

SPECIAL TOWN BOARD MEETING

Town Hall

8/28/73

7:30 PM

Present: Co. D'Antoni, Lodico, Pizzutello, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney Frederick P. Roland

Absent: Councilman Niehaus

Supervisor Vines called Special Town Board Meeting to order; assemblage saluted the Flag.

(1973-700) Councilman Pizzutello offered the following resolution:

RESOLVED, that Resolution #661 adopted 8/15/73 adopting recommendations of PERB Fact Finder (Police Contract), is hereby rescinded.

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

Co.

AYES: /D'Antoni, Pizzutello, Supervisor Vines

NOES: Councilman Lodico.

MOTION CARRIED

(1973-701) Supervisor Vines offered the following resolution:

RESOLVED, that resolution #660, which was not adopted at Town Board Meeting held on 8/15/73, which specified addition to terms and conditions contained in the Police Contract, is hereby ADOPTED.

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

AYES: Co. D'Antoni, Pizzutello, Supervisor Vines

NOES: Co. Lodico

MOTION CARRIED

(1973-702) Councilman D'Antoni offered the following resolution:

RESOLVED, that John Ambrose, Chief of Police, is hereby authorized to attend a Patrol Management Seminar to be held at the Sheraton Brook Hotel, Niagara Falls, Ontario, from 9/4/73 to 9/7/73, and be it

FURTHER RESOLVED, that all expenses, not to exceed \$350.00, be made a proper Town charge against Account #3120 - 414.

Seconded by Councilman Pizzutello.

All voted Aye.

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(1973-703) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7140, Police Patrolman, which contains the name of CHRISTOPHER GOODYEAR;

NOW THEREFORE, be it

RESOLVED, that Christopher Goodyear, 19 Strawtown Road, West Nyack N Y, is hereby appointed to the position of Police Patrolman - Police Department - at the annual salary (1973) of \$9,200.00, effective September 3rd, 1973.

Seconded by Councilman Pizzutello. All voted Aye.

(1973-704) Councilman D'Antoni offered the following resolution:

RESOLVED, that CANDACE WENTLAND, Old Haverstraw Rd., Congers N Y, is hereby appointed to the position of Office Worker-Student - Town Attorney's Office, at the hourly rate of \$2.00, effective September 4th, 1973, term to expire on December 31, 1973.

Seconded by Councilman Pizzutello. All voted Aye.

Supervisor Vines, re proposal before Town Board to create Committee to determine what constitutes obscenity, asked for comments from persons in attendance regarding same. The following spoke; after the Supervisor stated his office had received many calls re obscene movies showing in the township; 'Last Tango in Paris' specifically.

Ms. Rita Sackowitz (Organized Taxpayers' Association): Received many calls from members objecting to this X rated film. Wants town to establish moral code. Crowds coming from other localities; not good for Rockland residents. Set high standard in this town.

Mr. Fred Haeger, Valley Cottage: (Organized Taxpayers' Association): Agrees, but does not think this is in purview of Organized Taxpayers' Association; we are primarily interested in taxation and should not get into areas which you are discussing this evening. First amendment of the Constitution makes this kind of action censorship. Each person should decide for themselves; censorship has no place in this town or country; would be a very dangerous precedent.

Mr. Joseph Pantano, Little Tor Rd., New City: Committee should be appointed; persons should be taken from various political parties. Suggested Town Board see movie and then decide.

Mr. Robin Todd, Raven Terrace, New City: Town has no right to dictate what I see. This is not town matter. Opposed to creation of committee.

Ms. Rita Feinberg, West Nyack: Decision should be mine; if movies are rated "X", people do not have to see them. On the other hand, they should not deny other people right to see them.

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Correspondence received in this connection:

Ms. Rita Sackowitz: Ban this movie (Last Tango in Paris).

Reverend Garner, West Nyack: Opposes any action along this line. Everyone has right to what he wants.

Comments from Members of the Town Board:

Councilman Lodice: Saw Last Tango in Paris last night; most degrading. Language filthy and degenerating. Actions were unbecoming to a gentleman. Portrayal of deviate; surprised Marlon Brando stooped so low. BUT, I would not decide -- what is one man's poison may be one man's medicine. Until such time as the first amendment is amended to include a section that says local communities have the right to determine the moral and social level; our crusade would be futile. This position is something that should be considered by judicial review rather than legislative prerogative.

Councilman Pizzutello: Also saw movie; bad film. Agrees with Councilman Lodico.

Supervisor Vines: Moral standards have gone down; community has responsibility to its young people to set up codes of ethics as to what is moral.

(1973-705) Councilman Pizzutello offered the following resolution:

WHEREAS, the United States Supreme Court has rendered a decision that, in substance, states that the determination as to what constitutes obscenity may be made by local communities, and

WHEREAS, it is important that in implementing this authority given by the U. S. Supreme Court decision that local communities maintain a proper balance between the constitutional rights of those who do not wish to see what they consider obscene materials and those who on the other hand claim constitutional rights to see what they believe to not be obscene, and

WHEREAS, in order to maintain such a delicate balance, it is necessary that no one person initially determine what constitutes obscenity, and

WHEREAS, in order to assure the protection of the constitutional rights of everyone concerned, the Town Board of the Town of Clarkstown believes that it is in the best interest of all of the residents of the Town of Clarkstown that a committee be appointed by the Town Board to make certain that this proper balance is maintained;

(continued)

(1973-705 -- continued)

NOW THEREFORE, be it

RESOLVED, that a committee of nine (9) persons is hereby created, such committee to have the function of investigating and determining obscenity in motion pictures and other public displays or materials in places of entertainment such as restaurants, taverns, bars and grills in the Town of Clarkstown, and be it

FURTHER RESOLVED, that this committee shall serve for a term of one (1) year at the discretion of the Town Board, shall serve without compensation and shall adopt its own rules and regulations of procedure subject to the approval of the Town Board.

Seconded by Councilman D'Antoni.

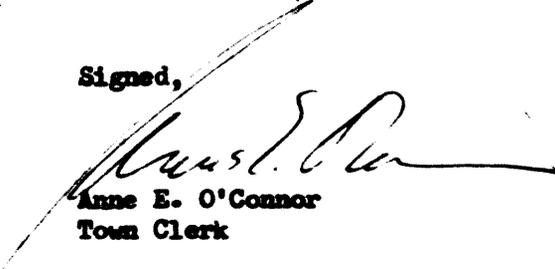
On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Pizzutello, Supervisor Vines  
NOES: Councilman Lodico

MOTION CARRIED

On resolution offered by Councilman D'Antoni, seconded by Councilman Lodico and unanimously adopted, Special Town Board meeting was adjourned. Next regular Town Board meeting will be held on September 5th, 1973 commencing at 8:00 PM; to be held in the Board Meeting Room of the Town Hall.

Signed,

  
Anne E. O'Connor  
Town Clerk