

COMMON COUNCIL

A regular meeting of the Common Council of the City of Fulton, New York was held in the Council Chamber, City Hall on the 23rd day of February 1936 at 8 o'clock P. M.

Present: Mayor John S. Johnson, Jr., City Attorney Hillick, City Engineer Harry S. Andrews.

Aldermen: Brooks, Cole, Belanger, Guilfoyle, Guyer and Smettem.

Absent: None.

Alderman Guilfoyle introduced the following and moved its adoption:

RESOLVED, That the ordinance of the City of Fulton are hereby amended to read as follows:

Be it ordained that Chapter 3 of the Ordinances of the City of Fulton be and the same is hereby amended so as to read as follows:

SECTION 1. No person shall act as a public auctioneer of personal property and no person shall hold, or cause to be held any public auction or public vendue of personal property within the City of Fulton without first obtaining a license from the Mayor.

Every applicant for such a license shall furnish to the Mayor evidence that he has been bonded with the laws of the State of New York regulating auctions and auctioneers. No person shall receive or be entitled to receive a license unless he be a person of good moral character and shall furnish satisfactory evidence thereof to the Mayor.

For every such license the Mayor shall charge and the City shall receive a license fee of \$100.00. Every license issued shall expire on the 1st day of January next succeeding the day on which it is granted.

Every such license issued shall contain the name and residence address of the auctioneer to whom it is issued and no other person than the one named therein shall act as auctioneer under such license.

SECTION 1-A. BOND. No person shall be entitled to a license as an auctioneer hereunder, or act as such auctioneer on the sale of public auction of personal property in the City of Fulton, where a license is required hereunder, until he has entered into a bond and several bonds to the City of Fulton with two sufficient sureties to be approved by the Mayor, or with a Surety Company authorized to issue surety bonds in the State of New York under the penalty of \$5,000.00, conditioned that he will faithfully perform his duties as such auctioneer and render such accounts and pay such duties and monies as such auctioneer as may be required of him by law to the City of Fulton, or to any person.

SECTION 1-B. RECORDS TO BE KEPT BY AUCTIONEER. Every auctioneer or person engaged in the business of selling personal property at auction, whether acting in his own behalf or as officer, agent or representative of another shall upon the receipt or acceptance by him of any personal property for the purpose of sale at auction and before offering the same for sale at auction, write or cause to be written in a book to be kept by him for the purpose, the name and address of the person who employed him to sell such personal property at auction; the name and address of the person for whose benefit, behalf or account such personal property is to be sold at auction; the name and address of the person from whom such personal property received or accepted; the name and address of the person who was the owner of the property immediately prior to the receipt or acceptance for the purpose of sale at auction of the same by such auctioneer; the date of the receipt or acceptance by such auctioneer of such personal property for the purpose of sale at auction; the place with street and number, if any, in which such personal property is to be held, kept or stored until sold or offered for sale at auction; the date with street and number, if any, in which such personal property is to be sold or offered for sale at auction; a description of such personal property and the distinctive marks thereon, if any, and the terms and conditions upon which such auctioneer received or accepted such personal property for sale at auction. The word "Person" as used in this section includes a corporation, joint stock association or co-partnership. The said book when written in hereinafter required shall be the "inventory" to be sold at auction.

SECTION 1-C. RECORDS OPEN TO INSPECTION. The said book and the entries therein made, as provided by the preceding section shall at all reasonable times be open to the inspection of the Mayor and the head of the police department of the City, the District Attorney of Oswego County and any person who shall be duly authorized in writing for that purpose by any or either of them, and shall exhibit such authorization to such auctioneer. In addition to inspection of said book, the same authorities may at any time during the auction sale examine all records of the auctioneer pertaining to the receipt of such articles after the commencement of the auction sale.

SECTION 1-D. LIMITATIONS UPON ARTICLES TO BE SOLD. During any sale by auction no additions whatever shall be made to the stock of merchandise set forth in the inventory as written in said book unless such additions shall be recorded and appropriately labeled as merchandise so added. Upon the offering for sale any such merchandise so added the auctioneer shall announce that such articles have been added to the stock of merchandise since the auction started.

