

PUBLIC HEARING

Town Hall

9/29/76

8:31 PM

Present: Co. D'Antoni, Holbrook, Maloney
Supervisor Gerber
Murray Jacobson, Town Attorney
John R. Bradley, Town Clerk

Absent: Co. Piacentile

RE: SPECIAL ASSESSMENT ROLL FOR THE IMPROVEMENT OF CENTRAL AVENUE, RANDY LANE AND BLUE WILLOW LANE IN THE TOWN OF CLARKSTOWN.

On the request of the Supervisor for persons to be heard for or against the Special Assessment two of the residents effected made comments with respect to the cost of the paving as being excessive, the bills presented by the Town totaling in excess of \$6,000.00 over the estimated cost. Residents felt that this might be a reflection of the poor manner, in their opinion, in which the road was constructed, i.e. finish black top being used to a considerable depth, more than ordinarily required.

It was explained to the residents by the Supervisor that the cost of asphalt was a bid item and that the Town purchased at a price lower than the private contractor could. Trucking of the asphalt was done by the Highway Department trucks with Highway employees at no cost to the Special District. As Mr. Seeger, Supt. of Highways, was not at the meeting and could not be located, many questions were not able to be answered. After a brief recess by the Town Board, the Board through Supervisor Gerber decided that because the law required that the Special Assessment Roll be adopted by September 30th, they would adopt it as "further amended". This will give the Town Engineer, the Supt. of Highways and any other agencies involved an opportunity to investigate the possibility of an error having occurred in the final figures. If any errors are found, they will be reflected in a new - amended Assessment Roll.

On a motion offered by Co. Maloney, seconded by Co. Holbrook and unanimously adopted, Public Hearing was closed.

Submitted by,


John R. Bradley
Town Clerk

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TOWN BOARD MEETING

Town Hall

9/29/76

8:00 PM

Present: Co. D'Antoni, Holbrook, Maloney, Supv. Gerber
Murray N. Jacobson, Town Attorney
John R. Bradley, Town Clerk
Absent: Co. Piacentile

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

(1976-658) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing, that the bid to supply uniforms to
the Clarkstown Police Department is hereby awarded to Best
Uniform Company, 18 West 18th Street, New York, New York, 10011,
at the total net unit bid of \$200.70, and be it

FURTHER RESOLVED, that funds for same be taken from
Account 3120, line 307.

Seconded by Co. D'Antoni

All voted Aye.

(1976-659) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing, that the bid to supply Rock Salt to
the Clarkstown Highway Department is hereby awarded to
Cargil Salt Company, Inc., 191 Portland Point Road, Lansing,
New York, 14882, at the low bid of \$20.62 per ton delivered,
and be it

FURTHER RESOLVED, that funds for same be taken from
Account 5142, line 386.

Seconded by Co. Maloney

All voted Aye.

(1976-660) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing and the concurrence of the Superintendent
of Highways that the bid for the purchase of (3) five cubic yard
body-type sand and salt spreaders is hereby awarded to Trius,
Inc., 369 Duffy Avenue, Hicksville, New York 11802, at the bid
price of \$15,732.00 and be it

FURTHER RESOLVED, that funds for same be taken from
Account 5130, line 291.

Seconded by Co. Maloney

All voted Aye.

EFC873

Monthly Reports for Office of the Building Inspector and the Zoning Board of Appeals for the month of August, 1976 filed and available in the Office of the Town Clerk.

(1976-661) Co. Maloney offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

In the Matter of the Application of the
VALLEY COTTAGE FIRE DISTRICT OF THE TOWN
OF CLARKSTOWN,

Petitioner,

for a Judgment requiring the Assessor of the Town of Clarkstown to properly list all parcels of real property as shown on said tax map in the proper fire district and requiring the Receiver of Taxes of the Town of Clarkstown to properly apply the tax rate of the Valley Cottage Fire District to all properties lying in the Valley Cottage Fire District, and for the Supervisor of the Town of Clarkstown to pay over to the Valley Cottage Fire District all taxes collected on real property lying in the Valley Cottage Fire District,

-against-

GEORGE MELLERSTEN, as ASSESSOR OF THE TOWN OF CLARKSTOWN; GEORGE GERBER, as SUPERVISOR OF THE TOWN OF CLARKSTOWN; C. ELSIE MONNERET, as RECEIVER OF TAXES OF THE TOWN OF CLARKSTOWN; and CENTRAL NYACK FIRE DISTRICT OF THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action.

