

# DISRUPTING THE ADMINISTRATIVE ELITE



## DOWNTOWN MARKETING & DEVELOPMENT By Barry Cassidy

In my last few columns, I have discussed how things work in government. In my August column, I discussed how the administrative elites can make problems disappear through interpretation. In September, in my interview with Phoenixville philanthropist Manny DeMutis, I discussed how environmental issues impacting local beaver habitats in the revitalization of Phoenixville impacted potential development.

I work for Manny and have been instructed to do "good works." The Phoenixville train project was an assignment that met with staff resistance locally, but after an alliance with Reading, everyone got behind the Mayor's Taskforce, and the project moved forward.

I asked to be assigned to fix the flooding in Downingtown, and Manny agreed it was an excellent project to help save affordable housing and the environment. After a brief inventory of the facts, I reported that there may be some collateral

damage. He listened, thought about it, and said, "So be it."

In examining the flood issue in Downingtown, I was drawn to the removal of the 1751 A. Samuel Bicking dam. I will not be technical here, but when a dam has been there since 1751, it is safe to say there will be affects to the stream flow when removed. I thought about potential impacts, and instincts called me from afar and said, "Barry, the devil is in the details here. Examine the process."

I examined the process, and people appeared to be going through the motions. That is when I reported back to Manny about collateral damage. I decided to take a path less followed; I chose to work within the system's process by examining documents within the confines of the process.

I was surprised to find no issue with the dam's historical significance. Built in 1751, it was the cornerstone of economic development for the town, then called Milltown. The area was heavily promoted as a recreation area, with the legendary "rope swing" featured as a place where childhood memories are made.

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I checked everything on Dam Removal, and Pennsylvania leads the free world in dam breaches with over 250, whereas the rest of many states struggle to breach 50. This has almost become rote. Someone has found the key to large-scale dam removals. I could see that they were prolific in their achievements.

I started to examine the process of being a prolific dam breacher. I found some classifications and forms that needed to be filled out to accomplish a dam breach. I made a right-to-know request to several agencies to garner multiple copies of these forms and classifications. The exciting part is that various agencies had some information that others did not, and I ascertained a clear picture of the events in this process.

I looked at the environmental testing when the dam was breached. This was a tight-budget operation, and things got narrowed down with specific scopes that were adhered to, while the general report narrative seemed unchanged from 2011 until the breaching.

The annual dam reports found that although the dam was not in danger of collapsing, a \$31,000 cost was associated with repairing a wall and beginning to

scour the stream bank. But alas, the dam became "dangerous" because of the threat of "hydraulic backwash," which, in a nutshell, means if you are kayaking down the Brandywine in a high water storm, you may lose some stability when the kayak goes over the dam. An area 100 feet downstream of the dam exists where the current would or could be dangerous. I say storm because, typically, the water is ankle-deep 100 feet downstream.

It continues, and all the official documentation has been completed. I had Penn DOT at a few locations where I thought we experienced potential PCB release because the dam fed PCBs into Kardon Park. The Park was my brownfield project when we sought to relocate Jefferson Bank to the Kardon parcel. At the time of the breach, it was an active brownfield.

I have said to a state agency that I believe PCBs were dumped in the Brandywine and provided documentation. I am trying to be a team player and seeking administrative relief. I have said it publicly... not getting too much feedback, but I have been assured the issue is being investigated. There are other priorities, which I certainly understand.

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So, I decided while other priorities were being addressed, I would do my second round of right-to-know requests. I figured, why not... I am just some guy asking some pointed questions... let me continue defining the completeness of the process. After seven days, I got a PADEP request to extend the period of my response an additional thirty days, which I viewed as progress. I listed the two specific documents I wanted and told them when I asked before they were not in the file when I did a file review. They responded by asking if I wanted to withdraw my request, and I told them no

because the documents may have been misfiled, and I don't know. I said that if the documents did not exist, I wanted them to tell me they "do not exist."

I remember my experience with the beaver dams being breached in Phoenixville. People were screaming for my head. I had spent time down there looking for beavers, trying to address the issue for our approvals. This is a case of permission being given already so that it may be a minor priority to some.

A stark difference between my interaction with the lack of beavers in Phoenixville and this process of examination is that the documents are the documents, whether they are part of the process or not, and the record has already been determined.

To complicate matters further, this dam breach is part of the mitigation for wetlands destroyed on the Route 322-widening project. Mitigation action was awarded through U.S. Fish and Wildlife, which ironically reported the PCB contamination in the early 1990s.

The federal contract contains provisions guaranteeing the integrity of the process.

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