**TOWN OF PLATTSBURGH**

**TOWN BOARD MONTHLY MEETING**

**April 16, 2020**

**Resolution NO. 020-071 Receivership of Whispering Maples Inc,**

**WHEREAS,** on June 5th , 2015, the Town of Plattsburgh received a letter from the NYS Division of Cemeteries informing the Town that Whispering Maples Inc.. a business operating a Mausoleum in the Town of Plattsburgh, was abandoned within the meaning of Town Law Section 291; and

**WHEREAS**, By order dated January 6, 2016, Connie Goedert was appointed as temporary receiver of Whispering Maples Memorial Gardens, Inc.; and

**WHEREAS**, the Temporary Receiver, pursuant to the January 2016 Order, having taken exclusive control, possession, and custody of all the assets of Whispering Maples, with the full powers and obligations of a Receiver appointed pursuant to Article 12 of the NPCL; and

**WHEREAS**, the Temporary Receiver, having reviewed the financial records, operations, and assets of Whispering Maples; having maintained and operated Whispering Maples’ crematory mausoleum in the Town of Ellenburg (Ellenburg) as well as Whispering Maples ‘mausoleum in the Town of Plattsburg (Plattsburgh) having collected income from Whispering Maples’ crematory and mausoleums, and having kept true books of account of all moneys received and expended by her; and

**WHEREAS,** the Temporary Receiver having overseen the assessment of the physical condition of Whispering Maples’ facilities and overseen the repair of these facilities with funding from the New York State Division of Cemeteries and special grants authorized by New York State; and

**WHREAS**, the Temporary Receiver, as directed by the January 2016 Order, having otherwise prepared for transfer to the Towns pursuant to Town Law§ of 219 of the crematory, the mausoleums, and related cemetery property and

**WHEREAS**, Letitia James, Attorney General of the State of New York (the Attorney General”), having filed on January 10, 2020, a Verified Petition for an order judicially dissolving the corporate existence of Whispering Maples pursuant to §§ 112(a) (7) and 1102(a) (2) E of the Not –For-Profit Corporation Law (“NPCL”) and Article 8 of the Estates, Powers and Trusts Law (“EPTL”); and

**WHEREAS,** pursuant to an Order to Show Cause Returnable on February 24, 2020 held in the Clinton County Court House with all interested parties present the attached Order was signed by the Hon. John T. Ellis, JSC; and

**WHEREAS,** a copy of said Order be attached to this resolution and made a part now; therefore, be it

**RESOLVED**, that the Supervisor is authorized to take any and all actions as set forth in the attached Order; and be it further

**RESOLVED**, .that this order will take effect on May 1 , 2020.

**Motion: Charles A. Kostyk**

**Seconded by: Barbara E. Hebert**

**Discussion: yes**

**Roll Call: Yes No Absent Carried Tabled**

**x**

**Thomas E. Wood x Meg E. LeFevre x**

**Barbara E. Hebert x**

**Charles A. Kostyk x**

**Michael S. Cashman x**