

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
March 8, 2016**

Mayor Giordano called the meeting to order and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Dabinett, Ms. Fantasia, Mr. Limon, Mr. Martinez, Mr. Rathbun, Mr. Snyder, and Mayor Giordano.

Absent: None

Mayor Giordano led the assembly in the flag salute.

Mayor Giordano stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

COMMITTEE REPORTS

Ms. Fantasia reported we have an EDC meeting this week on Thursday, we hope to discuss the Farmers Market in depth. Ms. Fantasia commented she met with the team to select the Senior Citizen of the year which will be announced at the Spring Fling on April 9th.

Mr. Martinez reported we had a few finance meetings, we are going through the budget line by line, trying to make sure we take advantage of any possible savings that are out there. They have been long meetings, Mr. Snyder, Ms. Fantasia and himself. Mr. Martinez reported Planning Board we are working on revisions to the Master Plan that is going to be coming up this meeting for a vote this month. Also we have been meeting with developers who are looking to invest in Franklin and bring opportunities to our citizens.

Mr. Rathbun reported recreation has a meeting this Thursday. Mr. Rathbun reminded everyone that April 9, at 12 noon is the Spring Fling at the Firehouse. The Carnival committee met and started planning the event. Any group that is interested in running a gaming trailer contact recreation. Per Sale ride tickets are now on sale, see your local recreation member or come into Borough Hall. They are selling for \$20.00 each and the night of the Carnival they will be \$25.00 he believes.

Mr. Snyder reported we will be introducing the budget on the 22nd of March, we have put in a lot of hours with regards to capital improvements and the tax payer side of the budget.

Mayor Giordano commented there will be a workshop on the 16th for it [the budget].

Mr. Dabinett reported they did not have a public utility meeting this past Monday for lack of a quorum. Mr. Dabinett commented as he reported in the past; last year we had an I & I study done, this past month or so we had another I & I study done on Rte 23 south and Franklin Ave. We are waiting for the final report. Mr. Dabinett commented he isn't happy the Borough is still waiting for the report.

Mayor Giordano thanked Mr. Dabinett, everybody has done a lot of hard work and you in particular have really worked very hard this year and he appreciates it.

Mr. Dabinett commented he takes that compliment but he also would like to compliment our finance committee for the hours they have put in recently.

Mr. Limon reported you had asked us to look into Chief McInerney's contract, it ends at the end of this year; we are working on it for 2017. This looks like we are ahead of schedule on that.

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Mayor Giordano asked maybe we can have that for the next agenda to vote on.

Mr. Limon commented we had some issues that we are ironing out for the officer we are hiring, after that we will be moving forward.

Mrs. McHose reported tomorrow at 10:00 am the bids will be open for the Evans Street cell tower. That is a welcome sign, anticipated revenue for the Borough. The big news of the week that the County Engineers office called they are moving the date of the bridge repair, they went out to bid, received three bids and had to reject all three. There isn't enough time to rebid, get the work done prior to the carnival. The County will start the work sometime after the Carnival.

Mrs. McHose gave a report on the prior dog census. Mr. Drossel worked 75 hours, which brought in a tremendous amount of money. The total collected was \$12,651 year to date and it cost the Borough a little under \$2,000 for his salary. The dog census brings in residents that have never licensed their dogs before.

Mayor Giordano commented it was talked about at the last meeting to cap it off at \$2,000 and asked if the Council would be agreeable to doing the dog census at this point. Everyone agreed. Mayor Giordano commented with a yes from the Council we will get the dog census taken care off.

Mayor Giordano reported there are some items we declared surplus that should be on auction this week. Mayor Giordano commented on the County rejecting the bids, they had no choice, he is comfortable with the County setting it back after the Carnevale.

Mayor Giordano commented he and Mr. Rathbun met with the manager of the local radio station; they are very excited to help us with the Carnival. They are going to put together an advertising package we might be able to do and they might consider doing some live radio broadcasts from the Carnevale. The radio station is doing a backpack program for kids. Mayor Giordano offered the Borough as a drop off location.

