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Lehigh County Authority

1053 Spruce Road * PO Box 3348 * Allentown, PA 18106-0348
(610)398-2503 * FAX (610)398-8413

LETTER OF TRANSMITTAL

Date: 4 June 2003

To: Dan DeLong
Borough Manager
Upper Milford Township
5831 Kings Highway South
PO Box 210
Old Zionsville, PA 18068-0210

Subject: Wastewater Capacity Agreements

<u>No. of Copies</u>	<u>Date</u>	<u>Description</u>
1ea.	1/28/99	Addendum No. 4 to the 2/10/81 Relief Interceptor Agreement
1ea.	8/2/00	Addendum No. 3 to the Wastewater Treatment Capacity Agreement

<u> X </u>	As Requested	<u> </u>	Approved
<u> </u>	For Your Information	<u> </u>	Approved As Noted
<u> </u>	For Your Comments	<u> </u>	Revise And Resubmit
<u> </u>	For Action By You	<u> X </u>	For Your Files

As per our discussion, it appears that Upper Milford Township has a average allocation limit of 225,000 GPD, with allocation necessary for municipal projects providing service to development which existed as of 5 August 1987, not being counted against the Upper Milford allocation limit. I will confirm my interpretation with others at LCA.

I will be contacting you in a few weeks to discuss the 7th Pike sewer extension.

If you have any questions or require additional information, call me at (610) 398-2503.

Sincerely,

Frank Leist
Capital Works Manager

ADDENDUM NO. 4
TO THE 10 FEBRUARY 1981 RELIEF INTERCEPTOR AGREEMENT

THIS ADDENDUM, dated for convenience as of 28 January, 1999, by and among the TOWNSHIPS OF LOWER MACUNGIE, LOWHILL, SALISBURY, SOUTH WHITEHALL, UPPER MACUNGIE, UPPER MILFORD AND WEISENBERG AND THE BOROUGHS OF ALBURTIS AND MACUNGIE, all Pennsylvania Municipal Subdivisions; UPPER MACUNGIE TOWNSHIP AUTHORITY, SALISBURY TOWNSHIP AUTHORITY, SOUTH WHITEHALL TOWNSHIP AUTHORITY, BOROUGH OF ALBURTIS SEWER AUTHORITY AND BOROUGH OF MACUNGIE SEWER AUTHORITY; all Pennsylvania Municipal Authorities, each created by the appropriate municipal subdivisions above named; and LEHIGH COUNTY AUTHORITY, a Pennsylvania Municipality Authority created by the County of Lehigh, Pennsylvania.

W I T N E S S E T H:

WHEREAS, the above parties entered into an Agreement dated 10 February 1981 (hereinafter referred to as "Agreement") to resolve the problems with capacity limitations on the Allentown/Emmaus Interceptor and the Little Lehigh Interceptors; and

WHEREAS, said Agreement was amended by an amendment dated 10 July 1981 and Addenda dated 4 June 1985, 9 September 1987 and 7 August 1997 (hereinafter referred to as "Addenda"); and

WHEREAS, Lower Macungie Township Authority was a signatory to the above-described Agreement and Addenda, but subsequently had been dissolved; and

WHEREAS, Upper Milford Township has requested that certain amendments be made to Section 5 of the Agreement as relates to the amount of sewage that flows from Upper Milford Township as are set forth in Section 5.

NOW, THEREFORE, the Municipalities, the Municipality Authorities and Lehigh County Authority, in consideration of Agreements, conditions and covenants herein contained, each intending to be legally bound, covenant and agree as follows:

1. The following sentences of Section 5 located on page 29 of the Agreement are amended in their entirety as follows:

As in the Agreement:

"The discharge of Sewage from Upper Milford Township shall be limited to, and shall not be permitted to exceed, an average of 100,000 gpd over an annual period."

As amended:

"The discharge of Sewage from Upper Milford Township shall be limited to that amount as specified in the Post-1985 Allocation Agreement dated August 5, 1987, as now or hereafter amended, which currently specifies that the amount shall not be permitted to exceed an average of 225,000 gpd over an annual period through 1 August 2000, excluding

municipal projects providing service to existing development. It is acknowledged that the excluded existing development is that development which existed as of August 5, 1987, and further, that after August 1, 2000, the limit of discharge does not become unlimited but must be renegotiated between the parties to the Post-1985 Allocation Agreement."

2. In the event any provision contained in this 1999 Addendum shall be determined to be inconsistent with any provision of any other existing Agreement between or among the parties, the provisions of this 1999 Addendum shall be deemed to be controlling to the extent permitted by law, it being the express intent of the parties that the only amendment as contemplated by this 1999 Addendum shall be to the designated sentences of Section 5 of the Agreement dated 10 February 1981.

