

MARCELLUS TOWN BOARD/WORKSHOP AGENDA

Thursday, January 28, 2016

CALL TO ORDER

SALUTE TO FLAG

REMEMBERING JEAN SCHNEIDER

I. Approve audit of bills

Items from the Board

Items from the Floor

ADJOURN BUSINESS SESSION

WORKSHOP AGENDA

I. Highway

II. Discussion on:

A) Peddler's Law

B) Onondaga Heating

C) Letter from Sheriff's

D) Teen Institute

E) Grant from DeFrancisco

F) OCWA Meeting

G) Paper Mill

H) Department Liaisons

Adjournment

**NOTE:** This is a tentative agenda and is subject to change.

Future Meeting Dates:

Planning/Zoning Meeting – Monday, February 1, 2016 – 7:00 pm Town Hall

Town Board Meeting – Monday, February 8, 2016 – 7:00 pm Town Hall

Town Board Workshop Meeting – Thursday, February 25, 2016 – 7:00 pm Town Hall

\*\*\*\*Town Office will be closed on Monday, February 15, 2016 – Presidents Day\*\*\*\*\*

**TOWN OF MARCELLUS**

**PROPOSED LOCAL LAW NO. D of 2015**

**A LOCAL LAW REGULATING SOLICITATION, PEDDLING AND HAWKING  
WITHIN THE TOWN OF MARCELLUS**

Be it enacted by the Town Board of the Town of Marcellus as follows:

**SECTION 1.            AUTHORITY**

This local law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10.

**SECTION 2.            LEGISLATIVE INTENT**

The purpose of this Local Law is to preserve the public peace and good order in the Town of Marcellus and to contribute to the public welfare and good order of its people by enforcing certain regulations and restrictions, which shall include registration and application obligations on hawkers, solicitors and peddlers in order to prevent fraud, crime and unethical and dishonest business practices within the Town of Marcellus and to protect the residents from such conduct.

**SECTION 3.            DEFINITIONS**

**APPLICANT** – The individual who has registered or is about to register to act as a solicitor, peddler or hawker in the Town of Marcellus.

**BUSINESS** – The business carried on by a person who is a solicitor, peddler or hawker seeking to sell merchandise, services or take orders for such by traveling door to door and entering the boundaries of residential areas, including multi-family buildings, condominiums and similar places where people reside.

**CANVASSER** – One who attempts to make personal contact with a person at his or her residence within the Town of Marcellus and without his or her prior consent, to:

1. Request or attempt to induce or persuade any person to support a particular charitable, educational, civic, patriotic, political, benevolent, religious or philanthropic project or cause;
2. Seek or ask for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);
3. Sell goods, wares, merchandise, tickets, articles, services, publications, advertisements, subscriptions or things of any kind or value, with the entire proceeds of such sale to be paid directly to or used exclusively for the

benefit of a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);

4. Personally deliver a handbill or flyer advertising a future event, activity, good or service that is noncommercial in nature or otherwise not-for-profit.

**GOODS** – Merchandise of any description, including but not limited to wares, foodstuffs and services provided to utilize goods.

**HAWKING** – The selling or offering for sale of any goods, wares, merchandise or services on the street by outcry or by attracting the attention of persons by exposing goods in a public place, or by placards, labels or signals.

**PEDDLER** – Any person who shall engage in peddling, as hereinafter defined.

**PEDDLING** – The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the Town of Marcellus.

**PERSON** – Any natural person, association, partnership, firm, corporation, limited liability company, joint venture or any other form of business organization or entity.

**RESIDENCE** – Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure located within the Town of Marcellus.

**SOLICITING** – The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery; or for contracts or orders or subscriptions of any kinds; or donations, gifts or contributions of any kind, including money, clothing or any other valuable things, upon any streets or sidewalks or from house to house within the Town of Marcellus.

**SOLICITOR** – Any person who shall engage in soliciting, as hereinabove defined.

**TOWN** – The Town of Marcellus, New York.

**TOWN BOARD** – The Town Board of the Town of Marcellus.

#### **SECTION 4.            REGISTRATION REQUIRED**

No person shall engage in soliciting, peddling or hawking within the Town without first registering with the Town Clerk or an authorized representative of the Town.

**SECTION 5.            REGISTRATION FEES**

No registration shall be accepted under this Local Law except upon payment of the established fee to the Town Clerk. The amount of such fee shall be established from time to time by resolution of the Town Board.

