

RESOLUTION 33 OF 2019

At a regular meeting of the Town Board of the Town Clinton duly held at the Town Hall, Centre Road in the Town of Clinton on the 9th day of July, 2019. Upon the calling of the roll by the Clerk the following members were:

Present: SUPERVISOR OBERLY

COUNCILMAN WERNER

COUNCILMAN WHITTON

COUNCILMAN MICHAEL

COUNCILWOMAN CUNNINGHAM

Absent: NONE

The following resolution was offered for adoption by Councilman Werner which resolution was seconded by Councilman Michael,

RESOLUTION ACCEPTING THE ABANDONMENT OF THE SCHULTZVILLE CEMETERY ASSOCIATION AND THE TRANSFER OF ALL CEMETERY ASSETS.

WHEREAS, there has been established in the Town of Clinton (“Town”) a cemetery known as the Schultzville Cemetery Association a/k/a Schultzville Union Cemetery Association (the “Cemetery”), which maintains a public cemetery on 1202 Centre Road in the Town and owns real property in the Town identified as Parcel Grid Nos. 132400-6468-00-415624-0000 and 132400-6468-00-434623-0000;

WHEREAS, said Cemetery has under its care certain funds for perpetual care, permanent maintenance, special trust, general, deposited in Rhinebeck Bank;

WHEREAS, the Cemetery has been and still is unable to procure sufficient income from the above investments, the members of the Cemetery and from the representatives of the deceased persons interred in the Cemetery;

WHEREAS, the Cemetery, through a resolution of the remaining Cemetery trustees, has requested that the Town pursuant to Section 1506(j) of the Not-for-Profit Corporation Law, accept the conveyance of the Cemetery premises and transfer of all assets. A copy of the resolution of the Cemetery trustees is attached hereto as Exhibit “A”;

WHEREAS, Section 291 of the Town Law requires the Town to maintain abandoned cemeteries.

WHEREAS, it is in the best interests of the Town for the Cemetery to be maintained and for the Town to accept the transfer of all Cemetery assets; and

NOW, THEREFORE, BE IT RESOLVED, that the Town accepts the conveyance of all Cemetery property and assets, including real property.

BE IT FURTHER RESOLVED, that such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized, directed and empowered to take any and all actions necessary to effectuate the transfer of Cemetery property and assets, including real property.

The vote having been taken upon such resolution the result was as follows:

Raymon Oberly, Town Supervisor voting	AYE
Michael Whitton, Councilman voting	AYE
Eliot Werner, Councilman voting	AYE
Dean Michael, Councilman voting	AYE
Nancy Cunningham, Councilwoman voting	AYE

There being a majority of the Town Board voting to approve the resolution, the resolution was declared by the Supervisor to have been adopted.

IN WITNESS WHEREOF, I affix the seal of the Town of Clinton as the Clerk thereof, this 9th day of July, 2019.

TOWN OF CLINTON, NEW YORK



Carol-Jean Mackin, Town Clerk