

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of July, 1975 at 2:30 P.M., Eastern Daylight Saving Time, There were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson

ABSENT: 0

Also present were: Mary F. Holtz, Deputy Town Clerk; John V. Rogowski, Town Attorney; Chester L. Bryan, Town Engineer; Alfred Wnek, Cheektowaga Highway Superintendent; Benedict L. Kostrzewski, Chief of Police; Casey Kozminski, Deputy Assessor; Bernard Arendt, Ass't. Building & Plumbing Inspector; Ronald Norman, Receiver of Taxes; Dr. Vendetti, Town Health Officer.

I. BIDS

Item No. 2 Highway Department - Diesel Fuel Oil, Motor Oil, Compressor Oil, etc. Referred to Alfred Wnek, Cheektowaga Highway Superintendent.

II. GENERAL COMMUNICATIONS

Item No. 3 A. F. Mallette, N.Y.S. Regional Traffic Engineer - Delegation by permit to install fire pre-emptor at signal 328, Harlem Road, Route 240, at its intersection with Cleveland Drive.

Received and Filed; Copies Referred to Benedict L. Kostrzewski, Chief of Police and the Cheektowaga Traffic Safety Commission.

Item No. 4 Kenneth L. Reitmeier, Deputy Commissioner of Highways - Certificate and Notice of Closing Highway; Designation of Restricted Highway.
Received and Filed; Copies Referred to Alfred Wnek, Cheektowaga Highway Superintendent and Benedict L. Kostrzewski, Chief of Police.

Item No. 5 Richard A. Slisz, Erie County Legislator-4th District - Request Town Board to take action against the heavy volume of large truck travel on Cayuga Creek Road.
Referred to Benedict L. Kostrzewski, Chief of Police; Cheektowaga Traffic Safety Commission.

Item No. 6a SUMMONS AND COMPLAINT - Doran, Goldman, Jacobs and Scheur vs. Town of Cheektowaga, County of Erie, ET AL.
Referred to John V. Rogowski, Town Attorney.

Item No. 6b NOTICE OF CLAIM - Doran, Goldman, Jacobs, Scheur and Walden Heights Village-Cheektowaga Industrial Park, Inc. vs. County of Erie and Town of Cheektowaga.
Referred to John V. Rogowski, Town Attorney.

Item No. 7 SUMMONS - Francis J. O'Brien vs. Town of Cheektowaga.
Referred to John V. Rogowski, Town Attorney.

Item No. 8a S. Piasecki - Request to Speak on the French Road Sidewalk Issue.
Received and Filed.

Item No. 8b Larry T. Czechowicz - Request to Speak re: Work Stoppage on Theresa
Drive Flooding Problem.
Received and Filed.

III. DEPARTMENTAL COMMUNICATIONS

Item No. 9 Building Permits.
Received and Filed.

Item No. 10 Town Clerk's Office - Call for Public Hearing for Rezoning on French
Road, S. W. corner of Lordan Drive.

Motion by Councilman Wroblewski, seconded by Councilman Halicki

WHEREAS, Daniel H. Nawrocki has made application and requested the rezoning of property located on French Road, S. W. corner of Lordan Drive from R-Residential District to RC-Restricted Business District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 18th, 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

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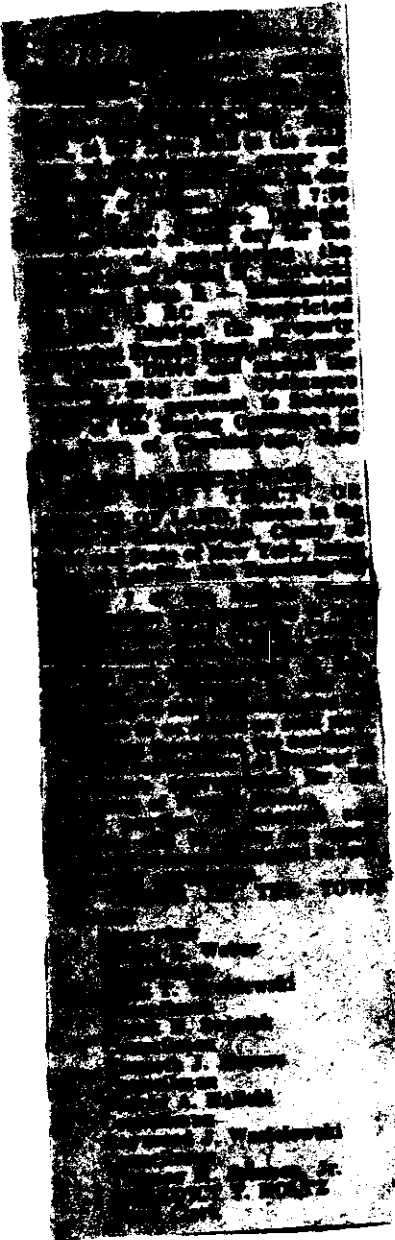
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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



Susan M. Schasel

being duly sworn, deposes and says that he is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 7 day of August
19 75, and the last insertion being on the
day of same, 19.....

Subscribed and sworn to before me this 7 day

Susan M. Schasel

of August 19 75

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Item No. 11 Town Clerk's Office - Call for Public Hearing for Rezoning on French Road, S. E. corner of Lordan Drive.

Motion by Councilman Wroblewski, seconded by Councilman Halicki

WHEREAS, Daniel H. Nawrocki has made application and requested the rezoning of property located on French Road, S. E. corner of Lordan Drive from R-Residential District to RC-Restricted Business District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 18th, 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call.....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

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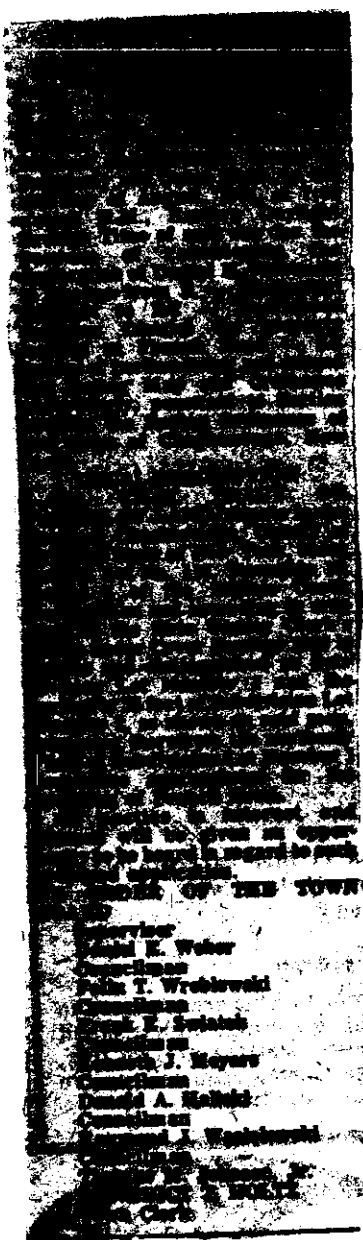
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day of same, 19.

Subscribed and sworn to before me this 7 day

Susan M. Schasel

of August, 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Meeting will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said village of Cheektowaga, corner of Broadway and Union Road, on the 18th day of August 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of Daniel H. Nowrady to Rezone from Residential District to RC - Restricted Business District the property located at French Road - SE corner of Linden Drive and around the Zoning Map and Ordinance accordingly, pursuant to Section 19-08 of the Zoning Ordinance of the Town of Cheektowaga, New York.

LEGAL DESCRIPTION

THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 110, Township

is shown as 25 feet of Subdivision Lot No. 110, as shown on said map, and the northern 7 foot boundary of Lot No. 110, hereinafter referred to as the widening of French Road.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

MEMBER OF THE TOWN BOARD

Superior Daniel E. Weber

- Frank T. Wroblewski
- Frank E. Swiatek
- Kenneth J. Meyers
- Donald A. Holicki
- Raymond J. Wapiolowski
- Thomas M. Johnson, Jr.

BENEDICT T. HOLTZ
Town Clerk

Item No. 12 Engineering Dept. - Advertise for Bids for the construction of Tennis Courts at three (3) locations.

Motion by Supervisor Weber, seconded by Councilman Wasielewski to table this item until the next regular Town Board Meeting on July 21, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 13a Engineering Dept. - Advertise for Bids for the dismantling and removal of a five (5) Ton Hoist with Cab and Bucket.

Motion by Councilman Meyers, seconded by Supervisor Weber

WHEREAS, it is in order that bids be advertised to cover the sale of an obsolete five ton Hoist with Cab and Bucket, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a NOTICE TO BIDDERS for the sale of said Hoist with Cab and Bucket, notice to be published in the CHEEKTOWAGA TIMES and the DEPEW HERALD (Cheektowaga News), and BE IT FURTHER

RESOLVED, that the Town Board meet on the 21st day of July 1975, at 7:30 P.M. Eastern Daylight Saving Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on July 21, 1975 at 7:30 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road, for the Dismantling and Removal of a five (5) ton Hoist with Cab and Bucket from the former incinerator building. Bidder will retain possession of said hoist and bucket.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder should it be in the best interests of the Town, or reject any and all bids.

The successful bidder will be required to furnish a performance bond acceptable to the owner for \$1,000.00.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 7, 1975

Item No. 13a Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-BELOW

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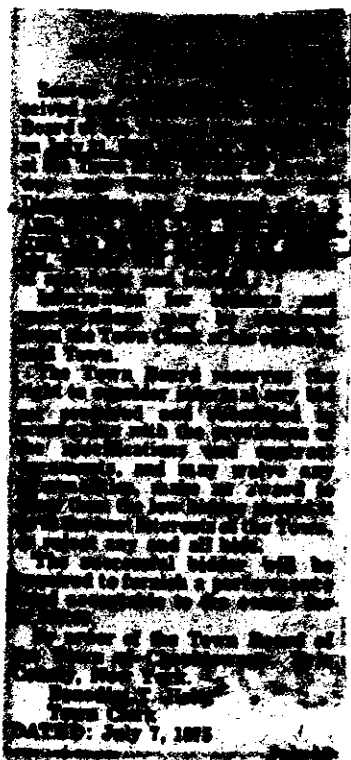
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WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 10 day of July,
1975, and the last insertion being on the
day of same, 1975.



Subscribed and sworn to before me this 10 day

Susan M. Schasel

of July, 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

COUNTY OF ERIE } ss.
TOWN OF CHEEKTOWAGA }

Gladys M. Sechtle of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Chas.* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *July 10, 1975* ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechtle

Sworn to before me this *11th*

day of *July*, 19 *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *77*

General Specifications No. 21, 1975 of
N.Y.S.T. of the Town Hall, corner
of Broadway and Union Road, for the
Removal and Removal of a 5 Ton Hoist
with Cab and Bucket from the former
warehouse building. Bidder will retain
possession of said hoist and bucket.
Information for bidders and specifica-
tions may be obtained from the
Town Clerk, Town Hall, 100 Broadway,
Cheektowaga, New York 14225.
and
and they waive any
objection, make an appeal to other
bidders the low bidder should it be in the
best interests of the Town, or reject any
bid.
The successful bidder will be required
to furnish a performance bond accept-
able to the owner for \$1,000.00.
By order of the Town Board of the
Town of Cheektowaga, Erie County, New
York.
BENEDICT T. HOLTZ
Town Clerk
DATED: July 7, 1975

Item No. 13b Engineering Department - Advertise for Bids for the sale of a used Sewer Rodding Machine.

Motion by Councilman Meyers, seconded by Supervisor Weber

WHEREAS, it is in order that bids be advertised to cover the sale of a used sewer rodding machine, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a NOTICE TO BIDDERS for the sale of said sewer rodding machine, notice to be published in the CHEEKTOWAGA TIMES and DEPEW HERALD (Cheektowaga News), and BE IT FURTHER

RESOLVED, that the Town Board meet on the 21st day of July, 1975, at 7:30 P.M., Eastern Daylight Saving Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on July 21, 1975 at 7:30 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road, for the sale of a used Sewer Rodding Machine from the Sewer Department storage area. Bidder will retain possession of said Sewer Rodding Machine.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder should it be in the best interests of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 7, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

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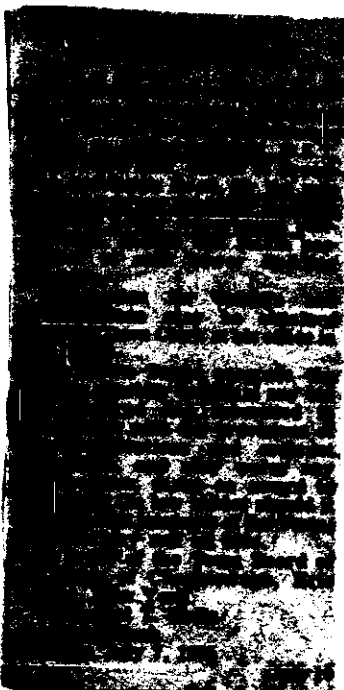
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PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 10 day of July
1975, and the last insertion being on the
day of same, 19.

