

Resolution of

THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY

AUTHORIZING THE HOLDING OF AN EMERGENCY MEETING ON THURSDAY, DECEMBER 7, 2023 AT 6:00 PM TO DISCUSS AND CONSIDER THE ADOPTION OF A RESOLUTION AUTHORIZING THE AUTHORITY TO INVESTIGATE AND EFFECTUATE REMEDIATION, AND TO TAKE ADDITIONAL ACTIONS AS REQUIRED TO ENSURE COMPLIANCE WITH NJDEP PERMIT PCP180001, RELATED TO THE COMBINED HEAT AND POWER ENGINES AND THE ASSOCIATED CONTROL DEVICES

#R-23:12-196

WHEREAS, the Camden County Municipal Utilities Authority (the "CCMUA") recently became aware of the need to immediately investigate and remediate the Combined Heat and Power engines and the associated control devices in order to ensure compliant emissions under New Jersey Department of Environmental Protection (the "NJDEP") Permit PCP180001; and

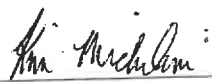
WHEREAS, pursuant to the investigation and need for remediation, the CCMUA may need to take additional action to ensure compliant emissions under the NJDEP permit; and

WHEREAS, the need for a public meeting could not have been reasonably foreseen at a time when adequate notice could have been provided because the CCMUA only recently received notice of the issues causing an immediate need to investigate and remediate, and to take additional action, related to the Combined Heat and Power engines and the associated control devices in order to ensure compliance with the NJDEP emission's permit; and

WHEREAS, pursuant to N.J.S.A. 10:4-9(b), at least three-quarters of the CCMUA Board of Commissioners have voted in the affirmative with respect to the holding of an Emergency Meeting.

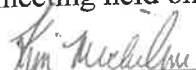
Now, Therefore Be It Resolved, by the CCMUA Board of Commissioners that the CCMUA will hold an Emergency Meeting on Thursday, December 7, 2023 at 6:00 p.m. to discuss and consider the adoption of a resolution authorizing the Authority to investigate and effectuate the remediation of, and to take any additional action related to, the Combined Heat and Power Engines and the associated control devices in order to ensure compliant emissions under NJDEP Permit PCP180001.

Adopted: December 7, 2023



Kim Michelini, Secretary

I certify that the above is a true copy of the resolution adopted by the members of the Camden County Municipal Utilities Authority at a meeting held on December 7, 2023.





Resolution of

THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY

**AUTHORIZING THAT THE AUTHORITY HOLD A CLOSED SESSION MEETING
TO DISCUSS LEGAL MATTERS RELATING TO LITIGATION, CONTRACT NEGOTIATION AND MATTERS
FALLING WITHIN THE ATTORNEY-CLIENT PRIVILEGE**

#R-23:12-197

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session meeting may be held for certain specified purposes when authorized by Resolution adopted by the governing body; and

WHEREAS, The Camden County Municipal Utilities Authority desires to discuss certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ **Matters Required by Law to be Confidential:** Any matter which, by express provision of Federal Law or Statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ **Matters Where the Release of Information Would Impair the Right to Receive Funds:** Any matter in which the release of information would impair, restrict or otherwise adversely affect a right to receive funds from the Government of the United States and/or the State of New Jersey.

_____ **Matters Involving Individual Privacy:** Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodian, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including pending or anticipated litigation or contract negotiation legal matters, and it desires to do so in Closed Session.

_____ **Matters Relating to Collective Bargaining Agreements:** Any collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement including the negotiation of the terms and conditions thereof with employees or representatives or employees of the public body.

_____ **Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.



_____ **Matters Relating to Public Safety and Property:** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violation or possible violations of the law.

 X **Matters Relating to Litigation, Contract Negotiations and Matters Falling Within the Attorney-Client Privilege:** Any pending or anticipated litigation or contract negotiations in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

_____ **Matters Relating to the Employment Relationship:** Any matter involving the employment, appointment, termination of employment, evaluation of the performance or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public hearing.

_____ **Matters Relating to the Potential Imposition of a Penalty:** Any deliberations of a public body occurring after a public hearing or public portion of a meeting that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party.

NOW, THEREFORE, BE IT RESOLVED by The Camden County Municipal Utilities Authority and the members thereof that the Authority shall discuss matters relating to the specific item(s) designated above, and that it does so at a Closed Session Meeting to be held on December 7, 2023, at the Authority offices located at 1645 Ferry Avenue, Camden, New Jersey, and that minutes of the Closed Session Meeting shall be kept, as required by the Open Public Meetings Law, and the Authority is authorized to take whatever action it deems advisable or necessary at said Closed Session Meeting, and the matters discussed and actions taken at such meeting shall be disclosed to the public as soon thereafter as can conveniently be done.

ADOPTED: December 7, 2023



Kim Michelini, Authority Secretary

I hereby certify that the above is a true copy of the Resolution adopted by the members of The Camden County Municipal Utilities Authority at a meeting held on December 7, 2023.



Resolution of

THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY Authorizing the Authority to Take All Required Actions Including the Termination of Contract #CB-CHP-CR010 to Ensure the Authority's Continuous and Effective Compliance with NJDEP Permit # PCP180001

R-23:12-198

WHEREAS, On December 21, 2015, the Camden County Municipal Utilities Authority (the "CCMUA") and Camden Bioenergy, LLC (d/b/a Anaergia) ("Camden Bioenergy") entered into the "Service Contract for Anaerobic Digestion and Combined Heat and Power Services" (the "Service Contract"); and

WHEREAS, Under the Service Contract and pursuant to New Jersey Department of Environmental Protection (the "NJDEP") permit requirements, emissions stack tests are performed on the Combined Health and Power Facility (the "CHP Facility") on an annual basis; and

WHEREAS, the emissions tests performed in November, 2022 yielded non-compliant results. Camden Bioenergy did not provide notice pursuant to the Service Contract of these non-compliant test results. The CCMUA did not learn of the non-compliant results until it received a letter from the NJDEP on November 9, 2023; and

WHEREAS, the stack emissions test performed in November, 2023 showed continued non-compliant results; and

WHEREAS, pursuant to N.J.S.A. 10:4-9, an Emergency Meeting of the CCMUA Board of Commissioners was convened to address the aforementioned circumstances; and

NOW, THEREFORE, BE IT RESOLVED by the Authority Board of Commissioners that it authorizes the CCMUA through its Executive Director to take all required actions including, but not limited to terminating contract CB-CHP-CR010 to ensure the Authority's continuous and effective compliance with NJDEP Permit # PCP180001.

ADOPTED: December 7, 2023



Kim Michelini, Authority Secretary

I hereby certify that the above is a true copy of the resolution adopted by the members of the Camden County Municipal Utilities Authority at a meeting held on December 7, 2023.

