

RESOLUTION NO. 42 OF 2013
TOWN OF CLAYTON
A RESOLUTION REQUIRING AUTHORIZATION TO FILE A CERTIFICATE WITH THE SECRETARY OF STATE DESIGNATING THE SECRETARY OF STATE AS AN AGENT FOR SERVICE OF NOTICE(S) OF CLAIMS AND TOWN OF CLAYTON RECEIVER OF CLAIMS FROM THE SECRETARY OF STATE.
DATE: JUNE 26, 2013

Title: A resolution requiring authorization to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a Notice(S) of Claims and Town of Clayton Receiver of Claims from the Secretary of State.

At a regular meeting of the Town Board of the Town of Clayton, Jefferson County, New York, held at the Town Offices, in said town on the 26th day of June, 2013 at 5:00 PM, prevailing time:

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

PRESENT: Justin A. Taylor, Supervisor
George E. Kittle, Councilman
Lance Peterson, Councilman
Robert W. Cantwell III, Councilman
Christopher D. Matthews, Councilman

The following resolution was offered by Councilman George E. Kittle, who moved its adoption, seconded by Councilman Robert W. Cantwell III, to wit:

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Law §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clayton hereby designates the Secretary of State as its agent for the filing of notices of claim.

RESOLVED, that the Town Board of the Town of Clayton, County of Jefferson designates Kathleen E. LaClair, in her capacity as Town Clerk, to receive notices of claims served upon Secretary of State by mail at 405 Riverside Drive- PO Box 379, Clayton, New York 13624 and email at twnclerk@townofclayton.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

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

Justin A. Taylor, Supervisor	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
George E. Kittle, Councilman	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lance Peterson, Councilman	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Robert W. Cantwell III, Councilman	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Christopher D. Matthews, Councilman	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Yes 5 No 0 Absent 0 Abstain 0

Dated: June 26, 2013

The resolution was duly adopted.

Certification

I, Kathleen E. LaClair, Town Clerk of the Town of Clayton, do hereby certify that the above resolution was adopted at a regular meeting of the Town Board of the Town of Clayton held on June 26, 2013 and it's on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

(SEAL)

Kathleen E. LaClair, Town Clerk