

A Work Session of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Complex Court Room located at 6380 Route 21, Suite II, at 7:00 PM on Tuesday, October 14, 2014. The following were

PRESENT: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby

ABSENT: Councilman Thomas D. Watson

The Board reviewed bills for payment.

Councilman Verno made a motion, seconded by Councilman Orbaker, to enter into Executive Session to discuss a Personnel matter regarding a particular individual at 7:05 PM. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Bixby, to return to Open Session at 7:07 PM. The motion was carried.

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Complex Court Room located at 6380 Route 21, Suite II, following the Worksession at 7:30 PM on Tuesday, October 14, 2014, by Supervisor James D. Hoffman with the Pledge of Allegiance. The following were

PRESENT: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby

ABSENT: Councilman Thomas D. Watson

Kurt Allman, Highway Superintendent; Wilma Young; Sun & Record, and undersigned Town Clerk was also present.

Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to accept the Consent Agenda containing the following items:

- a. previous minutes: September 23, 29, 2014
- b. presentation of the Town Clerk's report
- c. accept the Supervisor's report for September
- d. accept the departmental monthly reports

The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Verno, to authorize the Town Supervisor to sign a snow removal agreement with the Williamson Business Improvement District. The agreement will be for the 2014 – 2015 snow season. The cost to the BID is \$75.00 per trip. The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Verno, for the following amendment to the 2015 Preliminary Budget:

	<u>From</u>	<u>To</u>
<i>General Fund –</i>		
Unexpended Fund Balance	\$230,000	\$220,000
<i>Library –</i>		
Equipment 7410.2	\$ 7,000	\$ 2,000
Contractual 7410.4	\$ 8,093	\$ 3,093
East Williamson Fire Co.		
Contractual	\$ 90,731	\$ 92,000

The motion was carried.

Supervisor Hoffman presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: At the July 8, 2014 Town Board meeting a resolution was passed to purchase a new dump truck and plow equipment at a cost not to exceed \$250,000 (two hundred and fifty thousand dollars), and

WHEREAS: The Town Board researched and discussed the best way to finance the purchase of said truck and plow equipment,

NOW, THEREFORE, BE IT RESOLVED: That the Town Supervisor is authorized to sign a lease agreement with First Niagara Leasing Company, at a cost of \$37,728.47 per year for 4 years.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno

NAYES: Councilman Michael Bixby

The Resolution was declared adopted.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to authorize using Henning Computer Services for all Town of Williamson computer services, server and network support services. The cost for these services is \$40.00 per half hour (minimum ½ hour) for remote services and \$75.00 per hour (minimum 1 hour) for onsite services. The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to direct the Town Clerk to advertise the cancellation of the November 11, 2014 Town Board. November 11, 2014 is a holiday and the Town Offices will be closed. No alternative meeting has been scheduled. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to authorize the Senior Account Clerk to attend the Association of Towns 2014 Personnel Management School being held Friday, November 14, 2014 at the Buffalo Marriott Niagara in Amherst, New York. The cost for the class will be \$75.00 with all other actual and necessary expenses a Town charge. The motion was carried.

Councilman Bixby made a motion, seconded by Councilman Orbaker, to adopt proposed Local Law #4, to add Chapter §33, Peddling and Soliciting. This Local Law is effective immediately upon adoption by the Town Board. The motion was carried.

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TOWN OF WILLIAMSON
LL # 2014-4 – Adding Chapter 33
“PEDDLING AND SOLICITING”

§33-1. Definitions and word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE – Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

CLERK - The Town of Williamson Town Clerk.

CONTRIBUTIONS – Alms, money, subscriptions, property or any donations.

FIXED LOCATION – Any permanent structure.

HAWKER – One who offers for sale his or her goods by calling out in the streets.

HAWKING – The selling or vending or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him or her in traveling or has in his or her possession or control, upon any of the streets or sidewalks or from house-to-house in the Town of Williamson.

PEDDLER – Any persons who goes upon the premises of any property, not their own, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. This includes any person who solicits orders and as a separate transaction makes deliveries to purchasers. The word “peddler” shall not apply to the following:

(1) Farmers seeking or taking orders for or selling or offering the sale of their own produce.

(2) The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meats or meat products or milk or milk products by any manufacturer or producer to a commercial business for resale.

PEDDLING – All activities described under the definition of “peddler” of this section.

PERSON – A person or any firm, corporation, association, club, society, or organization.

SOLICITATION – All activities described under the definition of “solicitor” of this section.