**SECTION 6.            APPLICATION REQUIREMENTS**

A. Every person desiring to engage in soliciting, peddling or hawking in the Town shall first register, under oath, with the Town Clerk. Upon such application, such person shall give the following information:

1. The name, address, telephone number and birth date of the applicant;
2. Prior convictions of a crime, misdemeanor or violation of any ordinance, the nature, place and date of such offense and disposition of same;
3. The name, address and telephone number of the person for whom the applicant works and a letter appended to the application authorizing the applicant to represent the person the applicant purports to represent, if any;
4. The type or types of article, device, subscription, contribution, service or contract which the applicant desires to sell or for which the applicant wishes to solicit within the Town;
5. The dates and locations of soliciting, peddling or hawking;
6. The type of vehicle the applicant will be using while in the Town and its license number; and
7. Such other business and personal information as the Town Board finds reasonably necessary to protect the public.

B. Where a person makes application for himself or herself and one or more others, all applicable personal information specified above shall be given for each person and an individual registration shall be required for each person.

**SECTION 7.            EXPIRATION OF REGISTRATION**

A registration issued as provided in this Local Law shall automatically expire on January 1st following the date of issuance, but such registration may specifically state and provide for a specific expiration date.

**SECTION 8.            ASSIGNMENT OF REGISTRATION**

A registration as provided in this Local Law shall not be assignable. Any person who holds such registration who permits it to be used by any other person and any person who uses a registration granted to it by another person shall each be guilty of a violation of this Local Law.

**SECTION 9.            PROOF OF REGISTRATION**

Every person registered pursuant to this Local Law shall carry the registration with him or her and shall exhibit the same upon demand.

**SECTION 10.          DENIAL OR REVOCATION REGISTRATION**

A. Registration may be denied or revoke for any of the following reasons:

1. Fraud, misrepresentation or any false statement made in furnishing the information required by this Local Law;
2. Fraud, misrepresentation or any false statement made in the course of conducting the activities for which the person is registered;
3. Any violation of this Local Law;
4. Conviction of the registration holder of any felony or crime involving moral turpitude;
5. Conducting the soliciting, peddling or hawking in an unlawful manner or in such manner as to constitute a breach of the peace or to be a threat to the health, safety or general welfare of the people of the Town.

B. Any person whose registration has been denied or revoked shall be entitled to appear, with counsel, if desired, before the Town Board of the Town, at a regular or special meeting, and be heard on behalf of a request for issuance or reinstatement of said registration.

**SECTION 11.          DAY AND HOUR LIMITATIONS**

Except upon invitation from or an appointment with a particular resident, no person shall engage in soliciting, peddling or hawking during the following times:

- A. At any time on Sundays or national holidays; and
- B. Before 8:00 a.m. or after 8:00 p.m. on any other day.

**SECTION 12.            PROHIBITED ACTS**

- A. No person engaged in soliciting, peddling or hawking shall occupy any of the streets, alleys or sidewalks of the Town for the purpose of soliciting, peddling or hawking, with or without any stand or counter.
- B. No person engaged in soliciting, peddling or hawking shall enter upon premises for the purpose of soliciting, peddling or hawking which are posted with signs indicating that soliciting, peddling or hawking thereon is prohibited.
- C. No person engaged in soliciting, peddling or hawking shall refuse to leave the premises owned, leased or rented by another after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises.
- D. No person engaged in soliciting, peddling, hawking or canvassing shall falsely or fraudulently misrepresent the quantity, character or quality of any good, merchandise or article offered for sale or offer any unwholesome, tainted or diseased provisions of any good merchandise or article.

**SECTION 13.            SALES ON TOWN PROPERTY**

Notwithstanding any other provision of this Local Law, no person shall sell merchandise at any public function held in the Town or on lands owned by the Town without first obtaining written permission thereof from the Town Board; and the Board may, from time to time, adopt rules and regulations concerning such sales.

**SECTION 14.            EXEMPTIONS FROM REGISTRATION REQUIREMENTS**

The following persons are exempt from the registration requirements of this Local Law:

- A. Persons 18 years of age or under engaged in selling or soliciting the sale of goods or services for educational, non-profit or religious purposes.
- B. Persons who act solely as canvassers within the Town of Marcellus as defined herein.

**SECTION 15.            RECORDS; SUPERVISION**

The Town Clerk shall keep a record of all registrations made under this Local Law, including the number and date of each registration, and the name, age and residence of each registered person, and the Town Clerk shall supervise the activities of all registered persons.

