

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

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PUBLIC HEARING IN RE: HOUSE BILL 111 & SENATE BILL 48

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BEFORE: JOSEPH MARKOSEK, Chairman

Michael Gerber, Paul Costa, Kate Harper,

Katherine Watson, Members

HEARING: Thursday, May 28, 2009

Commencing at 10:25 a.m.

LOCATION: Horsham Township Community Center

1025 Horsham Road

Horsham, Pennsylvania 19044

WITNESSES: Michael McGee, William Whiteside, Robert

Reichert, Major General Stephen Sisco, Al

Kinney, Lieutenant Colonel Preston Smith,

Edward Dudlik, Todd Stevens, Robert Birch,

Bill Rendell, Edward Thompson, Paul Lynn,

Wendy Specter, Andrew Star

ALSO PRESENT: Attorney Mary Eberle, Horsham Township;

Attorney Dennis Guise, NMVA

Reporter: Carol L. Harriman

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CHAIRMAN:

The first order of business will be to have our host here today, Representative Rick Taylor, lead us in the pledge of allegiance.

PLEDGE OF ALLEGIANCE

CHAIRMAN:

Okay. Thank you. I'd just like to first introduce myself. I'm State Representative Joe Markosek. I am the Joint Chairman of the Pennsylvania House Transportation Committee, and of course, we were happy to be able to find the time to bring the committee here today. Most of our hearings are in Harrisburg, but we do try on our session off weeks to bring the committee around throughout the state when and where we can.

With me up here today on the panel to my far right is Representative Paul Costa from Allegheny County. Next to him is Stacia Ritter, who is the executive director of the Pennsylvania House Transportation Committee. To my immediate left is Representative Kate Harper who is the local area person here nearby. And Kate is on the Transportation Committee and will be serving as the acting co-chair

1 today. Our regular minority chairman, Representative
2 Rick Geist, could not make it here today. He did send
3 along Adam Gingrich, his staff person, who is here
4 also.

5 We also have Representative Mike Gerber
6 from Montgomery County who is here, and I understand
7 Representative Kathy Watson is on her way and will be
8 coming in a little bit late. With that, I'd like to
9 just go over a few brief ground rules here. This is a
10 committee hearing on specific legislation. We have
11 legislation that --- House Bill 11 and Senate Bill 48.
12 House Bill 111 is prime sponsored by Representative
13 Rick Taylor, and Senate Bill 48 is currently sponsored
14 by Senator Stewart Greenleaf.

15 The Senate Bill was passed by the Senate
16 and was over in the House. It was assigned to the
17 Military and Veterans Affairs Committee. It should
18 have been assigned to the Transportation Committee,
19 and it will be forthwith assigned to the
20 Transportation Committee, but it is technically not in
21 our committee right now. But we will have that bill,
22 so since we're here we will discuss both bills.

23 And I'll just tell you that we have a
24 lineup here of folks that have agreed to testify
25 today. We tried, of course, to spread it around and

1 get all our views here today. We do, as Stacy
2 mentioned, have a sign-in sheet. If anybody wants to
3 make some comments afterwards, short comments, we
4 would certainly welcome those. That is something that
5 most committees don't do by the way. Usually if you
6 go to a committee hearing, most of our hearings are in
7 Harrisburg. We have our designated people to testify
8 and that's pretty much it. But since we're here and
9 since we have a large crowd, so I know it's an
10 interesting topic to a lot of you, we decided to find
11 a little extra time at the end to accommodate anybody
12 that wants to make some comments.

13 With that, we will get started here. Our
14 first panel is, of course, Representative Rick Taylor,
15 Representative Tom Murt and our guest Senator Stewart
16 Greenleaf. All three of them are here, and I'd like
17 to invite all three of them up here to the front table
18 to make their comments, please. I will just say also
19 if you have any cell phones, those kind of things, put
20 them on vibrate, shut them off. The proceedings here
21 are being recorded. We have a stenographer so that's
22 why --- you know, people if you shout from the
23 audience, first of all, you're going to be out of
24 order. But second of all, your comments aren't going
25 to be recorded anyway. So we need to just let you

1 know that here before we get started.

2 So with that, our host, Representative
3 Rick Taylor. Rick, you may proceed.

4 REPRESENTATIVE TAYLOR:

5 Absolutely. Thank you, Chairman
6 Markosek. Thank you, Transportation Committee for
7 coming to Horsham Township for this hearing. I truly
8 appreciate the time and consideration you've afforded
9 the legislators of this delegation and their
10 constituents. As many of you know and have repeatedly
11 heard me say, this is the most important issue within
12 the district that I happen to represent, and I am sure
13 I don't speak alone with these folks at the table.

14 I also wanted quickly to say the reason I
15 asked you guys to come down here is because this is a
16 very important issue where you see the proximity of
17 the air base to the residents. I think it's important
18 for you to get the context that it's not abstract, but
19 it's not concrete that it really is close to the
20 residents, and their concerns are valid concerns. I
21 also thought it was appropriate to have a hearing so
22 that all sides could be heard on this bill at a fair
23 hearing, and the people that are local to the area
24 would be able to see that, and secondly, be able to
25 comment, so I'm very pleased.

1 Enactment of House Bill 111 or SB 48 is
2 nothing short of guaranteeing the future of Horsham
3 and the surrounding communities. Today I join my
4 colleagues in renewing our call for the state to enact
5 legislation that will offer protection to the citizens
6 of Horsham and the surrounding communities. The
7 legislation Senator Greenleaf, Representative Murt and
8 I are proposing is vital to ensure that we will never
9 see the flights or hear the flights that do not fit
10 with the mission of national defense, homeland
11 security or emergency preparedness.

12 Since the base was announced as a target
13 of closure by the Base Realignment and Closure
14 Commission, many residents have been living in appall,
15 uncertain of what their future will bring. For four
16 years people have been living with the fear that the
17 fabric of their community will be destroyed if their
18 worst nightmare happens, unchecked flights and
19 uncontrolled development. The idea of planes coming
20 in at all hours of the night is ultimately a community
21 destroyer.

22 Please allow me to give you a little
23 history of the base to provide context before I get
24 into the details of the bills. We are proud of Willow
25 Grove's unparalleled history in aviation. Almost as

1 long as there have been airplanes there has been
2 something here. In 1926 Harold Pitcairn established
3 an airfield where the base is located at. While
4 there, he developed the autogyro, a forerunner to the
5 helicopter, and it was seen as so momentous at the
6 time that it won the most prestigious award that could
7 be given in aviation advancements, the Collier award
8 in 1930. And as a matter of fact, if you go to the
9 National Air and Space Museum, you will see it
10 displayed. So that just tells you a part of the
11 history here.

12 He also started a mail operation, which
13 eventually became Eastern Airlines. Pitcairn's
14 contributions also include starting, like I said,
15 mail. He had a plane, the Mailwing, which is seen as
16 so momentous in the history of aviation that it
17 actually hangs from the Smithsonian National Air and
18 Space Museum. If you've been there, you know they
19 only put the most important things there, the Wright
20 plane, the plane that broke the sound barrier, the
21 first capsule in space and the capsule that went to
22 the moon. So you can see there really has been a lot
23 of history that has happened.

24 As a matter of fact, our identity is
25 wrapped around --- you know, there's a book about

1 Horsham that came out. It has a picture of Amelia
2 Earhart on there. She flew in and out of there.
3 That's the sense of how Horsham's identity has been
4 wrapped around this. And finally, we must not forget
5 the role Willow Grove has played in serving our
6 nation. We have trained a lot of pilots to go abroad
7 and make our country safer. As a matter of fact, the
8 111th fighter wing is still there today. In their
9 most recent mission, they were able to accomplish a
10 lot of great things, but one of the most political was
11 they saved many, many lives in Afghanistan and were
12 able to take out some terrorists. So I'm very pleased
13 with the role that this National Guard unit is
14 playing, and I take a lot of pride in that.

15 However, in 2005, with the Closure
16 Commission slating Horsham for closure, and while many
17 disagreed with it, it allowed for new innovative
18 thinking. The field that Harold Pitcairn started has
19 made history once again with the establishment of the
20 Horsham JII. It is the first of its type anywhere in
21 the U.S., and now Congressman Alcee Hastings of
22 Florida has proposed similar concepts in six different
23 locations across the United States using the most
24 recently BRACed bases. The concept is an adaptation
25 that came out of the recommendations of the September

1 11th Commission, which calls for a greater cooperation
2 at all levels of inter and intra-government in
3 preparing and responding to homeland security issues.

4 Our Homeland Security needs have evolved
5 over the years, and the base should evolve with it.
6 As our enemies changed tactics, we must have the
7 agility to respond. The lessons of 9/11 reveal our
8 superior military numbers and technology are not
9 always enough. Likewise, our failures as a nation to
10 adequately respond to natural disasters such as
11 Hurricane Katrina highlight the greater integration of
12 our --- the need for greater integration of our
13 resources. We need a new vision that consolidates our
14 military, homeland security and emergency preparedness
15 assets to a synergy as we combat emerging threats with
16 shrinking resources.

17 Under this scenario, HJII would be the
18 center of excellence, providing the critical training
19 and coordination needed to combat terrorists and
20 others who wish to do us harm. This hub could also be
21 a strategic anti-viral stocks --- or have strategic
22 anti-viral stocks, in partnership with the Centers for
23 Disease Control, allowing us to quickly response to
24 any epidemic outbreak or biological warfare. Most
25 recently, we were reminded how a pandemic virus can

1 quickly spread with the H1N1 virus. The infectious
2 disease experts are looking still this fall, looking
3 wary-eyed at that.

4 It is with that potential of making
5 American more secure, and quite frankly, my family,
6 that I believe in this concept. Governor Bob Casey
7 was famous for asking, what did you do when you had
8 the power? I hope to say I played a role in making
9 America safe.

10 But, and this is a huge but, I want to
11 quickly add great vision does not equate to a great
12 implementation plan. That is why it is important for
13 the local legislative delegation, working with the
14 local government to step up and to say how our
15 community ought to look. There are a number of
16 questions the locals have and they should be answered.
17 We should be working hand in hand with the state to
18 make the HJII the best base it can be. My support for
19 the base has never, ever, ever been a blank check. I
20 will never support and I have never supported any
21 concept that includes commercial or cargo flights.
22 That is why I worked with Horsham Township in crafting
23 House Bill 1487 at the last session and worked with
24 them to strengthen it this year in HB 111.

25 And just like last term, passage of our

1 legislation is once again my top priority.

2 But why is this legislation necessary?
3 Hasn't the Governor said time and time again that he
4 doesn't support an airport? True, he has said that,
5 but in a year and a half before we take full property
6 --- or take full control of the property, he will be
7 an ex-governor. What then? I'm sure the next
8 governor will more than likely want to keep the base
9 for homeland security because he will feel it is too
10 great of an asset to let go. We need to make sure
11 that we hold that governor to the standards that we
12 expect.

13 Some are quick to point out that there's
14 already federal law that's clear on the issue, no
15 flights outside the mission. In a briefing,
16 legislators had a few months ago --- I think
17 Representative Harper and Representative Murphy were
18 there, we learned that the law is already working,
19 that the HJII program manager was approached by a
20 discount airline for space for \$100,000,000 in
21 potential revenue. It was immediately rejected
22 because the proposal was outside the mission and the
23 federal law clearly bans the use of commercial
24 flights. However, this I say to you, is any
25 legislation can be repealed. You know that all too

1 well. That is why we need to have a belt and
2 suspenders approach, that the federal legislation, if
3 it were to be revealed, it would still be in full
4 effect here in Pennsylvania.

5 Furthermore, our legislation offers
6 further clarity to the appropriateness of who can use
7 the base. Who is an allowable tenant or associated
8 user, and who is appropriate to use the runway? Any
9 future use of the runway should be clearly and
10 narrowly defined. The last thing any of the residents
11 want is an operation on the base under the auspice of
12 supporting the mission of the JII, but really does not
13 have a stake in our national security, homeland
14 security or emergency preparedness in having unlimited
15 access to the runway.

16 This is a concern I have heard numerous
17 times and the legislation speaks to that concern, and
18 this really is the crux of the whole debate as it
19 stands today. Let me be clear. If you are not making
20 the US a safer place to live, you would have no
21 business setting up shop at the HJII and our
22 legislation spells that out. I understand the base
23 could be a real cash cow, but even if that's so, that
24 we could make a ton of cash, we should just not let
25 anybody in. It's all about quality of life. HB111

1 and SB48 makes that clear. And if you see my
2 comments, you can see it must be performing a mission
3 of national security, homeland security and emergency
4 preparedness, and it narrowly defines what an
5 associated user is. As I said over and over again, no
6 citizen or ratepayer should have to pay more taxes for
7 the base to be here, and no business should be
8 exempted from paying taxes or following the local
9 zoning ordinances. Fairness is the rule, no
10 advantages or disadvantages. An even playing field is
11 all we're asking for.

12 Again, HB111 and SB48 spell that out by
13 saying associated users of the installation shall pay
14 local taxes including real property taxes and shall
15 comply with local land use ordinances and regulations.

16 There are a number of other issues that
17 must be addressed and worked out between the local
18 governments and the state, but they are outside of the
19 scope of our legislation and discussion here. Now
20 that SB48 is going to be referred to the
21 Transportation Committee, I ask that you bring that
22 legislation forward to a vote so that we can at long
23 last put the community's concerns to rest.

24 So in closing, the residents of Horsham
25 are patriots who have willingly sacrificed for the

1 sounds of freedom. They are proud of the role they
2 have played in making our country safer and most want
3 it to continue in that tradition. But they do not
4 want any usage that does not honor the history of the
5 base. Furthermore, they cannot be asked to have their
6 quality of life further diminished. It must not
7 happen, and I am asking you, my colleagues, to join me
8 and join Senator Greenleaf and Representative Murt in
9 making sure it does not happen. Thank you, Mr.
10 Chairman, and thank you, the Committee, for this
11 opportunity to testify.

12 CHAIRMAN:

13 Okay. Thank you very much Representative
14 Taylor. Next, I'd like to acknowledge and recognize
15 our good friend, Senator Stewart Greenleaf, who at one
16 time was a House member, so great achievements in your
17 career, certainly, Senator, and you may proceed.

18 SENATOR GREENLEAF:

19 Thank you very much. I'd like to first
20 thank the Chairman for holding this hearing of the
21 House Transportation Committee in Horsham Township,
22 our district, in regard to the future of the joint
23 inter-agency installation, and I'd also like to thank
24 the Committee for the opportunity to testify on this
25 critical issue and it's good to see all of you.

1 First of all, let me say that this
2 legislation is not going to get passed unless ---

3 CHAIRMAN:

4 Push the mike a little closer.

5 SENATOR GREENLEAF:

6 --- it has the support of both Houses,
7 obviously, working together in a bipartisan manner.
8 And I know that we've agreed among ourselves that
9 that's going to happen and all three of us that have
10 worked on this legislation to develop it and see that
11 it passes.

12 I also would like to offer you an
13 opportunity to visit the base or at least go by it.
14 It's not that far. It's almost walking distance from
15 here, and it's certainly airplane distance from here.
16 Everything in the immediate area for miles around is
17 in the flight path of that facility if it was ever
18 used as a commercial airport.

19 I don't know if you've ever gone to
20 Newark --- to the New Jersey Turnpike or --- you know,
21 Philadelphia International Airport and the Jersey
22 Turnpike is right next to the Newark Airport, and it's
23 fascinating to watch but I'm glad I don't live there.
24 You see planes off in the distance and they're spaced
25 maybe a couple miles behind each other with their

1 lights on. You can see them coming into landing 24
2 hours a day, seven days a week. That's not what we
3 want to have here and we've never had that here. That
4 would be an absolute disaster to the quality of life
5 of our community. And all of our district would be
6 affected, central Bucks, eastern Montgomery county
7 definitely. And to go into Philadelphia into a large
8 geographic area --- we've had a circle that goes
9 around that base and a flight path that goes
10 extensively around that area. It would be an absolute
11 nightmare and a destruction of our quality of life.

12 Just to give you a little background on
13 this --- as the Representative has done, but I want to
14 go into the language of the bill and why it's worded
15 that way, so you can understand it and why it was
16 worded that way. And we've worked on it for a number
17 of years now with --- in particular the local
18 community here at Horsham Township has been very
19 helpful in this and has developed it and helped
20 develop it. But we also have members from the other
21 communities of Montgomery Township and Lower Gwynedd
22 and other communities, too, that are concerned here as
23 well. So it's just not Horsham Township, but they
24 happen to be on ground zero.

25 The Base Closure and Realignment

1 Commission drafts a recommendation in 2005 to close
2 the Willow Grove Naval Air Station, and Horsham
3 Township officials have been working to ensure that
4 the land is used in a manner that will maintain the
5 quality of life in the township that is consistent
6 with the character of the surrounding area. However,
7 federal legislature enacted since 2007 uses language
8 that I feel will not preserve the military nature of
9 the base and has the potential to allow commercial
10 interests to operate from the airstrip. A 2007
11 federal law studying measure designated the base as a
12 joint inter-agency installation for performing
13 national defense, homeland security and emergency
14 preparedness missions fitting into Governor Rendell's
15 plans to maintain the facility as a security center.

16 And government organizations and private
17 entities that use the airfield for purposes related to
18 the national defense, homeland security and emergency
19 preparedness missions requiring tenants to carry out
20 activities related to the mission of the base that
21 they --- rather than performing the mission of the
22 base (phonetic) fails to clearly define the activities
23 that may take place there. The term related can be
24 broadly interpreted and open the floodgates for
25 business enterprises serving a wide range of venues to

1 occupy the base or with allowing unchecked commercial
2 use of the runway.

