

**MINUTES  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – September 7, 2016 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

• **CALL TO ORDER.**

Mayor Bassett called the meeting to order at 6:38 p.m.

Councilors Present: John Abrams, Sherry Abraham, Rita Loy Simmons, and Chuck Ring  
Also Present: Clerk/Treasurer Juan Torres, Attorney Randy Autio, and Bonnie Pettee,  
Planning and Zoning.

• **PLEDGE OF ALLEGIANCE.**

**1. APPROVAL OF AGENDA.**

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

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

**2. APPROVAL OF CONSENT AGENDA.**

- A. Approval of the Draft Regular Council Meeting Minutes of August 24, 2016.
- B. Approval of the Draft Special Council Meeting Minutes of August 26, 2016.
- C. Acknowledge Receipt of the Draft Planning & Zoning Commission Meeting Minutes of August 22, 2016.

Councilor Abraham stated that in the Council Meeting Minutes from August 24, 2016, on page 11, during the Organizational Structure discussion the Minutes read that all Councilors voted aye in which Councilor Abraham abstained. She requested the change be made.

**MOTION:** Councilor Abraham made a motion to approve the Consent Agenda with the requested change.  
Councilor Simmons seconded the motion.

The change would read as follows:

**MOTION:** Councilor Abrams made a motion to approve the Organizational Structure revised on 8/16/16 with the suggestion of Parks & Recreation consider adding a Youth Ad Hoc Advisory Committee.  
Councilor Ring seconded the motion.

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

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

**3. MATTERS FROM THE MAYOR.**

None.

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

Councilor Ring stated the Ms. Yvonne Chicoine had a family emergency and will not be able to speak tonight as scheduled.

Councilor Abraham expressed her appreciation for the Town's Attorney being present. She informed the Governing Body that a Resolution was created; Resolution 2009-11 that stated an Attorney is mandated to be present at least once a month. She informed us that Woofstock is this Saturday, September 10, 2016. She indicated that Woofstock is a Town celebration to get animals adopted, which is typically supported by a grant provided by Petco.

Councilor Simmons read a poem "Fools Prayer" by Edward Rowland Sill.

**5. SPEAKERS**

A. Yvonne Chicoine.

None.

B. John Wallace

C. Mr. Wallace stated he is running for State Representative for District 22. He indicated this District is large which begins at 344 going West to Placitas and even Algodones. He mentioned he ran for State Representative in 2014 and is running again because the State of New Mexico is still last in education, child poverty, and unemployment and if elected he will address these issues. He stated he was a teacher and in 2014 became a representative for teachers by working at the Albuquerque Teacher Federation. He would like to be a voice for education and to make sure our educators have the resources they need to teach kids.

D. Harold Murphree

Mr. Murphree stated he is running for the State Senate which is a huge and diverse District in the East Mountains. Mr. Murphree retired from the Armed Services and served for 29 years. He indicated some of his concerns with the State of New Mexico that he would like to address including water or lack thereof, and keeping our water clean and safe. He stated another concern is education; he has heard from many that there is too much testing and he believes teachers need the ability to be creative and teach more and the students need more time to learn. He believes improving education will keep the local talented workforce in the State of New Mexico. He stated there are some State and County laws which overlap and clash, and he would like to streamline these laws to make it easier to start and maintain businesses in the State of New Mexico. Mr. Murphree stressed the need for a better behavioral health

system as he was involved in three wars and Post Traumatic Stress Disorder (PTSD) is very apparent in this world today and Veterans deserve, need, and earned the right to have a better behavioral health system.

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

Ms. Julia Wood expressed her concerns about the Town of Edgewood's taxes, she asked when would they decrease as they are too high. She addressed concerns of the much needed activities in the Town for children to do i.e. movie theater and kids café. She spoke about the overpriced animal costs to surrender or adopt animals.

Ms. Linda Burke stated she is the Executive Director for the Chamber of Commerce as of September 1, 2016. She is here to promote the Town of Edgewood and its Community. She invites everyone to the Autumn Mixer held to be held on Thursday September 22<sup>nd</sup> at Hug-a-Horse between 5-7pm. She also invited the community to participate in festivities on October 22<sup>nd</sup> when the Chamber of Commerce will be holding a Sporting Clay Shoot event at Founders Ranch.

**7. PROCLAMATION FOR CONSTITUTION WEEK 2016.**

Ms. Christy Boyer is representing the Daughters of America Revolution, and is here to present a Proclamation for Constitution Week 2016. She stated the Constitution Week begins on September 17 - 24, 2016. She informed us that the Daughters of America Revolution put forth to President Eisenhower to create a Constitution Week, which he signed into a Bill and is now reminded to everyone every year.

