

MARCELLUS TOWN BOARD WORKSHOP AGENDA
February 25, 2016

CALL TO ORDER

SALUTE TO FLAG

I Audit of bills

ADJOURN BUSINESS SESSION

WORKSHOP AGENDA

- I. Discussion on:
 - A) Grant from Senator DeFrancisco
 - B) Highway Inventory
 - C) 2016 Community Development Funding
 - D) JCAP
 - E) Marcellus Park Grant
 - F) Sign for Park
 - G) Comp Time
 - H) Discuss Peddlers Law

Adjournment

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

Future Meeting Dates:

Planning/Zoning Board – Monday, March 7, 2016 – 7:00 pm - Town Hall

Town Board Meeting – Monday, March 14, 2016 – 7:00 pm – Town Hall

Town Board Workshop – Thursday, March 24, 2016 – 7:00 pm – Town Hall

2016

***Trucks Highway Inventory : Supervisor and Town Board**

- *T-1 vin 1FTWF31509EA63748 2009 Ford F-350
- *T-2 vin 1FDUF4HY9BEB25873 2011 Ford F-450
- *T-3 vin 1HTXHAPT67J559878 2007 International 5000 Tandem Axle
- *T-4 vin 5KKHAVDV2FLGN7278 2014 Western Star 4700 SF Tandem Axle
- *T-6 vin 2FZHAZDE97AY34781 2007 Sterling Lt9 Tandem Axle
- *T-7 vin 1HTWZAHXR7J458130 2006 International 7600 Single Axle
- *T-8 vin 1HTWXAHT95003235 2004 International 7600 Tandem Axle
- *T-9 vin 1HTGGAUT5VA421485 1996 International 7600 Tandem Axle
- *T-10 vin 1HTWLAZR1BJ347975 2011 International 7500 Single Axle
- *T-11 vin 1HTJSSKH1CJ432627 2012 International Terra Star Single Axle

***Equipment**

- *E-T vin 1L9FS18255L112017 2005 Locke Enterprises 18ft.
- *E-WL vin 1DW624KZEDE652120 2013 John Deere 624K (Bucket/Forks)
- ~~*E-Exc. vin CAT305DPXER01240 2012 Caterpillar 305D (2ft. Dig/ 3ft. Ditch buckr 060344300618 Vermeer~~ Sold
- *E-Bh. vin N8GH17516 2008 New Holland B95B (dig/ditch buckets)
- *E-Tr vin BB99234 1991 Ford 4610
- *E-Tr vin 083045B 1996 Ford 4630
- *E-M vin 1VRR0601611000356 Vermeer 6030
- *E-M vin 1VRV060344300618 Vermeer 5030
- *E-M vin LZ6127 Husqvarna Zero Turn
- *E-M vin 201589039 Ferris Procut S
- *E-Ch vin 27653 Brush Bandit 200+
- *E-R vin 5586208 Wacker RD11A
- ~~*E-Ss vin A ALJ816053 2015 Bobcat S-650~~ traded
- *E-Ss vin AN8T14294 2015 Bobcat T-770
- *E-Sa vin 783720547 Bobcat Pick-up Broom 72"
- *E-Sa vin 063011985 Bobcat Landscape Rake LR-6B
- *E-Sa vin 713200746 Bobcat Snow Blower SB240X84
- *E-Sa vin A00701031 Bobcat Stump Grinder SGX60
- *E-Sa vin 6812980 Bobcat Auger 6"/12" bits
- *E-Sa vin 51225214 Bobcat Grapple Bucket
- *E-Sa vin 231313427 Bobcat Angle Broom 68"
- *E-Sa vin 400101104 Bobcat Planer
- *E-Sa vin 30807 Pro-Tech SP-105 Snow Blade
- *E-Ta Angle Hydraulic Broom
- *E-Ta Angle Hydraulic York Rake
- *Small Equipment***
- *SE-T vin 2901CN0196 2009 Dynapac IF90
- *SE-T vin 1566237 Ground Pounder AP2000H
- *SE-Tra vin 89244 Berger Instruments Survey Equi. Scope/stand/stick
- *SE-Tra vin 101229 Spectra LL500
- *SE-Ds vin 05 1900009 Husqvarna 371K
- *SE-Ds vin 9683134-00 Partner Mark II K-650
- *SE-Ds vin GX140-6166555 Partner K-650

