

Public Hearing

Motor Freight Terminal Conditional Use Hearing #22

September 17, 2008

The North Middleton Township Supervisors held a continued public hearing on September 17, 2008 at the Township Municipal Building, 2051 Spring Rd., Carlisle, PA 17013. Chairman Richard A. Bucher called the hearing to order at 6:37 p.m. Board members present: Supervisor Harry Kelso, Supervisor Dennis Hurley, Supervisor Robert Reisinger, Solicitor Mark Allshouse, and Recording Secretary, Tracy Gates. Vice Chairman Robert Schearer was excused from the hearing. Visitors: **See Attachment #1**

The Pledge of Allegiance to the American Flag opened the meeting.

Chairman Bucher addressed administrative issues: The next meeting is scheduled for September 22, 2008. The meeting scheduled for October 13, 2008 has been cancelled. October 20, 2008, and November 12, 2008 at 6:30PM have been scheduled.

Solicitor Allshouse discussed the question as to make a decision to split the issues on whether this is a motor freight terminal or not, information has been received by Solicitor Allshouse, but he must address the issue with the board. Further discussion on this issue will be set aside until September 22, 2008. An executive session will be held September 22, 2008 at 6:00 p.m. for Solicitor Allshouse to discuss this matter with the board members prior to the hearing.

Solicitor Allshouse discussed that he has received information as to a change in representation or a substitution of representation with regards to the Heishman property. Mr. Wolfe will be providing more information and that issue will be addressed at the next hearing.

Hearing: Mr. Wolfe called Dr. Phillip D. Carey and he was sworn in to testify. Dr. Carey has training in internal medicine, critical care medicine, and pulmonary medicine. He currently has his own practice in Carlisle, PA and has hospital privileges at the Carlisle Regional Medical Center in Carlisle, PA. Dr. Carey's education, qualifications, and expertise were reviewed. Mr. Wolfe presented Dr. Carey as an expert witness. Mr. Moore was given the opportunity to ask questions of Dr. Carey in relationship to his qualifications. Mr. Lucas asked Dr. Carey questions with regards to his education, qualifications, and expertise. Cross examinations were presented. The board members were given the opportunity to ask questions; Supervisor Reisinger asked a question.

Solicitor Allshouse suggested the board take an executive session to discuss the procedural guidelines in order for the board to make a decision as to whether Dr. Carey should or should not be considered an expert witness.

Chairman Bucher made the suggestion to the board to go into executive session for 15 minutes. Supervisor Reisinger made the motion, Supervisor Kelso seconded the motion.

The hearing resumed at 8:14 pm at which time Chairman Bucher turned the meeting over to Solicitor Allshouse. Allshouse again stressed that the board did not make a determination as to whether Dr. Carey was considered to be an expert witness, but were provided procedural guidelines in order to make a decision. The board made comments; Supervisor Kelso thought he should be made an expert. Supervisor Reisinger did not feel that he was qualified as an expert within this particular case and property. Chairman Bucher also has concerns with his qualifications with regards to this particular case; however, Mr. Bucher feels that he should be made an expert at this time. Chairman Bucher made the motion to classify Dr. Carey as an expert witness, but with the stipulation that Dr. Carey should only be able to testify with regards to certain parameters. The motion was seconded by Supervisor Hurley.

Allshouse requested reports from Attorney Lucas, Attorney Wolfe, and Mr. Moore with regards to Dr. Carey's report. The board can respond at the hearing on October 20, 2008, if Dr. Carey can be present based on his schedule.

Mr. Lucas and Mr. Wolfe both offered exhibits from last hearing that were omitted and exhibits that were presented tonight.

Supervisor Resinger motioned to continue the hearing on September 22, 2008 and Chairman Bucher seconded the motion. The meeting adjourned at 8:35p.m.

Respectfully submitted,

Deborah A. Ealer

Township Secretary

Tracy Gates

Recording Secretary