

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

ORDINANCE NO. 14-2013

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE
BOROUGH TO ENTER INTO A COOPERATIVE PRICING
AGREEMENT WITH PASSAIC COUNTY FOR PARTICIPATION IN
THE PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM**

WHEREAS, the Government Energy Aggregation Act of 2003, N.J.S.A. 48:3-93.1 et seq. (the "Act") governs the establishment and operation of government energy aggregation ("GEA") programs; and

WHEREAS, GEA programs are government operated purchasing cooperatives through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") has promulgated rules for implementing GEA programs, N.J.A.C. 14:4-6; and

WHEREAS, the Act authorizes municipalities and counties within the State of New Jersey to establish and participate in GEA programs; and

WHEREAS, Passaic County has established a GEA program and purchasing cooperative known as the "Passaic County Energy Cooperative Pricing System ("PCECPS") pursuant to N.J.S.A. 40A:11-11 to purchase energy supply from non-utility sellers ("Third Party Suppliers") at prices lower than the average utility price; and

WHEREAS, Passaic County serves as the lead agency of the PCECPS and in that capacity has entered into cooperative pricing agreements with a number of other local municipalities and neighboring counties; and

WHEREAS, as the lead agency, Passaic County shall solicit proposals from qualified vendors consistent with all applicable laws, rules, and regulations, and enter into contracts for the provision of electric generation services with Third Party Suppliers; and

WHEREAS, Concord Energy Services, a division of Concord Engineering, is the Program Manager and energy agent for PCECPS.

WHEREAS, the Borough previously authorized participation in the PCECPS pursuant to Borough Resolution 2012-58; and

WHEREAS, pursuant to applicable law, residential customers shall be able to “opt-out” of the GEA program if they do not wish to participate, and non residential customers shall be able to “opt-in” should they wish to participate; and

WHEREAS, the Governing Body of the Borough of Franklin hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into a cooperative pricing agreement with Passaic County for the purpose of obtaining power supply cost savings for participants within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Franklin as follows:

SECTION I

1. The Borough of Franklin hereby publically declares that it is a participating member of the Passaic County Energy Cooperative Pricing System (“PCECPS”) pursuant to Borough Resolution 2012-58 adopted August 14, 2012 and applicable law.

2. The Borough is hereby authorized to enter into a cooperative pricing agreement with Passaic County for the purpose of obtaining power supply cost savings for participants within the Borough consistent with the provisions set forth in N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.

3. Pursuant to applicable law, residential customers shall be able to “opt-out” of the government energy aggregation program if they do not wish to participate, and non residential customers shall be able to “opt-in” should they wish to participate.

4. Passaic County, as the lead agency of the PCECPS, is hereby authorized to solicit bids on behalf of the Borough, as a member of the cooperative, from qualified vendors consistent with all applicable laws, rules, and regulations, and enter into contracts for the provision of electric generation services with Third Party Suppliers.

5. The Business Administrator and/or Mayor is hereby authorized to execute, and the Borough of Franklin Clerk authorized to attest to, any agreements that are required to carry out the purpose of the Ordinance.

SECTION II

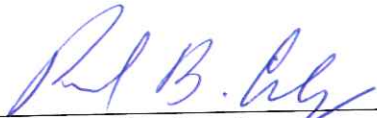
All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

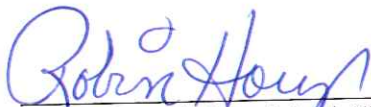
SECTION IV

This ordinance shall take effect immediately upon final publication as provided by law.



Mayor Paul B. Crowley

Attest:



Robin Hough, Municipal Clerk

NOTICE

TAKE NOTICE that the above entitled Ordinance #14-2013 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on November 12, 2013 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on November 26, 2013 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.



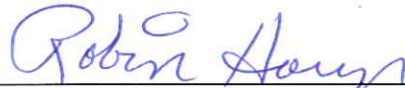
Robin Hough, Municipal Clerk

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

ORDINANCE #14-2013

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE
BOROUGH TO ENTER INTO A COOPERATIVE PRICING
AGREEMENT WITH PASSAIC COUNTY FOR PARTICIPATION IN
THE PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 12th day of November, 2013, and the same came up for final passage at a meeting of the said Borough Council on the 26th day of November, 2013, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Robin Hough, Municipal Clerk