

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
September 20, 2010**

**CALL TO ORDER**

Present were Supervisors Don Lerew, Ed Campbell, Gary Brown, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Special Counsel Guy Beneventano, Engineer Timothy Knoebel, 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 August 26, 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.

Solicitor MacNeal stated that Mr. Timothy Knoebel, P.E. is still on the stand and was cross-examined by Attorney Getz. It was noted that Mr. Knoebel is still under oath. This hearing is being audio, video, and stenographically recorded.

Attorney Getz questioned Mr. Knoebel about Exhibit #31 which is the Capacity Reservation Agreement with the DAA with regards to paragraph 10. Mr. Beneventano objected indicating that the document speaks for itself and that Mr. Knoebel is not an attorney and cannot give a legal opinion. The confirmation of the language in the DAA agreement was discussed.

**Motion:** Supervisor Brown made a motion to uphold the objection. **Seconded** by Supervisor Campbell. The motion carried.

Attorney Getz questioned under Section 438.U regarding the storm water and runoff control facilities “shall” be developed in conformity with the requirements of the storm water section of the SALDO with the meaning of the word “shall”. Mr. Beneventano objected as this is a legal opinion. Attorney Getz stated that “shall = future”. There was discussion on this being a grammar challenge and not a legal opinion.

**Motion:** Supervisor Campbell made a motion to override the objection with the understanding that Mr. Knoebel will answer the question only from his understanding of grammar without any implications of legal standing. **Seconded** by Supervisor Brown. The motion carried.

Chairman Lerew called for a brief recess at 8:44 p.m. and the hearing was reconvened at 8:55 p.m.

Applicant’s exhibits #47, #48, #49 were submitted.

Members of the opposing parties present were: Wayne Kober, David Sprigg, John Thomas, and Doris Gerber. Mr. Sprigg had questions for Mr. Knoebel regarding storm water management and screening.

Chairman Lerew recessed the meeting at 10:12 p.m. until October 12, 2010 at 7:00 p.m. A second date of October 18, 2010 at 7:00 p.m. had also been scheduled.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary