

# The Town of Washington

"THE FIRST WASHINGTON OF ALL"

February 9, 2015

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor Sullivan called the Town Council to order at 7:01 p.m. Council members Gary Schwartz, Patrick O'Connell, Mary Ann Kuhn, Katharine Leggett, and Gary Aichele were present. Council member Jerry Goebel was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were present.

- MINUTES: January 12, 2015: Ms. Dodd discussed that based on recommendations from Mr. Aichele and Ms. Kuhn she wanted to correct a statement made by Mr. Aichele under the web site report on page 2 to have his last sentence state that he discussed that it was important for the Town's web site to be kept undated. Ms. Kuhn made a motion to approve the January 12, 2015 minutes as corrected and Mr. O'Connell seconded the motion and the motion passed 6-0.

- REPORTS: Treasury Report: Mayor Sullivan reviewed the attached Bank Summary Report, and asked the Council to review the Bills-To-Be Paid List, and the Additional Bills to Be Paid List. He discussed that under revenue the grant income of \$4,659 came from grants from the Dept. of Forestry and the Culpeper Water and Soil Conservation District for the RappFlow Avon Hall pond project. He discussed that under Bills --to -Be Paid the ESS bill was a large one and involved repairs and projects that had been approved.

Ms. Leggett made a motion to accept the Treasurer's Report and Ms. Kuhn seconded and the motion passed 6-0.

Planning Commission: Chairman Schwartz reported that the Planning Commission had scheduled a meeting for Monday, February 23, 2015 at 7:30 p.m. on the Planning Commission's regularly scheduled meeting date and that all agenda items came under New Business including welcoming two new members, election of officers, a work session on the Sunnyview Boundary Line Adjustment (BLA) assuming that the Sunnyview BLA would be referred to the Planning Commission by the Council at that night's meeting. He also discussed that the Planning Commission would be discussing a Citizens Planning Education Association of Virginia (CEPAV) training course similar to the one held by the Town in 2009. He discussed that normally a CEPAV course allowed participants to be certified in planning but this course would be a short course that would tailored to the Town and that all that urban issues would be pulled out of it. He discussed that in 2009 there were 15 to 18 participants and that he hoped to have as many County board members, ARB, PC, TC, and BZA members attending. He discussed that the County had agreed to pay for three County people to attend. He discussed that he would be coming with a proposal from Mike Chandler for holding the course for Council approval. He discussed that the Planning Commission would also be considering moving the regular meeting time from 7:30 to 7:00 p.m.

Mayor Sullivan discussed that he had sat through the last planning course and that it had been very interesting and educational and was well worth doing.

Architectural Review Board: Mayor Sullivan reported that the Council had received the amended minutes from the September 18, 2014 ARB meeting which had come up at the last Council meeting where Ms. Kuhn has asked for clarification on the Inn's application and what they were doing on Harris Hollow Road. He discussed that the ARB had provided that clarification in the amended minutes.

He discussed that the ARB minutes, while not being the same thing as being in the room, gave a good sense of how the ARB operated and showed the interchange between the ARB and the applicants and the give and take going on at the meetings. He discussed that the ARB Chairman Flores and the other members did a terrific job and that the minutes showed that they did not just approve every application but at times required that changes be made.

He discussed that the ARB would be meeting that week to consider applications from the Rappahannock Free Clinic for a new sign, Mr. Thomas Gardner for an addition to the Kevin Adams studio, and for modifications to the house at Mt. Prospect.

Website: Ms. Kuhn discussed that Ms. Joanie Ballard had agreed to be the point person for the Town's social media and that Ms. Ballard already managed social media for her shop, Ballard's, and Artifacts on Main, and that she also managed the Artists of Rappahannock Facebook page, the RAAC Facebook page, and now the Town's Facebook page, Instagram, and Twitter accounts. Ms. Kuhn discussed that she would also have administrative oversight of the site.

Ms. Kuhn reported that Alissa Moody of Wild Country Studios, who had done the Town's web site, was working on a proposal to refresh and update the site to make it more responsive and more adaptable to any device. She discussed that with the update once a change was made on the main site it would be changed on the social media sites as well. She discussed that Ms. Moody discussed a quote of \$1,500 to refresh and update the site, which would be the first update since 2012. She discussed that Martin Henze, who helped the Town keep the site updated had discussed that what Ms. Moody was going to do was good and would make the site less geeky and more accessible.

There was a short discussion regarding approving the money for the update without having received a formal proposal. It was also discussed that Ms. Moody was requesting that the Town pay her on-line and that since that would cost the Town money over and above the proposal cost the Council agreed by consensus that she should be paid by check.

Mr. Aichele asked what line item in the budget the money for the proposal would come from and was there money for it.

Mayor Sullivan discussed that it would come from promotions and yes there was money for it.

Mr. Aichele made a motion to authorize Ms. Kuhn to solicit the proposal and to get whatever expert advice she needed and if she found it sufficient she was authorized the expenditure of \$1,500 on the proposal.

Ms. Leggett asked would have to wait a month to get the proposal.

Ms. Kuhn discussed that she would be asking for a formal proposal right away.

Mayor Sullivan discussed that as he understood it the motion would authorize the expenditure of \$1,500 to update the web site, which would only be spent based on a proposal which if deemed adequate and if deemed inappropriate the money would not be spent. He discussed that the question was who would decide if it was acceptable or not and would the Council be comfortable in having Ms. Kuhn and Mr. Henze make that decision.

Mr. Schwartz asked if the figure was a lump sum and recommended using a not to exceed figure and asked how Ms. Kuhn would know if the Town was getting it \$1,500 worth.

Ms. Kuhn discussed that the proposal asked for \$1,500 and that Mr. Henze had discussed that the \$1,500 was not an unreasonable figure.

Mr. Aichele amended his motion to authorize the Mayor to spend not more than \$1,500 for the revision to the web site and Mr. O'Connell seconded and a roll call vote was taken:

Mr. Schwarz voted "yes" Mayor Sullivan  
voted "yes"

Ms. Kuhn voted "yes" Ms. Leggett voted "yes"

Mr. O'Connell voted "yes" Mr. Aichele voted "yes"

And the motion passed 6-0.

Ms. Kuhn discussed that she had contacted Judy Tole at the Historical Society who had emailed a photo of Dorothy Davis, the first woman mayor of Washington, and the article about her and the all women Town Council. She discussed that Mr. O'Connell now had it and was having it framed. She discussed that she had also contacted Peter Kramer and that Joyce Kramer was trying to find a picture of him when he was mayor. She discussed that she was also working to get a picture of Mayor Willis.

Mayor Sullivan discussed that Ms. Joan Frizzell, who lived on Gay St. for many years had died in December.

He discussed that there had been a celebration of Wendy Weinberg last month and that the Town had passed a resolution in her honor. He discussed that Ms. Weinberg had been deeply moved and had asked him to thank the Council on her behalf.

He discussed that John McCarthy would be attending the next Council meeting and he would be bringing his new Deputy Administrator, Debbie Keyser.

He also discussed that Nancy Buntin's mother, Betty Buntin had written a book on the history of the Trinity Church from the 1700's to 1963 and that it was a great, interesting history of the church and the county and he recommended that everyone read it. He discussed that the Town would be getting several copies and would make them available.

- TOWN ATTORNEY: Mr. Bennett had no report.

- OLD BUSINESS: a).

- NEW BUSINESS: a). Thomas C. Gardner Water and Sewer Taps Applications: Mayor Sullivan discussed that the Town had received water and sewer applications by a potential buyer of a property still owned by the Gay Street Inn, which was in the process of being sold.

Mr. Gary Aichele, owner of the Gay Street Inn with his wife, discussed that the old septic system and drainfield for the Gay Street Inn had been abandoned when the municipal sewer was put in and the space now served no purpose for the Inn. He discussed that the Inn was a residence in a residential zone and that five was the maximum number of rooms that the Inn could have guests in so he and his wife to develop the property across the street they would have to form a separate corporation and run it separately from the Gay Street Inn. He discussed that after a year of discussion with

Mr. McCarthy discussing their options, including turning into a place to stay as there was some precedent for that, it turned out that it made sense to sell it and that it was a buildable lot that was water and sewer street ready. He discussed that an overnight guest, who wanted to use it as a weekend retreat, had made an offer but the contract had yet not closed but was set to close in late February. He discussed that he would not be participating in the discussion as he was the owner of the property.

Mayor Sullivan discussed that the applicant was not present as he was traveling but he was represented by his architect Frederick Taylor.

Mr. Aichele discussed that Mr. Gardner's lawyer was Mike Brown.

Mayor Sullivan discussed that there was no water or sewer to the existing building and that Mr. Gardner had agreed to pay the \$5000 water tap fee, the \$15,000 sewer assessment, the \$300 sewer application fee, and all the construction costs.

Ms. Dodd discussed that the Town had approved a water tap for the property when it was owned by Mr. Jay Brown and Mr. Kevin Adams.

Mr. Schwartz discussed that it had been approved with restrictions.

Mayor Sullivan discussed that the issue before the Council was giving a water tap for the building for \$5000 and for whatever construction costs that were occurred.

Mr. Bennett discussed if approved it would be granted in accordance with the Ordinances of the Town particularly that a connection would have to be made within a year.

Mr. Brown discussed that the Council had imposed a condition when he and Mr. Adams had owned the property that the property could not be developed beyond an artist's studio which was a condition which they could not accept.

Mr. Aichele discussed that Mr. Gardner, as part of his contract, indicated that he would not purchase the property if it could not have water and sewer and the only way to guarantee that it would have a bathroom and a kitchenette was to get approval from the Town. He discussed that Mr. McCarthy had indicated that it was permissible to get water and sewer to that buildable lot.

Mr. Bennett discussed that the town would have to pass a resolution granting a water tap.

Ms. Kuhn asked about Mr. Brown's and Mr. Adams' application.

Ms. Dodd discussed that Mr. Brown's and Mr. Adams' request was for a commercial use and that this request was for a residential use.

Mayor Sullivan discussed that there was a distinction between commercial and residential as made by Mr. McCarthy.

Mr. Schwartz discussed that the property was zoned residential and that the only thing you could do in residential was quite clear in the Zoning Ordinances, one of which was a craft occupation associated with the existing structure or a complementary structure, which in the Adams/Brown case was the Gay Street Inn and the Adams studio but now it would be disjoined with separate ownership therefore it could no longer be a craft occupation relative to an existing structure now owned by the Gay Street Inn. He discussed that it was in the Zoning which was quite clear by Mr. McCarthy and himself and the Zoning Ordinances that it was zoned residential and the only thing that could be done with the property was what was allowed by residential zoning.

Mr. Aichele asked if except by a Special Use Permit.

Mr. Schwartz said no and discussed that would be a change in zoning.

Mr. Bennett discussed that the property was presently zoned residential and any change would require further action by Town Council and review by the Planning Commission.

Mr. Aichele discussed that what Mr. Bennett and Mr. Schwartz had said had been confirmed by Mr. McCarthy because they had hoped to connect the studio to water and sewer and continue to use it as a craft studio but had discovered that that was not permissible and it could only have been used as a craft studio if used by them but not by anybody else so it was very restrictive per the ordinance and unattractive.

Mr. Schwartz discussed that there were two points, one was the water and one was the sewer and that Mr. Bennett had indicated that there needed to be passed a water tap resolution and those fees were pretty straight forward. He asked if a water tap application had been submitted.

Ms. Dodd discussed that Mr. Gardner had submitted a written request which the Council had received.

Ms. Leggett discussed that the written request only appeared to be for a water connection and not a sewer.

Ms. Dodd discussed that there was a separate sewer application.

Mr. Schwartz discussed that the sewer application was represented by the sewer application and the Connection to the Sewer by New Users Policy which were in the Sewer Ordinance. He discussed that there was an application, which had an application fee which had to be paid, and which needed to be reviewed and then construction costs would have to be estimated and those costs prepaid. He discussed that normally in the past he, with the help of ESS had done the cost estimates but he now hoped that there was a process in place where it went directly to ESS for assessment. He discussed that there was also a three or four page permit application that needed to be approved.

