

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
January 15, 2014

The meeting was called to order at 7:30 PM by Chairman Richard Kell, who then led the assembly in the flag salute.

Mr. Kell read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mrs. Bonis, Mr. Correal, Mr. Kopcso
Mr. Martinez, Mrs. Murphy, Mr. Swiss
Mr. Soules, Mr. Estes, Mr. Kell

ABSENT: None

ALSO PRESENT: Mr. James Kilduff, Plng. & Comm. Dev. Dir.

APPROVAL OF MINUTES:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for December 4, 2013**. Seconded by Mrs. Bonis.

Upon Roll Call Vote:

AYES: Bonis, Correal, Kopcso, Murphy, Kell

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

There were no applications to be heard

OTHER BUSINESS:

Mr. Kell said the Zoning Board of Adjustment Annual Report and Resolution is an overview of applications heard throughout the year which has to be approved. He asked if anyone had questions or hold off if not read. He requested a motion to approve the Zoning Board of Adjustment Annual Report and Resolution.

Mrs. Murphy made the motion then questioned (her vote) as she couldn't hear it (ZB-09-12-1, Eden Franklin LLC [Walgreens Pharmacy]) and couldn't sit on it.

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Mr. Correal made a motion to approve the Resolution and Annual Report of the Franklin Borough Zoning Board of Adjustment. Seconded by Mrs. Bonis.

Upon Roll Call Vote:

AYES: Bonis, Correal, Kopcsó, Swiss

NAYS: None ABSTENTIONS: Martinez (Murphy, Kell) as noted below.

Mr. Kilduff asked if voting was finished. Mrs. Murphy agreed. Mr. Kell said four in (favor) and one abstained.

Mr. Kilduff said there were seven and couldn't hear. Mr. Kell said four voted and one abstained. Mr. Kilduff said that's five votes and asked what the other two are. Mrs. Murphy said, "We didn't." Mr. Kell said we didn't vote because we didn't participate in the Walgreen's application. Mr. Kilduff inquired, there were three abstentions. Mr. Kell said, "I didn't even put us up for a vote." Mr. Martinez said he abstained because he wasn't here the whole year.

Mr. Kilduff said this is a report that's generated through the Zoning Board and most of this report revolves around two cases. There's a question for the attorney as to voting eligibility on a report for the whole year when some of the members obviously did not sit on all the application.

Mr. Kell suggested holding off and waiting till next month for (Mr. Kilduff) to talk to Mr. Brady. Mr. Kilduff said you could do that and they've already voted. Mr. Correal said there's five counted votes; being sufficient. Mr. Kilduff said, "No it's a question of the eligibility." A person voted on a report and they weren't involved in the application.

Mr. Correal said they didn't vote they abstained; we have five standing votes; and if we pass it. Mrs. Murphy said you don't have five. Mr. Kilduff said we have three abstentions. Mrs. Murphy said you don't have five, you only have four. Mr. Kilduff said we can check with the attorney. I couldn't hear how the vote went and you've already voted. Mr. Kell said if there's a problem they can bring it back next month. Mr. Kilduff agreed.

Mrs. Murphy said she just didn't want to vote on something she doesn't know. Mr. Kilduff asked if she abstained and Mrs. Murphy agreed. She said Mr. Kell, herself and Mr. Martinez.

PAYMENT OF BILLS:

Mrs. Bonis made a motion to approve the Franklin Borough Zoning Board Escrow Report for January 15, 2014. Seconded by Mr. Martinez.

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Upon Roll Call Vote:

AYES: Bonis, Correal, Kopco, Martinez, Murphy, Swiss, Kell

NAYS: None ABSTENTIONS: None

DISCUSSION:

CORRESPONDENCE:

Mr. Kell noted on the letter from SC Department of Engineering & Planning, reviewed the application (CM Franklin, LLC) with no further action required by them.

OPEN PUBLIC SESSION:

Mr. Kopco made a motion to **Open to the Public**. Seconded by Mr. Martinez. All were in favor.

Mayor Crowley thanked the Board for their return and service. He said most are seasoned veterans. He had spoken to Mrs. Alexander who resigned and commended her many years on the Board. Mayor Crowley also thanked new members for coming forward and wished all luck and a great year.

Mr. Kilduff, Franklin Borough Administrator, informed the Board that at last night's Council Meeting, he announced a lawsuit was filed against the Board regarding CM Franklin. He understands there may be negotiations in progress which hopefully, may go away.

Mr. Correal made a motion to **Close to the Public**. Seconded by Mr. Swiss. All were in favor.

ADJOURNMENT: There being no further business Mr. Kopco made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Martinez. All were in favor. Meeting was adjourned at 7:40 PM.

Respectfully Submitted,



Ruth Nunez
Secretary