HB 139 PN 104, formerly reported last session as HB 509, entitled the “Permit Administration Act”, would require DEP to handle the administration of permits including renewals and modifications for applicants including a municipal authority in a more timely and transparent manner. The act would require a tracking system of applications. It would require notice of incomplete applications within 10 days of receipt and notice of technically deficient applications within 20 days of completeness. It would require notice to permit holders of changes to permit regulatory requirements, expiration and changes to fees. It would require third party reviewers to review applications that DEP cannot get to. The proposal passed the former House, and was pending before the Senate Intergovernmental Operations Committee when the last session closed.

Courts – Nothing to report.

Financial - Nothing to report.

Lower, Upper and West Pottsgrove Townships

Pottsgrove Hunt (formerly Kummerer) - Upper Pottsgrove Township approved the Agreement to Purchase Capacity (a total of 145 EDUs) to provide capacity for the Kummerer development in Upper Pottsgrove Township at its meeting of September 21st. The Township in October requested an extension of time to make the payment of $248,820, at the request of the developer. The Authority approved an extension to December 18, 2020 at its meeting of October 20, 2020. On December 1, 2020, I received an oral request from Gabe Clarke of Catalyst Commercial Development, who introduced Catalyst as the new purchaser of the development, and seeking a further extension until sometime in the first quarter of 2021 closer to when they will close on the property. We agreed that the request should come from the Township with whom we have the agreement, and he was going to follow up with Chuck Garner. Based upon a request from Township Solicitor Garner, the Authority granted an extension to March 31, 2021 at its December meeting. On January 12, 2021, Eric Wert, counsel for Catalyst, contacted me to report that they are now preparing the developer agreements for the project to be now known as Pottsgrove Hunt.

Sale of System to PAWC - Upper Pottsgrove Township accepted the proposal of Pennsylvania American Water Company to purchase its sanitary sewer system. The sale is contingent on the Township and PAWC negotiating an asset purchase agreement, and the approval of the sale by the Pennsylvania Public Utility Commission. At the request by Upper Pottsgrove, we held an initial Zoom meeting with representatives of the Township, PAWC and the Authority, and raised initial concerns on behalf of the Authority and Borough including Service Agreement issues,
municipally-oriented issues and the outstanding Siphon Project costs. Additional information has been shared among the parties on these issues. Subsequent to the meeting, the Township and PAWC have agreed to initially escrow the amount of $8,000 ($4,000 from each) to cover Borough and Authority expenses to address issues involving the sale. At my request, a conference with PAWC and Upper Pottsgrove representatives was held on October 14th, which I reported at the October Authority meeting. We received correspondence from Township Solicitor Chuck Garner dated November 20, 2020 (copy attached) enclosing a check in the amount of $25,350.05 representing amounts owed for reimbursement of Siphon Project costs for sewer connections since 2017. The letter stated that prior reimbursements were incorrect as the Authority was entitled to only a 68.2% portion of the reimbursement since the developer had also contributed to the Siphon Project and the Township was giving itself a credit for the alleged overpayment of prior reimbursements. In response, on January 6, 2021, I sent the attached email to the Solicitor requesting additional information regarding the Township’s position that the reimbursement is to be shared with the developer. On December 11, 2020, we received correspondence from the Solicitor (copy attached) responding to concerns raised as to how municipal obligations under the Service Agreement were to be handled by PAWC following closing. On January 11, 2021, we held a Go To Meeting with various legal counsel for PAWC and the Township. During that conference, Solicitor Garner indicated that he was assembling information in response to my email of January 6, 2021. He also made clear that the Township did not intend to reimburse the Authority for the costs incurred for the Siphon Project following Closing since they would no longer be capable of charging a tapping. In response, I made clear that the Authority expected payment in full. Counsel for the PAWC and outside transaction counsel for the Township requested a statement of the total amount owed. Following the call, I emailed the statement prepared by the Authority Bookkeeper of amounts owed to all counsel. Counsel for PAWC proposed that a second agreement involving the Township to be called a Support Agreement would be proposed to deal with the issues under the Service Agreement that only a municipality can do, post-closing.

General Contracting – Nothing to report.

Sewer Treatment Plant – The First Amendment to Gyphon Environmental LLC contract as approved by the Authority at its December meeting was provided to Lower Pottsgrove via an email dated December 16, 2020 (copy attached). Counsel for Lower Pottsgrove sent a letter dated January 6, 2021, further disputing the First Amendment, and requesting a meeting with the Chairs of the respective boards prior to January 22, 2021 (copy attached).

Sewer Collection System - Nothing to report.

Water Treatment Plant – Nothing to report.

Water Distribution System - Nothing to report.

Developments

24 E. Market Street | PO Box 565 | West Chester, PA 19381 | Phone: 610.430.8000 | Fax: 610.692.0877
One South Broad Street | Suite 1500 | Philadelphia, PA 19107 | Phone: 215.609.3170 | Fax: 610.692.0877
3405 West Chester Pike | Newtown Square, PA 19073 | Phone: 610.353.0740 | Fax: 610.353.0745

www.lambmcarlane.com
Colebrookdale Railroad Pottstown Station - Nothing to report.

Spring Valley Farms - Nothing to report.

Stormwater Fees - Nothing to report.