§ 64. General powers of town boards. Subject to law and the provisions of this chapter, the town board of every town:

1. Control of town finances. Shall have the general management and control of the finances of the town and shall designate in the manner provided by section ten of the general municipal law the depositaries in which the supervisor, town clerk, tax collector, tax receiver, and trustees of the freeholders and commonalty of a town shall deposit and secure all moneys coming into their hands by virtue of their offices.

1-a. Petty cash fund. Notwithstanding the provisions of section one hundred eighteen of this chapter, may by resolution establish a petty cash fund for any town officer or head of a department or office in any town, for the payment, in advance of audit, of properly itemized and verified or certified bills for materials, supplies or services furnished to the town for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services, provided that moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties. The amount of the petty cash fund established for a receiver of taxes and assessments in a town of the first class shall not exceed one thousand dollars and for any other officer or office or department head shall not exceed five hundred dollars. Prior to making his return of unpaid taxes to the county treasurer, a collector of taxes in a town of the second class shall reimburse the supervisor for the amount of the petty cash fund previously advanced to him. At the time of any payment from such fund, the officer for which the fund was established shall require delivery to him of a bill in form sufficient for audit by the town board as required by law. At each meeting of the town board a list of all expenditures made from each such fund since the last meeting of the board, together with the bills supporting such expenditures, shall be presented to the town board for audit and the town board shall direct the supervisor to reimburse each petty cash fund from the appropriate budgetary item or items, in an amount equal to the totals of such bills which it shall so audit and allow, except that, in any such town in which there is a town comptroller, such list of expenditures, together

with such bills shall be presented to said town comptroller for audit no later than the last day of each month and the supervisor shall so reimburse each petty cash fund in an amount equal to the total of such bills which the town comptroller shall so audit and allow. Any of such bills or any portion of any of such bills which the town board or the town comptroller, as the case may be, shall refuse to audit and allow shall be the personal liability of the officer for which the fund was established and he shall promptly reimburse his petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such officer after the action of the town board or the town comptroller, as the case may be, in disallowing an amount so expended, such amount shall be withheld from his salary payment and, if necessary, subsequent salary payments and paid into the appropriate petty cash fund until an amount equal to the amount so disallowed has been repaid to such petty cash fund. Any bond or undertaking filed by any town officer or department or office head shall be available to the town for recovery of any losses incurred by reason of the operation of the petty cash fund established for him.

2. Acquisition and conveyance of real property. May acquire by lease, purchase, in the manner provided by law, or by acquisition in the manner provided by the eminent domain procedure law, any lands or rights therein, either within or outside the town boundaries, required for any public purpose, and may, upon the adoption of a resolution, convey or lease real property in the name of the town, which resolution shall be subject to a permissive referendum. If the property or rights be acquired by acquisition, the town board may subject to the provisions of the eminent domain procedure law at once enter into possession of the real property or rights described when the judgment shall have been made and entered, and the town shall thereupon stand charged and responsible for the prompt payment of the amount which may ultimately be awarded. Lands or rights required for a district purpose shall be acquired by the town board in the name of the district, and the cost thereof shall be a charge upon and assessed against such district. Such district lands and rights may be sold or leased in the manner provided in subdivision twelve of section one hundred ninety-eight of this chapter.

2-a. Acquisition and sale of personal property. May take, purchase, lease, sell and dispose of personal property as the purposes of the town may require, except as otherwise provided by law.

3. Management, custody and control of town property. Shall have the management, custody and control of all town lands, buildings and property of the town and keep them in good repair and may cause the same to be insured against loss or damage by fire or other hazard.

4. Indemnity insurance. May contract at the expense of the town for insurance indemnifying the town against any loss arising from injuries to persons or property.

5. Vacancies. Whenever a vacancy shall occur or exist in any town office, the town board or a majority of the members thereof, may appoint a qualified person to fill the vacancy. If the appointment be made to fill a vacancy in an appointive office, the person so appointed shall hold office for the remainder of the unexpired term. If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled. A person, otherwise qualified, who is a member of the town board at the time the vacancy occurs may be appointed to fill the vacancy provided that he shall have resigned prior to such appointment.

