

IN THE BUCKS COUNTY COURT OF COMMON PLEAS

BUCKS COUNTY WATER AND :
SEWER AUTHORITY :
 :
VS. : NO. 2005-5361-29-5
 :
PLUMSTEAD TOWNSHIP :

PETITION TO INTERVENE OF THOMAS ALVERE

Petitioner Thomas Alvere hereby petitions to intervene in the within matter, and in support thereof, avers as follows:

1. In this suit, plaintiff Bucks County Water and Sewer Authority (BCWSA) seeks to establish a right to provide sewers throughout Plumstead Township, which will by their nature deplete the ground water throughout the Township, if plaintiff is successful.

2. Defendant Plumstead Township has resisted the suit, but has recently indicated a willingness to settle the suit on terms which are unknown to proposed intervenor, but which will allow BCWSA to expand its service within the Township, and establish new interceptors which will deplete the groundwater within the Township. This will also have the potential for further encroachment, due to economics, momentum and other factors not necessarily in the control of Plumstead Township or its future officials.

3. Intervention is proper in this action pursuant to

Pa.R.Civ.P. Rule 2327 ("a person not a party ... shall be permitted to intervene ... if ... the determination of such action may affect any legally enforceable interest of such person ... " [*emphasis added*]).

4. Petitioner is a resident and property owner in Plumstead Township who depends on the groundwater for his individual well, and will suffer irreparable harm if groundwater is exported, and there is consequent depletion of the underlying aquifers.

5. The groundwater under and in Plumstead Township is extremely limited due to the dominance of impervious rock and other surface materials, which cause an extremely high proportion of the precipitation to run off, rather than replenish and maintain the groundwater.

6. As a result, petitioner and others in the township have been forced to drill their wells far below the surface, and to utilize groundwater as deep as five or six hundred feet below the surface, and even then, obtain only very limited supplies.

7. A recent study of groundwater characteristics performed by the U.S. Geological Survey, which included Plumstead Township, characterized the groundwater supplies in the area as extremely limited and fragile.

8. Petitioners critical access to water will therefore be severely imperiled and substantially affected by the proposed settlement.

9. Petitioners rights will not be protected by Plumstead Township. The majority of the supervisors have publicly stated

their willingness to agree to new service and expanded service despite these risks, and has refused to defer any discussions, pending groundwater studies more specifically oriented toward Plumstead Township, while at the same time stating that such studies would be conducted.

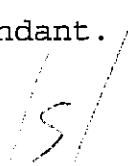
10. Despite their recognition of the need for such studies, the majority have, for reasons unknown to petitioner, asserted their intention to proceed with settlement without the information which they state is material.

11. Due to the present indications by the majority of the supervisors, it is clear that petitioner's interest in not being adequately represented, and will not be adequately represented, by the existing parties to the litigation.

12. Should the Township, through the majority of its supervisors, agree to the present proposal, it will injure petitioner directly and indirectly, in his property and other interests.

13. If permitted to intervene, petitioner will act to oppose the Complaint and relief sought by the plaintiff BCSWA. Petitioner will adopt the pleading of the defendant with the exception that petitioner will add affirmative defenses asserting that the present board is not bound by the action of its predecessors, and that the suit is barred by laches and/or the statute of limitations.

WHEREFORE, petitioner prays that the Court Order that he may be permitted to intervene as a party defendant.



ROBERT J. SUGARMAN
Attorney I.D. #03332
Counsel for Petitioner

OF COUNSEL:

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DATED: July 12, 2007

IN THE BUCKS COUNTY COURT OF COMMON PLEAS

BUCKS COUNTY WATER AND :
SEWER AUTHORITY :
 :
VS. : NO. 2005-5361-29-5
 :
PLUMSTEAD TOWNSHIP :

ANSWER

Intervening defendant, Thomas Alvere, adopts the answer of defendant Plumstead Township.

NEW MATTER

Intervening defendant avers the following as new matter:

1. The present board is not bound by the action of its predecessor.
2. The suit is barred by the doctrine of latches.
3. The suit is barred by the statute of limitations.

ROBERT J. SUGARMAN
Attorney I.D. #03332
Counsel for Thomas Alvere

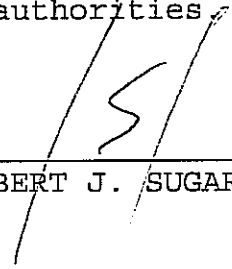
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DATED: July 12, 2007

VERIFICATION

I, Robert J. Sugarman, state that I am the attorney for petitioner in the foregoing matter. The petitioner is out of the Country and, therefore, unavailable to execute a verification. I am authorized to make this verification on their behalf in the foregoing Petition to Intervene and I verify that the statements made in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that any false statements made are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



ROBERT J. SUGARMAN

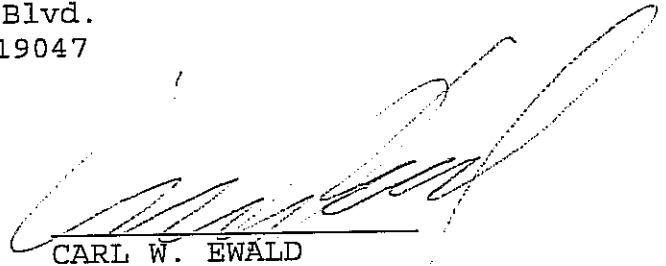
DATED: July 12, 2007

CERTIFICATE OF SERVICE

I, Carl Ewald, certify that I have delivered a copy of the foregoing Petition to Intervene to the following counsel by first class mail on this date:

John B. Rice, Esquire
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CARL W. EWALD

Dated: July 12, 2007

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, :

ORDER - RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2007, upon consideration of the foregoing Petition, it is hereby ordered that:

(1) A Rule is issued upon the respondents to show cause why the petitioners are not entitled to the relief requested;

(2) The respondents shall file an answer to the Petition within twenty days of service upon respondent;

(3) The petition shall be decided under Pa.R.C.P. No. 206.7;

(4) Depositions shall be completed within _____ days of this date;

(5) Argument shall be held on _____, _____ in Courtroom _____ of the Bucks County Courthouse; and

(6) Notice of the entry of this order shall be provided to all parties by the petitioners.

BY THE COURT:

J.

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, :

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of the Petition of Thomas Alvere to Intervene and any response thereto, it is hereby ordered that the Petition is GRANTED and Thomas Alvere is permitted to intervene.

BY THE COURT:

J.