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**DICKINSON TOWNSHIP BOARD OF SUPERVISORS  
& CARLISLE BOROUGH COUNCIL  
JOINT MEETING  
FEBRUARY 24, 2014**

**DICKINSON TOWNSHIP REPRESENTATIVES PRESENT:** BOB WRIGHTSTONE, J.R. BARRETT, JONATHAN REISINGER - SUPERVISORS; Laura Portillo, Manager; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Denise Gembusia, Secretary/Treasurer; Susan Smith, Solicitor.

**CARLISLE BOROUGH REPRESENTATIVES PRESENT:** SEAN SHULTZ, DON GRELL, LINDA CECCONELLO, DAWN FLOWER, ROBIN GUIDO, MATTHEW MADDEN – COUNCIL MEMBERS; Matthew Candland, Manager; Debra Figueroa, Assistant Manager; Joyce Stone, Secretary; Keith Brenneman, Solicitor; Bruce Koziar, Planning/Zoning/Codes Manager; Michael Keiser, Public Works Director/Borough Engineer.

**VISITORS:** Ellen Colyer, Judith Brough, Kathy Little, Lloyd Hair, Michelle Line, Bob Line, Nathan Wolf, Tammie Gitt, Stacy Wolf, Charles Breslin, Phil Thompson, Ross Morris, Michelle Crawley, Ray Jones, Beth Jones, Gerald Eby, Karen Meals, Dennis Sloper, Rebecca Bascom, Bill Barker, Susan Barker, Gary Graham, Mary Kuna, Ed Doty, Morgan Price, Jane Krebs, Roy Lindstrom, Charley Courtney, Stephen Krebs, Martha Eby, Sandra Bennett, David Bennett, David Palmer, Chris Martin, David Palmer, Ron Fevola, Barbara Krueger, Linda Larson, Ronald Secary, Troy Briggs, Chuck Stehlik, Bob Unger, Timothy Scott, Tom Ahern.

**CALL TO ORDER**

The meeting, held at Carlisle Borough Hall (53 W. South Street, Carlisle PA 17013), was called to order by Carlisle Councilman Sean Shultz at 6:00pm. A moment of silence was observed and those present recited the pledge of allegiance.

**OPENING ANNOUNCEMENTS**

Supervisor Bob Wrightstone noted that Dickinson Township would forgo the public comment policy normally observed at Dickinson Township meetings and follow the meeting policies employed by Carlisle Borough.

**DISCUSSION OF GOODMAN BIRTCHER LOGISTICS CENTER**

Charley Courtney, Attorney for McNeese, Wallace & Nurick, thanked each political body for their willingness to meet and jointly discuss the proposed Goodman Birtcher Logistics Center. He stated that people's opinions were being asserted as facts and wanted to clarify inaccurate information. Mr. Courtney addressed the following issues as outlined in his letter to Dickinson Township Board of Supervisors and Carlisle Borough Council, dated February 24, 2014:

**AIR QUALITY**

Pennsylvania Department of Environmental Protection (PADEP) monitoring facility data shows that from 2001 to 2012 particulate matter (PM) 2.5 levels have decreased despite increases in population, economic activity and continued warehouse development. The PADEP recently submitted a request to the Environmental Protection Agency (EPA) to re-designate the area as reaching attainment of PM 2.5 air quality standards based upon documented evidence.

### TRAFFIC CAPACITY & CONFLICTS

Grove Miller Engineering conducted a traffic study in June of 2013 evaluating various intersections around the Exit 44 area. These results revealed that all of the studied intersections were operating at acceptable levels of service and meet all PennDOT standards. With the Goodman Birtcher project and the build-out of other proposed projects, these conditions were projected to continue without the need for further improvements into 2020.

### ALLEN ROAD ACCESS

There has been concern that the logistics center's access to Allen Road may be prohibited, forcing truck traffic onto Route 11 (Ritner Highway). Five recent court decisions discuss whether access to a use in one zoning district is permitted through land in another zoning district where the use is not permitted. Each case contemplates whether access is through a private street or a driveway. Regardless of which designation the access is ultimately determined, Goodman Birtcher does not propose truck traffic be routed through the use of Route 11.