SOLICITOR – Any person who goes upon the premises of any private property, not their own, for the purpose of taking or seeking or attempting to take orders or make contracts for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This includes any person who, without invitation, goes upon private property to request subscriptions or contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other noncommercial purposes.

TRANSIENT MERCHANT – A person who engages or proposes to engage temporarily in merchandising business in the Town of Williamson and occupies a room, building, tent, lot, stand, table or other premises for the purpose of selling, trading, or bartering goods, wares and merchandise.

B. Usage. The singular shall include the plural.

§33-2. Permit requirements and exemptions.

A. It shall be unlawful for any person to engage in peddling or soliciting activities within the Town of Williamson without first obtaining a permit issued by the Town Clerk; provided, however that the following are exempt from the provisions of this section:

(1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.

(2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.

(3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person or organization.

(4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.

(5) Yard sales, garage sales or conducted residential auctions of personal household property or sales of a like nature conducted in connection with a dwelling in a zoned residence district shall not be deemed to be conducting a transient retail business so long as no more than two such sales of not more than three days each per year are conducted on any parcel or private property. The person conducting such sale, whether resident or auctioneer, shall not require a permit.

(6) Persons engaged in interstate commerce selling or soliciting subscriptions, books, magazines or periodicals, including educational, religious and reference materials, (for schools, religious organizations, charity groups). These organizations are required to inform

the Town Clerk of their presence, organization, and duration of sales and provide valid identification for each member engaged in the soliciting.

B. This permit applies to any and all persons who wish to engage in peddling or solicitation, including but not limited to transient merchants as defined in §33-

1. This includes transient merchants who wish to offer for sale wares at any type of carnival, festival, flea market, craft show, etc.

C. No person engaged in peddling, solicitation, hawking or selling of goods shall occupy any fixed location upon any of the streets, highways, sidewalks, or other locations for the purpose of hawking, peddling, vending or soliciting. No permittee may enter upon any public park, Town property, municipal recreation facility, golf course, or municipal off-street parking areas, nor premises of educational institutions for the purpose of hawking, peddling, vending or soliciting.

D. Any person who engages in the hawking or sale of goods during any community-wide or community endorsed event or festival shall be required to obtain a peddlers permit for such event; such permit may be obtained and issued by the Town Clerk.

E. No person engaged in the peddling solicitation, hawking or selling of goods shall do so within the Town of Williamson not on Sundays nor any other days before 9 a.m. or after sunset.

F. Requirements of this chapter shall not apply to:

1. Apple Blossom Festival
2. Pultneyville Homecoming
3. Pultneyville Garage Sale Days

§33-3. Permit application.

Every person subject to the provisions of this chapter shall file with the Town Clerk an application in writing on a form to be furnished by the Town Clerk, which shall provide the following information.

A. Proof of name, date of birth, address and telephone number.

B. A brief description of the business or activity to be conducted.

C. The house, location or event for which the right to peddle or solicit is desired.

D. Whether there is parking located at the site of the proposed solicitation location, and if so, the type of parking provided.

E. If self-employed or acting as an agent, the name, address, telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be.

F. Each employee or agent shall sign a statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the violation, the penalty or punishment imposed, the date and place where such offense occurred, and other pertinent details thereof.

G. Proof of possession of any permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business or which, under any such law or regulations, would exempt the applicant from the licensing requirements of this chapter, and

H. The type of article, device, subscription, contribution, service, goods, wares and/or merchandise he or she desires to sell or for which he or she wishes to solicit within the Town of Williamson.

I. The type of vehicle(s) he or she wishes to use, if any. The applicant must provide a valid registration and insurance card on each vehicle to be used.

J. Each person shall execute the application under oath or affirmation with a written and printed signature and, if for an organization, their title. They shall provide written proof of authorization to apply for a permit on behalf of said organization.

K. Exclusive of religious, charitable or not-for-profit corporations, a recent photograph of the applicant showing the face of the applicant in a clear and distinguishing manner will be required.

§33-4. Fees.

A. At the time the application is filed with the Town Clerk, the applicant shall pay a fee as set forth from time to time by resolution of the Town Board of the Town of Williamson to cover the cost of processing the application and investigating the facts stated therein, for a one-day permit, for a one-week permit, or for an annual permit for each solicitor or peddler. The application fee shall be waived on one-day permits, for each applicant once per calendar year. An application fee will be charged for a second and subsequent application in a calendar year. This provision shall not apply to person soliciting orders for goods to be shipped into the state, or otherwise involved in interstate commerce.

B. A New York State veteran, or resident surviving spouse of a Town veteran, may obtain a free permit to peddle upon the streets/highways of the Town so long as said veteran or resident surviving spouse of a veteran resides within the Town limits. Said permit is nontransferable.

