

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – June 21, 2017 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD

• **CALL TO ORDER.**

Mayor Bassett called the meeting to order at 6:30 p.m.

Councilors Present: Sherry Abraham, Rita Loy Simmons, & John Abrams.

Councilors Present Telephonically: Linda Holle

Also, Present: Clerk/Treasurer Juan Torres and Deputy Clerk Carla Salazar

• **PLEDGE OF ALLEGIANCE.**

1. APPROVAL OF AGENDA.

MOTION: Councilor Abraham made a motion to approve the Agenda with moving Item's # 8 to # 7, #9 to # 8, and # 7 to # 9
Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

2. APPROVAL OF MINUTES.

Councilor Abrams began to make a motion to accept the Special Council Meeting Minutes of June 3, 2017, and Councilor Holle requested that the Regular Council Meeting Minutes of June 7, 2017 be withheld for approval, awaiting correction.

a. Approval of Draft Special Council Meeting Minutes of June 3, 2017

b. Approval of the Draft Regular Council Meeting Minutes of June 7, 2017

MOTION: Councilor Abrams made a motion to approve the Draft Special Council Meeting Minutes of June 3, 2017 and table Item 2b, the Draft Regular Council Meeting Minutes of June 7, 2017 for further corrections.
Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

3. ACKNOWLEDGEMENT AND DISCUSSION OF PLANNING AND ZONING COMMISSION MEETING MINUTES

a. Discuss and acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of May 22, 2017

Mayor Bassett handed out a revised copy of the Planning & Zoning Commission Meeting Minutes of May 22, 2017. He stated the revised copy showed a corrected line, on page 4 at the bottom of Item # 6, Commissioner Barrett followed with a second.

MOTION: Councilor Abraham made a motion to acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of May 22, 2017
Councilor Abrams seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

4. GUEST SPEAKER.

- a. Mr. John Jones, Chief Operating Officer of Entranosa Water & Wastewater Association
Mr. John Jones, of the Estancia Basin Water Planning Region stated they encompass most of Torrance County and parts of Bernalillo and Santa Fe County. He reviewed the Executive Summary which included planning methods for future water supply, public involvement, key water issues impacting the region, and strategies to meet future water demand.
Mayor Bassett asked Mr. Jones of a topic he previously spoke about, the USDA funding. Mr. Jones stated the USDA funding has been cut short and will not be funded.


- b. Mr. Anthony J. Mortillaro, Executive Director, North Regional Transit District
Mr. Anthony Mortillaro introduced himself and the Public Information Officer Mr. Jim Nagel, and stated Chairman Mr. Daniel Barrone, also Mayor of Taos sends his regards as he had a meeting conflict.
Mr. Mortillaro stated the North Central Regional Transit District (NCRTD) began in 2004, but did not start providing transit services until 2007. The NCRTD's mission is to provide safe, secure, and effective public transportation within North Central New Mexico to enhance the quality of life of our citizens by providing mobility options and economic opportunities throughout the region. The NCRTD serves 50 + communities, currently has 64 vehicles, 75 employees, and a 13-million-dollar budget. Mr. Mortillaro stated all transits are free except two, which are the Premium Services-Mountain Trail Route and Taos Express (weekend or 7-days a week). He continued to speak of routes, Edgewood ridership, Americans with Disabilities Act (ADA) compliance, community involvement, and the 2018 funding. NCRTD has a program called, "Safe Place". This program will provide northern New Mexico victimized youth with a fleet of safe places to help connect them to life-changing resources through its participation in the national "Safe Place" program and in partnership with Taos-based Dream Tree Project.

5. DISCUSSION, CONSIDERATION AND ACTION ON RESOLUTION NO. 2017-10, RESCINDING RESOLUTION NO. 2008-48, A RESOLUTION RESTRICTING THE USE OF GRT DERIVED FROM NEW CONSTRUCTION. – Mr. Juan Torres

Mr. Juan Torres stated rescinding the Resolution No. 2008-48 is just a re-allocation of funds. Councilors had concerns of the reason it was set up in the first place, for road services. Mr. Torres stated usually at the end of the year he would have to complete a budget adjustment to the General Fund. He added that the infrastructure will still be there but will just be allocated as the State meant it to be allocated. Councilor Abrams stated the fewer transfers for budget adjustments will look better to auditors, to the Finance & Authority, and to the State of New Mexico.