5-a. Removal of fire and health hazards and weeds. The town board may require the owners of land to cut, trim or remove from the land owned by them brush, grass, rubbish, or weeds, or to spray poisonous shrubs or weeds on such land, and upon default may cause such grass, brush, rubbish or weeds to be cut, trimmed or removed and such poisonous shrubs or weeds to be sprayed by the town and the total expense of such cutting, trimming, removal or spraying may be assessed by the town board on the real property on which such brush, grass, rubbish, weeds or poisonous shrubs or weeds were found, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges. If the

owner of said lands is a non-resident, a notice to so cut, trim or remove such brush, grass, rubbish or weeds or to spray such poisonous shrubs or weeds mailed to such owner addressed to his last known address shall be sufficient service thereof. The provisions of this subdivision shall not apply within the property lines of any lands or highway easements owned by another municipal corporation or political subdivision of the state.

6. Award and execution of town contracts. May award contracts for any of the purposes authorized by law and the same shall be executed by the supervisor in the name of the town after approval by the town board.

7. Franchises. Except as otherwise provided by law, may grant rights, franchises, permissions or consents for the use of the streets, highways, and public places or any part thereof or the space above or under them or any of them, for any specific purpose authorized by law upon such terms and conditions as it may deem proper and as may be permitted by law. No such franchise, permission or consent shall be granted without a public hearing, notice of which shall be given by the publication of a notice thereof in the official paper at least ten days before the meeting.

8. Gifts to town. May take by gift, grant, bequest or devise and hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings or structures, or for any public use, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said town, and provide for the proper administration of the same.

9. Naming and numbering streets, and providing street signs. May designate by name and number the streets, avenues, lots, public buildings and places, and may cause a map of the town to be prepared and filed in the office of the town clerk, and purchase, install and maintain street signs showing the names of streets and avenues therein. Such names may also be changed and altered as the town board may determine. Whenever the town board shall change the name or number of any street, avenue, public building or place, the town clerk shall

within ten days thereafter notify the board of assessors and the planning board, if any, of said town, the county clerk and county engineer of the county in which said town is located, and the post-office department of the United States thereof.

10. Street profiles. The town board may provide for the establishment of the profiles and grades of any accepted street, avenue or highway in the town and upon the completion thereof shall cause the same to be filed in the office of the town clerk and of the superintendent of highways of the town.

10-a. Permits for filling or diversion of streams. The town board may provide for control over the filling or diversion of streams and watercourses, except when authorized by a state or federal agency, by requiring that any person, firm or corporation shall secure a permit from the town board before filling or diverting any stream or watercourse from its natural course. The town board may in its discretion deny a permit if it determines that the proposed filling or diversion is detrimental to the drainage or welfare of the town.

10-b. Temporary blocking of town streets, highways and roads. After a public hearing on at least five days notice, may adopt regulations setting forth terms and conditions for issuance of a permit by the town superintendent of highways or commissioner of public works to hold a neighborhood block party, celebration or event on a town street, highway or road. Prior to the time for commencing of such party, celebration or event and for the duration thereof, the permit issuing official shall cause the street or portion thereof to be blocked to motor vehicles except authorized emergency or hazard vehicles, as defined in the vehicle and traffic law and to provide detour signs for vehicular traffic.

11. Official newspaper. May designate as the official paper of the town any newspaper regularly published in the town if such newspaper has been entered as second class mail matter. If no such newspaper is published in the town, and in any town of the second class having a population in excess of sixty thousand according to the latest federal

census if there is no newspaper published in such town having general circulation therein, the town board may designate any newspaper published in the county if such newspaper has general circulation in the town or if no newspaper is published in the county entered in a post office within five miles from the town, any other newspaper published in a city, town or village in an adjoining county and having a circulation in the town. If no official paper has been designated, the town board may authorize the publication of a notice, resolution or ordinance in any newspaper which could be designated as the official newspaper of the town or, if there be no newspaper which is regularly published in the town and entered as second class mail matter, the town board may authorize such publication in any newspaper published and having general circulation in the town. Such authorization shall be deemed a designation of such newspaper as the official paper of the town for the purpose of such publication. Additional newspapers published in the English language may be designated for the publication of such notices, resolutions and ordinances at the option of the town board. Notwithstanding any provisions of this subdivision to the contrary, any publication may be designated as the official paper of the town which was designated and publishing notice as an official newspaper of the town prior to the year nineteen hundred forty and continued to be so designated and publishing for at least thirty years after such year.