### COMMERCIAL USE

The site, zoned for commercial use, remains vacant despite owner David Loring's 7-year marketing efforts to attract retailers. Mr. Loring utilized three commercial brokerage firms' services and attempted to attract special uses. Retailers have cited the lack of nearby residential properties and lack of an anchor site as reasons for not pursuing commercial development. Goodman Birtcher considers commercial development of the property unfeasible.

### CUMBERLAND COUNTY PLANNING COMMISSION REVIEW

The Cumberland County Planning Commission (CCPC) recommended approval of the proposed zoning text amendments in both municipalities. The requested changes are consistent with the Cumberland County Comprehensive Plan.

### BUILDING HEIGHT

Fifty-foot high buildings better enable E-commerce facilities to employ the use of racking systems which increase vertical storage space, and therefore, reduce the overall building footprint. The use of racking systems does not automatically imply an automated facility.

### GROUNDWATER CONTAMINATION

A groundwater contamination plume on the southeast side of the subject property and on adjacent parcels to the south and east has been identified and previously documented by the PADEP. Goodman Birtcher filed a Notice of Intent to Remediate (NIR) which was publicized in a local newspaper and distributed to the affected municipalities as part of their efforts to pursue Act 2 liability protection. Some of the affected properties have been granted Act 2 protection. These properties have deed constraints regulating use for only non-residential purposes and restricted use of groundwater for drinking purposes. Goodman Birtcher anticipates similar restrictions if the Act 2 liability protection is granted.

### COMMUNITY INVOLVEMENT

Goodman Birtcher has participated in local events and become involved with various community organizations. Mr. Courtney discussed opportunities where Goodman Birtcher could further assist the community, such as working with the Clean Air Board to establish best practices or donating cameras to help deter the recent string of spray-paint vandalisms.

Councilwoman Robin Guido asked Mr. Courtney was repercussions would be established if a tenant were to repeatedly break the rules and regulations being set forth. Mr. Courtney replied that the lease would be structured to mimic the relationship of any landlord and tenant. Goodman Birtcher requires tenants to have on-site monitoring and meet established reporting requirements.

Councilwoman Linda Ceconello questioned if any representatives reached out to their prospective neighbors to discuss their concerns. Mr. Courtney stated that some neighbors responded to outreach efforts, but is aware of at

least one neighbor who has not responded to communication requests. Councilwoman Ceconello inquired if stormwater run-off from the proposed berm might prevent the Line Farm from being considered organic. No stormwater will be directed from the Goodman Birtcher site to the Line Farm.

Councilwoman Dawn Flowers asked Mr. Courtney to address light and sound pollution reduction efforts. Shielding the fixtures and reducing their overall height are two measures that Mr. Courtney discussed. A photometric plan will have to be submitted, indicating that no light travels beyond the set boundaries. The increased berm height was cited as a sound pollution barrier. Councilwoman Flowers questioned Mr. Courtney if there were any plans for a green roof, to which he replied no.

Supervisor Bob Wrightstone requested for Mr. Courtney to comment on number of truck trips versus number of trucks for traffic study purposes. Citing the Grove Miller Engineering traffic study, Mr. Courtney recalled that during peak hour conditions approximately 40 trucks entered the area and 20 exited. The study revealed about 1,200 truck trips per day assuming one truck coming into the area and going out of the area counts as two trips.

Councilman Shultz questioned what would happen if Carlisle Borough were to deny the request to permit a warehouse in the Commercial-Industrial district and Dickinson Township approved the zoning change from Business-Recreational to Business-Industrial. Acknowledging that the question was hypothetical in nature, Mr. Courtney offered that streets are not regulated by zoning districts and, if the Allen Road access was not established as such, could still be permitted as a driveway. Councilman Shultz wondered if there had been any attempts to market the site for heavy industrial use. Mr. Courtney stated that he was unsure of any efforts to market the property as such and noted that heavy industrial use was a prohibited on the property in Dickinson Township. After reviewing the differences between a truck terminal and a warehouse, Mr. Courtney stated that Goodman Birtcher was applying for the use of a warehouse.

Supervisor Barrett asked Mr. Courtney to share air pollution numbers from the PADEP Re-designation report. Councilman Shultz added that he would like the numbers in terms of local results. Mr. Courtney reviewed the report. In 2001, the annual mean of PM2.5 concentration in the Cumberland area was 14.3. That number reached 10.9 in 2012, which is below the established federal standards.

