



MIDDLETOWN COALITION FOR COMMUNITY SAFETY

For Immediate Release

Middletown Coalition for Community Safety

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“Middletown Six” Seek Enforcement of Township Zoning Code Appeal Filed of County Court Ruling on Sunoco’s Proposed Hazardous, Highly Volatile Liquids Pipelines

Too Close to Dwelling Units, Claim Residents

MIDDLETOWN TOWNSHIP, Pennsylvania, July 19, 2017—The six plaintiffs who filed a complaint against Sunoco Pipeline for violation of Middletown Township’s pipeline setback requirements have now filed an appeal to the Pennsylvania Commonwealth Court. The appeal follows an Order issued by Delaware County Court Judge Charles Burr on June 26, which partly sustained Sunoco’s objections to the lawsuit and dismissed the complaint.

While Judge Burr has not yet written an opinion, he indicated that the plaintiffs had standing to bring the complaint. Attorney for the plaintiffs, Michael Bomstein, said “The Court accepted Sunoco’s contention that the suit was barred primarily because of a Commonwealth Court decision that was handed down last year. We believe our complaint has merits, and look forward to presenting those in Commonwealth Court.”

The plaintiffs, known as the “Middletown Six,” contend that municipalities have the right to create zoning and land use ordinances that protect their residents by making sure that hazardous liquids pipelines are placed a sufficient distance away from their homes. That issue was not raised or decided in the case cited by Judge Burr. Moreover, a recent landmark case decided by the Supreme Court of Pennsylvania known as *Robinson IV* affirmed the right of townships like Middletown to adopt municipal ordinances in the interest of the health, safety and welfare of their residents. Because Middletown Township has elected not to uphold its own ordinances, the Middletown Six are seeking to do so.

The Middletown Six are represented by Michael Bomstein of firm Pinnola & Bomstein. The defendant, Sunoco Pipeline, is represented by attorneys from the firm Duane Morris and by Edward Lawlor, Jr. and Andrew Reilly of Swartz Campbell.