

PUBLIC HEARING

Town Hall

10/13/76

8:10 PM

Present: Co. D'Antoni, Holbrook, Piacentile
Supervisor Gerber
Philip B. Fogel, Deputy Town Attorney
John R. Bradley, Town Clerk

Absent: Co. Maloney

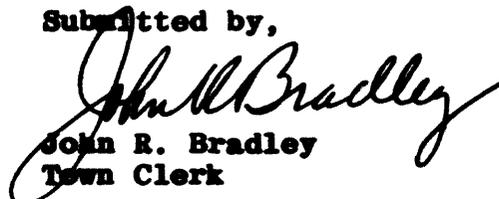
RE: PROPOSED LOCAL LAW TO REPEAL A "LOCAL LAW FOR THE CONDUCT
OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS IN THE TOWN OF
CLARKSTOWN"

Supervisor Gerber declared Public Hearing open. Town Clerk read Notice of Hearing and testified as to proper posting and publication.

Supervisor requested Deputy Town Attorney Philip B. Fogel to explain the purpose of repealing Local Law No. 8-1976. Deputy Town Attorney Fogel stated that the purpose of repealing the Local Law is to enable the proposition with respect to games of chance to be placed on the ballot in November. The Local Law would require passage sixty days in advance of the November Election and in order to save the expense of a special election to comply with this, it is necessary to have a local ordinance instead, where the sixty days would not be required before putting it on the ballot in November.

There being no further discussion on the matter, Co. D'Antoni moved that the Public Hearing be closed. Motion was seconded by Co. Holbrook and unanimously adopted.

Submitted by,


John R. Bradley
Town Clerk

PUBLIC HEARING

Town Hall

10/13/76

8:15 PM

Present: Co. D'Antoni, Holbrook, Piacentile
Supervisor Gerber
Philip B. Fogel, Deputy Town Attorney
John R. Bradley, Town Clerk

Absent: Co. Maloney

RE: PROPOSED ORDINANCE ENTITLED "THE CONDUCT OF GAMES OF CHANCE
BY CERTAIN ORGANIZATIONS IN THE TOWN OF CLARKSTOWN"

Supervisor Gerber declared Public Hearing open. Town Clerk read Notice of Hearing and testified as to proper posting and publication.

Supervisor Gerber questioned Deputy Town Attorney Philip B. Fogel as to whether or not the ordinance was in effect the same as Local Law #8-1976 that had just been repealed. Mr. Fogel stated that in essence it was the same except that enforcement would be by the Chief of Police and members of his department whereas the Local Law indicated the Town Clerk would be the enforcement officer. Mr. Fogel also advised that the original purposes stated by him for the adoption of the Local Law No. 8-1976 should be considered as part of the record concerning the adoption of this ordinance. He further stated that this ordinance would not be in effect until and unless the local ordinance is adopted by the electorate on the November ballot.

There being no further discussion on the matter, Co. D'Antoni moved that the Public Hearing be closed. Motion was seconded by Co. Holbrook and unanimously adopted.

Submitted by,


John R. Bradley
Town Clerk

PUBLIC HEARING

Town Hall

10/13/76

8:30 PM

Present: Co. D'Antoni, Holbrook, Piacentile
Supervisor Gerber
Philip B. Fogel, Deputy Town Attorney
John R. Bradley, Town Clerk

Absent: Co. Maloney

RE: SPECIAL PERMIT APPLICATION - TOLSTOY FOUNDATION NURSING HOME,
INC.

Supervisor Gerber declared Public Hearing open. Town Clerk read Notice of Hearing and testified as to proper posting and publication.

Supervisor Gerber stated that there was no correspondence on file to be read as this was an extension of the original application.

Patrick J. Finnegan, Attorney for the applicant requested to be heard. He stated that the applicant had received all the required approvals by the boards and agencies of the Town and County. In 1975 the State had indicated it would have a program to aid the construction of this and other structures of its type. Due to the fiscal crisis of the State, these funds have been deferred and as a result construction of this facility also. The applicant merely wishes to renew the special permit as no changes have been made in their plans.

Mr. Morris Siegelman, Sedge Road, Valley Cottage spoke to bring the attention of the Town Board to the flooding condition existing on his and his neighbors properties as a result of inadequate drainage from the stream and run-off of the properties of the Tolstoy Foundation, et al even though the requirements of the Town Engineer on the original plat plan were met. He and his neighbors object to any further construction being entertained until this flooding condition is rectified.

Mr. Finnegan, in reply, stated that he was aware of the fact that drainage requirements would have to be met as originally planned and would conform to those requirements.

On the discussion, Mr. Berg, Town Engineer, offered his opinion that the original requirements seem to be inadequate judging by the experiencing of heavy rains in the area. He suggested that perhaps a retention basin might be required to alleviate the problem.

Mr. Finnegan stated that he was not sure of the feasibility of providing the acreage for such a project inasmuch as there were more than one entity involved. He could not speak for the major property owner at this time.

Miscellaneous comments from the residents present were that the condition has existed for three years and even though the Town has spent money as well as the residents to repair flood damages, little has been done to fix the cause. It was suggested that the construction be ehld up until proper engineering was arranged.

Building Inspector, Robert Bowman, suggested continuance of the application as originally approved.

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James Hirschberger, 43 Sedge Road, Valley Cottage, questioned as to how many trees would be felled to enable the construction.

Mr. Finnegan stated that not many trees would be removed as the building would be on the southerly boundary of the property. Tree removal would be governed by the requirements of construction subject to approval of Town Agencies.

The Board recessed to discuss the matter in detail.

Upon resuming the hearing, Co. D'Antoni moved that the Public Hearing be closed and decision reserved. Motion was seconded by Co. Piacentile and unanimously adopted.

Submitted by,


John R. Bradley
Town Clerk

PUBLIC HEARING

Town Hall

10/13/76

8:45 PM

Present: Co. D'Antoni, Holbrook, Piacentile
Supervisor Gerber
Philip B. Fogel, Deputy Town Attorney
John R. Bradley, Town Clerk

Absent: Co. Maloney

RE: AMENDMENT TO LOCAL LAW #2-1968, AS AMENDED, ENTITLED "LOCAL
LAW TO REGULATE THE DISCHARGE OF FIREARMS IN THE TOWN OF
CLARKSTOWN"

Supervisor Gerber declared Public Hearing open. Town Clerk read Notice of Hearing and testified as to proper posting and publication.

Supervisor Gerber asked Deputy Town Attorney, Philip B. Fogel, to explain the purpose of the proposed amendment to the Town Law.

Mr. Fogel stated that basically the Local Law provides that certain individuals may discharge firearms within the Town. This amendment will enable other persons or organizations to shoot, such as the V.F.W., Fire companies, gun clubs, or similar groups to have gun shoots. Applications must be made in form to the Town Board and its approval obtained by resolution.

There being no further discussion, Co. D'Antoni moved that the Public Hearing be closed. Motion was seconded by Co. Piacentile and unanimously adopted.

Submitted by,


John R. Bradley
Town Clerk

TOWN BOARD MEETING

Town Hall

10/13/76

8:00 PM

Present: Co. D'Antoni, Holbrook, Piacentile, Supv. Gerber
Philip B. Fogel, Deputy Town Attorney
John R. Bradley, Town Clerk

Absent: Co. Maloney

Supervisor Gerber declared Town Board Meeting open;
assemblage saluted the Flag.

(1976-709) Co. D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board Meetings
held September 29th, 1976 and October 6th, 1976, and the
Special Town Board Meeting held October 5, 1976, are hereby
adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile All voted Aye.

EEC883

(1976-710) 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:

Valley Road, Valley Cottage
Crownlyn Court, Bardonia
Brookfield Acres Subdivision, West Nyack

Seconded by Co. D'Antoni All voted Aye.

(1976-711) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the
Traffic and Traffic Fire Safety Advisory Board, the Superin-
tendent of Highways is hereby authorized to install a "STOP"
sign to be erected on the south side of Prospect Street on
Fairview Avenue, Manust.

Seconded by Co. Holbrook All voted Aye.

(1976-712) Co. D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board & Recreation Commission, that the Comptroller be authorized to transfer the sum of \$3,500., from Money in Lieu of Land Acct., to the Parklands & Improvements Acct., for the purpose of clearing, grading and gravelling a new auxiliary roadway to the constructed at Germonds Park.

Seconded by Co. Piacentile All voted Aye.

(1976-713) Co. Holbrook offered the following resolution:

RESOLVED, that William C. Purey, 34 Grand Street, New City, New York is hereby appointed to the position of Stock Clerk (CETA) - Parks Board & Recreation - at the annual salary of \$7,494.00 for 1976, effective October 18, 1976.

Seconded by Co. D'Antoni All voted Aye.

(1976-714) Co. D'Antoni offered the following resolution:

RESOLVED, that James T. Shinnars, 86 Demarest Avenue, West Nyack, New York is hereby appointed to the position of Security Aide (CETA) - Parks Board & Recreation - at the annual salary for 1976 of \$7,494.00, effective October 18, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-715) Co. D'Antoni offered the following resolution:

WHEREAS, Raymond Boyd was working in the capacity of Head Mechanic - Town Garage - from January 1, 1975 to August 1, 1976 without being compensated for the differential pay,

NOW, THEREFORE, be it

RESOLVED, that Raymond Boyd, 160 North Main Street, New City, New York be compensated in the amount of \$816.70 for the differential pay while working as Head Mechanic.

Seconded by Co. Holbrook All voted Aye.

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(1976-716) Co. D'Antoni offered the following resolution:

WHEREAS, Mary Hall has used all of her available sick leave, vacation, holidays and personal leave credits, and

WHEREAS, Article XVIII, Section 3 (k) of the Town of Clarkstown Labor Agreement of January 1, 1975 provides for an extension of sick leave to a permanent employee,

NOW, THEREFORE, be it

RESOLVED, that Mary L. Hall, 26 Crestwood Drive, New City, New York is hereby granted a two month leave of absence at one-half (1/2) her normal salary, effective and retroactive to October 11, 1976.

Seconded by Co. Piacentile

All voted Aye.

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

(1976-717) Co. D'Antoni offered the following resolution:

WHEREAS, an agreement dated June 27, 1973, was entered into with HEW Custom Homes, Inc. (Horace E. Wadsworth, Jr., President) providing for the deposit with the Town of Clarkstown the sum of \$500.00 on account toward his share of any proposed road improvement subject to a final apportionment upon the installation of the aforesaid road improvement, and

WHEREAS, the Town of Clarkstown has completed a special road improvement at the premises of HEW Custom Homes, Inc. (Horace E. Wadsworth, Jr., President) at Lot 36.01 as shown on Tax Map 36, Block E, and

WHEREAS, the assessment roll for this road improvement has been prepared and adopted by the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Comptroller is hereby directed to return to HEW Custom Homes, Inc. (Horace E. Wadsworth, Jr., President) the sum of \$500.00 from the 280-a Money for Paving Account.

Seconded by Co. Piacentile

All voted Aye.

EEC883

(1976-718) Co. Piacentile offered the following resolution:

WHEREAS, Clarkstown Recycling Center, Inc., entered into a lease with the Town of Clarkstown on the 10th day of June, 1976, for premises located at the Clarkstown Sanitary Landfill, and

WHEREAS, Clarkstown Recycling Center, Inc., desires to lease an additional 16,930 square feet from the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an amendment of the lease with Clarkstown Recycling Center, Inc., in order to lease an additional 16,930 square feet to Clarkstown Recycling Center, Inc., at an additional sum of \$3,000.00 per year for five (5) years, in a form satisfactory to the Town Attorney.

Seconded by Co. D'Antoni

All voted Aye.

(1976-719) 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 NATHAN'S FAMOUS OF MANUET (14-C-30) by the installation of fire lane designations, and

WHEREAS, Howard B. Katz 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. Piacentile

All voted Aye.

(1976-720) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Holbrook All voted Aye.

(1976-721) Co. D'Antoni offered the following resolution:

RESOLVED, that regular Town Board Meeting be resumed scheduled public hearing having been held.

Seconded by Co. Holbrook All voted Aye.

(1976-722) Co. D'Antoni offered the following resolution:

WHEREAS, a proposed local law entitled, "LOCAL LAW TO REPEAL LOCAL LAW ENTITLED, 'A LOCAL LAW FOR THE CONDUCT OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS IN THE TOWN OF CLARKSTOWN'" was introduced by Councilman Anthony D'Antoni at a Town Board meeting held September 29, 1976, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 29th day of September, 1976, directed that a public hearing be held on the 13th day of October, 1976 at 8:10 P.M., to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on October 5, 1976, and

WHEREAS, a copy of the proposed local law was placed on the desks of the Town Board members on September 29, 1976, and

WHEREAS, a public hearing was held by the Town Board on October 13, 1976;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. -1976 entitled "LOCAL LAW TO REPEAL LOCAL LAW ENTITLED 'A LOCAL LAW FOR THE CONDUCT OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS IN THE TOWN OF CLARKSTOWN'" is hereby ADOPTED and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Hon. George S. Gerber, Supervisor.....	Aye
Councilman Anthony D'Antoni.....	Aye
Councilman John R. Maloney.....	Absent
Councilman John T. Piacentile.....	Aye
Councilman Charles E. Holbrook.....	Aye

The said Clerk of the Town of Clarkstown was directed to file said local law pursuant to Sec. 27 of the Municipal Home Rule Law.

Seconded by Co. Piacentile All voted Aye.

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Supervisor Gerber declared Public Hearing regarding
Proposed Ordinance - Games of Chance open.

(1976-723) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Holbrook

All voted Aye.

(1976-724) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown
by resolution duly adopted on the 29th day of September,
1976, provided for a public hearing on the 13th day of October,
1976, at 8:15 P.M., to consider the adoption of an ordinance
entitled "THE CONDUCT OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS
IN THE TOWN OF CLARKSTOWN", and

WHEREAS, notice of said public hearing was duly
published as required by law and said public hearing was
duly held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that an ordinance entitled "THE CONDUCT
OF GAMES OF CHANCE BY CERTAIN ORGANIZATIONS IN THE TOWN OF
CLARKSTOWN" is hereby ADOPTED as follows:

ADOPTED 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.

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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.

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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

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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

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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.

C. 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

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

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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

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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.

Seconded by Co. Holbrook

All voted Aye.

(1976-725) Co. D'Antoni offered the following resolution:

RESOLVED, that the following proposition be submitted to the electors of the Town of Clarkstown at the General Election to be held on November 2, 1976, as Proposition No. 1:

Shall the Ordinance entitled "Ordinance for the Conduct of Games of Chance by Certain Organizations in the Town of Clarkstown" enacted by the Town Board of the Town of Clarkstown on the 13th day of October, 1976, after public hearing duly held by the Town Board of the Town of Clarkstown pursuant to notice, which ordinance would authorize the conducts of games of chance by certain organizations within the Town of Clarkstown, be approved.

(continued)

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(1976-725 continued)

and be it

FURTHER RESOLVED, that the hours of opening and closing the polls with respect to the election on Proposition No. 1 are designated between the same hours as the regular voting at the General Election to be held on November 2, 1976, and the same places used for voting at the said General Election are hereby designated as the place or places of holding the election in each of the respective election districts of the Town of Clarkstown; and be it

FURTHER RESOLVED, that the inspectors of election shall be the same as for the said General Election; and be it

FURTHER RESOLVED, that upon the closing of the polls the election inspectors herein designated shall proceed to canvass the votes thereat in this proposition and shall complete such canvass without adjournment and as soon as possible after completion the inspectors shall file with the Rockland County Board of Elections a certificate setting forth the holding of the election, the total number of votes cast upon the proposition, and the number of votes cast for and against the proposition; and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to both publish a notice of such election and to post same, all in accordance with Section 82 of the Town Law.

Seconded by Co. Piacentile

All voted Aye.

ABSTRACT OF CLARKSTOWN PROPOSITION NO. 1 is as follows:

Notice of Submission of Clarkstown Proposition Number One to be voted on at the General Election, November 2, 1976

CLARKSTOWN PROPOSITION NO. 1

SHALL the Ordinance entitled "Ordinance for the Conduct of Games of Chance by Certain Organizations in the Town of Clarkstown" enacted by the Town Board of the Town of Clarkstown on the 13th day of October, 1976, after public hearing duly held by the Town Board of the Town of Clarkstown pursuant to notice, which Ordinance would authorize the conduct of games of chance by certain organizations within the Town of Clarkstown, BE APPROVED?

An abstract of such ordinance, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING, consistent with the provisions of Article 1, Section 9 of the Constitution of the State of New York and Article 9A of the General Municipal Law, the conducting within the boundaries of the Town of Clarkstown games of chance by certain bona fide non-profit authorized organizations. The ordinance sets forth specific guide lines, rules and regulations with respect to:

1. The licensing of organizations to hold games of chance;
2. The manner of operating and conducting the said games of chance; and.
3. The keeping of records and the reporting and disclosure of same.

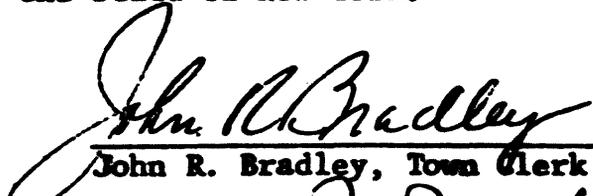
SECOND: SETS FORTH restrictions as to the conducting of games of chance and provides for the control and supervision of authorized organizations conducting said games.

THIRD: SETS FORTH penalties for any individual or organization conducting said games of chance in a manner contrary to that set forth under the ordinance and deems said unauthorized activity to be punishable as a misdemeanor.

FOURTH: PROVIDES that it is to be effective on the first day of January next succeeding the approval of same by a majority vote of the qualified electors of the Town of Clarkstown voting thereon in a Special Election to be held on November 2, 1976.

The foregoing abstract, together with a proposition herewith submitted, is prepared by the undersigned Town Clerk of the Town of Clarkstown, New York, with the advise of the undersigned Town Attorney of said Town of Clarkstown, all in accordance with Section 92 of the Town Law of the State of New York.

Dated: October 13, 1976



 John R. Bradley, Town Clerk



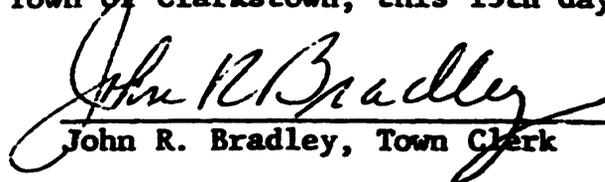
 Murray N. Jacobson, Town Attorney

STATE OF NEW YORK)
 COUNTY OF ROCKLAND) ss.
 TOWN OF CLARKSTOWN)

I, JOHN R. BRADLEY, Town Clerk of said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an abstract and form of submission of Clarkstown Proposition Number One with the original now on file in said office, and find the same to be true and correct transcript therefrom and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed the seal of said Town of Clarkstown, this 13th day of October, 1976.

(SEAL)



 John R. Bradley, Town Clerk

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Supervisor Gerber declared Public Hearing regarding Special Permit - Tolstoy in session. Public Hearing was held and decision reserved -- see Public Hearing notes

Supervisor Gerber opened Public Hearing regarding Amendment to Local Law No. 2-1968 -- Discharge of Firearms.

(1976-726) Co. D'Antoni offered the following resolution:

RESOLVED, that regular Town Board Meeting be resumed, scheduled Public Hearings having been held.

Seconded by Co. Piacentile All voted Aye.

(1976-727) Co. D'Antoni offered the following resolution:

WHEREAS, 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'" was introduced by Councilman Maloney, at a Town Board Meeting held September 29, 1976, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 29th day of September, 1976, at 8:45 P.M., to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on September 30, 1976, and

WHEREAS, copies of the proposed local law were placed upon the desks of the members of the Town Board on the 29th day of September, 1976, and

WHEREAS, a public hearing was duly held by the Town Board on the 13th day of October, 1976 at 8:45 P.M.;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 9-1976 entitled, AMENDMENT TO LOCAL LAW NO. 2-1968, AS AMENDED, ENTITLED, 'LOCAL LAW TO REGULATE THE DISCHARGE OF FIREARMS IN THE TOWN OF CLARKSTOWN'" is hereby adopted and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

Hon. George S. Gerber, Supervisor.....Aye
Councilman John R. Maloney.....Absent
Councilman Anthony D'Antoni.....Aye
Councilman Charles E. Holbrook.....Aye
Councilman John R. Piacentile.....Aye

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(1976-727, continued)

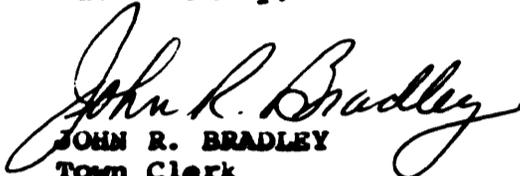
The Town Clerk of the Town of Clarkstown was directed to file said local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Holbrook

All voted Aye.

There being no further business before the Town Board, Town Board meeting was adjourned.

Submitted by,


JOHN R. BRADLEY
Town Clerk