Ms. Dodd discussed that the Town had just gone through the process with ESS and the Hodges property.

Mr. Schwartz asked what was next and if Mr. Taylor could speak on the size and scale of the building.

Mayor Sullivan discussed that the next step would be to pass a water tap resolution. He discussed that Mr. Gardner had an application going before the ARB on Wednesday and it was the ARB's responsibility to consider the structure itself but if Mr. Taylor wished to talk about what Mr. Gardner wanted to do that would be fine.

Mr. Taylor discussed that the current building, which was about 18 x 20 feet, had been built in the 1920's as a garage and had been converted in 2006 to an artist's studio. He discussed that Mr. Gardner wished to add enough space to for a bathroom, a small kitchenette, some storage space, and a small entry vestibule so that he could use it as a weekend place.

Ms. Leggett asked what the final dimensions would be.

Mr. Taylor discussed that the building would extend backwards from the street approximately twenty feet further and that the building was already outside the setbacks and the Zoning Ordinance limited them from going out any further. He discussed that the addition would have a slightly lower roof line.

Mr. Schwartz asked what the total square footage and lot would be.

Mr. Taylor discussed that it was currently at about 360 feet and when finished it would be under 800 feet and the lot was 72 by 90.

Mayor Sullivan asked if the design and space used had been approved by Mr. McCarthy as Zoning Administrator.

Mr. Taylor discussed that there had not been formal approval but there had been several conversations with him and he was aware of what they were trying to do and had not raised any red flags.

Mr. Schwartz asked if the word variance had been discussed.

Mr. Taylor discussed that the premise of the application was that they did not want to apply for a variance and wanted to do what was within the confines of what was permissible by the Zoning Ordinance. He discussed that it was standard language in most zoning ordinances that with an existing structure that violated the setbacks an addition could be made that also violated the setbacks but not more than that of the original building.

Mr. Schwartz asked if that was Mr. McCarthy's opinion.

Mayor Sullivan discussed that Mr. McCarthy was aware of the whole project.

Mr. Aichele discussed that as a neighbor it was a trade-off and that it was a fairly sizable buildable lot and a house could be plunked down and that it was a permissible non-variance buildable site that would destroy a lot of the view but by tucking it along the lines he felt Mr. McCarthy was saying it was a preferable addition to other options that would be legal.

Mr. Schwartz discussed that the placement on the lot and scale was probably all ARB material.

Mr. Aichele discussed that certainly the appearance was but where it was put was probably zoning. He discussed that he had spent a year with Mr. McCarthy discussing possible options for developing the property and this one seemed the one that was least destructive to the existing property.

Mr. Schwartz asked if the septic tank had been abandoned.

Mr. Aichele discussed that it had been abandoned and had met all the legal requirements for abandonment.

Mr. Schwartz discussed that he only brought it up because if it had not been abandoned it needed to be.

Mayor Sullivan discussed that the situation appeared to be that all the legal points had been checked off in terms of zoning and legal issues and that there was a currently unused building that would like to hook up and a proposed part-time resident would like to live there and hook into the water and pay the tap fee and pay for the cost doing that and he made a motion to resolve to approve a water tap to Mr. Gardner contingent on if anyone else had anything to say.

Ms. Kuhn seconded the motion and a roll call vote was taken:

Mr. Schwarz voted "yes"  
voted "yes"

Mayor Sullivan

Ms. Kuhn voted "yes"

Ms. Leggett voted "yes"

Mr. O'Connell voted "yes"

And the motion passed 5-0 with Mr. Aichele recusing himself.

Mr. Aichele acknowledged the Town's receipt of the sewer application in conjunction with the water tap approval.

Mr. O'Connell asked if the sale had already been transacted.

