

**RESOLUTION NO. 59 of 2012  
FINAL ORDER OF THE TOWN BOARD  
OF THE  
TOWN OF CLAYTON  
AUTHORIZING THE FORMATION OF THE  
NYS ROUTE 12 SEWER DISTRICT  
DECEMBER 12, 2012**

**Title:** Final Order of the Town Board of the Town of Clayton authorizing the Formation of the NYS Route 12 Sewer District.

At a regular meeting of the Town Board of the Town of Clayton, held at the Town offices, 405 Riverside Drive, Clayton, New York, 13624, on December 12, 2012, there were:

**PRESENT:** Justin A. Taylor, Supervisor  
George E. Kittle, Councilmember  
Lance Peterson, Councilmember  
Robert W. Cantwell III, Councilmember

**ABSENT:** Christopher D. Matthews, Councilmember

**WHEREAS**, at a regular meeting of this Board held at the Town offices on the 24<sup>th</sup> day of October, 2012, an Order of this Board was duly adopted and entered in the minutes of the proceedings reciting in general terms the filing with the Town Clerk of the Town of Clayton of a map, plan and report prepared by Robert J. Company, P.E., for the formation of the NYS Route 12 Sewer District within the Town of Clayton; and specifying that a public hearing shall be held to hear all persons interested in the subject of an increase in the maximum amount proposed to be expended for the formation of a proposed sewer district at 5:00 p.m. on November 7, 2012, and

**WHEREAS**, a copy of the aforementioned Order of this Board was duly and regularly published in the official newspaper for the Town of Clayton and certified copies thereof were posted on the official sign board of the Town of Clayton as required by Article 12-A of the Town Law, and

**WHEREAS**, a public hearing was duly held pursuant to the aforesaid Order at the Town offices, 405 Riverside Drive, Clayton, New York on November 7, 2012, at 5:00 p.m. and at the public hearing this Board heard all evidence presented in connection with the proposed formation of the NYS Route 12 Sewer District, and

**WHEREAS**, following the public hearing on November 7, 2012, and due deliberation having been given by this Board to the hearing, the testimony, and the allegations presented, this Board adopted a Resolution making the findings required under Article 12-A of the Town Law and approved the formation of the NYS Route 12 Sewer District pursuant to the aforesaid map, plan and report, and

**WHEREAS**, within ten (10) days following the adoption of the aforesaid Resolution, the full text of the Resolution together with a notice setting forth the date of the adoption thereof and the fact that the resolution was adopted subject to a permissive referendum was published in the official newspaper of the Town of Clayton and posted as required by law, and

**WHEREAS**, more than thirty (30) days have elapsed since the adoption of the Resolution, and no petition protesting against the Resolution has been properly submitted to the Town Clerk of the Town of Clayton, and the Town Clerk has caused to be filed pursuant to Section 209-e(4)(a) of the Town Law a certificate certifying that no petition was filed requesting a referendum, and

**WHEREAS**, the permission of the State Comptroller is not required pursuant to Section 209-f of the Town Law.

**NOW, THEREFORE**, upon a motion duly made, and seconded, this Board hereby makes the following Order:

1. **ORDERED** that the aforesaid recitations are incorporated herein as if fully set forth hereafter, and it is further
2. **ORDERED** that the formation of the Town of Clayton NYS Route 12 Sewer District as described in the Map, Plan and Report prepared by Robert J. Campany, P.E. is finally established with the boundaries thereof as described on the attached Schedule "A", which is made a part hereof, and the providing of the services as described in the Report is hereby authorized, and it is further
3. **ORDERED** that the Town Clerk of the Town of Clayton shall cause a certified copy of this final Order of the Town Board to be duly recorded in the Office of the Clerk of the County of Jefferson, within ten (10) days after its adoption, and to file a certified copy thereof with the Department of Audit and Control within ten (10) days following its adoption.

A motion to adopt the foregoing Order was made by Councilmember Lance Peterson and seconded by Councilmember Robert W. Cantwell III and upon a roll call vote of the Board was duly adopted as follows:

Justin A. Taylor, Supervisor                      Yes X No    

George E. Kittle, Councilman                      Yes X No

Lance L. Peterson, Councilman      Yes X No\_\_

Robert W. Cantwell III, Councilman      Yes X No\_\_

Christopher D. Matthews, Councilman      ABSENT

Dated: December 12, 2012

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Kathleen E. LaClair, Town Clerk

**(SEAL)**