

**AGENDA  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – MARCH 4, 2016 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD  
PLEASE SILENCE ALL ELECTRONIC DEVICES DURING MEETING  
THANK YOU.**

(The Town of Edgewood Council is pleased to have residents of the community take time to attend Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcomed and should be given to the Clerk-Treasurer prior to the start of the meeting).

- **CALL TO ORDER.**
  - **PLEDGE OF ALLEGIANCE.**
1. **APPROVAL OF AGENDA.**
  2. **APPROVAL OF CONSENT AGENDA.**
    - A. Approval of the Regular Council Meeting Minutes of February 18, 2015.
    - B. Approval of the Special Council Meeting Minutes of February 23, 2015.
  3. **MATTERS FROM THE MAYOR.**
  4. **MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**
  5. **MATTERS FROM THE ATTORNEY.**
  6. **MATTERS FROM THE MUNICIPAL JUDGE.**
    - A. Judge White will present his report for the month of March, 2015.
  7. **PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.**
  8. **PUBLIC HEARING.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:** (Continued from the Council Meeting of February 18, 2015).

    - A. Amendment to Town of Edgewood Wastewater Ordinance No. 2010-01.
  9. **PUBLIC HEARING.**

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:** (Continued from the Council Meeting of February 18, 2015).

**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. Amendment/Corrections to the Town of Edgewood Official Zone Map.
- 10. RESOLUTIONS.**
- A. Resolution No. 2015-02. A Resolution Adopting a Fee Schedule for Wastewater Connections.
- B. Resolution No. 2015-03. A Resolution Authorizing the Submittal of an Application for the 2015-2016 New Mexico Department of Transportation Municipal Arterial Program Funds (MAP) for Street and Drainage Improvements within Edgewood, New Mexico.
- 11. MATTERS FROM THE ADMINISTRATOR.**
- A. Town of Edgewood Special Use Permit Application (AT&T Edgewood N881) Proposed Modifications to this existing site at 1791 Old Hwy 66 #3.
- B. Discussion of Administrative Review and Application for Eligible Facilities.
- 12. ANNOUNCEMENTS and/or CALENDAR REVIEW.**
- A. Regular Council Meeting – March 18, 2015 @ 6:30 P.M.
- B. Regular Council Meeting – April 1, 2015 @ 6:30 P.M.
- 13. FUTURE AGENDA ITEMS.**
- A. Schedule 2015-16 Budget Preparation Meetings.
- 14. CLOSED SESSION.**
- As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(2) the following will be discussed in Closed Session.**
- Limited Personnel Matters
- 15. ADJOURN.**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Clerk at the Town Offices located at 1911 Historic Route 66, at least five (5) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Town Clerk at (505)286-4518, or by e-mail at [clerk@edgewood-nm.gov](mailto:clerk@edgewood-nm.gov) if a summary or other type of accessible format is needed. The complete council packet may be viewed on the web, visit [www.edgewood-nm.gov](http://www.edgewood-nm.gov) click on Agendas, Meetings & Minutes.

**MINUTES**  
**TOWN OF EDGEWOOD**  
**REGULAR COUNCIL MEETING – FEBRUARY 18, 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 were John Abrams, Sherry Abraham, and Chuck Ring. Councilor Simmons was not present. Also present were Attorney Vanessa Chavez, Steve Shepherd, Town Administrator, Estefanie Muller, CMC, Clerk-Treasurer and Bonnie Pettee, Town Secretary.

• **PLEDGE OF ALLEGIANCE.**

1. **APPROVAL OF AGENDA.**

Mayor Hill stated he would like to strike Item 3C from the Agenda at the request of the individual.

**MOTION:** Councilor Ring made a motion to approve the agenda with the requested change. Councilor Abraham seconded the motion.

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

2. **APPROVAL OF CONSENT AGENDA.**

A. Approval of the Regular Council Meeting Minutes of February 4, 2015.

B. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes of February 3, 2015.

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

D. Acknowledge Receipt of the Draft Animal Advisory Committee Meeting Minutes for the month of January, 2015.

E. Acknowledge Receipt of the Draft Parks and Recreation Meeting Minutes for February, 2015.

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

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

3. **MATTERS FROM THE MAYOR.**

Mayor Hill introduced Mr. Gus Martinez, the Santa Fe County Assessor. Mr. Martinez introduced his staff; Dan King, Isiah Romero and Gary Perez. He stated that they would be at the Senior Center on February 26, 2015 at 6:00 p.m. to meet with the property owners of Agricultural property. He noted that 450 people were notified and is committed to bringing information to Edgewood. Mr. Gary Perez, Deputy Assessor, made a brief presentation on their newly updated website, showing various tools

including property search and parcel information. Mayor Hill thanked them for coming to Edgewood and for their presentation.

A. Introduction of Mr. Dan Thompson, Planning & Zoning Commissioner.  
Mayor Hill introduced Mr. Thompson to the Council as a new Commissioner to the Planning & Zoning Commission. Mr. Thompson is a local resident and business owner.

B. Appointment of Planning & Zoning Commissioner – Ms. Kay Davis-McGill.  
Mayor Hill recommended appointment of Ms. Kay Davis-McGill to the Planning & Zoning Commission. He stated Ms. McGill has extensive knowledge in the planning and zoning and previous experience in community development.

Ms. McGill expressed her thanks and stated she would support the ordinances and processes for land use.

Councilor Abrams inquired about her being subject to ex-parte communications.

Ms. McGill assured the Council that she would follow procedures in such matters.

**MOTION:** Councilor Abraham made a motion to approve the appointment of Ms. Kay Davis-McGill to the Planning & Zoning Commission. Councilor Ring seconded the motion.

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

C. Re-Appointment of Planning & Zoning Commissioner as Alternate – Mr. John Carpenter.

This item was removed from the agenda at the request of the individual.

D. Plaque of Appreciation and Thanks from Ms. Steve Williams and Family.  
Mayor Hill stated that a plaque was given to the Town Of Edgewood from the Steve Williams's family in appreciation for everything the Town has done to honor Steve.

E. Mr. David A. Schultz – Legacy Gift.

Mayor Hill explained that Mr. Schultz has bequeathed his home to the Town of Edgewood to be used for the benefit of the Animal Control facility. Mayor Hill expressed his appreciation for this wonderful gift.

Mayor Hill noted that there was a pre-construction meeting today for the paving of Rainbow Road. He stated the work will begin on Tuesday.

Councilor Ring asked if the residents would be notified.

Mayor Hill replied that a sign would be erected.

**4. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Ring noted he wanted to speak on Item 10B of the Agenda.

Councilor Abraham spoke about the Arts Festival meeting and the progress they are making.

Councilor Abrams attended the Santa Fe County Health Planning Policy Meeting. The next meeting will

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be held at First Choice in Albuquerque in the South Valley. He added there are many initiatives going on.

Councilor Abraham added that she had attended the EVEDA meeting. They will come to Council meeting to present their proposal in the future.

Councilor Ring added that he had attended a First Choice Board meeting.

Mayor Hill commented that he will make a presentation at the County Commission meeting in the future concerning First Choice. He added that there was much interest in Edgewood; plans are being made and projects are moving forward.

**5. MATTERS FROM THE ATTORNEY.**

None

**6. PUBLIC HEARING.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required: (To be Continued at the Council Meeting of March 4, 2016).**

Estefanie Muller, Town Clerk, certified that the Public Notice for this meeting was posted as required.

A. Amendment to Town of Edgewood Wastewater Ordinance No. 2010-01.

Mayor Hill explained that this was intended as an overview of what would be presented at the next meeting. He introduced Tappan Mahoney from Dennis Engineering.

Mr. Mahoney explained that Section 4.3.2 requires a Public Hearing for a Resolution to allow changes to the connection fees. A Resolution will also be forthcoming with the proposed changes to the connection fees and rates.

**MOTION:** Councilor Abraham made a motion to continue the Public Hearing for the Amendments to the Town of Edgewood Wastewater Ordinance No. 2010-01. Councilor Abrams seconded the motion.

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

**7. PUBLIC HEARING.**

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: (To be Continued at the Council Meeting of March 4, 2016).**

**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.**

Mayor Hill recused himself as he had worked with the staff regarding the zoning map. Councilor Ring, as Mayor Pro-Tem, assumed the Chair of the meeting.

Estefanie Muller, Town Clerk, certified that the Public Notice for this meeting had been posted as required.

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Councilor Abrams confirmed that he had no conflict of interest or ex-parte communication.

Councilor Abraham confirmed that she had no conflict of interest or ex-parte communication.

Councilor Ring confirmed that he had no conflict of interest or ex-parte communication.

