

RESOLUTION NO. 2025-5

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PERKASIE
AUTHORIZING INCREASING THE AMP PENNSYLVANIA R.I.C.E.
PEAKING PROJECT SHARE.**

WHEREAS, the Borough of Perkasio, Pennsylvania (“hereinafter Municipality”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to do so in the future, economical and reliable power and energy from, or arranged by, American Municipal Power, Inc. (hereinafter “AMP”), of which Municipality is a Member; and

WHEREAS, Municipality, along with other Members, (collectively “Participants”) entered into the American Municipal Power Pennsylvania R.I.C.E. Peaking Project (as hereinafter, “AMP Pennsylvania R.I.C.E. Peaking Project”) Power Sales Contract (“PSC”) for a share of the Power Sales Contract Resources (hereinafter “PSCR Share”) of the AMP Pennsylvania R.I.C.E. Peaking Project that AMP agreed to finance, construct, operate and own; and

WHEREAS, Volvo/PowerSecure has increased the generation output of the reciprocating internal combustion engines while providing the same maintenance schedule and warranty without a resulting rate increase; and

WHEREAS, the PSC permits an increase in PSCR Shares as a result of rerating but prohibits AMP from increasing the Participants’ allocation of PSCR Shares in an amount greater than any maximum amount specified by such Participant pursuant to the legislation authorizing execution of the PSC; and

WHEREAS, Participant’s authorizing legislation caps Participant’s PSCR Share at an amount below the revised PSCR Share resulting from the increase in generation output.

NOW, THEREFORE, be it resolved by the Borough Council of Perkasio Borough as follows:

SECTION 1. Municipality authorizes its PSCR Share (not taking into account the Step-Up as defined in the PSC), to increase up to a nominal amount of 5,280 kilowatts.

SECTION 2. That it is found and determined that all formal actions of this Municipality Council concerning and relating to the passage of this resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Municipality Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

SECTION 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 4. Pursuant to 8 Pa.C.S.A. § 1402, competitive bidding is not required on the Municipality's purchase of power and energy, through the PSC.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

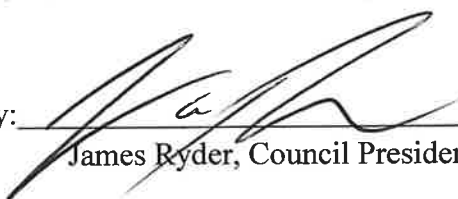
SECTION 6. The Borough Council further authorizes the Borough Council President and/or the Borough Manager to execute any and all documents related to the authorization noted in this Resolution.

THIS RESOLUTION was duly adopted this 20th day of January, 2025.

ATTEST:

By: 
Andrea L. Coaxum, Secretary

BOROUGH OF PERKASIE:

By: 
James Ryder, Council President