MARCELLUS TOWN BOARD WORKSHOP AGENDA
March 24, 2016

CALL TO ORDER

SALUTE TO FLAG

I. Audit of Bills

ADJOURN BUSINESS SESSION

WORKSHOP AGENDA

I. Discussion on:
   A) Chris Somerlot – Paper Mill Site
   B) Susan Mezey Request
   C) Peddlers Permit
   D) Flags in Cemetery
   E) Metal Detectors in Marcellus Park

Discussion Agenda

A. Items from the Board
B. Items from the Floor

Adjournment

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

Future Meeting Dates:

Planning/Zoning Board Meeting – Monday, April 4, 2016 – 7:00 pm – Town Hall
Town Board Meeting - Monday, April 11, 2016 – 7:00 pm – Town Hall
Town Board Workshop Meeting - Thursday, April 28, 2016 – 7:00 pm Town Hall

February 20, 2016

COPY TO

☑ SUPERVISOR ☑ TOWN BOARD
☐ HIGHWAY ☐ CODES PB / ZBA
☑ RECREATION ☐ ASSESSOR

RECEIVED
FEB 24 2016
MARCELLUS TOWN CLERK

Town Board of Marcellus
Town of Marcellus
24 E. Main Street
Marcellus, NY 13108

Marcellus Ecumenical VBS is an organization of the four churches of the community (St.Francis Xavier, St. John's Episcopal, First Pre4sbyterian of Marcellus and Marcellus UMC). We run a summer Christian Education program for all the children in the area. The four churches and their members support the program financially and with volunteers.

We have reserved the Creek Hollow area for our program this year for four evenings 6 to 8 pm. We anticipate approximately 40 children pre-school thru 6th grade and several teen assistants. We will have a nurse on duty at all times and in addition to our director approximately 14 to 15 adults.

Mr. Coccia suggested I write to you and ask if you could waive the fee of $200.00 or at least give us a discount. We would appreciate any assistance you could give us. If you have any questions please call me anytime. My phone number is 214-5417.

Thank you for your consideration.

Sincerely,

Susan Mezey

Susan Mezey

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 by 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.

TOWN OF MARCELLUS
24 East Main St.
Marcellus, NY 13108

VERIFICATION OF REGISTRATION FOR SOLICITATION, PEDDLING, AND HAWKING

Applicant Name:

Company Name:

Service or Goods Offered:

Description of Vehicle:

License Number and State:

No person shall engage in soliciting, peddling or hawking during the following times:

1. At any time on Sundays or National Holidays.
2. Before 8:00 a.m. or after 8:00 p.m. on any other day.

The person named above has registered with the Town of Marcellus, Town Clerk to engage in soliciting, peddling or hawking for the sole purpose identified herein as required by Town of Marcellus Local Law No. ___-~~2015~~ 2016

Additional information may be obtained by contacting the Town of Marcellus Town Clerk at (315) 673-3269.

This verification is invalid without the raised seal from the Town of Marcellus and an original signature of the authorized representative of the Town of Marcellus.

Date Issued:

Expiration Date:

(seal)

Town Clerk
(Signature and Title)

** Verification of Registration is not an endorsement by the Town of Marcellus of the products or services being offered.

TOWN OF MARCELLUS
SOLICITATION, PEDDLING & HAWKING
REGISTRATION APPLICATION
(Ref L.L. #___-~~2015~~) 2016

Please Expect 48 Hours for Processing

Applicant Name:_____ D.O.B._____

Permanent Address: _____

_____

Local Address: _____

_____

Telephone #_____ ******PHOTO ID REQUIRED****** (attach copy)

List any and all convictions of a crime (felony or misdemeanor) or violation of any ordinance: (If none, state "none." Attach additional sheets if necessary.)

Nature of Offense	Place of Offense	Date of Offense	Disposition

Company Name: _____ Telephone # _____

Address: _____

_____

Attach original letter from the company or person authorizing the applicant to represent the person or company the applicant purports to represent. (Letter must include names of all individuals to be soliciting.)

Letter attached: Yes_____ No_____

Type or types of article, device, subscription, contribution, service or contract applicant desires to sell or solicit. (Be specific.)

_____

_____

_____

_____

Dates of Soliciting, Peddling & Hawking: (Be specific) _____

_____

Type of Vehicle Used: _____

Description of Vehicle: _____

License # and State: _____

Additional Information: _____

_____

_____

Verification By Subscription and Notice

Under Penal Law Section 210.45

It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

*Affirmed under penalty of perjury this

_____ day of _____, 20____.

_____

(Applicant)

TOWN OF MARCELLUS
SOLICITATION, PEDDLING & HAWKING
REGISTRATION APPLICATION
(Ref. L.L. #___-2015)

Appendix A

(Use separate sheet for each person registered)

Applicant Name:_____ D.O.B._____

Permanent Address: _____

_____

Local Address: _____

_____

Telephone #_____ ******PHOTO ID REQUIRED****** (attach copy)

List any and all convictions of a crime (felony or misdemeanor) or violation of any ordinance: (If none, state "none." Attach additional sheets if necessary.)