MOTION: Councilor Abrams made a motion to approve Resolution No. 2017-10, rescinding Resolution No. 2008-48, a resolution restricting the use of Gross Receipt Tax (GRT) derived from new construction.
Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye.

Initials 

Councilor Abraham voted aye. Councilor Holle voted aye. The motion carried.

6. DISCUSSION, CONSIDERATION AND ACTION ON RESOLUTION NO. 2017-11, A RESOLUTION REGARDING SOCIAL SECURITY COVERAGE FOR THE TOWN OF EDGEWOOD POLICE DEPARTMENT. – Mr. Juan Torres

Mr. Torres introduced Resolution 2017-11 a resolution regarding Social Security coverage for the Town of Edgewood Police Department. He stated currently the police are paying for Social Security, which is unusual compared to most police departments. He is proposing that police officers vote whether they choose to have Social Security coverage withdrawn or not, that referendum date would be on October 19. Mr. Torres identified the following steps in the process: Pass a resolution, establish a referendum committee with some of the police officers on the committee, and submit the list to PERA (Public Employees Retirement Association) to send to Social Security. The Town will issue a notice referendum, a 90-day notice. The Town will prepare and issue the ballots, certify, and tally the votes, majority rules. The final steps would be to take the tally to PERA who will take to Social Security, as they will determine if the coverage will or will not be removed. If the Social Security coverage is removed, the police officers can receive up to three years of those taxes back. The Town can also request reimbursement of the Social Security taxes back that had been paid by the Town on behalf of the police officers. Councilor Simmons asked why the officers were exempt from Social Security. Mr. Torres stated police, fire, and emergency medical services personnel are all exempt because they have a 25-year retirement and all pay into PERA. Mr. Torres stated the Town of Edgewood Police Department is in favor of this resolution. Councilor Abrams has concerns of the time frame allocated for this process. After further discussion, it was proposed that 180 days be considered for establishing the Referendum date.

MOTION: Councilor Abrams made a motion to approve Resolution 2017-11, a resolution regarding Social Security coverage for the Town of Edgewood Police Department, with addition of Item # 2 a divided vote referendum vote be held on or before December 18, 2017. Councilor Simmons seconded the motion.

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

7. DISCUSSION, CONSIDERATION AND ACTION ON RESOLUTION NO. 2017-12, A RESOLUTION AUTHORIZING A 90-DAY MORATORIUM ON MINOR SUBDIVISIONS WITHIN THE TOWN OF EDGEWOOD. – Ms. Tawnya Mortensen

Ms. Mortensen introduced a Resolution No. 2017-12, a 90-day moratorium on Minor Subdivisions within the Town of Edgewood. Councilor Abraham asked what if a resident comes in with a project that would be perfect to be considered a minor subdivision. Ms. Mortensen said they have two options: one, is to wait out the 90-days or two, for it to be heard as a major subdivision with the understanding that it should be a minor subdivision and not be required to fulfill all the same things a major subdivision would require. Ms. Mortensen stated a good thing to filing as a major subdivision would be the vested rights that come with it. Councilor Simmons asked if there were any minor subdivisions on the table as of now. Ms. Mortensen stated no.

Mr. Ray Seagers stated a land owner's property is one of the last rights that they have control of. He stated a 90-day moratorium on minor subdivisions could hurt the possible applicants during that time. He suggested a focus group with more than just the Governing Body and the Planning & Zoning Commission come together to discuss a new minor subdivision ordinance.

Initials 

MOTION: Councilor Abrams made a motion to approve Resolution No. 2017-12, a resolution authorizing a 90-day moratorium on minor subdivisions within the Town of Edgewood. Councilor Holle seconded the motion. Councilor Simmons asked for discussion.

Councilor Simmons questioned Mayor Bassett on his attendance at Planning & Zoning meetings, she requested he recuse himself during the vote. Mayor Bassett stated he has attended some Planning & Zoning meetings, and does not plan on voting, but if considered a tie he has no plan to recuse himself.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted nay. Councilor Abraham voted nay. Councilor Holle voted aye. Mayor Bassett voted aye. The motion carried.

