

## SPECIAL TOWN BOARD MEETING

MARCH 4TH, 1939

Present: Mr. Blauvelt  
 Dr. Gilchrest  
 Mr. Jacobsen  
 Mr. Baker

Absent: Mr. Eberling

The meeting was held jointly with the Zoning Commission and the Zoning Consultants.

Mr. Blauvelt called the meeting to order.

Mr. Harold S. Deming, Chairman of the Zoning Commission, explained the few changes that had been made in the Zoning Ordinance and then read the final report of the Zoning Commission. Mr. Squire then pointed out the changes in the zoning map. The report and map were then submitted to the Board for its acceptance.

Mr. Baker moved that the final Report of the Zoning Commission and the final proposed zoning map be accepted.

Seconded by Mr. Jacobsen

Carried

Mr. Baker moved the following resolution:

RESOLVED, that Lexow & Jenkins be requested to draw up notice of a Public Hearing on the proposed Zoning Ordinance and Map to be held on Monday, March 27th, 1939, at 8:00 P. M. Eastern Standard Time at either Congers High School or Nanuet School, according to which school is available for the evening but preferably in Congers High School, and BE IT FURTHER

RESOLVED, that the notice will have the time and place of hearing and include the changes in the ordinance and the fact that maps will be available at the office of the Town Clerk or by mail, but the notice will not include the entire ordinance.

Seconded by Mr. Jacobsen

Vote:	Mr. Jacobsen	Yes
	Mr. Baker	Yes
	Dr. Gilchrest	Yes
	Mr. Blauvelt	Yes

Mr. Jacobsen moved that the present tentative Zoning Ordinance as corrected and printed for distribution to the amount of three hundred (300) copies, providing it doesn't cost over \$10.00

Seconded by Mr. Baker	Vote:	Mr. Jacobsen	Yes
		Mr. Baker	Yes
		Dr. Gilchrest	Yes
		Mr. Blauvelt	Yes

Mr. Baker moved that three hundred (300) copies of the proposed zoning map be made at the most reasonable price possible.

Seconded by Mr. Jacobsen	Vote:	Mr. Jacobsen	Yes
		Mr. Baker	Yes
		Dr. Gilchrest	Yes
		Mr. Blauvelt	Yes

Mr. Baker moved that the Zoning Commission be thanked for the splendid work they have done, as outlined in their reports.

Seconded by Mr. Jacobsen	Carried
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It was regularly moved and seconded that the meeting adjourn.

Meeting adjourned.

  
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 Town Clerk

## PUBLIC HEARING

ON

ORDINANCE TO LICENSE JUNK DEALERS AND DEALERS IN  
SECOND-HAND ARTICLES

The question of the amendment of the Town Ordinances by the adoption of a new ordinance to be known as "Ordinance No. 1" came up for consideration.

The Town Clerk reported that the said amendment had been proposed at a meeting of the Town Board held on February 14th, 1939, at which time a public hearing thereon was ordered to be held on March 13th, 1939, at 2:00 o'clock P. M., at the office of the Town Clerk in New City, New York, and that notice of a public hearing on said ordinance, to be held at the Town Clerk's office in New City, New York, on March 13th, 1939, at 2:00 o'clock P. M., had been duly published in the Journal-News, the official paper of the Town, on the 1st day of March, 1939, as appears by the affidavit of Helen L. Phillips, verified March 1st, 1939, heretofore filed in the Town Clerk's office.

After a thorough discussion and consideration of the matter, at which all citizens who had an interest therein were given an opportunity to be heard, on motion of Councilman Baker, seconded by Councilman Jacobsen, it was

RESOLVED, that the Ordinances of the Town of Clarkstown be and they hereby are amended by the insertion of a new ordinance, to be known as "Ordinance No. 1", which shall provide as follows:

ORDINANCE NO. 1

An Ordinance to license junk dealers and dealers in second-hand articles and prescribing the conditions an applicant must comply with in order to receive and hold such a license.

ARTICLE 1

The Town Board of the Town of Clarkstown, County of Rockland and State of New York, hereby ordains, enacts and publishes as follows:

Section 1. It shall hereafter be unlawful for any person, association, partnership or corporation to engage in the business of buying or selling of old metal, junk, or other second-hand articles anywhere within the Town of Clarkstown without first having obtained a license so to do from the Town Clerk of the Town of Clarkstown, which license shall run from January 1st to December 31st and shall cost the sum of Five (\$5.00) Dollars per year.

AAH269

Section 2. Where a junk dealer operates more than one vehicle in connection with such business, a separate license will have to be obtained and a separate license fee paid for each vehicle so operated.

Section 3. No license shall be issued to a person who has heretofore been convicted of a crime or a violation of Article VI of the General Business Law.

Section 4. Each license will be separately numbered and upon receiving a license each applicant will be required to display the number of such license in a prominent position upon the vehicle for which the license has been issued and to carry said license with him at all times.

Section 5. As a condition of receiving such license each applicant must agree to record in a book the date of purchase, the time and place of purchase and the name and address of the person from whom each article is purchased.

Where a junk dealer operates a junk yard a record book must be kept for that yard, which will remain continually at the yard and will record, as above set forth, all purchases made thereat.

Where a junk dealer operates one or more vehicles a record book must be kept for and carried on each vehicle, which will remain continually on such vehicle and will record, as above set forth, all purchases made through the operator of said vehicle.

All record books must be open to inspection by any police officer at all reasonable times. It will not be necessary for any junk dealer to preserve such records of purchases after the lapse of two years from the time the purchase took place.

## ARTICLE II

### Penalty

Section 1. A violation of this ordinance is hereby declared to be a misdemeanor, punishable by a fine of not to exceed Fifty (\$50.00) Dollars or by imprisonment in the county jail not to exceed six (6) months or by both such fine and imprisonment.

