A Rocky Democracy: Democracy in New Hanover

In the suburbs of Philadelphia there is a fight that has been going on for over four years that is pitting parts of a Montgomery County community against a Bucks County Developer. Along the roads in New Hanover Township you are likely to see white signs and banners with red letters reading BAN THE QUARRY. The focal point of local politics in the area is the proposed Gibraltar Rock quarry. New Hanover Township is located in Northern Montgomery County and is home to about 7,000 people. It is a fairly quiet community that heated up four years ago when a developer sought approval for a quarry. New Hanover is a community on the rise; expensive fairly upscale homes are being developed along the former farm lands that populate the region. There are many people who support the quarry and many people who oppose the quarry for a variety of reasons but the focus of this paper will be on the group Paradise Watchdogs and the developer, Gibraltar Rock. The paper will deal with the emotion and struggle that a divisive issue can place on a democracy. It will evaluate the effectiveness and feasibility of a democracy in this community.

Paradise Watchdogs

Paradise Watchdogs is a citizens group that was originally started in 1987 to deal with environmental issues affecting the community, “The Paradise Watchdogs, established in 1987, is a not-for-profit corporation that believes in the right of the people of Pennsylvania to clean air, pure water, and to the preservation of natural, scenic,
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historic, and aesthetic values of the environment.”¹ According to John Zuchero, the
former President of Paradise Watchdogs, Paradise Watchdogs was formed because there
was a proposed landfill along Route 73 and Route 663. For over ten years the group
helped lead the charge against the landfill and they eventually prevailed. The group
remained largely inactive until they merged with Concerned Citizens to Ban the Quarry
and they kept the name Paradise Watchdogs.² Concerned Citizens to Ban the Quarry was
formed in 2001 when the Gibraltar Rock plans became known. That group only lasted a
few months before they merged with Paradise Watchdogs. Paradise Watchdogs’ mission
right now is to make sure that the Gibraltar Rock Quarry is never allowed to operate,
“The group's primary objective is to 'ban the quarry' from New Hanover Township---it's
as simple as that.”³ The group is not huge in terms of membership and active
participation but it does have the support of many people. The group is totally funded by
contributions from concerned citizens, “What the coalition of neighbors raises is used to
pay its lawyer.”⁴ Paradise Watchdogs also raises money by selling car windows signs,
buttons and yard signs that read Ban the Quarry and they also display the group’s website
address. Because it is such a technical and complicated issue the group felt it was in their
best interest to have representation, “Since we have jobs and personal lives, and because
of the time it takes to learn the issues of quarry/mining laws, we hired someone who
does, and leave us the only job of fund-raising.”⁵ The group meets the third Monday of
every month at a local Church and the members are present at every zoning board
hearing. The thrust behind this group is not the once a month meetings but their rather
impressive website. The website is very informative and quite persuasive. The site has
summaries of most of the over seventy zoning board meetings. The meetings are not
verbatim and the website acknowledges that but I found their record of the March 3, 2005 zoning board hearing which I personally attended to be quite accurate and impartial.

The site also lists the main reasons for opposition to the quarry. There are five reasons Paradise Watchdog’s website lists to prevent the quarry and they include air quality, water quality and supply, increased traffic, noise pollution and the blasting which will cause fly rock. Paradise Watchdogs feels that the site will generate “particular matter” which is any matter that will remain suspended in the air.\(^6\) The most dangerous threat to the air the group alleges is from silicosis which they define as a glass substance created from granite which can lead to medical conditions including fatal lung disease. The second major reason Paradise Watchdogs opposes the quarry is they feel the quarry is a grave and imminent threat to their water supply. Many of the area’s residents use wells for their water supply and they feel that the quarry when operating could drastically reduce their water levels and this would infer costs to the homeowners. The group is not only concerned about what will happen to the supply of water but what will happen to the quality of water. They are concerned that polluted runoff from such a large industrial site could contaminate what is left of the local aquifers, “The DEP held a three-hour hearing on the request from Gibraltar Rock Inc. for variances to allow about 400,000 gallons per day of mining runoff to be discharged into the environment adjacent to the proposed quarry.”\(^7\)

