

The Town of Washington

"THE FIRST WASHINGTON OF ALL"

April 11, 2016

7:00 p.m.

Town Council Meeting

Approved Minutes

- CALL TO ORDER: Mayor John Fox Sullivan called the Town Council to order at 7:07 p.m. Council members Gary Schwartz, Jerry Goebel, Mary Ann Kuhn, Katharine Leggett, and Gary Aichele were present. Council member Patrick O'Connell was absent. Town Attorney John Bennett and Town Clerk Laura Dodd were also present.
- MINUTES: October 22, 2015 and November 9, 2015. Ms. Kuhn discussed that she had given Ms. Dodd some typo and grammar corrections for both sets of minutes. August 10, 2015: Mr. Aichele asked that the October 22, 2015 be corrected to show that he was present. Mr. Goebel made a motion to approve the October 22, 2015 minutes as corrected and Ms. Kuhn seconded and the motion passed 6-0.
November 9, 2015: Mayor Sullivan made a motion to approve the November 9, 2015 minutes and Mr. Goebel seconded and the motion passed 6-0.
- REPORTS: Treasury Report: Treasurer Goebel reviewed the attached Bank Summary Report, the Bills-To-Be Paid List, and the Additional Bills to Be Paid List.
Mr. Schwartz Discussed that he had some questions regarding some of ESS's billing on repairs but he would take them up separately with ESS.
Mayor Sullivan made a motion to accept the Treasurer's Report and Ms. Leggett seconded and the motion passed 6-0.
Mr. Goebel gave the following Past Due Accounts Report: "The Town is aggressively increasing its efforts to collect past due money in 3 categories: Meals and Lodging taxes, delinquent water and sewer bills, and unpaid sewer connection charges. As of this month; most of our Meals and Lodging taxes are current, and all are in compliance with the collection structure we have instituted to collect any back taxes owed the Town. We sent out fewer than 10 past due water notices, and almost everyone had either paid in full, or signed the payment agreement and come into compliance with said agreement. Since there are a few who have not done anything, I believe the next step would be service disconnection and demand for all outstanding money owed including late fees and reconnection charges as set forth in the water ordinance. We do have a handful of customers that have for one reason or another never paid their Sewer Connection Assessment, or have not paid their assessment in full. Per the Sewer Ordinance, failure to comply results in the cost increasing from the minimum connection fee of \$7,500, to \$15,000 or more. We are sending out demand letters requesting these payments in full and are taking legal procedures to ensure the Town's interest in collecting these fees is protected."
Mr. Aichele asked if the Town was restricted to certain collection methods.
Mr. Bennett discussed that Town had a full array of collection options.
Mr. Aichele discussed the option of notifying tax payers who had unpaid taxes that a lien would be placed on their property, which would result in the Town being paid what was due on the sale of the property.

Planning Commission: Chairman Schwartz reported that the Planning Commission had met in May and continued the Comprehensive Plan review with a focus on Avon Hall and had worked on the first draft of the Avon Hall paragraph to be current with goals. He discussed that the Planning Commission would be meeting on April 25, 2016 and would continue the Comprehensive Plan review with a focus on the broader spectrum of goals and objectives and if necessary would focus on Avon Hall. He discussed that there was still a vacancy on the Planning Commission and he encouraged people to submit letters of interest.

Architectural Review Board: Mayor Sullivan reported that a new member would be appointed under Old Business.

- TOWN ATTORNEY:

- OLD BUSINESS: a). Continued discussion of marketing and sale of Avon Hall property: Mr. Bennett discussed that there was a very serious buyer interested in purchasing the front portion of Avon Hall with the boundary line running close to the power lines. He discussed that the Town had received technical information on retaining Leggett Lane for access to the Wastewater Treatment Plant. He discussed that the Town would retain the Warren Avenue house but the property would become a smaller lot. He discussed that things were progressing in a normal fashion in the negotiations on the front portion of Avon Hall. He discussed that there had been some interest expressed in the corner lot and the residual back portion of the Avon Hall parcel and that the Town was interested in receiving any proposals on those properties.

Mayor Sullivan asked Mr. Bennett to discuss the process if the Town was to receive another substantial offer on Avon Hall and that someone had asked him what the selling price was.

Mr. Bennett discussed that considerable expense had been spent on studies and that to be fair he would not want to consider a new offer until the Council had concluded its consideration of the offer now being negotiated. He discussed that in the event that another offer came in he would review it and if he deemed it to be serious, he would let the new interested party know that their offer would be next in line for consideration if the original offer fell through.

Mr. Aichele discussed that the price depended on what options or portions were being considered and that different options equaled different land values.

Mayor Sullivan discussed that he had just been asked the question about another offer that evening and that he had no idea who might be another interested party.

Mr. Schwartz discussed that the Council had been discussing the Avon Hall sale mainly in closed session and asked when it would become a public discussion.

Mr. Bennett there were two different steps contemplated in the statutes on the sale of property by a government. He discussed that the first part was the negotiation of a contract which could be discussed in closed session and the second step was if a proposal was finalized in the form of a written proposal presented to Council, Council could move forward with a public hearing on whether to accept or reject the proposal and then could vote to accept or reject.

b). Appointment of ARB member: Mayor Sullivan discussed that the Town had received three letters of interest in the vacant ARB position,

which was the only position open to non-residents. He discussed that those who expressed were well qualified and were Christine Mumm, Bill Smith, and Butch Zindel.

After a short discussion, Mayor Sullivan nominated Mr. Zindel to fill the seat vacated by Ernesto Flores, and discussed that although Mr. Zindel was not an architect, he was a contractor/ builder, and that he had the capability, personality and experience from being on the County Board of Zoning Appeals that would be valuable on the ARB. Mr. Schwartz seconded the nomination.