3 The major difference and a major concern
4 is they are related or performing the actions of
5 homeland security. The potential of commercial
6 flights has raised concerns throughout the region
7 including noise from overhead planes, added traffic
8 congestion, to companies seeking use of the facilities
9 as a tax sheltered base of operations for its runway
10 access. Senate Bill 48, which we have here, and the
11 House Bill, would prevent the base from becoming a
12 commercial airport by limiting non-governmental users
13 of the base to those performing homeland security
14 action plans and emergency preparedness.

15 That's the concept of this base, is to
16 use it for military and homeland security, PEMA, FEMA,
17 agencies such as that, or those agencies that perform
18 the function of those conditions (phonetic). The
19 development that would come with the new users would
20 have considerable negative effects for the township
21 such as installation of additional structures as well
22 as additional resources of the Act needed for police,
23 fire and increased traffic.

24 Without this legislation, none of those
25 things would protect this local community from a

1 terrible, tremendous financial impact on them. They
2 would have the brunt to shoulder the burden of all
3 those services and pay for them. The local taxes
4 would pay for them. There's no protection for them
5 right now without the passage of this legislation.

6 There's currently no legislation
7 (phonetic) for such users to pay local property taxes
8 or comply with local township ordinances such as
9 zoning restrictions. As well, Horsham, which is now
10 receiving federal impact aid, would no longer receive
11 \$650,000 in annual impact from the federal government.
12 And of course, the area here, the township would have
13 look to shoulder that responsibility. I mean, this
14 district and our district in the suburbs get little
15 money from the state anyway. We know that. We get
16 like maybe --- well, I'm not going to give you that.
17 Okay. But we all know that.

18 But it's going to take what we do get
19 without this protection. So I know the rest of the
20 state doesn't want to hear that, because they don't
21 want to lose their subsidy money, but that's another
22 day and another time and another committee that might
23 come down here and hold a hearing about it; right?
24 Anyway, this legislation requires all non-military
25 occupants of the base to comply with local ordinances,

1 including zoning regulations and property taxes.
2 Without this legislation, they would not be required
3 to.

4 Also, once the base becomes a joint
5 inter-agency installation, there's nothing to assure
6 that the historical aviation use would be allowed to
7 remain the premises and I think it's important for us
8 to address that issue, too. For many years, a private
9 group has established though their own fund
10 contributions to build a facility on the edge, right
11 on Easton (phonetic) Road, that would protect some of
12 the airplanes that were used in this facility and also
13 the history of this facility. I actually went there a
14 couple times and you can see Amelia Earhart and the
15 pictures of her. And she used this airport, and of
16 course, as Representative Taylor stated, it was also
17 --- the helicopter was developed here. There's quite
18 a history here and it deserves to have that facility
19 maintained. It's a small amount of property, that
20 facility. You can see it on Albeont (phonetic) Road,
21 and there is an amendment that I will provide the
22 Committee for the accepted language.

23 I and my colleagues, Representative Rick
24 Taylor and Representative Tom Murt are committed to
25 seeing the bill passed that will protect what we have

1 here and the rest of the community. I'd like the
2 members of this committee while here in Horsham to see
3 the close proximity of the community to the base.
4 Homes, schools and businesses are within a mere
5 stone's throw of the airstrip. For many years, this
6 community has found a good neighbor in the military
7 installation. However, the dramatic changes that we
8 perceive would erode the peaceful surroundings of
9 these neighborhoods and significantly hurt this area
10 in countless ways, most importantly to destroy the
11 quality of life. If you've driven by here, you can
12 see that this is a suburban community for miles
13 around. To put a commercial airport here would be a
14 disaster. Please help us to stop that.

15 CHAIRMAN:

16 Okay. Thank you very much, Senator. And
17 also here at the front table panel we have our good
18 friend and colleague, Representative Tom Murt, who ---
19 I just was reading the background here. Tom, you had
20 done some of your military training at this particular
21 site. First of all, thank you for your service to our
22 country and welcome. Thank you for coming.

23 REPRESENTATIVE MURT:

24 Thank you, Mr. Chairman, and thank you
25 members of the Committee for holding this hearing.

1 The joint reserve base at Willow Grove is very special
2 to me personally. As an Army reservist, I spent most
3 of my military career training at Willow Grove, and it
4 was from Willow Grove that I deployed to Iraq in 2004
5 with the U.S. Army. What happens at the joint reserve
6 base at Willow Grove as it transforms into a joint
7 inter-agency installation is important to me, my
8 constituents and as my colleagues have mentioned, to
9 this entire geographic region.

10 As Pennsylvania prepares to assume the
11 role of landlord for the joint reserve base at Willow
12 Grove, many of my constituents have already taken the
13 time to contact me to express their concerns about
14 this new role in the base as a joint inter-agency
15 installation. One of the most common concerns, Mr.
16 Chairman, is the potential for overuse of the airfield
17 by associated users at the new base. Constituents
18 have expressed their concerns that the airfield at the
19 new joint inter-agency installation may evolve into a
20 facility where there's excessive amounts of commercial
21 cargo or passenger flights operating from the new
22 facility under that very nebulous category of
23 associated users.

24 The concerns with these constituents are
25 legitimate. Unrestricted civilian, commercial or

1 cargo air traffic at the new joint inter-agency
2 installation at Willow Grove would certainly reduce
3 the quality of life of the surrounding communities.
4 The sounds of an unknown number of aircraft taking off
5 and landing, along with the added vehicular traffic
6 that would truly be generated on Easton County Line
7 and Horsham Road would certainly make the area around
8 the base more congested than it already is and
9 possibly a less desirable place to live and raise a
10 family.

11 If restrictions or parameters are not set
12 in place legislatively as we're attempting to do, what
13 could result is a decline in the quality of life for
14 an entire region of the Commonwealth as well as
15 justifiable concerns about public health and safety.

16 Mr. Chairman, in addition to flight
17 restrictions being needed, there also needs to be some
18 parameters established legislatively as to who and
19 what may be considered as an associated user at the
20 new joint inter-agency installation. If anyone or any
21 entity can become an associated user and use the
22 airfield, then flight restrictions of any type are
23 useless. Legislation must strictly define who and
24 what an associated user might be at the new joint
25 inter-agency installation.

1 Furthermore, legislation should
2 articulate who makes the call and who decides what an
3 associated user is and what will occur if an
4 associated user uses the airfield for flights not
5 related to national defense, homeland security or
6 emergency preparedness. With that in mind, I'm
7 pleased to be working with my colleagues on
8 legislation to prohibit commercial, business,
9 nongovernmental or non-mission-related aircraft
10 operations at the base.

11 One of the common objectives of Senate
12 Bill 48 and House Bill 111 is to protect the quality
13 of life for residents as the joint reserve base at
14 Willow Grove transforms into a new joint inter-agency
15 installation. It's important to note that this
16 concept of a joint inter-agency installation is a new
17 one. Willow Grove is the first entity to become a
18 joint inter-agency installation. We absolutely need
19 to move in a very deliberate fashion to ensure that
20 the best interest of our nation, our Commonwealth and
21 our community are carefully considered in all matters
22 relating to the base.

23 One of the most important attributes of
24 the proposed legislation is that it affords Horsham
25 Township important legal standing in this process.

1 This base is located in Horsham Township and Horsham
2 officials deserve a significant role in this entire
3 process. The legislation also gives the township a
4 more appropriate and a higher profile role in
5 discerning what happens at the base. The legislation
6 being offered would ensure that some of these
7 objectives are achieved and is a good start.

8 While we're in general agreement on the
9 legislation and wish to see it move forward, some
10 issues remain to be resolved. Specific arrangements
11 need to be worked out about items such as fire
12 protection and public health and safety arrangements
13 at the new base. I also want to express my belief
14 that our Commonwealth needs to do a better job than
15 they have in working with Horsham Township and their
16 officials in the decision-making parts of this
17 process. Whether or not the Commonwealth decision-
18 makers agree with Horsham Township's concerns or not,
19 Horsham Township deserves a prominent role in these
20 discussions. Horsham Township has always been a good
21 neighbor to the U.S. Navy, and the Navy, in turn, has
22 always reciprocated.

23 The Commonwealth, as the new landlord of
24 the base, needs to make a commitment ensuring that the
25 dynamics of this past relationship between the base

1 and the township community remains the way it has
2 been. As one of the two representatives of the
3 township serving in Harrisburg, I know I will be
4 watching closely to ensure that the concerns of
5 Horsham Township's officials are given the attention
6 and the respect they deserve. I'll also be working to
7 ensure that the concerns of our constituents are
8 addressed in an appropriate manner and form.

9 And finally, I will be working with our
10 legislators to support and to achieve passage of this
11 legislation. Thank you, Mr. Chairman and thank you
12 members of the Committee.

13 CHAIRMAN:

14 Okay. Thank you very much,
15 Representative. Any questions from the panel?
16 Representative Mike Gerber.

17 REPRESENTATIVE GERBER:

18 This is just a very basic initial
19 question. Thank you, Mr. Chairman. Just a very basic
20 initial question for clarity purposes. Is it fair to
21 assume that the Senate bill that Senator Stewart
22 Greenleaf and you have offered and the House Bill that
23 Representative Rick Taylor has offered in the House
24 are identical pieces of legislation?

25 SENATOR MURT:

1 Yes. I think there's one word that's
2 different in the preamble and I think Rick can
3 describe that, but other than that, it's identical.

4 REPRESENTATIVE TAYLOR:

5 I would agree with that. I would agree
6 with that, but there is one concern that came up on
7 the legislation, and the solicitor of the Horsham
8 Township has approached me to make an amendment and
9 I'm going to look for a sponsor on the Transportation
10 Committee to make that amendment. So if anybody wants
11 to step up, feel free to do so.

12 REPRESENTATIVE GERBER:

13 Just as a comment, I'm glad the three of
14 you are working so well together in a bipartisan
15 fashion. It certainly helps us on the committee to
16 know that all of the local legislators are in
17 agreement as to what would be best for your
18 communities, so thank you for your cooperative work
19 together.

20 REPRESENTATIVE COSTA:

21 Good afternoon. To all three of you,
22 thank you very much for your testimony. For the
23 stenographer, I'm Representative Paul Costa.
24 Representative Murt, in your comments you said we have
25 to make sure that it's accurately articulated. Who

1 makes the call and who decides the call?

2 REPRESENTATIVE MURT:

3 I'm not good at reading legislation. Is
4 it in the legislation now or do we have to add that
5 in? I don't think it's in 111 now. I don't think it
6 is in 111, is it, making the call about who ---?

7 SENATOR GREENLEAF:

8 Well, the definition is a definition of
9 what associated related users are and is a --- and I
10 would think the state is the one who would make that
11 call and decide whether they enforce the law, and
12 obviously, the executive branch is the one who
13 enforces our laws that we pass. We don't. And of
14 course, if there's a dispute in regard to that then,
15 as you know, the judiciary then will decide those
16 disputes and that would obviously would be a lawsuit
17 if there was something that happened, but I would hope
18 that would not happen. I know that the executive
19 branch would enforce the law as passed because they'd
20 have to sign the law. So the Commonwealth would be
21 the responsible person and the executive branch of our
22 government would be the one that would be enforcing
23 the provisions of this law.

24 REPRESENTATIVE MURT:

25 Representative Costa, what I would say is

1 that I think it's very important that it is clearly
2 articulated what an associated use is, and you know,
3 we have had many, many discussions about what might
4 qualify as an associated use. And I think we need to
5 get it right at the outset so that we're not making
6 this discussion a year from now or two years from now
7 after the Navy leaves, trying to decide, you know,
8 whether or not a civilian entity that is using the
9 airfield, whether or not they're using it for a bona
10 fide mission related to national defense and so forth.
11 I think that's a very good question, by the way.

12 REPRESENTATIVE TAYLOR:

13 That is the true problem here. Like I
14 said, where the crux is of the whole issue --- is what
15 is an associated user? Is it related to or supporting
16 of or performing the missions of the national defense,
17 homeland security and emergency preparedness, and both
18 legislations spell it out clearly, the definition of
19 associated user identically.

20 ATTORNEY EBERLE:

21 Before the next question, we had some
22 complaints that the volume wasn't up. Can someone in
23 the back let me know if you can hear okay now? Are we
24 good?

25 BRIEF INTERRUPTION

1 CHAIRMAN:

2 Okay. Before I recognize Representative
3 Harper, I think a lot of you just saw why we have
4 these hearings, because we have some general
5 information out there, but then we get into the fine
6 print on a lot of these bills and that's why we have
7 these hearings, so the Committee can understand that
8 and perhaps offer amendments or make changes to make
9 the bills better as we move along. Representative
10 Harper?

11 REPRESENTATIVE HARPER:

12 Yes. I have a question I think I'm going
13 to direct to Senator Greenleaf. It's a drafting-type
14 question. The Bill calls out a definition of
15 associated users and further calls out that associated
16 users have to pay local taxes and are subject to local
17 land use laws. Why doesn't the bill just stop there?
18 And I'm wondering why it goes into further detail on
19 --- this is not an associated user, this is
20 prohibited, that's prohibited. I'm just asking the
21 question because obviously the three of you talked
22 about the importance of having local government, you
23 know, making decisions. I mean, usually the local
24 government makes land use decisions and I'm not
25 talking about the governmental uses of the base. I'm

1 talking only about associated users. Why wouldn't
2 that be enough for --- why did you draft the bill
3 differently? I'm just trying to understand that.

4 SENATOR GREENLEAF:

5 Well, this is a classic issue you deal
6 with when you're drafting any piece of legislation,
7 how detailed you get, and if you get too detailed,
8 then you're excluding other things. So when you deal
9 with it in saying this issue is that it's not related
10 but it's performing the services of the use of the
11 base, the national security uses of the base and
12 that's the issue with the federal legislation. I have
13 some definitions relating to that. For example, the
14 federal legislation are uses related to the federal
15 use and that could be almost anything. Examples of
16 associated user, we have all kinds of things, a
17 veterinary hospital could be a related use because any
18 use that the military could possibly use could be a
19 related use.

20 But the performing of it is, for example
21 --- and they're not really good examples, but they're
22 examples. We all know about Blackwater and their
23 private firm, but they are actually performing
24 military uses. Halliburton actually performs military
25 uses, so they would be part of that national security

1 facility. So that's what I thought was sufficient,
2 and also saying that the township has the right over
3 these for taxes, zoning, all types of police
4 protection, those types of things, fire protection,
5 all are subject to Horsham Township's use.

6 REPRESENTATIVE HARPER:

7 Right. I guess I understood that and now
8 I'm more confused, though. The bill calls out
9 specific prohibitions, commercial passenger
10 operations, commercial cargo operations, commercial
11 business or nongovernmental aircraft operations except
12 for flights undertaken in response to exited
13 circumstances, and I guess my question is do you feel
14 that it is necessary to plug that into statewide
15 legislation as opposed to just saying they have to
16 comply with Horsham's laws? That's what I'm trying to
17 figure out, why you felt that it was necessary to plug
18 that in and spell it out very clearly.

19 SENATOR GREENLEAF:

20 Well, because it's particularly ---
21 that's the main purpose of the legislation, to make
22 sure none of that happens so we wanted to put that in
23 very specifically. You can't use it for a commercial
24 passage or operations. It's in the law. You can't
25 use it. If they try to use it, there'll be a lawsuit

1 about it. Subsection two, commercial and charter
2 operations. You can't use it as a commercial or
3 charter operation and we're not going to allow it to
4 happen in this airport, as specifically set forth in
5 the legislation. It says commercial business or
6 nongovernment aircraft operations except for flights
7 undertaken in exempted circumstances.

8 You can't use the airport for that
9 purpose. If we pass this legislation, you're not
10 going to be able to use it for that purpose ---.

11 REPRESENTATIVE HARPER:

12 Right. So if we pass that into law ---.

13 SENATOR GREENLEAF:

14 Let me finish. And as a reliever
15 (phonetic) airport or to relieve congestion at other
16 airports or provide improved aviation access to
17 overall reach and accept that ---. So what it does
18 --- or right now the Delaware Valley Planning
19 Commission wants to use this facility as a reliever
20 airport. We don't want that to happen. We don't want
21 Philadelphia Airport traffic coming up here and using
22 it as an exception, so we put that in there, too. So
23 you can't use --- any four of those things ---. In
24 addition, it has to be --- any other users, associated
25 users are defined as you have to be performing the

1 function of government, not a related piece of ---. I
2 hope that answers that.

3 REPRESENTATIVE HARPER:

4 That does.

5 REPRESENTATIVE TAYLOR:

6 I just want to follow on that. That
7 portion where we explain our different operations,
8 passenger, cargo, business reliever, that I believe is
9 also in the federal law, so it's already in the
10 federal statute. What we're trying to do here is also
11 make sure it's clear at the state level so in the
12 event that it ever gets revoked at the national level
13 we still have it in full force here. And the reason
14 we get specific here is even though we can't
15 contemplate everything, we try to be as, well, all
16 inclusive as possible and that's why the language in
17 Section 1(b), it talks about associated users without
18 regard to the ownership of the land shall pay local
19 taxes including real property and shall comply with
20 local land use and ordinances and regulations
21 including, but not limited to so --- and then it goes
22 on to spell a few things out. But at least it gives
23 you an idea of what the intent is as opposed to
24 leaving that silent.

25 CHAIRMAN:

1 Okay. Gentleman, thank you very much.
2 We appreciate that testimony. It's great to see such
3 bipartisan support here for an issue coming before the
4 committee. I would like to invite the three of you,
5 if you'd like to, to join our committee up here, or
6 you may sit with the crowd if you like. But I'd like
7 to offer that opportunity to you if you'd like. Thank
8 you.

9 Okay. We now have a local government
10 panel; Mr. Michael McGee, Township Manager of Horsham
11 Township; Mr. William Whiteside, President of Horsham
12 Township Council and President of HLRA; and Mr. Robert
13 Reichert, business manager for Hatboro-Horsham School
14 District. Gentlemen, welcome. Thank you. Mr. McGee,
15 it looks like you're ready to start the batting order
16 here, so we'll let you start off.

17 MR. MCGEE:

18 Good morning. And by way of
19 introduction, I've had the distinct pleasure of being
20 the township manager here in Horsham for 25 years. In
21 the last couple of years, I've been the executive
22 director of the Horsham Township Authority for NAS JRB
23 Willow Grove. One might ask what that is. The
24 federal government, whenever they're about to declare
25 a surplus property, will recognize a single point of

1 contact for the reduced planning of any surplus
2 property. Horsham Township Authority was recognized
3 as that single point of contact.

4 As it turns out, there will be no surplus
5 property in Horsham Township as it relates to the
6 local new inter-agency joint reserve base, however ---
7 in Horsham Township. However, there is 52 acres being
8 declared surplus that is in Bucks County, and that's
9 the offsite housing that was --- that served the
10 sailors at the base in Bucks County. We will proceed
11 with that reduced planning.

12 Mr. Chairman and Members of the
13 Committee, welcome to Horsham Township, ranked by CNN
14 Money Magazine as number 15 of the top 100 places to
15 live in America. The magazine periodically lists the
16 best places to live, and in 2007, the list
17 concentrated on communities with a population between
18 7,500 and 50,000. They focused on places that offered
19 the best combination of economic opportunity, good
20 schools, safe streets, things to do, and a real sense
21 of community. The pointed to our extensive park
22 system, library, award-winning schools, wide range of
23 housing and our business parks as some of the reasons
24 for high ranking.

25 In their analysis, they noted the pending

1 closure of NAS JRB Willow Grove was both a challenge
2 and an opportunity for the community to reshape its
3 future. The elected, appointed and business leaders
4 as well as the residents of this community and indeed
5 the whole region could not agree more. Horsham
6 Township is proud to have been the home base for so
7 many members of the military and their families since
8 the 1940s. Residents of Horsham have served with
9 pride in every major conflict around the world since
10 then. While NAS JRB Willow Grove is being closed in
11 accordance with BRAC 2005, the same law created a
12 military enclave that will be on the former Air Force
13 Reserve Center property that is contiguous to and NAS
14 JRB Willow Grove.

15 Although the military no longer will have
16 aircraft at the base, the enclave and thus, Horsham,
17 will continue to be home to many Army Reservists and
18 National Guardsmen for the foreseeable future, and we
19 are thankful that they will continue to be an integral
20 part of our community.

21 The future use of the former military
22 base as the Horsham Joint Interagency Installation
23 will impact the quality of life in our region for many
24 generations to come. The base occupies approximately
25 ten percent of Horsham's land mass and as with many

1 major property user, there are both positive
2 (phonetic) and negative. We will continue to work
3 with the state in attempt to mitigate the negative
4 impacts to ensure a positive future.

5 While the HJII is located within Horsham
6 Township, the impacts will be felt throughout the
7 entire region. Horsham Township enjoys the support of
8 our neighboring townships as we plan for the future.
9 We are committed to working with the state as you move
10 forward with the first and only such installation in
11 the country. If we clearly establish the ground rules
12 in the vision for the future of the township and the
13 state can work together as partners to ensure the
14 successful fulfillment of the missions of the HJII.

15 This partnership should be based on
16 mutual trust and understanding as well as open
17 communication. We believe that House Bill 111 and
18 Senate Bill 48 provide the basis upon which our
19 relationship can grow and prosper. The provision in
20 both bills to find associated users as, I quote,
21 nongovernmental agencies and private entities
22 performing the national defense, homeland security and
23 emergency preparedness missions of the installation
24 which are tenants of the installation under lease,
25 license or similar access or use agreements surely as

1 in keeping with the stated mission and the purpose for
2 which the HJII was created. Both bills also prohibit
3 the use of airfield property by nongovernmental
4 aviation operations not performing the missions of the
5 installation. We believe these provisions make a very
6 clear vision for the future of the property and that
7 vision is consistent with the vision as articulated by
8 the Governor and his staff. These provisions, along
9 with the provisions calling for Horsham Township and
10 Hatboro-Horsham School District to be third-party
11 beneficiaries of any lease or license in future users
12 of the property are essential to developing the
13 state-township partnership.

14 Hearing opposition to such elementary
15 provisions is a cause for concern on our part.
16 Horsham and the military have enjoyed a long
17 relationship built upon mutual respect and
18 communication. We look forward to the same with the
19 state.

20 In response to Representative Harper's
21 question for the previous panel, our distinguished
22 elected officials, I would draw your attention to
23 Section 1.2.d as listed in the covenant, and I'd like
24 to read that for you at this time. Documents which
25 convey, lease or license the installation through the

1 Commonwealth shall include language which provides
2 that the restrictions on the installation use set
3 forth under this section shall be binding covenants of
4 restrictions and shall run through the land for which
5 the Commonwealth, Horsham Township and Hatboro-Horsham
6 District shall be third-party beneficiaries.

7 So I think that the real answer to the
8 question might be that the state gets to choose who an
9 associated user is. However, we will have standing
10 --- we, the township, and the school district, will
11 have standing should there be a disagreement as to the
12 actual use of the tenant other than a nongovernmental
13 agency.

14 Mr. Chairman, with your approval, I would
15 like to reserve my unused allocated time to clarify
16 any of the township's positions should it be needed at
17 the end of this hearing. And I thank you.

18 CHAIRMAN:

19 Okay. Thank you very much. Perhaps
20 we'll let the other gentlemen who have prepared
21 remarks ---. Okay. Mr. Whiteside, if you'd like to
22 proceed and then we'll go with Mr. Reichert and then
23 we'll open it up to Q and A.

24 MR. WHITESIDE:

25 Thank you. Mr. Chairman and Committee

1 Members, thank you for the opportunity to address the
2 committee today regarding House Bill 111 and Senate
3 Bill 48. In following up on something Senator
4 Greenleaf said, I was contacted during the course of
5 the past week or so by a number of surrounding
6 townships and we've got folks here who either came
7 today in support of this legislation or contacted us
8 in support of it and that would be Montgomery Township
9 Board of Supervisors, Lower Gwynedd Board of
10 Supervisors, Hatboro Council and Warminster Board of
11 Supervisors. All of those folks contacted us or came
12 today in support of this legislation.

13 On behalf of Horsham Township Council,
14 the HLRA, and all of the surrounding communities, I
15 would ask that you unanimously support this
16 legislation. As you know, in the last round, the BRAC
17 committee saw fit to close the facility known as
18 NASJRB Naval Air Station Joint Reserve Base Willow
19 Grove. Since then, the residents of Horsham Township
20 and the other communities surrounding the base have a
21 great concern regarding the reuse of the facility and
22 the airstrip. Then on May 25th, 2007, Congress
23 enacted special legislation directing the Secretary of
24 the Navy to transfer to the Secretary of the Air Force
25 all land, easements, air installation compatible use

1 zones and facilities at NASJRB Willow Grove designated
2 for operation as a joint interagency installation for
3 use by the Pennsylvania National Guard and other
4 Department of Defense components, government agencies
5 and associated users to perform national defense,
6 homeland security and emergency preparedness missions.

7 The township, who had been in close
8 contact with the Navy and the Air Force, now entered
9 into discussions with the Commonwealth of Pennsylvania
10 Department of Military and Veterans Affairs as well,
11 in order to learn what was happening with the land
12 transfer, the JII and the military enclave. During
13 these discussions, the Navy asked the Commonwealth how
14 much property they would require for the JII.

15 The Commonwealth responded with the need
16 to perform a study. The result of the request was the
17 Kimball Report which determined that all of the
18 property except approximately 55 acres which are
19 located in Bucks County was needed for the JII. The
20 Kimball Report depicted development so intense that
21 it's inconsistent with the Horsham Township
22 Comprehensive Plan and in violation of many of the
23 township's codes and ordinances.

24 In addition, they seem to be showcasing
25 the airport by depicting 12 new hangars and a

1 projected \$8.6 million in annual runway revenue.
2 These items do not appear to be for homeland security
3 missions. The Commonwealth told us that this was just
4 a concept plan and we should not be concerned with
5 what the report depicted. As a result of the concerns
6 created by the report, the township worked diligently
7 with the Governor's staff to get legislation passed
8 which would alleviate these concerns.

9 Needless to say, we could not come to an
10 agreement on language which would address the
11 township's and the surrounding communities' concerns.
12 We were unsuccessful in our attempts to reach an
13 agreement on legislation because the state admitted
14 that they needed a broader base of potential tenants
15 and did not want to limit the tenant pool to those
16 entities directly engaged in the performance of
17 national defense, homeland security and emergency
18 preparedness missions. The House went to recess and
19 no legislation was passed.

20 In October of 2008, federal legislation
21 was passed regarding the facility and the use of the
22 airport which actually increased the concerns of the
23 township and the residents. In Section 2854,
24 paragraph B, of the federal legislation it states
25 restrictions on use. The airfield at the installation

1 shall not be used for any of the following purposes;
2 one, commercial passenger operations, two, commercial
3 cargo operations, three, commercial business or
4 nongovernmental aircraft operations for purposes not
5 related to the missions of the installation, except
6 that this paragraph shall not apply in exigent
7 circumstances or prohibit the use of the airfield by
8 or on behalf of any associated user which is a tenant
9 of the installation.

10 It then goes on to define the term
11 associated user. The term associated user means
12 nongovernmental organizations and private entities
13 that use the Air Force --- airfield, excuse me, for
14 purposes related to the national defense, homeland
15 security and emergency preparedness missions of the
16 installation. You can see that the language has
17 changed from the legislation that was enacted to form
18 the JII to the legislation which was enacted to govern
19 the use of the airfield.

20 It was changed from users who must
21 perform homeland security missions to users having a
22 mission related to homeland security. The legislation
23 goes on to say that the restrictions regarding
24 commercial business and reliever uses do not apply to
25 associated users. This means that by law you can have

1 a tenant with no homeland security mission who has
2 unrestricted use of the airfield. The Governor's
3 staff and the DMVA attorneys continue to assure us
4 that the Commonwealth has no intention of using the
5 facility or the airstrip for anything other than the
6 performance of homeland security missions, but they
7 refuse to close the loopholes that would make this a
8 requirement.

9 The state will argue things like we need
10 fast food facilities on the installation similar to
11 the Subway at Fort Indiantown Gap. I invite you to
12 take a drive down Horsham Road while you're here.
13 You'll find there's no shortage of reasonably-priced
14 and fast food eating establishments. We're a
15 community with a strong base of commercial and office
16 uses. There's no need for associated users who do not
17 perform a homeland security mission.

18 One specific example of the state's
19 intentions is best illustrated by the following.
20 Recently the Commonwealth was seeking to have Teva
21 Pharmaceuticals as a tenant on the facility and an
22 associated user. Teva is the largest manufacturer of
23 pharmaceuticals in the world. Since they're generic,
24 they're surpassed by Merck and Pfizer in dollars, but
25 in actual product manufactured and distributed,

1 they're the largest. Teva, by their own admission,
2 has no homeland security mission. They would like to
3 build a 1.5 million square foot facility at the JII.
4 This would generate 150-plus tractor-trailer trips per
5 day bringing products and materials to and from the
6 airports in New York and Philadelphia.

7 As they become more successful, the
8 expectation is that traffic will increase to 225 or
9 more trips per day. That kind of truck traffic, in
10 addition to what already exists on Horsham's roadways,
11 is unacceptable. And what is to stop the Commonwealth
12 and Teva from forming a new agreement a few years from
13 now after Teva has spent millions of dollars to
14 construct a 1.5 million square foot facility and to
15 use the runway which is in their backyard in order to
16 cut down on transportation costs?

17 For that matter, how is Teva with its
18 volume of truck traffic or air traffic any different
19 than FedEx or UPS, which we're constantly told will
20 never be located at the site. The only difference I
21 can see is the label of the side of the truck or the
22 plane.

23 Horsham Township has always enjoyed a
24 healthy partnership with the Navy base in our
25 township. We welcomed their presence. We continue to

1 support the military and we're committed to doing our
2 part to host a joint interagency installation which is
3 equally committed to the missions of emergency
4 preparedness, homeland security and national defense.

5 What we as a community object to is
6 associated users with no homeland security mission and
7 unrestricted use of the airstrip being imposed on our
8 community with no consideration for the welfare of our
9 residents.

10 On behalf of Horsham Township Council,
11 the HRLA and the residents of the community
12 surrounding the JII, I urge you to unanimously support
13 House Bill 111 and Senate Bill 48 as soon as possible
14 and get it to a vote before the summer recess. Thank
15 you.

16 CHAIRMAN:

17 Okay. Thank you very much. Mr. Robert
18 Reichert, who is the business manager for
19 Hatboro-Horsham School District. Mr. Reichert, ---

20 MR. REICHERT:

21 Thank you.

22 CHAIRMAN:

23 --- you may proceed.

24 MR. REICHERT:

25 First of all, I'd also like to thank the

1 committee for the opportunity to testify on behalf of
2 Hatboro-Horsham School District. As far as these
3 proceedings are concerned, I simply wanted to make a
4 few pertinent comments. First of all, the school
5 district and the board of school directors supports
6 the limited use of the runway for commercial purposes
7 as outlined and specified in the House Bill before
8 you. There are school facilities in close proximity
9 to the runway, therefore, limited use could only
10 improve the safety of the community students and
11 residents and reduce the educational disruptions that
12 could result from the added noise associated with air
13 traffic.

14 As Senator Greenleaf pointed out, the
15 district does currently receive approximately \$650,000
16 in impact aid funding from the federal government.
17 This limited amount of funding is provided to offset a
18 loss of local tax revenues from the land being
19 declared exempt and taken off the local tax roles.
20 This funding is absolutely essential as it helps fund
21 critical pieces of our educational program. To lose
22 this funding would put an added and unfair burden on
23 the taxpayers and this community. Therefore, it's
24 critical for the federal government to continue to
25 maintain ownership of the land which is a requirement

1 of the impact aid program.

2 Lastly, the language in the Senate and
3 House Bill refers to associated users, specifically
4 stating that associated users will pay local taxes to
5 include property taxes. Assuming the federal
6 government would maintain ownership of the land which
7 will ensure that the district continues to receive
8 critical impact aid dollars, it's imperative that
9 users pay property taxes or payment in lieu of taxes
10 for the property or buildings being occupied on the
11 facility.

12 This, too, will be essential funding in
13 order to help reduce the financial burden on our local
14 taxpayers, who currently fund over 75 percent of our
15 total expenditure budget.

16 CHAIRMAN:

17 Okay. Thank you very much all three of
18 you. Do you have any questions? Representative Mike
19 Gerber?

20 REPRESENTATIVE GERBER:

21 Thank you, Mr. Chairman, and thank you to
22 the three of you for your testimony and coming out
23 today. It certainly helps us as committee members to
24 have a sense of where the local government body stands
25 on issues like this. Mr. Whiteside, you were

1 perfectly clear in your support of Representative
2 Taylor's Bill and Senator Greenleaf's Bill. And Mr.
3 McGee, I didn't hear the same definitive language from
4 you. And just for clarity purposes, are you entirely
5 supportive of that language or do you feel that there
6 are issues with it that we need to resolve?

7 MR. MCGEE:

8 No. Actually, I am very much in support
9 of the bills. I had the benefit of reading Mr.
10 Whiteside's comments before this hearing started and
11 knew he was going to wrap it up with what I feel is
12 really our essential request of you, that the bills
13 come out of committee and go to the floor of the
14 Houses and be passed.

15 REPRESENTATIVE GERBER:

16 And for Mr. Reichert, we didn't have the
17 benefit of your testimony before. so I don't want to
18 put words into your mouth, but to paraphrase what you
19 were saying, I think you were expressing concern from
20 the school district's standpoint that if the facility
21 does not remain in the hands of federal government,
22 you'll lose a significant source of revenue for the
23 school district. Is that accurate?

24 MR. REICHERT:

25 That's correct.

1 REPRESENTATIVE GERBER:

2 Under these pieces of legislation it was
3 my understanding that the possession of the property
4 would go to the state, would leave the federal
5 government. Is that a fair understanding, from your
6 perspective?

7 MR. REICHERT:

8 From my perspective, my understanding is
9 that the federal government would maintain ownership
10 of the land but the properties included on that land,
11 the facilities that may be built, would be taxable
12 properties.

13 REPRESENTATIVE GERBER:

14 So under that plan, is it your view that
15 you would still benefit from the federal aid, and then
16 also on top of the federal aid, benefit from property
17 taxes that private users would pay?

18 MR. REICHERT:

19 Correct.

20 REPRESENTATIVE GERBER:

21 And from a local standpoint, Mr.
22 Whiteside, did you want to respond to that?

23 MR. WHITESIDE:

24 When you're finished. No. I wanted to
25 expand upon what you asked earlier.

1 REPRESENTATIVE GERBER:

2 Okay. But from a local standpoint, both
3 township and the school district, it sounds like,
4 assuming the use is something that you're comfortable
5 with and won't negatively impact the quality of life,
6 but from purely just a financial standpoint, it sounds
7 like you're supportive of what's being proposed. Is
8 that accurate?

