

**Hamilton Town Council
July 12, 2010
Hamilton Town Office**

Mayor Wilmoth called the meeting to order at 7:04 PM.

The Pledge of Allegiance was followed by Roll Call.

Present: Mayor Greg Wilmoth, Vice Mayor John Unger, Mr. Michael Snyder, Mr. Tom Rollins,
Mr. Ken Wine, Mr. David Simpson, Mr. Dimitri Kesari (7:17 PM)

Also Present: Ms. Maureen Gilmore, Town Attorney

Ms. Lori Jones, Town Treasurer

Mr. David Beniamino, Zoning Administrator

Guests

Mr. Reed Rogan, Boy Scout Troop #711, presented a proposal for an Eagle Scout Project for the Hamilton Town Park. The project would allow vehicular traffic to continue to be allowed to enter the Park and contain the designated parking area to avoid parking on the grass, etc. Mr. Rogan also proposed building a fire pit north of the pavilion for scout troops to use and erecting birdhouses on the west side of the park. A budget recap of each project was provided and donations will be sought from local businesses. Mr. Wine suggested having an opening that would be wide enough for an emergency vehicle to enter if necessary and Mr. Rollins asked if the parking area could be enlarged. Mr. Beniamino raised concerns about making changes to a permanent structure, which the Park falls under per the present zoning category, and stated that he cannot in good conscious issue a Zoning Permit for this project per the current guidelines that are in place. Mr. Beniamino stated that if the Council wishes to move forward "as is" it is their prerogative. It was suggested that the posts be placed in a non-permanent material, gravel, as a solution and Mr. Beniamino agreed that this was a good solution. Mr. Snyder made a motion to allow Mr. Rogan to install posts with cables for the Eagle Scout Project with set backs TBD .Mr. Wine made second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson. Nay: none. Absent: Kesari). Mr. Wine made a motion to waive permit fees for the Eagle Scout Project. Mr. Rollins made a second on the motion and the voice vote passed 6-0-1, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson. Nay: none. Absent: Kesari). Ms. Gilmore advised that the Mayor will need to sign the permit as the applicant owner.

Office Bressler, LCSD, advised that the Western Loudoun County unit has been reduced from 8 to 5 people and he is hopeful that increases will come now that the new budget is in effect. Last month there were 16 calls for service, 9 traffic stops and 15 Sheriff initiated stops for various reasons. 1 resident in Hamilton is part of Project Lifesaver which means the individual wears a bracelet that helps to locate them if they are lost due to illness, (Alzheimer's, etc). Mr. Simpson requested a speed trailer be placed in Town for westbound traffic and Officer Bressler agreed with the location TBA. Mr. Beniamino advised that complaints have been received about a commercial vehicle that is located in Town which is constantly running and emitting diesel fumes. While the Town does not presently have an ordinance in place that would allow for enforcement the County does. Mr Beniamino will prepare a package for review and discussion by the next meeting on how the Town Council could move forward to adopt the County ordinance, which would allow enforcement.

Minutes

Mr. Unger made a motion to adopt the June 14, 2010 Town Council Public Hearing minutes into record. Mr. Wine made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mr. Unger made a motion to adopt the amended June 14, 2010 Town Council Meeting minutes into record. Mr. Snyder made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mr. Rollins made a motion to adopt the amended June 17, 2010 Emergency Town Council Meeting minutes into record. Mr. Wine made a second on the motion and voice the vote passed 6-0-1 (Aye: Wilmoth, Unger, Rollins, Wine, Simpson, Kesari. Nay: none. Abstain: Snyder).

Mr. Kesari made a motion to adopt the amended July 3, 2010 Special Town Council Meeting minutes into record. Mr. Snyder made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mayor's Report

