

Regular Meeting
December 14, 2021
6:00 P.M.

Members Present: Mayor Nuñez, Mayor Pro Tem Torres, Trustee Whitlock, and Trustee Atencio

Members Absent: Trustee Crist

Others Present: Mike Castillo, Alfredo Holguin, Tim Thornton, Robert Peixotto, Richard Garcia, David Shields, Michael Chavez, Shirley Rice, Elizabeth Porras

A regular meeting of the Board of Trustees of the Village of Hatch was held in the Trustees Chambers located at 133 N. Franklin Street, Hatch, NM, on the above date. Mayor Nuñez asked the Clerk Treasurer for roll call as follows: Mayor Nuñez – Present, Mayor Pro-Tem Torres – Present, Trustee Atencio – Present, Trustee Whitlock – Present, and Trustee Crist – Absent. There being a quorum, Mayor Nuñez called the meeting to order at 6:00 p.m.

Trustee Atencio led all in attendance in the pledge of allegiance and Trustee Whitlock gave the opening prayer.

Trustee Whitlock moved to approve the agenda as presented. Seconded by Trustee Atencio. Motion carried with all Trustees voting aye.

Trustee Whitlock moved to approve the consent agenda as presented. Seconded by Mayor Pro Tem Torres. Motion carried with all Trustees voting aye.

Mayor Pro Tem Torres presented Mayor Nuñez with a thank you plaque for his many years of service and leadership on behalf of the Village of Hatch.

Robert Peixotto, Auditor gave an Audit presentation for FY 21 Audit. Village Legal Counsel noted for the public that the Village complied with all laws and regulations related to the development of the experimental well and determination of whether there is a water supply available for development for drinking water purposes, including the exercise of the authority of the Mayor and Trustees to complete such exploration as part of their duty to the Village residents.

Trustee Whitlock moved to approve Resolution No. 1028 Acceptance and approval of the FY 2021 Audit. Seconded by Trustee Atencio. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Atencio-aye, and Trustee Crist-absent. Motion carried.

Dave Shields gave an update on the different projects for the Village of Hatch. The Hatch Airport BHI have not heard anything on either project from FAA PER for General Aviation and T-Hangars has been submitted to FAA for review on October 19, 21. ACIP was submitted to FAA on September 27, 2021. The FAA PM is out until November 26, 2021, so nothing is expected until December at the earliest. The Hatch Gateway Monument on I-25 is advertised for

bid and will be opened January 6, 2022. On the Village Properties BHI and Village staff met with Teako Nunn concerning the well property on NM187. He was going to discuss with his family and see what they would like to do to resolve the issue. We have not heard from the Candelarias on the village yard property. The Fajardo St. Paving project BHI met with the DAC Flood Commission concerning the right of way along Fajardo St. and the new 14" transmission line project they are doing for the proposed dam. BHI provided them with all the ROW information for the area. Mike Garza at DACFC said they will have the line installed this spring and if we could wait until the end of summer 2022 to pave the street. BHI let them know we can hold off for a while, as long as we can have the project complete before Dec. 31, 2022. With that, we will plan on advertising the project for bid in July 2022 to start construction in August.

Alfredo Holguin provided a status update for all ongoing services provided by Wilson & Company. The Rodey Lift Station Rehabilitation and New Chile Capital lane Lift Station Project which

Includes rehabilitation of Rodey station with new station at Chile Capital Ln. The Design Analysis Report has been completed and submitted to NMED-CPB for approval. Comments were due December 3. Wilson has followed up with CPB on status. The Placitas Water System Improvements includes transmission line along Hwy 26 to Trujillo St. and distribution line along Trujillo St. to the north end of Placitas. Design Analysis Report has been completed.

Presentation of recommendations is being scheduled with Village Staff. The Comprehensive Plan Update Continue Data Collection & Existing Conditions Analysis. Working Group Mtg. #2 held on November 9th, 2021. Public Open House was held November 18th, 2021, at the Community Center at 6PM. Public survey questions were sent out in residents utility bills and extra copies were placed in the main office. No online public survey responses as of Dec 7.

Survey will remain open until January 7, 2022. The 2021 NMDOT Transportation Project Fund (TPF) includes W Reed St., W Hill St., W Davis St., School St., Jefferson St., Wilson St. Total Project Cost: \$200,000 (Planning and Design). Task Order approved and executed on November 23, 2021. Project Kick off meeting being scheduled. The 2021 NMED CWSRLF

Hatch Storm Pump Improvements includes pump, motor and control replacements with back-up power generator. Village Accepted Award Offer and is working on closing documents. Village progressing through procurement process for Engineering Services per Funding Requirements.