9 MR. REICHERT:

10 Yes. That's accurate.

11 REPRESENTATIVE GERBER:

12 Thank you. Thank you all very much.

13 MR. WHITESIDE:

14 I just wanted to expand upon --- you
15 asked if I was supportive and I wanted to clarify
16 that, yes, we're supportive of both the pieces of the
17 legislation, including the amendment that
18 Representative Taylor had proposed and along with
19 Senator Greenleaf's comments about the museum, we're
20 certainly supportive of some amendment which would
21 allow them and specify them specifically so that
22 whatever happened there couldn't be expanded and, you
23 know, gotten around to get back to other problems. So
24 yes, we're supportive with those circumstances.

25 REPRESENTATIVE GERBER:

1 Thank you, gentlemen.

2 CHAIRMAN:

3 Thank you, gentleman. Thank you for your
4 testimony and your services. I'm having a little bit
5 of trouble with associated users. When I read the
6 legislation it says that --- I guess you're concerned
7 that they wouldn't have to follow the same rules that
8 are under the legislation? That's what the federal
9 legislation says?

10 MR. WHITESIDE:

11 Yes, sir. That's correct.

12 CHAIRMAN:

13 Okay ---.

14 MR. WHITESIDE:

15 It says that that is an exception to ---
16 associated users would not be required to follow the
17 restrictions called out earlier in the legislation.

18 CHAIRMAN:

19 Okay. But under Senator Greenleaf's
20 Bill, page two, line ten, it says associated users,
21 but down at the bottom it says --- tenants of the
22 installation under a lease, license or other similar
23 accesses --- to use of an agreement. If you would
24 sign with these associated users couldn't we put
25 something in the language that said they would be

1 prohibited so there would be no problem with the
2 federal or ---?

3 MR. WHITESIDE:

4 Well, there's a lot of things that you
5 could handle on an individual basis and what we're
6 looking for is a global clarification that says an
7 associated user must perform a mission and then that
8 eliminates any question about what kind of runway or
9 airstrip use that they would be allowed to have.

10 CHAIRMAN:

11 And again, I'm having a problem with an
12 associated user. What ---?

13 MR. WHITESIDE:

14 A tenant on the facility.

15 CHAIRMAN:

16 I know, but can you give an example of
17 associated user?

18 MR. WHITESIDE:

19 Well, one example that I gave in my
20 comments, which we think is a shining example of what
21 the problem is, Teva Pharmaceuticals. They would like
22 to build a large facility. Under the federal
23 legislation, they would be permitted to be there.
24 They would be permitted to have unrestricted use of
25 the runway. Now, there could be an agreement formed

1 during the process of getting Teva as an associated
2 user or a tenant on the facility, but without local
3 legislation to say that's a requirement, that might
4 happen. We're looking to make sure that it does
5 happen.

6 CHAIRMAN:

7 Thank you very much. Representative
8 Murt?

9 REPRESENTATIVE MURT:

10 I have one question, Mr. Chairman. Mr.
11 Whiteside or Mr. McGee, are there any other aspects of
12 either bill that you would like to see amended,
13 anything added, anything modified?

14 MR. MCGEE:

15 At this time we have no proposed
16 amendments. We think that the legislation that was
17 introduced --- our state reps and Senator Greenleaf
18 worked very closely with us in crafting that language,
19 and most of that language came as a result of the
20 interpretations that we felt were being made at the
21 state staff level and also the latest revision to the
22 federal legislation that clearly allows tenants of the
23 base to have use of the runway absent those missions.

24 So at this point, we think the
25 legislation is ideal for us.

1 REPRESENTATIVE MURT:

2 I just wanted to mention, your testimony,
3 I think, really articulated very, very well what some
4 of the concerns are and were what I hear at the
5 district office every day. So I commend you on your
6 testimony. It was very well done.

7 MR. MCGEE:

8 Thank you.

9 REPRESENTATIVE MURT:

10 Also, I want to thank you for your
11 involvement in drafting this legislation because we
12 rely very heavily on the township in this area, on
13 this issue, in regard to your expertise, your
14 knowledge of the township and the facility and your
15 legal counsel's assistance on it as well. So it was
16 very, very helpful.

17 I'd also like to say that we respect ---
18 or at least I do. I know our members here do respect
19 what Horsham Township has done in developing your
20 township over the years. It truly did deserve that
21 award, and so I personally relied on your opinion
22 about the development of it and what should be on that
23 base and what shouldn't be on that base. Now
24 obviously, some of it is very obvious, what shouldn't
25 be on that base, but also your experience and your

1 proven capability in dealing and developing this
2 township has been exemplary. And so I respect your
3 opinion in regard to that. Thank you very much for
4 being here and helping us to fight this fight.

5 CHAIRMAN:

6 Okay. No further questions, gentlemen.
7 Thank you very much. You all did very well. Thank
8 you. Next, we have --- our Department of Military and
9 Veterans Affairs have folks here, Major General
10 Stephen M. Sischo, Deputy Adjutant General for Air,
11 and Mr. Dennis Guise, chief counsel of the Department
12 of Military Veterans Affairs. General and Mr. Geist,
13 you may proceed.

14 MAJOR GENERAL SISCHO:

15 Thank you, Mr. Chairman. I appreciate
16 the opportunity to appear before you today and present
17 the views of Pennsylvania's Department of Military and
18 Veterans Affairs with respect to these two bills. I
19 bring you greetings from the Adjutant General, Major
20 General Jessica Wright, who had a scheduling conflict
21 and couldn't be here today, and I am joined by our
22 chief counsel of DMVA, Mr. Guise, who will help with
23 addressing any questions.

24 A little bit further by way of
25 introduction of myself. I am the senior officer in

1 the Pennsylvania Air National Guard. I am responsible
2 for all the Air National Guard operations within the
3 state. I am a former commander of the 111th Fighter
4 Wing over at the base. I spent three years doing that
5 but I was there for seven years in total, flying B10s
6 from that base and also deploying overseas with them.

7 Both these pieces of legislation, which
8 are very similar in content, as we've heard earlier,
9 will place significant additional restrictions on the
10 Horsham Joint Interagency Installation beyond those
11 required by federal authority. While we understand
12 and appreciate the desire of the sponsors of these
13 bills to address issues raised by their constituents,
14 the Department of Military and Veteran Affairs has
15 serious concerns about the content of these bills, the
16 considerable restrictions they would impose, and the
17 negative impacts on the viability of the installation.

18 I want to start by reviewing briefly how
19 we got to where we are today and why it is important
20 for all levels of the government to work together to
21 make the Joint Interagency Installation a success.
22 Just over four years ago, on Friday the 13th, May
23 13th, 2005, when the Department of Defense announced
24 that it was recommending to the BRAC Commission that
25 the Navy portion of NAS JRB Willow Grove be closed and

1 that the 111th Fighter wing of Pennsylvania Air
2 National Guard be deactivated. Those recommendations
3 ignited months of efforts to save the base and reverse
4 the DoD recommendations.

5 Some of these efforts were successful.
6 Both the Federal District Court and the BRAC
7 Commission rejected the DoD recommendation to
8 deactivate the 111th Fighter Wing. But even though
9 the BRAC Commission ruled that a military enclave
10 would remain at Willow Grove, it approved action to
11 close the bulk of the Navy base here.

12 Efforts to save the base then turned to
13 Congress and to the President. In separate enactments
14 in 2007 and 2008, Congress decided that NAS JRB Willow
15 Grove would be converted to a Joint Interagency
16 Installation for use by the Pennsylvania National
17 Guard, other military components, federal, state and
18 local government agencies and nongovernment associate
19 users. The Congress also placed limits on the use of
20 the Pitcairn-Willow Grove field at the new
21 installation and directed transfer of the federal
22 property to the Commonwealth subject to various
23 conditions and restrictions.

24 For all practical purposes, Congress has
25 provided clear guidance on the future use of this

1 property as a Joint Interagency Installation to serve
2 the nation, our state and the local region. Congress
3 literally saved the base, and they did so in a manner
4 that addressed local concerns by limiting future use
5 of the airfield after the new installation.

6 Just about a year ago, Governor Rendell
7 and members of his staff met with Senator Greenleaf,
8 Representative Taylor and local officials to address
9 each and every area of concern they raised about the
10 new installation. Subsequent to that meeting,
11 Congress enacted the laws that govern the transfer of
12 property to the Commonwealth and the use of the
13 airfield. As a result of these actions, we now know
14 with certainty there'll be no commercial cargo or
15 commercial passenger operations at the airfield, at
16 the installation, except in those rare circumstances
17 where the operations support installation missions.

18 We now know with certainty that the
19 airfield will not be used as a reliever airport. We
20 now know with certainty that the state cannot transfer
21 this property for uses not related to missions of the
22 installation and that any such transfer would result
23 in a reversion of the land to the U.S. Government. As
24 a result of what we learned, it is also clear that
25 there will be fewer air operations at the airfield

1 than the number in the recent past.

2 House Bill 111 and Senate Bill 48 are not
3 needed to control air operations at the installation.
4 The Horsham community has hosted a large installation
5 there since the 1940s, and until the Navy began to
6 plan to leave, base operations were at a fairly
7 consistent level. In 2004, there were nearly 43,000
8 air operations at NAS JRB Willow Grove. In 2007,
9 there were fewer than 20,000 such operations. I note
10 that in both years between 30 percent and 40 percent
11 of the air operations were over flights in the
12 vicinity of the base. These involved no takeoffs or
13 landings.

14 About half of the operations in most
15 recent years involved aircraft assigned to the
16 Pennsylvania Air National Guard. When the Joint
17 Interagency Installation is in full operation and if
18 the 111th Fighter Wing retains a fly mission, as we
19 hope it does, I would fully expect the number of
20 flight operations at or near the base to be
21 significantly less than they were in 2007 --- 20,000.

22 We believe it is clear that the Joint
23 Interagency Installation will have no negative impacts
24 on the quality of life in Horsham Township or the
25 surrounding communities. In fact, we believe that

1 saving the base and bringing a new kind of joint
2 installation to this area will be positive not just
3 from a homeland security and emergency preparedness
4 perspective but also in terms of the economy and
5 quality of life in the community. There certainly are
6 some issues that remain open and would be desirable to
7 address in state legislation, but I must tell you that
8 it appears to me that these two bills before you today
9 need substantial revisions.

10 If enacted in their present form, I
11 believe the legislation would kill the base or at
12 least cripple its prospects for success. For those of
13 us in the armed forces, the mission is a matter of
14 policy, so let me speak to the mission. The Joint
15 Interagency Base is an innovative approach to
16 accomplishing national defense, homeland security and
17 emergency preparedness. Does anyone doubt that these
18 missions are vital and this installation is uniquely
19 positioned to accomplish that? When legislation
20 currently pending in Congress talks about national
21 emergency centers to be used to respond to
22 emergencies, the lists of tasks to be undertaken by
23 these installations sounds like it was written for the
24 Horsham base in mind.

25 From its key strategical location to its

1 8,000-foot runway to its hangars, buildings, storage
2 facilities, its ramps and infrastructure, Horsham is
3 the ideal place for a new joint approach to accomplish
4 the most important missions confronting our armed
5 forces and our country today, including our emergency
6 management agencies. The Joint Interagency
7 Installation concept requires the federal government,
8 the military departments and the state and local
9 governments to put aside the stovepipe thinking of the
10 past and think locally and jointly to accomplish these
11 missions. This installation must necessarily be a
12 partnership involving all levels of government.

13 This approach is consistent with national
14 security directives that mandate integration of
15 functions and interoperability of a wide variety of
16 government agencies. It carries forward a critical
17 finding of the BRAC Commission of a need for more, not
18 fewer joint installations and joint operations. The
19 Joint Interagency Installation would be good for our
20 nation, our Commonwealth and this region because it
21 provides a place to support the crucial missions that
22 Congress has assigned to it.

23 If the missions matter most, and they do,
24 this means that government users will predominate on
25 the Joint Interagency Installation in the future.

1 It's particularly worrisome that some provisions of
2 these bills could be read as attempting to impose
3 limits on use of the installation that go beyond what
4 the federal government has imposed. Like so much in
5 these bills, this will simply result in disputes that
6 can and will only distract from the mission.

7 It certainly can and will be argued that
8 many provisions in these bills are preempted by
9 federal law. I won't take the time here to do a
10 line-by-line review of the bill, but I do want to
11 point out some of the problems we find in the text.
12 Let's look first at the definitions. The bills
13 contain definitions of key terms that differ
14 substantially from the definitions of the same terms
15 in federal legislation on the same subject.

16 For example, these bills contain a
17 definition of exigent circumstances that differ
18 significantly from federal law on the same subject.
19 When we have an emergency, and I'm sure we will, can
20 you imagine someone debating which definition applies
21 and whether a particular operational activity is
22 performing or supporting the missions? In the federal
23 law that was enacted last year, the term exigent
24 circumstances means unusual conditions including
25 adverse or unusual weather conditions, alerts and

1 actual or threatened emergencies that are determined
2 by the installation to require limited duration use of
3 the installation.

4 The Bills you are reading today use a
5 much different definition that limits exigent
6 circumstances to limited-duration adverse or unusual
7 weather conditions, alerts and actual threatened
8 emergencies that are, and I emphasize, a danger to
9 human health and safety. Under applicable federal and
10 state laws, emergencies may involve conditions where
11 response is needed to save lives for public health and
12 safety, but they also involve protecting property when
13 human life may not be in danger, but it's still a
14 responsibility. By straying from the established
15 federal law definitions of the same terms, these bills
16 invite confusion and debate about installation
17 operations.

18 In addition, the definitions of
19 associated user, commercial cargo operations and
20 commercial passenger operations contain differences
21 that will surely invite disputes and will be an
22 obvious distraction from mission accomplishment.
23 Simply put, if the bills were enacted without an
24 amendment it would virtually guarantee that someone
25 will want to argue the finer points of law at a time

1 when we in the military would need to be thinking
2 about saving lives and accomplishing our missions. I
3 don't believe Senator Greenleaf or Representative
4 Taylor intend such a result, but that could be the
5 effect of the legislation.

6 It should be clear that, particularly
7 when dealing with military operations and emergent
8 management, it is vital for the applicable laws to
9 take consistent approaches. Our suggestion with
10 respect to definitions is simple. Any state
11 legislation should incorporate the definitions in
12 applicable federal law by reference rather than by
13 using different words and imposing different results.

14 Senate Bill 48 and House Bill 111 would
15 impose restrictions not just on the use of the
16 airfield but on the entire Joint Interagency
17 Installation, and these bills imply that the only
18 activities allowed on the Joint Interagency
19 Installations are those that actually perform the
20 installation missions rather than those that support
21 such missions or relate to them.

22 The problem with this wording is that if
23 it were interpreted literally many of the day-to-day
24 activities that occur on every military installation
25 in the country, including training, would not be

1 permitted on the Horsham Interagency Installation.
2 Many of the things that go on on the base right now,
3 today would not be permitted if we stick with the word
4 perform. I'm sure that's not the sponsors' intent,
5 but it's important that the law be clear on these
6 points.

7 The legislation before you today targets
8 issues related to associated users of the
9 installation. The associated user concept is not new
10 and it should not be threatening to anyone in the
11 community. It's modeled on the Department of Defense
12 Enhanced Use Leasing Program which is in effect at
13 scores of military installations across America. It
14 recognizes that on a government installation of this
15 sort, nongovernment use can play a significant but
16 still secondary role in supporting mission
17 accomplishment. And the concept recognizes that rent
18 and other fees paid by associated users can and will
19 offset some of the operating costs of the
20 installation.

21 Let me make it clear that we do not
22 expect the rent and fees paid by nongovernment
23 associated users to cover all the operating costs.
24 The Commonwealth's goal is that after its start-up
25 period of several years, the installation should be

1 sustained by its users rather than general fund
2 appropriations. This means that we would expect all
3 users of the Joint Interagency Installation, including
4 federal, state and local governments as well as
5 associated users to pay their fair share to sustain
6 the installation. We recognize that government users
7 might contribute directly to the installation
8 operating costs rather than paying rent to the
9 Commonwealth, but the bottom line would come out the
10 same.

11 Let me take just a minute to talk about
12 one particular potential associated user, Teva
13 Pharmaceuticals. We had the public meeting on the
14 Kimball feasibility study right here in this very
15 room. At that meeting we had complaints about the
16 concept of multiple associated users with multiple
17 facilities filling the largely developed area of the
18 base that is southwest of the runway. It was not long
19 thereafter that Teva expressed an interest in
20 relocating its North American warehouse distribution
21 operations to the joint installation.

22 Teva's concept for use of this property
23 addressed a great many concerns. They planned an
24 attractive business campus-type approach with a single
25 responsible tenant for placing multiple users, and

1 Teva fits clearly within the concept of an appropriate
2 associated user. Not only do they provide critical
3 pharmaceutical supplies to the Department of Defense
4 and other government entities, but they also would be
5 well positioned to help respond to a health emergency.

6 Teva's facility here would clearly
7 support emergency preparedness and response efforts
8 and would assist in developing and, if necessary,
9 implementing emergency response efforts involving
10 distribution of pharmaceuticals. This is exactly the
11 kind of public/private partnership that is the
12 foundation of the associated user concept.

13 This is not the time and place to draft
14 an amendment to these bills, but I want you to know
15 that we are ready, willing, able to undertake a
16 cooperative effort to work with the committee and your
17 staff as well as the sponsors of these bills. We
18 recognize the state legislation can and should cover
19 areas that were not appropriate for inclusion in
20 federal laws such as the taxing, planning, zoning, and
21 the land use and the like.