*SE-Cs vin 19977270698 Husqvarna 51
*SE-Cs vin 5350323 Husqvarna 288XP
*SE-Cs vin 08 3400179 Husqvarna 575XP
*SE-Cs vin 00802416 Husqvarna T-435
*SE-Cs vin 07 2900300 Husqvarna 325P4
*SE-Cs vin 172457469 Stihl 660
*SE-Cs vin 283647027 Stihl 391
*SE-Cs vin 07 2900300 Husqvarna 326P4
*SE-Tr vin 130400155 Husqvarna 323R Trimmer
*SE- Tr vin 102900010 Husqvarna 327RJx Trimmer
*SE- Tb vin 152100202 Husqvarna 327LDX Power Broom
*SE- Bp vin 050370122 Husqvarna Back Pack Blower
*SE- G vin 45168 Dewalt GX240
*SE- G vin EZCP1052845 Honda EB2500
*SE- G vin Honda EB2200X
*SE- Pw vin 001041 Hotsy HC340R/L
*SE- Pw vin 9602259 Simpson RDDF2000 (inoperable)
*SE- Co vin 133460 Napa NAC82-4256-VAT
*SE- M vin 161-JWA1109023A0178 Yard Machine 21" Snow Thrower
*SE- Dp vin 097232 Chicago Drill Press
*SE- Dr vin 0165358Y Makita 18v Drill
*SE- Dr vin 445715 Dewalt Drill/Saw set
*SE- Dr vin 404210 Makita 6013BR Drill
*SE- Rs vin 2650535 Bosch Reciprocating Saw
*SE- Bs vin 6780499342549 Milwaukee Band Saw
*SE- Cs vin 047211 Skilsaw TYU1 14" Chopsaw
*SE- H vin 202005 Hilti TE54
*SE- G vin 90588200214E Dewalt DW402 Grinder
*SE- G vin 80048 Dewalt DWE4011
*SE- G vin 02595 Skil Grinder
*SE- Gr vin 540950 Lincoln 18v Grease Gun 1800
*SE-Gr vin R8 Alemite 20v Grease Gun 596
*SE- Ei Milwaukee 1/2" Electric Impact
*SE- T Gas/ Acetylene torch set
*SE- W vin M01287 Napa 83-363 Gas Wire Welder
*SE- W Lincoln AC-180-S Arc Welder (inoperable)
*SE- Bc Marquette M36910 Battery Charger
*SE- Wm vin 127802-2007-E1 Mastercraft Walk Behind Trimmer
*SE- Bg vin 4100946 Jet JBG-6A Bench Grinder
*SE- Cg vin 243002 Oregon 511 Chain Sharpner
*SE- Pg vin 3040015 Titan Advantage 0552426 Electric Painter
*SE- Rf vin SZ813715 Hotpoint Refridgerator
*SE- Tv vin V4230279807220 Sanyo T.V.
*E-Exc vin *AJ1911533* 2015 Bobcat E-55 (Ditching/Digging bucket)
*E-Exc E vin*B1YT00266* Bobcat Flail mower 40FM
*E-Ss vin *ALJ816053* 2015 Bobcat S650



COUNTY OF ONONDAGA

COMMUNITY DEVELOPMENT DIVISION

JOANNE M. MAHONEY
COUNTY EXECUTIVE

ROBERT S. DEMORE
DIRECTOR

January 29, 2016

Supervisor Karen Pollard
Town of Marcellus
24 East Main St
Marcellus, NY 13108

RECEIVED
FEB 08 2016
MARCELLUS TOWN CLERK

Dear Ms. Pollard:

Re: Applications for 2016 Community Development Funding
Deadline: Wednesday, March 23, 2016
Maximum grant: \$50,000

Onondaga County is soliciting project proposals for the 2016 Community Development Block Grant (CDBG) funding cycle. Due to congressional budget cuts to the CDBG Program, our maximum grant amount for capital projects is \$50,000.