Councilor Simmons and Councilor Abraham challenged Mayor Bassett's vote on this issue. The Town of Edgewood Attorney, Mr. Randy Autio, stated the procedure to make a motion to challenge a vote and for someone to recuse themselves would need to be done prior to the vote. The remaining majority members, if desired, could make a motion to reconsider the matter. None of the Councilors with the majority of the vote did so. The Vote stands as is.

8. DISCUSSION, CONSIDERATION AND ACTION ON FINDINGS OF FACT AND CONCLUSION OF LAW IN THE MATTER OF AN APPEAL BY HILLCREST LLC ON A MINOR SUBDIVISION APPLICATION, CASE NO. 2017-SUB 001

Mayor Bassett introduced the Findings of Fact and Conclusions of Law.

MOTION: Councilor Holle made a motion to approve the Findings of Fact and Conclusions of Law in the matter of an appeal by Hillcrest LLC on a minor subdivision application, Case No. 2017-SUB 001. Councilor Abrams seconded the motion.

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

It was under consensus that before the Council moves forward with the next item, that the Governing Body consider moving up the Public Comments agenda item, so the Boy Scouts could get home at a decent time. The Governing Body agreed to move Public Comments up to be heard now.

MOTION: Councilor Abrams made a motion to amend the Agenda to move up Public Comments Item # 15 to Item # 9 to accommodate the Boy Scouts. Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

9. DISCUSSION FOLLOW-UP: HILLCREST MASTER PLAN.

Mayor Bassett discussed the follow-up of the Hillcrest Master Plan. He stated the deeds of this land have been transferred back in forth between Highlands Stock Farm and the Hillcrest LLC.

Determined in previous meetings of 2010, Mr. Tim Oden stated that no subdivision was intended, which is now not the case. Attorney Mr. Autio has scheduled a meeting with Mr. Oden's attorney Mr. Werntz. This meeting would clear up the title for clear ownership. The Diamond Ridge is currently being discussed, and the subdivision which is required, would require a change in the Master Plan. Councilor Abraham asked Mayor Bassett if he would recuse himself when the Governing Body hears this case again. The reason for this is because Mayor Bassett at the time was a Planning & Zoning Commissioner. Mayor Bassett stated he would not be recusing himself, as it has been approximately eight years ago. Councilor Abraham asked for legal guidance. Mr. Randy Autio, the Town of Edgewood's Attorney, stated a conflict of interest may not be the case. He stated for example: a long-standing Councilor that got to hear a certain case repeatedly may not have to recuse themselves, it's just part of being involved with the town for many years. He concluded the statements prior to Public Hearings are very important and should be disclosed. This disclosure includes conflict of interest and ex-parte communication that the Governing Body may have.

10. REPORT FROM THE PLANNING AND ZONING DEPARTMENT OF THE TOWN OF EDGEWOOD – Ms. Tawnya Mortensen

Ms. Mortensen stated for the month of May 2017 there were 8 development reviews, which included \$400 in development review fees, \$1,700 in impact fees, and a \$35 sign permit. Councilor Abraham asked if we have a member from the development community on the Planning & Zoning Commission. Mayor Bassett stated there has not been an appointed member from the development community as there has been a delay due to other projects. He stated there is an intent to look for a member from the development community.

Ms. Mortensen stated Ms. Michelle Schmidt from Code Enforcement had 12 complaints many on the same address. There are currently 3 complaints being investigated, 3 were substantiated with courtesy notices, and another 3 were issued warnings. She currently has six action plans, 4 citations, of those 2 were dismissed, 1 entered an action plan, and another one entered a 2nd action plan. Ms. Schmidt has had 3 court cases, of those: 1 was a no show, 1 has a scheduled court hearing, and 1 has 30-days to comply with a 14-day follow-up. To conclude for the month of May, 5 new business licenses were issued.

5-Minute Break @ 8:57 pm
Back in Session @ 9:01 pm

11. DISCUSSION ON TOWN OF EDGEWOOD SEWER ORDINANCE NO. 2015-03 amended 02/17/2016

Ms. Carla Salazar stated the Town will begin billing, per Ordinance No. 2015-03, for the cost of sewer services. She stated it is a complex formula to calculate the monthly bill. She is willing to explain it in more detail in the office. She stated the Town has test results that show the amount of wastewater each company is producing. The businesses will be charged accordingly per the formula. Ms. Salazar stated there is a procedure for challenges if a company does not believe they are producing that much wastewater. It would require the business to pay for test results through a certified lab. She added the Town is required to run tests once a year. Ms. Salazar stated notices will be sent out in July 2017 and new billing would begin in August 2017. Mayor Bassett stated there are residents/companies hooked up illegally which will be addressed.