22 We also recognize that this legislation
23 needs to include an appropriate mechanism to allow the
24 community interests to seek to review the government
25 decisions on use of the installation. Unfortunately,

1 the mechanism contained in these bills creates
2 something akin to restrictive covenants that run with
3 the land. We believe this approach is completely
4 unacceptable. The wording could constitute an
5 inappropriate waiver of the Commonwealth's sovereign
6 immunity and is wholly inconsistent with the fact that
7 the U.S. Government maintains a reversionary interest
8 in the property under the controlling federal law.
9 What's worse, such wording could foreclose or at least
10 discourage our success in attracting government uses
11 such as the proposed National Emergency Center to the
12 base.

13 Governor Rendell, the Congress and the
14 Commonwealth had the foresight to support an
15 installation that would maintain an operational
16 airport that would support a future flying mission for
17 the 111th Fighter Wing and other National Guard and
18 military units. We have not yet succeeded in
19 convincing the Department of Defense to assign a
20 flying mission here, but by taking steps to save the
21 airfield, we have kept alive the proud flying heritage
22 of this installation and given the 111th a
23 well-deserved chance to keep a flying mission there.

24 In conclusion, let me reiterate that the
25 Joint Interagency Installation was conceived to

1 provide joint interoperability with the adjacent
2 military enclave in seamless, secure government
3 installation. As I said at the outset, the missions
4 that matter most, and there are no missions more
5 important than those assigned to this installation.
6 To succeed we must create here in Horsham a robust
7 partnership involving all levels of government and the
8 private sector. I know that many in the community
9 support this concept but they want better answers as
10 the future shape of the installation. To address
11 these concerns we are preparing to develop an
12 installation master plan in the next year, and we
13 will, as always, seek and incorporate local input as a
14 part of this effort.

15 Mr. Chairman, we at the Department of
16 Military and Veterans Affairs are prepared to work
17 with the General Assembly to fashion state legislation
18 that will increase rather than decrease the prospects
19 for success of this important installation. We urge
20 you to undertake an amendment to House Bill 111 and
21 Senate Bill 48 along the lines we discussed here today
22 before sending the legislation forward for
23 consideration. Thank you very much for the
24 opportunity to testify, and if you have any
25 questions ---.

1 CHAIRMAN:

2 Okay. Thank you very much. Very good
3 testimony for the information of the members and the
4 audience. Representative Kathy Watson has arrived.
5 Kathy, you're welcome to join us. Kathy is a member
6 of the Transportation Committee. I have a brief
7 question before I open it up to everybody else.

8 On top of page five, and perhaps the
9 chief counsel can chime in also, you have there
10 written, it could be argued that many provisions in
11 the House Bill and the Senate Bill are preempted by
12 federal law. Now, when you say it could be argued, I
13 guess that doesn't really mean that it necessarily
14 could be preempted, so I guess I'd like to hear, you
15 know, some of your background on why you think that
16 anything that we do here in the state may or may not
17 be prohibited by federal law, and you know, see if
18 there's anything we can work out with that.

19 MR. GUISE:

20 The degree of preemption is not clear,
21 and it would be subject to challenge. What we would
22 like to avoid is having a situation where there needs
23 to be a challenge, but basically the federal
24 government has enacted legislation on the same exact
25 subject with the same exact words, but defined

1 differently, that the Congress has enacted. The
2 President signed this law into --- this bill into law.
3 It is now the law of the land. The federal government
4 in a separate legislation retained a reversionary
5 interest in this property, and also said that the
6 Commonwealth's ability to transfer and lease the
7 property was constrained by the federal government
8 rules. So with respect to use of the airfield, it is
9 reasonably clear to us that the federal government is
10 the controlling entity with respect to use of the
11 airfield, even though it will be owned by the
12 Commonwealth at some point, but it will be used by
13 federal agencies and federal entities.

14 You know, the National Guard, for
15 instance, which we hope will be the primary user of
16 the airfield --- we hope the 111th gets a new fly
17 mission, is an entity which is shared by the federal
18 and state government. When our personnel operate
19 airplanes, they are in a federally funded status. The
20 airplanes belong to the federal government. It is not
21 as easy as just saying the state can control what the
22 federal government does with the field.

23 Now, we recognize that Senator
24 Greenleaf's Bill and Representative Taylor's Bill does
25 have the clause in it that nothing in it will be

1 deemed to diminish the use of the field, the
2 installation by the federal government. But again, it
3 just invites controversy by having different terms,
4 defining the same terms in different ways, and I think
5 there is a genuine preemption issue.

6 Similarly, with the restrictive covenant
7 provision which we find legally questionable and
8 objectionable, it purports to apply to the transfer of
9 the property from the federal government to the
10 Commonwealth, but clearly the Commonwealth cannot tell
11 the federal government what to put in the deed, and
12 the federal government itself has said what will be in
13 the deeds in its own law on the transfer. So I think
14 there is a genuine federal preemption issue that we
15 could easily avoid here in the state by working
16 together to address these points.

17 As General Sischo said, there is the need
18 for it to be in the state law. There needs to be
19 provisions that say that this installation is subject
20 to local planning, zoning, local taxes for
21 nongovernment users. Obviously, federal government
22 users are not required to comply with local planning
23 and zoning laws, but nongovernment associated users
24 will have to comply and will have to pay local taxes
25 and that needs to be spelled out.

1 We think that the law should address some
2 of the other local concerns that we've talked about
3 today, and we certainly support allowing the
4 historical museum to use the installation. So we
5 think there's a genuine need for a state law. We
6 supported the state law in the past. The Governor is
7 on record in supporting bills that were introduced
8 last session but they were much less impactful, if you
9 want to put it that way, on the possible use of the
10 installation than this one. So that's where we stand
11 on this issue.

12 CHAIRMAN:

13 Are either one of you cognizant of any
14 federal punitive measures that may or may not be
15 available to the federal government? We've seen in
16 transportation issues previously where the feds have
17 said if you don't such and such a law, whether it's
18 regarding DUI levels or speed limits or seat belt use,
19 then we'll withhold federal funding. Are you aware of
20 any kind of punitive federal issues there that, if,
21 for some reason, you know, we pass legislation and the
22 feds don't agree with it, that they would somehow, you
23 know, cut some of our funding or do anything like that
24 to put us in a bind?

25 MR. GUISE:

1 I'm not aware of any federal legislation,
2 but I think the risk is this. This installation, if
3 it's going to accomplish the missions in the way that
4 the local officials want it to and the way that the
5 Commonwealth wants it to, needs to attract a lot of
6 federal users, a lot of federal agencies that will
7 come on to it and spend money there and continue to in
8 support of the installation. We expect this to be a
9 federal-state partnership. It will not succeed as
10 just a state entity. Just like Fort Indiantown Gap is
11 owned by the state but leased to the federal
12 government and has federal users, we would expect to
13 see that kind of development here.

14 If the federal government believes that
15 there are going to be disputes or controversy over
16 their use of the installation, I think it could impact
17 our ability to attract the federal users we want to
18 see here.

19 CHAIRMAN:

20 Okay. Representative Taylor?

21 MR. GUISE:

22 If I could sir, and we talked a little
23 bit about this area of redress for the community on
24 are we following the rules or not following the rules?
25 We fully support a mechanism for the community to do

1 that. We welcome that. It's just the particular one
2 in this legislation we have issues with.

3 REPRESENTATIVE TAYLOR:

4 Thank you, Mr. Chairman. The question I
5 have for you is you mentioned the Kimball report, and
6 one of the things that has been most vexing, I think,
7 with a lot of folks is a single picture that was in
8 there of 12 new hangars and is it 57 buildings?
9 Fifty-seven (57), so I get the number right. So I
10 would like to get it on the record here, is there any
11 plan for 12 new hangars or 57 new buildings, because
12 this is a question I think a lot of the residents in
13 Horsham would like to have answered, so I think it's
14 important that you answer that.

15 MAJOR GENERAL SISCHO:

16 Yes, sir. In fact, we've answered the
17 question many times. Let me quote the Governor's
18 response to Horsham Township last year. Governor
19 Rendell does not support the kind of intensive
20 development of the installation described in the
21 Kimball report and believes it will attract
22 governmental and nongovernmental associate users who
23 will offset the cost of operating the installation
24 without excessive development.

25 Teva Pharmaceuticals, one of the reasons

1 we're so excited about them in this whole issue is a
2 nice campus, clean operation, virtually quiet, large
3 employer, single organization in that area that
4 Kimball had --- positive that we could maximize the
5 use. So let me say it again. We do not support the
6 build out as drawn in the Kimball report.

7 REPRESENTATIVE TAYLOR:

8 First of all, let me say that we
9 appreciate the Governor's efforts in helping to save
10 portions of this facility and to provide for the use
11 of the 111th. I think, at the last count they took
12 planes away but now apparently they're going to get
13 their planes back, too. They saved the unit but not
14 the planes, and apparently that's happening now, and
15 so there's court decisions and the actions of Congress
16 and those things are appreciated because the community
17 supports the base and its use as a joint agency. The
18 concept is fine. The details are the problem here.

19 For example, in the Kimball report and
20 apparently there's been some statement here that ---
21 what related use is. I guess there was some mention
22 of a Subway. Was that a proposed use? A Subway,
23 meaning a sandwich shop?

24 MAJOR GENERAL SISCHO:

25 Yes, sir. Any sort of food facility that

1 would support the people who work and spend an awful
2 lot of time on the base. I personally used the Subway
3 on that base many, many times when I was there because
4 it was very close to my workplace and saved me a lot
5 of time.

6 REPRESENTATIVE TAYLOR:

7 And you couldn't use a --- you couldn't
8 have a cafeteria established by the agency itself?
9 You had to use the Subway? You like Subway
10 sandwiches, I guess?

11 MAJOR GENERAL SISCHO:

12 Well, the agency is supported by the
13 federal government and the federal government offered
14 no funds during those time frames to have a cafeteria
15 open daily. I mean, they have some facilities there
16 but it's not open ---.

17 REPRESENTATIVE TAYLOR:

18 Well, that doesn't mean the state
19 couldn't put one in. But let's say --- how about a
20 McDonalds?

21 MAJOR GENERAL SISCHO:

22 Again, Senator, any food that's ---.

23 REPRESENTATIVE TAYLOR:

24 Burger King?

25 MAJOR GENERAL SISCHO:

1 Sure.

2 REPRESENTATIVE TAYLOR:

3 Kentucky Fried Chicken?

4 MAJOR GENERAL SISCHO:

5 How about a child care center? How about
6 a museum? The museum --- you know, the museum, does
7 the museum perform the mission? It supports the
8 mission. It's related to the mission.

9 REPRESENTATIVE TAYLOR:

10 They're already there.

11 MAJOR GENERAL SISCHO:

12 Yes, they are.

13 REPRESENTATIVE TAYLOR:

14 And they're not ---.

15 MR. GUISE:

16 The Subway is already on the facility.

17 ATTORNEY COWARD:

18 They're not on the facility.

19 MR. GUISE:

20 The Subway is already on ---. Most
21 military installations in our country have, including
22 Fort Indiantown Gap, have food service organizations
23 that are tenants on them. Subway is already located
24 on the Naval base and has served the base for many
25 years. It is for users of the base. It is not open

1 to the public.

2 REPRESENTATIVE TAYLOR:

3 So the point is, though, that there's ---
4 that's considered a related use. That's the real
5 point, whether the Subway would have a use of being
6 used there now or not. The point is that the phrase
7 related use would allow you to put a McDonald's, a
8 Burger King, a Kentucky Fried Chicken, all of them
9 there without any restriction.

10 MR. GUISE:

11 No, sir. They would be subject to
12 restrictions. They have to support the mission of the
13 installation, in other words, provide food service for
14 the individuals who work there.

15 REPRESENTATIVE TAYLOR:

16 And that's the point. What other related
17 uses are there that we don't know of and we can't
18 think of that would be allowed to be put in that
19 facility?

20 MAJOR GENERAL SISCHO:

21 Well, that's why the Governor has offered
22 to Horsham to have various committees that make
23 decisions on those kinds of things and offered Horsham
24 to join with us on these committees to help in the
25 decision process.

1 REPRESENTATIVE TAYLOR:

2 But Horsham did do that. We did that ad
3 nauseum. We came to those committee meetings. My
4 staff was there, and they just basically sat there and
5 listened. They had no input. They were just being
6 told, from my reports that I've seen ---.

7 MAJOR GENERAL SISCHO:

8 I disagree. We took all of their input
9 and considered it.

10 REPRESENTATIVE TAYLOR:

11 Considered it, but didn't adopt it.

12 MAJOR GENERAL SISCHO:

13 Some of it we did. We worked with them
14 quite extensively on some of the comments it had.
15 Some things we disagreed with.

16 REPRESENTATIVE TAYLOR:

17 That's the problem. That's why we have
18 the legislation. That's why there's a need for the
19 legislation to be passed. For example, what happens
20 with the sewer and water infrastructure? They're
21 going to have to pay for all that. What happens in
22 regard to the police and fire? They're going to have
23 to pay for all that. There's nothing in the federal
24 legislation that deals with that issue; right?

25 What about the increased traffic? Who's

1 going to be paying for the road improvements and all?
2 What about the cost associated with that all being
3 placed on Horsham Township? And what about ---

4 MAJOR GENERAL SISCHO:

5 Again, I ---.

6 REPRESENTATIVE TAYLOR:

7 --- zoning ordinances? Excuse me. I'll
8 finish the question and then you can answer. How
9 about the zoning ordinances and the restrictions
10 there, and how about the property taxes and the
11 federal impact? They're all going to be pushed onto
12 Horsham Township. There's no protection there in the
13 federal legislation. Go ahead. I'm sorry.

14 MAJOR GENERAL SISCHO:

15 Let me quote the Governor's response to
16 the council. Governor Rendell affirms that
17 nongovernmental associated users of the installation
18 will be required to comply with the requirements for
19 traffic impact studies, road intersection improvements
20 and toward that end he will direct that any leases or
21 subleases with such users contain provisions requiring
22 such compliance.

23 Governor Rendell affirms nongovernmental
24 associated users of the installation with projects
25 that involve end development or construction will be

1 required to comply with applicable local laws and
2 ordinances, and toward that end, he will direct that
3 any leases or subleases with such users contain
4 provisions requiring such compliance.

5 Governor Rendell affirms that
6 nongovernmental associated users of the installation
7 will be required to pay real estate taxes or their
8 equivalent to a local school district and political
9 subdivisions, and toward that end, he will require
10 that any lease or sublease agreements with such users
11 contain appropriate provisions. We agree with you,
12 state legislation needs to include those sorts of
13 things.

14 REPRESENTATIVE TAYLOR:

15 All right. That needs to be put in
16 writing. I'm glad you said that. But you're here
17 opposing the legislation which is the very bill that
18 provides for that protection.

19 MAJOR GENERAL SISCHO:

20 I believe I spoke to the areas that we
21 have issues with, but I again tell you, as I just did,
22 we support inclusions of many things such as the
23 requirements to pay taxes, to comply with the land and
24 zoning ordinances, a redress mechanism for the
25 council.

1 REPRESENTATIVE TAYLOR:

2 In regard to the Teva issue, it's an
3 intriguing idea, but the problems with Teva would be
4 the air use. I didn't hear you address that issue. I
5 mean, I know that they're looking for a place where
6 they can --- they have a lot of business that they use
7 air traffic and air cargos, freight, and you're
8 proposing that they go in there and use that facility
9 and use the airfield as well?

10 MAJOR GENERAL SISCHO:

11 Teva had told us their concept for this
12 field did not include use of the airfield. They would
13 like to. They know that's an issue. That is
14 something we have to work out. We have spoken with
15 the council, the township council. Many of our
16 meetings were about proposals to limit the amount of
17 air traffic within leases that may be set up with
18 associated users by volume.

19 REPRESENTATIVE TAYLOR:

20 That's my understanding as well, but you
21 didn't mention that in your comments. I just wanted
22 to clarify that, that we're not going to be having air
23 use from any use allowed on that property, of using
24 that airport other than the mission requirements that
25 we have discussed.

1 The preemption issue --- we're not
2 telling the federal government what to do, but we're
3 telling them what the Governor can sign and not sign.
4 We do, as a state legislature, have the right to tell
5 the Governor of Pennsylvania what leases he can sign
6 and what leases he can't sign. And we're telling him
7 we don't want him to sign a lease that does not say
8 that the mission has to be performed, not a related
9 use, because the purpose in the question for McDonalds
10 and all those, Subway, is the fact that it's wide
11 open, like you just said. It just shows that the
12 language in the federal legislation and what you want
13 and oppose with regard to this language is wide open.

14 If you can let a McDonalds and a Subway
15 in there, then you can let anything of a conceivable
16 use in there. That's the concern. That's the bottom
17 line.

18 MAJOR GENERAL SISCHO:

19 We are open to working with the committee
20 and yourself, sir, on drafting acceptable amendments,
21 but the way the legislation is written now is overly
22 restrictive. Again, I'll go back to the term perform
23 and your example of the museum. How is that museum
24 performing the mission of national defense?

25 REPRESENTATIVE TAYLOR:

1 Well, we've made that decision because of
2 --- they've been there for a long period of time and
3 we're going to make that an exception. We're going to
4 specifically put a provision in the legislation to
5 allow them there and they're not going to be using the
6 airfield. What we're concerned about is that related
7 --- those people are going to come in there and they
8 may use the airfield because you may let a user in
9 there that's going to be using the airfield that's
10 related. That's the concern.

11 I'm not concerned about the museum coming
12 in there and using the airfield. The planes aren't
13 operable the last I saw; right?