All project applications must be consistent with your Five-Year Plan submitted in 2015. If your project was not included in your Five-Year Plan submitted in 2015, please submit an updated plan, separate from your project applications. This can be a letter that includes your project name, location, estimated cost, and a brief description of the project.

You are not limited to five projects or one per year in your Five Year Plan. All future applications will have to be consistent with your Five Year plan. You will be able to modify your plan over the next three years. Please include your revised Five-Year Plan in your public hearing and board resolution for your current year's project application(s).

You also are not limited to submitting just one project application this year.

Priority will be given to projects that incorporate green technology and construction techniques.

If your project is selected, you must make every attempt to complete your project within one year. If the project is not substantially complete after one year, funding may be withdrawn. Also, please note that funding cannot be stockpiled from year to year.

If you have balances from prior year projects, this is a consideration in the project selection process. Funding may be withdrawn unless you are able to spend your balances by August 31, 2017. Please advise us immediately whether or not you will be able to complete your previously approved project by that time.

Please note that projects also must be consistent with Onondaga County's 2010 Development Plan which requires that no new infrastructure be built unless the project results in substantial economic development benefit to the community. The addition of new infrastructure without new population growth translates into higher property taxes for all county residents. Any new projects such as sidewalks must include a plan for future maintenance.

The primary objective of the program is to benefit low income people in the County. Preference is given to projects which meet this criterion. Secondly, a project may be approved to eliminate slums and blighting conditions, however we are very limited in the amount of funding we can spend in this category. The following is a brief description of each category.

1) Low Income Benefit: If the purpose of your project is to benefit low income people, it must be under one of the following conditions:

- a) The project must be **located in, and serve, a low income area**, as documented by the Census data or an income survey conducted no earlier than 2011;
- b) The project **must benefit either elderly or handicapped**. Both groups are considered low income for purposes of the program. For example, a senior citizen center (used exclusively by seniors), is eligible for funding regardless of its location as is renovating existing restrooms for handicapped accessibility in parks or other facilities. Building new restrooms is not considered eligible under handicapped accessibility since all new construction must be handicapped accessible by law; or
- c) The project must be an economic development activity which will provide direct employment opportunities for low income persons that must be documented.

Please refer to the maps of eligible areas based on the Census that we have enclosed. The purple shaded areas are eligible area(s) in your community. You may not have any eligible areas or the entire municipality may be eligible. **Please make a copy of the map and mark the locations of the activities you are submitting.** If you feel that an area is low income that is not identified on the enclosed map, you have the option of undertaking a door-to-door income survey. The survey must have nearly a 90% response rate. Contact us for further details.

2) Eliminate Slums and Blighting Conditions: In order to qualify under the category of eliminating slums and blight you must:

- a) Pass a local law or resolution which defines the meaning of slum, blighted, deteriorated or deteriorating conditions in your community; and
- b) Include in the resolution the boundaries of your slum or blighted area; and
- c) Indicate the percentage of blighted buildings in your designated area; and
- c) Apply for a project that addresses one of these conditions.

LOCAL SHARE: It is required that your municipality provide a portion of the project costs which can be actual dollars, other grants, or in-kind services. A rule of thumb is 25% of the total project cost. Those projects that leverage local dollars have a far greater chance of funding.