Mr. Aichele discussed that the sale was conditional on the water and sewer approvals.

b). ARB Vacancy: Mayor Sullivan discussed that there was an ARB vacancy and that the Town was looking for letters of interest from residents interested in being appointed to be submitted one week prior to the March 9<sup>th</sup> meeting which would be Monday, March 2<sup>nd</sup>.

c). Authorization of a joint Public Hearing on the Stonyman Mercantile Boundary Adjustment: Mayor Sullivan discussed that there was

a planned purchase by the Inn at Little Washington of the property owned by Jimmy deBergh and other partners called Sunnyview, which was a piece of property that went from Gay Street to Main Street. He discussed that on that property was, amongst other buildings, a building called the Rush River building or what was known as the Stonyman building. He discussed that it was the intention of the buyer of the entire piece of property to sell off a piece of the property which contains the Stonyman building and that there was a plat that had been provided for a boundary line adjustment which had been processed by Mr. McCarthy and Mr. Bennett. He discussed that Mr. McCarthy had raised no issues and that it was up to the Town Council to approve and in discussing that approval it had to go to the Planning Commission, it had to go before the Town Council, and it had to be advertised for a public hearing and then voted on. He discussed that the Town Council needed to vote to refer the subject to the Planning Commission on February 23<sup>rd</sup> and he suggested that there be a joint Planning Commission and the Town Council meeting on March 9<sup>th</sup> with an advertised public hearing which had been done many times. He discussed there would be a public hearing with open discussion about the subject, the Planning Commission would vote yeah or nay, and then the Town Council would vote on it. He discussed that Mr. McCarthy would be present at the meeting to explain various issues and that Mr. McCarthy had raised none. He discussed that Mr. Bennett would be unable to be present on March 9<sup>th</sup> and the Council might want to consider that Counsel would not be present.

Mr. Bennett discussed that the issue as he saw it was that there were two existing parcels that were both non-conforming lots below the minimum and there was an application before the Council to rearrange the lot lines between the parcels the result of which would be to create one lot that was a conforming lot, above the minimum lot size, and the other lot would become smaller and it would still be non-conforming. He discussed that it would require a waiver of the minimum lot as to the second parcel, 20A-1-107A, He discussed it was pretty straight forward and required a waiver of the minimum lot size as a non-conforming lot becoming smaller.

Mr. Aichele discussed that he had wondered as a former real estate attorney after reviewing the materials why it had come before the municipal government at all since it was two property owners adjusting the sale of land. He asked was it because that currently both were non-conforming lots and in order to make a sale that was a non-conforming lot it required a waiver from the Town.

Mr. Bennett discussed that if both lots stayed the same size or became larger, which would impossible, then it would not require a governmental action but since one lot would still be non-conforming and also became smaller, it required review by the Planning Commission and approval by the Town Council. He discussed that had been contemplated and discussed as part of the Comp Plan years ago that the Town wished to encourage infill development in the town core and these type of issues came up from time to time to encourage that type of infill building and reuse in the town core.

Mr. Aichele asked if Mr. Bennett's representation was that of the current nine non-conforming lots if this was approved one lot would become conforming and one would remain non-conforming and slightly smaller.

Mr. Bennett discussed that it would become smaller.

Mr. O'Connell discussed that he was recusing himself from the discussion but a representative was present if there were any questions.

Mayor Sullivan asked if everyone had heard Mr. O'Connell was recusing himself from the discussion and most certainly when the vote came up but his lawyer Mr. David Fiske was present if anyone had questions. He discussed that the Council would not be doing

anything that evening other than authorize a public hearing with the Planning Commission and then vote a month from now.

Ms. Leggett asked if when the non-conforming lot with the cabin was reduced and remained non-conforming would that interfere with setbacks.

Mr. Bennett said no and discussed that Mr. McCarthy had reviewed the setbacks and everything would be acceptable to him and as Zoning Administrator and administrator of the setbacks. He discussed that at the Planning Commission meeting on the 23<sup>rd</sup> there would be a work session with just discussion only with no formal action or vote on this application and that the formal act by the Planning Commission would be after the joint public hearing with the Town Council which would be an advertised legal public hearing.

Mr. Schwartz discussed that at that the time the Planning Commission would make a recommendation for or against.

Mayor Sullivan asked if the Council needed to vote to refer the matter to the Planning Commission for a work session or could the Planning Commission just hold a meeting.

Mr. Bennett discussed that typically it would be referred to the Planning Commission but sometimes that was not always observed.

Mayor Sullivan said let's observe it.

