

RED HOOK SPECIAL TOWN BOARD MEETING

May 19, 2022

The special meeting scheduled May 17, 2022 at 6:30pm was cancelled and rescheduled for Thursday May 19, 2022 at 8:30 pm with modified agenda items. A special meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened by Zoom Videoconference due to COVID-19 pandemic stay in place rules at the Town Hall, 7340 South Broadway, Red Hook at 7:30 p.m.

Present: Supervisor Robert McKeon
Councilmember William Hamel
Councilmember Christine Kane
Councilmember Jacob Testa
Councilmember Julia Solomon
Town Clerk Deanna Cochran

Also Present: Attorney Chris Chale

Supervisor McKeon opened with the Pledge of Allegiance.

On a motion by Supervisor McKeon seconded by Councilmember Hamel to go into Attorney Client Session

Adopted	Ayes	5	McKeon, Hamel, Kane, Testa, Solomon
	Nays	0	

Resolution Authorizing the Commencement of Litigation Against Columbia Utilities LLC.

Supervisor McKeon explained the Town entered into an agreement with Columbia Utilities through the Community Choice Aggregation Program. Columbia Utilities now intends to transfer residents back to the utilities, which would be a breach of the supply agreement that was to extend through June 2024. The Town will retain Hodgson Russ LLP to commence litigation to enforce the supply agreement.

**TOWN OF RED HOOK
RESOLUTION NO. 27
DATED MAY 19, 2022**

RESOLUTION AUTHORIZING THE COMMENCEMENT OF LITIGATION AGAINST COLUMBIA UTILITIES, LLC

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

WHEREAS, the Town of Red Hook 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 of Red Hook (“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 Contract; and

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

NOW THEREFORE, BE IT RESOLVED by the Town of Red Hook that:

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/Village and its residents and small non-residential customers, is hereby authorized and approved.

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

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.

This Resolution shall be effective immediately upon its adoption.

EXTRACT OF MINUTES

A special meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session on May 19, 2022 at 8:30 p.m., local time via videoconference and/or teleconference pursuant to NYS Laws Ch. 56 of 2022 and Executive Order 11, as amended. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded, and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town, via Videoconference

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit:

**TOWN OF RED HOOK
RESOLUTION NO. 27
DATED MAY 19, 2022**

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

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>
Councilmember Julia Solomon	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

On a motion by Supervisor McKeon seconded by Councilmember Hamel to adjourn the meeting.

Adopted	Ayes	5	McKeon, Hamel, Kane, Testa, Solomon
	Nays	0	

Respectfully Submitted,

Deanna Cochran, Town Clerk