

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
November 4, 2010**

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Ed Campbell, Gary Brown 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 7:12 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.

It was noted that there will be cross examination, testimony and public comment with testimony from the opposing parties first.

Mr. Jeff Horne, 2 By Pass Road was sworn-in and read a letter he had prepared. Attorneys Getz and Beneventano questioned Mr. Horne. There were no questions from the opposing parties or the Supervisors.

Mr. Brad Pealer, Carroll Township was sworn-in and it was noted that he is representing Carroll Citizens for Sensible Growth. Mr. Getz questioned Mr. Pealer on the number of members and with the number members of the group who live in the township. Mr. Pealer refused to answer. Mr. Getz objected. Supervisor Campbell stated that Mr. Getz has a point and the questions are relevant. Vice Chairman Shambaugh noted that this organization has given the township information on numerous occasions on various items. Chairman Lerew indicated that this development will impact not just Franklin Township but also Dillsburg Borough and Carroll Township. Solicitor MacNeal stated that there is one member that lives in Franklin Township, Ben Mummert who lives at 141 Old Cabin Hollow Road. Supervisor Campbell asked Mr. Pealer if he wants another opportunity to answer Mr. Getz's questions. Mr. Pealer indicated that CCSG has no list of members. Mr. Getz then stated this is not a membership group.

Motion: Supervisor Campbell made a motion to rescind the standing of the CCSG. **Seconded** by Vice Chairman Shambaugh. The motion carried. Solicitor MacNeal indicated to Mr. Pealer to comment only on behalf of CCSG.

There were no questions from Mr. Beneventano, the opposing parties or the Supervisors.

Mr. Harold Willis, 736 Baltimore Street was sworn-in and gave his statement. Mr. Getz questioned Mr. Willis but there were no questions from Mr. Beneventano or the opposing parties. Supervisor Decker asked Mr. Willis if he had any gas markers, transmission posts or utility lines on his property. There are only utility lines which are away from the proposed development.

Mrs. Doris Gerber, 203 Glenwood Road was sworn-in and gave her statement. Mr. Getz questioned Mrs. Gerber. There were no questions from Mr. Beneventano or opposing parties. Supervisor Decker asked about the gas transmission posts and utility lines. The gas transmission posts are along her fence line but there are no utility lines.

Mr. John Thomas, 179 Glenwood Road was sworn-in and gave his statement. There were no questions from counsels, opposing parties or the Supervisors.

At this time there was cross examination of the traffic engineer, Mr. Cullison, by Mr. Getz. There were no questions from the opposing parties. Supervisor Decker questioned the safety issue of Glenwood Road with the fire truck without a flared entrance make that turn into the mobile home park and also the limit access. Mr. Beneventano re-directed and questioned Mr. Cullison about the pin that was found on a property owned by Mrs. Hartman and their discussion. Mr. Getz objected indicating that it is "hearsay". Mr. Beneventano indicated that there is not sufficient history of the right-of-way and Mr. Getz indicated the testimony from Mrs. Hartman should be heard at an appropriate time and he also indicated that he has a rebuttal witness. Mr. Beneventano indicated that if Mr. Cullison is not heard from then the Board should not hear from the rebuttal witness.

Motion: Supervisor Decker made a motion to overrule the objection to hear Mr. Cullison give testimony. **Seconded** by Vice Chairman Shambaugh. Supervisor Campbell indicated that he is uncomfortable with the hearsay. The motion carried with Supervisor Campbell opposing.

Mr. Beneventano continued with his questioning of Mr. Cullison.

A brief break was taken at 9:10 p.m. and the hearing was reconvened at 9:18 p.m.

Mr. Getz has additional re-cross of Mr. Cullison. Applicant's exhibit #50 was submitted. There were no questions from the Supervisors or Mr. Beneventano. Township exhibit #7 was submitted into evidence along with Applicant's exhibit #50. There were no objections.

Mr. Getz called Mr. Todd Lyons to give rebuttal testimony. Mr. Lyons was sworn-in. Mr. Getz introduced Mr. Lyons as an expert witness in the field of surveying. There was no objection.

Applicant's exhibits #51, 52, 53, 54, 55, 56, 57 and 58 were submitted.

Another hearing date was scheduled for December 2, 2010 beginning at 7:00 p.m.

Chairman Lerew recessed the meeting at 10:12 p.m.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary