

**Public Hearing**  
**Motor Freight Terminal Conditional Use Hearing #35**  
**September 9, 2009**

The North Middleton Township Supervisors held a continued public hearing on September 9, 2009 at the Township Municipal Building, 2051 Spring Road, Carlisle PA. Chairman Robert Reisinger called the hearing to order at 6:34pm. Board members present Vice Chairman Harry Kelso, Supervisor Robert Shearer, Supervisor Richard Bucher, Solicitor Mark Allshouse, and Recording Secretary Dana A. Billet

Visitors: **See attachment #1**

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

Supervisor Reisinger announced that there was a sign-in sheet and a paper regarding meeting decorum. Supervisor Reisinger briefly reviewed some points of the meeting decorum.

Supervisor Reisinger ask if there were any additional issues from the Board. The Board had none.

Solicitor Allshouse reviewed the exhibit list.

Solicitor Allshouse stated that the next meeting is scheduled for September 29, 2009 at 6:30pm.

Solicitor Allshouse stated that each party will be given the opportunity to give closing statements after the public comment.

**Public Comment**

Fred Baldwin was sworn in. Mr. Baldwin thanked the Board for letting him speak. Mr. Baldwin stated he was not a resident of township but he was a member of the school board and he said that he was not speaking on behalf of the school board. Mr. Baldwin urged the Board to deny the truck terminal due to truck pollution in the area and traffic. Mr. Baldwin's principal concern is what is good for the community.

Patricia Arbegast was sworn in. Ms. Arbegast thanked the Board. Ms. Arbegast lives on the Newville Road and has lived there for 44 years. Ms. Arbegast stated that she raised her children there. Ms. Arbegast read a statement she had prepared. In her statement Ms. Arbegast expressed her concern that her backyard will become a urinal and that the value of her property will be reduced.

Alexander Green was sworn in. Mr. Green is a retired pediatric cancer specialist and he spent many years taking care of cancer patients. Mr. Green stated that he has testified for and against toxic sites. Mr. Green said that the small particle chemistry in diesel exhaust is lethal and to add additional load in this area is wrong. Mr. Green stated he would like the Board to vote against placement of this truck terminal.

Terry Arbegast was sworn in. Mr. Arbegast read from a statement that he had prepared. Mr. Arbegast stated that this project could possibly bring serious illness and pollution into our area. Mr. Arbegast stated his concerns regarding the land use, the buffer area, and health and safety. Mr. Arbegast ask that the Board reject the project.

Roy Lindstrom was sworn in. Mr. Lindstrom thanked the Board of Supervisors for giving him an opportunity to speak. Mr. Lindstrom read from a statement that he had prepared. Mr. Lindstrom stated that the applicant has stated to him that he has every right to use this land for a motor freight terminal.

Mr. Lindstrom referenced section 204 of the Zoning Ordinance. Mr. Lindstrom stated that the Board is truly concerned about the residents of the township. Mr. Lindstrom stated that there are over 41 permitted uses for the applicant to choose from. Mr. Lindstrom stated that these are the Boards people. Mr. Lindstrom asked the Board to make the right choice.

Jay Wolford Herman was sworn in. Mr. Herman stated that he was requesting the Board to refuse this application. Mr. Herman informed the audience that he was a past member of the Zoning Hearing Board. Mr. Herman stated that the residents that own these homes have the right to enjoy their happiness for the rest of their lives. Mr. Herman stated that the solution might be to utilize the warehouses because there is ample parking. Some of these warehouses are not in North Middleton Township so why should we do it.

Laura Lenhart was sworn in. Ms. Lenhart stated she would like to again try to submit her petition signed by 2,358 people. Ms. Lenhart read her petition. Ms. Lenhart stated that some of the dates are older because they didn't know how long this would last. Ms. Lenhart wanted her petition admitted as public comment. Supervisor Reisinger stated that he felt that was a legal question. Solicitor Allshouse stated that the exhibit portion has been closed and since she read her petition and stated how many people signed it, it would be in the record. Ms. Lenhart then read a prepared statement to the Board. Ms. Lenhart told the Board that Mr. Shepley sat at her table and said that they should not be upset with him they should be upset with the Board. Ms. Lenhart stated that the grass has not been mowed and animals have been left run loose on the property. Ms. Lenhart stated that they have called the township codes officer and the police department on several occasions.

Shelly Wetzel was sworn in. Ms. Wetzel stated that she didn't have a good speech like everyone else did she just has notes from the last two years. The first right-of-way was to be right up against her bedroom window and now it is to be in Mr. Moore's backyard. Ms. Wetzel stated that they lost a beautiful view of the north mountain with the warehouses. Ms. Wetzel stated that the trucks are backing in at the Rustic Inn and at the school. Ms. Wetzel stated that when the trucks turn in they will be using two lanes instead of one. Ms. Wetzel stated that the concerned citizens group has been fighting this for 50 months. Ms. Wetzel stated she almost had an accident turning right onto Newville Road from Allen Road because of a tractor trailer. Ms. Wetzel stated she is concerned about residents and illness. Ms. Wetzel stated that they have spent thousands of dollars to fight this.