**SECTION 16.            PENALTIES AND ENFORCEMENT**

- A. Any person violating the provisions of this Local Law shall be guilty of an offense and, upon conviction thereof, shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day's continuation of the offense shall be considered a separate punishable offense.

- B. In addition or as an alternative to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.
- C. In addition, any person who violates any provision of the foregoing may be subject to a loss of registration privilege herein granted.

**SECTION 17. SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 18. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.



Onondaga Heating & Air Conditioning Inc.

Quality Heating & Air Conditioning  
Installation • Sales • Service

104 Luther Avenue Liverpool, New York 13088  
(315) 455-2473 • Fax (315) 454-4028

RECEIVED

JAN 21 2016

# PROPOSAL

MARCELLUS TOWN CLERK

TO  Town of Marcellus  24 East Main Street  Marcellus, NY 13108	PHONE 673-3269	DATE 1/21/16
	JOB NAME / LOCATION	

We hereby submit specifications and estimates for:

We propose to furnish an annual preventative maintenance contract on the boiler at the above-described job location consisting of the following.

We will completely clean and service the boiler and provide a follow-up checkup in March to make sure all safeties and devices are operating properly.

The above-cited materials will be supplied and labor performed by competent, insured workmen in a neat and workmanlike manner for the sum of \$225. Any repairs to the system will be done on a time-and-material basis at our normal rate of \$110 per hour plus parts

**We Propose** hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of:

Two Hundred Twenty Five and 00/100 dollars (\$) 225.00

Payment to be made as follows:

Net payment due and payable upon completion. We offer financing and accept MC/VISA/Discover.  
(This proposal becomes a contract when signed and the white copy is returned to our office).

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within 30 days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

# Onondaga County Sheriff's Office

Eugene J. Conway  
Sheriff

RECEIVED

JAN 07 2016

MARCELLUS TOWN CLERK



Jason M. Cassalia  
Undersheriff

Joseph B. Ciciarelli    Chief Deputy Police Department  
Kenneth C. Andrews    Chief Deputy Civil Department  
Esteban M. Gonzalez    Chief Deputy Custody Department

January 5, 2016

Karen Pollard  
24 E. Main Street  
Marcellus, NY 13108

Sheriff's Office	315-435-3044
Police Department	435-3036
Human Resources	435-1767
Civil Department	435-3060
Custody Department	435-1717
Criminal Investigations	435-3081
Police Records	435-3010
Custody Records	435-1782

Supervisor,

Congratulations as you begin the new year in your position as Supervisor.

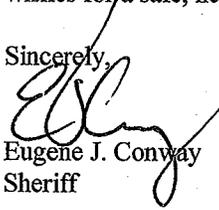
As I begin my second year as Sheriff I want to make you aware of what I am doing to help strengthen the relationship between this Office and the community you serve. The Sheriff and State Police are the providers of law enforcement in the Town which you represent and it is my purpose to see that we deliver services in the most effective and efficient manner possible. I have met with the State Police Major for this County and can assure you we have a very close working relationship.

The greatest need for services usually comes from our Uniformed Patrol Deputies that patrol the roadways and answer calls for service in your jurisdiction. These personnel fall under the command of a Station Commander, who hold the rank of Captain. We have two stations, one located in the T/Onondaga Town Hall building and the other located on Henry Clay Boulevard in the T/Salina. We have other facilities in the County however patrol personnel do not work from those locations. Your Town has been assigned to one of the two station commanders. My purpose is for you to have a consistent point of contact for matters in your jurisdiction. I have directed them to contact you personally and have also directed that they make a monthly contact with you going forward. Should you choose to meet with them they will arrange for that as well. If they have not already they will be reaching out and providing you with their contact information and availability.

I would like to offer an example of an idea that we could assist you with that you may not be aware of. A customer satisfaction survey of police services may be helpful to you. We can assist you with the drafting of questions that you may want feedback from your constituent's. We can also assist in collating the results and providing a report. We would need your help in providing postage. I have found these surveys to be helpful in my experience as a former Town Chief of Police. If interested we would be happy to discuss when this could be done in your Town.

I have enclosed my contact information and hope that you will not hesitate to reach me should you feel it necessary. My best wishes for a safe, healthy and happy new year!

Sincerely,

  
Eugene J. Conway  
Sheriff

407 South State Street    Syracuse, NY 13202