

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

BUCKS COUNTY WATER AND :  
SEWER AUTHORITY :  
Plaintiff, :  
: No. 2005-5361-29-5  
v. :  
: :  
PLUMSTEAD TOWNSHIP :  
Defendant, :

PETITION TO ALLOW AMENDMENT TO AND JOINDER IN  
PETITION TO INTERVENE

Petitioner, Thomas Alvare, and the below listed persons move to add additional interveners to the Petition, and amend the Petition accordingly, and they and he aver in support thereof the following:

1. Petitioner Alvare filed a Petition to Intervene on or about July 13, 2007. The averments of the Petition to Intervene are incorporated herein as if fully set forth.

2. Since that time additional parties have asserted their interest in intervening on grounds similar to that of petitioner. Rather than create a proliferation of additional petitions, and in order to expedite the proceedings, petitioner seeks to amend his pending Petition to add those additional proposed intervenors.

3. Proposed intervenor, Helen Mitchell, is a resident and citizen of Plumstead, having an address at 4979 Gayman Road, and would be affected by the proposed settlement in ways similar to

petitioner Alvare. Specifically, the proposed settlement redistrict the sewer district such that her property and well abut the proposed sewer system and her well is at a depth of 600 feet. Her well, only three years old, additionally needed to be fractured just to obtain sufficient minimum output. It produces limited water even prior to the proposed exporting through the proposed settlement. No notice of the redistricting was given to any of the effected neighbors.

4. Save Plumstead is a Pennsylvania nonprofit corporation which has been formed since announcement of the proposed settlement in order to present the interests of the neighbors. Petitioner Save Plumstead seeks to intervene on behalf of its members who are landowners having properties, and associated wells, in proximity to the areas in which water will be exported pursuant to this stipulation.

5. Petitioner, Housely Carr, is a property owner at 5550 Twin Silo Rd, and has a well which is at risk. He is also a party to a contract entered into between inter alia, Plumstead Township and himself, by which it was agreed that Toll Brothers would sewer the McGinnis Farm Development through onsite sewage, so as to minimize water loss. A copy of the relevant portion of his contract is attached hereto as Exhibit A. The proposed Agreement would directly violate and contradict the agreement which Plumstead Township and he entered into.

6. The above joinders are timely in that they directly follow the decision of the Supervisors as of July 17, 2007, to substantially adopt the proposed Settlement Agreement, a copy of which agreement is attached hereto as Exhibit B.

7. Plumstead Township has declined and refused to represent the interest of petitioners. Petitioner, Carr, who has served as a Supervisor in Plumstead Township since 2004, voted against approving the settlement in his capacity as the Township Supervisor, and is not and has not been represented by the Board of Supervisors.

8. Accordingly, Petitioner respectfully requests that the Court amend his Petition to add the additional interveners, and that they, jointly, and severally, be permitted to intervene herein.

9. In the alternative, if the Court does not allow amendment of the Petition, proposed intervenors respectfully request that the Motion be treated as a separate Petition to Intervene and the attached rule to show cause be issued.

WHEREFORE, Petitioners pray that Alvare be permitted to amend his Petition to add the additional interveners, and that they, jointly, and severally, be permitted to intervene herein.

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