

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD
FINAL Hearing Minutes April 7, 2010

The Sewage Handling and Disposal Appeal Review Board (the "Board") met on April 7, 2010, in the Main Floor Conference Room, James Madison Building, Richmond, Virginia. Board members present were Steven Thomas (Chairman), Danny Hatch, Amy Pemberton, Jeanne Hockaday. Assistant Attorney General Ishneila G. Moore, Counsel to the Board, and Donna Tiller, Secretary to the Board were also present.

One appeal was on the docket for the Board's consideration. Joseph and Jacqueline Shipp, Orange County.

The hearing was called to order at 9:15 am. Mr. Price and Mr. and Mrs. Shipp both presented their opening statements.

Witnesses present were: Charles Shepherd, Fauquier County Health Department.

After hearing the presentations and evidence in the appeal, Amy Pemberton moved that the Board go into closed session pursuant to Section 2.2-3711.A.7 of the *Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigations, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel. Danny Hatch seconded the motion. The motion carried unanimously.

Upon reconvening the hearings, Steve Thomas moved that the Board end its closed session and certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board. Jeanne Hockaday seconded the motion. The motion carried unanimously.

Danny Hatch read the Board's motion to reverse the Commissioner's decision and award the Shipp's the cost of the repaired system in the amount of \$22,724.21. Jeanne Hockaday seconded the motion and the motion carried; 3 ayes and 1 opposed.

The hearing adjourned at 11:15 am

Donna Tiller, Secretary to the Board

c: Robert W. Hicks
Allen Knapp