
EXHIBIT F12

AGREEMENT, DATED JULY 10, 1995, BY AND BETWEEN
MALVERN BOROUGH, EAST WHITELAND TOWNSHIP, AND
EAST WHITELAND MUNICIPAL AUTHORITY

AGREEMENT

2/21/95
Rev. 3/23/95

This Agreement entered into this tenth day of July 1995, by and among Malvern Borough, East Whiteland Township and East Whiteland Municipal Authority.

WHEREAS, Malvern Borough owns and operates a sewage collection system within their incorporated municipal limits.

WHEREAS, East Whiteland Municipal Authority owns a sewage collection system (within the incorporated East Whiteland Township municipal limits) which is leased to and operated by the East Whiteland Township.

WHEREAS, a single family attached development known as Erin Glen is proposed by John K. and Margaret A. Mullen, of which 19 single family attached units are to be constructed in East Whiteland Township and 6 single family attached units are to be constructed in Malvern Borough.

WHEREAS, the Developer will construct and Homeowner Association will maintain a gravity sanitary sewer collection system to service the buildings, located in East Whiteland Township near the boundaries of the two Townships, ("Boundary Users") where the buildings do not have access to the sewage collection system owned by East Whiteland Municipal Authority, and discharge the sewage flow into the development sewage gravity mains located in Malvern Borough.

WHEREAS, the developer shall pay all applicable tapping and connection fees to the respective municipality for dwellings located within their municipal limits.

WHEREAS, East Whiteland Township and Malvern Borough shall bill and collect sewer rental in accordance with applicable procedures from individual dwelling owners located within their jurisdictional municipal limits.

WHEREAS, in order to comply with applicable law, Boundary Users located within East Whiteland Township are to be treated as customers solely of that township and service is to be provided whereunder solely by Malvern Borough to East Whiteland Township rather than to any individual Boundary User within East Whiteland Township; and

WHEREAS, Malvern Borough as owner and operator of a system is willing to provide sewer collection and conveyance services to East Whiteland Township for the sewage generated by the Boundary Users in accordance with this Agreement.

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

1. Malvern Borough agrees to permit connection to its sewage system by Boundary Users upon compliance with the following conditions:

- a. Prior to permitting any Boundary User to connect to Malvern's system, East Whiteland Municipal Authority shall notify Malvern Borough of the impending connection and Malvern Borough shall determine that the connection is in accordance with the final Erin Glen Development Plan approved by both East Whiteland Township and Malvern Borough and complies with all applicable rules and technical specifications of both municipalities.

b. The metering chamber and telemetering equipment has been installed by the developer in compliance with the rules and specifications set forth in the Erin Glen Final Land Development approved by both East Whiteland Township and Malvern Borough.

2. For all reporting purposes as to daily gallonage flow, the gallonage from the Boundary Users as measured by the metering equipment shall be deemed the gallonage of East Whiteland Municipal Authority and shall be subtracted from the gallonage flows of Malvern Borough. This concept shall be applicable to reporting from the respective parties to both the Valley Creek Trunk Line and the Valley Forge Sewer Authority.

3. In consideration for Malvern Borough's agreement to allow connections to its sewage collection system as aforesaid, East Whiteland Township shall pay to Malvern Borough on each anniversary date of this agreement, an annual fee of seventeen dollars and fifty cents (\$17.50) per average daily equivalent dwelling unit (E.D.U.) during each year for those boundary users utilizing Malvern Borough's facilities in the manner provided herein. The number of E.D.U.'s per day shall be calculated by dividing the total gallonage of the flow per day by 275 gallons.

4. Prior to making connections for properties located in the Township, the collection lines to which those properties will be connected, which are located within the Township, will be conveyed to the Authority by the developer, unless prior to such date the Township and the Authority have agreed to waive this requirement.

5. This Agreement is entered into solely by and for the benefit of the parties hereto and shall not grant any rights on behalf of any Boundary Users or other entities or persons.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers as of the date above mentioned.

TOWNSHIP OF EAST WHITELAND

By: Glenn H. Carls

Attest:

By: Dora O'Meara (Seal)

Secretary

MALVERN BOROUGH

By: Margaret M. Liddick

Attest:

By: Frank M. Gungl (Seal)

Secretary

EAST WHITELAND MUNICIPAL AUTHORITY

By: Edward T. Wypard, Chairman

Attest:

By: William A. B. (Seal)

Asst. Secretary