

**RESOLUTION #51 OF 2015**  
**TOWN OF CLAYTON**  
**A RESOLUTION FOR THE TOWN OF CLAYTON TO EXTEND INTO AGREEMENT NO. D005386**  
**WITH THE STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION FOR THE FIXED LUMP**  
**SUM MUNICIPAL SNOW AND ICE AGREEMENT TO EXPIRE ON JUNE 30, 2017.**  
**DATED: OCTOBER 28, 2015**

**Title:** A resolution for the Town of Clayton to extend into agreement No. D005386, with the State of New York Department of Transportation for the Fixed Lump Sum Municipal Snow and Ice Agreement to expire on June 30, 2017.

At a regular meeting of the Town Board of the Town of Clayton, Jefferson County, New York, held at the Town Hall, Clayton, New York, on the 28<sup>th</sup> day of October, 2015, 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  
Lance Peterson, Councilman  
Robert W. Cantwell III, Councilman  
Christopher D. Matthews, Councilman  
Mary Zovistoski, Councilwoman

The following resolution was offered by Robert W. Cantwell III, who moved its adoption, seconded by Mary Zovistoski, to wit:

**WHEREAS**, the Town of Clayton has received a letter from Dennis Pawlicki, P.E., Asst. Director of Operations of Region 7, State of New York Department of Transportation, dated October 15, 2015, and

**WHEREAS**, the COMMISSIONER and the MUNICIPALITY have entered into Agreement No.D005386 entitled "Fixed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of the Town of Clayton" dated 1/16/1992; and

**WHEREAS**, the term of the said Agreement is for a period of three years commencing July 1, 1991 and that said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

**WHEREAS**, the present term of the Agreement, as extended, expires June 30, 2017; and

**WHEREAS**, Section 7 of the said Agreement provides that the COMMISSIONER shall furnish the MUNICIPALITY with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement.

**WHEREAS**, Section 9 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the COMMISSIONER subject to the provisions of Section 9 at the time for extension of the Agreement;

**WHEREAS**, The aforementioned "Fixed Lump Sum Snow and Ice Agreement between the New York State Department of Transportation and the Municipality" is hereby extended for a period of one year; now to expire on June 30, 2018, unless further extended.

**WHEREAS**, the State Highways or parts thereof affected by the Agreement are as delineated on the attached map, agreed upon by the COMMISSIONER and the MUNICIPALITY, which shall be effective for the remainder of the term of the Agreement commencing July 1, 2017, unless changed by future agreement between the COMMISSIONER and the MUNICIPALITY.

**WHEREAS**, all the terms and conditions of the original contract remain in effect except as follows. The lump sum payment specified in Section 9 of the aforementioned Agreement shall be **\$4,955.86** per lane mile for **12.0** lane miles for a total of **\$59,470.38** for the **2015/16** season and for the remainder of the term of the Agreement commencing July 1, **2015**, unless changed by future update.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Clayton Town Board authorizes the Town Supervisor to sign the Extended Fixed Lump Sum Municipal Snow and Ice Agreement that will expire on June 30, 2018.

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"/>
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"/>
Mary Zovistoski, Councilman	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Yes 5 No 0 Absent 0 Abstain 0

Dated: October 28, 2015

**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 October 28, 2015 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)**

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**Kathleen E. LaClair, Town Clerk**