Nathan Wolf, Dickinson Township resident and attorney representing the Line family, presented key concerns based on community opposition to additional warehousing. These included lack of economic diversity, continued air quality degradation, traffic congestion and safety, loss of prime agricultural land, adverse impacts on tourism, institutional retention and increased crime. Mr. Wolf provided information regarding the 24-hour particle pollution grade of 'F' that Carlisle received from the American Lung Association's 2013 national air quality rankings. Anti-idling legislation (PA Act 124 of 2008) was reviewed with Mr. Wolf noting that no violations have been recorded in the five years since its inception. He wanted to know how many idling violations a Goodman Birtcher tenant would need to have before being evicted. Mr. Wolf thanked the two governing bodies for holding a joint meeting and encouraged them to deny the Goodman Birtcher request.

Supervisor J.R. Barrett talked about the Exit 44 Study and asked if he was correct in his understanding that the study recommended Dickinson Township rezone the area in question. Mr. Wolf replied that the suggestion to rezone was recommended only after Phase 1 was completely built. Supervisor Barrett asked if the American Lung Association's grade of 'F' was ranked solely on air quality and if it considered other contributing factors such as radon. Mr. Wolf stated that the grade was based on short-term levels of exposure to PM2.5. A discussion regarding truck traffic ensued. Before introducing Professor William Barker, Mr. Wolf stated that there was 2 million square feet that remained undeveloped on the Excel site.

Professor William Barker from Penn State Dickinson School of Law discussed employment data and economic impacts that warehousing brings to the community. U.S. Department of Labor data estimated the total number of warehousing jobs in the state of Pennsylvania at 61,600. Mr. Barker questioned if a 1.6% increase in PA warehouse jobs, as represented in the Goodman Birtcher proposal, could be attained. He listed four warehouse sites that are currently vacant or awaiting development including 1 Ames Drive, 40 Logistics Drive, 70 Logistics Drive and 225 Allen Road. Mr. Barker reviewed the results of the survey "Bad Jobs in Goods Movement", which found the majority of warehouse workers surveyed were temps making poverty-level wages. Additionally, 1 in 4

of these workers relied on government assistance and a little more than 1/3 had to work a second job to provide for their families. Mr. Barker stated that these factors lower the living standards of the community.

Councilman Matt Madden asked Mr. Barker how the statistics would vary if the site were developed for retail use versus an industrial warehouse. Mr. Barker replied that the main difference would be reflected in the tax base through loss of revenue. Retail use would allow for a sales tax on transactions whereas industrial use would essentially be no different than wholesaling, which does not translate into sales tax revenue. Mr. Barker stated that retailers typically are unable to escape interstate taxes. Councilman Madden wanted to know how wages would vary if the site were developed for retail use versus an industrial warehouse. Mr. Barker responded that the wages were comparable. However, the study showed the median hourly wage for a temporary worker as \$9.00 per hour, or \$3.48 an hour less than direct hires.

Supervisor Reisinger asked how wages were impacted when jobs were difficult to fill. Mr. Barker replied that under such conditions, wages increase or people come in from other places.

At 8:15pm, Councilman Shultz announced a short recess. The meeting reconvened at 8:30pm.

Occupational and Environmental Medicine Consultant, Rebecca Bascom, M.D., M.P.H., reviewed her credentials before presenting an assessment of health risks associated with the proposed warehouse complex. She discussed the health effects of diesel particulate matter and the impact of the highway in relation to its proximity to the proposed project. In a Berkley study conducted on the health risks associated with diesel versus gas emissions, diesel emissions were shown to have 15 times more secondary organic pollutants than gasoline emissions. Ms. Bascom explained that there was a cumulative, linear impact of introducing additional point source pollution and asked the governing bodies to avoid adding additional pollution sources.

Councilman Madden asked how the three metrics of air quality ranking are determined if there is no monitoring for ozone. Ms. Bascom explained that ozone ranking is simply a pass or fail grade.

Councilwoman Ceconello wanted some clarification of emission controls. Ms. Bascom offered that cars are ahead of trucks in controlling emissions. She noted that PM0.1 is a concern when discussing horizontal abatements and that tree barriers will not stop the particles from travelling. Fresh particles are lighter and can travel farther, whereas older particles coagulate and become heavier.

Councilman Madden questioned how the numbers would compare if the site were developed as a manufacturing facility. Ms. Bascom stated that opportunities for manufacturing could still be attractive.

