

BUCKS COUNTY WATER AND SEWER  
AUTHORITY

Plaintiff

v.

PLUMSTEAD TOWNSHIP

Defendant

COURT OF COMMON PLEAS  
OF BUCKS COUNTY

DECLARATORY JUDGMENT, IN  
EQUITY

NO. 2005-5361

ORDER

AND NOW, this 27<sup>TH</sup> day of MARCH, 2008, upon consideration of the Joint Motion For Entry of Agreed Order and after hearing and pursuant to the agreement of all parties to the action and parties seeking intervention in the action and as stated on the record in open court, the Court hereby approves the Stipulation and Agreement entered into between Bucks County Water and Sewer Authority and Plumstead Township dated August 27, 2007, a copy of which is attached hereto and incorporated herein, but subject to the following revisions and additions:

1. Paragraph 15 of the Stipulation and Agreement shall be amended revising the last sentence of that paragraph to read as follows:

All new future residential housing units within the Sanitary Sewer District shall be required by the Township to demonstrate the lack of feasibility of individual in-ground, on-lot sewage disposal systems on each individual lot before connecting to BCWSA. Lack of feasibility does not include the inability to maximize density under the Zoning Ordinance due to the availability of public sewer. Furthermore, this requirement does not apply to any existing preliminary or final plans approved by the Township.

2. The property of Helen Mitchell, a proposed intervener who withdrew her Petition

to Intervene and the owner of Tax Map Parcel No. 34-011-037, may be included within the Sanitary Sewer District Map without court approval, but subject to approval by the Plumstead Township Board of Supervisors. Ms. Mitchell reserves her right to appeal any adverse decision of the Board as it relates to her property.

3. The property of adjacent property owner, Louis Cardi, Tax Map Parcel No. 34-015-093, may be included within the Sanitary Sewer District Map without court approval, but subject to attachment of a conservation easement on the Cardi property approved by the Plumstead Township Board of Supervisors.

4. The property of Theodore Froman, Margaret Froman, Terence Froman and Susan Froman, Proposed Interveners who withdrew their Petition to Intervene and the owners of Tax Map Parcel Nos. 34-003-094 and 34-003-095, shall be included in the Sanitary Sewer District Map and Paragraph 15 shall not apply to their pending subdivision plan which is the subject of a separate land use appeal.

5. All Proposed Interveners, including Thomas Alvare, Helen Mitchell, Save Plumstead, Michael May, Theodore Froman, Margaret Froman, Terence Froman, Susan Froman and Plumstead Township residents represented by John S. Benson, Esquire, who withdrew their respective Petitions to Intervene in consideration of changes made to the Stipulation and Agreement referenced above, have waived any right to appeal and shall be barred from filing any appeals from (1) the Act 537 Plan revisions to be proposed by Plumstead Township pursuant to this Agreement, (2) any Act 537 Plan revisions or permit applications proposed by Bucks County Water and Sewer Authority for its Harvey Avenue Sewage Treatment Plant expansion as those are called for in this Agreement, and (3) any Act 537 supplements or revisions and any permit applications relating to the Carriage Hill or Plumstead Chase developments as those are called

for in this Agreement.

6. Paragraph 5 of the Stipulation and Agreement shall be supplemented by adding a table delineating the proposed connections or projects relied upon in reserving the requested sewer capacity of 1,125 EDUs. A copy of that table is attached to this Order and incorporated herein.

7. The Sanitary Sewer District Map referenced in Paragraph 1 of the Stipulation and Agreement is revised and replaced by the Sanitary Sewer District Map dated January 24, 2008. A copy of the revised map is attached to this Order and incorporated herein.

8. The January 24, 2008 Order of this Court entered in the actions *In re Appeal of Toll Bros., Inc From the Decision of the Plumstead Township Board of Supervisors, In re Appeal of Toll Bros., Inc From the Decision of the Plumstead Township Zoning Hearing Board and Toll Brothers, Inc v. Barbara A. Arnold, et.al., consolidated under Civil Docket No. 0208207-24.*

9. All other statements made on the record before the Court at hearing on January 24, 2008, are incorporated herein by reference.

10. The Court shall retain jurisdiction for enforcement and/or interpretation purposes in the future.

By the Court,



David W. Heckler, P.J.

N.B. It is your responsibility to notify all interested parties of the above action.