C. Nonprofit organizations and persons working for such organizations, charitable, religious, and youth organizations shall be exempt from the payment of any fees under this chapter.

§33-5. Application review and permit issuance.

- A. Upon receipt of an application, the Town Clerk shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- B. If the Town Clerk finds the application to be satisfactory, the Town Clerk shall approve the application and shall, upon payment of the nonrefundable prescribed fee, deliver the required permit to the applicant.

§33-6. Denial of permit.

A. The Town Clerk may refuse to issue a permit or peddlers ID card to the applicant, agent or employees under this chapter for any of the following reasons.

- (1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers.
- (2) An investigation reveals that the applicant falsified information on the application.
- (3) The applicant has been convicted of a felony within the last five years preceding the date of the application.
- (4) The applicant, employee or agent offers no proof of authority to serve as an agent.
- (5) The applicant, agent or employee has been denied a permit under this chapter within the preceding past five years, unless the applicant can and does show to the satisfaction of the Town Clerk that the reasons for such earlier denial no longer exist.

B. The Town Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.

§33-7. Permit expiration.

All permits issued under the provision of this chapter shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

§33-8. Identification badges.

Exclusive of any religious, charitable or not-for-profit organization, any person soliciting or peddling within the Town of Williamson shall wear an identification badge upon which shall show the name of the individual soliciting or peddling, the organization upon whose request the solicitation or peddling is made along with a recent photograph of the person so soliciting or peddling.

§33-9. Permit exhibition.

Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to do so by any prospective customer or individual.

§33-10. Transfer prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. The person designated on said permit or badge shall be the only person authorized to engage in such business thereunder.

§33-11. Entry upon signed premises unlawful.

It shall be unlawful for any person, whether permitted or unpermitted, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the Town of Williamson where the owner, occupant or person legally in charge of the premises has posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddler", "No Solicitors", or words of similar import.

§33-12. Hours of solicitation.

No person, while conducting the activities of a peddler or solicitor, whether permitted or unpermitted, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences on not on Sundays nor any other days before 9 a.m. or after sunset.

§33-13. Permit revocation.

Any permit issued under this chapter may be revoked or suspended by the Town Clerk, after notice and a hearing of the Town Board, for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit.
- B. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities.
- C. Conducting peddling or solicitation activities contrary to the provisions in the permit.
- D. Conviction for any felony.
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endangering the health, safety or general welfare of the public.
- F. Any fees paid are non-refundable.

§33-14. Notice and hearing.

Notice of a hearing of the Town Board for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

§33-15. Appeals.

- A. Any person aggrieved by the action or decision of the Town Clerk to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision to the Town Board within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his or her last known address.
- B. An appeal shall be taken by filing with the Town Clerk a written statement setting forth the grounds for the appeal.
- C. The Town Clerk shall transmit the written statement to the Town Supervisor within 10 days of its receipt, and the Town Supervisor shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Town Board on the appeal shall be final and binding on all parties concerned.
- G. Town shall not be responsible for any lost sales opportunities due to the appeals process.

§33-16. Penalties for offenses.

- A. Violation of any of the provisions of this chapter shall be treated as a violation and shall, upon conviction, be punishable by a fine of not more than \$250 and up to 15 days in jail.
- B. In addition to any criminal enforcement, the Town of Williamson or any individual may pursue any available civil remedies deemed appropriate and necessary.

§33-17. Severability.

The provisions of this chapter are deemed and declared to be severable. If any section, sentence, clause, or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall remain in effect notwithstanding the validity of any part.

§33-18. Disabled veterans.

A disabled veteran, who has obtained a permit pursuant to this chapter, shall not be subject to the terms and conditions of this chapter (other than the permit requirement), so long as he or she conduct his or her business without the use of a motorized vehicle.

§33-19. Prohibited acts.

- A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy the streets or alleys or sidewalks of the Town of Williamson for purposes of soliciting or peddling, with or without any type of stand, counter, cart, etc.
- B. No peddler or solicitor shall peddle, vend or sell his or her goods or wares within 200 feet any church or place of worship or public or private school during regular business hours.
- C. No person shall solicit any business whatsoever at the scene of any accident within the Town of Williamson.
- D. All permittees offering for sale any ice cream or frozen food product or water ices shall observe the following specified requirements.
 - (1) No bell, whistle, horn, or other noisemaking device shall be used for vending purposes.
 - (2) No vending shall be permitted from vehicles located on state highways.
 - (3) No product shall be sold or dispensed to any child who must cross any street or highway to the vehicle from which products are sold or dispensed unless such child is accompanied by and under the immediate supervision and protection of the driver of said vehicle or other adult and such child is returned across such street or highway in the same manner before such vehicle shall leave the immediate location from which products are sold or dispensed. The driver of such vehicle shall not leave any area where he or she has sold or dispensed any product until all empty cartons, paper containers or other waste materials originating from said vehicle have been removed and placed in a container inside the vehicle.
- E. No vending shall be conducted within a distance of 75 feet of the radius curve of any street or highway intersection or from any other location which may obstruct the normal flow of traffic.