The third reason concerns the strain on traffic that the quarry will necessitate. They feel there will be a large increase in traffic and this will make the roads more dangerous, “the surrounding community will suffer 20,000 more truck trips each year as a result of the quarry.”\(^8\) Quarry truck traffic will coincide with bus traffic at a local school
and the group feels that this is a threat to the students. The fourth reason for opposing the quarry is noise pollution. The loudest noises will come from the blasting of explosives that is needed for excavating the rock. Movement of air after each explosion will also pose a noise problem for the neighbors of the quarry. The trucks and quarry machinery will also make considerable noise that may make it difficult for the neighbors to go about their daily lives. Vibrations from the blasting will be felt by the immediate neighbors and this could prove to be a major nuisance. The final reason for opposition to the quarry is the fear of flyrock. Flyrock is a potential side affect of the blasting. The group is fearful that local residents may have a deadly barrage of rocks reign down on them if things do not go as planned at the quarry.

Paradise Watchdogs has not only used their own media which is their website to facilitate their message but they have also been very successful in getting their message across by using the local paper, the Pottstown Mercury. Roger Buchanan, the President of Paradise Watchdogs, has over the years written a series of letters to the newspaper regarding the quarry. In these letters he uses very provocative language to get his message across. In one letter Mr. Buchanan directly accuses the proposed quarry as being a direct threat to the surrounding children, “A small amount of lung damage is not the angel of death, but it is not what children deserve. Persons with asthma or allergies will not be treated kindly or with fairness. Children trust us to provide a better world than the byproducts of a quarry’s dust, noise, power and profits.” Mr. Buchanan uses a biblical reference to illustrate the threat to children. He is attempting to use a person’s religious beliefs to gain their support for opposition to the quarry. In another letter he wrote graphically about how the dust created by the quarry will have deadly side effects, “Very
fine and very invisible dust particles fly past the throat, soar down the bronchiole tubes
and take up residence in the inner gas exchange tissues of the lungs. No pain is felt there,
but tiny dust particles inflict damage and slowly clog up the works -- an incurable
sequence of events that can lead to the end of life.”

I sought an interview with the President of Paradise Watchdogs to understand
their perspectives and motives for opposing the proposed quarry. Through
correspondence via e-mail I was informed that the current President, Roger Buchanan is
unable to be contacted because he is currently vacationing in Florida. Instead of the
current President of the group, I was able to correspond with John Zuchero who is
currently a member and was himself a former President of Paradise Watchdogs.

John Zuchero was the first President of Concerned Citizens to Ban the Quarry, the
group that later became part of Paradise Watchdogs. He started the Ban the Quarry group
in 2001 when it became known that the Gibraltar Rock Company sought to open a 163
acre quarry in New Hanover Township. Mr. Zuchero feels that the politicians are not
adequately protecting the people of New Hanover Township, “The politicians want us to
believe that they are helping us, but their hands are tied in many instances. There are
procedures and rules to follow and they (the politicians) use them to sound like their
helping us while they do as little as possible to help us.” Mr. Zuchero also feels that the
political contributions that the Silvi brothers have given over the years have influenced
the process. According to opensecrets.org, Mr. Zuchero is correct that the Silvi brothers
have given large contributions to politicians. Over the past three election cycles the two
brothers have given tens of thousands of dollars to politicians and political causes. The
extent to which this money may have influenced the democratic process can never truly be known but it is worth pointing out.

Mr. Zuchero acknowledged that the land bought by Gibraltar Rock in New Hanover was zoned for heavy industrial use but he had other reasons for opposing the building of the quarry. He was unsure if Gibraltar Rock could safely operate such a large scale operation in a fairly heavily populated area. Citing the fact that the Silvi group which owns Gibraltar Rock has never owned or operated a quarry, he is unsure how reliable their evidence is because of their lack of experience in operating quarries. He feels that there are too many unanswered questions about environmental concerns for the quarry to be allowed to open.

**Gibraltar Rock**

Gibraltar Rock is a subsidiary of the Bucks County based Silvi group. Other subsidiaries of the Silvi group include Silvi cement, Sahara sand and riverside. Silvi concrete which is the oldest of the subsidiaries dates back to 1947. Today Silvi concrete which is the largest part of the corporation is one of the largest concrete suppliers in the region. Gibraltar Rock if opened will be used to make and prepare cement. The company is currently owned by brothers John and Larry Silvi. Gibraltar Rock is the brothers’ first attempt at making an entry into owning a quarry. Their lack of experience has been a cause of great concern for many residents but they do have a long history of operating other rock related industries. I was not able to talk directly to either brother but I was able to set up an interview with their lead counsel on the quarry, Stephen Harris.

On Friday March 11, 2005 I traveled to Stephen Harris’s office in Warrington, Pennsylvania. Warrington is located in Bucks County and is about thirty miles from New
Hanover Township. Stephen Harris is lead counsel for Gibraltar Rock regarding the quarry application in New Hanover Township. He is a partner for the Law Office of Harris and Harris, and he grew up in Bucks County and attended Central Bucks High. He then attended Lehigh University where in 1964 he received his BA in 1964 and his BS in 1965. He received his law degree from Harvard law school in 1968. After law school he worked for three years in the Bucks County District Attorney’s Office. In 1971, he went into private practice where he remains today. He specializes in land use, small business matters, real estate, municipal matters and environmental work.

Mr. Harris has been involved in the quarry case since it began in 2001. Despite the fact that this case has been dragging for over four years he remains very optimistic. He feels his case was going very well and that he would eventually prevail either through the zoning board or through the courts. He feels that the township zoning ordinances in 2001 did not provide for quarrying. He claims according to Pennsylvania law it is illegal for a municipality to block a legitimate means of business

every municipality must provide for every legitimate business...and quarries have been determined by the courts be a legitimate business…so that a municipality cannot ban or prevent quarries as a business…if they do, a property owner, such as Gibraltar Rock can file what’s called a substantive challenge.\textsuperscript{12}

He says the state of Pennsylvania requires every municipality must allow areas in their jurisdiction to be used for mineral extraction, and New Hanover Township is violating that standard and that is why he issued the substantive challenge. He argued that New Hanover violated that standard because the area they zoned for mineral extraction was not geologically suitable for mineral extraction. A substantive challenge puts into question the validity of the zoning laws. Mr. Harris has worked on two other cases in
quarries and he feels the New Hanover Quarry is similar to those. When he worked on the two other quarries there was also opposition from citizens groups and local citizens. Both quarries he worked on were in Pennsylvania and in both cases he prevailed. After years of litigations and opposition both quarries are now currently operating.

He feels the zoning board in New Hanover is doing what one would expect when any large scale operation such as a quarry enters a community. He feels the government is blindly opposing the project because they basically assume the worst. He feels the township will turn his client down and he will eventually have to settle the matter in court. Gibraltar Rock will seek judicial intervention if his client is turned down; they will try to show that New Hanover Township has illegal zoning standards. He points out that when the quarries he opposed opened that the local people were surprised when the quarry did not turn out to be such a major problem. Tax revenue and the location of the quarry are reasons that Mr. Harris feels that the quarry could be beneficial to the community.

Mr. Harris described the quarry site as a local undesirable land use and he feels that is why the Ban the Quarry group was organized. Everyone wants the resources that these undesirable land uses provide but nobody wants them in their backyard.

**Government Responses**

Sometime in the near future the New Hanover Zoning Board will make its decision to approve or reject Gibraltar Rock’s bid to open a rock quarry. While I was not able to contact the members of the board I was able to collect directly and indirectly comments from some government officials regarding the proposed quarry. I was able to gather comments about the quarry from Montgomery County Commissioner Jim
Matthews, State Representative Raymond Bunt and members of the Environmental Advisory Board of New Hanover Township.

