



RESOLUTION 2016-41

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF NEWTOWN, DELAWARE COUNTY, PENNSYLVANIA

WHEREAS, The Township of Newtown is located in Delaware County, Pennsylvania (the “Township”); and

WHEREAS, the Township constitutes a “governmental unit” as such term is defined under Pennsylvania’s Guaranteed Energy Savings Act (62 Pa C.S. §3751 *et seq.*) (the “Act”); and

WHEREAS, the Delaware Valley Regional Planning Commission (“DVRPC”) has established a Regional Streetlight Procurement Program (the “Program”) to facilitate the implementation of “energy conservation measures” (“ECMs”) as such term is defined under the Act; and

WHEREAS, the Township, in its capacity as a governmental unit, has participated in the Program solicitation process to implement energy conservation measures contemplated by the Program; and

WHEREAS, pursuant to its Resolution 2016-22, dated April 11, 2016, the Township selected Johnson Controls, Inc. (“JCI”) as its contractor and entered into a Guaranteed Savings Agreement with JCI; and

WHEREAS, under the terms of the Guaranteed Savings Agreement, JCI has completed and delivered an investment grade energy use and savings analysis, including accompanying schedules (the “Investment Grade Audit Report”) for the Township that specifies the ECMs to be undertaken pursuant to the Guaranteed Savings Agreement (such ECMs, together, the “Project”); and

WHEREAS, as required by the terms of the Guaranteed Savings Agreement, JCI will guarantee to the Township that, through its participation in the Program, the Township will achieve energy savings as a result of the Project that will meet or exceed the cost of implementing the ECMs contemplated (the “Energy Savings”) and those savings are greater than [90%] of the savings projected during the period commencing at the installation of the ECMs and running until the bonds issued to finance the Project are paid in full in the Preliminary Audit provided by JCI as a part of the selection process; and

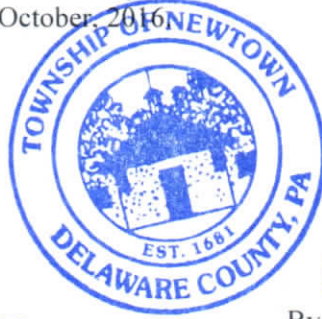
WHEREAS, under the terms of the Guaranteed Savings Agreement, the Township must notify JCI in writing of its acceptance of the final Investment Grade Audit Report and its determination regarding whether the Township will proceed to have JCI design, engineer, procure, construct, install and commission the ECM Installations (the “Construction Work”) as a condition to commencement of the Construction Work.

NOW, THEREFORE, BE IT RESOLVED that the Township of Newtown Board of Supervisors hereby approves the final Investment Grade Audit Report; and it is

FURTHER RESOLVED that the Township of Newtown Board of Supervisors hereby authorizes the delivery to JCI of notice of acceptance of the Investment Grade Audit Report; and it is

FURTHER RESOLVED that the Township of Newtown Board of Supervisors hereby authorizes and directs the Township Manager, Stephen M. Nease, to take all such further actions and to execute and deliver all such instruments and other documents with such modifications as such Authorized Person deems necessary and approves, to be conclusively established by the Authorized Person's execution of such instruments and documents, to enable the Township to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated thereby.

IN WITNESS WHEREOF, the Township of Newtown Board of Supervisors has adopted and enacted this Resolution this 24th day of October, 2016.



ATTEST:

By: Stephen M Nease
Name: Stephen M. Nease
Title: Township Manager

By: John A. Nawn
Name: John A. Nawn
Title: Chairman, Board of Supervisors