

Town of Estancia
Regular Meeting of the Board of Trustees
Thursday, February 21, 2019 6:15 pm
Municipal Building, 513 Williams Avenue, Estancia, NM 87016

Minutes

Invocation and Pledge of Allegiance

The meeting was called to order at 6:15pm and Roll Call was taken:

Trustee Sedillo- Present
Trustee Chavez- Present
Trustee Hall- Present
Mayor Dial –Present

1.0 Approval/Disapproval of Agenda – Action Item

4.0 Clerk Michelle Jones asked that agenda item **11.0 Approval of Resolution 2019-04 Declaring the Town of Estancia to be a Second Amendment Sanctuary Town- Action Item** be moved to item 6.2 on the agenda. **ACTION TAKEN:** Trustee Hall made a motion to approve the agenda as amended above. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

2.0 Discussion/Approval of the February 4, 2019 Regular Meeting Minutes – Action Item

ACTION TAKEN: Trustee Chavez made a motion to approve the February 4, 2019 Regular meeting minutes as written. Trustee Hall seconded the motion. All in favor. **MOTION CARRIED**

3.0 Discussion/Approval of the February 19, 2019 Bill List – Action Item

ACTION TAKEN: Trustee Hall made a motion to approve the February 19, 2019 Bill list. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

Public Comment – At the discretion of the Mayor. For information only (No Action can be taken). Comments may be limited to (5) minutes per person on any subject.

Mayor Dial told all in attendance that we would be taking public comment on any item on the agenda now and if anyone wanted speak on Resolution 2019-04, now would be the time.

All the public comment focused on Resolution 2019-04. Three residents spoke in favor of passing the resolution. No one spoke in opposition. Torrance County Sheriff Marty Rivera spoke, as did residents Theresa Johnson and Leonard Howell. All spoke in favor of passing the resolution and mentioned specifically the preservation of 2nd amendment rights. All were thanked for their attendance at the meeting and for their comments.

Old Business

4.0 Update on Capital Outlay requests and Sewer Lift Station repairs- Information Only

Clerk Michelle Jones told the Board that a new pump was installed in our main lift station and now we are having difficulties with the lift station control panel. She and the Mayor told that Board that we would be sending an email to our representatives telling them about the panel and reminding them of the Town's urgent need for Capital Outlay to repair the sewer lift station and sewer system.

5.0 Discussion of the Pool- Discussion Only

Clerk Michelle Jones told the Board that she and the Deputy Clerk reviewed the revenue by day from the pool last summer and decided to recommend to the Board that the pool be opened from Tuesday-Saturday next summer. Mondays were not good at all with very poor revenue, but Saturdays were better than was originally thought. Ms. Jones encouraged to the Board to provide input with regards to the pool.

New Business

6.0 Approval of Mayor Dial’s appointment of Albert Lovato to Town Trustee – Action Item
ACTION TAKEN: Trustee Hall made a motion to approve the Mayor’s appointment of Mr. Alberto Lovato to Town Trustee. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

At this time, the Town Clerk/Treasurer presided over the official Swearing In of Mr. Lovato to Town of Estancia Board Trustee. Trustee Lovato took his seat at the table with his fellow trustees and he was given a copy of the packet for the meeting.

6.2 Approval of Resolution 2019-04 Declaring the Town of Estancia to be a Second Amendment Sanctuary Town- Action Item

Mayor Dial introduced the Resolution 2019-04 attached below:

TOWN OF ESTANCIA

RESOLUTION 2019-04

IN SUPPORT OF THE SECOND AMENDMENT OF THE US CONSTITUTION

AND

DECLARING THE TOWN OF ESTANCIA TO BE A

SECOND AMENDMENT SANCTUARY TOWN

WHEREAS, the Town of Estancia Board of Trustees met in a regular duly noticed meeting on Thursday, February 21, 2019 at 6:15 p.m. in the Estancia Town Hall at 513 Williams Street, Estancia, New Mexico; and,

WHEREAS, the members of this Board took an oath to support and defend the United States Constitution, the Constitution of the State of New Mexico and the laws of the State of New Mexico (insofar as they are constitutional); and,

NOW, THEREFORE, BE IT RESOLVED by the Town of Estancia Board of Trustees, in support of the Sheriff of the County of Torrance, by the authority granted to the Board by the laws of the State of New Mexico and the people of the Town of Estancia in the County of Torrance in the State of New Mexico to stand and defend their rights and liberties, which are guaranteed by the United States and New Mexico Constitutions, we hereby declare this Resolution as follows:

Second Amendment Preservation Resolution Designating the Town of Estancia a Second Amendment “Sanctuary Town”

BE IT FURTHER RESOLVED that this Board affirms its support of the duly elected Sheriff of Torrance County New Mexico in the exercise of his/her sound discretion and affirms its resolve to support decisions by our Sheriff to not enforce any unconstitutional firearms law against any citizen.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing law that unconstitutionally infringes on the right of the people to keep and bear arms.

APPROVED, ADOPTED, AND PASSED on this 21st day of February, 2019.

TOWN OF ESTANCIA, NM

Nathan Dial, Mayor

ATTEST: _____

Michelle Jones, Clerk

At this time, Trustee Hall read the following statement:

Statement regarding proposed Resolution 2019-14, February 19, 2019.

J. Morrow Hall, Trustee

Town of Estancia

I have a number of objections to this proposed resolution, beginning with the obvious matter of jurisdiction. The Town of Estancia has nothing to do with the enforcement of the Second Amendment, and the Second Amendment has nothing to do with proper conduct of the town's business.

Additionally, the proposal uses a great many words to say very little. It declares Estancia a "Second Amendment sanctuary town," but does not define the meaning of the phrase. It promises that the town will support the actions of the sheriff of Torrance County in his enforcement of the laws, excluding unconstitutional laws. It doesn't even name the sheriff, who has no authority in our jurisdiction anyhow, and whose so-called constitutional enforcement measures are not in any way described, and are not subject to our authority in any way. The "support" the board of trustees of the town of Estancia might give the sheriff in his enforcement measures surely amounts to nothing but lip-service, and I'm not inclined to participate in that.

Next, it is not in the jurisdiction of the sheriff of Torrance County or the mayor of Estancia or the governor or the president to determine the constitutionality of a law. When a town or county ordinance or state statute or an act of Congress takes effect, it is presumed to be constitutional until a court of law declares that it is not, just as a person accused of a crime is presumed to be innocent until proven guilty. We've seen the process occur frequently in recent years and we know it follows a plodding path of motions and injunctions and orders and appeals and more appeals. But when a law is found to be unconstitutional, law enforcement officials, including the sheriff of Torrance County, are promptly notified. They are not called upon to determine the matter themselves.

And then there's the Second Amendment itself. The proposal refers to the "right of the people to keep and bear arms," but it doesn't mention the first part of the sentence. It's one of the shortest amendments, so they probably had room. It reads, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

A series of laws since 1791, when the Bill of Rights was ratified, changed and regulated the state militias, and since 1909, before New Mexico even became a state, they have been called the National Guard. Our militia keeps its weapons at National Guard armories these days, and any qualified citizen can apply to join the Guard. I'm not saying that individual citizens shouldn't continue to have the right to keep firearms in their homes, but the primary reason for ensuring that right has evolved into something different, something much more well-regulated than it was in 1791.

The rights granted under the Second Amendment are limited. No one can legally own an atomic bomb or a canister of nerve gas, and I haven't heard anyone propose that they should. So we're dealing with the question of how much and in what way those rights can be limited, and that question is answered in the legislative and judicial branches of the state and federal governments. It is not the jurisdiction of the town or the county.

Our legislature has passed, or is about to pass, some restrictions on firearm ownership, and that has given impetus to such resolutions across the state. I have no doubt that the new laws will be contested in court. If you are against these restrictions, that's the proper venue to express your opinion – in court. When a decision is finally made, both the sheriff of Torrance County and the chief of police of Estancia will be notified, and I assume the board of trustees will be called upon to change the town's criminal code if it is appropriate. And if that outcome is not to your liking, you can support and vote for representatives who will change it. *That* is constitutional. *That* is how we do it.

Words matter. They matter especially when we are acting as the representatives of our community. We should choose our words carefully and consider how they will affect our citizens. Mushmouth flapdoodle like this proposed resolution does nothing, and I see no need to consider it when there are many urgent issues that properly deserve *our* attention. I will not support this resolution and I urge my colleagues to reject it.

The Board briefly discussed the resolution before a motion was made. **ACTION TAKEN:** Trustee Sedillo made a motion to approve Resolution 2019-04 Declaring the Town of Estancia to be a Second Amendment Sanctuary Town. Trustee Lovato seconded the motion. The Mayor called for the vote: Roll Call Vote: Trustee Sedillo- For, Trustee Chavez- For, Trustee Hall- Against, Trustee Lovato- For. **MOTION CARRIED**

7.0 Request approval to send PW Supervisor Lorenzo Bernal to Water Training and Testing I Albuquerque April 8-11 – Action Item

ACTION TAKEN: Trustee Hall made a motion to approve training and testing for PW Supervisor Lorenzo Bernal as listed above. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

8.0 Discussion of Section 7 and Section 8 of the Town’s Nuisance Ordinance- Discussion Only

9.0 Trustee Hall told everyone that he had asked for this item to be on the agenda. He said he was concerned that property owners were being required to mow vacant lots when there was no such requirement in the town’s nuisance ordinance. He said that if the board wanted to require that, it should amend the ordinance, but until that was done, he was concerned about the liability the town might incur for enforcing it or any other provision not required by ordinance. Clerk Michelle Jones said, in summary, that until the ordinance is changed by the Board, the Town and more specifically our Planning and Zoning Officer, is charged with enforcing it. She read the portion of the current ordinance that requires the maintaining of vacant lots. Clerk Jones suggested that the Board consider having a Public Hearing to get feedback on the ordinance and begin the steps necessary to change the ordinance, if that is what the Board agrees to do. **NO ACTION, INFORMATION ONLY**

10.0 Courtesy Inspection of E92, Estancia Municipal Airport- Information Only

Clerk Michelle Jones told the Board that the Town received a Courtesy Inspection report of our airport. The Inspection came from Mr. William Fitzpatrick, an Aviation Safety and Education Administrator with the NMDOT Aviation Division. The Board took the report to review the findings and suggested discussing the report at a later date with the Town’s Airport volunteer Marshall Hall. **NO ACTION, INFORMATION ONLY**

11.0 Request of Letter of Support for Comprehensive Economic Development Strategy (CEDS) & Updates on EMWT and KXNM Radio - Torrance County Commissioner Javier Sanchez – Information and Possible Action

Torrance County Commission Javier Sanchez spoke to the Board about a new strategy he is pursuing. He called it CEDS, Comprehensive Economic Development Strategy. He explained, in summary, that he wants to create a group of local stakeholder that would get together and discuss and create new economic opportunities for our area. He said the strategy would involve representatives from Willard, Mountainair, Encino, the Land Grants, Estancia, and possibly others. He said that our communities need each other and we should get together to set economic development goals.

Trustee Hall said that we already have an economic development organization- EVEDA. These are the exact goals that EVEDA is already working on. Trustee Chavez also wondered if this would conflict with EVEDA. After much discussion, Trustee Hall said that if the strategy was called Comprehensive Development Strategy, he would support it, but not otherwise.

Commissioner Sanchez agreed to change the wording as suggested by Trustee Hall.

Commissioner Sanchez said that he needed the letter of support to help the County to apply for a planning grant from the NMFA.

Commissioner Sanchez also asked the Board for feedback about expanding the representation on the EMWT Board to include the Land Grants, etc. Lastly, he told the Board that our local radio station, KXNM, has approached the County about possibly taking over the radio station.

Commissioner Sanchez would like the municipalities to consider partnering in this endeavor.

The Board, in summary, replied that they would be in favor of expanded representation on the EMWT Board and they advised Commissioner Sanchez to possibly get legal advice about the feasibility of a County running a radio station.

ACTION TAKEN: Trustee Sedillo made a motion to send a letter of support of the CEDS.

Trustee Hall made a motion to amend the motion to say that the Town would send a letter of support of the CDS. Trustee Sedillo seconded the motion. All in favor. **MOTION CARRIED**

ACTION TAKEN: Trustee Hall made a motion to send a letter of support of the CDS. Trustee Lovato seconded the motion. All in favor. **MOTION CARRIED**

13.0 Discussion of Bank Closure- Discussion only

Clerk Michelle Jones told the Board that the local bank officially closed its doors on the 20th. She and her department have worked out a schedule for making deposits at the Wells Fargo in Moriarty. She told the Board that she has been talking with the County Treasurer about possibly joining with the County in contracting a courier that would take all of our deposits together in a secured armored vehicle. She told the Board that FNB bank is still interested in opening a branch in Estancia, but nothing has been finalized. **NO ACTION, INFORMATION ONLY**

11.0 Mayor/Council:

Trustee Hall had no update.

Trustee Chavez asked about the YCC project. She asked if the location of the shelters on the plan could be changed. Clerk Michelle Jones said absolutely yes. There was discussion about the specifics of the project; whether the shelters were for vendors or for spectators. The Board discussed trying to move the shelters to cover the bleachers. Trustee Chavez told the Board that the Rotary Club has been presented with the request to have a beer garden at the Punkin Chunkin event. Clerk Michelle Jones was asked to check our ordinances to see if alcohol could be served on Town owned property.

Trustee Lovato thanked the Mayor for his appointment. He expressed his gratitude and excitement about serving as a Trustee and said he hoped to be a good member of the team.

Welcome Trustee Lovato!


Trustee Sedillo congratulated Trustee Lovato.

Mayor Dial said we needed a new representative on the Solid Waste Board and asked the Board for suggestions. He took this opportunity to remind the Board that Trustees should come to him as the Mayor if they have direction for Town employees.

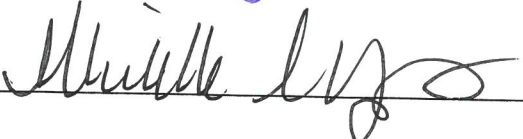
Adjournment

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

The meeting adjourned at 8:11 pm.

Approved: 

Date: 3/4/19

Attest: 

Date: 3/4/19