**A. Amendment to the Town of Edgewood Official Zone Map.**

Mayor Hill was sworn in for testimony. He stated the need to amend the zoning map rises from inaccuracies within the map. Staff did inventory on properties in question and then extensive research to identify every property correctly. He encouraged residents to come forward and bring additional information that may help with this process.

Councilor Abrams inquired as to verification for each property identified.

Mayor Hill replied that each property identified would be backed up by documentation. He added that the zoning will not be changed, just corrected.

Mayor Hill commended Ms. Tracy Sweat for all the tedious work she has put into this project.

Mayor Pro-Tem Ring opened the meeting for Public Comment.

Mr. John Bassett stated his property was one that was identified. He inquired as to what that meant.

Mayor Hill explained that the red areas were properties that need to be resolved.

Mr. Bassett had no other questions.

Councilor Abrams requested that the Council receive the spreadsheet listing the documentation on each identified property.

Mayor Pro-Tem Ring closed the Public Hearing. At this time Mayor Hill resumed chairing the meeting.

**MOTION:** Councilor Abrams made a motion to continue the Public Hearing for the Amendment to the Zoning Map to the March 4, 2015 Council meeting. Councilor Abraham seconded the motion.

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

**8. TOWN OF EDGEWOOD POLICE REPORT – Chief Radosevich.**

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

Chief Radosevich reviewed his report and was open for questions. He stated the construction of the Animal Control and Police Department was moving along quite well. They will soon be pouring the slabs for the buildings.

He commented on a Save the Date – April 4, 2015 for the Annual Easter Egg Hunt being held at Edgewood Elementary School.

**9. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.**

Mr. John Bassett addressed the Council regarding trash along the fence near Walmart. He stated that the Town needs a Code Enforcement officer.

Mayor Hill stated the Walmart has changed managers and he is trying to meet with the interim manager to discuss this issue.

**10. MATTERS FROM THE ADMINISTRATOR/PLANNER.**

A. Discussion of Roads for Submittal of Municipal Arterial Plan (MAP) Application. Steve Shepherd explained that Entrada Del Norte was recommended for paving under the specified funding.

Councilor Abraham asked for reason this road was chosen vs. Church Rd. She would like to see some of the started projects completed.

Tappan Mahoney replied that Church Rd. was too large and the funding available would not cover paving the remaining portion and drainage issues.

Mayor Hill stated that this would come forward as a Resolution at the next meeting.

B. Merit Pay for Town Employees.

Councilor Ring explained that several employees did not receive an approved merit raise this fiscal year. He requested that those who did not be given those raises.

A discussion followed regarding what constitutes a Merit raise and whether those who did not receive them should. Mr. Shepherd discussed the total amount of approximately \$5,000 to cover those who did not receive a merit increase this fiscal year.

**MOTION:** Councilor Ring made a motion to approve a 2% merit increase to those employees who did not receive one, effective March 2, 2015. Councilor Abrams seconded the motion.

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

**11. APPROVAL FOR DESTRUCTION OF TOWN OF EDGEWOOD DOCUMENTS.**

Estefanie Muller, Town Clerk, explained that she has created a list of documents dating 2000 – 2010 for destruction per the State Retention Scheduled. She gave Council a copy of the State Statute pertaining to this action. Ms. Muller asked the Council for their approval to destroy these documents at the Shredding event sponsored by Dennis Engineering on February 27<sup>th</sup>.

**MOTION:** Councilor Abraham made a motion to approve destruction of documents listed under compliance with State Statue and advice from Legal Counsel. Councilor Abrams seconded the motion.

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

**12. APPROVAL OF THE FINANCIAL REPORT FOR THE MONTH OF JANUARY, 2015.**

**MOTION:** Councilor Ring made a motion to approve the Financial Report for January 2015. Councilor Abrams seconded the motion.

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

**13. ANNOUNCEMENTS and/or CALENDAR REVIEW.**

- A. Regular Council Meeting – March 4, 2015 @ 6:30 P.M.
- B. Regular Council Meeting – March 18, 2015 @ 6:30 P.M.

**14. FUTURE AGENDA ITEMS.**

- A. Public Hearing – Amendments to the Wastewater Ordinance No. 2010-01.
- B. Public Hearing – Amendments to the Official Zone Map.
- C. Resolution Adopting a Fee Schedule for the Wastewater Connections.
- D. Mid-Year Budget Review.

**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.**

- A. Limited Personnel Matters.
- B. Pending Litigation.

