

Regular Meeting-September 22, 2011

The Mayor and the Board of Trustees met in a Regular Meeting on Wednesday, September 22, 2011 at 7:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Ray S. Cordova, Mayor

Patrick Garcia, Trustee

Gloria R. Sainz, Trustee

Fred Tyler, Trustee

Joseph Lueras, Trustee

Also present was Village Attorney Jefferson Rhodes, Grants Coordinator Rick Gutierrez as well as Dianna Brusuelas Guilez Village Clerk-Treasurer.

At 7:00 P. M. Mayor Ray S. Cordova called the meeting to order. All rose and joined the Mayor in the Pledge of Allegiance and the Salute to the flag of New Mexico.

Item 1. Consideration of Agenda and Consent of Agenda

Trustee Patrick Garcia moved to approve the agenda and the consent agenda. Motion was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye.

Trustee Tyler, aye. Motion carried with all members of the Board voting aye.

Item 2. Unscheduled Correspondence and Public Comments

Mr. Kirk Crawford presented the members of the board with pictures he took of various areas within the village where weeds need to be cut and grass clippings need to be picked up. Mr. Crawford also requested a long distance line for the library. Mayor Cordova wondered why the librarian has not brought the need to the attention of the village. It was brought up that most of the ordering is done through the internet and the library does have internet.

Trustee Fred Tyler thanked the departments that provided monthly reports. It was requested that the Village Clerk send a reminder to the departments who have not been providing their monthly reports.

Item 3. Information: Fiscal Year 2011-12 Final Budget certified by DFA Local Government Division

No action.

Item 4. Paula Koch-Request to move car in front of 605 Bosque so we can see getting out of driveway

Ms. Paula Koch complained about her neighbors parking too close to her driveway and not being able to see to get out of her driveway. Village Clerk Dianna Brusuelas-Guilez asked if she contacted the police

department as was suggested. Ms. Koch said yes but there was never a response. Mayor Cordova said he would take the matter to the police department.

Item 5. Archie Wilson-Dropping trash service, tired of paying for everyone else's trash, having to pick up trash from street when someone tips it over

Mr. Archie Wilson said he does not need the service and other people from the trailer park are using his container. Mayor Cordova said that there is a village ordinance that requires all water users to have and pay for a dumpster. Trustee Patrick Garcia suggested using a hasp lock so other people won't dump in his. Mayor Cordova said he could not understand why people from the trailer park would walk all the way to Mr. Wilson's 90 gallon container to dump trash when there are several six yard containers in the trailer park. Mr. Wilson again said he does not need the service.

Attorney Jeff Rhodes said that the New Mexico legislature says you can assess an assessment on the property whether it is used or not if the property is occupied.

Mr. Wilson then left the meeting and no action was taken.

Item 6. Thomas Seddon-Permission to place house at 401 Durazno

Mrs. Seddon presented pictures of the home they plan to place at the property. Trustee Fred Tyler questioned the zoning for a home saying that 150" from the highway is zoned commercial and that Mrs Seddon would have to petition for a variance. Village Attorney Jeff Rhodes asked if anyone had an ordinance book because sometimes certain zones have 'other permitted uses'. After checking the ordinance book and the permitted uses the placement of the house is ok.

Trustee Fred Tyler moved to approve the permission to place the house at 401 Durazno and was seconded by Trustee Joseph Lueras.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 7. Robin and Mark Makowski-Protest additional charge for trash - we live on premises and do not need it-do not produce trash from biz

Mr. Makowski read a letter to the Mayor and the Board requesting to have the garbage fee requirement waived at his business stating that his business is on the same piece of property as his home. It was asked if they have two water meters. Attorney Jeff Rhodes clarified that the assessment would be against the property.

Trustee Fred Tyler then moved to not charge the trash to the business and was seconded by Trustee Joseph Lueras.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 8. Approval of appointment of Angela Denise Ortega as a NM c

Certified Dispatcher-Probationary Employee-Date of Hire 8/29/2011 - at \$9.00 per hour

Trustee Patrick Garcia moved to approve and was seconded by Trustee Joseph Lueras.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye

Item 9. Approval of appointment of Emilio Alonzo as Police Officer-Probationary Employee-Date of Hire 9/15/2011-\$10.00 per hour

Trustee Fred Tyler moved to approve the appointment of Emilio Alonzo as Police Officer-Probationary Employee-Date of Hire 9/15/2011 at \$10.00 per hour. Trustee Joseph Lueras seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 10. Approval of appointment of Robert W. Hedman Jr. as Animal Control-Temporary Employee not to exceed 6 weeks - Date of Hire 9/6/2011 and ending 10/14/2011 - \$9.00 per hour

The question arose if Mr. Hedman would do Animal Control and the Code Enforcement. Mayor Cordova said only Animal Control and that it would be for a six week period until the Animal Control Officer returns. Trustee Patrick Garcia moved to approve the appointment of Robert Hedman Jr. and was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 11. Approval of Temporary Employment Agreement with Patrick Wooten as per Chapter II, Section 20.01, Paragraph E, of the Village of Tularosa Employee Personnel Policy from 10/01/2011 - 12/30/2011 at \$7.50 per hour with no more than 20 hours per week

Trustee Gloria Sainz moved to approve the temporary employment agreement with Patrick Wooten as per Chapter II, Section 20.01, Paragraph E, of the Village of Tularosa Employee Personnel Policy from 10/01/2011 until 12/30/2011 at \$7.50 per hour with no more than 20 hours per week and change the ending date of 12/30/2011 to 4/01/2012. Trustee Fred Tyler seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 12. Approval of Temporary Employment Agreement with Susan Flores as per Chapter II, Section 20.01, Paragraph E, of the Village of Tularosa Employee Personnel Policy from 10/01/2011 - 12/30/2011 at \$10.00 per hour with no more than 20 hours per week

Trustee Joseph Lueras moved to approve the Temporary Employment Agreement with Susan Flores as per Chapter II, Section 20.01, Paragraph E, of the Village of Tularosa Employee Personnel Policy from 10/01/2011 to 04/01/2012 at \$10.00 per hour with no more than 20 hours per week. Trustee Gloria Sainz seconded the motion.

Roll Call Vote: Trustee Garcia, nay. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, nay. Mayor Ray S. Cordova broke the tie with an aye vote.

Motion carried with three ayes and two nays.

Item 13. Approval of Adoption of Resolution 2011-2012-06 to accept the Municipal Arterial Program project contract-Radio Road Improvement with NMTD

Trustee Patrick Garcia moved to approve the Adoption of Resolution 2011-2012-06 and was seconded by Trustee Fred Tyler.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 14. Approval of Adoption of Resolution 2011-2012-07 entering into a Co-Op Agreement with the NM State Highway & Transportation Department

Trustee Fred Tyler moved to approve and was seconded by Trustee Patrick Garcia.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 15. Select one of the three alternatives for the Waste Water Plant removal of the sludge from the old Aeration Basin

Mayor Ray S. Cordova announced that the recommendation from the engineer was option three. Question was whether it was being paid by a grant and response was yes

Trustee Patrick Garcia moved to go with option three, Surface Disposal, sending Biosolids to Landfill. Motion was seconded by both Trustees Lueras and Tyler.

Trustee Tyler asked if it had to go out to bid and the response was also yes.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 16. Appointment of Mr. Paul Quaroli and/or staff to aid the Village with Flood Plan Management

Trustee Gloria Sainz moved to approve the appointment of Mr. Paul Quaroli but asked about 'and/or staff'. It was explained that the county has two Flood Plan Managers and it would be Mr. Quaroli or one of his staff members.

Trustee Joseph Lueras seconded the motion.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 17. Rick Gutierrez-Award bid for HVAC maintenance

Trustee Fred Tyler moved to award the bid to MGS Refrigeration. Motion was seconded by Trustee Joseph Lueras.

Roll Call Vote: Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

Item 18. Trustee Fred Tyler-Discuss adequacy of nuisance ordinance as it pertains to noise. Citizen complaints re: excessively loud music from Tulie Cantina after 10:00/11:00 P. M.

Trustee Fred Tyler addressed the audience that he had been called out in reference to the loud music and wondered if the village needed to fine tune the nuisance ordinance. Mr. Derick Balzano representing Tullie Cantina did agree that the ordinance in place is very vague and felt that a commercial noise ordinance would need to be developed but a decibel reader would be needed. Mayor Cordova said the Police Department has received two complaints but he has also received positive comments. Mr. Balzano agreed to help the village in writing the ordinance.

Item 19. Trustee Fred Tyler-Review proposed employment agreement and proposed combination position-Approve offering employment agreement to Susan Flores at expiration of current temporary agreement (30 Sept 11)

Trustee Fred Tyler withdrew Item 19 but asked the board members to study the agreement for future use.

Item 20. Old Business

Trustee Gloria Sainz said she was asked to bring up overtime and was told that one employee turned in almost a full pay period of overtime and others are following suit and her experience has been that overtime has to have prior approval and wondered who approves overtime. Mayor Cordova said he is checking on every department's overtime and requesting an overtime report every pay day and the Mayor had not heard of any water mains breaking. Trustee Fred Tyler said it was not that kind of overtime that it was two employees who have accounted for thousands of dollars and one works at one plant and one on the other. Trustee Tyler says the policy says if they are on call they get a day off. Trustee Tyler wondered why the plants have to be monitored during the day and not at night. Village Clerk Dianna Brusuelas-Guilez said she thought they had to take readings through out the day and make sure everything is running right. Mayor Cordova said there are also other employees within the water department who have a lot of overtime and the Supervisor's are the ones who authorize overtime for their departments.

Item 21. New Business

Mayor Cordova mentioned to the Board of members of a meeting with people from FEMA, Paul Quairoli from Otero County and a representative from Senator Udall's office. Senator Udall's office said they would do whatever they could to help the village

Item 22. Adjourn

At 8:15 Trustee Fred Tyler moved to adjourn and Trustee Patrick Garcia seconded the motion. There being no further business to come before the Board the meeting adjourned.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas-Guilez, Village Clerk

The written minutes are the official minutes of the meeting. The recorded Compact Flash are part of the minutes only for interpreting any ambiguity in the written minutes. When the minutes are approved and signed the written minutes are the official minutes of the meeting.

Minutes approved by The Board of Trustees at the Regular Meeting of October 19, 2011.