Subscribed and sworn to before me this 10 day

of July, 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Susan M. Schasel

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sechtle of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clad* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *July 10, 1975* ;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechtle

Sworn to before me this *11th*

day of *July*, 19*75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

RESOLUTION OF THE TOWN BOARD OF THE
TOWN OF CHESTERFIELD ON JULY 21, 1975 AT
10:00 A.M. D.S.T. AT THE TOWN HALL, CORNER
HAWKINS ROAD AND UNION ROAD, FOR THE SALE
OF A Sewer Rodding Machine from
the School Department storage area.
The Board will retain possession of said
Sewer Rodding Machine.
Information for bidders and specifica-
tions may be obtained from the Town
Clerk at his office in said Town.
The Town Board reserves the right to
consider informal any bid not prepared
and submitted in accordance with the
provisions of the specifications and
contract documents, and may waive any
irregularities, make an award to other
than the low bidder should it be in the
best interests of the Town.

BENEDECY F. HUELTZ
Town Clerk

DATED: July 7, 1975

Item No. 14 Engineering Department - Advertise for Bids for the furnishing of
Deodorizer and Enzymes for Sewage Treatment Plants No. 3 and No. 5.

Motion by Councilman Meyers, seconded by Supervisor Weber

WHEREAS, it is in order that bids be advertised to cover the purchase
of Deodorizer and Enzymes for the Town Wastewater Treatment Plants for one year, NOW,
THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be
directed to publish a Notice to Bidders in connection with furnishing of said Deodorizer
and Enzymes, notice to be published in the CHEEKTOWAGA TIMES and the DEPEW HERALD
(Cheektowaga News), and BE IT FURTHER

RESOLVED, that the Town Board meet on the 21st day of July 1975, at
7:30 P.M., Eastern Daylight Saving Time, at the Town Hall, Broadway and Union Road,
Cheektowaga, New York, for the purpose of receiving sealed bids at which time they
will be publicly opened by the Town Board at a public meeting called for that purpose.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board
of the Town of Cheektowaga on July 21st, 1975 at 7:30 P.M., Eastern Daylight Saving
Time at the Town Hall, corner of Broadway and Union Road, for the furnishing of
Deodorizer and Enzymes for Sewage Treatment Plants No. 3 and No. 5 in the Town of
Cheektowaga.

Information for bidders and specifications may be obtained from the
Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not
prepared and submitted in accordance with the provisions of the specifications and
contract documents, and may waive any informalities, make an award to other than the
low bidder should it be in the best interests of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County,
New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 7, 1975

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
 Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

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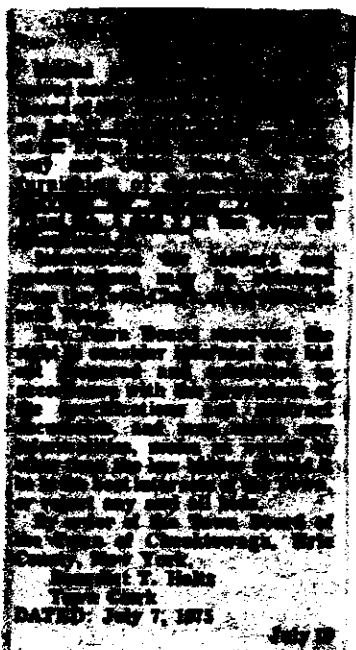
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STATE OF NEW YORK
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Susan M. Schasel

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Susan M. Schasel

of July 19 75

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sechster, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
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weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
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said paper once a week for weeks;
first publication..... *July 19, 1975* ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechster

Sworn to before me this *11th*

day of *July*, 19 *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

Town of Cheektowaga on July 21, 1975 at
2:00 P.M. D.S.T. at the Town Hall, corner
of Broadway and Union Road, for the
supplying of deodorizers and enzymes for
Sewage Treatment Plant No. 5 and 3 in
the Town of Cheektowaga.

Information for bidders and specifica-
tions may be obtained from the Town
Clerk at his office in said Town.

The Town Board reserves the right to
accept or inform any bid not prepared
and submitted in accordance with the
provisions of the specifications and
contract documents, and may waive any
irregularities, make an award to other
than the low bidder should it be in the
best interests of the Town, or reject any
and all bids.

By order of the Town Board of the
Town of Cheektowaga, Erie County, New
York.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 7, 1975

Item No. 15 Engineering Department - Create Positions of five (5) Sewage Treatment Plant Operator Trainees at Wastewater Treatment Plant No. 5.

Motion by Supervisor Weber, seconded by Councilman Johnson to table this item until the next regular Town Board Meeting on July 21, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 16 Engineering Department - Authorization for Town Engineer to attend Sewage Treatment Plant Operator Course at Syracuse University.

Motion by Councilman Meyers, seconded by Councilman Halicki

WHEREAS, there is a need for a Grade I Sewage Treatment Plant Operator to oversee the operation of the Town Wastewater Treatment Plants, AND

WHEREAS, a Sewage Treatment Plant Operator course is being conducted at Syracuse University from July 28th through August 15th, 1975, NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Town Engineer to attend said course with all necessary and legal expenses and fees for said business trip to be paid for by the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 16a Sanitation Department Employee - Request for a Personal Leave of Absence.

Motion by Councilman Wasielewski, seconded by Councilman Wroblewski

BE IT RESOLVED that Frank Orlikowski, employed in the Sanitation Department be and hereby is granted a personal leave of absence for a period commencing July 8th, 1975 and terminating September 30th, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

IV. RESOLUTIONS

Item No. 17 Motion by Supervisor Weber, seconded by Councilman Wasielewski

WHEREAS, the Town of Cheektowaga is in need of window washing at the Cheektowaga Town Hall and the Cheektowaga Police and Court Building, and

WHEREAS, it would be in the public interest to obtain said window washing through public bidding, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders in connection with said window washing, notice to be published in the Cheektowaga official papers and BE IT FURTHER

RESOLVED that the Town Board will meet on the 21st day of July, 1975 at 7:30 P.M. at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at a public meeting.

LEGAL NOTICE

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 7:30 p.m. Eastern Daylight Saving Time, on July 21, 1975 for the furnishing of window washing services for the Cheektowaga Town Hall and the Cheektowaga Police and Court Building. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York or from the Office of the Building and Maintenance Department located at Broadway and Union Road, Cheektowaga, New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 7, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

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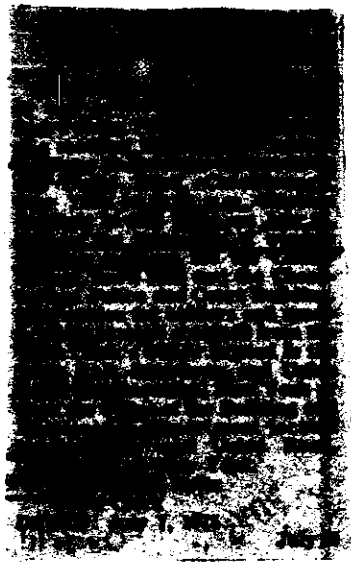
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STATE OF NEW YORK }
COUNTY OF ERIE } ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
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therein once a week for 1 weeks, the first
insertion being on the 10 day of July
1975, and the last insertion being on the
day of same, 19.....

Subscribed and sworn to before me this 10 day

Susan M. Schasel

of July, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

...*Karen Starford*..., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Circulation Manager of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....*July 10, 1975*..... ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

...*Karen Starford*.....

Sworn to before me this*11th*.....

day of*July*....., 19...*75*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

**Resolution of the Board of the
Town of Cheektowaga at a meeting
scheduled to be held at the Town Hall,
corner of Broadway and Union Road,
Cheektowaga, New York at 7:30 p.m.
Eastern Daylight Saving Time, on July 21,
1975 for the furnishing of window
cleaning services for the Cheektowaga
Town Hall and the Cheektowaga Police
and Court Building. Information for
bidders and specifications may be
obtained from the Town Clerk's Office
located in the Town Hall, Broadway and
Union Road, Cheektowaga, New York or
from the Office of the Building and
Maintenance Department located at
Broadway and Union Road, Cheektowaga,
New York.**

BENEDICT T. HOLTZ
Town Clerk

Dated: July 7, 1975

Item No. 18 Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, the Cheektowaga Parks Department has had the use of the Chapel Playground for many years, and said premises are used for Town purposes at the present time, and

WHEREAS, said premises are in need of repaving, therefore, BE IT

RESOLVED, that the Town Highway Superintendent is hereby authorized to repave said Chapel Playground.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 19 Create six (6) Patrolman positions in the Cheektowaga Police Department.

Motion by Councilman Johnson, seconded by Supervisor Weber to table this item until the next regular Town Board Meeting on July 21, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 20 Engineering Department - Highway Name Change.
Item Withdrawn.

Item No. 21 Motion by Councilman Meyers, seconded by Supervisor Weber

WHEREAS, it is necessary to implement sewer system improvements and investigative work to effect a sanitary sewer inflow and infiltration reduction consistent with the programs outlined in the Wastewater Facilities Reports for Sanitary Sewer Districts No. 3 and No. 5, NOW, THEREFORE, BE IT

RESOLVED, that Nussbaumer and Clarke Inc., Consulting Engineers, are authorized to prepare specifications and schedule for bidding said remedial work, AND BE IT FURTHER

RESOLVED, that the Supervisor on behalf of the Town of Cheektowaga, sign the agreement with the firm of Nussbaumer and Clarke Inc., outlining the professional services to be provided and the payment by the Town for said services.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 22a Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, a resolution was adopted by the Town Board on December 4, 1972 appointing Edward Lelonek, , Cheektowaga, New York, to appraise a lot being approximately 75 x 132 feet more or less and commonly known as No. 21 Strasmer Road, and

WHEREAS, said appraisal was never completed and Edward Lelonek does not wish to complete said appraisal, now, therefore, BE IT

RESOLVED that said resolution appointing Edward Lelonek to appraise No. , be and hereby is rescinded.

Item No. 22a Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 22b Motion by Councilman Meyers, seconded by Councilman Wroblewski

WHEREAS, investigation has revealed that a lot located on the south side of Strasmer Road, about 250 feet east of Borden Road and being approximately 75 x 132 feet, more or less and commonly known as No. Cheektowaga, New York, and listed on the Town Assessment Rolls as Assessor's Account Number 3-375-25, is needed by the Town of Cheektowaga to facilitate drainage in that area, and

WHEREAS, the Town of Cheektowaga is interested in purchasing said lot in order to widen the drainage ditch and relocate it, now, therefore, BE IT

RESOLVED that Virginia Krauss, with offices located at Avenue, Cheektowaga, New York, be and hereby is appointed to appraise said property, at a cost not to exceed \$100.00.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Meyers, seconded by Councilman Wroblewski

WHEREAS, there is need in the Sewer Maintenance Department for additional Motor Equipment Operators on the evening shift, AND

WHEREAS, the job opportunity has been posted on bulletin boards in accordance with Local 1026, AFL-CIO agreement, NOW, THEREFORE, BE IT

RESOLVED, that the following are hereby promoted to Motor Equipment Operators at the current wage rate for said position, effective July 14, 1975:

John J. Lysiak

Joseph F. Higgins

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Meyers, seconded by Councilman Wroblewski

RESOLVED, that the following be hired in the Sewer Maintenance Department as a Part-Time Summer Laborer at the rate of \$2.36 per hour:

Dale Demyanick,

Sloan, New York

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Swiatek, seconded by Councilman Halicki

RESOLVED that the following be hired as summer help in the Recreation Department, 1975:

Recreation Attendant at \$2.15 per hour:

Zelma Kruszona Kathy Staniaszek
Cheektowaga, N.Y. Cheektowaga, N.Y.

