**R: 2018 -125**

**RESOLUTION OF THE MAYOR AND COUNCIL OF**

**THE TOWN OF PHILLIPSBURG, COUNTY OF Warren, STATE OF NEW JERSEY AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS**

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

**WHEREAS**, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A.*48:3-93.1 *et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C.* 14:4-6.1 *et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

**WHEREAS**, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

**WHEREAS,** pursuant to an ordinance adopted by the Town of Phillipsburg on (June 19, 2018), Town Council publicly declared its intent to commence a GEA Program by participating in the Sussex-Warren Area Energy Cooperative ("SWAEC"); and

**WHEREAS,** the Township of Fredon is the Lead Agency for the "SWAEC" program and shall accept or reject pricing on behalf of the Cooperative and its participant members; and

**WHEREAS,** the Town of Phillipsburg, as a participating member of the "SWAEC" program hereby agrees to proceed with the program, by signing the Supplier Agreement, should the Township of Fredon accept pricing, which provides a savings on the supply portion of the electric bill for the residential energy aggregation program; and

**WHEREAS,** the Township of Fredon appointed Concord Energy Services ("CES") for the "SWAEC" to serve as Energy Agency to assist and administer the GEA program at no cost to the Township of Fredon or "SWAEC" participating members; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Town of Phillipsburg, in the County of Warren, New Jersey, duly assembled in public session, as follows:

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

1. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
2. The Town of Phillipsburg as a participating member of the "SWAEC" program hereby agrees to proceed with the program, by signing the Supplier Agreement, should the Township of Fredon accept pricing, which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program;
3. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of the Town of Phillipsburg any documents necessary to carry out the purpose of this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction.

**ADOPTED** at a regular meeting of the Mayor and Council of the Town of Phillipsburg, County of Warren, State of New Jersey held on **July 17, 2018.**

**Town of Phillipsburg**

**BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Hon. Stephen R. Ellis, Mayor

**ATTEST BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Victoria L. Kleiner, Municipal Clerk

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their July 17, 2018 meeting.

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VICTORIA L. KLEINER,

Municipal Clerk