14 MAJOR GENERAL SISCHO:

15 Then let's work together to get both of
16 our concerns covered in the legislation.

17 REPRESENTATIVE TAYLOR:

18 And the other concern that I have is,
19 this is all about money and this is not going to
20 happen. The Commonwealth is not going to come up with
21 the money to upgrade this facility. It's not going to
22 come off the back of my constituents in regard to this
23 issue. We're not going to do that. We're not going
24 to subsidize this by putting the cost on the township
25 and the cost on my community --- for not paying the

1 taxes and other reasons, other things.

2 The Commonwealth is going to have to come
3 up with the money. Yes. We can have situations in
4 which you're going to have government uses. I think
5 you're saying we need to attract a lot of federal
6 users. I agree with that, but related uses, you don't
7 have to do that. Related uses goes beyond federal
8 uses. That's the issue. I think we have to make this
9 facility as profitable as possible but not on my
10 constituents' backs.

11 REPRESENTATIVE WATSON:

12 Thank you, Mr. Chairman. Gentlemen, good
13 afternoon. It's ten minutes past 5:00. I apologize
14 first to you. I'm sorry. I had three other meetings
15 this morning and traffic was a bit slow on 611 getting
16 here. My name is Kathy Watson, and my district begins
17 100 yards north of the base if you cross County Line
18 Road from Montgomery into Bucks County. So I'm going
19 to speak to you a little bit, speaking for many of the
20 residents in Bucks County, the residents of my
21 district, the residents who live in Warrington
22 Township where I have lived for the last 30 years. So
23 I think I have an understanding of the base's original
24 mission.

25 I think I represent lots of folks that

1 100 yards north who are perfectly happy with the
2 noise, the flight pattern over my house and whatever,
3 because in some small way you thought you were part of
4 doing your bit for military service and you welcomed
5 the base for the most part. You all were there first
6 before most of the houses were anyway, so we
7 understand that.

8 I would echo something that Senator
9 Greenleaf said in that the folks that I represent have
10 concerns, and certainly I shared that with
11 Representative Taylor at length, that we have
12 concerns. Remember, we will not benefit, as you have
13 just read, from sharing in the tax base or anything.
14 We're just 100 yards north. We will endure traffic,
15 additional traffic, or if there is air travel, what
16 kind of air travel? How much? How often, weekends,
17 nights? And I'll get to the Teva issue, because I do
18 have a question about that.

19 We understand --- and there is some
20 language I would suggest, though I'm second on
21 Representative Taylor's Bill, I support the concept
22 that we need to have everything in writing.
23 Respectfully, sir, when you quote Governor Rendell,
24 Governor Rendell can't run for another term, so in
25 2010, if all this isn't done --- and it's been my

1 experience in my limited years in government that
2 government works very slowly.

3 My experience is that all this,
4 regardless, won't take place before the Governor
5 leaves office. So I would echo the comment that we
6 need to have everything carefully written down from
7 the Commonwealth's perspective from all the residents
8 that we represent. I refer to --- I am a fast reader,
9 I was an English teacher, page six. So as soon as I
10 got here I pulled your testimony even though I came in
11 at the end. Page six, the second large paragraph
12 there that begins Senate Bills 48 and 111, you talk
13 about the fact that indeed --- and again, it's the
14 word performed.

15 The problem with the wording is that if
16 it were interpreted literally many of the day-to-day
17 activities that occur on every military installation
18 in the country and around the world, including
19 training, would not be permitted on the Horsham Joint
20 Interagency Installation. I think I needed perhaps
21 --- my husband served but I have not. I need some
22 anecdotes and specific examples. I'm fine with --- I
23 want the 111th there. I'd like them to have a
24 mission. Many of the folks that are a part of that
25 are my constituents, so I'm fine to support whatever

1 we have to do, but I do get nervous then when we go to
2 your page seven and we get to Teva, and I have a
3 private industry, regardless of how wonderful their
4 medicines might be, coming on and suddenly running
5 flights here, there and whatever. So explain to me,
6 first of all, the word performed and how we would
7 restrict what I would consider military operations
8 which I think are perfectly fine.

9 MAJOR GENERAL SISCHO:

10 All right. Perform. Homeland defense
11 may be picking up a rifle, standing guard. We don't
12 do that there on a daily basis. We fly airplanes to
13 train. We fly airplanes over parades. We fly
14 airplanes over the Constitution Center in downtown
15 Philadelphia to display our heritage. The museum
16 displays the heritage, all important things. And
17 that's what we're concerned about, somebody taking
18 that word literally and turning it into a use that
19 prevents those kind of things.

20 REPRESENTATIVE WATSON:

21 As an English teacher, I would suggest
22 you're getting a tad far afield if you had been in my
23 12th grade class on that word performed. But we can
24 have a semantic argument, I'm sure, looking at the
25 language. I would suggest to you by way of your first

1 example, since I drive by, literally, on a daily basis
2 and certainly on my way to the turnpike to Harrisburg,
3 they do have folks that stand there. They get younger
4 looking to me every day. They're in their military
5 guard and they are armed, and having been on your base
6 a number of times and going through, they're there and
7 I think that's perfectly great.

8 I mean after 9/11 the tougher you got and
9 the newer fence and bars and whatever you want to put
10 in, that's fine by me. And running your military
11 planes whenever, in the middle of the night, and I
12 live in the flight path so we hear them, that's fine
13 with me and that's fine with my neighbors because I've
14 already talked to them about this. But when we get to
15 --- and then you're going to tell me a little bit
16 about this page seven. I think what the Senator might
17 have been suggesting was the fact that, again, this is
18 a private industry. It would be great to have them on
19 there, but if part of the adjunct of what they would
20 be able to do would be able to have organized flights
21 to fly their products all over the United States or
22 all over the world, then now you're talking something
23 different. You're talking it's a different kind of
24 mission, and I think there is concern about that.

25 I have a concern because I would like to

1 see more of that just be homeland security operation.
2 I think there's grave need in this five-county area.
3 I've had experience working with that group, and one
4 of the things when this was all discussed was that
5 they would be a wonderful base of operations. And
6 when we've talked to people around here, they all went
7 great, no problem, don't care how often they fly.
8 That's a mission that we all support.

9 It gets a little tricky when we're now
10 supporting private industry for profit.

11 MAJOR GENERAL SISCHO:

12 So flying airplanes through there for
13 their private gain, that's nothing that we envision
14 and I believe --- I don't have it in front of me ---
15 the federal law prevents that. But they have said
16 they're willing to come there and not fly. So if it
17 has to be an issue, let's work together to craft some
18 legislation that specifically gets to the point and
19 addresses that issue. This legislation is a little
20 bit too broad, and I think will be used by some to
21 force the viability of our view of this base for its
22 intended purposes, force that viability at a lower
23 level that it may not be possible to do.

24 REPRESENTATIVE WATSON:

25 Mr. Chairman, you've been wonderful. May

1 I ask one last question because you've been indulgent?
2 You said for its stated purposes the viability of this
3 space --- and I believe the phrase is for the stated
4 purposes. Did I miss something? Do we have them
5 written down anywhere as to what the stated purposes
6 are? Remember, in this case, I come from Bucks County
7 so we didn't have a seat at any table, and I've talked
8 to Commissioners as late as Friday of last week and
9 they don't have a lot of information. So perhaps
10 you've gotten it somewhere, but I'd certainly like to
11 see those stated purposes that everybody has agreed
12 to.

13 MAJOR GENERAL SISCHO:

14 For who, Teva, in particular or are you
15 talking about ---?

16 REPRESENTATIVE WATSON:

17 No. You made a comment about for the
18 base, for the DMVA for the base.

19 MAJOR GENERAL SISCHO:

20 For Homeland Security, emergency
21 preparedness, national defense, stated in federal law.

22 REPRESENTATIVE WATSON:

23 Okay. That's what I thought. Now, I'm
24 going to have some difficulty as to how far afield
25 different things will be, and I know we're going to

1 get to pharmaceuticals and swine flu and whatever, and
2 I will understand that to a point. I'll stop there.
3 Thank you, Mr. Chairman, for your indulgence.

4 CHAIRMAN:

5 Sure. Representative Taylor?

6 REPRESENTATIVE TAYLOR:

7 I just wanted to follow up on I think
8 Senator Greenleaf and Representative Watson. It was
9 the word that I guess --- if you will indulge me here,
10 too, is that Teva said, they, in their original
11 concept, didn't have any plans to use the runway.
12 Concept. That seems a little bit open, and with that
13 said, I think the fear, again, that medicine getting
14 going back to --- I think the legislation needs to
15 reassure everybody that concept is not what it is,
16 that it's definitive that we're not going to have that
17 opened up to flights.

18 For example, let me give you some
19 hypotheticals here. I know they contract with LL
20 Airlines. LL Airlines wants to bring in their
21 corporate executives to the North American operations
22 of Teva. Would that be acceptable?

23 MAJOR GENERAL SISCHO:

24 Would it be acceptable?

25 REPRESENTATIVE TAYLOR:

1 Yes.

2 MR. GUISE:

3 Well, that's what I'm asking. Because we
4 stand ready to work with you on legislation that would
5 meet the concerns and needs of everyone involved.
6 This legislation is very restrictive and will affect
7 the viability of the installation.

8 REPRESENTATIVE TAYLOR:

9 Under this definition, in my opinion,
10 executives flying on LL Airlines to the airport or the
11 airfield would not be in our mission of homeland
12 security or emergency preparedness. Maybe perhaps if
13 we have a bird flu outbreak or weapons of mass
14 destruction, you know, a biological bomb has hit, you
15 know, loading up pharmaceuticals, that stuff will
16 never fit the definition of emergency preparedness in
17 my opinion, but I just want to --- as to your
18 understanding as to what you're negotiating with Teva,
19 these are things that would be contemplated.

20 MR. GUISE:

21 One of the features of these two bills
22 that are of concern is they appear to apply not just
23 to the use of the airfield, and I did listen to your
24 statements about use of the airfield and Teva, and
25 General Sischo explained that very well. But actually

1 portions of it appear to restrict uses of the
2 installation as well as just the airfield, and to that
3 extent, the way it's worded now, and taking a literal
4 interpretation --- and I appreciate your views, will
5 unquestionably lead to a dispute about whether a
6 particular associated user is allowed. That is why we
7 have agreed to set up a working group to review any
8 potential associated users. That is why we have
9 agreed with you, Senator Greenleaf, and you,
10 Representative Taylor, that the legislation should
11 require that any nongovernment associated user comply
12 with local land use, zoning, impact studies. All the
13 things that you've talked about were under the control
14 of the township.

15 If they would ultimately determine that
16 Teva, for example, if this moves forwards, did not
17 comply with their requirements in terms of traffic,
18 land use and those kinds of things, they would have
19 control of that. That would not be a state matter.
20 But I think the key is to the extent that this
21 legislation goes beyond controlling the use of the
22 airfield, which is a legitimate concern that the
23 Governor himself has addressed repeatedly, and we
24 support clarifying that. To try to limit the use of
25 the installation now, it goes too far and that's what

1 I think General Sischo and we have been trying to say.

2 We think this can be worked out. We
3 think the intent of the legislation is worthy and can
4 be certainly addressed, but both the enforcement
5 mechanism and the scope of it needs to be tweaked to
6 be able to give us the opportunity to make this
7 installation a success.

8 ATTORNEY TAYLOR:

9 And that's why the word performance seems
10 to be something that I think, as does the delegation,
11 seems to be important. I don't know if that runs
12 afoul with military definitions but common sense is
13 here, for example, training. We understand the forces
14 need to train to be ready for when they actually go
15 perform the mission of that mission, whatever, a
16 mission to Afghanistan or something like that, but in
17 a way that is performing the mission.

18 MR. GUISE:

19 The problem is this. When you say the
20 installation performs the mission, we agree with that.
21 The installation needs to perform the missions defined
22 by federal law, national defense, homeland security
23 and emergency preparedness. When you say that
24 individual operations and activities all need to be
25 judged against that same standard, that an individual

1 activity perform the mission, then you're getting into
2 a degree of detail in reviewing military missions and
3 activities of emergency preparedness agencies that
4 really is inappropriate in our view. You cannot take
5 only individual activity like going to lunch at the
6 Subway that already exists over there or any other
7 activity and say does that perform the mission? It
8 just cannot be done, and we think it invites disputes
9 and controversy that should be spelled out in a more
10 consistent way between federal and state law to give
11 good guidance on the future use of the installation.

12 REPRESENTATIVE TAYLOR:

13 Just quickly, I want to make sure, again
14 that those that are on the base are appropriately
15 using the base for what it's intended for, national
16 defense, homeland security, emergency preparedness.
17 That's what we're trying to get at in this definition.
18 I don't think anyone in the room is opposed to that
19 concept, including training and so on. What I think
20 the concern has been over and over again is the
21 camel's nose under the tent, that, you know, that
22 concept --- you know, right now the concept is not to
23 use the flights or to use flights, you know, such ---
24 you know, pharmaceuticals to Los Angeles because
25 they're going to make a run, and so on.

1 There's no concept right now, but it
2 could be the camel's nose under the tent, and I think
3 that is the concern that I've heard from residents.
4 I'm trying to articulate that as best as I can.
5 That's the concern. And that's why there's that more
6 strict definition of perform as opposed to supports.

7 CHAIRMAN:

8 Okay. Gentleman, thank you. Thank you
9 for your testimony. Very interesting. You did well
10 under fire and obviously, we have some disagreements.
11 We look forward to working with you in the future.
12 Thank you.

13 MAJOR GENERAL SISCHO:

14 All right. Thank you sir. And again,
15 I'll emphasize we're ready, willing and able and want
16 to work with all of you to address everybody's
17 concerns.

18 CHAIRMAN:

19 Thank you. Next, we have an
20 Association's panel, Mr. Al Kinney, President of
21 Chapter 52, Association of Civilian Technicians, ACT,
22 and Mr. Preston Smith, President of the National Guard
23 Association of Pennsylvania and Vice Chairman of the
24 Pennsylvania National Guard Associations. Mr. Kinney
25 and Mr. Smith, welcome.

1 MR. KINNEY:

2 Thank you.

3 CHAIRMAN:

4 And you may proceed. We'll start with
5 Mr. Kinney. Okay.

6 MR. KINNEY:

7 Thank you, Mr. Chairman and Members of
8 the Committee for hearing my testimony today. My name
9 is Al Kinney. I'm president of ACT Chapter 52 which
10 is part of the Pennsylvania Chapter of the Association
11 of Civilian Technicians. The Association of Civilian
12 Technicians is a labor union that represents the
13 federal civilian employees of the National Guard.

14 CHAIRMAN:

15 Mr. Kinney, if you could just move the
16 mike a little closer for the folks in the back?

17 MR. KINNEY:

18 On a nationwide basis, ACT is the fourth
19 largest labor organization representing the Department
20 of Defense employees, and it's the largest independent
21 union of its kind in the country.

22 National Guard technicians are a special
23 class of federal employees. By law, nearly all the
24 National Guard technicians are military members of the
25 Guard. As federal civil employees, we maintain and

1 repair National Guard equipment and administer
2 training to traditional Guardsmen, weekend warriors,
3 and we also serve as Guard members ourselves who
4 deploy with our units and serve around the world.

5 As the 111th Fighter Wing, our ACT
6 chapter represents about 300 National Guard
7 technicians. We work in a wide variety of careers.
8 We maintain the unit's A-10 aircraft to be used for
9 training missions and deployable assets. Full-time
10 technician personnel are the backbone of the Guard.
11 We work together with active military as well as other
12 traditional Guard bases.

13 The National Guard technicians are
14 represented by ACT, and our National Guard forces in
15 general have a level of experience and expertise that
16 far exceeds our active duty counterparts. I've been
17 in the service for 27 years myself, and many of my
18 coworkers have similar levels of experience. Today we
19 have an opportunity at Willow Grove Horsham to make
20 the best possible use of our experience and our
21 knowledge, as well as infrastructure at the base. On
22 behalf of the hardworking men and women of the 111th
23 Fighter Wing, I call on you not to let this
24 opportunity pass us by.

25 Like everyone assigned to the 111th

1 Fighter Wing, we were devastated when DoD announced
2 the recommendations to close Willow Grove and
3 deactivate our unit. We were encouraged when the
4 federal court and BRAC Commission revised the
5 deactivation recommendation, even as we continued to
6 be concerned about the lack of a definite flying
7 mission for our unit. We saw the Congressional action
8 to create the Horsham Joint Interagency Installation
9 as a major step in the right direction and as a means
10 to save our base and save our unit.

11 At the time of the BRAC Commission
12 report, we were told that the Commission encouraged
13 the Air Force to keep the A-10s at the 111th Fighter
14 Wing, but we were told it couldn't happen because
15 there was lack of an operational airfield. Then with
16 the federal legislation to establish the Joint
17 Interagency Installation, we learned that the airfield
18 could be saved. This means that even if the A-10s
19 were gone, we still had a shot at keeping another
20 flying mission there.

21 There are lots of reasons why keeping a
22 flying mission at the new installation is important.
23 From our perspective as a labor organization, of
24 course, it means our highly trained exceptionally
25 well-qualified technicians would be able to keep their

1 full-time jobs as well as their military position and
2 doing the best thing they do. Without a flying
3 mission nearly 100 full-time jobs are at risk at the
4 111th and a loss of over 140 military slots. The
5 transformation to a non-flying unit would involve
6 different skill sets and different jobs for our
7 personnel. So as far as ACT is concerned, we want to
8 keep a flying mission and we know that this depends on
9 the successful transformation to the Joint
10 Installation. With a functional airfield, we have a
11 chance of securing a flying mission. Without one, we
12 have none.

13 Jobs and positions are important to us,
14 but let me just say, so are the missions we perform.
15 Most nearly all of our members have deployed overseas
16 since 9/11. As Guard members and as citizens, we care
17 deeply about the ---.

18 CHAIRMAN:

19 Mr. Kinney, we lost your microphone for a
20 second. Is it back on?

21 BRIEF INTERRUPTION

22 MR. KINNEY:

23 I'll start back a little bit from that.
24 The transformation to a non-flying mission would
25 involve different skill sets and different jobs for

1 our personnel. So as far as ACT is concerned we want
2 to keep a flying mission and we know that this depends
3 on the successful transformation of the Joint
4 Installation. With a functional airfield, we have a
5 chance of securing a flying mission. Without one, we
6 have none.

7 Jobs and positions are important to us,
8 but let me just say, so are the missions we perform.
9 Most nearly all of our members have deployed overseas
10 since 9/11. As Guard members and as citizens, we care
11 deeply about capabilities of our country and our state
12 to respond to emergencies and provide for homeland
13 security and national defense. A successful Joint
14 Interagency Installation at Horsham will contribute
15 greatly to the national, state and regional security.
16 You've heard the base described as an emergency
17 preparedness hub, and the base fits squarely within
18 the concept for a national emergency center. We'd ask
19 that you, our state legislature, encourage Congress to
20 designate this installation as a pilot site for the
21 national emergency center concept.

22 The future of the 111th and the success
23 of the Joint Interagency Installation are closely
24 related, and we want the Joint Interagency
25 Installation to succeed so it can be used effectively

1 by the Pennsylvania National Guard and other military
2 and government users. We also support the
3 nongovernmental association users. Every military
4 installation I've ever been on had nonmilitary users
5 on its installations.

6 ACT is concerned that if either House
7 Bill 111 or Senate Bill 48 becomes law in its current
8 form, it will lead to disputes, disruptions, and
9 ultimately, impair the successful implementation of
10 the Joint Interagency Installation. I don't want to
11 repeat what General Sischco said, but it's obvious to
12 anyone who reads the bills and compares them from
13 federal law to the bills --- that these bills must be
14 amended. How can we have a state law with a different
15 scope, different definitions of the same exact terms
16 and different descriptions of restrictions on the
17 installation? In my opinion, this approach is an
18 invitation to failure, and when it comes to national
19 emergency preparedness and homeland security and
20 national defense, failure is not an option.

21 ACT asks the Pennsylvania General
22 Assembly and the U.S. Congress and our local
23 governments to become full partners in a joint effort
24 to make the installation a success. We all know it
25 can't be done if there is sniping and nitpicking

1 between various levels of government. And I fear
2 these bills before you today are virtually a guarantee
3 of such sniping and nitpicking. Let's step back for a
4 minute and examine what's important for our nation,
5 our state and our region. Let's work together to make
6 the installation a success that will support a flying
7 mission for years to come.

8 ACT has worked very closely with the
9 leadership at Willow Grove, and being a laborer
10 organization we have disagreements as well, but we
11 always seem to come together, and at the very end, we
12 do the right thing that needs to be done. I'm asking
13 you not to let these bills pass without amendments
14 from all parties that are affected just because it's
15 the right thing to be done.

16 CHAIRMAN:

17 Okay. Thank you. Mr. Smith?

18 LT. COL. SMITH:

19 Thank you. Good afternoon, and thank
20 you, Mr. Chairman. On behalf of the Pennsylvania
21 National Guard Associations and the men and women who
22 have proudly served their state and nation in the
23 Pennsylvania National Guard, I appreciate this
24 opportunity to provide this brief statement on House
25 Bill 111 and Senate Bill 48.

1 I'm Lieutenant Colonel Preston Smith. In
2 my military capacity, I am assigned to the 111th
3 Fighter Wing here in Horsham Township, and it is my
4 privilege to serve as the president of the National
5 Guard Association of Pennsylvania and Vice Chair of
6 the Pennsylvania National Guard Associations. The
7 Pennsylvania National Guard Associations or PNGAS, as
8 we call it, represents nearly 19,000 Pennsylvanians
9 who serve in the National Guard as well as retired
10 members of the Guard. PNGAS has been involved in
11 efforts to save the base at Willow Grove and keep a
12 flying mission at the 111th Fighter Wing since the
13 Department of Defense made its first BRAC
14 recommendations in 2005. We fought the recommendation
15 to deactivate the 111th and our national association
16 filed a friend-of-the-court brief in the litigation
17 that helped save the unit. And we've supported
18 efforts by the Governor and the Congress to transform
19 the Willow Grove installation into something new, a
20 highly capable joint interagency installation.

21 When Congress first passed legislation to
22 authorize the Horsham Joint Interagency Installation,
23 the first user listed for the base was the
24 Pennsylvania National Guard, and every Congressional
25 enactment since then has made it clear that the Joint

1 Interagency Installation can best accomplish its vital
2 missions by providing facilities for use by the
3 Pennsylvania National Guard.

4 PNGAS wants the JII to succeed as a
5 robust, vital joint installation and a model hub for
6 joint operations in support of national defense,
7 homeland security and emergency preparedness. PNGAS
8 strongly supports efforts to identify and assign a
9 future flying mission to the 111th Fighter Wing, and
10 we all know that the unit will have no chance of
11 getting a future flying mission if it does not have
12 access to a fully functional operational airfield.

13 The missions assigned to this
14 installation by Congress are most important and this
15 base at this time has the location, the infrastructure
16 and the staff resources to accomplish these missions,
17 both through the military enclave and the adjacent
18 joint interagency installation. As many as the
19 previous testimonies have clearly stated, the Willow
20 Grove Installation has been a good neighbor to Horsham
21 Township for over 60 years, and in the face of the
22 threatened closure of the base and the Department of
23 Defense BRAC recommendation, we've all joined together
24 to help save this installation as a government-owned
25 and operated entity.

1 While you would have all preferred to
2 remain at this installation, we accomplished a large
3 part of our goal with the establishment of the Horsham
4 Joint Interagency Installation and the Pitcairn-Willow
5 Grove Airfield, which is an integral part of the base.
6 Like any new idea, the implementation of the Joint
7 Interagency Installation plan presents challenges, but
8 with goodwill and a good measure of common sense, we
9 are confident these challenges can be addressed. It
10 is easy to nitpick any new idea and to place hurdles
11 in the path of success. We in PNGAS are calling
12 instead for a concerted effort to help the Joint
13 Interagency Installation succeed.

14 The community has expressed concerns
15 about the airfield operations and other aspects of the
16 Joint Interagency Installation. Although we can
17 understand these concerns, it's important to remember
18 that the installation in the future will remain a
19 government installation, and the vast majority of its
20 users will be government entities. As a result of the
21 transfer of land from the federal government to the
22 Commonwealth, the local township and other authorities
23 will exercise a greater measure of input and control
24 over development at the installation than ever before.

25 The federal government has passed

1 legislation to govern the terms and conditions of
2 transfer of the property to the state. The U.S.
3 government maintains a federal interest in the
4 property and it has placed substantial limits on the
5 use of the airfield to address community concern.

6 This brings us to House Bill 111 and
7 Senate Bill 48. PNGAS shares the concerns so well
8 expressed by General Sischo. We believe that the
9 state and federal governments need to work with local
10 governments to establish a prescription for success
11 for the Horsham Joint Interagency Installation. We
12 believe these bills, by imposing restrictions that go
13 beyond those contained in federal law and using
14 wording that is inconsistent and open to
15 interpretation and dispute are a prescription for
16 failure. We join the Department of Military and
17 Veteran Affairs in calling for amendments to these
18 bills to correct these deficiencies and bring them
19 into line with the federal law.

20 For us at PNGAS, it is not just a matter
21 of legal interpretation and legislative initiatives.
22 This is our future at Willow Grove. If the Joint
23 Interagency Installation is doomed from the outset by
24 conflicting and unduly restricted enactments, it will
25 surely diminish the chance of attracting a flying

1 mission to the 111th Fighter Wing and providing for a
2 robust Pennsylvania National Guard use of the
3 installation.

4 The Pennsylvania National Guard
5 Associations want the Horsham Joint Interagency
6 Installation to succeed, and we oppose anything that
7 would be a roadblock to that success. We therefore
8 ask you to defer actions on these bills until they can
9 be amended in a way that helps build a sound
10 foundation for the success of this installation.
11 Thank you for this opportunity to testify today.

12 CHAIRMAN:

13 Okay. Thank you. Any questions from the
14 panel? Senator Greenleaf?

15 SENATOR GREENLEAF:

16 I guess I just want to comment in regard
17 to the testimony. No one here is trying to delay the
18 implementation of your mission. I don't think our
19 legislation does that at all. In regard to disputes
20 and litigation, I mean, every piece of legislation
21 that's ever introduced is subject to litigation and
22 this one is not going to be an exception to it. So
23 whether it has the phrase performance in or whether it
24 has the phrase related, it's still going to be ---
25 there can be litigation. That's not a reason not to

1 consider our legislation.

2 In regard to different definitions in
3 regard to federal legislation, we're not telling the
4 feds what to do. We're telling what the Governor can
5 sign in his lease, and we have the right to do that,
6 and we're not putting hurdles in the path of success.
7 We're putting hurdles so that there's not a commercial
8 airport there. I think the previous testimony from
9 other witnesses indicates that it's a wide open vat
10 (phonetic). It's not a slight loophole. It's a big
11 loophole. It's a super highway.

12 We're not going beyond federal law. We
13 don't want to be brought into federal law and we're
14 going to rely on the federal law in regard to what's
15 related and what's performed. That's the problem,
16 that's the issue. We don't want a commercial airport
17 there, and we don't want a lot of facilities there
18 that are using it for commercial purposes. That's the
19 purpose of the legislation and we will fight this as
20 long as we can because it's important to our community
21 here.

22 We'd welcome your use here and we're not
23 interfering with that use, but we don't want it to be
24 a commercial airport.

25 LT. COL. SMITH:

1 And I think that the --- again, it is
2 identified that basically we're saying the same
3 things, that it is important that everyone sit down
4 with you and work through these amendments so that
5 those items that could put restrictions on federal
6 agencies coming in or could impact possibly or cause
7 the federal --- to say, you know what? Maybe we
8 should put another flying mission there. That's what
9 you're representing, that part of that, the importance
10 of working through those differences and the verbiage
11 so that amendment would work, that would continue the
12 viability for operation of the Joint Interagency
13 Installation.

14 SENATOR GREENLEAF:

15 I don't mind the bills being amended. I
16 don't think I've ever had a bill that's passed the
17 legislature that hasn't been amended. So I know
18 that's going to happen, and I don't have any
19 objections to that. I just want to make sure that we
20 have our protections here for the local community and
21 to refer to that, on page two of the bill, it refers
22 to limitational statutory construction. It does say
23 nothing under this section shall be construed to
24 diminish or alter authorized uses of the installation,
25 including any military enclave located thereon by the

1 United States, its agencies or its municipalities for
2 the limited use of the property in indigent (phonetic)
3 circumstances.

4 So it's clearly --- the statutory
5 construction section says it's not intended to limit
6 those activities in any way. If you think it should
7 be amended to make it --- clarifying that, which
8 doesn't jeopardize and open it up for commercial uses,
9 then fine, we're available for that. But I think the
10 bill covers that, and if you have any ideas or the
11 Department has any ideas, we're receptive to look at
12 it. I'm sure the committee is.

13 REPRESENTATIVE MURT:

14 Mr. Chairman, may I ask a question? Mr.
15 Kinney (sic), a quick question. When the Army
16 National Guard Units stand up at Willow Grove ---.

17 LT. COL. SMITH:

18 Air National Guard, sir, or are you
19 talking about the Army?

20 REPRESENTATIVE MURT:

21 The Army. Yes. Will Chapter 52 also
22 represent the Army National Guard?

23 LT. COL. SMITH:

24 Yes, it will. It will represent Army and
25 Air all across all the United States.

1 REPRESENTATIVE MURT:

2 Thank you.

3 CHAIRMAN:

4 Representative Watson?

5 REPRESENTATIVE WATSON:

6 Thank you, Mr. Chairman. Gentlemen,
7 thank you for your testimony. If I may ask, Mr.
8 Kinney, on your testimony on the second page and
9 looking at it, the next to the last paragraph, it says
10 the future of the 111th. Let me just stop there and
11 say I want them here, whatever, as I said, I have
12 constituents. I think I see at least one in the
13 audience and I want that family to stay right here.
14 But in any case, we support concept of a nongovernment
15 associated users which you have in quotes, and then
16 you say in your testimony every military base I
17 visited has nongovernment users.

18 MR. KINNEY:

19 Correct.

20 REPRESENTATIVE WATSON:

21 Can you define ---?

22 MR. KINNEY:

23 Yes.

24 REPRESENTATIVE WATSON:

25 And I'm fine with that. I've lived on

1 two, I guess, with my husband, down at Fort Bragg and
2 --- it was a long time ago, but --- and over at Fort
3 Dix, so I'm fine with that and I think that does
4 support something like that. When you started to get
5 a feel to where we were bringing in private entities,
6 I'm asking you, do you have --- have you seen other
7 just private entities on the bases, you know,
8 businesses that are for-profit use that are not
9 directly related?

10 MR. KINNEY:

11 In my activities on those bases, I was
12 just looking for food at the time so I wasn't looking
13 around ---. It was actually in the warehouse in terms
14 of civilian personnel walking around the bases and I
15 know a lot ---.

16 REPRESENTATIVE WATSON:

17 Well, obviously, I mean, you do, and I
18 would go to a cleaners on base. I mean, you have all
19 of those service things that they're part of the
20 mission, and I don't think it was the intent of this
21 legislation ever to somehow prohibit that, but I do
22 think that --- I think we are more alike than what
23 I've heard since I've been here, it seems to me. But
24 I do think there's concern, and a lot of us represent
25 the concern of the citizenry around here in two

1 counties, Montgomery and Bucks, of the fact that we're
2 not here for just --- and you don't want to see it
3 turned over just for for-profit private entity. We
4 want to continue --- which was the original --- when
5 it was determined to be closed. We want that mission
6 of homeland security. Keeping that, that's fine, and
7 we support that, but there are things that seem like
8 they're going far afield from that. We want you to
9 keep your jobs. No question.

10 MR. KINNEY:

11 Thank you. And we want to keep them, but
12 we think the dialogue needs to be opened up with more
13 personnel in the specialty of the Department of
14 Military and Veterans Affairs to work out these little
15 things that need to be tweaked so we can just carry
16 on.

17 REPRESENTATIVE WATSON:

18 We'll call them --- rather than
19 nitpicking and phrase it like that, that's not a good
20 choice of words. How about if we just say that we
21 call them that we need to work on the semantics so
22 that words have their definite meaning and we all
23 agree what they are?

24 MR. KINNEY:

25 Correct.

1 REPRESENTATIVE WATSON:

2 Thank you.

3 MR. KINNEY:

4 Thank you.

5 CHAIRMAN:

6 Spoken like an English teacher. Okay.

7 Gentlemen, thank you. Thank you very much.

8 MR. KINNEY:

9 Thank you.

10 CHAIRMAN:

11 You did an excellent job. Mr. Edward
12 Dudlik, who is a board member of the Delaware Valley
13 Historical Aircraft Association. Mr. Dudlik, welcome.
14 Are you the museum they've been talking about?

15 MR. DUDLIK:

16 Yes, sir.

17 CHAIRMAN:

18 Okay. The only people we don't have
19 represented are the folks from Subway, huh? All that
20 talk, I got hungry. Okay. And you have a guest with
21 you, Mr. Dudlik?

22 MR. DUDLIK:

23 Yes.

24 CHAIRMAN:

25 Would you like to introduce her?

1 MR. DUDLIK:

2 Yes. Mr. Chairman, Senator Greenleaf,
3 Representative Taylor, Members of the Horsham Council,
4 my name is Edward Dudlik, Jr., and this is Susan
5 Hulgerman (phonetic), our curator. I'm here to
6 represent the Delaware Valley Historical Aviation
7 Association which has been at the base in this
8 community for over 65 years. We recognize the very
9 sensitive community issues regarding associated users
10 and their concerns about uses to the runway use.
11 Therefore, we want --- we're asking for this amendment
12 and that we not be considered an associated user, but
13 as a specific user as a museum. We're a 501(3)(c)
14 organization.

15 In general, as a museum we act as a forum
16 for the education, exhibition and preservation of the
17 Delaware Valley's contributions in both the protection
18 of our homeland security and the pioneering legacy in
19 aeronautical engineering development in civilian and
20 military life. If you're interested in a helicopter,
21 Pitcairn Airlines had their roots on this base.
22 Certain notable figures, such as Amelia Earhart had
23 often personally visited this location as well.

24 The DVHAA conducts many tours for youth
25 groups, organizations and schools throughout the year

1 while providing great interface between generations.
2 Grandparents frequently bring grandchildren. Father,
3 spouses and children frequently attend. We've asked
4 our legislators to include language in the Senate and
5 House Bill so that we can remain here in the community
6 as a museum.

7 Senator Greenleaf, with his staff, has
8 put together a proposed amendment that would include
9 DVHAA Wings of Freeman museum with the Senate Bill 48.
10 The proposed amendment has been reviewed and concurred
11 by the Legislative Reference Bureau. We have offered
12 and directed a copy of the proposed amendment to the
13 Senate Bill 48 and we'd ask the House Bill 111 be
14 amended in a similar fashion, and I will offer into
15 the record a copy of that bill. There are copies to
16 be given out showing where the same amending language
17 would be inserted.