Jim Matthews (R) is a Commissioner for Montgomery County; he is the brother of “Hardball” host Christ Matthews. He is an acquaintance of my father’s and he was eager to help me with my project. I tried to do a telephone interview with him about the quarry but the results were not at all what I had expected. I was shocked to learn that he had never heard of the proposed quarry. Two main factors probably caused him to have never heard of the quarry. The first reason is that the quarry is a local New Hanover matter that is before the local zoning board. The second reason is the politics of Montgomery County. The county seat where Jim Matthews works is in Norristown. Norristown is near the southern most portion of the county while New Hanover is up towards the northern end of the county. The Pottstown Mercury has written the most stories about the quarry and their circulation is focused on northern Montgomery County and the surrounding communities. The local paper in Norristown is The Times Herald and they have not written at all about the quarry. I feel that if a quarry was being proposed in or directly around Norristown that the Commissioner would have a considerably larger role to play in the matter.

On appendix A is a copy of a letter by Representative Raymond Bunt (R) regarding the Gibraltar Rock quarry. Raymond Bunt has been serving the 147th District since 1982. New Hanover is one of the several communities that make up Bunt’s constituency. Bunt acknowledges his constituency’s concerns but it is clear from this letter that this is a matter that he does not want to be involved in. He wants to leave this divisive issue in the hands of others so the potential unwanted results may not be blamed
on him. One part of his letter has already come true in recent days. The Department of Environment Protection has granted Gibraltar Rock a permit to mine. It is unclear if the actions of the DEP will cause Bunt to get involved on behalf of his voters. I also attempted to contact him via email but was unable to get a response.

The second government response I was able to gather came from the Environmental Advisory Board of New Hanover Township. The board which was established in 1999 serves as a consultant for local government issues that may have an environmental impact.

The mission of the EAB (Environmental Advisory Board) is to identify various environmental concerns impacting New Hanover Township, which include, but are not limited to water, air, land, noise and light pollution. Based on community needs and input, the EAB evaluates waste disposal and recycling programs, promotes the preservation of natural resources and educates the community regarding environmental matters. We also review all development plans and provide input to the Board of Supervisors regarding potential negative environmental impacts.13

The Environmental Advisory board researched the quarry and the side effects and in November of 2002 issued a report. The report was for the New Hanover Board of Supervisors. The report was a one-sided attack against the proposed quarry. The report echoed many of the same concerns that Paradise Watchdogs had about the quarry. The report had concerns about the threat caused by fly rock and the medical conditions associated with large amounts of dust being generated. The report also stressed the threat posed to the environment by the diesel trucks that would be used to run the quarry operation. The report is particularly worried about the effects the quarry will have on the water supply. They are concerned the quarry will greatly diminish the aquifers, “The water supply contained in the trap rock formation (which underlies both the proposed quarry site and the surrounding home sites) will be severely stressed. Trap rock is known
for its inability to provide a steady source of water and as such, having the available water used for quarry operations is not without issue.”\textsuperscript{14} The report that the Environmental Advisory Board issued, recommended not allowing the quarry to open, “the potential liabilities derived from the pollutants, flyrock, traffic issues, adverse effects on water supply as well as the noise and light created from the operation of the quarry, far outweigh any benefits that might arise from the operation of the quarry to township residents.”\textsuperscript{15}

**Democratic Perspectives**

Participatory and protective are two contrasting theories of democracy that will have vastly different conclusions about the viability of democracy in New Hanover. Both of these theories are basically self-evident but some explanation is required. Participatory democracy is an idea of democracy that seeks to extend far beyond the ballot box. Participatory theorists would argue that for a democracy to be most successful there needs to be a broadening of democracy, “many proponents of participatory democracy want to bring the lessons of an expanded idea of political activity to what has conventionally been nonpolitical area of social life, such as the workplace, bureaucracies, the home and schools.”\textsuperscript{16} Proponents of such a model would argue that voting is simply not enough. Because if they simply vote the only input they have is approving or not approving. They would argue that approval is not democratic enough because it does not require their input in crafting the issues that are to be voted down or approved.

