

**BOARD OF ZONING APPEALS
OCTOBER 24, 2007
MINUTES**

draft

Dan MacRaild called the meeting to order at 7:30 p.m. with the following members present: Dan Gyure, Nancy White and Dale Christine. Also present: Steve Roessner – Zoning Inspector, Adam Cornet – Solicitor Pro Tempore, Carol Osborne – Fiscal Officer and Jerry DeMarino – Treasure Beach.

AGENDA: no additions or deletions

MINUTES OF October 10, 2007: There were no corrections to the minutes. ***Christine moved to approve the minutes as presented, seconded by White. ROLL CALL: Yeas (4), Nays (0) MOTION PASSED***

OLD BUSINESS:

Treasure Beach conditional use permit - In 2006 DeMarino was granted a one-year conditional use permit for a skill based game room. DeMarino is requesting a continuation of that permit. DeMarino stated there have been no incidents with the game room, which has been verified by the Middlefield Police Department.

Cornett stated the one-year conditional use permit was granted because at that time legally the “games of skill” were questionable as “games of chance”. In the past week, a bill passed by the State House and the State Senate, and will be signed by the Governor, which modifies the definition of slot machines such as “tic tac fruit” that DeMarino has in his gaming facility. What was once deemed a “games of skill” will now be deemed “games of chance”. The conditional use permit granted was for a video game parlor and the legal recommendation consider granting the continuation for an additional 6 months.

Christine stated the stipulations in the original permit approval will still be in place if we grant the continuation.

DeMarino stated his video game supplier contacted him today informing him the Governor had signed the bill. DeMarino stated at noon today he asked the patrons to leave and he closed the facility. The video game supplier will bring new software next week to convert the games to a \$10.00 pay-out. DeMarino stated he’s present this evening because he wants to re-open his facility next week with the new legal games.

White stated she’s in favor of renewing the conditional use permit only if the video games are legal in this State. DeMarino stated he has no intention of breaking the law.

Christine questioned how DeMarino’s business is monitored to determine if the games are legal or classified as gambling. DeMarino stated he believes his suppliers’ word that the video machines were games of skill. The new software will be approved by a state representative and DeMarino believes the \$10.00 pay out is not permitted to be cash. These payouts will be certificates.

DeMarino stated the suppliers’ names are on the machines.

Roessner stated this hearing was scheduled to determine whether or not to renew DeMarino’s conditional use permit, and not to judge the legality of the machines. As stated earlier, there haven’t had any issues with his business.

White moved to renew the one-year conditional use permit to Jerry DeMarino for Treasure Beach, with all of the original stipulations originally granted in 2006. Gyure seconded. Roll Call: Yeas (4) Nays (0). Motion passed.

NEW BUSINESS – none before the board.

There being no further business before this board, MacRaid moved to adjourn the meeting at 8:16 p.m. All in favor.

Secretary Pro Tempore

Chairman