Hometown Beautification at \$2.10 per hour:

Ronald Nero
Cheektowaga, N.Y.

and be it further RESOLVED that John Golembiewski, , Cheektowaga, N.Y., 684-2369, be transferred from Bathhouse Attendant to Hometown Beautification Program at the rate of \$2.10 per hour.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, the Erie County Office for the Aging is a sponsor for the Group Dining for the Elderly Program, which provides hot luncheons daily for Senior Citizens, and

WHEREAS, the establishment of a dining site in Cheektowaga would benefit senior residents of the Town, and

WHEREAS, the Town's responsibility would include designating a site manager for the Nutrition Program, recruitment of participants and providing facilities, and support services for the program, NOW, THEREFORE, BE IT

RESOLVED that Jerry Gabryszak, Administrative Assistant, be authorized to submit an application to the Erie County Office for the Aging for the establishment of a Nutrition Program in Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, funds are presently available under the Emergency Employment Act of 1971, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, established by the department head:

Laborer in the Depew Central Schools at a rate of \$4.09 per hour:

Richard P. Lappel , Chktg., N.Y. 14225
(Replacement for John Pitzroniak)

Item No. 27 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Swiatek, seconded by Councilman Wroblewski

WHEREAS, a resolution was adopted at a regular meeting held on April 21, 1975, hiring Mr. William F. Nikiel as a High School Monitor on the Comprehensive Employment and Training Act of 1973, Title II, at an hourly rate of \$3.19, NOW, THEREFORE, BE IT

RESOLVED that the position of Mr. William F. Nikiel be changed from "HIGH SCHOOL MONITOR" to "LABORER" at an adjusted hourly salary of \$4.09.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED, that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending July 7th, 1975, be and hereby are approved and that the Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General	1949	2114	\$ 832,804.08
Part Town	95	109	7,311.19
Highway	444	509	152,138.58
Special Districts	478	535	1,481,308.86
Federal Revenue Sharing	31	35	26,793.00
Trust and Agency	29	43	81,983.74
Construction & Improvement	18	--	---
			<u>\$2,582,339.45</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED, that the following transfer of funds in the General Fund be approved:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A1990.480 Contingent	\$5,000.00	A8540.419 Minor Drainage Improvements
A7410.419 Library Misc.	100.00	A7410.406 Library Memberships

Item No. 30 Cont'd

PART TOWN FUND

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
B8010.413 Zoning Travel	\$ 500.00	B8010.139 Zoning Sec'y. to Board

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson

NAYES: 0

ABSENT: 0

Motion by Councilman Swiatek, seconded by Supervisor Weber to Waive the Rules.

V. SUSPENSION OF RULES

Item No. 31 Cleaning and Maintenance of Drainage Ditches on French Road.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, the drainage ditches located on property owned by William Janora and others on French Road are in need of proper cleaning and maintenance, and

WHEREAS, the Town Highway and Town Engineering Departments have encountered some difficulty in cleaning said ditches and the cleaning operation is presently at a standstill, therefore, BE IT

RESOLVED, that the Town Attorney's Office be and hereby is directed to contact said owners relative to the Town's intention to enter into said area for the purpose of cleaning and maintaining said ditches and that said Town Attorney's Office take whatever reasonable steps which may be necessary to effect the continuation of the project.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson

NAYES: 0

ABSENT: 0

Item No. 32 Sale of Town Owned Light Standards to the Village of Kenmore.

WHEREAS, Town Law provisions allow a municipality to sell its used equipment to another municipality for a reasonable price without competitive bidding, and

WHEREAS, the Town of Cheektowaga owns a number of used dismantled 10-foot high light standards known as number 1348, and which standards are now obsolete for Town use since the Town has been replacing said standards identified as number 1348 with new and more efficient light poles and standards, and

WHEREAS, the Village of Kenmore has indicated its desire to purchase said used and dismantled light standards which are now in the possession of, and owned by the Town, therefore, BE IT

RESOLVED that the Town of Cheektowaga, through its Building Maintenance Department, sell to the Village of Kenmore the Town's used and dismantled, 10-foot high light standards known as number 1348 for the sum of \$20.00 each, said sum being hereby considered and determined to be a reasonable market value.

Item No. 32 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 33 Authorization for Niagara Mohawk Power Corporation to install fourteen (14) Street Lights and Lamp Standards on Mapleview Avenue.

Motion by Councilman Johnson, seconded by Councilman Halicki

RESOLVED that permission is hereby given to Niagara Mohawk Power Corporation to install fourteen (14) 175 watt mercury vapor enclosed colonial post top type (Item #SL-34) street lights and Company owner 16' Steel (Item #SP7S16 - Transformer Base) lamp standards, standard underground service, (Pole #'s, as per attached drawing), on Mapleview Avenue, from South Roycroft Blvd. to Oehman Blvd., as per attached proposal.

***PROPOSAL BELOW

UNDERGROUND

STREET LIGHTING PROPOSAL

Town of Cheektowaga

MAPLEVIEW AVENUE - From South Roycroft Boulevard to Oehman Boulevard

Install 14 - 175 watt mercury vapor enclosed colonial
post top type (Item #SL-34) street
lights and Company owner 16' Steel
(Item #SP7S16 - Transformer Base)
lamp standards, standard underground
service
Pole #'s - As per drawing

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 34 Authorization for Supervisor to sign contracts with MELB Associates and WWOL Radio Station.

Motion by Councilman Swiatek, seconded by Councilman Wroblewski

WHEREAS the Parks Department is desirous of conducting a summer Program at the Cheektowaga Recreation Center in its attempt to have a well-rounded

Item No. 34 Cont'd

program of activities, and

WHEREAS arrangements have been made with MELB Associates to conduct a roller skating program, and with WWOL, Radio Station, to conduct square dancing as per schedules which are included and made part of this resolution, for the season of summer 1975, NOW, THEREFORE, BE IT

RESOLVED that Daniel E. Weber, Supervisor of the Town of Cheektowaga, be authorized to sign the said contracts with the MELB Associates and with WWOL.

***CONTRACTS AND SCHEDULES INCLUDED WITHIN THE NEXT SEVEN PAGES

PJH/pas 4/23/75

CONTRACT

ARTICLES OF AGREEMENT made this 7th day of July , in the year One Thousand Nine Hundred and Seventy-five (1975) between the TOWN OF CHEEKTOWAGA, a Municipal Corporation with offices at the Town Hall, Broadway and Union Streets, Cheektowaga, New York 14227; Party of the First Part hereinafter called "Town"; and

MICHAEL VOORHEIS and GERALD MANTEGNA, doing business as MELB Associates, Parties of the Second Part, hereinafter called MELB.

W I T N E S S E T H:

That the said Party of the First Part in consideration of the payments, agreements and covenants hereinafter contained, to be made, performed and carried out by the said Parties of the Second Part, hereby covenants and agrees that the said Town will permit MELB to conduct Roller Skating Events during the months of June, July and August, 1975, at Cheektowaga Recreation Center, owned and operated by the Town at no cost to MELB; but upon the following terms and conditions:

- 1) MELB will charge and collect from participants for rental of roller skates during any events conducted;
- 2) MELB will carry liability insurance of not less than One Hundred Thousand/Two Hundred Thousand Dollars (\$100,000/\$2,000) limits and a certificate will be delivered to Town;

3) MELB will furnish:

- 1) at least six hundred (600) pairs of roller skates;
- 2) records to be played as background music;
- 3) two (2) trained roller-skating supervisors;
- 4) personnel to unload and load roller skates.

4) Town will furnish:

- 1) Security personnel consisting of two (2) or more local policemen on or off-duty or Town recreation employees;
- 2) Personnel for cleaning up after each event.

MELB will assist cleanup in the skating area only;

3) Publicity in the form of advertising in local newspapers and by mail and/or handouts.

5) Either party may terminate this Agreement upon ten (10) days notice to the other party.

6) This Agreement contains the entire understanding of the Parties and there are no verbal agreements.

AND IT IS HEREBY AGREED, that the stipulations, agreements and covenants aforesaid, are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

IN WITNESS WHEREOF, The said Parties have hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF

Town of Cheektowaga

By: _____

Town Supervisor

Michael Voorheis

Gerald M. Mantegna
Gerald Mantegna, d/b/a
MELB ASSOCIATES

Roller Skating Schedule For Cheektowaga Recreation Center

No Skating on July 1 and July 3

Tuesday July 15	4-6 p.m.	7-9p.m.
Thursday July 17	4-6 p.m.	7-9p.m.
Tuesday July 22	4-6 p.m.	7-9p.m.
Thursday July 24	4-6 p.m.	7-9p.m.
Tuesday July 29	4-6 p.m.	7-9p.m.
Thursday July 31	4-6 p.m.	7-9p.m.
Tuesday August 5	4-6 p.m.	7-9p.m.
Thursday August 7	4-6 p.m.	7-9p.m.
Tuesday August 12	4-6 p.m.	7-9p.m.
Thursday August 14	4-6 p.m.	7-9p.m.
Tuesday August 19	4-6 p.m.	7-9p.m.
Thursday August 21	4-6 p.m.	7-9p.m.
Tuesday August 26	4-6 p.m.	7-9p.m.
Thursday August 28	4-6 p.m.	7-9p.m.
Tuesday September 2	4-6 p.m.	7-9p.m.
Thursday September 4	4-6 p.m.	7-9p.m.
Tuesday September 9	4-6 p.m.	7-9p.m.
Thursday September 11	4-6 p.m.	7-9p.m.

Clean skates and overhaul, maybe something can be worked out.

CERTIFICATE OF INSURANCE

This is to Certify, that policies in the name of

NAME
INSURED
and
ADDRESS

**Gerald M. Mantega &
Michael Voorheis d/b/a
Melb Associates Roller Skating
957 Washington Rd.
Spencerport, N. Y. 14599**

THIS CERTIFICATE OF INSURANCE NEITHER AFFIRMATIVELY NOR
NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE
AFFORDED BY ANY POLICY DESCRIBED HEREIN.

are in force at the date hereof as follows:

KIND OF INSURANCE	POLICY NUMBER	POLICY PERIOD	LIMITS	
			WORKMEN'S COMPENSATION INS. EMPLOYERS' LIABILITY INS.	STATUTORY
WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY		Eff. Exp.	Workers' Compensation Ins. Employers' Liability Ins.	STATUTORY
			DISABILITY INJURY	PROPERTY DAMAGE
COMPREHENSIVE GENERAL LIABILITY		Eff. Exp.	\$.000 Each occurrence \$.000 Aggregate	\$ 500 Each occurrence \$ 500 Aggregate
MANUFACTURERS' AND CONTRACTORS' LIABILITY		Eff. Exp.	\$.000 Each occurrence	\$ 500 Each occurrence \$ 500 Aggregate
OWNERS', LANDLORDS' AND TENANTS' LIABILITY	JL 44554	Eff. 11/26/74 Exp. 11/26/75	\$ 200 .000 Each occurrence	\$ 25 .000 Each occurrence \$.000 Aggregate
CONTRACTUAL LIABILITY		Eff. Exp.	\$.000 Each occurrence	\$.000 Each occurrence \$.000 Aggregate
AUTOMOBILE LIABILITY <input type="checkbox"/> Owned Automobiles <input type="checkbox"/> Hired Automobiles <input type="checkbox"/> Non-Owned Automobiles		Eff. Exp.	\$.000 Each person \$.000 Each occurrence	\$.000 Each occurrence
COMPREHENSIVE AUTO- MOBILE LIABILITY		Eff. Exp.	\$.000 Each person \$.000 Each occurrence	\$.000 Each occurrence
OTHER: Products	JL 44554	Eff. 11/26/74 Exp. 11/26/75	\$ 200,000 Ea. Occ. \$ 200,000 Aggr.	\$ 25,000 Eac. Occ. \$ 25,000 Aggr.

*Aggregate not applicable if Owners', Landlords' and Tenants' Liability Insurance excludes structural alterations, new construction and demolition.

In the event of any material change in, or cancellation of, said policies, the undersigned company will endeavor to give written notice to the party to whom this certificate is issued, but failure to give such notice shall impose no obligation nor liability upon the company.