Mayor Bassett read and signed the proclamation and informed us that this Constitution Week marks the two-hundred and twenty-ninth anniversary of the drafting of the Constitution of the United States of America.

**8. MATTERS FROM MORIARTY-EDGEWOOD SCHOOL DISTRICT.**

Mr. Tom Sullivan, Moriarty School District Superintendent stated the new facilities have had great feedback and positive reactions from students and families. He stated another project at Moriarty High School should be taking place before Christmas. This project would include a Career and Technical Education Center. They are working with Central New Mexico College (CNM), staff in the design on the center and also working with them to bring out some programing.

Mr. Sullivan stated a big event is coming up; homecoming and the re-dedication of the new district central offices named for Mr. Sam King Sr. and will be held Saturday September 24, 2016 at 11am at the Mountain View Complex. He invited all to join in the celebration.

Mr. Sullivan stated a meeting was held with Mayor Bassett and Mr. Torres for the possible use of north wing of the Edgewood Elementary Campus. He stated a draft copy of the lease was provided as a handout. He mentioned the lease is still in the working stages, but will need to hear back from the Town of Edgewood by the later part of

September, so this discussion could be on the Agenda for the State Board of Finance Meeting in October.

**9. PUBLIC HEARING.**

**Quasi-Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:** Bonnie Pettee verified notices were posted as requires.

**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 to cross-examine persons giving testimony. Confirmation of no conflict of interest or ex-parte communication.**

Councilor Abrams stated he had no ex-parte communication or conflict of interest. Councilor Abraham stated she had no ex-parte communication or conflict of interest. Councilor Simmons stated she had no conflict of interest or ex-parte communication. Councilor Ring stated he had no conflict of interest or ex-parte communication. Mayor Bassett affirmed he had no conflict of interest or ex-parte communication in this matter.

- A. Appeal of a Minor Subdivision for property located at: Woods End Ranch, located along Woodline Drive, Tract P-1-R-1-B, Section 21, T10N, R7E, N. M.P.M, Town of Edgewood, New Mexico. Mr. Johnathan Pillars – Appellant/Applicant

Ms. Pettee stated on July 5, 2016, the Planning and Zoning Commission heard the request for a minor subdivision along Woodline Drive for a land division of 1 lot into 3 lots. Woodline Drive is a private gravel road and is privately maintained. A Road Maintenance Agreement was put into effect in 1985 that would require the property owners to maintain a 50-foot road easement on each parcel with in Woods End Subdivision. There is a cul-de-sac at the north end of Woodline Drive and an easement to extend the road westerly for Tracts 3,4, & 5. Tracts 3 & 4 are owned by a separate party and not included in this request. She stated it was recommended that the subdivision be approved with the condition that the utility lines and road be brought to Town standards and are extended up to Tract 5 before any parcels can be sold and/or developed. She included the cul-de-sac is sufficient for emergency vehicles to turn around in servicing this portion of the subdivision. She informed the Governing Body that Planning & Zoning Commission had an in depth discussion regarding the request, and their concerns included the development of the road only to Tract 5, the condition of the road, and the potential for another land division at a later date that would cause smaller lots. She stated they eventually approved the request subject to conditions that would require the applicant to extend the road to Tracts 3,4, & 5, install another cul-de-sac at the end of that portion of road, bring the road to Local Sub Collector Standards and create a Covenant to allow no parcels less than two acres. To conclude she stated the conditions would have to be completed before the subdivision would be approved. The conditions placed is what has brought about the appeal to Council.

Mr. Johnathan Pillars stated his appreciation for the Governing Body hearing his appeal. He informed that two items were not disclosed at the P & Z Commission hearing, one being a Road Maintenance Agreement, which has now been mailed to all living on Woods End and Woodline Drive in the event they did not have one. The second being Tract 3 and 4 were never owned by Mr. Johnathan Pillars, therefore, placing a cul-de-sac at the end of Woodline Drive is not valid option. Mr. Pillars also provided the following timeline: Pre-Application was made May 6, 2016 followed by a pre-application meeting that was held at the town offices on June 15, 2016 during which the submittal requirements were discussed with the applicant's agent Mr. Tim Oden and staff determined the pre-application fell under the provisions of a minor subdivision. The request for a Minor Subdivision was made and came before the P& Z Commission on July 5, 2016. The staff report recommended approval with a condition that utility lines be extended to lot P5 and the extension of Woodland Drive to the lot P5 prior to any future development. The conditions were aggregable to the Agent. After testimony, the P & Z Commission approved the request with added conditions. Mr. Pillars believes the P & Z Commission did not have the right to make such added conditions and erroneously misread and misinterpreted their own ordinances and thus requests that Council grant his appeal and approve his original application.