**MOTION:** Councilor Abraham made a motion to go into Closed Session. Councilor Ring seconded the motion.

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

**MOTION:** Councilor Abraham made a motion to come back into Open Session. Councilor Ring seconded the motion.

**VOTE:** Councilor Abrams 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 Abraham affirmed only Limited Personnel Matters and Pending Litigation was 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. ADJOURN.**

**MOTION:** Councilor Abrams made a motion to adjourn the meeting. Councilor Ring seconded the motion.

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

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Mayor Hill adjourned the meeting at 9:10 p.m.

**PASSED, APPROVED and ADOPTED this 4<sup>th</sup> day of MARCH, 2015.**

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Brad E. Hill, Mayor

**ATTEST:**

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Estefanie B. Muller, CMC, Clerk-Treasurer

**MINUTES  
TOWN OF EDGEWOOD  
SPECIAL COUNCIL MEETING – FEBRUARY 23, 2015 @ 3:00 P.M.  
EDGEWOOD COMMUNITY CENTER, #27 E. FRONTAGE ROAD, EDGEWOOD, NM**

**1. CALL TO ORDER.**

Mayor Hill called the Meeting to order at 3:15 p.m.

Councilors Present: John Abrams, Rita Loy Simmons, Sherry Abraham and Chuck Ring.  
Also present were Ms. Vanessa Chavez, Town Attorney, Mr. Steve Shepherd,  
Administrator and Ms. Estefanie Muller, CMC, Clerk-Treasurer.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**VOTE:** Councilor Abraham made a motion to approve the Agenda as presented.  
Councilor Abrams seconded the motion.

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

**4. 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.**

**A. Limited Personnel Matters.**

**B. Pending Litigation.**

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

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

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

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

Councilor Abrams affirmed only items listed were discussed and no decisions were  
made.

Councilor Simmons affirmed only items listed were discussed and no decisions were  
made.

Councilor Abraham affirmed only items listed were discussed and no decisions were  
made.

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Councilor Ring affirmed only items listed were discussed and no decisions were made.  
Mayor Hill affirmed only items listed were discussed and no decisions were made.

**5. MOTION PER CLOSED SESSION.**

**None.**

**6. ADJOURN.**

**VOTE:** Councilor Simmons made a motion to adjourn the meeting. Councilor Abrams seconded the motion.

**MOTION:** All Councilors voted aye. The motion carried.

**PASSED, APPROVED and ADOPTED this 4<sup>th</sup> day of MARCH, 2015.**

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Brad E. Hill, Mayor

**ATTEST:**

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Estefanie B. Muller, CMC, Clerk-Treasurer

Fine Fee Summary  
From 02/01/2015 12:00 AM to 02/27/2015 11:59 PM  
All Case Types and Sub-Types  
All Clerks

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**Receipts**

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**Case Payment**

Correction Fee	657.00
Court Automation Fee	204.00
Fine	2,091.12
Judicial Education Fee	114.00

Subtotal: 3,066.12

**Total Receipts:** 3,066.12

**Report Total:** 3,066.12

Edgewood Municipal Court

User: KSMITH

Monthly Activity Report  
 February 2015  
 Citations and Non-Citations By Issued Date  
 Financial Type: Fines and Fees  
 Cases With and Without Disposition

