**Town of Estancia**

**Regular Meeting of the Board of Trustees**

**Monday, December 6, 2021 6:15pm**

**Estancia Town Library- Southwest Room, 601 S. 10th St. Estancia, NM 87016**

**\*\*\* The Town Rule regarding “Legally Armed” will not be implemented until a re-write and review has been completed \*\*\***

**Minutes**

**Invocation and Pledge of Allegiance**

**The meeting was called to order at 6:16pm and Roll Call was taken:**

**Trustee Lovato – Present**

**Trustee Sedillo -Absent**

**Trustee Chavez – Present**

**Trustee Hall – Present**

**Mayor Dial – Present**

1. **Approval/Disapproval of Agenda – Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to approve the December 6, 2021 Regular Meeting Agenda as written. Trustee Hall seconded the motion. All in favor. **MOTION CARRIED**

1. **Discussion/Approval of the November 15, 2021 Public Hearing Minutes – Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to approve the November 15, 2021 Public Hearing Minutes as written. Trustee Chavez seconded the motion. Trustee Lovato- Yes , Trustee Chavez – Yes, Trustee Hall – No. **MOTION CARRIED**

1. **Discussion/Approval of the November 15, 2021 Regular Meeting Minutes – Action Item**

Trustee Hall requested a change to the minutes. He requested that agenda item 5 state that Trustee Hall made a motion to approve the zoning variance requested from Mr. Nisley.  **ACTION TAKEN:** Trustee Lovato made a motion to approve the November 15, 2021 Regular Meeting minutes with the amendment as requested above. Trustee Hall seconded the motion. All in favor. **MOTION CARRIED**

Ms. Jones will amend the minutes are requested.

1. **Discussion/Approval of the December 6, 2021 Bill List – Action Item**

**ACTION TAKEN:** Trustee Hall made a motion to approve the December 6, 2021 Bill List. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

**Public Comment –** Resident Charles Burson asked about the open Animal Control position in the Town. Mr. Burson was encouraged to apply and was told that he can pick up an application and a job description at Town Hall.

1. **Department Updates:**

**Police/Animal Control –** No update at this meeting

**Planning and Zoning-** No update at this meeting

**Fire-** No update at this meeting

**Library-** Head Librarian Ms. Angela Creamer presented the following written report:

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December 2021 Library Report

**Childrens Programming:**

 We are planning our annual Gingerbread House making party for children ages 3 – 12 years old for Tuesday December 14th. This special event will be open to the public. Children can sign up for one of the 20 spots.

**For the Community:**

The Library is offering free make and take Christmas crafts kits for the community’s children.

We are asking for donations for our annual Senior Citizens Christmas gift baskets. I have spoken with Lisa from the Estancia Senior Center and she says the seniors enjoy activity books, snacks, and warm socks. Donations will be taken until December 16th.

**Financial:**

2018 GO Bond money has to be spend by April 1, 2022. I have spent $12,036.72 of the $15,031.20 that was allocated to the Library. The remainder $2,994.24 will be spent on our eBooks and eAudiobook subscription to Overdrive ($1,533.75), a new community bulletin board and reading material.

The Library has been awarded $10,951.90 in new GO Bond money. These funds have to be spent by April 1, 2024.

Will be receiving $9,712.87 in State Aid

We will be receiving $1,080.00 in Erate money for internet service

We have been awarded a $500.00 grant from Tools in Action through the NM State Library Foundation. I will be attending webinars with the goal of organizing and implementing a social wellbeing project. Some ideas I have had is starting a grief support group and putting together a Welcome Packet for new comers.

We have received a quote from Gustin Electric to replace the light fixture in the SW room and replace ballasts lights in various areas. I have submitted a purchase request.

We lost our dear friend Geneva Martinez along with her daughter Corina (Rena). Their Celebration of Life will be on Saturday, December 11 at 1:00 at the Assembly of God Church.

**Maintenance-** Mayor Dial said that the maintenance department is very busy and working hard, as usual.

Trustee Chavez asked if the Maintenance crew could check the drip system at the Veteran’s Park to see if it is working. Mayor Dial said that the guys are working hard to get the CDL’s. He said he will be approving overtime for the crew to do much needed maintenance at the airport. Trustee Chavez also requested that the Maintenance crew to cleaning at the park in preparation for the luminaria lighting this weekend.