Dated: **6/2/75**
Name of Company: **Jefferson Ins. Co. of N. Y.**
LoVullo-Millemaci Associates, Inc.
James Millemaci REPRESENTATIVE

CERTIFICATE ISSUED TO:

NAME
and
ADDRESS

**Cheektowaga Recreation Center
Broadway & Union St.
Cheektowaga, N. Y. 14227
Attention: Mr. James Matecki**

CERTIFICATE OF INSURANCE

This is to Certify, that policies in the name of

NAME
INSURED
and
ADDRESS

Gerald M. Mantega &
Michael Voorheis d/b/a
Melb Associates Roller Skating
957 Washington Rd.
Spencerport, N. Y. 14599

THIS CERTIFICATE OF INSURANCE NEITHER AFFIRMATIVELY NOR
NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE
AFFORDED BY ANY POLICY DESCRIBED HEREIN.

are in force at the date hereof, as follows:

KIND OF INSURANCE	POLICY NUMBER	POLICY PERIOD	LIMITS	
			Workmen's Compensation Ins. Employers' Liability Ins.	STATUTORY
WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY		Eff. Exp.		\$
			BODILY INJURY	PROPERTY DAMAGE
COMPREHENSIVE GENERAL LIABILITY		Eff. Exp.	\$,000 Each occurrence \$,000 Aggregate	\$,000 Each occurrence \$,000 Aggregate
MANUFACTURERS' AND CONTRACTORS' LIABILITY		Eff. Exp.	\$,000 Each occurrence	\$,000 Each occurrence \$,000 Aggregate
OWNERS', LANDLORDS' AND TENANTS' LIABILITY	JL 44554	Eff. 11/26/74 Exp. 11/26/75	\$ 200 ,000 Each occurrence	\$ 25 ,000 Each occurrence \$,000 Aggregate
CONTRACTUAL LIABILITY		Eff. Exp.	\$,000 Each occurrence	\$,000 Each occurrence \$,000 Aggregate
AUTOMOBILE LIABILITY <input type="checkbox"/> Owned Automobiles <input type="checkbox"/> Hired Automobiles <input type="checkbox"/> Non-Owned Automobiles		Eff. Exp.	\$,000 Each person \$,000 Each occurrence	\$,000 Each occurrence
COMPREHENSIVE AUTO-MOBILE LIABILITY		Eff. Exp.	\$,000 Each person \$,000 Each occurrence	\$,000 Each occurrence
OTHER: Products	JL 44554	Eff. 11/26/74 Exp. 11/26/75	\$200,000 Ea.Occ. \$200,000 Aggr.	\$25,000 Eac.Occ. \$25,000 Aggr.

*Aggregate not applicable if Owners', Landlords' and Tenants' Liability Insurance excludes structural alterations, new construction and demolition

In the event of any material change in, or cancellation of, said policies, the undersigned company will endeavor to give written notice to the party to whom this certificate is issued, but failure to give such notice shall impose no obligation nor liability upon the company.

Dated: 6/2/75
Name of Company: Jefferson Ins. Co. of N. Y.
LoVullo-Millemaci Associates, Inc.
Joseph A. Millemaci
AUTHORIZED REPRESENTATIVE

CERTIFICATE ISSUED TO:

NAME
and
ADDRESS

Cheektowaga Recreation Center
Broadway & Union St.
Cheektowaga, N. Y. 14227
Attention: Mr. James Matecki

CONTRACT FOR SPOT BROADCASTING
(Approved 1960 by N.A.B. See Over)



RADIO WWOL STATION

A RUST CRAFT STATION
BUFFALO, NEW YORK 14203

RADIO STATION WWOL IS AUTHORIZED TO PROVIDE BROADCAST FACILITIES IN BEHALF OF:

DATE: May 22, 1975

ADVERTISER: Cheektowaga Recreation Department

FOR PRODUCT OR SERVICE: Square Dance

AGENCY: Direct

LENGTH OF BROADCAST _____ HOUR _____ DAYS _____ TIMES PER WEEK _____ TOTAL NO. WEEKS _____ TOTAL NO. TIMES _____

- Remote includes:
- 3hr. remote broadcast with 2-60's per hour
 - Square Dance caller plus Country Band
 - 50-60 second announcements
 - 35 promotional announcements
 - Pennysaver Ad
 - Country Girl and Prizes
 - Public Service Announcements

(see attached proposal for more details)

DATE OF FIRST BROADCAST to be scheduled DATE OF LAST BROADCAST to be scheduled

ADDITIONAL INFORMATION Square Dance suggested for July 9th 30th

RATES	Other Charges	Total
\$ _____	\$ _____	\$ _____ per week
\$ _____	\$ _____	\$ <u>950.00</u> for contract

IN RETURN FOR SAID SERVICE ADVERTISER AGREES THAT BILLS ARE DUE AND PAYABLE WHEN RENDERED.

THE FIRST PAYMENT TO BE DUE _____ 19 _____
TO BE SUBMITTED FOR APPROVAL. Cheektowaga Rec. Dept. Advertiser / Agency

By _____ (Station Representative) By _____

RADIO BUFFALO, INC. Title _____

Accepted by _____ Business Address Cheektowaga Town Park

Title Sales Manager Date 5-22-75 City Cheektowaga State N.Y. 14225

Subject to conditions on back and any other conditions attached hereto:

WWOL AM 1120 KC - WWOL-FM 104.1 MC.

CONDITIONS

Approved 1960 by National Association of Broadcasters

Such approval does not mean that any advertiser or station is obligated to use this form or these conditions.

The advertiser placing advertising covered by this contract (hereinafter called ADVERTISER) and the station accepting this contract (hereinafter called STATION) hereby agree that this contract shall be governed by the following conditions:

1. PAYMENT AND BILLING

(a) *Advertiser's Solely Liable.* ADVERTISER agrees to pay, and STATION agrees to hold ADVERTISER solely liable for payment for the broadcasts covered by this contract unless expressly otherwise agreed in writing.

(b) *Time.* ADVERTISER agrees to pay for broadcasts covered by this contract, at the office of STATION or its authorized representative, on or before the last day of the month following that in which the broadcasting is done unless otherwise stipulated on the face of this contract; or, when cash discount is allowed but payment date not specified on the face of the contract, on the fifteenth of the month following.

(c) *Materiality.* In all cases date of payment is material and unless otherwise stipulated the postmark date on the envelope properly addressed to STATION or to its representative shall be considered the date when payment was made.

(d) *Billing.* STATION will bill ADVERTISER at monthly intervals unless otherwise provided on the face of this contract. STATION's invoice shall be in accordance with the log, shall so state, and shall be deemed to be correct unless proved otherwise. Upon request of ADVERTISER, certifications of performance will be furnished by STATION, at time of billing. Unless requested prior to billing the furnishing of such certification shall not act as a condition precedent to the payment, or the time of any payment, called for hereunder.

2. EFFECT OF BREACH

(a) *By Advertiser.* STATION reserves the right to cancel this contract at any time upon default by ADVERTISER in the payment of bills, or other material breach on the part of ADVERTISER of any of the conditions herein, and upon such cancellation all broadcasting done hereunder and not paid shall become immediately due and payable. In case of delinquency in payment, due in the opinion of STATION to insured credit or if STATION believes reasonably that ADVERTISER'S credit has been impaired, STATION shall have the right to change the requirements as to the terms of payment for further broadcasts under this contract as it may see fit by giving ADVERTISER written notice addressed to ADVERTISER'S last known business address.

In the event of a cancellation by reason of a material breach by ADVERTISER, ADVERTISER shall pay to STATION, as liquidated damages, a net sum equal to the actual out-of-pocket cost to STATION incurred through the cancellation of this contract, together with the amount owing at the earned rate, for broadcasts performed hereunder prior to such cancellation.

(b) *By Station.* In event of a cancellation by reason of a material breach by STATION, STATION shall pay to ADVERTISER, as liquidated damages, a net sum equal to the actual out-of-pocket cost to ADVERTISER incurred through cancellation of this contract.

3. TERMINATION AND RENEWAL

(a) *Notice.* Contract may be terminated by either party by giving the other twenty-eight (28) days' prior written notice; provided that no such notice shall be effective until twenty-eight (28) days after start of broadcasts hereunder. It is provided further that this contract insofar as it covers broadcasts of less than five minutes duration, may be terminated by either party giving the other fourteen (14) days' prior written notice, but no such notice shall be effective until fourteen (14) days after the start of broadcasts hereunder.

(b) *Effect of Termination.* If ADVERTISER so terminates this contract, it will pay STATION at earned rate according to STATION'S rate card on which this contract is based. If STATION so terminates this contract, ADVERTISER will then either agree with STATION on a satisfactory substitute day or time for continuance of broadcasts covered by this contract at the card rates on which this contract is based for such substitute time, or, if no such agreement can be reached, ADVERTISER will pay STATION according to the rates specified herein for all broadcasts previously rendered by STATION; that is, ADVERTISER shall have the benefit of the same discounts which ADVERTISER would have earned had it been allowed to complete the contract. In the event of termination hereunder, neither party shall be liable to the other party otherwise than as specified in this paragraph, and in paragraph 8 hereof.

(c) *Renewal.* The broadcast time (or times) covered by this contract may be renewed by ADVERTISER provided there is no interruption in the continuity of the broadcasts, by giving STATION twenty-eight (28) days' written notice prior to the expiration of this contract or any extension thereof. It is agreed further that this contract, insofar as it covers broadcasts of less than five minutes duration, provided there is no interruption in the continuity of the broadcasts, may be renewed by ADVERTISER giving STATION, fourteen (14) days' written notice prior to the expiration of this contract or any extension thereof. Failure to exercise this option to renew within the time and in the manner provided voids all ADVERTISER'S right to such renewal.

4. INABILITY TO BROADCAST

(a) *Interruption of Signal.* Should STATION, due to public emergency or necessity, legal restrictions, labor disputes, strikes, boycotts, secondary boycotts, Acts of God (whether or not such Acts of God have occurred frequently or habitually or are of a common or seasonal occurrence in the general locality of such broadcasting), or for any reason, including but not restricted to mechanical breakdowns, beyond the control and without the fault of STATION, provided that STATION has taken reasonable precautions against their recurrence, be unable to broadcast any or a part of any of ADVERTISER'S broadcasts at the time specified, STATION shall not be liable to ADVERTISER except to the extent of allowing in such case: One (1), a pro-rata reduction in the time charges hereunder; or two (2), if an interruption occurs during the commercial announcement portion of any broadcast, a credit to ADVERTISER in the same proportion to the total STATION charges which the omitted commercial portion bears to the total commercial portion of the broadcast, it being mutually agreed that STATION shall credit ADVERTISER on which-over basis is more favorable to ADVERTISER. In the event of such omission, STATION will, upon ADVERTISER'S request, make a suitable courtesy announcement as to such omission. Such omission or interruption shall not affect rates of discount; that is, ADVERTISER shall have the benefit of the same discount which ADVERTISER would have earned had it been allowed to complete the broadcasts omitted.

5. SUBSTITUTION OF PROGRAMS OF PUBLIC SIGNIFICANCE

(a) *Conditions of Substitution.* STATION shall have the right to cancel any broadcast or any portion thereof covered by this contract in order to broadcast any program which in its absolute discretion it deems to be of public importance or in the public interest. In any such case STATION will notify advertiser in advance, if reasonable possible, but, in any case, within a reasonable time after such broadcast, that ADVERTISER'S broadcast has been cancelled.

(b) *Adjustment.* If ADVERTISER and STATION cannot agree upon a satisfactory substitute day and time, the broadcast time so pre-empted shall be deemed cancelled without affecting the rates, discounts,

or rights provided herein, except that ADVERTISER shall not be required to pay for the cancelled broadcast. However, in such a case if the cancellation is of a broadcast of five minutes or more, STATION shall pay to the ADVERTISER only the amount represented by the non-cancelable net cost of live talent, incurred by virtue of, and resulting directly from, such cancellation, but which amount shall not in any case exceed the set time charges (gross, less earned time discounts) for the period involved.

6. TIME RATES

(a) *Published.* STATION represents that all its time rates are published. STATION shall furnish its rates to ADVERTISER if requested in writing.

