

RESOLUTION R:216-2023

RESOLUTION OF THE TOWNSHIP OF MONROE AUTHORIZING THE TERMINATION OF THE POWER PURCHASE AGREEMENT BETWEEN THE TOWNSHIP OF MONROE AND MONROE-SICKLERVILLE ROAD LF SOLAR, LLC RELATING TO THE LANDFILL SOLAR REDEVELOPMENT PROJECT

WHEREAS, the Township of Monroe previously requested the Township Planning Board (the “Planning Board”) to determine whether certain real property located within the Township and referred to as the “Redevelopment Area” constitutes an “area in need of redevelopment” pursuant to the provisions of the Redevelopment Law; and

WHEREAS, the Planning Board, pursuant to Resolution No. PB 12-2019, duly approved on February 14, 2019, determined that the real property located within the Redevelopment Area is an area in need of redevelopment and that redevelopment of such area is a public purpose benefiting the residents and businesses located within the Township; and

WHEREAS, the Township of Monroe, pursuant to Resolution No. R:89-2019, duly approved on March 11, 2019, confirmed the Planning Board's determination that the real property located within the Redevelopment Area is an area in need of redevelopment; and

WHEREAS, pursuant to the provisions of the Redevelopment Law, on May 28, 2019, the Township Council of the Township of Monroe adopted Ordinance No. O:20-2019, adopting the Redevelopment Plan for the redevelopment of the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, the Township of Monroe is presently the owner of certain parcels of real property located within the Redevelopment Area, identified as Block 901, Lots 2 and 3, on the official Tax Map of the Township of Monroe, County of Gloucester, State of New Jersey (collectively, the “Project Site” or “Leased Property”); and

WHEREAS, the Township of Monroe has determined to affect the redevelopment of the Redevelopment Area through the selection of a redeveloper who shall be responsible for construction of a Solar Facility, and associated site improvements, thereon; and

WHEREAS, the Township of Monroe previously designated Monroe-Sicklerville Road LF Solar, LLC, a wholly owned company of Trina Solar US Development, LLC, as the Redeveloper with respect to the development of the Project Site providing for the approval, construction, operation and maintenance of a Solar Facility of between 2-3+ Megawatts (mW) DC Nameplate Capacity ballast system at the Project Site (the “Project”); and

WHEREAS, the Township of Monroe pursuant to Resolution No. R:41-2020 duly approved on January 27, 2020, and authorized the execution of the Redevelopment Agreement, Solar Lease and Solar Power Purchase Agreement between the Township of Monroe and Monroe-Sicklerville Road LF Solar, LLC; and

WHEREAS, the Township, after careful consideration, and advice from the Township’s Energy Consultant, has determined that it is in the best interest of the Township and the redevelopment of the Site to terminate the Power Purchase Agreement in accordance with said Power Purchase Agreement, and the Township consents and agrees that and the Tenant shall be permitted to sell the power generated from the Project at the Project Site to the PJM wholesale market, under the Tenant’s approved PJM Wholesale Market Participation Agreement, for the Term of the Lease; and

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WHEREAS, the Tenant, after careful consideration, has agreed to Terminate the Power Purchase Agreement in accordance with said Power Purchase Agreement and the Tenant shall sell the power generated from the Project at the Project Site to the PJM wholesale market, under the approved Wholesale Market Participation Agreement, for the Term of the Lease; and

WHEREAS, the Township finds it is necessary to amend the Redevelopment Agreement, Lease Agreement and terminate the Power Purchase Agreement in order to advance the Solar Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Gloucester and State of New Jersey, as follows:

The Township Council of the Township of Monroe hereby terminates the Power Purchase Agreement referenced above and authorizes the amendment the Redevelopment Agreement and Lease Agreement, as follows:

1. The Township hereby approves and consents to the amendment of the Redevelopment Agreement by the deletion of subparagraph 6.4 Power Purchase Agreement which read:

“6.4 Power Purchase Agreement. Township and Redeveloper shall enter into the PPA attached hereto as Exhibit B, said PPA is incorporated herein by reference and made a part hereof. Until termination of this Agreement in accordance with Section 5. 5 of this Agreement, if there is any conflict among the terms and conditions of this Agreement and the PPA, then the terms and conditions of this Agreement shall control. Township shall use electricity generated from the Solar Facility via remote net metering. In order to facilitate remote net metering, Township shall apply to the NJ Board of Public Utilities (NJBPU) to certify that Township act as a host customer for remote net metering generation capacity pursuant to the Clean Energy Act, P.L. 2018, Chapter 17, Section 6. Township shall comply with rules and regulations promulgated by NJBPU pursuant to the Clean Energy Act, P.L. 2018, Chapter 17, Section 6. Township shall execute any agreements 7 required by NJBPU for remote net metering, including but not limited to, a Remote Net Metering Public Entity Certification Agreement.”

2. The Township hereby consents to and approves the amendment of the Redevelopment Agreement by replacing subparagraph 6.4 of the Power Purchase Agreement referenced above with the following:

“6.4 Power Purchase Agreement. The Landlord and the Tenant, under the Solar Lease, agree that the Tenant shall have the right and authority to sell all of the power generated by the Solar Facility and the Project Site through the PJM Wholesale Market Participation Agreement program to supply the electric grid. The Township acknowledges that no power will be available for the Township use and that no additional Rent shall be due other than Rent provided in the Lease Agreement.”

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3. The Township is hereby authorized the Mayor or Business Administrator to execute such amendments, agreements, assignments, consents, and other documents necessary or appropriate to effectuate the foregoing resolutions and the redevelopment of the Project Site pursuant to the Redevelopment Agreement, as amended by the foregoing resolutions.
4. The Township acknowledges that the Tenant’s Power Purchase Agreement is a sperate agreement by and between the Tenant and the PJM. As such the Township is not a party to this agreement.

ADOPTED at a meeting of the Township Council of the Township of Monroe on August 28, 2023.

TOWNSHIP OF MONROE

CNCL. PRES. CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

CERTIFICATION OF CLERK

The foregoing Resolution was duly adopted at a meeting of the Township Council of the Township of Monroe, County of Gloucester, State of New Jersey, held on the 28th day of August 2023 in the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O’Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				