**Administration-** Clerk Jones said that her department is primarily focused on their audit this week.

**Old Business**

1. **Discussion/Possible Action for Cannabis Ordinance- Action Item Roll Call Vote**

Trustee Hall asked what had happened after we presented his document and the proposed ordinance that Ms. Jones and Mayor Dial had worked on. Mayor Dial told the Board that our town attorney had reviewed

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the two documents we sent her and had sent us back a red-line ordinance that basically combined the two documents. She also sent a clean final ordinance for the Board to review. The Board reviewed the proposed ordinance. **ACTION TAKEN:** Trustee Lovato made a motion to approve Ordinance No. 01-2021 (An Ordinance Amending the Planning and Zoning Ordinance to Establish Zoning and Other Regulations for Cannabis). Trustee Chavez seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez- Yes, Trustee Hall – Yes. **MOTION CARRIED**

**New Business**

**7.0 Discussion/Possible Action for ATV Ordinance – Action Item Roll Call Vote**

Trustee Chavez said she had some concerns with Section 6 of the proposed ordinance. In Section 6 Penalty, the proposed ordinance states that ‘**any person violating any provision of this ordinance shall be subject to a fine not to exceed find hundred dollars ($500.00) and imprisonment not to exceed thirty (30) day. Each day this ordinance is violated is a separate violation.** ‘ After some discussion, the Board agreed to amend the ordinance as follows:

‘**any person violating any provision of this ordinance MAY be subject to a fine not to exceed find hundred dollars ($500.00) and/OR imprisonment not to exceed thirty (30) day. Each TIME this ordinance is violated is a separate violation.** ‘

**ACTION TAKEN:** Trustee Hall made a motion to approve Ordinance No. 02-2021 (An Ordinance Allowing the Use of Off-Highway and All-Terrain Vehicles, under Specific Guidelines and Restrictions, on Paved Streets and Roadways inside the Town Limits of Estancia; Pursuant to Section 66-3-1011 NMSA 1978.) as amended above. Trustee Chavez seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Hall – Yes. **MOTION CARRIED**

**8.0 1st Qtr Qtrly Report Update- Information Only**

Clerk/ Treasurer Ms. Michelle Jones presented the Board with the FY 21 1st Qtr Qtrly LGBMS report attached here:



Ms. Jones said that the Town was 25% thru the fiscal year.

Revenues were $1,012,407,23 24.4% of the budget

Expenditures were $ 637,046.72 14.6% of the budget

The Board thanked Ms. Jones for the update. **NO ACTION, INFORMATION ONLY**

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**9.0 EMW Gas Update- Information Only**

Trustee Lovato told the Board that EMW was able to stay with the 1st of the month index. He said that so far prices have remained the same. He said that the CNG project should be done any day now. **NO ACTION, INFORMATION ONLY**

**10.0 Ratification of Approval of Professional Services Agreement with Brawley and Company LLC for Town Hall facility assessment- Action Item**

 **ACTION TAKEN:** Trustee Hall made a motion to ratify the approval of the Professional Services Agreement with Brawley and Company LLC for Town Hall facility assessment. Trustee Lovato seconded the motion. All in favor. MOTION CARRIED

**11.0 Approval of Resolution 2021-31 Increasing Budgeted Revenues for Interest Income- Action Item Roll Call** Ms. Jones told the Board that we needed to increase our budgeted revenues by $20,000.00 to account for our investment interest income. **ACTION TAKEN:** Trustee Hall made a motion to approve Resolution 2021-31 Increasing Budgeted Revenues for Interest Income. Trustee Chavez seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Hall – Yes. **MOTION CARRIED**

**12.0 Approval of Resolution 2021-32 Budget Transfer Request -Action Item Roll Call**

Ms. Jones requested a budget transfer of $40,000.00 from NM TRD Expenditures to Other contractual services to pay for the architect who is doing an assessment of Town Hall. **ACTION TAKEN:**  Trustee Hall made a motion to approve Resolution 2021-32 Budget Transfer Request. Trustee Lovato seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Hall – Yes. **MOTION CARRIED**

1. **Ratify Mayor’s** **appointment of Clerk/Treasurer Michelle Jones to the EVSWA Board- Action Item**

Mayor Dial told the Board that he would be stepping down from the EVSWA Board and requested ratification of his appointment of Ms. Jones to take his place. **ACTION TAKEN:** Trustee Hall made a motion to ratify the Mayor’s appointment of Clerk/Treasurer Michelle Jones to the EVSWA Board. Trustee Lovato seconded the motion. All in favor. **MOTION CARRIED**

**14.0 Approval of Mayors hiring of new Full-Time Maintenance Worker 1- Action Item**

Mayor Dial told the Board that the hiring committee had interviewed 2 candidates for the Maintenance Worker 1 position. He told the Board that he hired Mr. Juan Jantz for the position. **ACTION TAKEN:** Trustee Lovato made a motion to approve the Mayors hiring of Mr. Juan Jantz for the position of Full-time Maintenance Worker 1. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