Phil Thompson was sworn in. Mr. Thompson stated that he was one of a group of people who lobbied against the warehouse in Dickinson Township a couple of years ago. Mr. Thompson stated he knows what Rick Hoover and his people are going through. Mr. Thompson stated that when he was going through this they focused on the health issue and if he had to do it over again he would have done it different, but health is still an issue. Mr. Thompson stated that he has a son who drives a truck. Mr. Thompson stated that when they met at Dickinson Township for the vote an elderly man who was a WWII veteran approached him and stated no one spoke for him. Mr. Thompson said that he felt at the time it was up to the supervisors to speak for him. At the hearing in Dickinson Township a respected doctor in the community brought a patient who had lost 70% of her lung capacity and testified that it was not reversible. He said she approached the stand carrying an oxygen tank and spoke very low. The doctor testified that her disease was a direct result of where she lived. The developer approached her and told her she had an option, she could move. She told the developer that she can't move because when the warehouses went in her property value went down. Mr. Thompson then referenced the movie Gettysburg.

Debra Taylor was sworn in. Ms. Taylor introduced herself as Dr. Debra Taylor a physician in internal medicine. Dr. Taylor said she was not a resident of North Middleton Township; she is a resident of South Middleton Township. Dr. Taylor stated that she is her because she is concerned for the health of

the area. Dr. Taylor stated that since she moved here her and her children now suffer from allergies. Dr. Taylor then read a statement she had prepared.

David Albright was sworn in. Mr. Albright stated that he too is a physician in Carlisle and he does know Dr. Taylor. Dr. Albright is currently the medical director and chief of staff at Carlisle Hospital. He practices internal medicine. Dr. Albright read from a statement he prepared. Dr. Albright stated his grandfather practiced medicine for 50 years. Dr. Albright stated that he has noticed that the farm land is disappearing. Dr. Albright stated that he worked loading trucks as a child. Dr. Albright stated he is concerned about what another trucking facility will do to the residents and what it will do to their health. Dr. Albright stated that this facility will be within 150 feet of residences and he feels it will impact their health. Dr. Albright thanked the Board for the opportunity to express his views.

Pam Frohman was sworn in. Ms. Frohman stated she was not speaking on behalf of the Clean Air Board and she has been a member of the Clean Air Board for several years. Ms. Frohman read from a statement she had prepared. Ms. Frohman stated she could not imagine living that close to a drop lot. On August 21, 2007 she delivered a letter to the Board of Supervisors and asked the Board if they read the letter. Ms. Frohman read a portion of what was in the letter. Ms. Frohman stated she is a resident of the Carlisle Borough and she is asking the Board to not consider this drop lot. Ms. Frohman then wanted to know if any of the Board members wanted another copy of her letter.

Leon Sweer was sworn in. Mr. Sweer stated he is a physician and is currently employed by Hershey Medical Center. Dr. Sweer stated that he was a physician in Carlisle but now sees patients out of his Mechanicsburg office. Dr. Sweer stated that diesel exhaust makes people sick. Dr. Sweer said that he has taken care of people in this community for years. Dr. Sweer has had people referred to him who work at trucking facilities with chronic lung disease. Dr. Sweer stated that these people are often afflicted with these particles at work. Dr. Sweer stated that diesel exhaust is a health risk and the only issue is that do we have the capacity to protect these people.

Martha Green was sworn in. Ms. Green thanked the board for allowing people to speak who are not residents of the township. Ms. Green lives at Mayapple and was on the board that went against the monster warehouses. Ms. Green read from a statement she prepared. Ms. Green stated her concerns for the diesel exhaust. Ms. Green asked that the Board deny the request for the safety of township residents and other surrounding areas.

Rick Hoover was sworn in. Mr. Hoover thanked the Board for the opportunity to speak. Mr. Hoover thanked his neighbors for all the sacrifices they have made. Mr. Hoover read from a statement he prepared. Mr. Hoover referenced several sections of Zoning Ordinance. Mr. Hoover stated that the Carlisle area is already saturated with trucking facilities. Mr. Hoover asked that the Board protect the health, safety and welfare of the citizens and their neighborhood.

