

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
October 12, 2010**

CALL TO ORDER

Present were Supervisors Don Lerew, John Shambaugh, Ed Campbell, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Special Counsel Guy Beneventano, and Secretary Nancy Zentmeyer. The meeting was held at the Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

CONDITIONAL USE HEARING – BROOKSHIRE MOBILE HOME PARK

Chairman Lerew opened the hearing at 7:02 p.m. The hearing is for the Brookshire Mobile Home Park and the applicant is Bennington Investment Group. This is a continuation from the September 20, 2010 hearing and this hearing will conclude at 10:00 p.m. this evening.

Mr. Guy Beneventano is Special Counsel for the Township and Mr. David Getz is counsel for the applicant.

Supervisor Campbell read a statement regarding a comment made at the last meeting about an incident at the end of the first hearing. It was noted that Supervisor Campbell had asked Engineer Knoebel for his thoughts on the zoning ordinance. Solicitor MacNeal has advised the Supervisors of no communication with the engineer or the other parties. Supervisor Campbell clarified that he feels that he can give a vote on this conditional use as he has not made a determination.

Solicitor MacNeal indicated that Engineer Knoebel was on the stand last but is not available tonight but will be at the next hearing. Mr. Beneventano indicated that Mr. Eric Johnston, who was subpoena is also not available but will be here on October 18. At this time Mr. Beneventano called Mr. Leo Baringer from DH Funk & Son to the stand. Mr. Getz opposed and asked counsel what does he plan on his line of questioning and objected on the grounds of relevancy. Mr. Beneventano indicated that he does not know if the testimony will be relevant. It was noted if earth disturbance did occurred it is very serious. It was asked that the Board allow this tonight.

Motion: Chairman Lerew made a motion to allow Mr. Baringer to testify. **Seconded** by Supervisor Campbell. The motion carried.

Mr. Leo Baringer was sworn-in to give testimony. There were no questions from the party opponents. Supervisor Decker questioned Mr. Baringer on the hours on the invoice, the use of the tractor and skid loader. There was no re-direct.

Mr. Beneventano called Mr. James Cullison from Trans Associates to testify and he was sworn-in. Mr. Cullison is a traffic engineer for the Township through Trans Associates. Mr. Beneventano presented Mr. Cullison as an expert witness with no objections from Mr. Getz.

Mr. Cullison made a recommendation of denial of the application for Glenwood Road for the issue with sight distance and for By Pass Road with the issue of safety concerns.

Mr. Beneventano brought up the publication Highway Safety Manual, dated June 2010. Mr. Getz objected as this publication did not exist when the application was submitted.

Motion: Supervisor Campbell made a motion to sustain the objection as the document should not be part of the application. Supervisor Decker noted he is using it as providing a standard or elsewhere. **Seconded** by Vice Chairman Shambaugh. The motion was voted on with Vice Chairman Shambaugh and Supervisor Decker opposing. The motion failed. Mr. Beneventano asked if the June 2010 publication is taken away would that satisfy the applicant. Mr. Cullison had made a recommendation but if the reading is taken away doe that change his recommendation. Mr. Cullison stated it does not. The term grading was asked of Mr. Cullison. The objection was withdrawn.

Members of the opposing parties present were: Wayne Kober, David Sprigg, John Thomas, and Mr. & Mrs. Hinrichs.

Another hearing date was scheduled for November 4, 2010 beginning at 7:00 p.m.

Mr. Getz asked that the township accept the exhibits from the September 20, 2010 hearing. Also included are the Zoning Ordinance and Subdivision & Land Development Ordinance as part of the record. Township exhibits were submitted in the following order: #10, #11, #12, #13, #14, #15, #8, #9, #17, #18, #19, #20 and #7.

Chairman Lerew recessed the meeting at 10:05 p.m. until October 18, 2010 at 7:00 p.m.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary