

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JUNE 17, 2015 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

• **CALL TO ORDER.**

Mayor Hill called the meeting to order at 6:30 P.M.

Councilors Present: John Abrams, Rita Loy Simmons, Sherry Abraham and Chuck Ring.

Also Present: Vanessa Chavez, Robles, Rael, & Anaya, Steve Shepherd, Administrator and Estefanie Muller, Clerk-Treasurer.

• **PLEDGE OF ALLEGIANCE.**

1. APPROVAL OF AGENDA.

MOTION: Councilor Abrams made a motion to approve the Agenda as presented. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. The motion carried.

2. APPROVAL OF CONSENT AGENDA.

A. Approval of the Draft Regular Council Meeting Minutes of June 3, 2015.

B. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes of June 2, 2015. (Meeting cancelled).

C. Acknowledge Receipt of the Draft Library Board Meeting Minutes and Library Report for the month of May, 2015.

MOTION: Councilor Abrams made a motion to approve the Consent Agenda as presented. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

3. MATTERS FROM THE MAYOR.

A. Town Facilities Use Policy.

Mayor Hill presented a draft copy and stated a formal policy will be brought to the next meeting. He stated there have been a couple of businesses operating in the Town's open space areas and this needs to be addressed with possible fees. This would need to include the soccer field and the equestrian center, as the Town office has received telephone calls inquiring on setting up booths to sell products.

B. Mayor's on Strike Event.

Mayor Hill updated on the ARCA bowling event that was held in Rio Rancho, NM.

\$30,000 was raised for this organization that provides services for those with intellectual and developmental disabilities. Nine Mayor's participated and it was a lot of fun.

C. Capital Outlay.

Mayor Hill stated the Governor signed the Capital Outlay bill and designated \$620,000 to Edgewood for wastewater improvements.

D. Santa Fe County Road Improvements.

Mayor Hill complimented Santa Fe County on the improvements to Horton Road, between E. Venus and Hill Ranch Road. He was very pleased at the great job.

Mayor Hill stated that there is a proposal to change the way GRT's are distributed in New Mexico. All of the funds would go into one pot and then be distributed by population. The large cities like Albuquerque and Rio Rancho would see huge increases and the smaller communities would experience huge loses. Edgewood would stand to lose ½ million dollars. Mayor Hill stated that he talked to Representative Smith, who understands the impact this will have on a lot of communities. Mayor Hill suggested, in light of this, we should move forward on the annexation.

Mayor Hill announced that, sadly, Tracy Sweat had given her two week notice to resign her position with the Town of Edgewood. She will be working with her husband in their business and spending time with her son. Ms. Sweat has agreed to continue helping us with the annexation. A part time contract may be called for. Mayor Hill wished her well.

4. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Abraham promoted the Arts Alliance Festival being held on July 4th. She inquired as if fireworks would be allowed.

Councilor Ring commented that Rich Ford usually has a fireworks display, so it could just be left to them.

Mayor Hill stated that staff could check with the Fire Department.

Councilor Abraham suggested residents could go to Moriarty for fireworks and the parade.

Councilor Abraham also mentioned the Relay for Life, and asked for all to come out and support them.

5. MATTERS FROM THE ATTORNEY.

Attorney Chavez stated she was working on the annexation and would bring formal documentation to the next meeting.

Mayor Hill noted that the final annexation map would also be at the next meeting.

6. TOWN OF EDGEWOOD POLICE REPORT – Chief Radosevich.

A. Police Report and Animal Control Report for the month of May, 2015.

Chief Radosevich presented his report. The Animal Control, reported that 16 stray dogs were picked up, most of them Boxers. Since they have not been claimed, Mike Ring is working with other counties to get them adopted. None of the dogs have ID's or microchips.

Mayor Hill added that he had received a call from Mayor Chavez from the Village of Tijeras regarding the opportunity to utilize the Town of Edgewood Animal Control facility on a fee basis. Chief Radosevich is looking in to this possibility.

He, also, commented that Officer Wendt participated in the Special Olympics and carried the torch on her run.

Mayor Hill expressed his personal thanks and stated this made him proud, as well as, his son who participated in the Special Olympics.