Ms. Leggett made a motion to refer the issue to the Planning Commission for a work session for review and Mr. Aichele seconded and a roll call vote was taken:

Mr. Schwarz voted "yes" Mayor Sullivan  
voted "yes"

Ms. Kuhn voted "yes" Ms. Leggett voted "yes"

Mr. O'Connell voted abstained Mr. Aichele voted "yes"

And the motion passed 5-0 with Mr. O'Connell abstaining.

Mr. Schwartz discussed that there were water and sewer issues implications with this and he didn't want it sneak up on anybody.

Ms. Dodd discussed that it wasn't sneaking up on anybody.

Mr. Bennett discussed that that had been looked at and though nothing had been formally submitted there was as solution forthcoming.

Mr. Aichele discussed that if Counsel was reachable he would be comfortable with Counsel not being present but if he was unreachable then that might not be wise.

Mr. Bennett discussed that he would be on a cruise and he wasn't sure he would be reachable. He discussed that at first he thought it would be more complicated but after having studied the Ordinance it was just a straight waiver of the minimum lot size of the smaller lot and while there might be some resulting questions about the sewer there were others better qualified to answer those.

Mayor Sullivan asked if there were legal grounds for the Council to actually refuse to ok the request.

Mr. Bennett said yes and discussed that this would be a legislative act and it was within the sound judgement of the Town Council as a legislative body that if it was the judgement of the Council that this action wouldn't further the interests of the Town and its citizens and further the announced policies of the Comp Plan and Zoning Ordinances then the Council could refuse it. He discussed that to him it was consistent with the announced policies that have been discussed of redevelopment and reuse, in this case of existing structures within the town core. He discussed it was a legislative action that couldn't be arbitrary, capricious, or irrational but apart from that it was within the sound judgement of the Council.

Mayor Sullivan asked what would be the grounds for rejecting it other than in their wisdom they didn't like it for some reason.



Mr. Bennett discussed that to him it was consistent with the policies of the Comp Plan and to him there wasn't any rational reason to refuse.

Mr. Aichele made a motion to authorize a joint public hearing with the Planning Commission on March 9, 2015 with the necessary publication.

Mayor Sullivan discussed that if at that meeting the Council decided for some reason they did not want to make a decision because Counsel was not present at that point Council could put it off until the next meeting.

Mr. Schwartz discussed that often times there had been public hearings where the vote had been delayed a month. He asked if the General Standards applied.

Mr. Bennett said no.

Ms. Leggett seconded Mr. Aichele's motion and a roll call vote was taken:

Mr. Aichele voted "yes"  
abstained

Mr. O'Connell

Ms. Leggett voted "yes"

Ms. Kuhn voted "yes"

Mayor Sullivan voted "yes"

Mr. Schwartz voted "yes"

And the motion passed 5-0 with Mr. O'Connell abstaining.

d). Wayne Insulation Company Proposal to Insulate Piping at the Wastewater Treatment Plant: Mayor Sullivan discussed that the Town had received a proposal regarding insulating some equipment at the Wastewater Treatment Plant.

Mr. Schwartz discussed that there was an intermittent problem with freezing valves that had cost the Town quite a bit of money over the past several years that manifested itself with single digit weather and high winds which was not normal for around here. He discussed that the proposal was to install heat tape and insulation. He discussed that there was a temporary solution in place and that the proposal was for just under \$6000 and that he believed that would not be the total costs based on caveats in the fine print that the Town would need to do which would require additional monies. He discussed that this proposal did not include ESS's portion of the costs. He discussed that he was uncomfortable with how much was being allocated and with the time frame and when the project would be done. He discussed that there was a larger issue in his mind and that was that there were several priorities that needed to be addressed at the Wastewater Plant and in his opinion there needed to be a critical priorities list, and that this project might be one on the list, but there are several others. He discussed that he was unsettled at having individual proposals coming before the Council asking for \$6000 here and \$2000 there and they kept on coming. He discussed that if it was a response to an emergency the Mayor had the authority to deal with it and that in an emergency he was often involved and so he did not have issues with that. He discussed that he would like to table this for a month, unless there some need for it to be done immediately and that he wished to invite ESS to prepare a level 1, a level 2, and a level 3 critical priority list because there were several proposals that had been approved and the work had been done but the problems still had not been fixed including the problem with the platoons and the sinking SBRs.