Mrs. McHose reported today she traveled to Elizabeth with Tom Drabic from the County Planning Office. We are in receipt of a \$5,000 Street Smart NJ Grant, they are going to start this Saturday at Shop Rite plaza, McDonalds and Wal-Mart area handing out literature. This is an ad campaign to educate drivers, pedestrian etc. It was really exciting to be there today for the kick off.

Mrs. McHose commented she also started a Facebook page for Franklin Borough, street smart NJ is all about social media they are doing twitter and Facebook for a lot of their announcements. That is why she started it.

Mr. Prol, Esq. reported he will make comments as the meeting moves forward.

OPEN PUBLIC SESSION

Mr. Dabinett made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Martinez. All were in favor.

Richard Knop, 3 Newton Street, Franklin, stepped forward. Mr. Knop commented they would like to start a Farmers Market in Franklin. We are thinking about using the area around the old church at Junction and Main Street. We are looking for approval from the Borough Council, the Historical Society is going to work hand and hand with us [Concerned Citizens for a Better Franklin].

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Mayor Giordano asked if there were any questions.

Mr. Dabinett commented he is all for it, his question is on the traffic on Main Street and laying out the stalls.

Mr. Knop commented we are hoping to use the property around the church for the vendors themselves and the Municipal parking.

Mr. Martinez commented what you are looking for is if you need any permits.

Mr. Knop commented yes, anything that is necessary to get this going. We have no funding, it is all volunteers.

Mr. Martinez commented what he is asking is to make sure if there are any permit/fees to see if they can get waived.

Mr. Knop answered yes.

There was a discussion on the matter.

Mr. Prol commented just so you know you normally have an insurance obligation.

Mr. Knop commented the Historical Society has insurance on the property.

Mr. Martinez made a motion to approve this and waive any permit fee that they may have. Seconded by Mr. Dabinett.

Mayor Giordano commented we are going to hold that [roll call] until we come out of public session.

Alfonso Caliendo 81 Main Street, Franklin, stepped forward. Mr. Caliendo commented this year he will be in Franklin 25 years, during this time he has heard plans to upgrade Main Street. Mr. Caliendo commented on all the properties for sale and for rent. Mr. Caliendo read each property address that is for sale, rent or vacant.

Mayor Giordano explained all the things that have been done so far this year to improve Main Street. Planning Grant from DCA, properties the Borough are interested in, to do some shuffling of some Borough activities onto those areas. We have a developer interested in some properties on Main Street, some office and on the agenda tonight discussion regarding parking on Main Street. There should be no parking on Main Street only for the businesses. Residents have parking and should not be parking on Main Street, period. We have business that are now being run on Main Street that have other business owners actively driving off their customers because they feel as though they are parking in their spots and the spots are empty. Mayor Giordano explained an ordinance that was recently passed, passing the responsibility to landlords.

Mr. Caliendo commented on the garbage on Main Street and condition of properties.

Karen Folkerts, 113 Main Street, Franklin, stepped forward. Ms. Folkerts commented on the garbage issue and explained an issue that happened seven or eight years ago. Ms. Folkerts explained a business on Main Street Faithful Movers; they get her neighbors to take their garbage and he illegally dumps garage across the street. Ms. Folkerts asked the Council to consider changing bulk pickup and gave some suggestions.

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Joanne Tatka, 151 Mable, Franklin, stepped forward. Mrs. Tatka commented on the budget and looking for a 3 and a half reduction for election promises. How close are you to that.

Mayor Giordano commented the election promise was 3 percent over three years. Mayor Giordano commented so far we are doing ok.

Mrs. Tatka asked if Mr. Drossel went out and did the dog census at \$35.00 per hour. Mayor Giordano commented the dog census was done prior to him becoming full time at a flat rate of \$2,000. This was in 2012.

Mrs. Tatka asked about getting insurance for retired police officers to qualify. She can't understand why you would want to insure someone that is not an employee anymore.

Mayor Giordano commented he doesn't know if that is something we can do, we are consulting with a number of people. We haven't gotten back the agreement from the rifle association to know where they stand. It is not finalized.

Mrs. Tatka asked about the Cannon Gun Safe. Mayor Giordano explained.

Mrs. Tatka commented on sending Mrs. McHose and Jim Williams for grant writing.

Mayor Giordano commented the purpose was to educate those people on how the Grant writing process works. Mrs. McHose has applied for several grants and working on a shared service agreement for grant writing.

Mrs. Tatka asked about the Franklin Meadows garbage and cars parked by DPW. Mayor Giordano explained.

Mrs. Tatka asked at the last meeting Habitat for Humanity, it was mentioned putting the three lots back on the tax rolls, are these lots subdivided and asked about the size of the lots.

Mayor Giordano commented they are small but consistent in size with all the other houses that are on that stretch of 517 and explained.

Mrs. Tatka commented she is not against veterans or children but we have a problem in this town we have some disabled veterans and we are not getting any taxes. Are you going to oversee this, you were talking about this [property] getting back on the tax record and they would probably have kids.

Mayor Giordano commented if they are not a disabled veteran they would pay taxes.

Mrs. Tatka commented you will have applications from disabled veterans and you will not be getting taxes if these people are allowed to have the houses.

Mrs. McHose commented we have no control over who they choose as the recipient of these homes, Habitat has a whole structure to interview and criteria. So turning over the land they do the building and they do the placement of the person. They pick the person and the person helps to build the home.

Mrs. Tatka asked what are the chances of getting some of these foreclosed houses then getting something new.

Mayor Giordano commented it is probably easier for them to come to the Borough and ask to give us the property because banks by nature are not in the business of

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giving; they are in the business of taking, wanting a return on their investment. The banks are not going to donate stuff they can get an investment out of.

Mayor Giordano commented if you are a veteran and your status changes to where you are disabled; the town has no way in predicting that. His opinion is if you are a veteran and you are disabled you shouldn't pay taxes on anything. Because you have earned that right.

Mrs. Tatka commented your aim is to get these properties back on the tax rolls we may not get that then.

Mayor Giordano commented to be clear on how I feel this is me the Mayor of Franklin not the Council, if they wanted to put three disabled veterans in all three of those lots he would be more than thrilled to see them there and he would help build the buildings for them.

Mrs. Tatka commented on the last meeting agenda there was a letter regarding the Historical Society and based on what she has been hearing, would Sussex Bank get that property if they take over the church.

Mayor Giordano commented the Council would have to make a decision as to where they would want to go.

Mrs. Tatka commented if you decided to be paying off their note you better make sure that it gets on to the ballot and the people of Franklin vote on it.

Mayor Giordano commented we don't owe anything on the church and we are not going to owe anything on the church.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented on the agenda tonight you have a topic for discussion for removal of the storage containers down at the pond. Mr. Kidd reminded the Council the girls scouts are using one of those containers for storage of their equipment. The boy scouts have a space on Main Street this is the first time the Girl Scouts have had something to store their equipment for the annual building bridges event that hosts up to 100 scouts in the area and more recently the trunk or treat which had more than 200 area kids involved.

Emily Basilwitch, One Mill Street, Franklin, stepped forward. Mrs. Basilwitch commented on the number of dogs in town. Mrs. Basilwitch commented on coming before the Council years ago regarding Main Street, boarding up the stores and explained.

There being no one else present who wished to address the Governing Body, Mr. Martinez made a motion to close the meeting to the public, seconded by Mr. Limon. All were in favor.