SECTION 1-E. LIMITATIONS ON AUCTION PRIVILEGE. No person, firm or corporation shall dispose of his goods, wares or merchandise at public auction either by himself or another unless said person, firm or corporation shall have been in business continuously in the City of Fulton as a wholesaler or retail merchant at the same location at which said auction is conducted for a period of six (6) months preceding such auction, without written permission from the Mayor which permission shall be granted by the Mayor in his discretion for good cause. This section shall not apply to legal or judicial sales including sales under and by virtue of the Personal Property Law relating to clearance of title under conditional sales contracts or sales by executors or administrators or to sales of or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law or to sales conducted by licensed auctioneers of the property of persons not regularly engaged in the wholesale or retail sale of merchandise.

SECTION 1-F. TIME LIMITS. No of the sale. Such sale may continue for thirty additional days upon written permission of the Mayor, which permission shall be granted by the Mayor in his discretion for good cause.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell, dispose of or offer for sale in the City of Fulton at public auction, or to cause or permit to be sold, disposed of or offered for sale in said city at public auction between the hours of six p. m. and eight a. m. the following morning, any gold, silver, platedware, precious stones, watches, clocks, jewelry, price-brace, rings, clothing, china, porcelain, crockery, glassware, linens, lace, leather goods, furniture, springs, mattresses, electric household appliances, musical instruments or radios, whether the same shall be their own property or whether they shall sell the same as agents or employees, or otherwise. PROVIDED HOWEVER, that this chapter shall not apply to legal or judicial sales including sales under and by virtue of the personal property law relating to clearance of title under conditional sales contracts or sales by executors or administrators or to sales of or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law.

(3) No auctioneer of personal property shall misrepresent the quality, kind or value of any article at any auction sale.

(4) No person, firm or corporation shall sell or offer for sale any goods, wares and merchandise by auction or advertise for sale any goods, wares or merchandise, falsely representing or pretending that such goods, wares or merchandise in whole or in part, are a part of a bankrupt or insolvent stock or damaged goods, or goods saved by fire or make any false statement as to the purchase, history or character of such goods, wares or merchandise.

(5) No person shall act as a by-bidder or what is commonly known as a "capper", "booster" or "shill" at any public auction or place or offer or make any false bid to buy or to pretend to buy any such article sold or offered for sale at any public auction sale.

(6) Whenever the Mayor believes that sufficient cause exists for the revocation of a license he may upon his own motion or upon complaint made by any person revoke any license issued hereunder. Before so revoking any such license he shall cause to be served upon such licensee a notice specifying the grounds of complaint or the alleged reasons for revocation which notice shall fix a time and place at which the Mayor shall hear and determine the said complaint. The person against whom said complaint is made shall have an opportunity to be heard in answer to said complaint and at the time specified in said notice and to make defense thereto. The Mayor may revoke the license of any person against whom charges brought as above are in the opinion substantiated: provided, however, that when a license is revoked the licensee in writing shall give the reasons for such revocation.

(7) Any person, firm or corporation who shall violate or fail to refuse to comply in any way with sale at a public auction shall continue for more than thirty days, Sundays and Legal Holidays excepted from the day of the beginning any of the provisions of this Chapter shall be liable to a fine or penalty of not more than \$150.00 of each offense and in case the person convicted of such violation is fined and does not immediately pay such

fine or penalty he may be committed to the Oswego County Jail for the term of one day for each and every dollar of said fine or penalty not paid, nor exceeding 180 days. Each day said business is carried on without the procurement of and payment for such license shall constitute a separate offense.