Councilman Verno made a motion, seconded by Councilman Orbaker, to authorize the Town Supervisor to sign a snow removal agreement with the Williamson Central School District for snow removal from the sidewalk between the four corners of Williamson to the High School. The cost per trip will be \$50.00. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Bixby, to authorize the Town Supervisor to sign water agreements, upon approval of the Williamson Town Attorney, with the Town of Sodus. The rate is to be increased from \$1.90 per thousand gallons to \$1.95 for 2015, \$2.00 for 2016, \$2.05 for 2017, \$2.10 for 2018 and \$2.15 for 2019 per thousand gallons with no change to the minimum yearly amount of 8 million gallons they have agreed to purchase. The agreement is in effect from January 1, 2015 until December 31, 2019. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to authorize the Town Supervisor to sign water agreements, upon approval of the Williamson Town Attorney, with the Wayne County Water & Sewer Authority. The rate is to be increased from \$1.90 per thousand gallons to \$1.95 for 2015, \$2.00 for 2016, \$2.05 for 2017, \$2.10 for 2018 and \$2.15 for 2019 per thousand gallons with no change to the 60 million gallons minimum yearly amount they have agreed to purchase. The agreement is in effect from January 1, 2015 until December 31, 2019. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Bixby, to increase sewer rent rates from \$35.00 to \$38.00 per quarter and the annual sewer use fee will remain at \$100.00 per year. The new sewer rent rates will go into effect on January 1, 2015 to first be reflected in the billing of April, 2015. The Town Clerk is directed to advertise the increase in the designated papers the week of November 2, 2014. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to set the residential water rates as follows: minimum 6,000 gallons or less - \$25.00; and from \$3.75 to \$3.80 per thousand gallons over the 6,000 gallons, to go into effect on January 1, to first be reflected in the billing of April, 2015. The Town Clerk is authorized to advertise the increase in the designated papers the week of November 2, 2014. The motion was carried.

Councilman Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Bixby.

WHEREAS: Mott's LLP continues to expand their operation in Williamson providing positive support to the economy of the Town and Wayne County, and

WHEREAS: Since May, 2008, the Town of Williamson has established a discounted water rate for Mott's LLP for all water used over 36 million gallons per quarter, and

WHEREAS: The cost to produce water has increased over the years and improvements and repairs are a necessary component of producing the water needed,

NOW, THEREFORE BE IT RESOLVED: That beginning with the April Billing of 2015, Mott's LLP will be charged the rate of 3.05 per thousand gallons, for the guaranteed purchase amount of 36 million gallons per quarter, and will receive a discount of .85 per thousand gallons for water used over that amount, in the quarter, at a rate of 2.20 per thousand gallons,

BE IT FURTHER RESOLVED: That late charges will be assessed in the amount of 10% on any bill not paid before the penalty period of 30 days after bill date, and

BE IT FURTHER RESOLVED: The aforementioned rates will be in place through the billing of January 1, 2017 unless there is a major emergency affecting the ability of the Town of Williamson to provide water to the plant.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby

NAYES: None

The Resolution was declared adopted.

Councilman Verno made a motion, seconded by Councilman Bixby, to authorize the Town Supervisor to sign the service renewal agreement with Badger Meter, Inc. The cost for this service agreement is \$3,615.00 per year from 11/14/2014 to 11/13/2015. The motion was carried.

Public Comment: No one wished to comment.

Councilman Verno made a motion, seconded by Councilman Bixby, to pay the following bills as audited:

Abstract Number: # 19
Voucher #s: 14-1314 - 14-1378

GENERAL FUND	\$ 15,583.52
HIGHWAY	\$ 22,284.41
WATER	\$ 15,852.85
SEWER	\$ 4,532.36
<u>DRAINAGE DIST.</u>	<u>\$ 3,193.50</u>
GRAND TOTAL:	\$61,446.64

The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to adjourn the meeting at 7:40 P.M. The motion was carried.

Respectfully Submitted,



Town Clerk