CONSENT AGENDA

Mayor Giordano requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated February 25, 2016 from Catherine M. Williams to Municipal Clerks and Governing Bodies, Resolution Re: Authorizing the Clerk of the Board of Chosen Freeholders to provide notice pursuant to N.J.S.A. 40A:12-13.5 ET SEQ. for the lease of County Real Property, located in the Township of Frankford at the

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intersection of County Route 655 (Morris Turnpike) and Morris Avenue (Lot 2 of Block 23).

2. Letter received February 25, 2016 from Cubby Kovalsky to Mayor and Town Council Members Re: Summons No. 1906-SC-010583.
3. Letter dated February 25, 2016 from Judy Williams, President, Franklin Historical Society, to Mayor and Council Re: Conditional Ground Lease dated March 13, 2007.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report for February, 2016.
2. Tax Department report for February, 2016.
3. Police Department report for January, 2016.
4. Municipal Court Report for January, 2016.
5. Zoning Officer Report for February, 2016.
6. Police Department Report for February, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None Filed

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 8, 2016.

Mr. Limon made a motion to approve the consent agenda of March 8, 2016.

Mr. Snyder commented he would like to remove item number 3 to talk about; letter from Judy Williams regarding the Historical Site.

Mr. Limon amended his motion to remove item number 3. Seconded by Mr. Martinez.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

OLD BUSINESS

Mr. Martinez commented on the emails for Boards and Commissions; he looked at Microsoft exchange, it is very expensive, way too costly for us to look at in house. The Google opportunity is probably the best opportunity we have, there are two different plans. One is five dollars, that comes into a limited plan. The one we actually have is the unlimited plan, only because that provides us the archiving capability. It is a set plan for any business regardless of size, realistically it is probably the best plan. We purchased a block of 25 email addresses, right now we have 23 that are currently in use and two are left. Mr. Martinez commented at this point in time he doesn't see the need to add this expense right now, if we want to there are two extra emails we can give them to one or two of the commissions and have one person manage it. Right now with MSI; the cost they are actually giving us to do the archiving is almost a favor for what they charge us, it does come out to be a good contract.

Mayor Giordano commented we have two email addresses we can assign, do we want to consider assigning those to the Planning Board and Zoning Board Chairmen.

Mr. Martinez commented we can asked them. Mayor Giordano asked Mrs. Mchese to ask the Chairmen if they would like to have the Borough emails.

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Mayor Giordano commented on the garbage issue with Franklin Meadows. We would like to negotiate with Franklin Meadows, they are tax payers, he doesn't feel it is appropriate for them to have to sue the Borough. With that in mind he is going to create a committee to speak to their Board. Mayor Giordano appointed Mr. Dabinett and Mr. Rathbun to speak to them. We have been trying to negotiate. Our lawyer has tried numerous attempts to negotiate with them. There Board chair has indicated they would like to negotiate with the Borough. Mayor Giordano commented we can contact the chair person of their Board and set up negotiations where it can be you and the Board without the attorneys.

NEW BUSINESS

Mayor Giordano commented we had a motion and a second on the table for waiving the fees for the Franklin Concerned Citizens for the Farmers Market. Mayor Giordano asked for a roll call vote on that motion.

[Please note the following motion Mayor Giordano is referring to was made during public session when Mr. Knop was speaking. Mr. Martinez made a motion to approve this and waive any permit fee that they may have. Seconded by Mr. Dabinett.]

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

Mayor Giordano asked Mr. Knop when you [Franklin Concerned Citizens] have definitive plans for when you are going to get the Farmers Market going, to let us know in writing so we can notify the Police and the Zoning Official so we know when you guys are starting so everyone is on board with it.

Approval of the Minutes

Mr. Rathbun made a motion to approve the regular meeting minutes for February 23, 2016. (Absent: None) Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

Adoption of Ordinance 05-2016

Mr. Rathbun made a motion to adopt Ordinance 05-2016 "AN ORDINANCE PROVIDING FOR CHAPTER 10, ARTIVLE VIII OF THE CODE OF THE BOROUGH OF FRANKLIN CREATING THE "BUILDINGS AND GROUNDS COMMITTEE." Seconded by Mr. Dabinett.

Prior to final roll call Mayor Giordano opened the meeting to the public for any comments regarding ordinance 05-2016.

Ms. Fantasia made a motion to open to the public ordinance 05-2016. Seconded by Mr. Rathbun. All were in favor.

No one from the public stepped forward.

Mr. Martinez made a motion to close to the public ordinance 05-2016. Seconded by Ms. Fantasia. All were in favor.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

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Adoption of Ordinance 06-2016

Mr. Rathbun made a motion to adopt Ordinance 06-2016 "AN ORDINANCE PROVIDING FOR CHAPTER 10, ARTICLE IX OF THE CODE OF THE BOROUGH OF FRANKLIN CREATING THE "PUBLIC UTILITIES COMMITTEE". Seconded by Mr. Snyder.

Prior to final roll call Mayor Giordano opened the meeting to the public for any comments regarding ordinance 06-2016.

Mr. Dabinett made a motion to open to the public ordinance 06-2016. Seconded by Mr. Martinez.

Sean Kidd, 3 Evans Street, Franklin, stepped forward. Mr. Kidd commented one of the members on that should at least be someone from the public utilities that we have now and explained.

Mr. Dabinett commented the committee is the three Councilman, Brian Vandenbroek, our utilities superintendent and our engineers. If there is a discussion on water we bring in the water Engineer; if it is something on roads we will bring on the road Engineer. There is generally 5 people sitting on that committee.

Mr. Kidd asked if that is written into the ordinance the Forman of DPW is going to be on that committee.

Mayor Giordano explained the ordinance, why he formed these committees and makeup of the committees.

Mr. Dabinett explained projects from the past that have not been addressed.

Mr. Limon commented he thinks all he was asking was to have someone from the public works in the ordinance.

Mr. Kidd commented right, thank you.

Mr. Prol, Esq. commented the design of the committee is to be a subcommittee of the council and the issue comes down to who has a vote. They can certainly invite people.

Mr. Martinez made a motion to close to the public ordinance 06-2016. Seconded by Mr. Rathbun. All were in favor.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

Agreement for Certified Recycling Professional

Mr. Rathbun made a motion to approve the agreement between the Borough of Franklin and SCMUA to retain the services of SCMUA for a Certified Recycling Professional that will be responsible for executing the mandatory annual municipal recycling tonnage report in the amount of \$250.00 annually. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

Resolution 2016-34

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Mr. Rathbun made a motion to adopt resolution 2016-34 authorizing the Borough's Certified Recycling Professional to submit the 2015 recycling tonnage grant application to NJ Department of Environmental Protection. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

Discussion on the removal of shipping containers

At this time there was a discussion regarding the removal of shipping containers from the pond.

Mayor Giordano commented at least one [container] is being used, however it is a sore point for a lot of people in the town; they are eyesores and would like to get rid of them. Mayor Giordano commented he would like to see those go hopefully before the end of the summer, because it gives us the opportunity to open up some of the space down there that can be used for other things and try to beautify the park. Mayor Giordano asked the Council their thoughts on that.

Mr. Dabinett commented adjacent to the Little League Field the Borough owns a substantial piece of property that is not being utilized going behind those houses for several hundred feet. Why couldn't we relocated these storage containers over to that area that is not being utilized, they won't be in anybody's way and allow the continued use of these until we can come up with a major plan for the pond.

There was a discussion regarding the containers not being worth much and being used at DPW for storage.

Mayor Giordano commented he would ask the building and grounds committee where it would be the most appropriate place to move the containers and include Brian Vandebroek and let us know at the next meeting. Then we can get in touch with Mr. Kidd and coordinate with the move with the Girl Scouts. Mayor Giordano commented he doesn't want to see them go away, he would just like them moved out of the recreation area.