PROFESSIONAL SERVICES: If you wish to use Community Development funds to pay for the services of architects and engineers, you must be in compliance with 24 CFR Part 85, Uniform Administrative Requirements, an excerpt of which is enclosed. You must solicit proposals from a number of firms before selecting one. The price for the services may not be a percentage of the project total, but rather must be a lump sum or based on an hourly rate.

Please be advised that if your project is funded and you wish to use grant funds to pay for architectural or engineering services, you will be required to **provide documentation that you have met the above requirements before any payments are issued.** Some municipalities choose to pay for Professional Services as part of their local share, in which case the above requirements do not apply.

RESOLUTION: Please note that your application must be accompanied by a resolution of your town or village board authorizing both your Five Year Plan and the application(s). Please provide documentation of your public hearing.

HOUSING REHABILITATION: Housing rehabilitation is available now county-wide and we are completing over 200 units per year with a great deal of emphasis on lead paint reduction. The Lead Program can be undertaken at any location where the family is low income, and there are children under six on the premises, either as residents or as frequent visitors, as in the case of day care centers or grandparents. In many cases, up to \$20,000 is available per unit. We coordinate with PEACE, Inc., where possible, for energy efficiency improvements. We also have funding available for accessibility improvements to help disabled residents stay in their homes.

COMMERCIAL REHABILITATION: The Program can only be undertaken in low-income target areas. If you are interested in participating in Commercial Rehab, please inform us by letter with your submission.

All housing and commercial rehabilitation jobs are done directly under the supervision of our staff. We will provide you with a list of the properties that have been rehabilitated at your request. We welcome referrals and inquiries from you.

In summary, your application should include the following items:

1. Your Five Year Plan with board authorization (only necessary if there are revisions to your 2015 Five Year Plan);
2. Documentation of benefit to low income people;
3. Leverage of local dollars; the requirement is 25%;
4. A summary of the use of green technology;
5. Documentation of public hearing, both the advertisement and minutes;
6. Resolution of town or village board authorizing the application;
7. Map locating the project;
8. Photographs of your project area;
9. If you submit more than one application, you may indicate your priorities, along with an explanation of your priorities; and
10. In addition to submitting one paper copy (on blue paper) of each project application, e-mail your complete application(s) to cd@ongov.net.

Enclosed you will find blue application forms entitled 2016 FUNDING REQUEST. We will be glad to provide more forms, or you may download the application from our website at www.ongov.net/cd. Please be sure, however, to submit your applications on **blue paper**, staple the applications, and do not submit binders or extra copies.

Please do not attach your new Five-Year Plan to the project application(s).

Thank you very much for your assistance and cooperation. If you have any questions, please call Nina Andon-McLane or Robert DeMore at (315) 435-3558.

