

**North Middleton Township Board of Supervisors Public Hearing**  
**Motor Freight Terminal Conditional Use Hearing**  
**April 15, 2009**

The North Middleton Township Supervisors held a continued public hearing on April 15, 2009 at the Township Municipal Building, 2051 Spring Rd., Carlisle, PA 17013. Chairman Robert Reisinger called the hearing to order at 6:33 p.m. Board members present: Vice Chairman Harry Kelso, Supervisor Richard Bucher, Supervisor Robert Shearer, Solicitor Mark Allshouse, and Recording Secretary, Tracy Gates.

Visitors: **See Attachment #1**

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

Administrative Issues:

Mr. Wolfe is withdrawing his request to redirect Dr. Bascom.

Parties have reached an agreement that all expert reports need to be submitted no later than a one week time frame to nine days when time allows.

Hearing:

Mr. Lucas continued cross examination of Dr. Bascom. Dr. Bascom took the stand and reaffirmed her oath. Mr. Lucas continued questioning Dr. Bascom based on her expert report that she submitted. Questions revolved the possibility of vertical mitigation, the variability of the weather patterns specifically the wind, and whether a quantifiable increase of 2/3 of the ambient level can be determined. Mr. Lucas completed his cross examination and Dr. Bascom was asked to step down.

Administrative Issues:

Mr. Wolfe moved for the admission of exhibits 48 and 49. Mr. Moore had no objections to either exhibits. Mr. Lucas objected the admission of exhibits 48 and 49 since not based on standards applicable for an objective to present legal argument, and that Dr. Bascom did not base her report on any facts that she had from the proposed site or adjacent properties, but on studies from all over the world. Solicitor Allshouse stated that the exhibits would be accepted, but with a limiting directive to the Board of Supervisors that as a finder of facts based upon the objectives received, the Board of Supervisors has the ability to determine weight and credibility of all testimonies presented.

Solicitor Allshouse asked for a record of exhibits by both parties that have been admitted at the next hearing.

“Testimony Part 3” (so named by Solicitor Allshouse)

Mr. Moore took the stand. He has been given party standards. Solicitor Allshouse reviewed all documents that Mr. Moore has submitted and asked how he, Mr. Moore, intends to proceed with his case. Solicitor Allshouse has given the exhibits labels as Moore Exhibit 1, 2, 3. The reports have been offered at this time. Mr. Moore would like to be considered an expert witness in diesel engines-design repair and maintenance (design, managed fleets 30 years, ran trucks for 18 years, a degree from Penn State in Mechanical Engineering) and as a transportation planner with an emphasis on diesel distribution ( has formal education, many years of experience, accumulated a million miles over the road driving).

Mr. Lucas questioned Mr. Moore to establish his expertise. Mr. Wolfe questioned Mr. Moore to establish his expertise. No objections were made by the parties and Solicitor Allshouse declared Mr. Moore as an expertise witness. Mr. Moore made comments to the Board of Supervisors regarding his case. Mr. Moore addressed comments from Dr. Bascom's report. Mr. Moore addressed a report that he submitted with regards to a particulate filter and regenerating the filter, an issue that was referred to as clean diesel and dirty diesel. Mr. Moore addressed pre-trip inspections, snow removal, the possibility of a battery powered shuttle truck, and exhibit objector's #10. Mr. Lucas proceeded with cross examination of Mr. Moore. Mr. Lucas asked questions of the regeneration of engines, especially with regards to the 2007 clean engines. Mr. Lucas questioned Mr. Moore to the offer he received from the applicant. Mr. Wolfe asked Mr. Moore questions regarding his past experiences of pulling in and out of his property onto Newville Road when driving a tractor trailer. Mr. Wolfe asked Mr. Moore if in his previous experience, based on what he has seen, would this proposed site be called a motor freight terminal. Mr. Moore mentioned that he states in his report #3 that this in his opinion is not a motor freight terminal, but a parking lot. Mr. Wolfe offered objector's exhibit #50 in which he supplied to Mr. Moore and asked questions pertaining to the exhibit. Mr. Wolfe proceeded to request Mr. Moore about particulate filters. Mr. Wolfe asked Mr. Moore his opinion as to whether this application should be approved or denied in its present form. Mr. Moore would deny the application.

The board of supervisors asked questions of Mr. Moore. Supervisor Bucher asked if there was a manual service to clean the particulate filter and the time frame the particulate filter should be cleaned. Supervisor Bucher also wanted to know about any counter offer that Mr. Moore received. Supervisor Bucher asked if Mr. Moore added his conditions to the plan would he approve or deny the plan, Mr. Moore would approve the plan, but only if all the factors were met with firm conditions then he would approve the plan. Supervisor Shearer had no questions. Vice Chairman Kelso asked Mr. Moore if the applicant saw the report as of June 11, 2009, since the board did not see it until October. Mr. Moore distributed the report with permission in late September. Vice Chairman Kelso asked about the bump noise that Mr. Hoover alluded to in his testimony and asked if Mr. Moore heard the same noise. Mr. Moore said he does hear the noise at times and explained the noise. Vice Chairman Kelso asked about the blind side mirror. Vice Chairman Kelso asked about the need for lighting for the trucks to back in during a twenty-four

hour period. Vice Chairman Kelso asked about the idling law that was passed and whether the regenerating of a particulate filter was exempt from that law. Mr. Moore stated that the law specifically addresses the issue of regenerating as an exemption. Vice Chairman Kelso questioned Mr. Moore his opinion regarding the barrier wall. Mr. Moore admitted that this area is out of his field, but he would like to see an engineering slope to the wall. Chairman Reisinger had no questions for Mr. Moore. Mr. Moore was able to step down at this time with the ability to redirect at the next hearing if he so chooses.

Administrative Issues:

It was decided to wait until the next hearing to make a decision regarding the submission of objector's exhibit #50.

Upcoming Hearings:

May 13, 2009 at 6:30 p.m.

June 11, 2009 at 6:30 p.m.

Vice Chairman Kelso made a motion to continue this hearing on May 13, 2009 at 6:30 p.m. Supervisor Shearer seconded the motion and the motion carried.

The meeting adjourned at 9:12 p.m.

Respectfully Submitted,

Deborah Ealer

Tracy Gates  
Recording Secretary