Seconded by Co. Holbrook

All voted Aye.

(1976-662) Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Hamden Heights Subdivision, New City
Lakeside Village Subdivision, New City
Endicott Street, Congers

Seconded by Co. Maloney

All voted Aye.

(1976-663) Co. Maloney offered the following resolution:

WHEREAS, the Legislature of the State of New York has enacted Section 485-b of the Real Property Tax Law, entitled, "Business Investment Exemption", and

WHEREAS, this law encourages new business construction and improvements and permits municipalities to grant assessments and prescribed formula for a maximum of ten years in order to promote commercial growth, thereby creating a stronger tax base for every participating government jurisdiction and providing employment opportunities in the construction trades as well as in those fields in which the business is engaged,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown intends to utilize this section of the Real Property Tax Law without amendment, and encourages the Clarkstown Industrial Commission and other Town agencies to promote the use of the "Business Investment Exemption" in order to insure commercial growth in the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

(1976-664) Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown desires to acquire certain easements and lands for sidewalk purposes in the area of Rockland Lake Road from Church Lane to Route 303, Valley Cottage, New York, and

WHEREAS, certain negotiations appear to have failed;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to commence condemnation proceedings to acquire the lands for sidewalk purposes in accordance with the metes and bounds description prepared by Jack D. Boswell and Associates, at premises located at LOT 16, Block C, as shown on Tax Map 123, and Lot 30, Block C, as shown on Tax Map 123, and be it

FURTHER RESOLVED, that the Town Attorney be and he hereby is authorized to contact a reputable title company to secure title reports for the two parcels required for sidewalk purposes, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to employ two appraisers in order to obtain the necessary financial data for good faith negotiations as required by the Condemnation Law of the State of New York, and be it

FURTHER RESOLVED, that the Town Attorney be and he hereby is authorized to proceed to obtain Orders of Immediate Possession of said properties pending the final outcome of the condemnation proceeding hereinabove authorized.

Seconded by Co. Holbrook

All voted Aye.

ECC873

(1976-665) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at ALBERTUS MAGNUS HIGH SCHOOL (54-A-9.06) by the installation of fire lane designations, and

WHEREAS, S. Catherine William the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

(1976-666) Co. Maloney offered the following resolution:

WHEREAS, a public hearing which had been scheduled for September 15, 1976, at 8:15 P.M. to consider the re-application of TOLSTOY FOUNDATION NURSING HOME CO., INC. for a Special Permit to erect an extension to an existing nursing home located at Lake Road, Valley Cottage, New York, was recessed until September 29, 1976 at 8:45 p.m., and

WHEREAS, certain legal requirements could not be carried out within the statutory time limit;

NOW, THEREFORE, be it

RESOLVED, that the public hearing set for September 29, 1976 at 8:45 p.m. is hereby cancelled, and be it

FURTHER RESOLVED, that a public hearing be rescheduled and held by the Town Board on the 13th day of October, 1976 at 8:30 P.M., at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, relative to this Special Permit re-application and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, as aforesaid, and file proof thereof in the office of the said Clerk.

Seconded by Co. Holbrook

All voted Aye.

(1976-667) Co. Maloney offered the following resolution:

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 2-1968, AS AMENDED, ENTITLED, 'LOCAL LAW TO REGULATE THE DISCHARGE OF FIREARMS IN THE TOWN OF CLARKSTOWN'" which law is designated in the Code of the Town of Clarkstown as Chapter 44. Said amendment is as follows:

Amend Section 44-3 entitled, "Exceptions" by adding a paragraph to read as follows:

"In all other instances, the Town Board may, upon written request, adopt a resolution granting permission for other shooting activities."

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 20 of the Municipal Home Rule Law be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of October, 1976, at 8:45 P.M., relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the Town Clerk.

Seconded by Co. D'Antoni

All voted Aye.

(1976-668) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown adopted Local Law No. 8-1976 entitled "A LOCAL LAW FOR THE CONDUCT OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS IN THE TOWN OF CLARKSTOWN" at a regular meeting held on September 15, 1976, and

WHEREAS, the Town Board is now considering the adoption of an Ordinance rather than a local law in order that certain legal requirements of the Municipal Home Rule Law be met, and

WHEREAS, Councilman D'Antoni, a member of the Town Board, has introduced a local law to repeal Local Law No. 8-1976;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 20 of the Municipal Home Rule Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of October, 1976, at 8:10 P.M., relative to the repeal of Local Law No. 8-1976, and be it

(continued)

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(1976-668 continued)

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Seconded by Co. Maloney

All voted Aye.

