

FIRST AMENDMENT TO SEWER CAPACITY AGREEMENT

THIS FIRST AMENDMENT TO SEWER CAPACITY AGREEMENT (the “Amendment”) is made this ___ day of _____ 2018, by and between the BOROUGH OF WEST CHESTER, 401 East Gay Street, West Chester, Pennsylvania 19380 (the “Borough”) and the TOWNSHIP OF EAST BRADFORD, 666 Copeland School Road, West Chester, Pennsylvania 19380 (the “Township”) (collectively, the “Parties”).

WITNESSETH:

The Parties first entered into that certain Sewer Capacity Agreement dated November 14th, 2017 (the “Sewer Capacity Agreement”) wherein the Borough granted the Township the right to discharge Sewage Waste into the Borough’s Sewage Collection System for transportation to the Treatment Plant for treatment.

The Parties hereto desire to amend the Sewer Capacity Agreement as set forth below.

NOW THEREFORE, the Parties hereto, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and intending to be legally bound hereby, agree as follows:

1. Capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to such terms in the Sewer Capacity Agreement.
2. Section 8.02(A) shall be revised as follows to reflect increased rates:

“8.02. Charges for the Total Cost of Operating and Maintaining.

A. For residential uses, the Borough shall charge the Township for the transportation, conveyance and treatment of Sanitary Sewage at the Treatment Plant, at the following rates:

(1) Single Detached Dwelling Units and Multi-family Dwelling Units containing 4 or more bedrooms: One Hundred Sixty-Six dollars and Forty-seven cents (\$166.47) quarterly.

(2) Multi-family Dwelling Units containing 3 or less bedrooms (each unit in four family dwelling units, townhouse units, condominium units and each apartment unit) One Hundred Twenty dollars and Sixty cents (\$120.60) quarterly.

The above-referenced rates are those in effect for 2017 but may be increased from time to time by the Borough after 30 calendar days’ notice to the Township provided that the percentage rate of increase shall not exceed the rate of increase charged by the Borough to its customers in the Borough.”

3. All other terms and conditions of the Sewer Capacity Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and date above written.

BOROUGH OF WEST CHESTER:

By: _____
Diane C. Lebold, President

EAST BRADFORD TOWNSHIP:

By: _____
Vincent M. Pompo, Esquire, Chairman