3. If any provision herein shall be held to be invalid, such invalidity shall not affect any other provision hereof, and the remaining provisions hereof shall be construed and enforced as if such invalid provision had not been contained herein. The laws of the Commonwealth of Pennsylvania shall govern construction hereof.

IN WITNESS WHEREOF, each of the parties, for themselves, their assigns and successors, hereto has caused this 1999 Addenda to be

truly executed and attested by its proper officers, pursuant to proper actions of its governing body, all as of the day and year first above written.

ATTEST:

TOWNSHIP OF LOWER MACUNGIE

Kenneth DePuech
Secretary

(SEAL)

By: Robert E. Lee P.E.
Chairman of Board of Township
Supervisors
Date of Execution - 1/28/99

ATTEST:

TOWNSHIP OF LOWHILL

Lucille C. Hahn
Secretary

(SEAL)

By: Eugene Warner
Chairman of Board of Township
Supervisors
Date of Execution - 2/12/99

ATTEST:

TOWNSHIP OF SALISBURY

Walter W. Walter
Secretary

(SEAL)

By: Francis W. Walter
President of Board of Township
Commissioners
Date of Execution - 2/25/99

ATTEST:

TOWNSHIP OF SALISBURY, AS ASSIGNEE
OF AND SUCCESSOR-IN-INTEREST TO
SALISBURY TOWNSHIP AUTHORITY


Secretary

By: Francis W. Walter
President of Board of Township
Commissioners

(SEAL)

Date of Execution -

ATTEST:

TOWNSHIP OF SOUTH WHITEHALL

Ronald K. MacConnell
Secretary

By: Larry P. Sheral
President of Board of Township
Commissioners

(SEAL)

Date of Execution -

ATTEST:

TOWNSHIP OF UPPER MACUNGIE

Thos C Gow
Secretary

By: Boates & Kuske
Chairman of Board of Township
Supervisors

(SEAL)

Date of Execution -

ATTEST:

TOWNSHIP OF UPPER MILFORD

Lisa J. Greer
Secretary

By: Richard F. Kraus
Chairman of Board of Township
Supervisors

(SEAL)

Date of Execution -

ATTEST:

Donald P. Brimmer
Secretary

(SEAL)

TOWNSHIP OF WEISENBERG

By: Helen C. Herlihy
Chairman of Board of Township
Supervisors

Date of Execution -

ATTEST:

Louise Stahly
Secretary

(SEAL)

BOROUGH OF ALBURTIS

By: St. Julie
President of Council

Date of Execution -

ATTEST:

Carol J. Steffy
Secretary
(SEAL)

BOROUGH OF MACUNGIE

By: Lynda A. Ippolito
President of Council
Date of Execution -

ATTEST:

Charles K. Felton
Secretary
(SEAL)

SOUTH WHITEHALL TOWNSHIP AUTHORITY

By: Daniel H. D'Imperio
Chairman
Date of Execution -

ATTEST:

UPPER MACUNGIE TOWNSHIP AUTHORITY

Boots E. Kline
Secretary
(SEAL)

By: William P. Guin
Chairman
Date of Execution -

ATTEST:

BOROUGH OF ALBURTIS SEWER AUTHORITY

Louise Stalley
Secretary
(SEAL)

By: Harry B. Dickson
Chairman
Date of Execution -

ATTEST:

BOROUGH OF MACUNGIE SEWER AUTHORITY

Janet Steffy
Secretary
(SEAL)

By: Marge Busch
Chairman
Date of Execution -

ATTEST:

LEHIGH COUNTY AUTHORITY

Robert E. Lee
Secretary
(SEAL)

By: Richard H. Bohner
Chairman
Date of Execution -

AMENDMENT NO. 3
to the
4 AUGUST 1987
WASTEWATER TREATMENT CAPACITY ALLOCATION AGREEMENT
(POST-1985 ALLOCATION)

This Amendment No. 3 (the "Amendment"), dated the 5th day of AUG, 2000, among:

LEHIGH COUNTY AUTHORITY, (the "Authority"), a municipal authority located in Lehigh County, Pennsylvania;

and

BOROUGHS of ALBURTIS and MACUNGIE and TOWNSHIPS of LOWER MACUNGIE, LOWHILL, UPPER MACUNGIE, UPPER MILFORD and WEISENBERG, all municipal subdivisions located in Lehigh County, Pennsylvania (referred to collectively as the "Municipalities").

