, 2010, the Town of Hamilton shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Hamilton in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by The Town of Hamilton directly instead of having them paid to VRS.

ADPOTED IN Hamilton, Virginia, this 14th day of June, 2010.

39318 E. Colonial Highway - is not located in the tax district but is located in the service district, JLMA. Without being in the JLMA this property is not entitled to sewer or water. Ms. Gilmore advised that the County would need to put the property in the tax district before a decision can be made. Mr. Jason Barr, who holds the contract on the property, was provided conflicting information by the County Department of Health and Mr. Barr will get in touch with Ms. Jones with then name of the County contact so clarity can be made.

Ms. Shirley Pearson - Mr. Campbell made a motion to approve the water and sewer connection application for Ms. Shirley Pearson at the Hamilton Mobile Home Park with a water meter size of 5/8" and a sewer connection, dated June 2, 1010 . Mr. Rollins made a second on the motion. Mr. Snyder offered an amendment that this is not a new connection but is a replacement so the absolute number of taps will remain the same. Mr. Campbell and Mr. Rollins accepted the amendment and the motion passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Executive Session began at 9:11 PM
Executive Session ended at 10:09 PM.

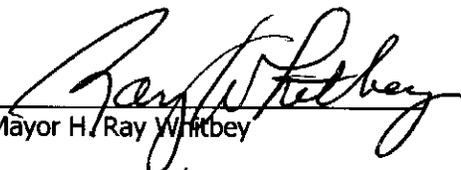
Mr. Wine motioned that the Hamilton Town Council recess its open meeting and convene a closed session to discuss the following: consultation with legal counsel on such matters of which authorization is contained in §2.2-3711(A)(7); and allow Councilmen elect Simpson and Kesari to be allowed into the closed session. Mr. Wilmoth made a second on the motion and the recorded voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

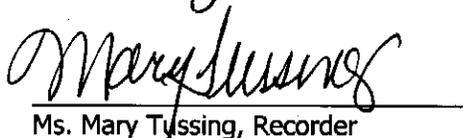
Mr. Wine made a motion that the Hamilton Town Council adjourn the closed session and reconvene the open meeting. Mr. Wilmoth made a second on the motion and the recorded voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Wine motioned 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 session was convened were heard, discussed or considered in the meeting by the public body. Mr. Wilmoth made a second on the motion and the recorded voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Campbell made a motion that the Hamilton Town Council withdraw the special exception (SPEX 2010-0005) because the County has failed to provide the information that we have requested that necessitates us to get a special exception. Mr. Rollins seconded the motion. Mr. Snyder offered a friendly amendment that if the County will not consent to our withdrawal, that we ask for a deferral. The Amendment was accepted by Mr. Campbell and seconded by Mr. Rollins. The recorded voice vote passed 6-0-1, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine, Campbell. Nay: none. Absent: Unger).

Mr. Wine motioned to adjourn at 10:13 PM.


Mayor H. Ray Whitbey


Ms. Mary Tjssing, Recorder