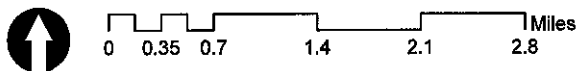
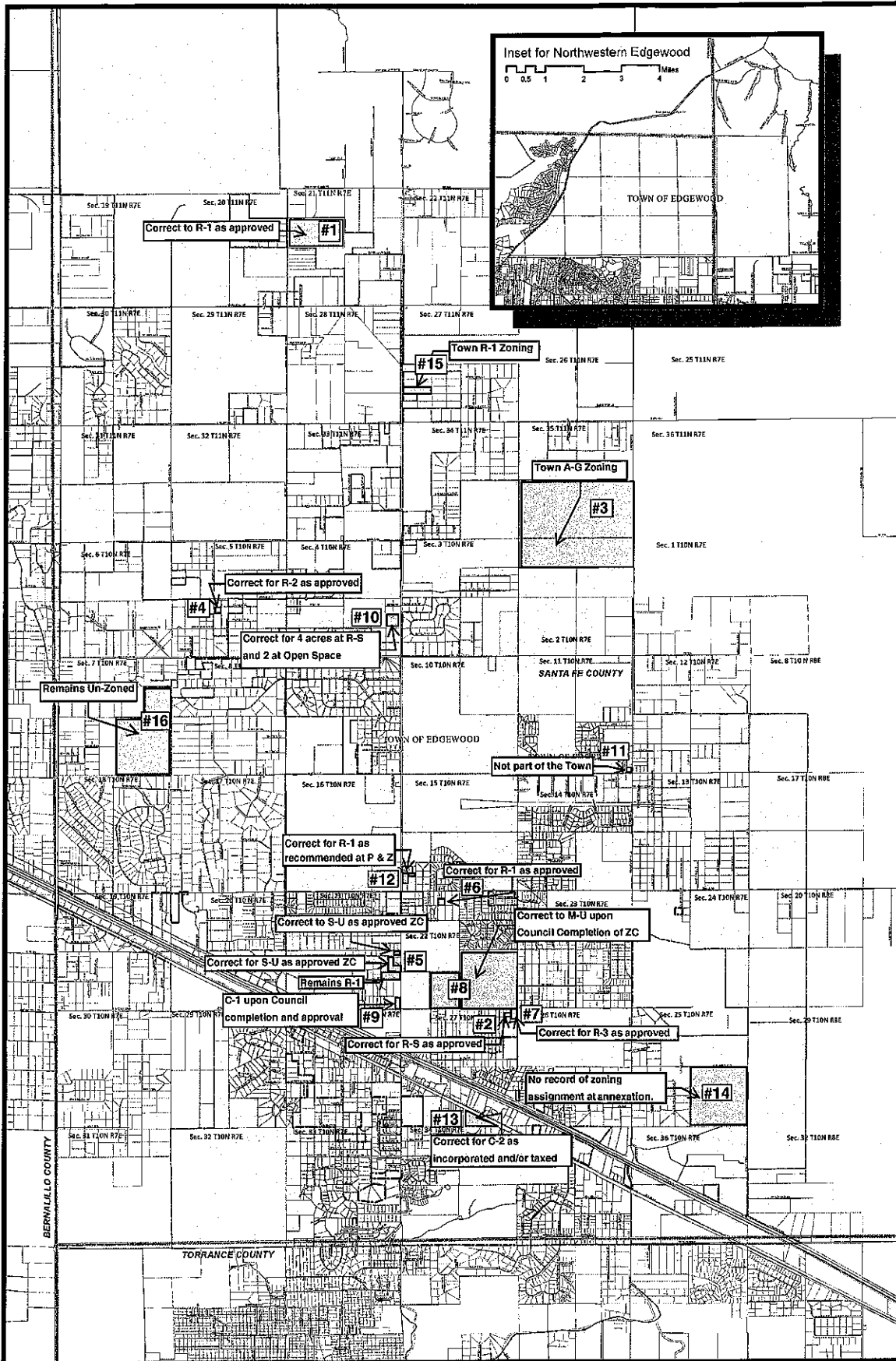
Citations	Last Month	This Month	Change	Last YTD	This YTD	Change
ANIMAL CONTROL	1	1	0	6	2	-4
CRIMINAL 2006-10	9	2	-7	5	11	6
DWI	0	0	0	1	0	-1
Miscellaneous	1	0	-1	4	1	-3
TRAFFIC	34	80	46	200	114	-86
<b>Totals:</b>	<b>45</b>	<b>83</b>	<b>38</b>	<b>216</b>	<b>128</b>	<b>-88</b>
<b>Non-Citations</b>						
CRIMINAL 2006-10	0	0	0	2	0	-2
<b>Totals:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>-2</b>
<b>Fines and Fees</b>						
Correction Fee	506.00	657.00	151.00	2,809.25	1,163.00	(1,646.25)
Court Automation Fee	156.00	204.00	48.00	828.00	360.00	(468.00)
DWI Lab	0.00	0.00	0.00	0.00	0.00	0.00
DWI Prevention	0.00	0.00	0.00	0.00	0.00	0.00
Fine	2,177.00	2,091.12	(85.88)	5,462.16	4,268.12	(1,194.04)
Judicial Education Fee	78.00	114.00	36.00	414.00	192.00	(222.00)
<b>Totals:</b>	<b>\$2,917.00</b>	<b>\$3,066.12</b>	<b>\$149.12</b>	<b>\$9,513.41</b>	<b>\$5,983.12</b>	<b>\$(3,530.29)</b>