Town Council Summit Meeting: the Town was represented by Mr. Simpson

Mr. Snyder made a motion that the discussion and review of the Vallejos water bill take place after the Mayor's Report. Mr. Rollins made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Divine Waterline Extension update: Ms. Jones provided an overview of the project. Information was received today and Ms. Gilmore will complete a review this week. Mr. Kesari made a motion to go to advertisement, pending any changes Counsel and the Mayor might have on the advertisement for bid on the Hamilton Waterline Extension Route 7, IFB #10-Water-01. Mr. Snyder made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Sidewalk Grant – The grant request was not selected by the Commonwealth of Virginia DOT and reapplication can occur no later than December 1, 2010. Ms. Jones advised that no engineering will be required to resubmit and Mr. Kesari asked the Mayor to call and see if a reason(s) could be provided for the denial. Mr. Snyder suggested reviewing some of the approved proposals for ideas moving forward and Mr. Beniamino stated that the reasons could be various, budget, number of people requesting grants, etc. Mr. Snyder made a motion to resubmit the Enhancement Program application in December, as the letter suggested. Mr. Wine made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Fire Siren: Mr. Mike DeBaise from the Hamilton Volunteer Fire Department spoke about wanting what is best for both the fire station and Town and is understanding of the concerns that are being raised. Mr. DeBaise advised that the current process for notification to the volunteers is station notification first and then alarm initiation for 2 cycles at 35 seconds. The siren is a dual backup to alert off-duty members. The notification devices that are used in other localities cost \$500.00 each and there are 58 members of the Hamilton force. The budget is simply not available for these to be purchased because the Hamilton Fire Company relies heavily on community donations to sustain the budget and any additional expenses cannot be covered at this time. Mr. Wine and Mr. Rollins both told of instances where the siren was or would have been helpful in response time and believe that not having a siren is a safety issue. Mr. DeBaise agreed. Mr. Snyder stated that he does not understand why the County does not supply these devices and suggested that the Town Council should ask the Board of Supervisors why Hamilton does not possess these. Mr. Kesari advised that the Safety Center was not built by the County as was the Purcellville Center and Mr. Beniamino offered to contact the other localities to see "who has what" and ask where the funding came from.

Grinder Pump: the multi pump service contract agreement was paid to avoid a lapse in service.

New Business

Vallejos Water Bill: Mr. Snyder asked if the meter was read and Ms. Jones responded that yes, we have the numbers the meter read. Mr. Snyder asked if 1 billing cycle, 2 months, read 25,000 gallons and then the next reading was normal and Ms. Jones responded yes. Mr. Jose Vallejos stated that he purchased the property 2 years ago and has no idea how old the meter is but did replace both flapper valves in the toilets because the house had been vacant for so long prior to moving in. Ms. Jones stated that she has been advised that typically when the meter is older the readings will be lower. Ms. Gilmore noted that the Town has a provision to adjust water bills for leaks but the leak must first be repaired and then the bill adjustment can take place. Ms. Jones advised that the adjustment based on the formula used for leaks would total \$134.90 in this case. Mr. Snyder believes there are 2 choices to consider: give the discount now and replace the meter or defer the payment without interest and see what happens moving forward when there is data to review.

"Mr. Kesari motioned to replace the water meter and suspend the \$478.21 for 2 billing cycles to see if the meter is bad and then we will revisit it after the 2 billing cycles and will make a decision, a final decision on what we will do." Mr. Snyder made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari, Nay: none).

Water & Sewer

Well 14 letter to the Board of Supervisors: no response has been received. "Mr. Snyder motioned to have the Town Attorney draft a letter renewing our request for the FOAI documents which we were promised on June 15, 2010 by the Board of Supervisors." Mr. Kesari made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari, Nay: none).

"Mr. Kesari motioned to also FOIA Loudoun Water to request any information they have of any wells that they have had to have special exceptions." Ms. Gilmore stated "that we will ask for the documents and we can put a line in there that says if noted that such documents exist please confirm in writing". Mr. Snyder made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari, Nay: none). Mr. Snyder asked if this was going to be done by the Town Attorney and she responded yes.

Integration Plan: Mayor Wilmoth stated that the Town needs to move forward with this and he would like to start with the integration of wells 6 & 8, eventually hooking into the new treatment plant. Mayor Wilmoth advised that he will provide documents to Mr. Kesari and Mr. Simpson within the week for their familiarization. The phase in will take place over several years and the biggest decision is whether to use Stantec or Rigby. Mr. Snyder advised that the only thing that will immediately require money being spent is the integration of wells 6 & 8.

VPDES: resubmitted

Flushing program: in progress. Complaints were received on July 3 about brown water and have been responded to. Mr. Kesari suggested posting the flushing dates on signs throughout Town, on the Park Sign and Mr. Wine suggested having signs made that can be moved throughout Town to advise when and where flushing is taking place. (similar to the voluntary water restriction signs that are in Town). Mr. Wine volunteered to start the process to get the signs made.

Harmony Church Road Grass Watering: Discussion was held about who will water the grass after the water line replacement is completed and the grass seed is put down. Homeowners have asked who will do the watering and asked if they provide water will they get credit on their bill. Mr. Snyder voiced concern that the Town has voluntary water restrictions right now and Mr. Rollins suggested that the Town ask Schooley reseed with hydro-seed and for this to take place in the fall. Mr. Jones reminded Council that per the contract, Schooley guaranteed the restoration of the land to the original landscaping. Ms. Gilmore stated that Schooley is obligated to restore the landscaping and if the Council wants to give him more time to complete this prior to receiving final payment they can do that. Presently there is \$54,000 outstanding on their contract and \$7,800 was allocated for seeding and straw. Council decided to hold back \$7,800 until restoration + retainage until the grass is in place. Mr. Rollins also advised the Council that rain caused water to be held in front of 1 house when it rained and the homeowners claims there is a slight culvert causing this. Ms. Gilmore asked if there was anyone from the Town who was inspecting the project to ensure everything is getting done and Mayor Wilmoth advised no, not since Harold left. Mr. Rollins asked if Mr. Dickey could check out the progress and Mr. Wine advised that you need someone who was involved with the project from the beginning. Mr. Snyder asked what direction the Council will give to Schooley about the problems and Mr. Simpson suggested that the ball be thrown back to Schooley stating that the job is not complete, the grass is not growing and that there is a piece of ground that is holding water and allow him to work toward for resolution.

Mayor Wilmoth advised that Mr. David Rigby was by the office today with a Hydro Geologist from Advanced Land & Water Inc. with a Hydro-Geo report dated May 3, 2010 that ended up in his integration plan. Triad's information was used and Mr. Rigby made recommendations about well 14 pumping capability and recovery. Mayor Wilmoth asked if this information would be useful for the situation with the County. Mr. Snyder stated that there is also 9 months of data from the pumping monitoring and mitigation plan that prove there was not an adverse impact on neighboring wells as recovery was evident. The County has been asked several times to provide the data they are using to come up with their numbers and nothing has ever been provided to the Town and Mr. Kesari asked if this would be another FOIA request. Ms. Gilmore advised that she would include this. Mr. Snyder does not want to ask via a FOIA request because the County has now said that they are withdrawing that condition of imposed limitations. Ms. Gilmore advised that the Town does not yet have anything in writing.

Parks & Recreation

Mr. Beniamino advised that he will meet with Mr. Rogan about the Eagle Scout Project and he will present the information to the committee for review and discussion. Mr. Rollins asked if the Park can be zoned as a separate entity and Mr. Beniamino responded that the Park is zoned as residential but can be re-zoned. Ms. Gilmore suggested that the Comprehensive Plan should reflect any desired public area rezoning and then the Ordinances can be changed as desired. Mr. Beniamino suggested that Council direct the Planning Commission to work on this first as part of the Zoning Ordinance review.

Treasurer's Report

Ms. Jones reported that the field work for the audit will begin on July 15, 2010 by Mr. Jeff Mitchell and that the biggest hits the Budget took in revenue were due to lower sales tax and interest. The Oakridge settlement costs and legal fees for McGuire Woods have been included but the Bond Counsel fees are not included because they are included as a part of the loan. Mr. Unger also noted that the water and sewer figures were close to projection. Mr. Wine made a motion to approve the Treasurer's Report and Mr. Unger made a second on the motion. The voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none). Mr. Kesari asked why a voice vote was necessary, questioning the need for a vote at all. Ms. Gilmore will check and advise back at the next meeting.

FEMA: the winter storm was declared a disaster and the Town is eligible for reimbursement of a possible 95% of all overtime used, equipment and labor for the associated well problems over a 48 hour period. The estimated money that could come back to the Town could be \$6,000-\$7,000.

Public Safety & Zoning Enforcement Committee

Mr. Beniamino advised that violation letters have been sent out but now there are more chickens and a rooster in Town owned by the same, previously cited, property owner. The 30 day deadline has passed and it is time for civil court and civil penalties are being sought as a way to pay for associated costs. Mr. Beniamino advised that he will work with Ms. Gilmore on this and reminded Council that the original violation was issued citing that chickens are not commonly accepted pets. The homeowners never came to the Town to appeal and will be advised of the next step, which is also outlined on the Town website. The situation is bad and the smell can be detected down the street.

Planning Commission

Mr. Beniamino advised that the recent meeting was cancelled due to lack of quorum. The Commission is requesting a joint meeting with the Town Council for guidance on how to proceed with the Zoning Ordinance review that is beginning. Mr. Beniamino will email proposed dates out to all Council and Commission members for consideration.

Old Business

WTP landscaping contract: was awarded to Blake Landscapes, work will begin in September

Town Gateway Sign: 3 proposals have been received and the VDOT grant is up to \$40,000. The engineering has already totaled \$6,000-\$7,000 which accounts for the required 20% that the Town pays. Ms. Jones advised that the approvals are all received and all that is left is to ask VDOT to release the funds. Mr. Kesari questioned the type of stone that was being used in the bids and noted that the Town does not want cast dyed stone. Ms. Jones confirmed that the stone was stated to be field stone in the specs. Mr. Kesari motioned to award the Town sign bid to Quail Run Signs, for Project EN2-232-140 P101, C501 for \$28,200.00. Mr. Simpson made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Planning Commission / BZA Vacancies

Mr. Beniamino advised that Mr. McCann, who was unable to attend tonight, is interested in having an odd number of people serving on the Commission and the more people the better. This would help avoid ties in voting and problems with establishing a quorum. Mr. Snyder stated repeatedly that the Town should welcome all interested applicants to serve and not turn anyone away. Mr Snyder also stated that he believes the Town should re-advertise in hopes of gaining more interested applicants.

Mr. Kesari made a motion to recommend Ms. Joylyn Hannahs for the BZA. Mr. Rollins made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mr. Snyder made a motion to appoint Mr. Campbell to the Planning Commission. Mr. Kesari made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mr. Rollins made a motion to appoint Ms. Larissa Borst to the Planning Commission. Mr. Simpson made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mr. Snyder made a motion to appoint Mr. Whitbey to the Planning Commission. Mr. Unger made a second on the motion and the voice vote did not pass 2-5, (Aye: Snyder, Unger. Nay: Wilmoth, Kesari, Rollins, Simpson, Wine).

New Business

Mr. Kesari motioned to nominate Mr. Unger as Vice Mayor. Mr. Rollins made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Committee Assignments by Mayor Wilmoth:

Finance: Unger, Simpson

Personnel: Simpson

Planning Commission Liaison: Rollins

Parks & Recreation: Rollins, Wine

Water & Sewer: Kesari, Snyder

Public Safety & Zoning: Wine, Kesari

****Mayor Wilmoth and Vice Mayor Unger will serve on all committees**

Town of Hamilton FY 2011 Council Meeting Dates & Inclement Weather Policy

Mr. Kesari made a motion to adopt the schedule and policy as proposed. Mr. Wine made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

FY2011 Town Council meeting dates: August 9, 2010 / September 13, 2010 / October 18, 2010 / November 8, 2010 / December 13, 2010 / January 10, 2011 / February 14, 2011 / March 14, 2011 / April 11, 2011 / May 9, 2011 / June 13, 2011 / July 11, 2011.

Utility Connection Application for Sewer Service: Mr Gilmore asked if Mr. Hitchens has signed the water easement that the Town has requested and advised that approval bu Council is discretionary because the property is outside the Town. Ms. Jones advised that Mr. Hitchens, along with others, has not yet signed the easement and though he is pumping as of now it is not presently a health emergency. No letter from the County has been received stating that his septic field is failing and that it is a health hazard. Ms. Gilmore asked Ms. Jones that when she contacts Mr Hitchens to update him on the action tonight that she inquire if by chance he has had an opportunity to sign the waterline easement and for proof that his field is failing. Mr. Kesari made a motion to table this application review until the August meeting. Mr. Wine made a second on the motion and the voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none). Mr. Snyder suggested that Ms. Jones explain to Mr. Hitchens that approval for sewer service is discretionary because the property is out of Town and then ask about the easement for the waterline replacement. Ms. Gilmore also suggested that verification of the water main location be checked before the next meeting as a sewer easement might also be needed.

Mr. Wine offered to look into getting the fire hydrants power washed and painted in Town. He will explore paint colors, cost and has volunteered to paint the hydrants and will identify what bushes need trimmed, etc.

Mr. Beniamino advised that the GIS system is not yet functional due to software related problems.

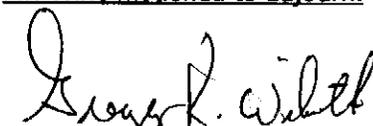
Executive Session

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 for specific legal matters of which authorization is contained in §2.2-3711(A)(7): and discussion of Town employees of which authorization is contained in §2.2-3711(A)(1). Mr. Kesari made a second on the motion and the recorded voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

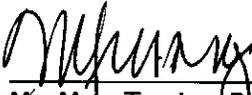
Mr. Wine made a motion that the Hamilton Town Council adjourn the closed session and reconvene the open meeting. Mr. Kesari made a second on the motion and the recorded voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

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. Kesari made a second on the motion and the recorded voice vote passed 7-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none).

Mr. Wine motioned to adjourn.



Mayor Greg Wilmoth



Ms. Mary Tussing, Recorder