Nature of Offense	Place of Offense	Date of Offense	Disposition

Company Name: _____ Telephone # _____

Address: _____

_____

Attach original letter from the company or person authorizing the applicant to represent the person or company the applicant purports to represent. (Letter must include names of all individuals to be soliciting.)

Letter attached: Yes_____ No_____

Type or types of article, device, subscription, contribution, service or contract applicant desires to sell or solicit. (Be specific.)

_____

_____

_____

_____

Type of Vehicle Used: _____

Description of Vehicle: _____

License # and State: _____

Additional Information: _____

_____

_____

Verification By Subscription and Notice

Under Penal Law Section 210.45

It is a crime, punishable as a Class A Misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

*Affirmed under penalty of perjury this

_____ day of _____, 20____.

_____

(Applicant)

When should small flags displayed on graves on Memorial Day be removed?

Category:
Cemetery Flags

Question:
When should small flags displayed on graves on Memorial Day be removed?

Answer:
All Legion posts should follow the practice of removing flags from veterans' graves as soon as possible after Memorial Day.

View more flag questions

- When should they be removed?

Town of Marcellus Parks and Recreation Department
24 East Main Street
Marcellus, NY 13108
phone: 673-3269 ext. 2
fax: 673-9102
email: park_rec@marcellusny.com

June 2015 – Present

Recently, the Parks & Recreation department has received some complaints about large holes dug by metal detectors in Marcellus Park. We do not have a formal policy for metal detecting but action needs to be taken. Metal detecting poses a health and safety risk because large holes have been dug throughout the park, especially near the children's' playground. Citizens may fall or trip in a hole and injury themselves. These holes also cause unnecessary work for the park employees who have to refill them. Also, there are several wires and pipes that run underground that, if damaged, would cause a lot of damage to our park utilities and would be costly. The Parks and Recreation departments of the Town of Camillus, Town of Dewitt, Town of Onondaga, Town of Geddes and Onondaga County were all contacted regarding their park policies on metal detecting. It was reported that some of their residents have been seen metal detecting around the playgrounds, but the Towns do not have specific policies or permits pertaining to metal detecting because no problems have arisen.

After conducting some research on the matter, two metal detecting permits listing terms and conditions have been found online issued by the New York State Office of Parks, Recreation and Historic Preservation. In addition, Onondaga Lake Park has its own metal detector permit that we can also use as a reference. A packet of the rules and regulations that govern the conduct of New York State's public property has also been included (see page 10). Marcellus Park needs to have a metal detecting permit that states the conditions under which citizens are allowed to metal detect within our park limits. This will ensure that citizens and the park itself remain safe and enjoyable for everyone.

Sincerely,

Phil Coccia
Marcellus Parks & Recreation Director

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Central Region • 6105 East Seneca Turnpike, Jamesville, New York 13078
315-492-1756 Fax: 315-492-3277
www.nysparks.com

METAL DETECTOR APPLICATION / PERMIT - $10.00

NAME: _____

ADDRESS: _____

TELEPHONE: (____)_____

This Metal Detector Permit, when completed and signed by the permittee and approved by the NYS Office of Parks, Recreation and Historic Preservation, authorizes the use of a metal detector at **NEW YORK STATE PARKS IN THE CENTRAL REGION**. Wading is permitted in the SANDY BEACH AREAS ONLY (please refer to # 7-special conditions below).

This permit shall be effective from: 1/1/_____ to 5/15/_____
The Tuesday following Labor Day until 12/31/_____

THE FOLLOWING CONDITIONS APPLY:

1. Permittee MUST carry this permit with them at all times while metal detecting.
2. One applicant per form.
3. Report to the Park Manager or a designated park employee on a daily basis, prior to using the metal detector.
4. Permit authorizes use of metal detector in the SANDY BEACH area only of the Parks on the reverse side of this permit and is limited to daylight hours only.
5. Report all findings daily to the Park Manager or park staff. Coins may be kept. Other items found must be turned into the Park office as they may be listed as lost items.
6. The permittee shall not disturb other patrons or interfere with their activities. The permittee agrees to assume responsibility for any injury or property damage resulting from his/her use of a metal detector under this permit.
7. Any tool used to remove objects from the sand shall have a digging surface or blade no longer than 1-1/2" wide and 6" long. The permittee will restore the surface of the beach to original condition when digging is finished.
8. Any items of trash uncovered by the permittee will be disposed of, following the "carry in –carry out" program, as listed on the reverse side of this permit.
9. **Special Conditions**: Permittee is authorized to wade in water up to a depth of 3 feet in the BATHING AREA ONLY and must be accompanied by one other person. This condition applies to all parks listed on the reverse side, EXCEPT Selkirk Shores and Sandy Island Beach. WADING IS NOT PERMITED AT SELKIRK SHORES OR SANDY ISLAND BEACH FOR ANY REASON.