(1976-669) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers it to be in the interest of the Town to adopt an ordinance entitled "THE CONDUCT OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS IN THE TOWN OF CLARKSTOWN" as follows:

(INSERT ATTACHED ORDINANCE)

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, on the 13th day of October 1976 at 8:15 P.M., to consider the adoption of this Ordinance, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News and file proof thereof in the office of the said Clerk.

Seconded by Co. Maloney

All voted Aye.

ORDINANCE FOLLOWS

**ORDINANCE ENTITLED "ORDINANCE FOR
THE CONDUCT OF GAMES OF CHANCE BY
CERTAIN ORGANIZATIONS IN THE TOWN
OF CLARKSTOWN"**

Section 1. Legislative intent.

The Town Board finds the raising of funds for the promotion of bona fide charitable, religious organizations where the beneficiaries are undetermined, to be in the public interest, and that the mandate of Section 9 of Article I of the Constitution of the State of New York, as amended, should be carried out by rigid regulations to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes herein authorized.

Section 2. Origin and source of authority.

This Ordinance is subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law and amendments thereto, and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.

Section 3. Definitions.

As used in this Ordinance, the terms "authorized games of chance lessor", "authorized organization", "authorized supplier of games of chance equipment", "games of chance", "lawful purposes", "net lease", "net proceeds", "one occasion" and "prize" shall have the meanings designated in the definitions set forth in Article 9-A of the General Municipal Law.

(continued)

LICENSED PERIOD - Shall mean a period of time not to exceed fourteen consecutive hours.

OFFICER - For the purposes of this Ordinance, the Chief of Police of the Town of Clarkstown shall be the "officer" designated in Article 9-A of the General Municipal Law as the chief law enforcement officer of this municipality.

TOWN BOARD - Shall mean the Town Board of the Town of Clarkstown.

TOWN CLERK - Shall mean the Town Clerk of the Town of Clarkstown.

STATE BOARD - Shall mean the New York State Racing and Wagering Board.

Words singular in form may include the plural; and words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders.

Section 4. Enforcement.

The Town Clerk is hereby delegated the authority granted to the Town Board by Article 9-A of the General Municipal Law entitled, "local option for conduct of games of chance by certain organizations", in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, and the collection and transmission of fees.

Section 5. License required.

No person, firm, association, corporation or organization other than an authorized organization licensed under the provisions of this Ordinance shall be permitted to conduct games of chance within the territorial limits of the Town of Clarkstown.

Section 6. Application for a license to conduct games of chance.

A. Each applicant for a license, after obtaining an identification number from the State Board, shall file with the Town Clerk a written application therefor in a form to be prescribed

by the State Board or the Town Clerk, duly executed and verified in which shall be stated:

1. the name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the Town Clerk to determine whether or not it is a bona fide authorized organization;
2. the names and addresses of its officers; and the place where and the date and time when the applicant intends to conduct games of chance under the license applied for;
3. the amount of rent to be paid or other consideration to be given directly or indirectly for each occasion for use of the premises of another authorized organization licensed under this Ordinance to conduct games of chance or for the use of the premises of an authorized games of chance lessor;
4. all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of games of chance; and the names and addresses of the persons to whom and the purposes for which they are to be paid;
5. the purposes to which the entire net proceeds of the games of chance are to be devoted and in what manner; and that no commission, salary, compensation, reward or recompense will be paid to any person for conducting games of chance or for assisting therein, except as otherwise provided in Article 9 of the General Municipal Law;
6. any other information as shall be prescribed by the rules and regulations promulgated by the State Board.

B. In each application there shall be designated not less than four active members of the applicant organization under whom the games of chance will be conducted, and to the application shall be appended a statement executed by the members so designated that they will be responsible for the conduct of the games of chance in accordance with the terms of the license, Article 9-A of the General Municipal Law, the provisions of this Ordinance and the rules and regulations of the State Board.

C. Each applicant for a license to lease premises to a licensed organization for the purposes of conducting games of chance therein shall file with the Town Clerk a written application therefor in a form to be prescribed by the State Board or the Town Clerk, duly executed and verified, which shall set forth the name and address of the applicant; designation and address of the premises intended to be covered by the license sought; a statement contained in the definition of "authorized organization" set forth in Article 9-A of the General Municipal Law; and any other information as shall be prescribed by the State Board and the provisions of this Ordinance.