Participatory theorists like John Dewey would see the New Hanover case as a good attempt at involving participation into the democratic process. They would be glad to see groups like Paradise Watchdogs being involved and staying involved for years
since the issue has progressed. At one of the meetings I discussed the case with some people and off the record they told me of their concerns. These people were not experts on geology or politics; they were simply people concerned with the issues affecting their community. John Dewey wrote about the potential of just such people, “It is not necessary that the many should have the knowledge and skill to carry on the needed investigations; what is required is that they have the ability to judge of the bearing of the knowledge supplied by others upon common concerns.”17 They were not experts but through their participation they had gained knowledge on the issues regarding the quarry. The citizens had gained aptitude on quarrying that I could not begin to understand. Through active participation their voice was being heard. Story after story had been written in the local papers about the quarry because of people like them. If the quarry was proposed and the citizens had no problem with it then there would have been no story to report. These people are proof that the average citizen, regardless of their expertise can have a real impact on public policy making.

The second very different theory of democracy relevant to New Hanover is protective democracy. Protective democracy is a democracy where the power of the government is extremely limited. Protective theorists rely on the notion that increased government leads to decreased liberties and freedom. They would argue that the very programs created to ensure freedom and equality such as business regulation and social security has actually led to a less free society. Milton Friedman who was a protective theorist once wrote, “Every act of government intervention limits the area of individual freedom directly and threatens the preservation of freedom directly.”18 Protective theorists would see the New Hanover case as a case where property rights are being
restricted. Property rights are a liberty that should be protected to the same extent as other liberties. The majority or perceived majority in New Hanover is restricting the rights of Gibraltar Rock to own and operate their land how they see fit and this would be an unwelcome intrusion for protective theorists.

**Conclusion**

There are no easy answers regarding the proposed quarry in New Hanover. On one side there is a group of citizens and a community that seemingly want no part of the proposed quarry. And on the other side is a legitimate business that seeks to use their land that they purchased to operate a quarry. Participatory and protective theorists provide different conclusions onto which course of action should be taken. Participatory would at the very least seek to gain input of the citizens through participation. Protective theorists would see any government intervention to halt the quarry as a threat to liberty. Paradise Watchdogs feels the quarry is a threat to the community while their counterparts over at Silvi feel that the quarry can be a safe operation with little effect on the public. The conclusion comes down to which side one believes. If you feel the quarry can be safe than you should be for it. If you feel the quarry is a threat than be against it. I have no position on whether the quarry should be allowed to operate. But I do feel the viability of democracy in New Hanover has been proven by the varying interests involved.
Appendix-a

June 17, 2001

Re: Quarry application before New Hanover Township

Dear [Name],

Recently, I was forwarded a concerned citizen a petition to which you signed expressing opposition to the application by Gibraltar Rock, Inc., for permission to establish a quarry operation within New Hanover Township. My purpose in this letter is twofold. First I want to acknowledge your petition correspondence and secondly, I want to explain my role, at present, as to this pending zoning application.

In regards to the first item, I thank you for letting me know of your position and concern on this important matter. It is very important in any community for the citizens to express their desires as to important quality of living issues that will have either a direct or indirect effect on their lives. I encourage you to continue your engagement with this zoning application.

As to the second part of my purpose in responding, explaining my role at present on this application by Gibraltar Rock, Inc., it is as follows: Presently there is an application for zoning approval before the New Hanover Township Zoning Hearing Board by Gibraltar Rock. The New Hanover Township Zoning Hearing Board is the only governing body at present that has any decision-making powers on this matter. Should the application be approved then Gibraltar Rock, Inc., will have to make formal application for permits from the PA Department of Environmental Protection (DEP). If the application gets this far, then I, as your State Representative, may become involved on your behalf with the officials in Harrisburg.

I am closely monitoring this important matter. I am a strong advocate in farm and open space preservation and for maintaining our communities as ideal, comfortable places for raising families.

I appreciate knowing the views and feelings of my fellow constituents and remind you to feel free to keep me informed on this application. I will in turn do my utmost to keep you informed as well when new developments occur on this application.

I thank you,

Sincerely,

[Signature]

Representative Raymond Bunt, Jr.
Member, 147th District,
Montgomery County

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Works Cited


5. Jerry End. “Legal costs crush quarry opponents.”


7. Jerry End. “Legal costs crush quarry opponents.”


12. Personal Interview with Stephen Harris on March 11, 2005


17. Tercheck 170

18. Tercheck 118