

**RESOLUTION  
AUTHORIZING THE COMMENCEMENT OF LITIGATION AGAINST  
COLUMBIA UTILITIES, LLC**

At a meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held via videoconference in said Town on the \_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock P.M., prevailing time.

The meeting was called to order by Supervisor Bettez, and upon roll being called, the following roll was taken:

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>
Supervisor Neil Bettez	_____	_____
Council Member Daniel Torres	_____	_____
Council Member Alex Baer	_____	_____
Council Member Esi Lewis	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____

The following resolution was offered by Council Member \_\_\_\_\_ who moved its adoption, seconded by Council Member \_\_\_\_\_, to wit:

**WHEREAS**, Columbia Utilities, LLC, including any subsidiaries and affiliates, (herein collectively “Columbia”) is an independent retail energy supply company; and

**WHEREAS**, the Town of New Paltz(“Town”) entered into a Community Choice Aggregation Electricity Supply Agreement (“Supply Agreement”) with Columbia and Joule Assets Inc. (“Joule”), with Joule acting as Community Choice Aggregation Administrator, to provide energy benefits to residents and small non-residential customers within the Town (“Residents”); and

**WHEREAS**, on April 19, 2022, Columbia notified the Public Service Commission that that it intends to transfer these Residents to the utility, which transfer would constitute a breach of the Supply Agreement by terminating service without cause or in accordance with the terms of the Supply Agreement; and

**WHEREAS**, the Town desires to retain Hodgson Russ LLP as counsel for the purpose of joining Joule in commencing litigation on behalf of the Town to enforce the Supply Agreement;

**NOW THEREFORE, BE IT RESOLVED** that:

1. Commencement and prosecution of a civil action against Columbia, and any other appropriate party, for the purpose of enforcing the Supply Agreement and protecting the interests of the Residents, including but not limited to preventing any breach, and/or recovery of damages from any responsible party on behalf of the Town/City/Town and its residents and small non-residential customers, is hereby authorized and approved.

2. The Supervisor and staff are authorized to take all appropriate steps to support the successful prosecution of the proceeding.

3. The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purpose of commencing and prosecuting this action. Nothing in this Resolution authorizes the expenditure of funds for such purpose.

4. This Resolution shall be effective immediately upon its adoption.

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	_____	_____	_____
Council Member Daniel Torres	_____	_____	_____
Council Member Alex Baer	_____	_____	_____
Council Member Esi Lewis	_____	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____	_____

The resolution was thereupon duly adopted.