Mayor Bassett asked if the information excluded would have affected the outcome at P & Z. Mr. Pillars answered that he was unsure that the additional information would have affected their decision.

Further discussion then took place on the issues of whether or not infrastructure was needed out there and if infrastructure is needed whether or not a Minor Subdivision application can be made. That led to additional discussion on the issue of utilities and roads and the Subdivision Ordinance itself, specifically, about the definition of "the need for infrastructure" and the difference between the Minor and Major Subdivisions designations. There was also discussion that the new evidence would have to be heard the P & Z Commission.

Mr. Autio the stepped in to ask the Governing Body to finish hearing from the Applicant and other witnesses before continuing their discussion

Mr. Rick Martin stepped in to testify and stated he lives on Woodline Drive and spoke at the Planning & Zoning Public Hearing. His concern is the road maintenance agreement that Mr. Pillars recently mailed out. Mr. Martin stated he does not see fit to pay for a road improvement to serve a land owner planning to develop. He included since 2005 himself and another neighbor have been maintaining the road on their own, and have never charged anyone. He spoke of the difference between a road maintenance agreement and road improvements and does not believe he or his neighbors should have to fund this project. Mr. Martin answered question from Councilor Simmons and Mayor Bassett

After testimony, Mayor Bassett stated the choices for the Governing Body is to approve, deny, or remand.

**MOTION:** Councilor Ring made a motion to remand the appeal case to the Planning & Zoning Commission with the following conditions:

- 1.) The Planning and Zoning Commission make a determination on whether or not they can place covenants on private property.
- 2.) The Planning and Zoning Commission make a determination on whether or not they can require an applicant to improve a road beyond the area of his property.
- 3.) The Planning and Zoning Commission review the Road Maintenance Agreement insofar in its relation to the request for subdivision.
- 4.) The services in place (utilities and roadways) meet the requirements.

Councilor Abrams seconded the motion.

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

After the vote Councilor Simmons asked when the 60-day time frame to approve or deny started and if we are over that 60-day limit. Mr. Autio stated that time frame is for the initial hearing for Planning & Zoning Commission to hear, and that no Commission and/or Council is allowed to just sit on any case.

#### **10. DISCUSSION ON FUNDING CITY OF MORIARTY VETERANS MEMORIAL PARK.**

Mayor Bassett brought forward from the last regular council meeting of August 24<sup>th</sup> the presentation by Mr. Mike Anaya and Mr. Steve Anaya asking the Town of Edgewood to donate to the funding of the City of Moriarty Veterans' Memorial Park and asked for further discussion and consensus on how the council would like to proceed.

Councilor Ring expressed that he thought we should do something but be cognizant of our budget situation.

Councilor Abraham expressed an appreciation of Veterans but would like to see us spend our money locally, watch our budget and move forward with our own Veterans Memorial.

Councilor Simmons agreed with Councilor Abraham that budget was important and expressed an appreciation of Veterans and our own memorial park plans but at this time would rather see our money spent with our Chamber of Commerce.

Councilor Abrams spoke about our Memorial Park plans and expressed an appreciation of the City of Moriarty plans and the individuals putting it together but due to our financial situation being uncertain thinks it would be an inappropriate time for us to contribute

**MOTION:** Councilor Ring moved to appropriate \$1,000.00 to help Moriarty with their Veterans' Memorial Park. No one seconded. Motion died for lack of a second.

**11. MATTERS FROM THE CLERK/TREASURER.**

Mr. Torres stated that DFA in a letter to the Town of Edgewood gave their interim budget approval but also cautioned the Town about the budget and the depletion of the general fund. He apologized for not bringing the letter and advised that he will bring the letter to the next council meeting to discuss.

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

- A. Regular Council Meeting – September 21, 2016 @ 6:30 P.M.
- B. Regular Council Meeting – October 5, 2016 @ 6:30 P.M.

**13. FUTURE AGENDA ITEMS.**

- A. Public Hearing, September 21, 2016 – Ordinance 2016-06, Adoption of New Speed Limits on Various Roads.
- B. Councilor Simmons stated that she would like to put the following item on the list for future agenda items: Discussion of some way to keep books for Councilors up to date.

**14. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting of September 7, 2016. Councilor Ring seconded the motion.

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

Mayor Bassett adjourned the meeting of September 7, 2016 at 8:25 p.m.

**PASSED, APPROVED AND ADOPTED THIS 21<sup>st</sup> day of SEPTEMBER, 2016**

  
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John Bassett, Mayor

**ATTEST:**

  
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Juan Torres, Clerk/Treasurer