Mr. Rathbun commented he believes baseball also uses one of those containers.

There was a discussion on the size, condition of the containers, do they hold moisture, concern about mold, if there was power to the containers and Mr. Kidd spoke from the public regarding the condition of the container.

Discussion on parking on Main Street

At this time there was a discussion regarding parking on Main Street.

Mayor Giordano commented one of the problems he sees on Main Street, is we could have stores, businesses and in some cases we do have business parking [which] is always a problem. A lot of places have parking behind on Main Street, he doesn't see any reason for overnight parking or parking at all other than for businesses. Mayor Giordano commented he would like to have the ordinance committee if the council is agreeable to this; review the Main Street parking situation and maybe speak to the Chief of Police to see if there is something we can do to clear the streets a little to try and start making it more open. Mayor Giordano gave an example of parking on Main Street.

Mayor Giordano asked the ordinance committee to check into this and come back with a suggestion to see if we can make some positive changes with the parking situation on Main Street.

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Resolution 2016-35

Mr. Rathbun made a motion to adopt resolution 2016-35 authorizing Aquatic Technologies, Inc. to provide pond weed management for 2016 and 2017 in the amount of \$12,777 annually. Seconded by Mr. Limon.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

ADDENDUM

Resolution 2016-38 for Pond bid specs

Mr. Dabinett made a motion to adopt resolution 2016-38 authorizing bidding for the installation of proposed walking paths at Franklin Pond (Bid Specs, Engineer cost estimate and 5 pages of proposed plans provided to Council) Seconded by Mr. Limon.

Mr. Martinez commented does the bid specs include the County was taking care of a certain portion of that.

Mrs. McHose commented we are covering the cost up front to move the guide rail and put a new one in. We will be reimbursed by the County afterward. There is a portion of this they will be paying us back.

Mr. Martinez asked the amount of that portion. Mrs. McHose commented she will find out and get back to you.

Mayor Giordano commented we have a deadline for the work to be completed we have plenty of time for them to get going, hopefully it will be done in time for the Carnival so we can cut the ribbon at the Carnival.

Mr. Snyder commented he has just been able to see this for the first time tonight with regards to the bid specs, he hasn't been able to go over them and he can't vote on something he was just given tonight.

Mayor Giordano commented that is understandable, if you would like we can table this, it would put us back a little. The bid specs are straight forward; written by Mr. Knutelsky.

Mr. Prol commented he received them last night and looked them over today in order to prepare a resolution. There are some minor issues with citations and such but he thinks they are legally sound.

Mr. Rathbun questioned the time table regarding the bid specs, stating he would also like to review it.

Mayor Giordano commented if we table this to the next meeting would we still be able to have this done by the June 30.

There was a discussion on the bid specs and timing of the project.

Mr. Martinez commented as much as he would like to move forward with this, he would like to give the Council a chance to look at them to see if there are anything we have overlooked, he has no issue to wait to the next meeting to approve it.

Ms. Fantasia commented the document is dated 2015 and asked if her name could be put on the specs.

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Mr. Dabinett made a motion that we table this to the next meeting to get everything straightened out. Seconded by Mr. Rathbun.

Mr. Limon commented he thinks we should vote on this.

Mayor Giordano commented we have a motion and a seconded to table this to the next meeting.

Upon roll call vote:

Ayes: Rathbun, Snyder, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: None

Resolution 2016-37

Mr. Dabinett made a motion to adopt resolution 2016-37 providing service weapon to retired officer Leo Kinney in recognition of his dedicated service to the Borough. Seconded by Mr. Limon.

Mayor Giordano commented we skipped an item we will go out of order. Mayor Giordano explained the resolution.

Upon roll call vote:

Ayes: Rathbun, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: Snyder

Resolution 2016- 36

Mr. Dabinett made a motion to adopt resolution 2016-36 accepting the donation of used vehicle from Jean Vander Ploeg with appreciation. Seconded by Mr. Martinez.