Section 7. Restrictions upon conduct of games of chance.

A. No person, firm, association, corporation or organization other than a licensee under the provisions of this Ordinance shall conduct a game of chance or shall lease or otherwise make available for conducting games of chance a hall or other premises for any consideration whatsoever, directly or indirectly, except as provided in Section 6 of this Ordinance.

B. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid wholly or partly on the basis of a percentage of the receipts or net profits derived from the operation of a game of chance.

C. No authorized organization licensed under the provisions of this Ordinance shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than an authorized supplier of games of chance equipment licensed by the State Board or from another authorized organization.

D. The entire net proceeds of any game of chance and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

E. No prize shall exceed the sum or value of one hundred (\$100.00) dollars in any operation or conducting of a single game of chance. No single wager shall exceed ten (\$10.00) dollars.

F. No series of prizes on any one occasion of games of chance shall aggregate more than one thousand (\$1,000) dollars.

G. No person except a bona fide member of any authorized organization, its auxiliary or affiliated organization shall participate in the management or operation of a game of chance as set forth in Section 13 of this Ordinance.

H. No person shall receive any remuneration for participating in the management or operation of any game of chance.

I. The conduct of games of chance on Sunday is only permitted when it is specifically provided for in the license issued. No games of chance, however, shall be conducted on Easter Sunday, Christmas Day, New Year's Eve, Rosh Hashanah or Yom Kippur.

J. No hall or other premises shall be used for the conduct of games of chance unless said hall or premises, where applicable, complies with the Fire Laws of the State of New York and of the Town of Clarkstown.

Section 8. Investigation; matters to be determined; issuance of licenses; fees; duration of license.

A. The Town Clerk shall make an investigation of the qualifications of each applicant and the merits of each application with due expedition, after the filing of the application.

B. If the Town Clerk shall determine that the applicant is duly qualified to be licensed to conduct games of

chance under this Ordinance; that the member of the applicant designated in the application to conduct games of chance is a bona fide active member of the applicant and is a person of good moral character and has never been convicted of a crime, or if convicted, has received a pardon or a certificate of good conduct; that such games of chance are to be conducted in accordance with the provisions of this local law and in accordance with the rules and regulations of the State Board and that the proceeds thereof are to be disposed of as provided by this Ordinance; and if the Town Clerk is satisfied that no commission, salary, compensation, reward or recompense whatsoever shall be paid or given to any person holding, operating, conducting or assisting in holding, operating or conducting any games of chance, except as otherwise provided in this Ordinance; and that no prize will be given in excess of the sum or value of one hundred (\$100.00) dollars in any single game of chance, and that the aggregate of all prizes given on one occasion under said license shall not exceed the sum or value of one thousand (\$1,000.00) dollars, the Town Clerk shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five (\$25.00) dollars for each license period.

C. If the Town Clerk shall determine that the applicant seeking to lease a hall or premises for the conduct of games of chance to an authorized organization is duly qualified to be licensed under this Ordinance; that the applicant satisfies the requirements for an authorized games of chance lessor as

defined in Article 9-A of the General Municipal Law; that the Town Clerk shall find and determine that there is a public need and that a public advantage will be served by the issuance of the license; that the applicant has filed its proposed rent for each game of chance occasion; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in Article 9-A of the General Municipal Law; and that the leasing of a hall or premises for the conduct of games of chance is to be in accordance with the provisions of this Ordinance and in accordance with the rules and regulations of the State Board, he shall issue a license permitting the applicant to lease said premises for the conduct of games of chance to the authorized organization set forth in the application during the period therein specified or such shorter period as the Town Clerk shall determine, but not to exceed one year, upon payment of a license fee of fifty (\$50.00) dollars.

D. Under this Ordinance, no license shall be issued which shall be effective for a period of more than one year.

Section 9. Hearings; appeals; amendment of licenses.

A. No application for the issuance of a license to an authorized organization shall be denied by the Town Clerk until after a hearing is held upon due notice to the applicant, at which time the applicant shall be entitled to be heard upon its qualifications and the merits of the application.

B. An applicant for or holder of any license hereunder aggrieved by any action of the Town Clerk to which an application has been made or by which a license has been issued, may appeal to the State Board from the determination of the

Town Clerk by filing with the Town Clerk written notice of appeal within thirty (30) days after the determination or action appealed from and, upon the hearing of such appeal, the evidence, if any, taken before the Town Clerk and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue. The action of the State Board upon said appeal shall be binding upon the Town Clerk and all parties to said appeal.