Section 2. Any person, firm or corporation violating this ordinance shall incur a civil penalty of Five (\$5.00) Dollars a day for each day each vehicle is operated in violation of this ordinance within the Town of Clarkstown, outside of an incorporated village.

Section 3. Nothing herein contained shall be deemed to prevent, waive or supersede the right of the Town Board to compel compliance with or to restrain by injunction the violation of this ordinance, notwithstanding the fact that the violator may have been convicted of a misdemeanor hereunder or may have paid a fine or penalty for such violation.

Section 4. In addition to all other remedies and powers prescribed herein, the Town Board shall have power, upon proof of the violation of this ordinance, to suspend or revoke a license heretofore issued to the offender.

## ARTICLE III

### In Effect

Section 1. This ordinance shall take effect immediately.

FURTHER RESOLVED, that said amendment to said Town Ordinances be published once in the Journal-News, a daily newspaper published in the Village of Nyack, Rockland County, New York, and having a general circulation in the Town of Clarkstown, which is hereby designated as the official paper of said Town for said publication, and posted in three conspicuous places in said Town, as required by law.

FURTHER RESOLVED, that said ordinance become effective within ten days after the publication and posting of said ordinance as provided by Section 133 of the Town Law.

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

AYES:     Mr. Eberling  
           Dr. Gilchrest  
           Mr. Jacobsen  
           Mr. Baker  
           Mr. Blauvelt

Noes:     None

AAH269

## PUBLIC HEARING

ON

## ORDINANCE LICENSING PIN BALL MACHINES IN THE TOWN OF CLARKSTOWN

The question of the amendment of the Town Ordinances by the adoption of a new ordinance to be known as "Ordinance No. 2" came up for consideration.

The Town Clerk reported that the said amendment had been proposed at a meeting of the Town Board held on February 14th, 1939, at which time a public hearing thereon was ordered to be held on March 13th, 1939, at 2:30 o'clock P. M., at the office of the Town Clerk in New City, New York, and that notice of a public hearing on said ordinance, to be held at the Town Clerk's office in New City, New York, on March 13th, 1939, at 2:30 o'clock P. M., had been duly published in the Journal-News, the official paper of the Town on the 1st day of March, 1939, as appears by the affidavit of Helen L. Phillips, verified March 1st, 1939, heretofore filed in the Town Clerk's office.

After a thorough discussion and consideration of the matter, at which all citizens who had an interest therein were given an opportunity to be heard, on motion of Councilman Baker, seconded by Councilman Eberling it was

RESOLVED, that for the purpose of promoting the health, safety, morals and general welfare of the community and the protection and preservation of the property of the Town and of its inhabitants, and the preservation of peace and good order, and for the purpose of promoting and benefiting trade and all other matters related thereto, the Ordinances of the Town of Clarkstown be and they hereby are amended by the insertion of a new ordinance, to be known as "Ordinance No. 2", which shall provide as follows:

ORDINANCE NO. 2

An Ordinance prohibiting the possession, use, etc., of "pin ball machines" in the Town of Clarkstown without obtaining a license therefor.

ARTICLE I

The Town Board of the Town of Clarkstown, Rockland County, New York, here by ordains, enacts and publishes as follows:

Section 1. It shall be unlawful for any person, firm or corporation to have in his or its possession, or under his or its control, or permit to be placed, maintained or kept in any room, enclosure, or building, owned, leased or occupied

by him, or it, or under his or its management or control, any machine, apparatus or device, commonly known as a "pin ball machine", or any machine, apparatus or device into which may be, or might have been, inserted any piece of money or other object and in which machine, as the result of such an insertion, or as the result of such insertion and the application of physical or mechanical force, one or more marbles or balls may be set into motion, as the result of which said marbles or balls are caused to fall into slots or holes containing numbers, or into a trap containing no number, without having obtained a license therefor, which license is hereby fixed at the sum of Twenty-Five (\$25.00) Dollars per annum for each such machine.

## ARTICLE II

### Penalty

Section 1. A violation of this ordinance is hereby declared to be a misdemeanor, punishable by a fine of not to exceed Fifty (\$50.00) Dollars or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

Section 2. Any person, firm or corporation violating this ordinance shall incur a civil penalty of Five (\$5.00) Dollars a day for each day each of such machines shall be in his or its possession or under his or its control in the Town of Clarkstown outside of an incorporated village, without obtaining the license hereby required therefor.

Section 3. Nothing herein contained shall be deemed to prevent, waive or supersede the right of the Town Board to compel compliance with or to restrain by injunction the violation of this ordinance, notwithstanding the fact that the violator may have been convicted of a misdemeanor hereunder or may have paid a fine or penalty for such violation.

Section 4. In addition to all other remedies and powers prescribed herein, the Town Board shall have power, upon proof of the violation of this ordinance, to suspend or revoke a license heretofore issued to the offender.

## ARTICLE III

### In Effect

Section 1. This ordinance shall take effect immediately.

FURTHER RESOLVED, that said amendment to said Town Ordinances be published once in the Journal-News, a daily newspaper published in the Village of Nyack, Rockland County, New York, and having a general circulation in the Town of Clarkstown, which is hereby designated as the official paper of said Town for said publication, and posted in three conspicuous places in said Town, as required by law.

FURTHER RESOLVED, that said ordinance become effective within ten days after the publication and posting of said ordinances as provided by Section 133 of the Town Law.

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

AYES: Mr. Eberling  
Dr. Gilchrest  
Mr. Jacobsen  
Mr. Baker  
Mr. Blauvelt

NOES: None