Mayor Giordano explained the resolution. Mrs. McHose explained the details of the car to the Council and public.

Upon roll call vote:

Ayes: Rathbun, Dabinett, Fantasia, Limon, Martinez

Nays: None Absent: None Abstentions: Snyder

EXECUTIVE SESSION

There was no executive session.

Mayor Giordano referred to item 3 removed from the consent agenda which was a letter from the Historical Society.

Mr. Snyder commented he had read this letter dated February 25, 2016 to the Mayor and Council, it is with regards to the terms and conditions of the conditional ground lease to the Historical Society, that was written by Judy Williams. Mr. Snyder commented there is some language in this letter he feels is not accurate, he would hope we would be able to ask Mrs. Williams to come in and address the Mayor and Council with regards to this letter, where she attempts to get a solution to where the lease is now. As we all know they [Historical Society] have been in default of two different leases, the default was a few years ago. There is a lot of history with regards to this, he was never against the Historical Society just the location of where the building was put on in the Borough.

Mayor Giordano commented Councilman Martinez, Councilwoman Fantasia and Alison and himself met with John Sowdon, they are working on trying to come up with a solution on their end in regards with their loan with the bank. We don't know how successful they are going to be, the bank has sent a letter to us which we all have a copy, basically asking us to enforce the terms of the lease. It is a difficult

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situation because the building is pretty far along regardless of people like the building or don't like the building we have to deal with it. It would be ashamed to see the building demolished in terms of the lease, the Borough is in a position, we have time, no monetary concern, we are not creditors on the building, we need to let the Bank and the Historical Society go their logical route to whatever they are going to conclude with. It would be in our interest to intervene because we own the property but don't own the building. Mayor Giordano asked the Council for suggestions.

Mr. Snyder asked do you have all the paper work on this and how it proceeded. What they are trying to do is get the lease to complete the building within 24 months of that lease which they were not able to do. This Council took it upon themselves to extend that lease a second time for 24 months, which they have not been able to do. To begin with it should have never come to that it was a violation of Ethics with regards to it going forward. The concern was to not have the tax payers in town pay anything to have the upkeep with that building it was not completed. Mr. Snyder read part of the letter.

Mrs. McHose commented in the existing lease it does have language that the Borough has the ability if the Historical Society is to default on their loan, the Borough has the ability to either move or raise the building.

Mr. Snyder commented it is in regards to not having a CO, it is not the completion they had to retain as CO and they haven't done that the entire time. We have the ability if we wanted to at this point to go in and do what we needed to do with that particular building.

Mayor Giordano commented the problem he sees here is the only collateral the bank has is the actual physical building. If the Borough was to exercise that aspect of the lease agreement we go in and raise the building could we or would we have destroyed the banks collateral. It is a very odd situation.

Mr. Snyder commented this is been so long, it is an eyesore, it needs to be taken care off. Are they waiting it out to get that right Council to know maybe we should continue to go with the lease because that is the right thing to do; not knowing the lease and what it is all about.

Mayor Giordano commented he doesn't know if leasing it is an option at this point because we don't know where the bank stands. If the bank forecloses on the property then the bank would have to form a lease with the Borough then the building becomes a taxable property. The building is taxed separately from the grounds.

Mr. Snyder commented he doesn't believe that is true because that was all sought with regards to finalizing the first lease to make sure that didn't happen and the liability would not come back on the Borough at all.

Mayor Giordano commented they would have a building on Borough property how does that work. Mayor Giordano explained on the tax card you have a separate tax, one on the building and one on the property. Couldn't you tax the building.

Mr. Prol commented what he will note is Dave Brady has been handling this for the town, he doesn't know all the details of the lease. As a discussion point he does believe if the bank were to take this property; the property right now is exempt under State Statue that allows nonprofit organization with a charitable purpose including the Historical Society to use and operate a facility with a property tax exemption. If that use was no longer viable and reverts back to the bank for example then you

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would probably have a tax assessment. That is his fancy way of saying the Mayor is right.