18 We thank you very much for your patience
19 and this opportunity to present our situation.

20 CHAIRMAN:

21 Okay. Thank you, Mr. Dudlik. Sorry for
22 the mispronunciation. I just have a quick historical
23 question for you. Mr. Pitcairn, as you mentioned ---
24 I represent a town in my district in Southwestern
25 Pennsylvania that's called Pitcairn, Pennsylvania. I

1 believe that was Robert Pitcairn, who was a railroad
2 and steel baron. I was wondering if it's any relation
3 to Harold Pitcairn.

4 MR. DUDLIK:

5 I would suspect so, but I can't speak to
6 that specifically.

7 MS. HULGERMAN:

8 I believe so also, because Harold
9 Pitcairn is the son of the founder of Pittsburgh Plate
10 Glass so that's probably ---.

11 CHAIRMAN:

12 Oh, maybe it's his son. Was Lindbergh
13 ever --- you mentioned Amelia Earhart. Did Lindbergh
14 ever visit Willow Grove?

15 MS. HULGERMAN:

16 Not to my knowledge, however, Amelia
17 Earhart did set a world record at Willow Grove. She
18 set a world altitude record in 1929, I think. So
19 there's a lot of history here and it would be a shame
20 to lose it.

21 CHAIRMAN:

22 Very good. Representative Taylor?

23 REPRESENTATIVE TAYLOR:

24 I think we're starting to learn a lot of
25 history about the airfield, so if nothing else it's an

1 educative process here and we're learning a lot.
2 Question for you. Does the DVHAA have a non-V
3 (phonetic) status at this place or do you actually fly
4 planes from time to time?

5 MS. HULGERMAN:

6 We do not have any flying airplanes;
7 however, airplanes don't drive on the road. When they
8 come to the museum, they have to get here somehow.
9 I'll leave that up to you.

10 REPRESENTATIVE TAYLOR:

11 Okay. Thank you very much.

12 CHAIRMAN:

13 Okay. Any other questions? Ladies and
14 gentlemen, thank you. Thank you very much. Good luck
15 with the museum. Okay. We have --- that's the end of
16 our formal presenters today, and as we mentioned at
17 the beginning of the meeting, we will open it up to
18 two-minute comment periods per individual. What I
19 would suggest --- we have eight people that had signed
20 up, so I'm just going to go by the order in which they
21 signed up. And we'd like to have the first three of
22 them come forward, Todd Stevens is a resident of
23 Horsham Township, Robert Birch is Vice Chair of
24 Montgomery Township Board of Supervisors, and Bill
25 Rendell, who is a citizen, according to this.

1 Okay. Bill, that's the best kind. Okay.
2 For two minutes, we'll have Mr. Stevens go first.

3 MR. STEVENS:

4 Thank you very much. My name is Todd
5 Stevens. I'm a lifelong resident of Horsham Township.
6 I have the privilege of knowing many of you on this
7 committee, and I want to begin by thanking you for
8 taking time out of your schedule to come join us here
9 in Horsham. One of the things that I think has led to
10 a great deal of confusion has been the absence of
11 significant public involvement in the process. The
12 BRAC process that the federal government employs
13 nationwide is centered upon local input and that's
14 been severely lacking as we look at the future of the
15 Willow Grove Naval Air Station.

16 The State Commission report, the Kimball
17 report, which I do have in front of me --- I don't
18 suggest that all of you or think that all of you have
19 read every last detail. I have read it several times
20 and there was mention earlier about 57 buildings, and
21 that was a map that was depicted within the Kimball
22 report. And I think Representative Taylor asked a
23 question about the 57-building vision of the folks
24 from the Department of Military and Veterans Affairs.
25 And while certainly their 57 buildings may not be in

1 the future, the Kimball plan specifically calls for
2 revenue generated from new development over at Willow
3 Grove. And specifically, I'm talking about the
4 southwest portion of Willow Grove Naval Air Station.
5 If you drive up Horsham Road, all along Horsham Road
6 you'll see trees and green grass. The Kimball report
7 calls for developing that section so that it can
8 generate over \$6,000,000 in revenue a year to help
9 sustain the JII.

10 So whether or not it's 57 new buildings
11 or 1.5 million square feet of new development from
12 Teva, we're talking about significant new development
13 at the Willow Grove Naval Air Station. And that's
14 what prompted all these concerns. And I was here at
15 the public meeting in March of 2008, and I asked
16 Dennis Guise when the next time for public comment
17 would be, when was the next time the public was going
18 to be able to participate in this process? And I have
19 it on video that there would be ample opportunity for
20 public involvement.

21 Well, we're 14 months later and there's
22 never been another meeting that the state has
23 conducted to allow for public involvement, and they
24 have moved forward with this vision of the JII.
25 They've had meetings with Teva. They've had

1 discussions with Teva. The only reason that we as
2 residents know about them is because our local
3 council, you know, provides a snippet at the beginning
4 of their council meetings that says, oh, by the way,
5 the state is having discussions with Teva
6 Pharmaceuticals about a 1.5 million square foot
7 facility.

8 So we have been completely excluded from
9 this process, and I applaud your efforts at including
10 us, and it seems like a dialogue has begun whereby
11 perhaps all parties can come to a mutually agreeable
12 place. And I applaud you because I think it's the
13 fact that you brought us all together that can help
14 facilitate that. So I want to begin by thanking you,
15 but I also want to thank all the folks sitting behind
16 me, because hopefully it gave you an impression and an
17 idea that this is something of great concern to our
18 community.

19 I mean, I contacted thousands of people
20 yesterday via phone calls and whatnot, and it was very
21 important to get people out here to show our support
22 and I think that we've demonstrated that. So I hope
23 you will consider that as you consider this
24 legislation moving forward, and I urge you to take
25 action to help protect our community. Thank you.

1 CHAIRMAN:

2 Okay. Thank you. Mr. Birch?

3 MR. BIRCH:

4 Thank you, Mr. Chair, and thank you to
5 the entire panel. My name is Robert Birch. I'm vice
6 chairman of the Board of Supervisors of Montgomery
7 Township. As a member of the board that oversees
8 approximately 24,000 residents, Montgomery Township
9 has a great interest in the instant legislation.

10 In Montgomery Township, we are battling
11 our own traffic problems and having a commercial
12 airfield in such close proximity to our township would
13 cause increased traffic problems, create a greater
14 burden on our police and fire, and quite frankly,
15 adversely affect our quality of life. Therefore, the
16 Montgomery County Board of Supervisors stands united
17 with our brethren, Horsham Township Supervisors and
18 Council members, in opposing any commercial uses of
19 the airbase, and we strongly support these bills in
20 total. So thank you very much.

21 CHAIRMAN:

22 Thank you. Mr. Bill Rendell.

23 MR. RENDELL:

24 Thank you very much. And I want to thank
25 the Chairman and the committee for giving the public

1 like myself a chance to comment. I want to thank my
2 state senator and my representative for their
3 comments, especially related to taxes. And my
4 question to you, which may or may not be in the
5 purview of the Transportation Committee, but it's
6 certainly a concern to me as a taxpayer from the
7 township here, as well as a Pennsylvania and national
8 taxpayer, is pollution. Nobody has talked about it.
9 This base has been here for 80 years. I served some
10 time on the base.

11 I'm well aware of things that have been
12 done detrimental to the environment and look, I'm not
13 a tree hugger. I'm just a guy who is worried that if
14 the state --- if the state assumes responsibility on
15 this base in any way, shape or form that we, as
16 Pennsylvanians, even though this is a national
17 federal-protected base, protecting everybody of the
18 United States, we will get saddled with the EPA
19 cleanup for that base. I can guarantee you that there
20 are aircraft buried underground at that base. There
21 are trucks buried underground at that base. There is
22 80 years of pollution involved with that base.

23 We as Pennsylvanians shouldn't have to
24 foot the bill for a national protected base. That's
25 my comment.

1 CHAIRMAN:

2 Okay. Thank you. Very well done. Thank
3 you gentlemen. Going down the list, Edward R.
4 Thompson, resident of Horsham Township, and Rose
5 Hallwell (phonetic) who represents the Chamber of
6 Commerce; and Paul Lynn (phonetic) a resident and
7 voter accordingly to the sign-in sheet. You, sir, are
8 Mr. Thompson?

9 MR. THOMPSON:

10 I'm Edwin Thompson.

11 CHAIRMAN:

12 Mr. Thompson.

13 MR. THOMPSON:

14 Shall I begin?

15 CHAIRMAN:

16 You may.

17 MR. THOMPSON:

18 Sure. Good morning. I'm a resident of
19 Horsham Township. I live at 612 Mann (phonetic) Road.
20 I'm also a business owner on Proceedo (phonetic) Road,
21 both properties within a mile of the Willow Grove
22 Naval Air Station. The question today is who can and
23 who cannot safely take off and land at the base in
24 Willow Grove? If Horsham Council had answered the
25 question, the answer would be emphatically no one, no

1 one at all. What you're being asked to do today is
2 effectively stop the flying missions of this base.

3 Horsham Township has a flight safety
4 zoning ordinance. It's called the Aircraft Noise
5 Overlay District, and it has been designed to promote,
6 protect and facilitate the safety and the general
7 welfare of this community. This Horsham Township
8 ordinance prohibits the building of banks in this
9 district. Nevertheless, Horsham Council approved
10 building Commerce Bank in this district. Office
11 buildings are prohibited in this zoning district, but
12 just in the last month, Horsham Council approved
13 building two 20,000 square foot two-story high
14 buildings in this district. It is also prohibited,
15 the word prohibited.

16 If this township truly supported flights,
17 military flights for this base, the last thing they
18 would be doing would be building two-story office
19 buildings at the end of the runway. And I'd be glad
20 to show you documents, okay, of just how close in
21 proximity that office building is to the flights and
22 the runway that exist there. It's embarrassing.
23 These are office buildings owned by a partnership
24 including a former Horsham Council President and a
25 council member. Horsham Council has also been shown a

1 preliminary plan to build a retirement community and a
2 nursing home, also in the enclave, and also
3 prohibited.

4 The only way that they're going to
5 continue to build in this enclave is either to violate
6 the law, to continue to violate the law or end all
7 flights on this base. State Representative McGill
8 (phonetic) conducted a survey of the 151st District.
9 Seventy-five (75) percent of respondents supported
10 this base and its military operations. This community
11 wholeheartedly supports this base and a flying
12 operation out of there.

13 You can guess who doesn't support those
14 operations. I ask --- I plead with this court to
15 consider the Joint Interagency Base at Willow Grove
16 today, and to allow military flights to continue and
17 to proudly, proudly serve this country. Thank you.
18 And that you require that this Act start being
19 applied, this zoning ordinance that they talked about,
20 it's not applied. It's already on the books. You
21 don't need to write new legislation. You don't
22 practice what you have in front of you today. If you
23 start applying this --- and specifically for the
24 general safety, health and welfare of the citizens of
25 this community today. I've asked to testify in front

1 of this community and this hearing. I can't tell you
2 how disappointed I was because I was denied by your
3 representatives to do this. I stand willing and
4 available at your convenience to testify in front of
5 this committee. I will bring you all the data to show
6 you exactly what is going on and I would welcome the
7 opportunity.

8 CHAIRMAN:

9 Okay. Thank you. Committee, this is not
10 just to Mr. Thompson, but anybody that wants to submit
11 testimony or comments to the committee, if you submit
12 written testimony to us we will make sure that all the
13 committee members and staff receive it. Mr. Lynn?

14 MR. LYNN:

15 Thank you, Mr. Chairman.

16 CHAIRMAN:

17 Mr. Paul Lynn.

18 MR. LYNN:

19 Yes. I've lived in Horsham 55 years.
20 I'm at Sawmill (phonetic) Lane and Myrtle Avenue which
21 I refer to as runway three. I can hear airplanes
22 nearby when I go to the house. I'm going to include
23 my bride here, too. She's part of this organization.
24 I don't want to see any commercial go into that base
25 ever, and I am shocked to hear that two-star general

1 tout an Israeli-owned pharmaceutical company that I'm
2 sure is not over in Afghanistan distributing medicine
3 to help people out over there, our troops. And if God
4 forbid that base should ever go commercial, I have a
5 suggestion that the name for it should be the Bernie
6 Madoff. You name that.

7 CHAIRMAN:

8 Okay. I have ---.

9 MR. LYNN:

10 And one other --- there is one other
11 thing.

12 CHAIRMAN:

13 Sure.

14 MR. LYNN:

15 I would like to see the name really
16 changed to include the name of Horsham and not Willow
17 Grove. Horsham, that's where it is, and I know
18 governmental gobbledegoop (phonetic) --- just the
19 Horsham, whatever, okay? Thank you, Mr. Chairman.

20 CHAIRMAN:

21 Yes, sir, Mr. Lynn. Thank you.

22 MR. LYNN:

23 God bless you in your work.

24 CHAIRMAN:

25 Thank you. And we have Wendy Specter and

1 Andrew Star, please. Thank you. Wendy and Andrew.

2 MS. SPECTER:

3 Hi. My name is Wendy Specter. I've
4 moved to the township four years ago, and I knew that
5 there were planes, but at this point I've been very
6 concerned about my beautiful new home. I'm strongly
7 against the base being used for any commercial
8 flights. I feel that more flights would be the demise
9 of Horsham Township. It's a beautiful residential
10 area. People here can't afford it and will move if
11 there are too many airplanes over their homes. By
12 them moving this will cause a domino effect on other
13 towns and other townships.

14 I did not move here to have more
15 airplanes over my home. I, in no way, want more
16 flights. I want fewer flights. I would like there
17 also to be considered time limits on flights such as
18 nighttime, weekends, early in the morning, how many
19 flights, how many more planes can come into the area.
20 At this point I've been seeing bigger planes and more
21 planes flying late at night. This really concerns me.
22 I am considering moving. I really do not want to. My
23 neighbors are discussing this, also.

24 I would also like to address having
25 children in the school district. I am a parent of one

1 child in the school district. I have another one
2 entering in September. I feel if the base is used for
3 more commercial purposes, it would be harmful to the
4 Horsham School District. I feel that the safety of
5 our children is in jeopardy if we allow more planes to
6 fly over our schools. It has been documented that the
7 planes' flight paths are directly over our schools.
8 In addition to the noise and air pollution that may be
9 harmful to children --- and also the noise when they
10 are trying to learn and play outside.

11 I moved to Horsham four years ago to
12 raise a family in a clean, residential area, and for
13 the school district. I do not feel that this will
14 remain intact if we allow more planes to fly. Thank
15 you.

16 CHAIRMAN:

17 Thank you. Andrew Star.

18 MR. STAR:

19 Thank you very much, Mr. Chairman and the
20 Committee. I would like to take a second and commend
21 Representatives Taylor, Murt and Senator Greenleaf for
22 looking out for the people here of Horsham Township.
23 I would also like to respectfully extend that in
24 regards to an amendment that could be looked at as far
25 as more transparency in what they're trying to do with

1 the federal government as far as putting the
2 government in to try to have them look at the people
3 as opposed to what they want to do, and some of that
4 transparencies could also include more information on
5 the ambiguous mission that we keep hearing about.

6 That mission, I think, is pretty
7 instrumental in helping us identify what's actually
8 happened at this base and whether or not this bill
9 will actually mean a hill of beans. And one of things
10 that's important to understand is that the poor
11 services that were produced at the base for many years
12 were, of course, part of the DoD and were allowed only
13 operations outside of the country, although training
14 in the country, I guess, was acceptable.

15 But organizations such as FEMA and
16 homeland security are a quasi-military type of
17 organization under executive branch status and are
18 allowed to have these types of military operations
19 inside the country. And therefore, that poses a
20 greater risk to Horsham Township, and of course, to
21 this general area, more so than additional flights.
22 And I think people need to be aware of that, and at
23 the same time, you know, looking into this
24 transparency is going to be pretty important so that
25 we would get an idea as to actually what is going on

1 inside this base because no one is going to know, we
2 don't know, and the bottom line is that if it ever
3 comes down to a worst case scenario such as the
4 potential of Marshall Law, which could be in effect
5 through the Executive Branch, Horsham Township would
6 become an internal military base.

7 Although it's a little off the scope of
8 what's going on, I would just like to add that I think
9 that as township residents we need to know what is
10 going on inside that base. Thank you once again for
11 your time and thank you again for looking out for the
12 people of Horsham.

13 CHAIRMAN:

14 Okay. Mr. Star, Ms. Specter, thank you
15 very much. You did very well. I would like to just
16 close the meeting here, first of all, by thanking the
17 folks here from Horsham Township. We have the town
18 fathers here, and we appreciate your hospitality. You
19 have a wonderful facility here. This is --- I'm going
20 to guess, what, 2,500 municipalities in the
21 Commonwealth and probably 2,400 of them would love to
22 have these facilities. So you're very fortunate.
23 Keep up the good work, and we appreciate the
24 hospitality here today. I would like to thank
25 certainly the committee members and staff who are here

1 and last, but not least, all the people that testified
2 and the public, the audience that came here and
3 listened appropriately. And I think --- did you learn
4 a lot today? I think you did, and it was a good --- I
5 thought it was a good hearing. Thank you very much
6 for your cooperation. Meeting adjourned.

7 * * * * *

8 HEARING CONCLUDED AT 1:15 P.M.

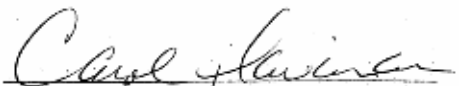
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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.


Court Reporter