G. Any license issued hereunder may be amended upon application to the Town Clerk, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of any additional license fee as would have been payable if it had been so included.

Section 10. Form and content of licenses; display of licenses.

A. Each license to conduct games of chance shall be in a form as shall be prescribed in the rules and regulations promulgated by the State Board or the Town Clerk and shall contain a statement of the name and address of the licensee, the name and address of each member of the licensee under whom the game of chance shall be conducted, of the place where and the date and time when the games of chance are to be conducted and of the purposes to which the entire net proceeds of the games of chance are to be devoted. If any prizes are to be given in cash, a statement of the amounts of the prizes authorized so to be given, and any other information which may be required by said rules and regulations shall be contained therein. Each

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license issued for the conduct of any games of chance shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

B. Each license to lease premises for conducting games of chance will be in a form as shall be prescribed in the rules and regulations of the State Board or the Town Clerk and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount of permissible rent and any other information which may be required by said rules and regulations. Each license shall be conspicuously displayed upon the premises at all times during the conduct of the games of chance.

Section 11. Control and supervision; suspension of license; inspection of premises.

A. The officer shall have and exercise rigid control and close supervision over all games of chance conducted under each license, to the end that the same are fairly conducted in accordance with the provisions of said license, the provisions of this Ordinance, and the provisions of the rules and regulations promulgated by the State Board. The officer and the State Board shall have the power and authority to temporarily suspend any license issued by the Town Clerk pending a hearing. The officer and State Board shall have the right of entry, by their respective officers and agents, at all times, into any premises where any game of chance is being conducted or intended to be conducted or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting

same. An agent of the appropriate officer shall make an on site inspection during the conduct of all games of chance licensed pursuant to this Ordinance.

B. Subject to the applicable provisions of the alcoholic beverage control law, beer may be offered for sale during the conduct of games of chance, but the offering of all other alcoholic beverage is prohibited.

Section 12. Mandatory post-games of chance procedure.

A. Within seven (7) days after the conclusion of any licensed period, the authorized organization which conducted the games of chance, and its members who were in charge thereof, and when applicable, the authorized organization which rented its premises therefor, shall each furnish to the Town Clerk a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom, each item of expense incurred or paid, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each item of expense has been paid or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of the games of chance during the licensed period and the use to which such proceeds have been or are to be applied, and a list of the prizes and the values thereof offered and given. It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each statement of receipts.

B. Upon filing the statement of receipts, the authorized

organization furnishing same shall pay to the Town Clerk as and for an additional fee a sum of five percent of the net proceeds, if any, for the licensed period covered by the statement and determined in accordance with the schedule as shall be established from time to time by the State Board or the Town Clerk to defray the actual cost to the Town of Clarkstown of administering the provisions of this Ordinance.

C. The Town Clerk and the State Board shall have the power to examine or cause to be examined the books and records of:

1. any authorized organization which is or has been licensed to conduct games of chance, so far as they may relate to games of chance, including the maintenance, control and disposition of the net proceeds derived from games of chance or from the use of its premises for games of chance, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any games of chance under any license, the use of its premises for games of chance, or the disposition of the net proceeds derived from games of chance, as the case may be.
2. any authorized games of chance lessor so far as the same may relate to leasing premises for games of chance and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to said leasing.

Any information so received shall not be disclosed except for the purpose of carrying out the provisions of this Ordinance.

Section 13. Prohibitions; penalties.

A. No person under the age of eighteen years shall be permitted to play any game of chance conducted pursuant to any license issued under this Ordinance.

B. No games of chance shall be conducted under any license issued under this Ordinance more often than twelve (12) times in any calendar year. Games of chance shall be conducted only between the hours of noon and midnight on Sunday, Monday, Tuesday, Wednesday and Thursday; only between the hours of noon Friday and two o'clock A.M. Saturday; and only between the hours of noon Saturday and two o'clock A.M. Sunday. The two o'clock A.M. closing period shall also apply to a legal holiday.

C. No person shall operate or conduct any games of chance under any license issued under this Ordinance, except an active member of the authorized organization to which the license is issued and no person shall assist in holding, operating or conducting any games of chance under any license, except an active member or a member of an organization or association which is an auxiliary to the licensee, or a member of an organization or association of which such licensee is an auxiliary or member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. At least two officers, directors, trustees or clergy of the authorized organization shall, upon request, certify under oath that the persons assisting in holding, operating or conducting any games of chance are bona fide members of such authorized organization, auxiliary or affiliated organization.