Councilor Holle noticed there would be an annual rate adjustment every July, and inquired if that would be implemented this year? Ms. Salazar stated no, that would be in the upcoming year(s). Councilor Abraham asked if we have a penalty disclaimer. Ms. Salazar stated there are financial penalties which can include a \$30 late fee and a possible 1.5% charge per month of the total amount until paid. She

added if there is a refusal of payment the customer could be disconnected. Mr. Juan Torres stated that municipalities have the authority to place liens on properties as needed.

12. MATTERS FROM THE MAYOR.

a. Facilities update

Mayor Bassett stated the trip to Santa Fe was successful, which means the Board of Finance approved the purchase of the Old Fire Station. He stated the Town is waiting for Ms. Miller to sign the quit claim deed. He added the Finance Authority mentioned the possibility of the Town being on the July 20th Agenda. Councilor Abraham inquired about the utilities at the Old Fire Station. Mr. Juan Torres stated the water through EPCOR should be transferred over, and the electric and gas still needs to be arranged. Mayor Bassett gave kudos to Mr. Juan Torres and Chief Ron Crow for speaking to the Finance Authority on behalf of the Town of Edgewood. Mayor Bassett informed the Council the Town of Edgewood was not chosen for NMDOT's MAP (Municipal Arterial Program) funding this year. He also informed the Council this would be the last meeting before Independence Day and he would like to know if they believe a Firework Ban should be in place. The Council stated we follow the State of New Mexico, and a ban is not yet in place. Lastly, Mayor Bassett stated Mr. Torres has completed the Interim Budget to submit to the Department of Finance Authority.

13. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Abraham stated the Grand Opening of the Town of Edgewood Library was well attended, with delicious food and beautiful scenery. She stated another event coming up is the Temporary Installments Made for the Environment (T.I.M.E.) Project. She showed a brochure of the proposed art, and stated the project will be completed and available for show by July 1st. She added there will be a Facebook event to bring notice of the project, which would include a drawing of eligible applicants for five prizes. The drawing would take place at the Arts Festival on July 4, 2017 at the Soccer Park in Edgewood.

Councilor Simmons stated Councilor Abrams did a wonderful speech at the Grand Opening of the new Library. She included history and the events that occurred at the Grand Opening.

Councilor Abrams stated the Grand Opening was a well-attended event. He stated many spoke to him and stated they were very impressed with the facility. Mayor Bassett asked why there were handwritten signs of limit of occupancy. Councilor Abraham stated Ms. Andrea Corvin the Librarian was working on evacuation plans and believed it had to do with that. Mayor Bassett mentioned the most popular room which included many families was of an Explora event for the Grand Opening, in which he was very impressed. Councilor Simmons had some concern of the hallway between the two wings and the excessive heat it produces. She added that the east wing door sticks. Mr. Torres stated those will be addressed and handicap doors will be in place to correct that issue.

Councilor Holle stated she was saddened at not being able to attend the Library's Grand Opening, but that she helped with the move.

14. TOWN OF EDGEWOOD POLICE REPORT – Chief Ron Crow

The Town of Edgewood Police Report will be reported at the next Council Meeting, as Chief Ron Crow was unavailable.

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

Mr. Nicholas Weston, a Boy Scout from Troop 465, stated his troop was in attendance to earn their Citizenship in the Community Merit Badge. He spoke about the infamous swimming pool or lack thereof in the Town of Edgewood. He stated for Boy Scouts to earn their way up to an Eagle Scout, they are required to earn merit badges that require them to be in water. Those merit badges consist of swimming and lifesaving training. He is proposing a swimming pool be built in the Town of Edgewood.

Mr. Matthew Merrill, a Boy Scout from Troop 465, stated he would like to address a problem that is nationwide. He stated during a clean-up event in the Town, he and his troop found many alcoholic beverage containers and paraphernalia on the side of the road. Mayor Bassett thanked Mr. Merrill for cleaning-up the Town. Mr. Merrill thought having an Open Container Law in the Town of Edgewood could help reduce the number of citizens driving while intoxicated.

