

RESOLUTION 53 OF 2018

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 October, 2018. 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 Whitton,

RESOLUTION ACCEPTING THE ABONDONMENT OF THE PROVIDENCE CEMETERY ASSOCIATION OF PLEASANT PLAINS AND THE TRANSFER OF ALL CEMETERY ASSETS.

WHEREAS, there has been established in the Town of Clinton (“Town”) a cemetery known as the Providence Cemetery Association of Pleasant Plains aka the Provend Cemetery Association aka the Provident Cemetery Association (the “Cemetery”), which maintains a public cemetery on 224 Hollow Road in the Town and owns real property in the Town identified as Parcel Grid No. 132400-6267-00-682353-0000;

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:

Ray Oberly, Town Supervisor voting AYE

Michael Whitton, Councilperson voting AYE

Nancy Cunningham, Councilperson voting AYE

Dean Michael, Councilperson voting AYE

Eliot Werner, Councilperson 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 13 th day of November, 2018.

TOWN OF CLINTON, NEW YORK

Town Clerk: _____
Carol-Jean Mackin