Edgewood Municipal Court

User: KSMITH

Epayment Payments Received  
 From 02/01/2015 12:00 AM to 02/27/2015 11:59 PM  
 By Case Number

Case No.	Defendant	Transaction No.	Payment Type	Charge Payment	Payment Date and Time	Receipt No.
<b>CitePayUSA Payments</b>						
201402691-TR-DI	Gallegos, Aaron	675821276	CitePayUSA	36.12	02/12/2015 12:39 PM	5301
201402934-TR-SU	Murray, Daniel	674731004	CitePayUSA	179.00	02/09/2015 8:55 PM	5297
201402958-TR-SP	Stanton, Dominique	674482407	CitePayUSA	50.00	02/09/2015 10:23 AM	5293
201403016-TR-SP	Delong, Amy	679870790	CitePayUSA	129.00	02/23/2015 1:25 PM	5317
No. of Payments: 4			Subtotal:	394.12		
<b>Total no. of Payments: 4</b>			<b>Total:</b>	<b>394.12</b>		



**Zone Map**  
 Town of Edgewood  
 Santa Fe County, NM

**RESOLUTION NO. 2015-03**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE  
2015-2016 NEW MEXICO DEPARTMENT OF TRANSPORTATION  
MUNICIPAL ARTERIAL PROGRAM FUNDS FOR  
STREET AND DRAINAGE IMPROVEMENTS WITHIN EDGEWOOD, NEW MEXICO**

- WHEREAS,** *The Town of Edgewood, New Mexico is a municipal corporation, and acting by its Town Council, is in support of seeking funding assistance, in full or in part, for the planning, design, construction, reconstruction, drainage improvements, and construction management of Entrada del Norte from NMSR 333 to Walker Road;*
- WHEREAS,** *The State Maintenance Bureau of the New Mexico Department of Transportation is soliciting applications for the Department's Municipal Arterial Program (MAP) for fiscal year 2015-2016 which includes major local service streets and;*
- WHEREAS,** *This street is considered major local service streets by the Town of Edgewood, and improvements to this road will alleviate traffic from the NMSR 333/NMSR 344 intersection;*
- WHEREAS,** *The New Mexico Department of Transportation requests, as part of the application procedure, passage and submittal of a local government resolution of support for the project.*

**NOW THEREFORE, BE IT RESOLVED THAT,** *the Town of Edgewood supports the preparation and submittal of an application in accordance with the procedures established by the New Mexico Department of Transportation.*

**PASSED, APPROVED, and ADOPTED this 4th day of March 2015.**

\_\_\_\_\_  
**Brad E. Hill, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Estefanie B. Muller, CMC**  
**Clerk-Treasurer**



# The Center for Municipal Solutions

711-22 Tramway PI NE  
Albuquerque, NM 87122  
[melpatcms@gmail.com](mailto:melpatcms@gmail.com)

February 10, 2015

Mayor Hill & Town Council  
Town of Edgewood  
P.O. Box 3610  
Edgewood, NM 87105

**RE: Town of Edgewood Special Use Permit Application (AT&T Edgewood N881)  
AT&T proposes modifications to this existing site  
CMS project #: Edgewood NM AT&T 1791 Old Hwy US Hwy 66 #3**

Mayor Hill and Town Council:

We have reviewed all of the materials submitted by the applicant for the above referenced application and we find it to be complete and in compliance with the Town of Edgewood's Local Ordinance Regulating the Siting of Wireless telecommunications Facilities excepting the items outlined in the conditions stated below. They are modifying the existing facility by removing & replacing existing panels and adding associated RRHs in support of the network upgrades without increasing the height, which is the Town's number 1 priority. My plans are to attend the Council meeting scheduled for February 18, 2015 to present the recommendation and answer any questions.

Should the Council issue a Special Use Permit to the applicant we recommend that it be subject to the following conditions:

1. That AT&T be granted relief under Section 28 of the ordinance for the following requirements: Sections 6F1 propagation studies, 6 F 14-16 propagation study data, 6 K photo simulations, 6 L screening, 6 X pre-application meeting, 6 AA FAA Part 77, cultural properties studies, 7 priority locations, 9 height, 10 visibility and 13 set backs based on this application request that modifies an existing facility without an increase in height or size that qualifies as an "eligible facility."
2. That AT&T is granted timing relief to insure that Section 12 Signage requirements are met during construction. Proper signage shall be installed prior to obtaining a Certificate of Compliance.
3. The escrow account must be in good standing, prior to the issuance of the building permit and the applicant must pay all costs and fees associated with the processing of this application, permits and inspections, prior to the issuance of the Certificate of Compliance.