The 2021 Capital Outlay Project Hero's Park Multi-Purpose Flood Control Funding Request: \$200,000 (Planning & Design). Awarded \$200,000 in Grant on April 10, 2021. Grant Agreement issued and returned to State on September 13. Awaiting Final Execution of Agreement by State. The 2021 Colinas Infrastructure Funds Project Hero's Park Multi-Purpose Flood Control. Funding Request: \$400,000 (Design). Readiness to proceed items submitted October 21, 2021. The Village has received timetable for Grant Agreement Execution by State. Village has received final loan-grant agreement documents for review.

Trustee Whitlock moved to approve Resolution No. 1027 Authorizing the execution and delivery of a Colonias Infrastructure Project fund loan/grant agreement by and between the NMFA and the Village of Hatch in the amount of \$400,000, evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of the design of a

Multi-Purpose Recreational Flood Control Park with three perimeter streets, and solely in the manner described in the loan/grant agreement. Seconded by Trustee Atencio. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Atencio-aye, and Trustee Crist-absent. Motion carried.

Trustee Whitlock moved to approve to award RFP No. 2021-03 for the Stormwater Pump Station Improvements Project to Wilson & Company. Seconded by Trustee Atencio. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Atencio-aye, and Trustee Crist-absent. Motion carried.

Trustee Torres moved to accept the FY22 New Mexico Fire Protection Grant Council Stipend Award. Seconded by Trustee Whitlock. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Atencio-aye, and Trustee Crist-absent. Motion carried.

Trustee Whitlock moved to approve Resolution No. 1029 Adopting a budget adjustment for FY 2021-2022. Seconded by Trustee Atencio. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Atencio-aye, and Trustee Crist-absent. Motion carried.

Trustee Torres moved to approve Ordinance No. 415 An Ordinance of the Village of Hatch amending Title 5 Business license and regulations by adding Chapter 5.17 Marijuana Business licenses and adopting regulations regarding the sale, production, distribution, manufacturing, cultivation and use of marijuana in the Village; establishing a local marijuana business license; creating rules regarding the issuance of a local marijuana business license; establishing regulations for the use of marijuana on public property and in public places; limiting the sale, production, manufacture and cultivation of marijuana and marijuana infused products to certain zone districts; limiting growing and cultivation in residential areas to personal use only. Seconded by Trustee Whitlock. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Atencio-aye, and Trustee Crist-absent. Motion carried.

Mike Castillo, Public Works Director reported no issues in the Utilities Department, and staff will start taking vacation time these last weeks of December, but will always have at least three employees at all times. Judge Rice reported the problem with minors driving to school without a license, and causing trouble. Now the court has implemented a plan where if a minor is caught driving without a license they have to report to court for six consecutive weeks, and write out an essay related to driving either intoxicated, texting while driving, and or marijuana abuse, and also show proof that they have obtained a license. Tim Thornton, Chief of Police reported that numbers are down, there's been some personnel issues due to COVID19.

Mike Chavez, Hatch Public Schools Superintendent thanked the Mayor for his support and service. Schools continue to move forward. Staff and students have gotten sick but not to the extent of being hospitalized. The Schools purpose is to improve the quality of life for the kids. Starting in January through May schools will be releasing the kids an hour early every Friday.

*7:12 p.m. Trustee Whitlock moved to convene in closed executive session to discuss limited personnel matters and threatened/potential litigation as authorized by the open meetings act § (H)(7). Seconded by Mayor Pro Tem Torres. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

*8:02 p.m. Trustee Whitlock moved to reconvene in open session from closed executive session where no decisions were made, but where guidance was provided to Village Counsel regarding moving forward with the limited personnel matters and threatened/potential litigation that were discussed. Seconded by Mayor Pro Tem Torres. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

Mayor Pro Tem Torres moved to decline/disallow the use of municipal water for growing commercial crops. Seconded by Trustee Whitlock. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

Trustee Atencio moved to approve beginning the process of acquiring/accepting a proper K-9 from Border Patrol consistent with discussions the Chief has recently had with that agency. Seconded by Mayor Pro Tem Torres. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

Mayor Pro Tem Torres moved to authorize the Police Chief to open two investigator positions within the Police Department, with salaries to be determined at a later date when the Trustees have considered more information regarding budget matters. Seconded by Trustee Atencio. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

*8:36 p.m. Trustee Whitlock moved to convene in closed executive session to discuss limited personnel matters and threatened/potential litigation as authorized by the open meetings act § (H)(7). Seconded by Mayor Pro Tem Torres. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

*9:36 p.m. Trustee Whitlock moved to reconvene in open session from closed executive session where no decisions were made, but where guidance was provided to Village Counsel regarding moving forward with the limited personnel matters and threatened/potential litigation that were discussed. Seconded by Trustee Atencio. The Board was polled as follows: Mayor Pro Tem Torres-aye, Trustee Whitlock-aye, Trustee Crist-absent, Trustee Atencio-aye. Motion carried.

There being no further business Trustee Atencio moved to adjourn at 9:38 p.m. Seconded by Mayor Pro Tem Torres. Motion carried with all Trustees voting aye.

Signed: _____, Mayor

ATTEST: _____,

Date: _____