Kevin Stewart was sworn in. Mr. Stewart thanked the Board for the opportunity. Mr. Stewart stated he was Director of Environment Health for the American Lung Association in Pennsylvania. Mr. Stewart asked that the Board deny the request for the motor freight terminal. Mr. Stewart read from a statement he prepared. Mr. Stewart stated that they agreed with the previous testimony of Dr. Bascum. Mr. Stewart stated that people living around the site are already being considered for health risks.

Judith Johnson was sworn in. Ms. Johnson stated that she resides at 1146 Newville Road and she worked at the Flying J truck stop for 3 years. She stated that she remembers going home with a headache and blowing black soot out her nose every night. Ms. Johnson stated that she doesn't want to be concerned about someone driving through her yard or through her house.

Charles Johnson was sworn in. Mr. Johnson thanked the Board for giving him a chance to tell them how he feels. Mr. Johnson referenced the fact that the Zoning Ordinance, the Cumberland County Planning Commission Mission Statement and the State all reference "clean air." Mr. Johnson stated that there has been a lot said about definitions but when push comes to shove it even states that it is a trailer on the back of the truck. Mr. Johnson stated that Mr. Shepley testified at the last meeting that there is a facility, Napa, which is similar to the proposed. Mr. Johnson stated it is built in an industrial park, off Trindle Road and there is a gate that is locked. Mr. Johnson asked that the Board deny the request.

Andrew Gaul was sworn in. Mr. Gaul stated he lives at 1174 Neville Road and he has been attending these meetings for the last 6 years. Mr. Gaul stated that the applicant thinks they have a right to build what they want and however they want on the property and they are making it the townships and the neighborhoods problem. Mr. Gaul stated that the applicant did not make a good effort to talk to neighbors. Mr. Gaul is asking for the Board's support in a denial.

The public comment portion of the meeting was closed at 8:07pm and Supervisor Reisinger stated they were going to take a 5 minute recess.

The public hearing resumed at 8:16pm. Supervisor Reisinger stated they had on additional person for public comment.

Winston Clelland was sworn in. Mr. Clelland stated he lived at 308 Summit View. Mr. Clelland stated that there is a significant health issue and with the location of the residents in the close proximity of the facility there is a real safety issue. Mr. Clelland asked the Board to deny the request.

Supervisors Reisinger stated that the public comment is now closed.

Solicitor Allshouse stated it was now time for the closing arguments. Solicitor Allshouse stated that Mr. Moore would be the first to give closing arguments.

Mr. Moore stated that since he is not an attorney he is not going to have a closing argument and he will turn in information at the end of the hearing.

Mr. Wolf was next to give his closing arguments. Mr. Wolf stated there are not driver services, fuel and sanitary services. Mr. Wolf stated you don't find a terminal adjacent to 20 homes. The location is not typical. Mr. Wolf stated the proposed use is much closer to a drop lot. Mr. Wolf reviewed some of the testimony of Mr. Dawood. Mr. Wolf stated that Mr. Peters and Mr. Shepley both testified that they would not live next to this facility. Mr. Wolf asked that the Board deny the application.

Mr. Lucas was then given the opportunity to give his closing arguments. Mr. Lucas thanked the board for the perseverance and patience over the 35 hearings. Mr. Lucas stated a motor freight terminal is a permitted use in the I2 zone. Mr. Lucas stated that this facility was not proposed to bring new trucks into the area. They are making it more efficient for the trucking industry. Mr. Lucas referenced objector's exhibit #27. Mr. Lucas thanked the Board for their time and consideration.

Solicitor Allshouse stated he would like counsel to provide to him their proposed written conditions and copies for opposing counsel.

Mr. Lucas questioned Solicitor Allshouse in regard to the public comment being separate from the closing arguments in the transcripts.

Solicitor Allshouse stated all parties provided to him copies of their written conditions. The purpose does not say it is approved, it is just comments from each party on their conditions should it be proposed.

Solicitor Allshouse stated the next information due from the parties on Monday, September 14. It is their proposal to the Board as to what their decision should be. Those documents will be distributed to the Board and provide to the township six copies, one for each board member and one for Solicitor Allshouse. Solicitor Allshouse stated they should provide copies to each other.

Solicitor Allshouse stated the next meeting is scheduled for September 29, 2009 at 6:30pm. The purpose is to discuss the documentation and to ask questions regarding the testimony over the last two years. Solicitor Allshouse stated this is a public hearing that is open to the public but there will not be any public comment taken.

Solicitor Allshouse stated any response in reply to the documents should be submitted by September 23.

A full transcript of the hearing can be found at the Municipal Building.

**Adjournment**

Supervisor Reisinger moved to continue the public hearing to September 29, 2009 at 6:30pm. Supervisor Kelso seconded the motion, and the motion carried.

The meeting was adjourned at 8:55pm.

Respectfully submitted,

Deborah A. Ealer  
Township Secretary

Dana A. Billet  
Recording Secretary