Witnesseth.

WHEREAS, the parties entered into the Wastewater Treatment Allocation Capacity Agreement (Post-1985 Allocation) dated 4 August 1987 (the "Agreement") to provide a procedure for allocating the additional wastewater treatment capacity acquired in the City of Allentown (the "City") wastewater treatment facility through the 1 August 1986 Agreement with the City; and

WHEREAS, the Agreement has been revised by amendments dated 1 February 1988 and 17 April 1991; and

WHEREAS, the Agreement has been referenced by Addendum No. 4 dated 28 January 1999 to the Relief Interceptor Agreement dated 10 February 1981; and

WHEREAS, certain parameters for purchase and allocation of treatment capacity were established in §2.04 of the Agreement, including an allocation limit for connections in Upper Milford Township ("Upper Milford"); and

WHEREAS, the allocation limit for Upper Milford ends 1 August 2000; and

WHEREAS, the parties wish to define what the allocation limits shall be for connections in Upper Milford after 1 August 2000.

NOW THEREFORE, the parties hereto intending to be legally bound hereby represent, covenant and agree as follows:

1. The language of the tenth paragraph of §2.04 presently reads:

Upper Milford Township shall be subject to an allocation limit of 225,000 gpd which limit will continue to 1 August 2000. Allocations necessary for municipal projects providing service to existing development shall not be counted against the Upper Milford allocation limit. At the option of Upper Milford, discussions shall be initiated regarding revising the allocation limit; such option may be exercised only between 1 January and 30 June 1995.

This paragraph shall be amended, as of 1 August 2000, to read:

Upper Milford Township shall be subject to an allocation limit of 225,000 gpd which limit shall continue to 1 August 2010. Allocations necessary for municipal projects providing service to development which existed as of 5 August 1987, shall not be counted against the Upper Milford Township allocation limit. At the option of Upper Milford Township, discussions shall be initiated regarding revising the allocation limit at any time prior to 1 August 2010. It is acknowledged that after 1 August 2010, the limit of discharge does not become unlimited but must be renegotiated between the parties to the Post-1985 Allocation Agreement.

2. Unless changed by the terms of this Amendment, all other provisions of the Agreement shall remain in full force and effect as though stated herein.

3. This Amendment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

4. This Amendment sets forth in full the terms of our understanding, and such Amendment, previous amendments and the Agreement shall not in any way be modified, amended or amplified other than by mutual agreement in writing, executed by both parties hereto.

5. If any provisions of this Amendment, previous amendments and/or the Agreement are held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

IN WITNESS WHEREOF, the parties each have caused this Amendment to be duly executed and attested by its proper officers, pursuant to proper action of its governing body, all as of the day and year first above written.

Attest:

By: Bradford E. Landon
Bradford E. Landon, Solicitor

LEHIGH COUNTY AUTHORITY

By: Aurel M. Arndt
Aurel M. Arndt, General Manager

Attest:

By: Juan Juarez
Name: JUAN JUAREZ
Title: ACTING BOROUGH SECRETARY

BOROUGH OF ALBURTIS

By: Steven Hill
Name: Steven Hill
Title: Council Pres.

Attest:

By: Michael J. Seislova
Name: Michael J. Seislova
Title: Borough Manager

BOROUGH OF MACUNGIE

By: Lynda A. Jypilite
Name:
Title:

Attest:

By: Lavona M. Baatz CGS CMC
Name: LAVONA M. BAATZ
Title: Assistant Twp Sec.

TOWNSHIP OF LOWER MACUNGIE

By: Robert E Lee
Name:
Title:

Attest:

By: Lucille C. Hahn
Name:
Title: Sec / Treas

TOWNSHIP OF LOWHILL

By: Eugene Wimmer
Name:
Title: Chairman, B.O.S.

Attest:

By: Thos C Go
Name:
Title: SEC / TREAS

TOWNSHIP OF UPPER MACUNGIE

By: Porter Krieger
Name: PORTER KRIGER
Title: CHAIRMAN B.O.S.

Attest:

By: Linden L Miller
Name: LINDEN L MILLER
Title: TOWNSHIP MANAGER

TOWNSHIP OF UPPER MILFORD

By: Kathy Huest
Name: KATHY HUEST
Title: SUPERVISOR, UPPER MILFORD

Attest:

By: Donald P. Breininger
Name: Donald P. Breininger
Title: Sec. - Treas.

TOWNSHIP OF WEISENBERG

By: Robert E. Milot
Name: ROBERT E. MILOT
Title: CHAIRMAN B.O.S.