7. **PUBLIC COMMENTS OF GENERAL MATTERS.** Limit to 2 minutes per person.
None

8. **CALL FOR PUBLIC HEARING.**

A. A Request to Erect an FM Radio Tower at 561 Thompson Road, T10N R7E S35, 5.971 ACRES, PORT of N2 HWY 66, Edgewood, N.M.

Steve Shepherd stated that he was contacted by someone who would like to have a FCC license for a low powered antenna that he would erect near the Seventh Day Adventist church. He is asking for 18 month period for completion. Mr. Shepherd referred him to Mel Patterson.

MOTION: Councilor Abrams made a motion to approve the call of Public Hearing for a Request to Erect an FM Radio Tower at 561 Thompson Road, T10N R7E S35, 5.971 ACRES, PORT of N2 HWY 66, Edgewood, N.M. Councilor Ring seconded the motion.

Councilor Abrams amended his motion to include the Hearing to be held at the July 15, 2015 meeting. Councilor Ring seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

9. **PUBLIC HEARING.**

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

A. Ordinance No. 2015-02. An Amendment to the Town of Edgewood, New Mexico Official Zone Map. **Correction to acreage** - 592 Horton Road, T11N R7E S21 Tract (*was 351.21, should be 51.21*) AC, NW4, 1-039-063-132-350, R-1 Zoning.

Estefanie Muller certified the Public Hearing Notice was posted as required.

Councilor Abrams confirmed no conflict of interest or ex parte communication.

Councilor Simmons stated she had communicated with Tracy Sweat on the error, but confirmed there was no conflict of interest.

Councilor Abraham confirmed no conflict of interest or ex parte communication.

Councilor Ring confirmed no conflict of interest or ex parte communication.

Mayor Hill confirmed no conflict of interest or ex parte communication.

Mayor Hill asked Legal Counsel if he should recuse himself.

Attorney Chavez replied that it wouldn't be necessary.

Estefanie Muller swore in Steve Shepherd.

Mr. Shepherd explained that in the original legal description of Ordinance No. 2015-02 a “3” was inadvertently added to the 51.21 acres. This Public hearing is to amend the ordinance with the correct acreage.

MOTION: Councilor Ring made a motion to approve Ordinance No. 2015-02. An Amendment to the Town of Edgewood, New Mexico Official Zone Map. Correction to acreage at 592 Horton Road, T11N R7E S21 Tract 51.21 AC, NW4, 1-039-063-132-350, R-1 Zoning. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

10. PUBLIC HEARING.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Continued from the Council Meeting of May 20, 2015.

A. Proposed Ordinance No. 2015-03; An Ordinance Governing the Collection, Treatment, and Disposal of Wastewater Within the Town; Providing for Procedures and Policies for Obtaining Wastewater Service from the Town; Providing for the Authority of the Town and Providing for Fees and Penalties. Repealing Ordinance No. 2010-01 A Ordinance Providing for Connection to Wastewater Facilities of the Edgewood Sewer District; and Repealing Ordinance No. 2010-02. An Ordinance Governing the Wastewater and Sewage Disposal.

Mayor Hill asked if the Public Hearing Notice had been posted as required. Estefanie Muller certified that it had.

Mayor Hill explained that this is a continuation of the discussion on the proposed Ordinance 2015-03. This is a new draft and time should be taken to go through it.

Tappan Mahoney stated he did not receive any comments after the last meeting. He reviewed the changes made based on the last discussion.

Page 5 – the paragraph on Health Officer is removed.

Page 8 – definitions for “Total Kjeldahl Nitrogen” (TKN) and “Total Suspended Solids” (TSS) were added.

Page 22- Section 3.02 – Fees and Bills are addressed. This was originally in Resolution form, now part of the Ordinance.

Page 25 – Section 4.05f – Waiver of Penalties – gives the Town the ability to waive fees for good cause at their discretion.

A discussion regarding who would have this authority and possibilities of how it would be handled.

John Basset pointed out that the words “penalties” and “fees” are used on a previous page to mean the same thing. Their definitions need to be clarified or maybe one eliminated.

Councilor Ring inquired as to who establishes the fees.

Mr. Mahoney replied that page 33 establishes the fees and penalties.