D. No games of chance shall be conducted with any equipment except that owned or leased by the authorized organization to licensed or used without payment of any compensation therefor by the licensee.

E. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this Ordinance except those that are reasonable and are necessarily expended for games of chance supplies and equipment; prizes; stated rental, if any; bookkeeping or accounting services according to a schedule of compensation prescribed by the State Board; janitorial services and utility supplies, if any; license fees; and the cost of bus transportation, if authorized by the officer.

F. Not more than two (\$2.00) dollars shall be charged by any licensee for admission to any room or place in which any games of chance are to be conducted under any license issued under this Ordinance. Every winner shall be determined and every prize shall be awarded and delivered on the same calendar day as the game was played.

G. No games of chance conducted or to be conducted in the Town of Clarkstown shall be advertised as to its location, the time when it is to be or has been played or the prizes awarded or to be awarded, or transportation facilities to be provided to such games, by means of newspaper, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public except that one sign not exceeding sixty (60) square feet in area may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the

premises in which the games of chance are to be conducted. Additional signs may be displayed upon any fire fighting equipment belonging to any licensee which is a volunteer fire company, or upon any first-aid or rescue squad in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad.

H. No person, association, corporation or organization lawfully conducting or participating in the conduct of games of chance or permitting the conduct upon any premises owned or leased by him or it under any license issued here under shall be liable to prosecution or conviction for violation of any provision of Article 225 of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this Ordinance. However, this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of games of chance under any license obtained by any license obtained by any false pretense or by any false statement made in any application for a license or otherwise, or permitting the conduct upon any premises owned or leased by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

I. Any person, association, corporation or organization who or which shall make any material false statement in any application for any license issued pursuant to this Ordinance; shall pay or receive a rental in excess of the amount specified as the permissive rent in the license provided for in Section 6 of this Ordinance; for the use of any premises

for conducting games of chance; shall fail to keep such books and records as shall truly record all transactions connected with the conducting of games of chance or the leasing of premises to be used for the conduct of games of chance; shall falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of games of chance, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization; or shall divert or pay any portion of the net proceeds of any game of chance to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined in this Ordinance, shall be guilty of a misdemeanor and shall forfeit any license issued under this Ordinance and be ineligible to apply for a license under this Ordinance for a least one year thereafter.

J. Any person, association, corporation or organization holding, operating or conducting games of chance shall be guilty of a misdemeanor, except when operating, holding or conducting:

1. in accordance with a valid license issued pursuant to this Ordinance or
2. on behalf of a bona fide organization of persons sixty years of age or over, commonly referred to as senior citizens, solely for the purpose of amusement and recreation of its members where
 - (a) the organization has applied for and received an identification number from the State Board;
 - (b) no player or other person furnishes anything of value for the opportunity to participate;
 - (c) the prizes awarded or to be awarded are nominal;

(d) no person other than a bona fide active member of the organization participates in the conduct of the games of chance; and

(e) no person is paid for conducting or assisting in the conduct of the games of chance.

K. No alcoholic beverage, with the exception of beer shall be sold at any games of chance.

L. No alcoholic beverage shall be offered or given as a prize in any games of chance.

M. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

Section 14. Effective date.

The provisions of this Ordinance shall remain inoperative in the Town of Clarkstown unless and until a proposition therefor submitted at a special or general election in the Town of Clarkstown shall be approved by a vote of the majority of the qualified electors in such municipality voting thereon on November 2, 1976. Upon approval by said electors, this Ordinance shall be effective on the first day of January next succeeding said election.

(1976-670) Co. D'Antoni offered the following resolution:

WHEREAS, there has been a delay of several days in mailing out the 1976-77 School Tax bills, and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of affording the taxpayers of said Town additional time to compensate for the delay in mailing;

NOW, THEREFORE, be it

RESOLVED, that the time for payment of the 1976-77 School Taxes is hereby extended until October 8, 1976.

Seconded by Co. Maloney

All voted Aye.

EEC873

(1976-671) Co. D'Antoni offered the following resolution:

WHEREAS, a supplementary roll for the Nyack School District No. 4 has been prepared and is filed with the Receiver of Taxes of the Town of Clarkstown at the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, and

WHEREAS, it is necessary to give the residents in the Nyack School District No. 4 adequate time in which to pay their supplemental school tax bill;

NOW, THEREFORE, be it

RESOLVED, that the Town Board requests the Receiver of Taxes office be open until noon on Saturdays during the month of October.