There was a short discussion of the requirements for the position and ARB Chairman John MacPherson discussed that it might prove beneficial to be able to appoint an additional person to the ARB in an adjunct type position who could be consulted when additional expertise was required.

Mr. Bennett discussed that the ARB had the authority to ask for addition consultation but was required to have any costs approved beforehand by the Council.

Mr. Aichele made a motion to close the nominations and Ms. Kuhn seconded and a roll call vote was taken:

Mr. Aichele voted “yes”	Mayor Sullivan voted “yes”
Ms. Leggett voted “yes”	Ms. Kuhn voted “yes”
Mr. Goebel voted “yes”	Mr. Schwartz voted “yes”

And the motion passed 6-0

A roll call vote was taken on Mayor Sullivan’s nomination of Mr. Zindel:

Mr. Schwartz voted “yes”	Mr. Goebel voted “yes”
Ms. Kuhn voted “yes”	Ms. Leggett voted “yes”
Mayor Sullivan “yes”	Mayor Sullivan “yes”

And the nomination was approved 6-0.

• NEW BUSINESS: a). Authorization of Public Hearing on the FY 2016-2017 Budget: Mayor Sullivan discussed that the budget did not include the proceeds from the sale of Avon Hall and if it sold the budget would have to be amended and a public hearing held. He discussed that budget was conservative in regards to the Meals and Lodging revenue and that revenue was kept at this year’s figure of \$310,000. He discussed that the water and wastewater revenues reflected conservative increases based on the increased rates. He discussed that the budget reflected a \$30,000 decrease in operational expenses in wastewater and water based on the new ESS contract that now included the operations of the water system. He discussed that the Town had had significant legal expenses this year but that figure has been lowered for the upcoming year. He made a correction to the current water budget by transferring line 1740 up to 1330 which showed a transfer of \$28,350.0 from the General Account to Water Works.

Mr. Aichele discussed that the budget did not reflect an increase in the Meals and Lodging taxes and suggested that it might be time to raise the Town’s Meals and Lodging taxes to reflect those in the County. He discussed that his research suggested that customers would still come and stay in town if the rates were raised.

Mayor Sullivan and Ms. Kuhn agreed with Mr. Aichele.

Council agreed by consensus to delay the vote on authorizing the public hearing until after the consideration of the short term loan agenda item.

c). Short Term Loan: Mayor Sullivan discussed that with the ups and downs of income and expenses the Town was in need of a short term loan to help with the loan payments on the wastewater system. He discussed that the loan would be for less than \$100,000 and would more likely be for \$80,000. He discussed that there was a lending institution that was willing to give the Town a short term loan at a reasonable interest rate contingent on the loan being paid off upon the sale of Avon Hall. He discussed that the lending institution needed a loan resolution, attached, passed by the Council which was for \$95,000.

Mr. Bennett recommended amending the draft resolution to show it was for \$80,000 instead of \$95,000 based on financial figures that he now had.

After a short discussion, Mr. Aichele made a motion to pass the attached resolution amended to an \$80,000 loan, and Mayor Sullivan seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Leggett voted “yes”

Mayor Sullivan “yes”

Mayor Sullivan “yes”

And the motion passed 6-0.

Mr. Aichele made a motion to authorize and advertise a public hearing on the FY 2016-2017 Budget for the May 9, 2016 Council meeting and Ms. Kuhn seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Leggett voted “yes”

Mayor Sullivan “yes”

Mayor Sullivan “yes”

And the motion passed 6-0.

b). Food Pantry Day May 7, 2016: Mayor Sullivan discussed that the Town had contributed to Food Pantry day for the last three years and that it was a worthy cause.

Ms. Leggett moved that the Town contribute \$1,750 to the Food Pantry and Mr. Goebel seconded and a roll call vote was taken:

Mr. Schwartz voted “yes”

Mr. Goebel voted “yes”

Ms. Kuhn voted “yes”

Ms. Leggett voted “yes”

Mayor Sullivan “yes”

Mayor Sullivan “yes”

And the motion passed 6-0,

• **PUBLIC FORUM:** Mayor Sullivan opened the Public Forum:

Ms. Kuhn discussed that the newspaper would be putting up audio of the Town Council meetings and also County meetings on the newspaper’s website starting the next day.

Mr. Schwartz asked if that needed to be approved by Council.

Mr. Bennett discussed that audio and visual recordings were allowed as long as it did not disrupt the meeting.

Mayor Sullivan discussed that the Town did record its Council meetings and that they were available to the public.

Sharron Proper expressed her concerns about the Avon Hall sale and discussed a family situation where a contract was finalized but was not honored when another contract for more money came in.

Mr. Bennett assured Ms. Proper that people would not be treated in an underhanded way by the Town and they would be treated fairly.

Mayor Sullivan closed the Public Forum.

- CLOSED SESSION: Council may enter into closed session in accordance with the provisions of Section 2.2-3711.3 to discuss and consider the disposition of public property, namely all or a portion of the Avon Hall property, where the discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of the Town Council, and further in accordance with the provisions of Section 2.2-3711.7 for consultation with the town attorney regarding a specific legal matter, namely contract matters relating to Avon Hall, requiring the provision of legal advice by the town attorney.: There was no closed session.

- ADJOURNMENT: At 8:41 p.m. Mr. Schwartz moved to adjourn and Mr. Goebel seconded and the motion passed 6-0.

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NEXT SCHEDULED COUNCIL MEETING TO BE HELD ON APRIL 11, 2016

Respectfully submitted,

Laura Dodd

Attachments:

Treasurer's report

Additional Bills to be Paid

Bills to be Paid

Draft FY2016-2017 Budget

Short Term Loan Resolution

Letters of interest from ARB candidates