**15.0 Executive Session- As per motion and Roll Call Vote- Pursuant to NMSA 1978-10-15-1 Section (H)(7) and (8) concerning the purchase, acquisition or disposal of real property and threatened or pending litigation– Action Item Roll Call Vote**

 **ACTION TAKEN:** Trustee Chavez made a motion to go into Executive Session, per motion and Roll Call Vote- Pursuant to NMSA 1978-10-15-1 Section (H)(7) and (8) concerning the purchase, acquisition or disposal of real property and threatened or pending litigation**.** Trustee Hall seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Hall – Yes. **MOTION CARRIED**

 **Executive Session began at 7:10 pm.**

 **Return to Regular Session**

 **ACTION TAKEN:** Trustee Hall made a motion to return to Regular Session, stating that the only items discussed in Executive Session were those listed on the agenda and that no action was taken. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

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 **Regular Session commenced at 7:31pm.**

1. **Mayor/Council:**

 **Trustee Hall** read the following written statement into the record:

 Statement for Estancia Board of Trustees meeting, December 6, 2021:

 The “rule” requiring attendees at meetings to be “legally armed” that was passed by Mayor Dial, Mayor Pro-tem Sedillo, and Trustee Lovato at our last regular meeting has turned Estancia into the Clown Capital of the Week. It led the American Civil Liberties Union to threaten suit if the rule was not rescinded, as it violates the Constitutional rights of our citizens. That was an appropriate response.

 Mayor Dial’s written response, which I found inappropriate, incoherent, and largely irrelevant, and his assurance to the ACLU that he was planning to rewrite the “rule,” delayed its filing of a lawsuit. I assume we will be asked to approve such a rewrite. I would respectfully urge my colleagues on this board to vote to rescind the rule instead.

 The “rule,” as presented, is actually meaningless. The first sentence is belligerent but refers to an entity that does not exist. This is the Estancia Board of Trustees, and I would stress the root word “trust.” The five of us are entrusted with the governance of our town by our fellow citizens, and this is not worthy of that trust.

 The second paragraph is incoherent, but seems to define “legally armed” as whatever one wants it to mean. It further muddies the water with the perplexing sentence in parentheses about the “executive branch.”

 The third paragraph seems to say the “rule” can be ignored without question. After three paragraphs, everything that has been required has been excepted. This is no way to run a municipality.

 As meaningless as is the “rule,” it has been the source of disgust and condemnation by many of our residents, and worse, several of our citizens have found it threatening and frightening.

 “I would not attend an Estancia town meeting because there is a man in there with a gun,” one of our constituents told me. “There’s something really wrong about that.”

 All this because Mayor Dial wants to take his handgun into the state capitol. The Second Amendment grants U.S. citizens the right to keep and bear arms in defense of the state. Bearing arms means to carry them into battle, or to stand prepared to do so. It doesn’t mean just to carry and display them. I cannot see why it would be necessary to bear arms into the Roundhouse. Against whom?

 Now the state has made a requirement that those attending legislative sessions in person show proof of vaccination for the Covid virus. Will we be asked to pass a “rule” that those attending our sessions must not have been vaccinated? It would be the same thing, and no less ridiculous.

 The damage to our town has been great, no matter what happens now. The front-page article and photo of Mayor Dial, and the full page of photographs that followed a day or two later, showed Estancia to the rest of the state as a pathetic, dying town filled with kooks. I know such political theatrics are common these days, and other towns are clamoring to take our place as the Clown Capital, but the stench of this fiasco will last.

 I implore my colleagues to rescind this “rule.” You have made your point. Please remember that you are here to do the people’s business, not your own.

Respectfully submitted,

J. Morrow Hall, CMO, Trustee

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 **Trustee Chavez** asked about maintenance of the pool. Our contracted Pool maintenance person will finish tomorrow. Trustee Chavez also asked to look at our budget and see about transferring funds to our road department to do more maintenance on our roads. She also requested that the Veterans Plaza be cleaned and asked about the repairs to the flagpoles there.

 **Trustee Sedillo-** absent

 **Trustee Lovato** asked if the Town had received any new applications for the PD. Mayor Dial said yes and we are in the process of getting background checks done. Trustee Lovato asked if there was any new progress on the sale of the fairgrounds. Mayor Dial and Trustee Chavez said that paperwork on the sale was still being completed. Trustee Lovato said that the Events Committee was working on a Christmas event and would be putting out luminarias at the park tomorrow.

 **Mayor Dial** had no update for this meeting.

**Adjournment**

Trustee Lovato made a motion to adjourn the meeting. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED.**

The meeting adjourned at 7:46 pm.

**Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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