(b) *Continuation of Contract.* Except as otherwise agreed to in writing, if this contract is continued, without interruption within the control of ADVERTISER, beyond the time specified herein, the additional broadcasts shall be considered a part of this contract and the same time rate shall apply until any lower rates, prevailing at the time this contract was made, shall have been earned; and then such lower time rate shall apply to the whole contract. This provision shall not, however, cover a broadcast later than one year from the date of the first broadcast.

(c) *Rate Protection.* Notwithstanding anything to the contrary in this contract or any other agreement between the parties herein, STATION reserves the right to increase any of its rates and charges, including charges set forth on the face hereof, by public announcement of a new rate card, but no increase shall be applicable to broadcasts under this contract or extension or renewal thereof, until six months from the effective date of such new rates. This rate protection privilege is provided only for broadcast schedules contracted for prior to the effective date of the rate increase on condition that the schedule is in effect or starts within thirty (30) days after the effective date of any such increase. This protection is extended only so long as the broadcasts hereunder continue without lapse of schedule attributable to ADVERTISER.

(d) *Discounts Earned.* All broadcasts placed with STATION for the ADVERTISER for consecutive broadcasting within one year from the date of the first broadcast hereunder shall be combined for the purpose of calculating the total amount of discounts earned, provided, however, that announcements cannot be so combined with five (5) minute or longer programs.

7. PROGRAM FORMATION

(a) *Station Responsibility.* The contract for STATION time includes the services of the technical staff and of a regular staff announcer. Other talent and service charges, if any, are covered in this contract and such charges are subject to change by ADVERTISER with the consent of STATION.

(b) *Approval of Material.* Broadcasts prepared by ADVERTISER are subject to the approval of STATION both as to artists and to broadcast content. In the event the materials or artists are unsatisfactory, STATION shall notify ADVERTISER by collect telegram, and, unless ADVERTISER furnishes satisfactory material or artists by 72 hours in advance of broadcast, STATION shall have the same right to produce a substitute broadcast, as under subparagraph (c) below.

(c) *Right to Substitute for Non-Receipt.* If STATION has not received material for any broadcast at least 96 hours in advance of broadcast time, STATION shall notify ADVERTISER by collect telegram. Should STATION fail to receive material for such broadcast at least 72 hours in advance of broadcast time, STATION shall have the right to produce a substitute broadcast, making its regular charges for time and a reasonable charge for talent used, and, unless otherwise instructed by ADVERTISER, announcing the name, address and business of the ADVERTISER.

8. BROADCAST LIABILITIES

(a) *Indemnification by Advertiser.* Except as otherwise hereinafter expressly provided, ADVERTISER will hold and save STATION harmless against all liability for libel, slander, illegal competition or trade practice, infringement of trade-marks, trade names or program titles, violation of rights of privacy and infringement of copyrights and proprietary rights and music performing rights, resulting from the broadcasting of the broadcasts herein provided in the form furnished by ADVERTISER.

(b) *Indemnification by Station.* STATION agrees, however, to hold and save ADVERTISER harmless against all such liability where the broadcasts are prepared and produced both as to artists and broadcast content by STATION excepting only such liability as may result from the broadcasting of the commercial credits and other material as furnished by ADVERTISER. STATION will hold and save ADVERTISER harmless against all such liability with respect to music on station-built broadcasts. STATION will hold and save ADVERTISER harmless against all such liability with respect to music on advertiser-built broadcasts, provided such music has been cleared and approved for broadcasting by a licensor designated by STATION.

(c) *Survival.* The provisions of Paragraphs 8 (a) and (b) shall survive any cancellation or termination of this contract.

9. GENERAL

(a) *Subject to Federal, State and Municipal Laws.* This contract is subject to the terms of licenses held by STATION and is subject also to all Federal, State and Municipal laws and regulations now in force, or which may be enacted in the future, including the Rules and Regulations of the Federal Communications Commission made in pursuance of its quasi-legislative powers and its decisions and actions and orders when acting in its quasi-judicial capacity.

(b) *Assignment and Waiver.* This contract, including the rights under it, may not be assigned or transferred without first obtaining the consent of STATION in writing; nor may STATION be required to broadcast hereunder for the benefit of any other advertiser than the one named on the face of the contract. Failure of STATION or ADVERTISER to enforce any of the provisions herein shall not be construed as a general relinquishment or waiver as to that or any provision.

(c) *Products Named in Contract.* STATION shall not be required to broadcast hereunder for any other products than the ones named in the contract, without first obtaining the approval of STATION as to do in writing.

(d) *Handling of Property and Mail.* STATION shall exercise normal precautions, but shall assume no liability for loss of or damage to program material and other property furnished by ADVERTISER in connection with broadcasts hereunder, and ADVERTISER shall reimburse STATION for all expenses incurred by STATION in connection with the handling of such material. STATION will not accept or process mail, correspondence, or telephone calls in connection with broadcasts, contracted for herein, except after prior approval, and if so approved, at the sole risk of ADVERTISER and subject to reimbursements by ADVERTISER for all expenses incurred.

(e) *Station Breaks.* ADVERTISER agrees that STATION may deduct from any period of five minutes or longer not more than thirty seconds for station-break purposes.

NOTE: IF APPROVAL OF THIS CONTRACT IS MADE BY AGENCY IN BEHALF OF ADVERTISER THEN ALL PROVISIONS ARE APPLICABLE TO SAID AGENCY AND AGENCY AGREES TO BECOME RESPONSIBLE TO WWOL FOR PAYMENT AND PERFORMANCE OF ALL CONDITIONS.

Item No. 34 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 35 Transfer of Employee under C.E.T.A., Title II.

Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, Mr. Raymond F. DiPasquale residing at _____, in
the Town of Cheektowaga, has been hired under the Comprehensive Employment and Training
Act of 1973 under Title II, as a Laborer in the Cheektowaga Central School System,
NOW, THEREFORE, BE IT

RESOLVED that Mr. DiPasquale be transferred to the position of Laborer
in the Maryvale School System at an hourly wage of \$4.09, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Councilman Wasielewski, seconded by Councilman Wroblewski
to adjourn the meeting.

MARY F. HOLTZ
Deputy Town Clerk

BIDS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 22 July 21, 1975</u>		
2	Engineering - dismantling and removal of 5 Ton hoist with cab and bucket	1
3.	Engineering - sale of used Sewer Rodding Machine	1
4	Engineering - deodorizers and enzymes for Sewage Treatment Plants Nos. 3 and 5	1
5	Window washing services for Town Hall and Police & Court Bldg.	1
<u>Meeting No. 23 August 4, 1975</u>		
2	Installation of tennis courts at three (3) locations in the Town	1
3	Remedial sewer work at Sanitary Sewer District #3, REBID	1-3

#22

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 22 July 21, 1975</u>	
6	Joint Increase & Improvement of facilities of Sanitary Sewer Dists. 2,4,5,6 & 7	1

Meeting No. 23 August 4, 1975

4	Traffic Amendment - Article VIII	4
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#22

GENERAL COMMUNICATIONS

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8	Erie County Health Department - Notice of hearing on Erie County Sanitary Code	2
9	SUMMONS & COMPLAINT - Joan M. Nailos, William Nailos vs Town of Cheektowaga and Niagara Frontier Transportation Authority	2
10	NOTICE OF CLAIM - Louis B. Puchala vs Town of Cheektowaga and Village of Depew	2
11	Pine Hill Fire District No. 5 - request town to stripe their parking lot	2

Meeting No. 23 August 4th, 1975

6	N.Y.S. Department of Transportation - Signal #132 at Union & William	6
7	Cheektowaga Traffic Safety Commission - Recommendations - pedestrian and street signs	6
8	Cheektowaga Traffic Safety Commission - Closing of street in front of Cleveland Hill School	6
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DEPARTMENTAL COMMUNICATIONS

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13	Engineering - Sanitary Sewer District No. 3, Sewer System Evaluation	2-3
14	Engineering - Wastewater Plants, Consulting Services	3-4
15	Highway - Diesel Fuel, oil supplies and contract	4-5
16	Highway - Rowley Hollow Subdivision, approval of plan	5
17	Chief of Police - requests permission to attend conference	5
18	Health report for June, 1975	5

Meeting No. 23 August 4, 1975

10	Building Permits	6
11	Engineering - hydraulic seeding of Slate Bottom Creek - Notice to Bidders	6-7
12	Engineering - Dismantling and removal of five (5) ton hoist with cab and bucket - Award of bid	8-9
13	Supervisor's Statement of Funds	9

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 RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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27	Call for public hearing for street lighting on Castlewood Drive	10
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32 1	Rescind resolution of June 16, 1975 relative to Policemen's and Firemen's Retirement System	14
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36	Permission for N.Y.S. Electric & Gas to install and remove lights in Town Hall Parking lot, rear lot	15
37	Permission for N.Y.S. Electric & Gas to install light on Peoria	15
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39	Warrant List	16
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Meeting No. 23 August 4, 1975

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15	Agreement between Cheektowaga Police Department and Erie County Dept. of Central Police Services	9

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#22

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#22

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th day of July, 1975 at 7:30 P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson

ABSENT: 0

Also present were: Mary F. Holtz, Deputy Town Clerk; John V. Rogowski, Town Attorney; Robert Miller, Deputy Town Attorney; James Kirisits, Deputy Town Attorney; Chester Bryan, Town Engineer; Benedict Kostrzewski, Chief of Police; Carl Trafalski, Building and Plumbing Inspector; Ken Kopacz, Executive Director of the Youth Bureau.

I. BIDS

Item No. 2 Engineering - dismantling and removal of 5 ton hoist with cab and bucket
Referred to Chester Bryan, Town Engineer.

Item No. 3 Engineering - sale of used Sewer Rodding Machine
Referred to Chester Bryan, Town Engineer.

Item No. 4 Engineering - deodorizers and enzymes for Sewage Treatment Plants #3 & #5
Referred to Chester Bryan, Town Engineer.

Item No. 5 Window washing services for Town Hall and Police & Court Building.
Referred to Ray Matot, Superintendent of Buildings and Grounds.

II. PUBLIC HEARINGS

Item No. 6 Joint increase & improvement of facilities of Sanitary Sewer Districts
2,4,5,6 & 7.

* See next few pages.

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,
in the County of Erie, New York

July 21, 1975

*

*

*

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, corner of Broadway and Union Road, in said Town, on July 21, 1975, at 7:30 o'clock P.M. (D. S. T.).

There were present: Honorable Daniel E. Weber, Supervisor,
and

Felix T. Wroblewski, Councilman
Frank E. Swiatek, Councilman
Kenneth J. Meyers, Councilman
Donald A. Halicki, Councilman
Raymond J. Wasielewski, Councilman
Thomas M. Johnson, Councilman

There were absent:

None

Also present:

~~Benedict B. Holtz, Town Clerk~~
Mary F. Holtz, Deputy Town Clerk
John V. Rogowski, Town Attorney

*

*

*

At 7:30 o'clock P.M. (D. S. T.) the ^{Deputy}Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, in said Town, at 7:30 o'clock P.M. (D. S. T.) to consider the joint increase and improvement of the facilities of Sanitary Sewer Districts Nos. 2, 4, 5, 6, 7, including extensions to Sanitary Sewer District No. 7, in the Town of Cheektowaga, and to hear all persons interested in the subject thereof concerning the same for such other action on the

part of the Town Board with relation thereto as may be required by
law. The ^{Deputy} Town Clerk read, in full, the Order Calling Public Hearing
duly adopted by said Town ^{Board} ~~Clerk~~ on June 16, 1975 and presented affi-
davits showing that certified copies of said Order had been duly pub-
lished and posted pursuant to the provisions of Article 12 of the Town
Law.

The Supervisor stated that the hearing in the said matter
was now open and asked if there was any interested person present
who desired to be heard. The following persons appeared in favor
of the joint increase and improvement of the facilities of said Sanitary
Sewer Districts:

None

The following persons appeared in opposition to said joint
increase and improvement of the facilities:

None

The Town Clerk reported that the following pertinent communi-
cations had been received:

~~He then read such communications to the meeting.~~

On motion of Councilman Meyers duly seconded by
Supervisor Weber, the following resolution and order after
public hearing was duly declared on the following roll call vote:

AYES: 7

NOES: 0

At a regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town, on the 21st day of July, 1975.

PRESENT:

Hon. Daniel E. Weber,	Supervisor
Felix T. Wroblewski,	Councilman
Frank E. Swiatek,	Councilman
Kenneth J. Meyers,	Councilman
Joseph P. Ostrowski,	Councilman
Donald A. Halicki,	Councilman
Raymond J. Wasielewski,	Councilman
Thomas M. Johnson,	Councilman

-----X

In the Matter : RESOLUTION AND
of the : ORDER AFTER
: PUBLIC HEARING

Joint Increase and Improvement of Facilities of Sanitary :
Sewer Districts Nos. 2, 4, 5, 6, 7, including extensions : JULY 21, 1975
to Sanitary Sewer District No. 7, in the Town of :
Cheektowaga, in the County of Erie, New York, pursuant :
to Section 202-b of the Town Law. :

-----X

WHEREAS, the Town Board of the Town of Cheektowaga, in the County of Erie, New York (herein called "Town Board" and "Town", respectively) has long been concerned with the need to increase and improve the facilities for the collection, treatment and disposal of sewage in Sanitary Sewer Districts Nos. 2, 4, 5, 6, 7, including Extensions to Sanitary Sewer District No. 7, in order to provide effective waste water collection and treatment service for that portion of the Town presently serviced by Water Pollution Control Plant No. 5, and in order to increase and improve facilities for the collection of sewage in said districts;

WHEREAS, the Town is under order by the Department of Environmental Conservation to abate pollution of surface streams emanating from the facilities of the Districts and by the discharge of effluents from the existing sewage treatment plant, which results in the contravention of stream standards, and from storm water relief discharges from sanitary sewers;

WHEREAS, the Town Board of the Town on behalf of the Sanitary Sewer Districts Nos. 2, 4, 5, 6, 7, including Extensions to Sanitary Sewer District No. 7 (herein called "Districts"), requested Brown-Devlin Associates, Consulting Engineers and Nussbaumer & Clarke, Inc., Consulting Engineers, (herein together called "Engineers"), duly licensed by the State of New York, to prepare maps, plans and preliminary reports for the joint increase and improvement of the facilities of the Districts, consisting of construction of a Northeast Interceptor Sewer and connections thereto, a pumping station, connection to facilities of the Buffalo Sewer Authority, Roycroft relief sewer, including partial reconstruction of existing facilities, said facilities to be so designed and constructed as to provide excess capacity to serve the Greater Buffalo International Airport, owned by the Niagara Frontier Transportation Authority, and also including original furnishings, equipment, machinery and apparatus, acquisition of land and rights in land, all as more particularly described and set forth in the Addendum to Waste Water Facilities Report, dated March 1975 (herein collectively called "Proposed Improvements");

WHEREAS, the Engineers completed such maps, plans and reports and filed same with the Town Board and the Town Board thereafter adopted an order describing in general terms the proposed joint increase and improvement of the facilities, specifying the estimated expense

thereof and stating that the Board would meet to hear all persons interested in said joint increase and improvement of the facilities on July 21, 1975, at 7:30 o'clock P.M. (D.S.T.), at the Town Hall, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 21st day of July, 1975, at 7:30 o'clock P.M. (D.S.T.), at the Town Hall, and considerable discussion on the matter having been had and all persons desiring to be heard having been duly heard in favor of and in opposition to said joint increase and improvement of the facilities; now, therefore, upon the evidence presented at such hearing, and it is hereby

DETERMINED, that it is in the public interest to jointly increase and improve the facilities of the Districts as hereinabove described and referred to, and it is hereby

ORDERED, that the facilities of the Districts be jointly increased and improved by the construction of the Proposed Improvements, at an estimated maximum cost of \$12,000,000, as stated in the Order Calling Public Hearing;

and it is further

ORDERED, that the Engineers heretofore retained by the Town Board, prepare definite plans and specifications for such joint increase and improvement of the facilities and with the assistance of

John V. Rogowski, Esq., Town Attorney, prepare a proposed contract therefor, which plans and specifications and proposed contract shall be presented to this Town Board as soon as possible, and, it is hereby further

ORDERED, that the Town Clerk record a certified copy of this resolution and order after public hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: JULY 21, 1975

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

David C. Dineen

Supervisor

Felix J. Wroblewski

Councilman

Frank E. Swartz

Councilman

Kenneth J. Meyer

Councilman

Raymond J. Wasielewski

Councilman

Donald A. Salick

Councilman

Thomas M. Johnson, Jr.

Councilman

Councilman

SEAL

Members of the Town Board of the Town of
Cheektowaga, in the County of Erie,
New York

Councilman Meyers offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JULY 21, 1975, APPROPRIATING \$12,000,000 FOR THE JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF SANITARY SEWER DISTRICTS NOS. 2, 4, 5, 6, 7, INCLUDING EXTENSIONS TO SANITARY SEWER DISTRICT NO. 7, IN SAID TOWN, AT AN ESTIMATED MAXIMUM COST OF \$12,000,000, AND AUTHORIZING THE ISSUANCE OF \$12,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, after a public hearing duly called and held on July 21, 1975, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, duly adopted a resolution and order determining that it is in the public interest to jointly increase and improve the facilities of Sanitary Sewer Districts Nos. 2, 4, 5, 6, 7, including extensions to Sanitary Sewer District No. 7, in the Town (herein called "Districts"), as hereinafter described and ordering such joint increase and improvement of facilities and it is now necessary and advisable to provide for financing same at a cost not to exceed \$12,000,000 by the issuance of bonds;

now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$12,000,000 for the joint increase and improvement of facilities of the Districts, in the Town, consisting of construction of a Northeast Interceptor Sewer and connections thereto, a pumping station, connection to facilities of the Buffalo Sewer Authority, Roycroft relief sewer, including partial reconstruction of existing facilities, said facilities to be so designed and constructed as to provide excess capacity to serve the Greater Buffalo International Airport, owned by the Niagara Frontier Transportation Authority, and also including original furnishings, equipment, machinery and apparatus, acquisition of land and rights in land (herein called "Proposed Improvements"), authorized pursuant to the resolution and order after public hearing duly adopted by the Town Board of the Town on July 21, 1975, hereinabove referred to in the Recital hereof, pursuant to maps and plans heretofore prepared by Brown-Devlin Associates, Consulting Engineers and Nussbaumer & Clarke, Inc., Consulting Engineers, duly licensed by the State of New York. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$12,000,000. The plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$12,000,000, including (1) debt service consisting of the principal of and interest on such serial bonds and any bond anticipation notes issued in anticipation of such serial bonds and (2) the operation and maintenance of the Proposed Improvements, shall be annually

apportioned among the Districts by the Town Board on the proposed basis of the amount of services rendered or other benefits conferred, so that each of the Districts shall bear not more than its equitable share of such cost and the amounts so apportioned shall be assessed, levied and collected in each of the Districts by special assessments upon the several lots and parcels of land therein which the Town Board shall deem especially benefited by the Proposed Improvements so much upon and from each as shall be in just proportion to the amount of benefit which the Proposed Improvements shall confer upon the same. Any amounts of Federal and State funds that are received shall be expended for the cost of constructing the Proposed Improvements for which said funds are granted or redemption of said serial bonds or budgeted as an offset to such special assessments for the payment of principal of and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of \$12,000,000 are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of said specific object or purpose for which the bonds authorized by this resolution are to be issued within the limitations of §11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution, or any notes issued in anticipation thereof, pursuant to Section 107.00 d. 3

(a) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any notes in anticipation thereof shall contain the recital of validity prescribed by §52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provisions shall be made in the budgets of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by

Supervisor Weber and duly put to a vote on roll call,

which resulted as follows:

AYES: 7

NOES: 0

The resolution was declared unanimously adopted.

Councilman Meyers offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF
CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "DEPEW HERALD AND CHEEKTOWAGA NEWS, a newspaper published in Depew, New York, ^{TIMES} and the "CHEEKTOWAGA NEWS," a newspaper published in Cheektowaga, New York, and hereby designated as the official newspapers of the Town for such publication and having a general circulation in said Town, together with the Town Clerk's statutory Notice substantially in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Supervisor Weber and duly put to a vote on roll call, which resulted as follows:

AYES: 7

NOES: 0

The resolution was declared unanimously adopted.

CERTIFICATE

I, BENEDICT T. HOLTZ, Town Clerk of the Town of Cheektowaga,
in the County of Erie,

State of New York, HEREBY CERTIFY that the foregoing
annexed extract from the minutes of a meeting of the _____
Town Board of said Town,
duly called and held on July 21, 1975, has been
compared by me with the original minutes as officially recorded in my
office in the Minute Book of said Town Board
and is a true, complete and correct copy thereof and of the whole of said
original minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Town
this 21st day of July, 19 75

Benedict T. Holtz
Town Clerk

(Seal)

PROOF OF PUBLICATION

Bee Publications Inc.

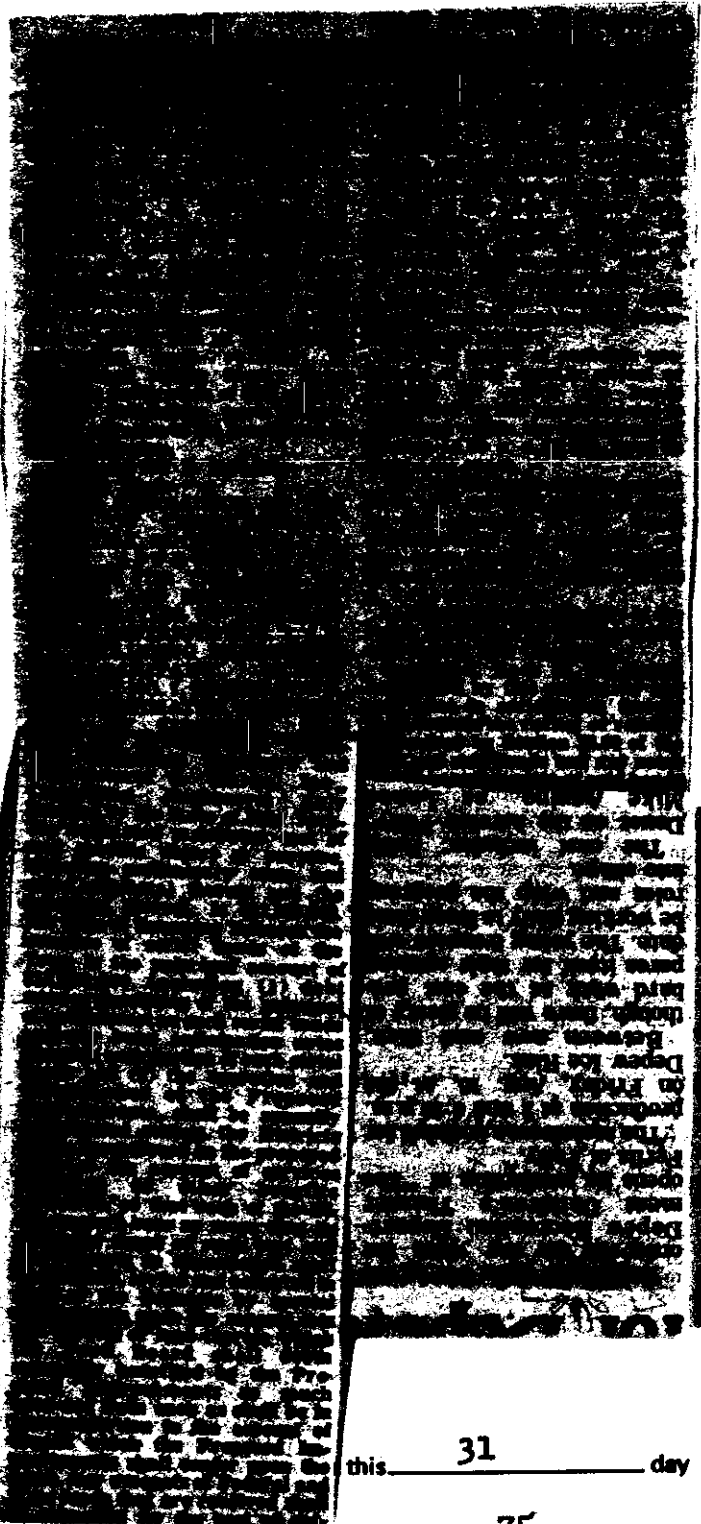
Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 31 day of July
1975, and the last insertion being on the
day of same, 19.

