

## **EXHIBIT A TO THE LITTLEBURY MEMORANDUM OF UNDERSTANDING (MOU)**

### PHASE I (32 lots)

Sewer election date: March 31<sup>st</sup>, 2020

Estimated phase delivery date: July 31<sup>st</sup>, 2020

IF ELECTION IS "BIOCLERE" BY THE TOWN (no later than March 31<sup>st</sup>):

- Infrastructure will be constructed by Littlebury for potential connection to regional system via Bridgemore Village manhole on Pantall Road.
- Once Bioclere system is installed by Developer, the Town will inspect the system. If the system meets all of the Town's requirements and is deemed acceptable, the Town will assume ownership of the system (including drip fields) upon conveyance of the system to the Town by Developer pursuant to the terms provided herein. No connections are to be made to the system until the system is accepted by the Town and placed into operation.
- The first house is anticipated to come on-line at the end of 2020. On the date that the Bioclere is accepted by the Town, Developer shall provide the Town with a bond in an amount equal to the current sewer impact fee times the number of lots represented on the final plat for the phase being developed. For example, the Developer, would currently post a bond for \$195, 200 (equal to sewer fees for 32 lots @ \$6100 each per LDO). The bond shall be maintained until the sooner of connection of Phase 1 to the regional treatment facility or one (1) year after completion of the final phase of the development. If, at one year after the completion of the development the Bioclere system is not decommissioned and is still operational, the bond amount will be refunded to developer in full. If at any time during the development of Littlebury and for one year after the completion of the development, the Town elects to decommission the Bioclere system and have phase I tied to regional system, the Town will retain the full bond amount.

IF ELECTION IS "TO TIE TO REGIONAL SYSTEM" BY THE TOWN if determined by March 31<sup>st</sup>):

- Sewer development fees paid in full by Littlebury for phase I (32 lots) per LDO guidelines and time frames.
- All sewage will be sent from the on-site pump station to the manhole at Bridgemore Village along Pantall Road.
- All homes will be required to pay tap fees per Land Development Ordinance.
- Drip fields donated to the Town by Littlebury.

### PHASE II (37 lots)

Sewer election date: March 31<sup>st</sup>, 2021

Estimated phase delivery date: July 31<sup>st</sup>, 2021

\*NOTE: The Town will consider the Bioclere system on a phase by phase basis as may be determined by the Town as subject to and conditioned on and to the availability of capacity for treatment of wastewater and sewer.

IF ELECTION IS “BIOCLERE” BY THE TOWN (no later than March 31<sup>st</sup>):

- An additional treatment tank will be installed by developer (Littlebury) for treatment of phase II and connection to existing Bioclere system shall be permissible by the Town.
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- Once the system improvements are installed by Developer, the Town will inspect the system. If the system improvements meet all of the Town’s requirements and is deemed acceptable, the Town will assume ownership of the system (including drip fields) upon conveyance of the system to the Town by Developer. No connections are to be made to the system until the system is accepted by the Town and placed into operation.
- On the date that Bioclere expansion is accepted by the Town, the Developer (Littlebury) Developer shall provide the Town with a bond in an amount equal to the current sewer impact fee times the number of lots represented on the final plat for the phase being developed. For example, the Developer, would currently post a bond for \$225,700 (equal to sewer fees for 37 lots @ \$6100 each per LDO). The bond shall be maintained until the sooner of connection of Phase 2 to the regional treatment facility or one (1) year after completion of the final phase of the development. If, at one year after the completion of the development the Bioclere system is not decommissioned and is still operational, the bond amount will be refunded to developer in full. If at any time during the development of Littlebury and for one year after the completion of the development the Town elects to decommission the Bioclere system and have phase II tied to regional system, the Town will retain the full bond amount.

IF ELECTION IS “TO TIE TO REGIONAL SYSTEM” BY THE TOWN (if determined by March 31<sup>st</sup>):

- Sewer development fees paid in full by Littlebury for phase II (37 lots) per LDO guidelines and time frames.
- All sewage will be sent from the on-site pump station to the manhole at Bridgemore Village along Pantall Road.
- All homes will be required to pay tap fees per Land Development Ordinance.

PHASE III (22 lots)

Sewer election date: March 31<sup>st</sup>, 2022

Estimated phase delivery date: July 31<sup>st</sup>, 2022

\*NOTE: The Town will consider the Bioclere system on a phase by phase basis as may be determined by the Town as subject to and conditioned on and to the availability of capacity for treatment of wastewater and sewer.

IF ELECTION IS “BIOCLERE” BY THE TOWN (no later than March 31<sup>st</sup>):

- An additional treatment tank will be installed by Developer (Littlebury) for treatment of phase III and connection to existing Bioclere system shall be permissible by the Town.
- Once the system improvements are installed by Developer, the Town will inspect the system. If the system improvements meet all the Town’s requirements and is deemed acceptable, the Town will assume ownership of the system (including drip fields) upon conveyance of the

system to the Town by Developer. No connections are to be made to the system until the system is accepted by the Town and placed into operation.

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- The first house is anticipated to come online at the end of 2022. On the date that the system expansion is accepted by the Town, Developer (Littlebury) shall provide the Town with a bond in an amount equal to the current sewer impact fee times the number of lots represented on the final plat for the phase being developed. For example, the Developer, would currently post a bond for \$134,200. (equal to sewer fees for 22 lots @ \$6100 each per LDO). The bond shall be maintained until the sooner of connection of Phase 3 to the regional treatment facility or one (1) year after completion of the final phase of the development. If, at one year after the completion of the development the Bioclere system is not decommissioned and is being used by the Town to provide wastewater service, the bond amount will be refunded to developer in full. If at any time during the construction of Phase 3 and through the 1 year period post construction period the Town elects to decommission the Bioclere system and have phase III tied to regional system, the Town will retain the full bond amount.

IF ELECTION IS “TO TIE TO REGIONAL SYSTEM” BY THE TOWN (if determined by March 31<sup>st</sup>):

- Sewer development fees paid in full by Littlebury for phase III (22 lots).
- All sewage will be sent from the on-site pump station to the manhole at Bridgemore Village along Pantall Road.
- All homes will be required to pay tap fees per Land Development Ordinance.

If the Town fails to timely elect between the Bioclere system and tie-in to the regional system, the Town shall be deemed to have elected and approved the Bioclere system.

\*IF AT ANY POINT THE CHOICE IS TO TIE TO REGIONAL SYSTEM, THEN THE TOWN WILL EVALUATE AND DETERMINE THE APPROPRIATENESS AND NECESSITY OF FURTHER INSTALLATION OF THE BIO-CLERE SYSTEM. WHEN THE DETERMINATION BY THE TOWN IS TO TIE IN TO THE REGIONAL SYSTEM, ALL FEES WILL BE PAID IN FULL PER LAND DEVELOPMENT ORDINANCE. DRIP FIELDS WILL BE DONATED TO THE TOWN.