Another discussion followed regarding instances for connection, plant capacity, and requirements from NMED. Initially the target would be primarily commercial development, but at some time new residential and existing residential would need to be considered.

Mayor Hill stated that in the future plans to extend lines to Section 16. At that time, there will be some options. Those being: private sector fix with private company, pretreatment option, and acidification.

Mr. Bassett suggested a line extension agreement previously, and was unsure if it was included in the proposed Ordinance.

Mr. Mahoney replied that Sections 2.09 and 2.10 referred to that.

Mr. Bassett emphasized the need for the agreements be separate and distinct. He explained that the line extension should be first and later the hookup.

Mr. Mahoney stated that they will work on the agreement.

Mr. Mahoney continued with the review of the Ordinance changes.

Page 27 Section 4.09 refers to the access to private property for inspection purposes.

Page 29 Schedule A - was previously a resolution, is now part of the Ordinance.

Resolution 2015-10 establishes the wastewater service area and shows the location of existing lines.

MOTION: Councilor Ring made a motion to continue the Public Hearing to the July 15, 2015 Council Meeting. Councilor Abrams seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

11. MATTERS FROM THE ADMINISTRATOR.

A. 2015-16 Budget Update.

Steve Shepherd reported that the GRT's were at \$373,004 for the month and that may contain some payment toward the deferred monies. This distribution also closed out the Fiscal year. He noted that next month we will look at a draft of the Final Budget and at the July 15, 2015 Council Meeting will adopt it. He suggested that the Town remain conservative in spending for the first quarter of the new Fiscal year and then possibly look at the list of requests.

12. APPROVAL OF THE FINANCIAL REPORT FOR THE MONTH OF MAY, 2015.

MOTION: Councilor Simmons made a motion to approve the Financial Report for month of May, 2015. Councilor Abraham seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

13. ANNOUNCEMENTS and/or CALENDAR REVIEW.

A. Regular Council Meeting – July 1, 2015 @ 6:30 P.M.

B. Regular Council Meeting – July 15, 2015 @ 6:30 P.M.

NOTE: The Town Hall Offices will be closed on Friday, July 3, 2015 in observance of 4th of July Holiday.

14. FUTURE AGENDA ITEMS.

A. Public Hearing – Annexation for Entranosa Water & Wastewater Cooperative Association.

B. Review of the Infrastructure Capital Improvements Plan (ICIP) – 2016-2020. Reviewed.

15. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(2) and (H)(7) the following will be discussed in Closed Session:

- Limited Personnel Matters
- Pending Litigation.

Mayor Hill disclosed that he would be asking Councilor Ring not to participate in part of the Closed Session.

MOTION: Councilor Abrams made a motion to go into Closed Session pursuant to NMSA 1978, 10-15-1 (H)(2) and (H)(7) to discuss limited personnel matters and pending litigation. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. The motion carried.

MOTION: Councilor Abrams made a motion to come back into Open Session. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. The motion carried.

Councilor Abrams affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Councilor Simmons affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Councilor Abraham affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Councilor Ring affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

Mayor Hill affirmed only Limited Personnel Matters and Pending Litigation were discussed and no decisions were made.

16. MOTION PER CLOSED SESSION.

MOTION: Councilor Simmons made a motion requesting Councilor Ring to vacate the position of Mayor Pro-Tem due to conflict of interest as he would not be able to deal with personnel matters in the absence of the Mayor. Councilor Abraham seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted aye., The motion carried.

Mayor Hill asked Councilor Ring to resign his position of Mayor Pro-Tem. Councilor Ring stated he would need to talk to his Attorney. Councilor Ring declined the Mayor's request.

MOTION: Councilor Simmons made a motion to appoint Councilor Abrams as Mayor Pro-Tem. Councilor Abraham seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted nay. The motion carried.

17. **ADJOURN.**

MOTION: Councilor Simmons made a motion to adjourn the meeting. Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

Mayor Hill adjourned the Meeting at 8:28 P.M.

PASSED, APPROVED and ADOPTED this 1st day of JULY, 2015.

Brad E. Hill, Mayor

ATTEST:

Estefanie B. Muller, CMC, Clerk-Treasurer