The next step would be for the Town to issue the building permit. After construction is completed CMS performs a final inspection of the site to insure the site is completed in accordance with the approved application.

If you should have any questions please call me at (505) 828-9087.

Sincerely,

Mel Patterson  
Regional Director

Cc: Steve Shepherd, Town of Edgewood Administrator  
Dick Comi, CMS

# The Center for Municipal Solutions

711-22 Tramway Pl. NE  
Albuquerque, NM 87122  
(505)828-9087  
(505)401-5056  
[melpatcms@gmail.com](mailto:melpatcms@gmail.com)

February 18, 2015

Steve Shepperd  
Town Administrator  
Town of Edgewood

**RE: Proposed procedure modifications to Ordinance of 2003 Regulating Siting of Wireless Telecommunications Facilities**

Mr. Shepperd:

Background: Congress passed HR 3660 Middle Class Tax Relief Act and Job Creation Act of 2012 in February of 2012. More specifically, Section 6409 of that Act contains wording that requires "eligible facilities" to be approved by local jurisdictions. Moreover, in January of 2015 the FCC issued a ruling that further clarified the requirements including more stringent approval time frames. (See Attachment.) "Eligible facilities" as it applies to Town of Edgewood's ordinance are those facilities that do not require a public hearing. This would include applications for co-locations and modifications that do not increase the height of the tower.

CMS's Recommendation: To incorporate the intent of the Act & FCC Ruling we recommend that "eligible facilities" receive an "Administrative Review" to streamline the process. The administrative review would be performed using the same guidelines defined by the Wireless Facilities ordinance. My understanding is this may require Council approval and/or modification of the Ordinance to delegate the authority that allows for the "administrative review" as well as the authority to approve "eligible facilities" that meet ordinance requirements.

Other jurisdictions that work with CMS use administrative reviews and approvals without any degradation to the process or maintaining the original intent of the wireless facilities ordinances.

Mr. Shepperd should there be any questions, please let me know. I request that this change to the approval process be added to the agenda for the March 4, 2015 agenda. If approved for the agenda I will plan to attend the meeting to discuss the matter in more detail and answer questions. I have attached also attached a proposed modification to the ordinance that would accommodate the change in the approval process, if determined to be required.

Sincerely,

Mel Patterson  
Regional Director

Attachments (2)

Cc: Dick Comi, CMS (via email)

## **Subpart CC—State and Local Review of Applications for Wireless Service Facility Modification**

### **§ 1.40001 Wireless Facility Modifications**

(a) Purpose. These rules implement § 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires a State or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

(b) Definitions. Terms used in this section have the following meanings.

(1) Base Station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i)-(ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) collocation of new transmission equipment;

(ii) removal of transmission equipment; or

(iii) replacement of transmission equipment.

(4) Eligible Support Structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(7) Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other

circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site;

(v) it would defeat the concealment elements of the eligible support structure; or

(vi) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in §1.40001(b)(7)(i)-(iv).

(8) **Transmission Equipment.** Equipment that facilitates transmission for any Commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) **Tower.** Any structure built for the sole or primary purpose of supporting any Commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) **Review of Applications.** A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) **Documentation Requirement for Review.** When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) **Timeframe for Review.** Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) **Tolling of the Timeframe for Review.** The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the

original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) Failure to Act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) Remedies. Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

Amendment to Paragraph 6 (A) of Wireless Telecommunication Facilities Ordinance of 2003. Paragraph 6 (A) of the Ordinance is deleted in its entirety and the following paragraph 6 (A) is substituted in its place:

“All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The Town Council is the officially designated agency or body of the Town to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for Wireless Telecommunications Facilities. The Town may at its discretion delegate or designate other official agencies of the Town or others to accept, review, analyze, evaluate and make recommendations to the Town Council with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for Wireless Telecommunications Facilities. *The Town Council delegates its authority to the Town Administrator, or his/her designee, to accept, review analyze, and make "Administrative Approvals" with respect to the granting or not granting, or revoking special use permits for those facilities that meet requirements of the Ordinance and that do not require a public hearing as defined by Section 16.*”