11-a. Drainage facilities. Upon the adoption of a resolution, the town board of any town may, for the purpose of drainage and to protect the property within the town from floods, freshets, and high waters, construct drains, culverts, ditches, sluices, and other channels for the passage of water, and may deepen, straighten, alter, pipe, or otherwise improve any of the lakes, ponds, streams, ditches, drains, or water courses in any part or section of the town in order to prevent the same from overflowing, and provide that the same carry off such additional water as may be brought to the same by other public improvements in the towns; and for such purposes the town board of any town may acquire real property or an interest therein by purchase, dedication, gift, devise, or by condemnation in the manner provided by law for acquisition of real property for highway or town road purposes. If an expenditure for any of such purposes is to be paid by taxes levied for the fiscal year in which

such expenditure is to be made, the adoption of a resolution therefor shall be subject to a permissive referendum.

11-b. Publication of minutes of town board meetings. The town board of any town may publish the minutes of its proceedings in the official newspaper, or if no official newspaper has been designated, in any newspaper having general circulation in the town.

11-c. Central fire alarm system. In any town, all the area of which outside of any village or villages is included in fire districts, fire alarm districts and fire protection districts, the town board may provide for and establish a central fire alarm system in such town, and may purchase or lease, install, construct and maintain necessary equipment for the operation of such central fire alarm system; provided, that no town board shall exercise the power and authority granted by this subdivision, unless prior thereto the governing board of each village within such town shall by appropriate action have signified its consent thereto, and if the governing board in any village does not consent thereto, the central fire alarm system shall exclude said village and the cost thereof will be assessed against the real property of the town outside said village.

12. Appropriations for Independence day, Memorial day, Columbus day and Veterans day. Any town may appropriate annually such sums as it may deem appropriate for the purpose of defraying the expenses of the proper observance of Independence day, Memorial or Decoration day, Columbus day and Veterans day in such proportion as it may determine. Any town of the first class, or, any town having a population of five thousand inhabitants or more, excepting any such town having a population of two hundred twenty-five thousand inhabitants or more, according to the latest federal census, in which one or more posts, camps or chapters of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the American Legion, the Disabled American Veterans,

AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union Veterans, Vietnam Veterans of America, World War Veterans Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association exists, may appropriate annually an amount not to exceed five thousand dollars for such purpose, and any town having a population of two hundred twenty-five thousand inhabitants or more, according to the latest federal census, in which one or more such posts, camps or chapters exists may annually appropriate an amount not to exceed five thousand dollars for such purpose, and any town which has a population of five hundred thousand inhabitants or more, according to the latest federal census, in which one or more such posts, camps or chapters exists may annually appropriate an amount not to exceed ten thousand dollars for such purpose. Any moneys appropriated pursuant to the provisions of this subdivision shall be a general town charge, except that in any town having a population of two hundred twenty-five thousand inhabitants or more there shall be a charge on that portion of the town outside of any village therein and shall be assessed, levied and collected from real property outside of any such village. Such sum when collected shall be paid to the supervisor of such town and be disbursed by him in such manner as the town board of such town may direct upon vouchers properly receipted and audited by the town board of such town; except that in any town in which there may be a post, camp or chapter of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the American Legion, the Disabled American Veterans, AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American Veterans of World War II, Schenectady, N.

Y., Inc., the Sons of Union Veterans, Vietnam Veterans of America, World War Veterans Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association, in any such town, the commanders and quartermasters of such posts, camp or chapter may direct the manner and extent of such observance and the supervisor shall pay the expenses thereof upon the order or orders of the commander or quartermaster of such post, camp or chapter, which orders shall be his vouchers for such payment, and in case there may be two or more posts, camps or chapters of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the American Legion, the Disabled American Veterans, AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union Veterans, Vietnam Veterans of America, World War Veterans Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association, in any such town, the commanders and quartermasters of such posts, camps or chapters by concurrent action, shall direct the supervisor of such town what proportion of such moneys so raised shall be expended by each of such posts, camps or chapters which proportion shall be paid by such supervisor upon the order or orders of the commander and quartermaster of each of such posts. In case there is a post, camp or chapter in a town adjoining a town in which no post, camp or chapter is located, whose membership includes at least three residents of such town having no post, camp or chapter, the post, camp or chapter shall appoint a committee of not less than three of its members who are residents of the said adjoining town in which the post, camp or chapter is not located, and the supervisor of said town shall pay the expenses of observance of Independence day, Memorial or Decoration day and Veterans day upon the order or orders of said committee or a majority thereof, which orders shall be his vouchers for such payment.

12-a. The town board of any town adjoining or contiguous to any camp established and operating for the training of persons in the military service of the United States may establish a recreation center in the town and may appropriate a sum not exceeding one thousand dollars in any year for the rental, equipment and maintenance of rooms. Any resolution authorizing the appropriation of town funds for such purposes shall be subject to a permissive referendum as provided in article seven of this chapter.

13. Appropriations for rooms for patriotic organizations. In any town in which there may, now or hereafter, be one or more posts of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., Disabled American Veterans, the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Schenectady, N.Y., Inc., World War Veterans Club of Lindenhurst, Inc., the American Legion, the Eastern Paralyzed Veterans Association, the Vietnam Veterans of America, the Army and Navy Union of the United States, the American Gold Star Mothers, Inc., Regular Veterans Association, Inc., the 369th Veterans Association, Inc., the Tri-County Council of Vietnam Veterans, the National Congress of Puerto Rican Veterans, the Fleet Reserve Association, the Navy Seabee Veterans of America, the Korean War Veterans Association, the Women's Army Corps Veterans Association, the 82nd Airborne Division Association, the Empire State Chapter No. 120 of the Retired Enlisted Association, the National Amputation Foundation, or the Navy Club of the U.S.A., the town board may appropriate a sum not exceeding five hundred dollars for each post in any year for the purpose of assisting in defraying the rental or maintenance of rooms for holding meetings of such post or posts, or both. If there be a post in a town adjoining a town in which no post is located, whose membership includes at least five residents of

such town having no post, the town board of such town having no post may vote any sum of money, not exceeding one hundred twenty-five dollars in any year, for the purpose of assisting in defraying the rental or maintenance of rooms in such adjoining town as meeting places of each of the posts hereinbefore enumerated. Claims for such rental or rentals shall be made by the organizations interested, and shall be submitted to the town board for audit in the same manner and at the same time as other claims against the town.

14. Publicity fund. a. Upon the adoption of a resolution, the town board of any town may establish a publicity fund to be expended for the purpose of advertising the advantages of such town as a summer or winter resort, or for commemoration programs of historical events, or otherwise, including the necessary and legitimate expense of securing a designation of such town as the place for holding the convention or meeting of any organization or society and for such additional purposes as may tend to promote the general, commercial and industrial welfare of the town. Such an appropriation shall not exceed the sum of twenty-five thousand dollars annually provided, however, that the town board of any town (1) upon the adoption of a resolution, subject to a permissive referendum, may appropriate an amount in excess of twenty-five thousand dollars for such publicity fund. Provided, however, that the town board of a town with a population of fifty thousand or less may not appropriate more than fifty thousand dollars to a publicity fund unless such town board adopts a resolution appropriating funds in excess of fifty thousand dollars and such resolution is subject to a mandatory referendum. The amount appropriated shall continue to be so appropriated until the adoption of a resolution, subject to a permissive referendum, to discontinue the same.

b. Notwithstanding the provisions of this subdivision, the town of Webb in the county of Herkimer, may, upon adoption of a resolution subject to a permissive referendum, appropriate a sum in excess of three thousand dollars but not in excess of one hundred fifty thousand dollars to its publicity fund and may continue to make such appropriations, until the adoption of a resolution, also subject to a permissive referendum, to discontinue the same.

c. The amount so appropriated when collected shall be paid over to the supervisor for the payment of claims incurred and after duly itemized and verified vouchers therefor have been audited by the town board.

14-a. Wherever it is provided in this chapter that a notice or a copy of a notice be posted on the sign-board of the town maintained pursuant to subdivision six of section thirty of this chapter, the town board may direct the same to be posted in addition in such other place or places within or without the territory affected as it may deem to be in the public interest but failure to accomplish such additional posting shall not affect the validity of the proceedings.

15. Appropriation for construction of conning towers. If requested by the conservation department, the town board of any town, not within the forest preserve, may appropriate a sum of money for the construction of a conning tower, to be constructed by the conservation department and to be used as a look-out in aid of the suppression of forest fires, but the whole amount appropriated in any one year shall not exceed five hundred dollars. The money so appropriated when collected, shall be disbursed by the supervisor on the order of the conservation department.

15-a. Purchase of equipment for prevention of forest fires. Any town may appropriate not exceeding the sum of one thousand dollars in any one year without the vote of a town election for the purpose of purchasing equipment for the prevention of forest fires within the town. Any such equipment shall be under the direction and supervision of the town board.

16. Traffic control, signals and standards. Any town may purchase, lease, install and maintain traffic signals and standards, for the control of traffic upon streets and highways outside the limits of any incorporated village or city, and the town board may authorize the town superintendent to purchase or lease such traffic signals and standards and materials necessary for the installation and use thereof, without prior approval of the board in an amount to be fixed by the board not exceeding one thousand dollars in any one year. The cost of erection and

maintenance of such signals and standards shall be a town charge.

17. Citizens advisory committee on capital improvements. The town board of any town having a population of five thousand or more as shown by the latest federal census, by resolution may appoint a committee of citizens to act in an advisory capacity to the town board on the planning, construction, reconstruction, undertaking or acquisition of capital improvements. The members of such committee shall serve without compensation and it shall be the duty of such advisory committee to meet, consult and advise with the officers named in the resolution. Such advisory committee shall have no powers other than advisory. The town board may authorize the payment of the just and reasonable actual expenses of the members of such advisory committee.

17-a. Historic places. The town board may provide for the preservation and protection of places, buildings, works of art and other objects having a special character or aesthetic interest or value and also may provide for appropriate and reasonable control of the use or appearance of neighborhood private property within public view. Any such measures, if adopted in the exercise of police power, shall be reasonable and appropriate to the purpose, or if constituting a taking of private property, shall provide for due compensation, which may include the limitation or remission of taxes.

17-b. Cultural development. To promote the cultural development of the residents of the community, the town board may appropriate and expend funds for promotion of literary, graphic, dramatic and performing arts by way of demonstrations, performances and exhibits of art and art forms.

18. Control of white pine blister rust. If requested by the conservation department, any town may appropriate a sum not exceeding one thousand dollars in any one year for the eradication or control of white pine blister rust. When such an appropriation has been made, the town clerk shall deliver to the supervisor and to the conservation department a certified copy of the resolution making the appropriation. The supervisor shall present a certified copy thereof to the board of

supervisors and the amount thereof shall be levied upon the taxable property of the town in the same manner as other town charges are levied and when collected shall be paid to the supervisor. When such funds are available, the supervisor shall, in writing, notify the conservation department of the fact and thereafter the conservation department may provide for the disbursement thereof in such manner as it shall deem necessary for eradication and control.

18-a. Appropriation for deer food. If requested by the conservation department, any town may appropriate a sum not in excess of two hundred fifty dollars in any one year to provide food for wild deer at times when such deer are unable to obtain natural food. Distribution of such food shall be under the supervision of the conservation department.