Seconded by Co. Maloney

All voted Aye.

(1976-672) Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing be authorized to advertise for bids to supply four (4) 1977 4-door sedan vehicles for the Clarkstown Police Department, bids to be returnable at the Office of the Director of Purchasing, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on Monday, October 18, 1976 before 4:00 P.M., D.S.T., at which time they will be opened, and be it

FURTHER RESOLVED, that specifications can be obtained at the aforesaid office of the Clarkstown Director of Purchasing.

Seconded by Co. D'Antoni

All voted Aye.

(1976-673) Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Jay Flagg, 20 Ardsley Drive, New City, New York as Security Aide (CETA) - Parks Board & Recreation - is hereby accepted with regret, effective and retroactive to September 15, 1976.

Seconded by Co. D'Antoni

All voted Aye.

EECS73

(1976-674) Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Mark Mance, Jr., 171 Mass. Avenue, Congers, New York as Dog Warden is hereby accepted, effective and retroactive to September 27, 1976.

Seconded by Co. D'Antoni All voted Aye.

(1976-675) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of Chief John Martz, Stephen Ruffino, 12 North Lane, New City, New York, is hereby appointed to the position of Dog Warden, at the annual salary for 1976 of \$8,769., effective October 4, 1976.

Seconded by Co. D'Antoni All voted Aye.

(1976-676) Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of substitute Crossing Guards - Police Department - at the prevailing salary for the post covered, effective October 4, 1976:

Richard Cruz, 31 Amundsen Lane, New City, New York
Joyce Snedeker, 11 Esther Avenue, Congers, New York
Clareen Burke, 10 Irion Drive, New City, New York

Seconded by Co. D'Antoni All voted Aye.

(1976-677) Co. D'Antoni offered the following resolution:

RESOLVED, that the following are hereby appointed to serve as dog enumerators for the licensing year 1977:

Gloria Miele, 15 Elise Dr., Spring Valley, N.Y.
Ellen Galagaran, 12 Elise Dr., Spring Valley, N.Y.
Alice M. Kudlak, 8 Oldfield Rd., New City, N.Y.
Barbara VanHouten, 31 No. Lexow Ave., Nanuet, N. Y.
Antoinette T. Cambria, 30 Windmill La., New City, N.Y.
Evelyn McKeegan, 11 DeForest Ave., New City, N.Y.
Patricia Williams, 11 White Oak Lane, Bardonia, N.Y.

FURTHER RESOLVED, that the enumerators be paid at the rate of \$.50 per dog to be paid by the County and \$.15 per mile to be paid by the Town.

Seconded by Co. Maloney All voted Aye.

(1976-678) Co. Maloney offered the following resolution:

RESOLVED, that Gail A. Skolsky, 79 Joan Drive, New City, New York is hereby appointed to the position of Mental Health Aide (CETA) - Camp Venture Inn - at the annual salary for 1976 of \$7,000., effective October 3, 1976.

Seconded by Co. D'Antoni All voted Aye.

(1976-679) Co. Maloney offered the following resolution:

RESOLVED, that Grant A. Konno, 89 Grove Street, Pearl River, New York is hereby appointed to the position of Office Worker-Student - Counseling Center - at the hourly wage of \$2.30, effective and retroactive to September 7, 1976 through December 31, 1976.

Seconded by Co. D'Antoni All voted Aye.

(1976-680) Co. D'Antoni offered the following resolution:

RESOLVED, that upon the Order of Justice Morton B. Silberman, dated September 14, 1976, and the Stipulation of Settlement of the Action commenced by Commonwealth Properties, Inc. against the Town of Clarkstown, deed from:

COMMONWEALTH PROPERTIES, INC. (82 Demarest Mill Road, Nanuet, N. Y.), dated April 9, 1976,

conveying roads and other improvements to the Town of Clarkstown in a subdivision shown on final plat of "Subdivision Plat, WHITE OAKS, Town of Clarkstown, Rockland County, New York" which map was filed in the Rockland County Clerk's Office on 2/8/71 in Map Book 81 at Page 45 as Map No. 4110, as follows:

Cottonwood Court 850 L.F.
White Oak Lane 425 L.F.
Together with easements as described in the above-mentioned deed

is hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office.

Seconded by Co. Holbrook All voted Aye.

EEC873

(1976-681) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Spring Valley Water Co. is hereby authorized to install one (1) hydrant on the west side of Homestead Road, approximately 40 feet south of the center line of New Hempstead Road, New City (Inves. No. 8390).

Seconded by Co. Holbrook All voted Aye.

(1976-682) Co. D'Antoni offered the following resolution:

WHEREAS, GEORGE BAKER, residing at 57-11 157th Street, Flushing, New York is desirous of granting a sidewalk easement to the Town of Clarkstown for easement located upon the existing Town parking lot in Valley Cottage, New York, to Old Rockland Lake Road, Valley Cottage, New York, between tax lots 108 A 55 and 108 A 56;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts the sidewalk easement from GEORGE BAKER, as mentioned above and more particularly described in the easement dated September 27, 1976, at no cost to the Town.

Seconded by Co. Maloney All voted Aye.

(1976-683) Co. D'Antoni offered the following resolution:

WHEREAS, EUGENE LASKOWSKI, residing at 31 Normandy Road, Yonkers, New York, is desirous of granting a sidewalk easement to the Town of Clarkstown for an easement located upon the existing Town parking lot in Valley Cottage, New York to Old Rockland Lake Road, Valley Cottage, New York, between tax lots 108 A 55 and 108 A 56;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown accepts the sidewalk easement from EUGENE LASKOWSKI as mentioned above and more particularly described in the easement dated September 22, 1976, at no cost to the Town.

Seconded by Co. Maloney All voted Aye.

(1976-684) Co. D'Antoni offered the following resolution:

RESOLVED, that Town Board meeting be adjourned, in order to hold scheduled Public Hearing.

Seconded by Co. Holbrook All voted Aye.

Public Hearing held regarding Special Assessment Roll for Improvement of Central Avenue, Randy Lane and Blue Willow Lane.

(1976-685) Co. D'Antoni offered the following resolution:

RESOLVED, that Town Board meeting be resumed, scheduled Public Hearing having been held.

Seconded by Co. Holbrook All voted Aye.

(1976-686) Co. D'Antoni offered the following resolution:

WHEREAS, an assessment roll has been prepared by this Town Board for and in connection with the improvement of Central Avenue, Randy Lane and Blue Willow Lane, public highways in the said Town of Clarkstown; which said roll was completed and filed in the Office of the Town Clerk of the said Town on August 20, 1976, and

WHEREAS, due notice of the completion of said assessment roll and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said roll and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by the publication of due notice thereof in the official newspaper of the Town of Clarkstown, and the Town Board duly met at the time and place specified, and a hearing was duly had upon said assessment rolls, and

WHEREAS, it was determined in the best interest of the residents of the special road improvement to recess said hearing until 8:30 P.M. on September 29, 1976, and

WHEREAS, an amended assessment roll was filed with the Town Clerk on September 27, 1976;

NOW, THEREFORE, be it

RESOLVED, that the said assessment roll as further amended be and it hereby is approved, affirmed and adopted by the Town Board, as further amended and filed; and it is

FURTHER RESOLVED, that the Town Clerk be instructed to annex to said assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk, commanding the Receiver of Taxes and Assessments to collect from the several persons named in said assessment roll, the sum or sums opposite their respective names, and to pay the same to the Supervisor of the Town.

Seconded by Co. Holbrook All voted Aye.

EEC873

Supervisor Gerber signed warrant which was countersigned by the Town Clerk commanding the Receiver of Taxes and Assessments to collect from the persons named in the assessment roll the sum or sums opposite their names.

(1976-687) Co. D'Antoni offered the following resolution:

RESOLVED, that a Special Meeting of the Town Board of the Town of Clarkstown be held at the Town Hall on Tuesday, October 5, 1976 at 4:00 P.M. for the purpose of receiving the 1976 Tentative Budget for the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

(1976-688) Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown is conducting a drainage project in the north New City area to alleviate various drainage problems, and

WHEREAS, the property owned by Mr. and Mrs. Robert S. Wilber is necessary for the completion of said project;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an contract of sale for the purchase of property owned by Mr. and Mrs. Robert S. Wilber, shown and designated on the Clarkstown Tax Map as Map 60, Block A, Lot 5, for the sum of \$77,500.00, in a form satisfactory to the Town Attorney. This purchase shall be a charge upon Capital Drainage Account.

Seconded by Co. Maloney

All voted Aye.

Submitted by,


JOHN R. BRADLEY
Town Clerk