SECTION 2-A. JEWELRY ARTICLES TO BE LABELED. It shall be unlawful for any person licensed hereunder to offer for sale by auction any article to which there is not attached a card or ticket or label containing a true and correct statement plainly written or printed in English specifying the kind and quality of the metal of which such article is made or composed or the percentage of karat or purity of such metals. If such articles are placed or overlaid, then such tag or label shall contain a true statement of the kind of plate. When precious stones are for sale or sold by auction as such or as part of an article of jewelry, such written statement shall set forth the true name, weight and quality of such stone or stones. When semi-precious stones are offered for sale or sold by auction as such or as part of an article of jewelry, such written statement shall set forth the true name of said stones. When imitations of precious or semi-precious stones are offered for sale or sold by auction as such or as part of an article of jewelry said imitations shall be described or defined as synthetic or imitations of such stones as they purport to represent. When watches and clocks are sold the true names of the manufacturers shall be stated in writing and no parts of the movements or mechanism thereof shall be substituted or contain false and misleading names or trademarks, neither shall second hand or old movements be offered for sale in new cases without a true statement to that effect. Used and rebuilt watches should be so indicated in accordance with the New York State Law. Such tag or label shall remain securely attached to any such article or merchandise and shall be delivered to the purchaser as a true and correct description and representation of the article sold and it shall be deemed prima facie evidence of intent to defraud in case such written statements are not true and correct description and representation of such articles sold.

Seconded by Alderman Guyer. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Guyer introduced the following and moved its adoption: WHEREAS, sealed bids were received from the following for furnishing the City of Fulton 3,700 feet of 8" water pipe, 875 feet of 6" water pipe, R. D. Wood Company, 6" water pipe \$2.50 per foot, 6" water pipe \$2.01 per foot, Johns-Manville Co. 8" Water pipe \$2.14 per foot for Ring-Tite, \$2.09 per foot for Simplex, 6" water pipe \$1.51 per foot for Ring-Tite, \$1.46 per foot for Simplex.

BE IT RESOLVED, that the contract be awarded to the Johns-Manville Company on their bid of \$2.14 per foot for 8" Ring-Tite and \$1.51 per foot for 6" Ring-Tite, the offer being deemed the best offer for the City.

Seconded by Alderman Guilfoyle. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Smettem introduced the following and moved its adoption: RESOLVED THAT Bond 400615, Glen Falls Insurance Co. issued to Alfred Cavallaro and in favor of the City of Fulton in the amount of \$1,000.00, for sign liability is hereby approved.

Seconded by Alderman Guyer. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Guyer introduced the following and moved its adoption: RESOLVED, That the following bills having been audited by the auditing committee are ordered paid and the City Clerk is directed to draw warrants on the proper fund in payment of same.