Sincerely,

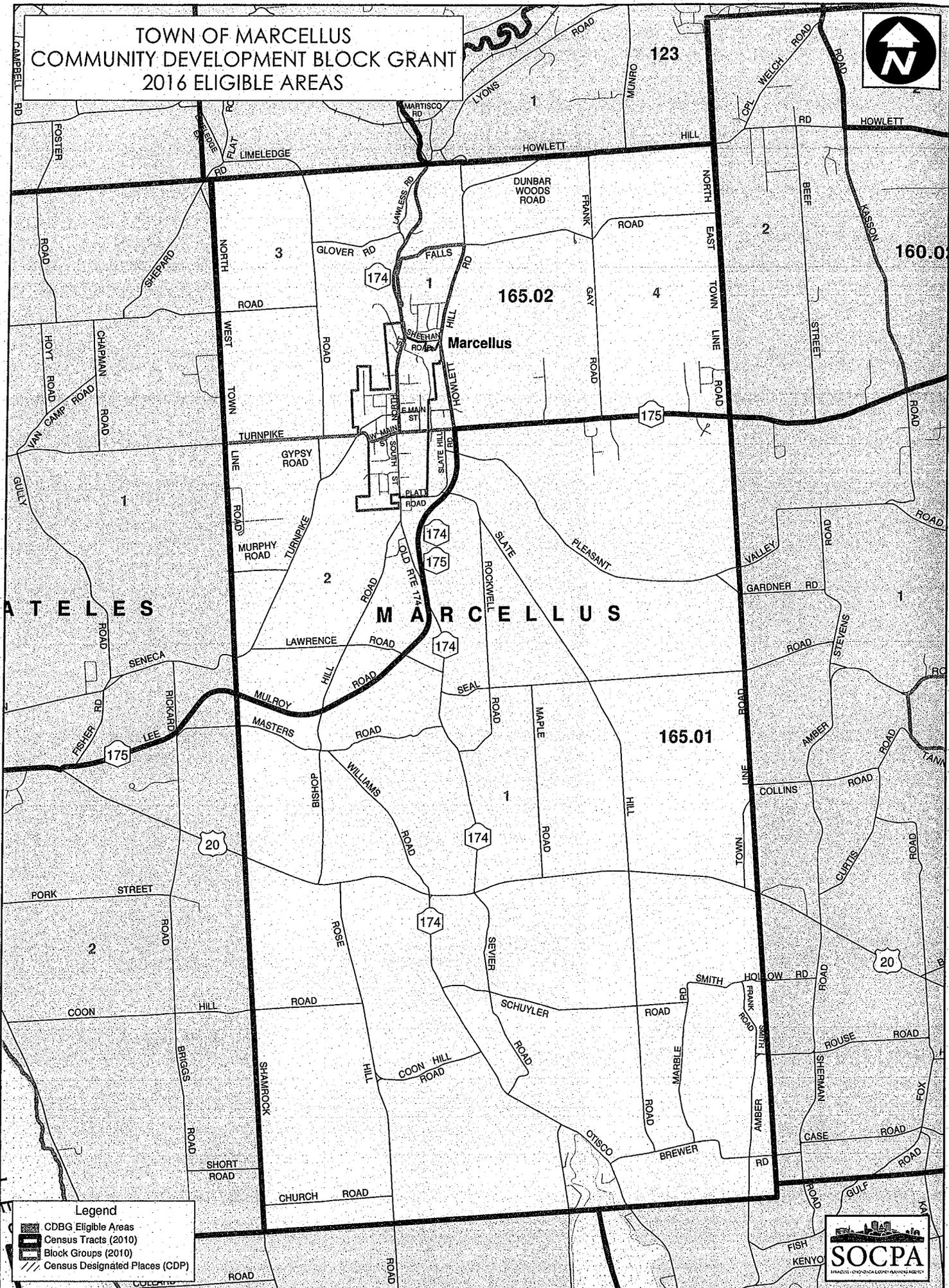
A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Robert DeMore
Director

Enc.

(Grants\CDBG16\APPLET16.docx)

TOWN OF MARCELLUS COMMUNITY DEVELOPMENT BLOCK GRANT 2016 ELIGIBLE AREAS



Legend

-  CDBG Eligible Areas
-  Census Tracts (2010)
-  Block Groups (2010)
-  Census Designated Places (CDP)



STATE OF NEW YORK
UNIFIED COURT SYSTEM
Onondaga County Courthouse, Room 400
401 South Montgomery Street
Syracuse, NY 13202
(315) 671-1100

RECEIVED
DEC 28 2015
MARCELLUS TOWN COURT

Lawrence K. Marks
Chief Administrative Judge

James C. Tormey
Fifth District Administrative Judge

Michael V. Coccoma
Deputy Chief Administrative Judge
Courts Outside New York City

December 23, 2015

Ms. Judi Schneider
Court Clerk
Marcellus Town Court
24 East Main Street
Marcellus, NY 13108

Dear Ms. Schneider:

We are pleased to advise you the Marcellus Town Court has been awarded a grant under the 2015-2016 cycle of the Justice Court Assistance Program (JCAP).

JCAP was established by the New York State Legislature in 1999, at the request of the Unified Court System, to help provide our State's town and village courts with the resources and equipment necessary to fulfill their critical role in our justice system. Under the Court System's Action Plan for the Justice Courts, JCAP has been expanded, both in the level of funding and the scope of the projects funded.

The Marcellus Town Court is one of 353 courts receiving JCAP funding this year. Details regarding your award are set forth on the enclosed reconciliation form. Funds will be sent to your municipality via direct deposit or check and must be spent within 180 days. The reconciliation form must be returned to the Office of Justice Court Support via fax at: (518) 438-3518 or e-mail at: jcap@nycourts.gov.

Congratulations and thank you for your participation in the Justice Court Assistance Program.

James C. Tormey
Fifth District Administrative Judge

James P. Murphy
Supervising Judge

cc: Hon. Henry J. Scudder, Presiding Justice Appellate Division
Hon. Michael V. Coccoma, Deputy Chief Administrative Judge
Courts Outside New York City

2015-2016 Justice Court Assistance Program Award Reconciliation Form

Please fax this form to 518-438-3518 or mail to:
Office of Justice Court Support, 187 Wolf Road, Suite 103, Albany, N.Y.12205

Application ID # 3632

In the space provided below, indicate when the money was spent on the item described below and the exact amount spent.

Funds to be spent within 180 days of receipt

Information about when you spent the grant:

Marcellus Town Court, Onondaga County

District: 5

Item Category	Grant Amount Approved	Print Name: _____
Construction	\$15,000.00	
<input type="checkbox"/> I affirm this was received	Date: _____	Signature: _____
		Amount actually spent: _____

Total Amount of Grant	Marcellus Town Court	\$15,000.00
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SPECIAL NOTE REGARDING AWARD DISBURSEMENTS:

Your Town Supervisor or Village Mayor should receive a check for the amount of the grant or the grant amount will be sent via direct deposit to your municipality. All grant recipients are reminded that, as required by law, funds received hereunder may not be used for purposes other than the purchase of the item(s) set forth on the enclosed award form. Also, as stipulated in the municipal certification accompanying the application for your grant, "any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures."

Please remember to save your receipts for at least three (3) years for audit and review purposes. If the amount you spend purchasing an item is less than the amount awarded in the grant, and that difference is less than 10% of the award for that item, then you may use that savings toward another grant item or towards consumable office supplies. If the savings exceeds 10% of the amount awarded for that item, please contact the Office of Justice Court Support at (800)-232-0630 for approval.

FOR OJCS USE ONLY:

Application # _____	Attachments _____
Vendor ID# 1000002781	AO Date _____
Voucher# _____	Approval Date _____
Submit Date _____	Grant Amt _____
Business Unit _____	Final Approval _____



COUNTY OF ONONDAGA

COMMUNITY DEVELOPMENT DIVISION

JOANNE M. MAHONEY
COUNTY EXECUTIVE

ROBERT S. DEMORE
DIRECTOR

February 3, 2016

RECEIVED

FEB 08 2016

MARCELLUS TOWN CLERK

Supervisor Karen Pollard
Town of Marcellus
24 East Main St.
Marcellus, NY 13108

Dear Ms. Pollard:

re: Marcellus Park Stone Mill/Creek Hlw Restroom HA \$37,000

We are pleased to inform you that your application for the project listed above has been approved.

Your project must be completed during the 2016 construction season. All funds not expended by 12/31/2016 will be reallocated. Unexpended funds from prior years may hurt your chances during the 2016 selection process. Please adhere to the following schedule. Do not start your project without approval to proceed from Community Development or you may jeopardize your reimbursement.