_____
PERMITTEE'S SIGNATURE DATE

_____
REGIONAL DIRECTOR -OR- PARK MANAGER DATE

Receipt # _____

(REV 9/2013)

An Equal Opportunity Employer/Affirmative Action Agency

NAME/LOCATION	PERSON IN CHARGE
BOWMAN LAKE 745 Bliven Sherman Rd. Oxford, NY 13830	BARRY BETTS (607) 334-2718
CHENANGO VALLEY 153 State Park Rd. Chenango Forks, NY 13746	MIKE BOYLE (607) 648-5251
DELTA LAKE 8797 State Route 46 Rome, NY 13440	LAURA TULLY (315) 337-4670
GILBERT LAKE 18 CCC Road Laurens, NY 13796	TOM GOETZMANN (607) 432-2114
GLIMMERGLASS 1527 County Hwy 31 Cooperstown, NY 13326	RICH SHECKELLS (607) 547-8662
GREEN LAKES 7900 Green Lakes Rd. Fayetteville, NY 13066	JIM SEMAR (315) 637-6111
OQUAGA CREEK 5995 County Highway 20 Bainbridge, NY 13733	JOSH SEUFERT (607) 467-4160
SANDY ISLAND BEACH County Route 15 Pulaski, NY 13142	SHELLY WILMOTT (315) 387-2657
SELKIRK SHORES 7101 State Route 3 Pulaski, NY 13142	GORDON BETTS (315) 298-5737
VERONA BEACH Route 13 Verona Beach, NY 13162	JOE MORISETTE (315) 762-4463

"CARRY IN – CARRY OUT" PROGRAM – Visitors are responsible to carry out everything that was brought in. Trash containers are not provided.

New York State Office of Parks, Recreation and Historic Preservation

METAL DETECTOR PERMIT

COST: $

TO: PATRON'S NAME

STREET ADDRESS

CITY, STATE

Home Phone: Cell Phone:

This permit, when completed and signed by the permittee and approved by the Office of Parks, Recreation and Historic Preservation, authorizes the use of a metal detector by the Permittee at the State Park named subject to the terms and conditions stated on the reverse side of the permit. The use of metal detectors is prohibited in ALL New York State Historic Sites.

This permit will be in effect for the period:

From:

I, the undersigned, hereby agree to the Terms and Conditions on the reverse side of this Permit:

PERMITTEE SIGNATURE DATE

****

(OFFICE USE ONLY)

PERMIT # _____ **AMOUNT PAID: $**_____

PAYMENT BY CHECK NUMBER _____ **CASH** _____

PARK REPRESENTATIVE SIGNATURE DATE

PARK:

ADDRESS:

PHONE:

TERMS AND CONDITIONS

PURPOSE OF THIS PERMIT: METAL DETECTOR SEARCHING

PARK:

PARK AREA:

TIME:

CONDITIONS:

1. The permittee shall not disturb other park patrons or interfere with their activities.

2. The metal detector shall not be used in landscaped areas, lawns or flowerbeds and digging shall not be permitted in these areas or around trees or shrubbery.

3. Any tool used to remove objects from the ground shall have a digging surface or blade no longer than 1 ½" wide and 6" long. The permittee will immediately restore the surface to its original condition.

4. Under section 252 of the Personal Property Law, all personal property of the value of ten dollars ($10.00) or more shall be returned to the owner or deposited with the Park Police.

5. Any items of trash uncovered by the permittee will be placed in a trash receptacle.

6. This permit does not authorize the excavation of archeological objects. Any archeological objects located by the permittee shall be deposited with Park Employees.

7. Permittee agrees to assume responsibility for any injury or property damage resulting from the acts, omissions, neglect or misconduct of permittee.

8. Permittee must present a copy of this permit to park personnel upon request.

9. **Special Conditions:** _____

_____

_____

_____

_____

cc: Park Police
Park Manager

ONONDAGA COUNTY Parks

Onondaga Lake Park

Joanne M. Mahoney
County Executive
William Lansley
Commissioner
Dale Grinolds
Park Superintendent
OnondagaCountyParks.com

106 Lake Drive, Liverpool, New York 13088
Voice: (315) 453-6712 • Fax: (315) 453-6764
Email: olp@ongov.net

Date: _____

METAL DETECTOR PERMIT

Onondaga County Parks is glad to grant you permission to use a metal detector at Onondaga Lake Park with the following conditions:

- You are granted permission to enter only those areas normally open for public use and during normal open hours (dawn to dusk). This excludes public reserved areas (when in use) and service areas used only by park personnel.
- Metal detectors are not to be used in the Griffin Visitor Center and Long Branch Park's Ballfields.
- There are several underground utilities (electric, gas, etc.). Do not dig around these obvious areas.
- Removal of detected objects must be confined to small items such as coins which can be removed with the point of a knife or other similar tool.
- Replace/repair any turf damage.
- You must have this permit on your person when using this device to show any Park Ranger or Park employee.
- Permit must be renewed annually.

SPECIAL REGUALTIONS AND CONDITIONS: _____

_____

_____

Onondaga County Parks Official: _____

Copy of Driver's License:

OFFICE: One copy to customer, One copy to OLP File