

BOROUGH OF CONSHOHOCKEN AUTHORITY
RULES& REGULATIONS
SECTION 4 - APPLICATION PROCEDURES FOR DEVELOPMENT

4.3.2 **PROFESSIONAL SERVICES AGREEMENT**

4.3.2.1 Purpose of Professional Services Agreement

To establish a contractual agreement between BCA and the Applicant in accordance with the BCA Rules and Regulations. The Agreement shall be signed and escrow shall be paid in full before the Authority, its solicitor and/ or engineer commences and works on the application.

4.3.2.2 Professional Services Escrow Requirements

Small Residential Projects – Small residential projects are residential projects involving less than 8 EDUs, with no dedication of facilities to be required. Small projects require a deposit of \$3,000.00, plus \$100.00 per EDU, to be held by the Authority in a professional services escrow account. This deposit is required in addition to the necessary application fee identified in Section 4.3.3 below.

Large Residential and all Non-Residential Projects – Large residential projects are residential projects involving 8 or more EDUs and/or requiring dedication of facilities. Any large residential projects and all non-residential projects will require a deposit of \$10,000.00, to be held by the Authority in a professional services escrow account. If the balance of the escrow account falls below \$2,000.00, the applicant shall be required to replenish in an amount determined by the Authority in its sole discretion. This deposit is required in addition to the necessary application fee identified in Section 4.3.3 below.

4.3.3 **PROCEDURE FOR APPROVAL OF PROPERTY DEVELOPMENT**

4.3.3.1 Application for Plan Review and Approval

All projects for development of any property to be serviced by the Authority will require Form A-2: Application for Plan Review and Approval to be submitted in by the Applicant. The purpose of the Application for Plan Review and Approval is to ensure that systems will be constructed in compliance with the Authority Rules, Regulations, and practices. The application will not be deemed complete unless accompanied by all information and supporting data or forms, required fees and escrow deposit, and any other requirements as indicated on the application form or by Authority staff. The Applicant must submit the required application

fee in order for the application to be accepted for administrative processing by Authority staff.

4.3.3.2 Non-refundable Application Fee

Application fees will be based upon the type and size of project being presented for approval, as indicated in the table below. Application fees will not be subject to any refund.

Type and Size of Project	Application Fee
Residential Project, Small – less than 3 EDUs	\$50.00
Residential Project, Small – 3 to 7 EDUs	\$100.00
Residential Project, Large – 8 or more EDUs	\$200.00
Non-residential Project, less than 5 EDUs	\$100.00
Non-residential Project, 5 or more EDUs	\$200.00

4.3.3.3 Action by the Authority

Upon receipt of a complete Application for Plan Review and Approval, the Authority will proceed as follows:

- (1) A copy of the application will be forwarded to the Authority Solicitor and a Professional Services Agreement will be generated.
- (2) Upon the Authority's receipt of the signed Professional Services Agreement and funding of the Professional Services Escrow account, the Authority Engineer will begin review of the submitted plans. Such review will not be delayed pending approval of the Professional Services Agreement at the next scheduled meeting of the Board of Directors, but will commence upon receipt of the signed Agreement.
- (3) Following review by the Authority Engineer, a response will be forwarded to the Applicant, with a copy to the Authority's Executive Director, Solicitor, and the Borough Manager.
- (4) Where revisions are necessary, the Authority Engineer will review revised plans upon receipt. This revise and review process will continue until such time as the final plan set is accepted by the Authority Engineer and agreed upon by the Applicant.

4.3.3.4 Additional Requirements Following Initial Plan Review

Small Residential Projects – Following initial plan review, the additional requirements listed below must be fulfilled prior to the Authority Engineer's signed approval of the plans. Construction of or connection to sanitary sewers will not be approved prior to the Authority Engineer's signed approval.

- (1) Submit performance security.
- (2) Pay tapping fees.

- (3) Provide executed and recorded easement agreement(s), with proof of recording.
- (4) Enter into Service and Escrow Agreement.
- (5) Replenish funds in professional services escrow account in the amount required by the Authority. The amount required for replenishment will be determined at the Authority's discretion.

Large Residential Projects and all Non-residential Projects – Following initial plan review, the additional requirements listed below must be fulfilled prior to the Authority Engineer's signed approval of the plans. Construction of or connection to sanitary sewers will not be approved prior to the Authority Engineer's signed approval.

- (1) Submit performance security.
- (2) Pay tapping fees.
- (3) Provide executed and recorded easement agreement(s), with proof of recording.
- (4) Enter into Service and Escrow Agreement.
- (5) Provide construction cost estimates for review and approval by Authority Engineer.
- (6) Replenish funds in professional services escrow account in the amount required by the Authority. The amount required for replenishment will be determined at the Authority's discretion.