Subscribed and sworn to before me this 31 day

of July 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

Susan M. Schasel

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

Form No. 1

PROOF OF PUBLICATION

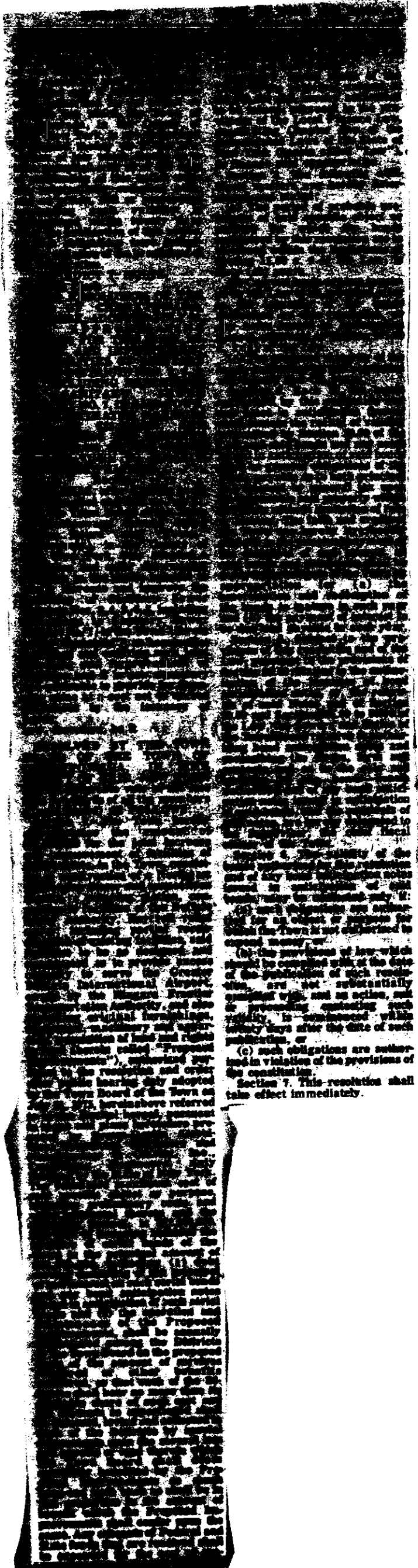
Bee Publications Inc.

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Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 31 day of July
1975, and the last insertion being on the
day of same, 19.

The resolution published herewith has been adopted on the 21st day of July, 1975, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Cheektowaga, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BENEDICT T. HOLTZ
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JULY 21, 1975, APPROPRIATING \$12,000,000 FOR THE JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF SANITARY SEWER DISTRICTS NOS. 2, 4, 5, 6, 7, INCLUDING EXTENSIONS TO SANITARY SEWER DISTRICT NO. 7, IN SAID TOWN, AT AN ESTIMATED MAXIMUM COST OF \$12,000,000, AND AUTHORIZING THE ISSUANCE OF \$12,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, after a public hearing duly called and held on July 21, 1975, the Town Board of the Town of Cheektowaga (hereinafter called "Town Board" and "Board", respectively), in the County of Erie, New York, duly adopted a resolution and order determining that it is in the public interest to jointly increase and improve the facilities of Sanitary Sewer Districts Nos. 2, 4, 5, 6, 7, including extensions to Sanitary Sewer District No. 7, in the Town (hereinafter called "Districts"), as hereinafter described and ordering such joint increase and improvement of facilities and it is now necessary and expedient to provide for financing same which does not exceed \$12,000,000 by the issuance of bonds;

and, therefore, be it
RESOLVED BY THE TOWN BOARD OF

COUNTY OF ERIE, NEW YORK by the favorable vote of not less than two-thirds of all the members of said Board AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$12,000,000 for the joint increase and improvement of facilities of the Districts, in the Town, consisting of construction of a Northeast Interceptor Sewer and connections thereto, a pumping station, connection to facilities of the Buffalo Sewer Authority, Roycroft relief sewer, including partial reconstruction of existing facilities, said facilities to be so designed and constructed as to provide excess capacity to serve the Greater Buffalo International Airport, owned by the Niagara Frontier Transportation Authority, and also including original furnishings, equipment, machinery and apparatus, acquisition of land and rights in land (hereinafter called "Proposed Improvements"), authorized pursuant to the resolution and order after public hearing duly adopted by the Town Board of the Town on July 21, 1975, hereinabove referred to in the Recital hereof, pursuant to maps and plans heretofore prepared by Brown-Devin Associates, Consulting Engineers and Nussbaumer & Clarke, Inc., Consulting Engineers, duly licensed by the State of New York. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$12,000,000. The plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$12,000,000, including (1) debt service consisting of the principal of and interest on such serial bonds and any bond anticipation notes issued in anticipation of such serial bonds and (2) the operation and maintenance of the Proposed Improvements, shall be annually apportioned among the Districts by the Town Board on the proposed basis of the amount of services rendered or other benefits conferred, so that each of the Districts shall bear no more than its equitable share of such cost and the amounts so apportioned shall be assessed, levied and collected in each of the Districts by special assessments upon the several lots and parcels of land therein which the Town Board shall deem especially benefited by the Proposed Improvements so much upon and from such lots as shall be in just proportion to the amount of benefit which the Proposed Improvements shall confer upon the same. Any amounts of Federal and State grants which are received shall be expended for the cost of constructing the Proposed Improvements for which said funds are received or redemption of said serial bonds or budgeted as an offset to such special assessments for the payment of principal of and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of \$12,000,000 are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (hereinafter called "Law"), to finance said appropriation.

Section 3. The following additional provisions are hereby determined and adopted:

(a) The period of probable usefulness of said specific object or purpose for which the bonds authorized by this resolution are to be issued within the meaning of Section 11.09 a. 4 of the Law is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution, or any notes issued in anticipation thereof, pursuant to Section 11.09 a. 3 (ii) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will exceed the 30 years.

(d) The bonds authorized by this resolution shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provisions shall be made in the budgets of the Town by appropriation for (i) the amortization and redemption of the bonds to mature in such year and (ii) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 11.09 relative to the authorization of the issuance of bond anticipation notes, or the reverse of Section 11.09 and Section 11.09 a. 4 of Section 11.09 and Sections 11.09 to 11.09 of the Law, the Town Board is authorized to issue and sell bond anticipation notes and providing the same, from

...of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town, without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the payment of the principal of and interest on said bonds and proceeds shall be made in the budgets of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 21.22 relative to the authorization of the issuance of municipal bonds, or the repayment of said bonds, and of Sections 21.23 and 21.24 of the Law, the Town and Mayor of the Town Board hereby authorize the issuance, term, form and interest of the bonds, term and interest of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds, and the validity of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds, may be questioned only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of such resolution, are not substantially complied with,

and an action, suit or proceeding questioning such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the resolution.

Section 7. This resolution shall take effect immediately.

III. GENERAL COMMUNICATIONS

Item No. 7 *Ronald P. Bennett, Legislator, 18th District - letter opposing latest round of utility increases.
Received and Filed.*

Item No. 8 *Erie County Health Department - Notice of hearing on Erie County Sanitary Code.
Referred to Dr. Vendetti, Health Officer*

Item No. 9 *SUMMONS & COMPLAINT - Joan M. Nailos, William Nailos vs Town of Cheektowaga and Niagara Frontier Transportation Authority.
Referred to John V. Rogowski, Town Attorney*

Item No. 10 *NOTICE OF CLAIM - Louis B. Puchala vs Town of Cheektowaga and Village of Depew.
Referred to John V. Rogowski, Town Attorney*

Item No. 11 *Pine Hill Fire District #5 - request town to stripe their parking lot
Referred to the Sewer Department.*

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 12 *Building Permits
Received and Filed.*

Item No. 13 *Engineering - Sanitary Sewer District No. 3 - Sewer System Evaluation
Motion by Councilman Meyers, seconded by Councilman Wroblewski*

*WHEREAS, it is required to undertake a Sewer System Evaluation Survey consistent with the State-Federal Aid Program for Sanitary Sewer Districts No. 3 and 5,
NOW, THEREFORE, BE IT*

RESOLVED that Nussbaumer and Clarke, Inc., consulting Engineers, are authorized to prepare said Sewer System Evaluation Survey in accordance with the Agreement dated July 7, 1975, between the Town of Cheektowaga and the firm of Nussbaumer and Clarke, Inc. outlining the professional services to be provided and the payment by the Town for said services.

See next few pages for agreement.

A G R E E M E N T

THIS AGREEMENT made the 7th day of July in the year One Thousand Nine Hundred Seventy-five, by and between the TOWN OF CHEEKTOWAGA, with offices at Union Road and Broadway, Cheektowaga, Erie County, New York, hereinafter called the Owner, and NUSSBAUMER & CLARKE, INC., a licensed engineering corporation in the State of New York, with offices at 310 Delaware Avenue, Buffalo, New York, hereinafter called the Engineer;

W I T N E S S E T H:

WHEREAS, the Owner is proceeding with a program of Sewer System Evaluation in Cheektowaga Sewer District No. 3, and

WHEREAS, the Owner has performed studies on the extent and magnitude of infiltration and inflow problems in the District, and

WHEREAS, the Owner intends to proceed with detailed investigative work and remedial work to correct sewer problems, and the preparation of a survey report, and

WHEREAS, both investigative and remedial work has already commenced in the District,

NOW, THEREFORE, the Owner and the Engineer, for the considerations hereafter named, agree as follows:

The Engineer agrees to perform, when authorized by the Town Engineer, for the above named work, professional services to include (1) preparation of specifications and schedules for the following inflow/infiltration correction work derived from the Wastewater Facilities Report and subsequent sewer investigations (but not limited to): TV inspection, rainfall simulation, sewer sealing, broken pipe replacement, pressure testing, cleaning, manhole repair, storm sewer construction; (2) preparation of a survey report; (3) determination of areas to apply these corrections; (4) cost estimates for proposed work; and (5) provision of services during construction, including Resident Inspectors or Resident Engineers, as may be required.

The Engineer may subcontract such work as needed to firms specializing in investigative and remedial work such as remote, internal televising of conduits, videotaping of same, soils investigation work, etc., strictly in accordance with expressed authority of Owner.

The Owner agrees to pay the Engineer for such services "per diem" compensation as follows:

a. Per diem is equal to the multiple of two point five (2.5) times salary cost of Engineer's personnel for time actually spent in rendering services in connection with the above described work. Salary cost is defined as actual gross salary paid to an employee of the Engineer for time actually spent on the work plus 30% to cover the Engineer's fringe benefits and other payroll costs.

The Owner also agrees to pay the Engineer compensation for the following services:

a. For survey services, including services for field topography and layout survey, compensation at the rate of \$375/day for a completely equipped three-man survey party for the year 1975. This rate will be upgraded in 1976 and subsequent years to reflect increasing costs.

b. For mileage expenses, compensation at the rate of \$0.17 per mile.

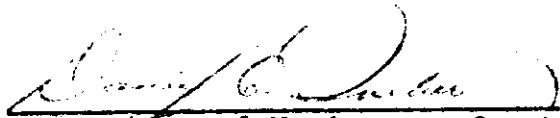
c. For out-of-pocket expenses, reimbursement at cost.

d. All approved subcontractors to the Engineers, such as soil boring, aerial mapping, computer services and other approved firms will be paid directly by the Engineers. The cost of such services shall be billed to the Owner at the cost of the subcontractor's billing plus 10 per cent for service and handling by the Engineers.

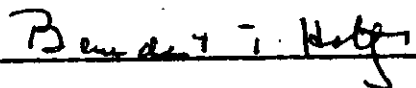
Payment for the work as described above shall be made on a monthly basis, upon submission of bills for such payment by the Engineer to the Owner.

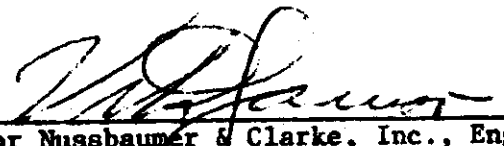
The Owner and the Engineer hereby agree to the full performance of the covenants contained herein.

IN WITNESS WHEREOF, they have executed this Agreement, the day and year first above written.