Ms. Leggett asked if the temporary fix now in place would work for the next month.

Mr. Schwartz said yes.

Mr. Aichele made a motion to table the proposal and to ask the Clerk to ask ESS to prepare a list of critical priorities.

Mayor Sullivan asked Mr. Schwartz to write up what the Clerk should submit to ESS and he seconded the motion and the motion passed 6-0.

Mr. O'Connell asked if the insulation in place was permanent or temporary.

Mr. Schwartz discussed that there was a band aid in place that was temporary and the solution included in the proposal would be permanent and in place year round but there might be other solutions to the problem.

e). ESS Proposal for SUP and Intensity Changes Related to Sewer Use: Mayor Sullivan discussed that the Town had received a proposal from ESS responding to the Town's request to have ESS give the Town a quote for their consulting services when the Town looked at SUPs that have some impact on the sewer system or some other change in use that resulted in an impact on the system. He discussed that as knowledgeable as Mr. Schwartz was on this subject, he and Mr. Schwartz felt that it would be valuable to have Mr. Hearl's advice and that the consulting fees would be separate from the ESS contract at a cost of \$98.00 an hour per need but he did not feel that it would run into a great deal of money.

Mr. Aichele asked if this was the kind of expense that could be charged back to the user.

Mr. Schwartz discussed that in some cases yes and that the intent of this was multi-folded and one case would be when a new SUP came up where a residence became something such as commercial and there were certain regulatory agencies such as DEQ and Virginia Department of Health that required certain rules to be met and he wanted ESS to make sure the rules were being met. He discussed that in the case of new construction ESS's costs would be part of the construction costs. He discussed that for intensity change, where a lighter user changed to a heavier user such as a restaurant there were several requirements as to quality and quantity that would need to be reviewed and addressed. He discussed that the Town needed to go forward with looking at SUPs, intensity changes, and in reviewing old users to make sure they are conforming to the regulations as well as needing to review permit applications for non-residential dischargers. He discussed that in moving forward the \$98.00 an hour was a reasonable rate including travel time. He recommended that if site visits were required that they be grouped together. He made a motion to approve ESS's proposal and Mr. Aichele seconded and a roll call vote was taken:

Mr. Schwarz voted "yes" Mayor Sullivan  
voted "yes"

Ms. Kuhn voted "yes" Ms. Leggett voted "yes"

Mr. O'Connell voted "yes" Mr. Aichele voted "yes"

And the motion passed 6-0.

Mr. Bennett asked for a clarification about the proposal only including travel time to the site.

Mayor Sullivan discussed that the Town would work that out.

• PUBLIC FORUM: Mayor Sullivan opened the Public Forum:

Ms. Nancy Buntin asked Mr. Schwartz about the priorities list that he had made last year regarding problems at the wastewater Plant and if those items had been taken care of.

Mr. Schwartz discussed that some had and some had not.

Ms. Buntin asked what time period did it cover.

Mr. Schwartz discussed that there was a start date but no end date and that the 1<sup>st</sup> tier had been addressed but 2<sup>nd</sup> and 3<sup>rd</sup> tier had not and he wished to bring those items back to be address so they wouldn't be lost.

Ms. Buntin said that she agreed and suggested a five year plan of possible things that could go wrong and things that needed to be repaired so as to get a time frame and an idea of the costs.

Mr. Schwartz discussed that that was where they were headed although it might not be a five year plan.

Ms. Buntin discussed that the system was a yacht but it was lovely and had made a huge difference in the town.

Mayor Sullivan closed the Public Forum.

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- ADJOURNMENT: At 8:22 p.m. Mayor Sullivan made a motion to adjourn and Mr. Schwartz seconded and the motion passed 6-0 and the meeting was adjourned.

NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON MARCH 9, 2015

Respectfully submitted,

Laura Dodd  
Town Clerk

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Thomas Gardner Water tap request and sewer application

ESS Proposal for SUP and Intensity Changes Related to Sewer Use: