

**Hamilton Town Council Meeting  
September 13, 2010  
Hamilton Town Office**

Mayor Wilmoth called the meeting to order at 7:07 PM.

Present: Mayor Greg Wilmoth, Vice Mayor John Unger, Mr. Michael Snyder (7:13 PM), Mr. Tom Rollins, Mr. Ken Wine, Mr. David Simpson, Mr. Dimitri Kesari

Also Present: Ms. Maureen Gilmore, Town Attorney (7:20 PM)  
Mr. Robert McCann, Planning Commission Chairman  
Ms. Lori Jones, Town Treasurer  
Mr. David Beniamino, Zoning Administrator

Mayor Wilmoth asked for a moment of silence for the Nichols family and the loss of Ted Nichols, his wife, Karen, and his mother-in-law.

**Guests**

Ms. McCarthy of the DAR, requested that the Town designate the week of September 17 through the 23<sup>rd</sup> as Constitution Week. Mr. Unger moved that the Hamilton Town Council adopt the proclamation of Constitution Week as presented by the local chapter of the Daughters of the American Revolution. Mr. Wine made a second on the motion and the vote passed 6-0-1 (Aye: Wilmoth, Unger, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Snyder).

**Public Comment**

Karen Cristiano, co-president of the Hamilton Knolls HOA, thanked the town for their quick response and resolution to a resident's concern about an overhanging bush on Tavenner Lane.

**Minutes**

Mr. Kesari moved to approve the August 9, 2010 Town Council minutes as corrected. Mr. Wine made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none).

Mr. Kesari moved to approve the August 24, 2010 Town Council and Planning Commission Joint Session minutes. Mr. Simpson made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none).

**Mayor's Report**

Hamilton WTP Landscaping: Blake Landscaping was awarded the contract and the Town should be hearing from them this month to set up a time to complete the project.

Roof Damage: Loudoun Valley Roofing will perform the repairs. The structure itself does not require repair, but all of the tin will be replaced.

Harmony Raw Water Line & Tree Planting Conflict: Some trees have been planted directly on top of the raw water line that runs parallel to Rt. 7 in front of Hamilton Acres. The tree roots could prove damaging to the water line over the long-term. Mr. Snyder commented that they were aware that the Town had an easement at that location and therefore the Town should not be responsible monetarily to resolve the issue.

Chesapeake Bay Ordinance: Mayor Wilmoth spoke with Mayor Lazaro, from the Town of Purcellville, regarding this issue. Mr. Snyder commented that this ordinance could cost the Town a significant amount of money when it goes to reapply for its wastewater discharge permit. Mr. Beniamino said that the Ordinance would not apply within the Hamilton town limits. Ms. Gilmore noted that most of the Town's wells are outside of the town limits and would therefore fall under the jurisdiction of the Chesapeake Bay Ordinance. The Town would likely have new requirements in order to improve or expand any wells. Mayor Wilmoth said that Mayor Lazaro was looking to have a coalition of the western towns for drafting a letter to Loudoun County. Mr. Snyder made a motion that the Town joins Purcellville in whatever letter they draft and send to the Board of Supervisors regarding

Chesapeake Bay and that the Town appoint the mayor to coordinate with Purcellville on what the Town's response should be. Mr. Wine made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none).

### **Water & Sewer Committee**

Integration Plan: There are two options for Well 6 & 8; the Town can either work on the filters at the filter house or try to connect it into the raw water line and take it up to the Harmony water treatment plant for filtration. Both Stantec and Rigby have created integration plans; Mr. Unger reviewed the two plans and noted that both plans have some significant differences. The main difference is that Stantec's vision is to close down all finished water production everywhere for the town except from the new treatment plant. A raw water line would be run from Well 10 over to the raw water line at Hamilton Acres. Rigby's plan is to refurbish 1 & 4, 11 and 12 and have them still produce finished water. Mr. Snyder expressed concerns that Stantec's plan would put additional strain on Well 14 to produce water and that politically it would be a bad idea to shut down a number of the town's wells right now. Mr. Unger also noted that both plans recommend moving the raw water from wells 6 & 8 to the water treatment plant and shutting down the current filter building. Mr. Kesari volunteered to speak with Loudoun Water and get their input as to which integration ideas from each proposal that they would recommend. Mr. Kesari made a motion that the Town come up with a request for proposal for engineering costs to connect wells 6 & 8 into the raw water line to run to the new water treatment plant and to remove the existing water treatment facilities at well 8. Mr. Wine made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

Mr. Snyder moved that the Town ask Loudoun Water to help develop an RFP for the integration of wells 6 & 8. Mr. Wine made a second on the motion. Mr. Kesari disclosed that he is on the board of Loudoun Water. The vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

Harmony Church Road Waterline Project: The Town is still holding the retainage on the project and hopes to finalize everything by October. Ms. Jones noted that Mr. Schooley believes that he is finished, but Mr. Harold Lemarr was over at Mrs. Fox's property today putting additional grass seed down.

Hamilton Rt. 7 Waterline Extension: Three different bids were submitted by each contractor. Bid #1 is for a 4" line, bid #2 is for a 6" line and bid #3 is for a 6" line with a fire hydrant. Mr. Kesari said that the Town should have a hydrant for public safety. Mr. Kesari moved that the Town accept the Schooley bid for Alternate Bid 3 for \$67,514 so the Town has a hydrant for public safety reasons. Mr. Snyder made a second on the motion. Ms. Jones said that the Town currently has \$68,500 from the state for reimbursement on the project. The vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

I&I Update: Mr. Rigby is currently looking at this document for the Town and should be contacting the Town in a few days and will let the council know his findings.

Well 14 Special Exception Approval: Mayor Wilmoth suggested the council move discussion of this to closed session. Mr. Kesari said that he had been looking through previous council minutes and said that, based on the minutes, it was announced by the previous mayor that the special exception was for the generator and not for the well and therefore the council was misinformed.

Sewer Connection Application: Mr. and Mrs. Bouman are requesting an additional sewer hookup for their property located at 124 Delaware Avenue. The property is located in the sewer tax district outside of the town limits so it is entitled to a hookup. Currently, two dwelling units are hooked up to a single tap and the homeowners are requesting a tap for a third dwelling unit. Ms. Gilmore said that the Town is entitled to another availability fee for the second property that is hooked up to town sewer and that until the Town can verify that the property is in compliance with county zoning, it is inadvisable to issue an additional sewer tap. Mr. Snyder is concerned that the town might violate its agreement with the county by issuing another hookup. Mr. Beniamino told the Boumans to go to the county and ask for a zoning confirmation or determination letter stating that the property is in legal non-conforming use and then Maureen can check with the county attorney to verify that the Town can issue an additional sewer hookup.

Loudoun Water: The Town signed a contract with Loudoun Water that runs from August 5 through the 12<sup>th</sup> or 14<sup>th</sup> of December. In addition to running the wastewater treatment plant, Mr. Morefield from Loudoun Water has looked through the past seven months of DMRs and has resubmitted them to DEQ with corrections and will look over the WWTP permit that was submitted back in May for any errors and to redo calculations.

### **Parks & Recreation Committee**

Eagle Scout Projects: Mr. Beniamino met with Reed Rogan and the mayor and walked around the park. Mr. Rogan's project involves surrounding the parking area with posts and, based on a suggestion by the Parks and Recreation Committee, he will expand the footprint of the enclosure to allow for the possible expansion of the parking lot. Mr. Rogan will be installing the posts in the park at the end of the month and will include a dummy post that can be removed for emergency vehicle access. Alan Kyte will be performing his eagle scout project this weekend and he has asked if the Town would be willing to pay \$150 for delivery and installation of a new pine tree at the park entrance. Mr. Snyder made a motion that the Town authorize the mayor to spend \$150 for the planting of the new Christmas tree. Mr. Kesari made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

Park Use After Hours: Mr. McCann said that he believes there will be less of a problem as the days get shorter, but there are regularly people that remain in the park after it has gotten dark. He said that, for safety purposes, the Town needs to put something reflective on the chains that run across the park entrance.

Hamilton Day Volunteers: Mr. Rollins said that he would try to speak with Carri Michon to see if she was interested in working on Hamilton Day again this year. Ms. Jones asked the Council if they were interested in reviving the 5K race and it was noted that preparations would need to be done in January or February if interested.

### **Treasurer's Report**

Ms. Jones noted that the listing under Parks and Recreation for \$2,500 is the annual operating budget for the park and the Community Park Funds are the separate accounts that the Town has set aside for improvements and renovations. The Town is over the revenue budget right now because the \$88,000 contribution from the county and the sewer district tax payments have been received, causing it to look abnormal. Ms. Jones corrected printing errors in the treasurer's report. Mr. Unger made a motion to accept the Treasurer's Report, as amended. Mr. Snyder made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

### **Public Safety & Zoning Enforcement Committee**

Chickens at 29 Sydnor Street: Mr. Beniamino spoke with Ms. Gilmore and he is trying to get pictures of the chickens outside of the coop before moving forward in court. The homeowner has received a registered letter from the Town citing the violation but the Town has not received an appeal or any type of response from the property owner regarding the chickens or any action that has or will be taken.

### **Personnel Committee**

Mr. Simpson noted that the Council needs to discuss what they wish to do after Loudoun Water's contract is up in December.

### **Planning Commission**

Mr. McCann reminded the council that a meeting is scheduled for Wednesday at 7:00 discussing zoning ordinance changes and the main topic will be on parking. The Planning Commission will focus on several topics over the next few months to get the zoning ordinance updated/changed. Mr. McCann noted that the Town is currently trying to make the ordinance more friendly to both businesses and residents. The Planning Commission is trying to meet every two weeks to finish revisions to the zoning ordinance.

### **Old Business**

Town of Hamilton Main Street Entrance Signs: The Town was required to move a Comcast cable line before construction could begin on the new sign and Ms. Jones believes that the \$525 charge should be reimbursable.

FY2010-2011 Budget Amendments: Mr. Kesari moved that the Hamilton Town Council amend the Town of Hamilton 2010-2011 Budget to include Operating Revenues of \$44,750 from Surplus FY2010 funds and Operating Expenditures in the amount of \$44,750. Up to \$41,000 for Aid to Localities reimbursement to the Hamilton Volunteer Fire Department and \$3,750 for Computer Software. Mr. Simpson made a second on the motion at the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

FEMA Approval: Ms. Jones noted that the approved payment for the winter snow storm was approximately \$7,000.

Fire Hydrants: Mr. Wine has been looking into cleaning and painting the fire hydrants and found that there are flags that bolt onto the hydrants that allow the hydrants to be seen more easily. He will look into the cost of purchasing flags for the town's hydrants.

### **New Business**

Town Recorder Position: The Town has advertised the position in the Purcellville Gazette and had previously received an application from the Town Clerk in Purcellville. Mr. Snyder moved that the Town interview the applicant for the clerk's job and if the mayor and the representative from the Personnel Committee agree that person should be hired, to do so at the salary that the old clerk was paid. Mr. Wine made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

Credit Card Payments: Ms. Jones said that the Town receives around six requests per month to be able to pay a bill using a credit card and the Town would like to offer that option without it costing the Town money. Most credit card companies require that you buy equipment or they charge a MasterCard fee or a Visa fee plus a bank fee. This is something that will not cost the Town any money but will still offer that option to anyone who is willing to pay for it. This option would be available only for utility bill and tax payments. Mr. Wine moved that the Hamilton Town Council enters into a contract with Paymentus to provide credit card payment services to customers of the Town of Hamilton with Option #1. Mr. Snyder made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

Carrington Builders – Sewer Refund Request: Mr. Kesari moved that the Town refund Carrington Homes the balance of their initial deposit for two properties (\$34,800) for sewer connection and availability. Mr. Unger made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

Hamilton Meadow Performance Bond Release: Ms. Jones has emailed Oak Ridge to see if they have any VDOT approvals and has not received a response yet. Ms. Gilmore told the council that before they get off their bond, Oak Ridge needs to post a maintenance bond that will be for a year. The current performance agreement covers water and sewer lines, storm drainage and roads. The maintenance bond is usually 10% of the base amount of the bond. Oak Ridge first needs to get approval from VDOT and post the maintenance bond before the town can release the performance bond. Ms. Gilmore does not believe that Hamilton Meadows has enough residents in the subdivision for VDOT to agree to take it over.

### **Closed Session**

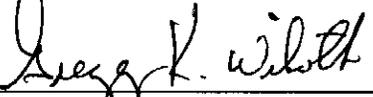
Mr. Wine motioned that the Hamilton Town Council recess its open meeting and convene a closed session to discuss the following: consultation with legal counsel on matters requiring legal advice authorization which is contained in §2.2-3711(A)(7). Mr. Kesari made a second on the motion and said that he would like to invite Mike Banzhaf as attorney, also, to sit in on the executive session. The recorded voice vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none).

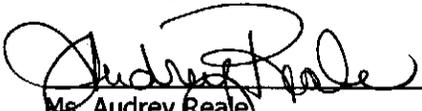
Mr. Wine made a motion that the Hamilton Town Council adjourn the closed session and reconvene the open meeting. Mr. Snyder made a second on the motion and the recorded voice vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none.)

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 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none).

Mr. Snyder moved that the Town authorize the Town Attorney to file an appeal in the Loudoun County Circuit Court of approval of Special Exception 2010-0005 "Well 14 – Stone Eden Property" for the causes of action that we have discussed. Mr. Simpson made a second on the motion and the vote passed 7-0-0 (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: none).

Mr. Snyder made a motion to adjourn at 9:00 PM.

  
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Mayor Greg Wilmoth

  
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Ms. Audrey Reale