8. **CONTRACT EXECUTION:** A contract will be executed between your municipality and the County. Our department will initiate this procedure and you should receive the contract by late February. We are requesting that authorization to execute the contract be made by board resolution and that the resolution be submitted to us with the executed contract.
2. **ENVIRONMENTAL REVIEWS:** We will conduct the required environmental review of the project through our agreement with the Syracuse - Onondaga County Planning Department. Ilana Cantrell may contact you regarding the review. The process is already underway in many municipalities. **Please have your own staff or engineer complete the SEQR Review as soon as possible and e-mail the documentation to Nina Andon-McLane (cdnando@ongov.net) to expedite this process.**

Our Environmental Review must be completed before any expenses can be incurred or construction contracts are put out to bid. Please contact Nina Andon-McLane for the status of your environmental review.

31. **ENGINEERING/ARCHITECTURAL CONTRACTS:** If it is necessary obtain the services of an architect or engineer in order to undertake your project, and you are expecting the County to pay for architectural/engineering services as part of your grant, the following conditions apply:
 - v. You will be required by federal regulation to provide us with documentation that you solicited the services of several architects or engineers before deciding on the firm you are using. This includes copies of your letters of solicitation and newspaper advertisements.

- b. You are required by federal regulation to provide us with a copy of your agreement/contract with your architect or engineer before requesting any payments.
- c. You are required by federal regulation to use an acceptable method of payment to the architect or engineer. The acceptable choices are fixed price or cost reimbursement basis. Percentage fees and cost plus fees are not acceptable.

I have enclosed a copy of the federal regulations, which govern bidding, and procurement of professional services. If you choose to pay for engineering or architectural services with town or village funds, the above three regulations do not apply.

If you choose to use CD funds for engineering or architectural services, payments cannot be made until the agreement and documentation of solicitation have been received.

- 4. **BID DOCUMENTS AND SPECIFICATIONS:** The specifications should be prepared and ready for advertisement by **May 1, 2016**. Your architect or engineer must be in contact with Nina Andon-McLane during the bid preparation and award process to obtain the Community Development bidding specifications and to insure compliance with federal regulations.
- 5. **CONTRACT AWARD:** The construction contract for the project should be awarded by **June 1, 2016**.
- 6. **CONSTRUCTION START:** The starting date for construction should be no later than **July 1, 2016**.

Your expected 25% local share of the project cost should be expended before you request reimbursement from Community Development. Documentation of this is required. Please let us know if you will have any difficulty complying with this requirement.

Please mention that funding was obtained from Onondaga County if you receive any publicity regarding the project and please notify the County Executive's Office (Joanne M. Mahoney) and our office of any groundbreaking or ribbon cutting ceremonies.

If you have any questions, please do not hesitate to call. We look forward to working with you.

Sincerely,



Robert S. DeMore
Director

Enc.

(\Grants\CDBG16\CDYesLet2016.doc)

REQUIREMENTS FOR CONTRACTING FOR ARCHITECTS OR ENGINEERS

A. Method of Procurement: Competitive Negotiation

In competitive negotiation, proposals are requested from a number of sources and the Request for Proposals is publicized. Negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiations may be used if conditions are not appropriate for the use of formal advertising.

If competitive negotiation is used for procurement of professional services, the following requirements shall apply:

- 1) Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request for Proposals shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.
- 2) The Request for Proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.
- 3) The grantee shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for, the purpose of written or oral discussions, and selection for contract award.
- 4) Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.
- 5) Grantees may utilize competitive negotiation procedures for procurement of Architectural/Engineering professional services, whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

B. Contract Pricing

The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used. Grantees shall perform some form of cost or price analysis in connection with every procurement action including contract modifications. Costs or prices based on estimated costs for contracts under grants shall be allowed only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles.

C. Grantee Procurement Records

Grantees shall maintain records sufficient to detail the significant history of a procurement. These records shall include, but are not necessarily limited to, information pertinent to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejections, and the basis for the cost or price.

Town of Marcellus Park

Established August 1936



Town acquired park on
August 8, 1995

16.00"

20.00"

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.