Mr. Dabinett commented the letter is worded, part of the demolition upon completion is most problematic. Mr. Dabinett commented he read the 2007 lease probably three times today and no place in that lease did he find this clause.

Mr. Snyder commented this is costing the taxpayer's money

Mayor Giordano commented the thing to do would be to create a committee to decide what you would like to do with respect to the property, to sell the property, try to negotiate another lease with the Historical Society and have the subcommittee explore the options.

Mr. Dabinett commented why don't we let our building and grounds committee look into this.

Mr. Snyder commented the buildings and grounds committee consists of Joe Martinez, Dawn Fantasia and himself.

Mr. Limon commented it says in her letter they have failed to pay their insurance and it looks like we have the Farmers Market there, when they said they would be riding on their [Historical Society] insurance. So how does that happen if they are not paying their insurance bill.

Mrs. McHose commented it is on the building not on the land.

Mayor Giordano explained items discussed with a meeting with Mr. Sowden with regards to the Main Street Planning Grant. One option from the meeting was by Council vote establish an Historic Commission, by doing that it enables a number of things to happen. One it enables us to be more comprehensive with asking the State for money with the grant, it allows us to pursue historic grants and it comes a lot easier for the Borough.

Mr. Snyder commented they will not let that be historic, they already went through that, it was already discussed and that won't ever get historical.

Ms. Fantasia asked why it would never be historic.

Mr. Snyder commented he can't remember the whole aspect of what they turned away it was explained to the Mayor and Council at that time, it would not have historical value.

Mr. Martinez asked if we could table this.

Mayor Giordano commented this was a letter on the consent agenda.

Mr. Martinez explained the building and grounds can look into this and bring a recommendation in the next few meetings.

The discussion continued on the letter from the Historical Society and establishing an historic commission.

Mr. Limon made a motion to accept item number 3 from the consent agenda. Seconded by Dabinett. All were in favor.

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OPEN PUBLIC SESSION

Mr. Martinez made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Snyder. All were in favor.

Brian Glynn, 20 Fowler Street, Franklin, stepped forward. Mr. Glynn invited the Council to join the Historical meeting the following night at the Senior Center.

Karen Folkert, 113 Main Street, Franklin, stepped forward. Ms. Folkert commented the eyesore has been there [on Main Street] since she has moved here and commented on the condition of the property. Ms. Folkert commented on the parking on Main Street, she does have her own parking and doesn't have any personal issues with this but to keep in mind families and gave an example. Ms. Folkert commented there has been a lot of bad mouthing about Main Street but as someone who had a rude awakening when she bought her house, it has really gotten so much better. The Police have arrested so many people and Joe Drossel has been fabulous, whenever there is an issue he is right there and has really helped out.

Elaine Karpowicz, 160 Main Street, Franklin, stepped forward. Mrs. Karpowicz commented we did some research on the historical value and there is no historical value and explained.

Joanne Tatka, 151 Maple, Franklin, stepped forward. Mrs. Tatka commented 10 people decided to spend this \$150,000 to move the building now you want \$5,190 people of Franklin to be responsible for it. You better think twice before you get the whole town involved in it, if you think you want to involve the taxpayers money you better put it on a ballot and get an equal vote so everyone gets to voice an opinion not only 10 people in town.

Mayor Giordano commented he would be more than happy to put that on the ballot as long as these six people agree to it.

There being no one else present who wished to address the Governing Body, Mr. Martinez made a motion to close the meeting to the public, seconded by Mr. Rathbun. All were in favor.

MISCELLANEOUS COMMENTS

Mr. Snyder commented the DPW did a good job patching wholes around town.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Martinez made a motion to adjourn the meeting at 9:10p.m., seconded by Mr. Rathbun. All were in favor.

Nicholas Giordano, Mayor

Robin Hough, Borough Clerk