General City

C. R. Baldwin 526.00

F. W. Bassett 2.22

J. B. Buell 16.50

W. B. Coffey 109.80

Laravan Print Co. 38.00

E. A. Campbell, C. C. 14.88

Dennis & Co., Inc. 104.00

Fulton Patriot 167.80

W. R. Geibel 43.20

Hull & McChesney 28.00

J. Sheridan Hillick 118.00

Koski Ins Agency 18.75

Dr. Thos G. Lambert 6.90

Mass-Meter Co. 34.88

Os Co Ind Tel Co 47.00

Polson Press 7.80

S. M. Reese 26.82

Streeter & VanSantford 30.48

Ure Ins Agency 30.98

Nov Van Alstine 43.30

M. W. Wilson 23.37

Improvements

Ralph Brant 54.00

Bob's Atlantic Station 85.50

Babcock Oil Co 212.11

Burrek Chem & Dye 181.06

City Supply Co 25.12

Fulton Electric 7.00

Fulton Ure Ins Agency 49.19

G. L. F. Fire Service 2.38

Wide Grease 30.08

J. C. Georg Corp. 90.00

Hempstead Sew. Svc. 10.84

Highway Materials Co. 1,007.46

Henderson & Thomas Co. 8.50

Mack Motor Truck Corp. 38.48

Massaro Co., Inc. 426.34

James T. Marra 99.17

Ning Mo. Power Corp. 45.17

Os. Co. Furn Supply Co. 36.88

Os. Co. Ind. Tel. Co. 13.00

Palmer's Granite Garage 4.80

Powers Tire Service 80.00

State Equipment Co. 108.18

Streeter & VanSantford 34.18

Ure Ins Agency 34.18

M. W. Wilson 21.00

J. E. Worden 6.00

Recreation

Frank Jonians 11.82

Ning Mo. Power Co. 217.66

S. Sam Sorbello Inc. 187.80

Scottish Chem. Co. Inc. 5.57

West Side Hardware 53.77

Koski Ins Agency 10.00

Henderson-Thomson Co. 1.50

Streeter & VanSantford 45.43

Ure Ins Agency 45.43

Airport

Streeter & VanSantford 106.35

Ure Ins Agency 106.35

New Garage

Fulton Patriot 4.00

Syracuse Blueprint Co. 7.85

Marvin-Follan Oil Co. 108.00

Sewer

Ning Mo. Power Co. 77.80

Palmer's Granite Garage 800.00

Frank Donovan Co. % Wm. Pritsker 763.00

Light

Ning Mo. Power Corp. 2,728.00

Bills For Water

Austin's Service 2.57

Burns Supply Inc. 781.19

Bob's Atlantic Serv. 3.00

Brown's Express Inc. 1.88

R. A. Cooper 400

The Fulton Patriot 30.00

Fulton Typewriter Store 2.50

L. W. Harris Sons 7.98

Henderson-Thomson Co. 4.37

John Wiley Jones Co. 200.50

Massaro Co. Inc. 6.30

Ning Mo. Power Corp. 847.28

Neptune Meter Co. 242.48

Os. Co. Ind. Tel. Co. 27.55

Polson Press 34.70

Streeter & VanSantford 44.58

Stacy Oil Co., Inc. 1.52

Syracuse Blueprint Co. 2.75

Ure Ins Agency 44.57

Carmen Vesco 20.00

Will Corporation 11.39

Water Works Eng. 5.00

Seconded by Alderman Smettem. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Guyer introduced the following and moved its adoption: RESOLVED THAT Bond 400615, American Surety Co., issued to Thomas J. Johnston and in favor of the City of Fulton in the amount of \$1,000.00 for sign liability is hereby approved.

Seconded by Alderman Smettem. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Guilfoyle introduced the following and moved its adoption: RESOLVED, That Bond 300580, London & Lancashire Indemnity Co. issued to Norman McManara and in favor of the City of Fulton in the amount of \$2,000.00 is hereby approved.

Seconded by Alderman Brooks. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Smettem introduced the following and moved its adoption: RESOLVED, That this Common Council sell at public auction of the highest bidder on the 23rd day of March 1936 at 8 o'clock P. M. in the Common Council Chamber in the City Hall, City of Fulton a lease for a Taxi Stand at the North West Corner of East Second Street and Onondaga Street for a period of two years, effective April 1, 1936, according to terms on file in the City Clerk's office. The right is reserved to reject any and all bids.

Seconded by Alderman Brooks. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Cole introduced the following and moved its adoption: RESOLVED, That deed from Rachel Pollard to the City of Fulton for street purposes and highways shown on map of Pollard Hills be accepted and the City Clerk is directed to record same in County Clerk's office.

Seconded by Alderman Belanger. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer, Smettem. Noes: None. Carried.

Alderman Guyer introduced the following and moved its adoption: RESOLVED, That we recommend that a plan to integrate social security and state retirement benefits be formulated and adopted, with each municipality having the responsibility of determining whether to provide the integrated benefits. Under state retirement provisions, it is now mandatory that employees of the non-competitive class of city service by members of the system and therefore are not eligible for social security. In actual practice they have not become members in all jurisdictions and therefore we recommend that mandatory membership be limited to competitive class employees.

Seconded by Alderman Guilfoyle. Ayes: Alderman Brooks, Cole, Belanger, Guilfoyle, Guyer and Smettem. Noes: None. Carried.

A motion was made by Alderman

Belanger, proposing by resolution and unanimously adopted that the meeting be adjourned.

STATE OF NEW YORK, COUNTY OF OSWEGO, CITY OF FULTON

I, Frank A. Campbell, City Clerk of the City of Fulton, New York, hereby certify:

That the foregoing are the minutes of the meeting of the Common Council of the City of Fulton, held in the Council Chamber, City Hall on the 23rd day of February, 1936 at 8 o'clock P. M.

Frank A. Campbell, City Clerk Approved this 6th day of March, 1936.

John S. Johnson, Jr., Mayor of the City of Fulton, New York, hereby certify:

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