Councilor Holle thanked the Boy Scout Troop 465 for coming out, and would like to give them a pocket handbook of the United States Constitution.

Mr. Ronald Ray stated a new sign has appeared with a spelling error. The sign is of Entronosa, spelled Entranosa. He is requesting a new sign. He included a request for a blading down Entranosa and Broken Arrow Trail to prepare for monsoon season. He also thanked the road crew for clean and graded roads during the winter season.

Mr. Ray Seagers stated an aquatic center would benefit the Town of Edgewood and asked for this staff to get the ball rolling. Councilor Abraham asked him to speak on the Infrastructure Capital Improvement Plan (ICIP) Item # 16 about proposing a swimming pool.

Mr. Chuck Ring stated the First-Choice Health Center will have its ground breaking in October 2017. He stated they are still needing 1 million to meet their monetary goals. Mayor Bassett stated Mr. Ring and Mrs. Krista Kelly and himself will be attending a Torrance County Commission Meeting in Estancia on June 28, 2017 at 9:00 am.

Ms. Linda Burke from the Edgewood Chamber of Commerce updated the Town of Edgewood of local events, which included Edgewood Trails Day, Cowboy Days, Father's Day Car Show, The Chuckwagon Season kick off, and SASS World Championship. She added the Temporary Installation Made for the Environment (T.I.M.E.) project will be displayed for 2 months and encouraged everyone to check it out.

16. MATTERS FROM THE CLERK/TREASURER.

a. Discussion of the Infrastructure Capital Improvement Plan (ICIP) Process

Mr. Juan Torres stated the Infrastructure Capital Improvement Plan (ICIP) is coming up and he is planning to have 3 meetings during Council Meetings which would include public comment. Councilor Abraham asked for a Town Hall Meeting and invite the community. She suggested a Saturday meeting. Mr. Torres stated the Library hours will change due to a shortage in staff. He stated the days would be from Tuesdays through Saturdays. Further information will be provided later.

17. ANNOUNCEMENTS and/or CALENDAR REVIEW.

Initials 

- a. July 4, 2017 - Town Facilities Closed
- b. July 5, 2017 - Council Meeting

18. FUTURE AGENDA ITEMS.

- a. July 19, 2017 - Public Hearing - Application of Chanslor Revocable Trust for a Zone Change of 5 acres, from Residential R-1 to C-2 Commercial, located at 73 NM 344, TR A Woods End Ranch, T10N, R7E, SEC 21 NMPM, in the Town of Edgewood, Santa Fe County, New Mexico.

Councilor Holle left the meeting (telephonically) at 9:45 pm

19. CLOSED SESSION

As per motion and roll call vote, pursuant to NMSA 1978, (H)(7) the following will be discussed in Closed Session.

- a. Pending Litigation, including New Mexico District Court, Case Number D-101-CV-2017-01494, Hambly v. Town of Edgewood and Town of Edgewood Police Department

MOTION: Councilor Abrams made a motion to go into Closed Session at 9:46 p.m.
Councilor Simmons seconded the motion.

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

MOTION: Councilor Abrams made a motion to come back into Open Session at 9:52 p.m.
Councilor Abraham seconded the motion.

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

Councilor Abrams affirms that only discussion of pending litigations took place in the closed session and no decisions were made.

Councilor Simmons affirms that only discussion of pending litigations took place in the closed session and no decisions were made.

Councilor Abraham affirms that only discussion of pending litigations took place in the closed session and no decisions were made.

Mayor Bassett affirms that only discussion of pending litigations took place in the closed session and no decisions were made.

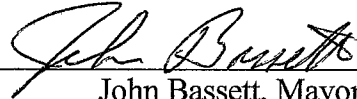
20. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting of June 21, 2017.
Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

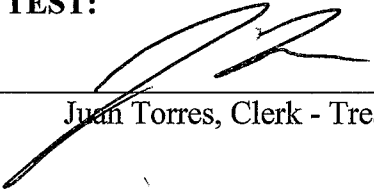
Mayor Bassett adjourned the meeting of June 21, 2017 at 9:52 p.m.

PASSED, APPROVED AND ADOPTED THIS 16th day of AUGUST, 2017



John Bassett, Mayor

ATTEST:



Juan Torres, Clerk - Treasurer



Initials 