18-b. Any town, where there is an infestation of the golden nematode, may appropriate a sum not exceeding five thousand dollars ($5,000), in any one year for the eradication or control of the golden nematode. When such appropriation has been made, the town clerk shall deliver to the supervisor and to the state department of agriculture and markets a certified copy of the resolution making the appropriation. The supervisor shall present a certified copy thereof to the board of supervisors and the amount thereof shall be levied upon the taxable property of the town in the same manner as other town charges are levied, and when collected shall be paid to the supervisor. When such funds are available, the supervisor shall, in writing, notify the state department of agriculture and markets and thereafter the state department of agriculture and markets may provide for the disbursement thereof in such manner as it shall deem necessary for eradication and control.

19. Contracts for lighting of certain improved highways and bridges. Any town may contract for the lighting of such improved state highways and county roads, as defined in section three of the highway law, and for lighting the bridges on such highways, in the town outside of incorporated villages, as the town board deems necessary for the safety or convenience of the public. The contract for any such purpose or purposes shall be upon such terms and for such time or period not

exceeding ten years as the board deems proper or expedient.

19-a. Appropriation for public health. The town board of any town, the local board of health of which has been lawfully abolished, may, in lieu of employing a public health nurse or public health nurses in the manner authorized by section twenty-b of the public health law, contract with any non-profit institution or agency, wholly or partly under private control, organized to furnish visiting nursing or public health services and agree to pay fees specified in the said contract for such services furnished to inhabitants of the town for which the contracting institution or agency shall not otherwise receive payment. Such contracts shall provide that the contracting institution or agency will comply with any rules promulgated by the county health commissioner. Such town boards are authorized and empowered to appropriate the sums required to be paid to such institutions and agencies under the terms of such contracts and to raise the amount thereof by taxation.

19-b. Town medical and dental center. May create, establish, construct and reconstruct, repair, operate, equip and maintain a suitable building for a town medical and/or dental center or facility that meets the requirements of the public health law and the sanitary code of the state of New York and to acquire by purchase, lease, gift or condemnation necessary lands therefor. Two or more adjoining towns may combine in the establishment of such a center and the portion of expense chargeable to each town shall be fixed by agreement of the respective town boards.

19-c. Psychiatric rehabilitation programs for mentally ill, mentally defective, epileptic and emotionally disordered persons. May contract on an annual basis with the county in which the town is located to furnish and operate psychiatric rehabilitation programs in the town for the county. Any such contract shall be subject to the prior approval of the commissioner of mental hygiene. Notwithstanding the provisions of any other law, a county, acting through its mental health board, may contract with a town within the county for the furnishing of community mental health services authorized by the community mental health services act, as set forth in article eleven of the mental hygiene law, to be rendered by the town for the county to residents of the town.

19-d. Contracts for physician services. Notwithstanding the provisions of any law to the contrary, the town board of any town may contract on an annual basis for the services of a licensed physician, whether or not he resides within such town, to render medical care and treatment to the inhabitants thereof and upon such terms and conditions as the town board may prescribe. Such town board is authorized and empowered to appropriate the sums required to be paid under the terms of such contract and to raise the amount thereof by taxation.

A town board desiring to contract for the services authorized in this subdivision is further authorized and empowered to appropriate and expend a sum, not in excess of five thousand dollars, to be raised by taxation, for the purposes of advertisement of any proposed contract, the terms and conditions thereof or incidental thereto, and solicitation of offers of acceptance from any qualified physician. Such advertisement and solicitation may be accomplished in any manner the board deems appropriate.

19-e. Psychiatric clinics. Any town may appropriate a sum not in excess of ten thousand dollars in any one year for a psychiatric clinic for use in the clinic's annual budget, provided said corporation is organized under the not-for-profit corporation law and approved by and under the jurisdiction of the department of mental hygiene and which provides psychiatric and psychological counselling and therapy for children under the supervision of qualified personnel for the residents of the town.

20. Band concerts. Any town may provide for public band concerts to be held at any place within the town annually between the first day of June and the fifteenth day of September.