Councilwoman Dawn Flowers asked Ms. Bascom to address neurological problems associated with PM2.5. Ms. Bascom stated that she could not address those issues properly.

Supervisor Barrett asked if air quality would be better or worse upwind and how vertical abatement would affect PM2.5. He noted that the 15 foot berm was proposed on the upwind side of the site. Ms. Bascom remarked that no wind pattern is invariable and that the berm only a visual barrier and not a physical barrier to PM2.5. She suggested he research dispersion modeling, which shows a 'fried egg' pattern emanating from the point source.

Dr. Stephen J. Krebs, M.D. talked about the impact of particulate exposure on Carlisle's children. He reviewed the short term effects such as cough, bronchitis, asthma and increased sensitivity to allergens as well as the long term effects including increased risk of cancer and decreased lung function. Mr. Krebs noted that five chemicals in diesel exhaust were identified as carcinogens and that there was no threshold in which PM2.5 was considered non-toxic.

## **PUBLIC INPUT**

Before taking public comment, Dickinson Township Solicitor Susan Smith clarified that there was no testimony and no experts; simply public comment. The following people offered their comments:

- David Bennett, Carlisle Borough resident, spoke in opposition of the plan.
- Gary Graham, Dickinson Township property owner, spoke in opposition of the plan.

- Phil Thompson, Dickinson Township resident, spoke in opposition of the plan.
- Jane Krebs spoke in opposition of the plan.
- David Palmer, Pennsy Supply Representative, spoke in favor of the plan.
- Roy Lindstrum, Dickinson Township resident, spoke in opposition of the plan.
- Chris Martin, Carlisle Borough resident, spoke in opposition of the plan.
- Bonnie Eckman spoke in opposition of the plan.
- Lloyd Hair, Dickinson Township resident, spoke in favor of the plan.
- Dennis Slopey spoke in opposition of the plan.
- Michelle Line, Dickinson Township resident, spoke in opposition of the plan.
- Ron Fevola spoke in opposition of the plan.
- Barbara Kruger spoke in opposition of the plan.
- Sharon Barker provided written comments to the Supervisors and Borough Council.
- Gerald Eby, Dickinson Township resident, spoke in favor of the plan.

Councilman Shultz thanked everyone for their attendance and comments. He stated that the issue at hand deals with long-term and comprehensive planning. Councilman Shultz asked what it would mean for Dickinson Township if Carlisle Borough were to deny the plan.

Supervisor Jonathan Reisinger stated that he would not be interested in approving the plan if access had to be through Ritner Highway and not Allen Road. Supervisor J.R. Barrett agreed. Supervisor Bob Wrightstone said that the community countered his assumptions and thoughts. He realized there was not a vocal minority present, but rather a community plurality. Supervisor Wrightstone stated that his thinking has changed thanks to the impactful statements offered.

Supervisor Reisinger reminded everyone that doing nothing is not an option since the property had already been zoned for something. A discussion comparing warehouse, retail and manufacturing uses ensued.

Councilwoman Ceconello stated that she wasn't aware of the groundwater contamination and questioned how it would be addressed if nothing were done. Supervisor Reisinger assured her that DEP was aware of the issue and had mitigation strategies to address the contamination.

Councilman Shultz suggested a collective effort to zone the area properly since there is no environmental impact between uses. He thought it might be a good idea to have more regional planning. Councilwoman Ceconello didn't feel it was the responsibility of either municipality to sell Mr. Loring's property. She agreed that a collective effort to determine proper use would be best. Carlisle Borough Solicitor Keith Brenneman stated that he did not review all of the case law regarding private road usage and zoning law.

Supervisor Barrett thought a truck stop would be a permitted use under Carlisle's current zoning. He stated that there would be more idling with a truck stop. Supervisor Barrett felt that approving the proposed project would prevent a truck stop from being developed. Solicitor Brenneman reviewed the permitted commercial uses, noting that there was nothing permitting a truck stop at the site location.

Realizing road access would be a determining factor in Carlisle Borough's approval or denial of the plan, Councilwoman Guido requested obtaining the Solicitor's opinion on access uses before making any decisions.

#### **ADJOURNMENT**

Carlisle Councilman Sean Shultz adjourned the meeting at 10:38pm.

Respectfully submitted,

*Denise Gembusia*

Denise Gembusia  
Secretary/Treasurer