4.3.4

OTHER DATA REQUIRED PRIOR TO COMMENCING CONSTRUCTION

The applicant shall submit to the PADEP all data required by the current Rules and Regulations of the Pennsylvania Department of Environmental Protection. The applicant shall obtain all environmental permits such as permits for all utility crossings of streams, waterways or encroachments as well as Sewage Facilities Planning approvals and Water Quality Management (Part II) approvals, if applicable, from the PADEP. Permits to construct sewers and/or related structures within easements or the public right-of-way of State, County, or Municipal roads or Highways and all railroads, or any other related permits must be secured by the applicant. All permit fees shall be paid by the Applicant.

The applicant must inform and secure any necessary clearance and/or approval from any public utilities involved. Proof of such notice and/or approvals shall be filed with the Authority.

The applicant shall provide any and all easement documentation as required by the Authority. All easements must be provided with proof of recording prior to the start of construction.

If sewer facility installation has not commenced within two (2) years of the date of approval by the BCA, the Applicant will be required to resubmit Form A-2: Application for Plan Review and Approval. This resubmittal maybe subject to waiver by the Authority.

4.3.5 **SERVICE AGREEMENT; SANITARY SEWER EASEMENT**

A final condition of approval of this application shall be a mutual service agreement (Form B-R/B-NR) between the applicant and the Authority regarding the terms and conditions for providing sewer service. Any agreement at this stage would be conditioned upon the necessary endorsement and receipt of all necessary permits from outside Boards/Agencies. A major element of this agreement shall include the legal description for all easements to be dedicated to the Authority as well as proof of executed and recorded easement agreements for sewer facilities that traverse land not owned by the applicant. All easement legal descriptions, easements agreements and deed limitations shall include restrictions prohibiting installation of fencing, shrubbery, and other landscaping on any easements to be turned over to the Borough of Conshohocken Authority as follows:

"The installation of sheds, shrubs, bushes, concrete pads, fencing, swimming pools or any other object which would impede either at grade vehicular access or below grade excavation to the sewer main shall be prohibited."

Any alternative language describing the restrictions imposed within the area of the easement shall be subject to approval by the Authority.

The easement/deed restriction descriptions shall be submitted for Authority review. The Applicant shall be responsible for providing proof of easement/deed restriction recording and shall pay all expenses related to the easement/deed restriction acquisition/review/recording process prior to the start of construction.

4.3.6 **PERFORMANCE SECURITY**

A performance bond, letter of credit, or cash security, satisfactory in form to the Authority, shall be submitted to the Authority and approved by the Authority's solicitor prior to commencing construction. The security shall be in the amount of at least 110% of the total estimated construction costs, as verified by the Authority's Engineer. This security shall guarantee complete construction in accordance with the final plans and specifications approved for construction purposes.

Upon completion of certain work and subject to the recommendation and approval of the Authority Engineer, the performance security may be reduced from the original amount secured. The performance security shall remain at an

amount representing at least 25% of the original amount secured until the sanitary sewer collection system and related appurtenances are installed, successfully tested, videotaped, as-built plans are submitted to the Authority, and the system is protected by an adequate layer of bituminous paving or approved equal. At that time and subject to the recommendation and approval of the Authority Engineer, the security may then be further reduced.

The security may be reduced to 10% of the original amount secured upon the following conditions being met:

1. Borough acceptance of all applicable right-of- ways.
2. Applicant transmits correspondence to the Authority Executive Director identifying applicable sections of the system and requesting a final inspection by the Authority Engineer and release of the performance security for same.
3. Final surface paving has been installed.
4. Authority Engineer confirms the final inspection has revealed no deficiencies.
5. All Authority fees and charges have been paid and sufficient escrow exists for generation of standardized Authority as-built drawings by the Authority Engineer.
6. Proof of release of liens from all contractors, subcontractors and material suppliers.

The BCA will consider a release of the balance of the Performance Security upon the following condition being met:

1. Submittal of 2-year maintenance bond in the amount of 10% of the Performance Security costs. The maintenance bond acceptance date shall be considered the date of acceptance by the Authority.

4.3.7

DEDICATION OF FACILITIES

Upon receipt of all required data:

1. The Authority Engineer approved the final standardized as-built plan for the Authority record. This will be provided by the Applicant and all reviews charged against the professional services escrow account.
2. The BCA Board of Directors will consider adopting a resolution legally accepting the facilities. Upon acceptance, the BCA will maintain and operate the system thereafter.
3. The Authority will release the Performance Security and accept the Maintenance Bond.

4.3.8

SYSTEM OPERATION

No proposed sanitary sewer facilities shall become operational until the following conditions are met:

1. All downstream and proposed operational sections are installed, successfully tested, videotaped, and protected by an adequate layer of bituminous paving or approved equal, with as-built plans provided.
2. Authority's Engineer confirms the system is suitable for operation.
3. All connection fees, escrows fees and other miscellaneous charges are paid and up to date by Applicant.
4. Industrial operating permits, if applicable, are signed and returned to the Authority by Applicant.

The Applicant shall be completely responsible for the ownership, operation and maintenance of all systems until the Authority accepts dedication of the system by Resolution.

END OF SECTION