20-a. Dumping facilities. May contract with any village which has a dumping ground for the use of such dumping ground by persons living in such town for the disposal of their garbage, ashes, rubbish and other waste matter. The term of any such contract shall not exceed ten years and the consideration for such use shall be paid in equal annual

installments. Notwithstanding the provisions of any other law, the governing board of any village having a dumping ground shall have power to enter into any such contract on behalf of the village.

20-b. Combustible liquids. The town board may provide for the regulation of underground areas used for the storage of combustible liquids.

21. Town physician. May establish the office of town physician in any town in which there is not a practicing physician, fix the salary and appoint a duly qualified and licensed physician upon condition that he shall reside in the town. Two or more adjoining towns may combine in the employment of such a physician who shall reside in one of the towns so combining. In such case the portion of the salary chargeable to each town shall be fixed by agreement of the respective town boards.

21-a. Establishment of department of public works in certain towns. 1. The town board of any town of the first class or of any town having a population of ten thousand or more as shown by the latest federal census, and in which town the office of town superintendent of highways is an appointive office, may adopt a resolution establishing a department of public works, and may appoint and fix the salary of a commissioner of public works, who shall be the administrative head of the department.

2. The commissioner of public works shall be appointed on the basis of his administrative experience and qualifications for the duties of the office. Such commissioner of public works shall hold office until the first day of January next succeeding the first bi-annual town election held after his appointment and thereafter such commissioner of public works shall hold office for the term of two years.

2-a. The town board of any town in Suffolk county in which the office of the town superintendent of highways is an elective or appointive office may adopt a resolution establishing a department of public works and providing that the town superintendent of highways shall be the administrative head thereof.

3. Upon the establishment of a department of public works, as above provided, the town board by appropriate resolution may transfer to said department the functions of one or more of the departments, bureaus, improvement districts and services that are now or may hereafter come under the jurisdiction of the town board, and such other duties in the nature of public works as may be prescribed by law or the town board may determine, not inconsistent with law. All costs and expenses incurred by the department or its officers, agents and employees on behalf of a special improvement district, shall be charged against such district and paid from the funds duly appropriated for the purpose of such district.

4. Whenever such town board shall transfer to a department of public works any department, bureau, improvement district or service as in this section provided, the employees of such department, bureau, improvement district or service shall be continued as employees in the department of public works, with the same classification, pensions and retirement rights and privileges as they had immediately prior to such transfer, provided, however, that nothing herein contained shall deprive the town board of any power it now has with respect to any such employees.

5. Nothing herein contained shall be construed to delegate or transfer any power of the town board contained in sections sixty-one, sixty-four and articles twelve, fourteen and fifteen of this chapter.

22. Certain expenditures town charges. Except as otherwise provided by law, any expense actually and necessarily incurred by the town pursuant to the provisions of subdivisions twelve through twenty-one inclusive of this section shall be a town charge and the amount thereof shall be assessed and levied upon the taxable property of the town and collected in the same manner as other town charges are assessed, levied and collected.

23. General powers. Shall have and exercise all the powers conferred upon the town and such additional powers as shall be necessarily implied therefrom.

24. Shall have the power to impose a fifteen per cent admission tax at all pari-mutuel tracks in such town, where such track is leased from a tax exempt organization.

25. Use of agricultural assessment for improvement district charges. May adopt a resolution authorizing the application of the agricultural assessment established pursuant to article twenty-five-AA of the agriculture and markets law to the special assessment or special ad valorem levy made on behalf of an ambulance, water, lighting, fire protection, sewer, or sanitation district on land located within the ambulance, water, lighting, fire protection, sewer, or sanitation district and benefitting from such agricultural assessment. A copy of this resolution shall be delivered to the assessor or assessors of the town and shall be effective on the assessment roll prepared on the basis of the next taxable status date following its adoption. A resolution repealing this authorization shall similarly be delivered to the assessor or assessors of the town and shall be effective on the assessment roll prepared on the basis of the next taxable status date following its adoption.