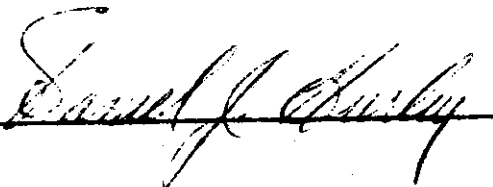


For the Town of Cheektowaga, Owner
Daniel E. Weber, Supervisor

Attest 



For Nussbaumer & Clarke, Inc., Engineers
Vito J. Caruso, President

Attest 

Item No. 13 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielowski & Johnson
NAYES: 0
ABSENT: 0

Item No. 14 Engineering - Wastewater Plants, Consulting Services

Motion by Councilman Meyers, seconded by Councilman Wroblewski

WHEREAS, it is necessary to engage the services of a Consulting Engineer to assist in the proper operation of the Town of Cheektowaga Wastewater Treatment Plants ko. 3 and No. 5 in order to satisfy the guidelines imposed by the U.S. Environmental Protection Agency and the New York State Department of Environmental Conservation, NOW, THEREFORE, BE IT

RESOLVED that Nussbaumer and Clarke, Inc., Consulting Engineers are authorized to provide such services as needed, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of the Town of Cheektowaga, sign the agreement with the firm of Nussbaumer and Clarke, Inc. outlining the professional services to be provided and the payment by the Town sewer districts for said services.

SEE NEXT FEW PAGES

A G R E E M E N T

THIS AGREEMENT made the 21st day of July in the year One Thousand Nine Hundred Seventy-five, by and between the TOWN OF CHEEKTOWAGA, with offices at Union Road and Broadway, Cheektowaga, Erie County, New York, hereinafter called the Owner, and NUSSBAUMER & CLARKE, INC., a licensed engineering corporation in the State of New York, with offices at 310 Delaware Avenue, Buffalo, New York, hereinafter called the Engineer;

W I T N E S S E T H:

WHEREAS, the Owner operates sewage treatment facilities for wastewater collected from Cheektowaga Sewer Districts No. 3 and 5, and

WHEREAS, the Owner has applied to the United States Environmental Protection Agency (EPA) for Permits to Discharge under the National Pollutant Discharge Elimination System (NPDES), and

WHEREAS, the draft permits to discharge provide for general conditions, effluent limitations, monitoring and operational requirements and special conditions which will require engineering and operational review and adjustment, and

WHEREAS, availability of a consulting engineer for operation and maintenance problems is an evaluation criterion in the EPA's routine Report on Operation and Maintenance of Wastewater Treatment Plants, regarding the compliance with terms of the NPDES permit, and

WHEREAS, the firm of Nussbaumer & Clarke, Inc. has employed engineering personnel licensed under the New York State sewage treatment plant operators' licensing system and qualified to operate the aforementioned treatment facility, and

WHEREAS, the Engineer provides "operation and maintenance engineering" consultation service,

NOW, THEREFORE, the Owner and the Engineer, for the considerations hereafter named, agree as follows:

The Engineer agrees to perform, when and as specifically authorized by the Town Engineer, professional services to include consulting engineering services for operational and maintenance considerations of the Cheektowaga Sewer Districts No. 3 and 5 sewage treatment facilities and services for assistance in compliance with the Owner's NPDES Permits to Discharge for the facilities, including, but not limited to: (1) evaluation of the basic operational routine on the fluid and solids streams, including flow measurement and disinfection, (2) evaluation of the equipment maintenance routine and equipment inventory, (3) evaluation of the sampling and analyses programs with emphasis on in-house laboratory techniques, (4) review of safety program and occupational health considerations, (5) evaluation of special problems and techniques for odor and nuisance control, if needed, (6) evaluation of logs, records and reports, including liaison with all applicable regulatory agencies, (7) evaluation of total plant performance, efficiency and effect on the receiving stream, (8) other such operational and maintenance considerations as requested by the Owner.

The Engineer agrees to provide adequate time in service to accomplish the aforementioned work at the discretion of the Town Engineer, including at least four manhours per week, to be spent at the plant site assisting the Owner's supervisory personnel.

The Engineer may subcontract such work as needed to firms specializing in laboratory services, chemical supply, operation and maintenance consultation, etc., strictly in accordance with expressed authority of Owner.

The Owner agrees to pay the Engineer for such services "per diem" compensation as follows:

a. Per diem is equal to the multiple of two point five (2.5) times salary cost of Engineer's personnel for time actually spent in rendering services in connection with the above described work. Salary cost is defined as actual gross salary paid to an employee of the Engineer for time actually spent on the work plus 30% to cover the Engineer's fringe benefits and other payroll costs.

b. For mileage expenses, compensation at the rate of \$0.17 per mile.

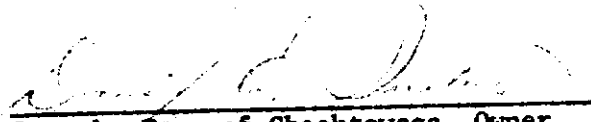
c. For out-of-pocket expenses, reimbursement at cost.

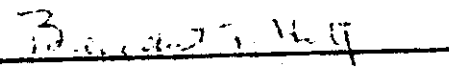
d. All approved subcontractors to the Engineers will be paid directly by the Engineers. The cost of such services shall be billed to the Owner at the cost of the subcontractor's billing plus 10 per cent for service and handling by the Engineers.

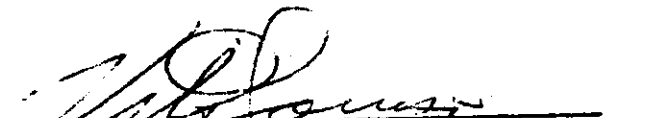
Payment for the work as described above shall be made on a monthly basis, upon submission of bills for such payment by the Engineer to the Owner.

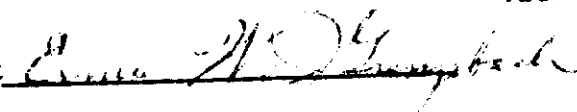
The Owner and the Engineer hereby agree to the full performance of the covenants contained herein.

IN WITNESS WHEREOF, they have executed this Agreement, the day and year first above written.


For the Town of Cheektowaga, Owner
Daniel E. Weber, Supervisor

Attest 


For Nussbaumer & Clarke, Inc., Engineers
Vito J. Casuso, President

Attest 

Item No. 14 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 15 Highway - Diesel Fuel, oil supplies and contract

Motion by Councilman Wroblewski, seconded by Councilman Wasielewski

WHEREAS, the Town Highway Superintendent has advertised for bids for the supplying and purchase of diesel fuel oil, and

WHEREAS, the Mandatory Petroleum Allocation Regulations of the Federal Energy Office, supplier-purchaser relationships in effect during the base period (1972) are to remain in effect for both parties during the duration of the Regulations, and

WHEREAS, competitive bids do not appear appropriate for the above mentioned petroleum product so long as said program is in effect, and

WHEREAS, the Town of Cheektowaga has heretofore purchased said diesel fuel oil from Kurk Fuel Oil Co., 1276 Harlem Road, Cheektowaga, New York, therefore, BE IT

RESOLVED that the Town Highway Department is hereby authorized to purchase said fuel oil from Kruk Fuel Oil Co., at the rate of \$.382 per gallon.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Motion by Councilman Wroblewski, seconded by Councilman Wasielewski

WHEREAS, bids for various supplies for the Cheektowaga Highway Department were received and opened by the Town Board meeting held on July 7, 1975 at 2:30 P.M., after advertisement therefor, and

WHEREAS, such bids were turned over to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report has been completed and attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the contracts for the various supplies for the Cheektowaga Highway Department be awarded to the lowest responsible bidders meeting specifications as tabulated in the report attached hereto and made a part hereof.

See next few pages

1975 BIDDERS FOR MOTOR OILS, KEROSENE, FUEL OIL,
WEED KILLER, ETC. EFFECTIVE FROM 8/1/75 to 8/1/76

A.T. SUPPLY, INC.
P. O. BOX 187
RIFFRATO, NEW YORK 14224

Due to unstable prices no bids were received.

TOPSALL LUBRICANTS
1370 ONTARIO STREET
CLEVELAND, OHIO 44113

Pet Lub Grease (Top-Moly)	Topsall-120 lb. drums @ .565 per lb.
Transmission "A"	Topsall Dexron ATF-55 gal. drums @ 2.70 per gal.

ARCO, INC.
11 MICHELE DR.
DEPERW, NEW YORK 14043

Weed Killer	\$11.25 per gal. (in 55 gal. drums)
Penetrating Oil (Break)	15.90 " " "
" " "	42.60 " dz. in 8 dz. quantities
" " "	47.40 " " " 1 " "

No Drum Deposit

KURK RIFT, OIL CO.
1276 HARLEM ROAD
CHEEKTOWAGA, NEW YORK 14206

#2 Diesel Fuel Oil	\$.382 per gallon
--------------------	--------------------

NIAGARA LUBRICANT CO., INC.
101-105 MANITTOBA STREET
BUFFALO, NEW YORK 14206

Motor Oils	
SAE 30 Non-Det	\$1.27 per gallon
#30 Reg.	1.27 " "
SAE 30 HD	1.27 " "
HD #20	1.27 " "
HP SAE 30	1.32 " "
Special 10W-40	.563 " quart
Dexron Amalie	.48 " "
30 HD Amalie	.487 " "
20 HD Amalie	.487 " "
1-2-3 Amalie	.54 " "

Compressor Oil	1.27 per gallon
Penetrating Oil	20.88 per case

Drum Deposit - \$10.00 ea.

1975 BIDDERS FOR MOTOR OILS, KEROSENE, FUEL OIL,
WEED KILLER, ETC. EFFECTIVE 8/1/75 to 8/1/76

MEGARA LUBRICANTS CO., INC. (CONTINUED)

Seed Oil		
Multi Purpose SAE 90	\$.38	per lb.
" " SAE 140	.38	" "
Hydraulic Oil #300 R/O Hydr.	1.35	per gallon
<u>Lubricants</u>		
Transmission Lube SAE 90	.38	per lb.
" " SAE 140	.38	" "
AWD Tractor SAE 50	2.25	" gal.
Lubriplate 630-2	.66	" lb.
Lubriplate #70	.65	" "
Pet Lub Grease (Top Moly) EP Poly Moly	.615	" "
<u>Fluids</u>		
Brake	12.00	per 5 gal. can
Transmission	1.65	per gal. (in 55 gal.)
Transmission "A"	<u>1.65</u>	" " " " "
Anti-freeze	3.10	per gallon
Drum Deposit -	\$10.00	ea.

Bids should be awarded to the lowest bidders as per the above.

#23

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Item No. 15 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 16 Highway - Rowley Hollow Subdivision, approval of plan

Motion by Councilman Johnson, seconded by Councilman Meyers

BE IT RESOLVED that this item be tabled subject to County Approval,
Department of Environmental Quality.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 17 Chief of Police - requests permission to attend conference

Motion by Councilman Halicki, seconded by Councilman Swiatek

BE IT RESOLVED that Benedict L. Kostrzewski, Chief of Police, be granted
permission to attend the Annual Conference of the New York State Association of Chiefs
of Police, held at Buffalo, New York on July 27th to July 31st, 1975, inclusive, and
BE IT FURTHER

RESOLVED that all reasonable and legal expenses incurred be reimbursed
by the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 18 Health report for June, 1975
Received and Filed.

V. RESOLUTIONS

Item No. 19 Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the New York State Legislature has enacted the necessary
legislation authorizing the Town of Cheektowaga to convey on behalf of Water District
No. 9 of said Town certain water lines to the Erie County Water Authority, authorizing
the Town of Cheektowaga to dissolve such Water District and provide for the payment of
its indebtedness, and constituting certain extensions of said Water District as separate
individual water districts, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, acting as
Commissioners of said Water District No. 9 convey the water line now located in Water
District No. 9, any abandoned water lines and any interest said Water District may have
in water lines laid or relocated as a consequence of Erie County's Borden road
reconstruction project number RWP CR 322-72 to the Erie County Water Authority for the
sum of Twenty-two thousand, four hundred fifty dollars; said sum of twenty-two thousand
four hundred fifty dollars shall be used to pay the outstanding bonded indebtedness of
such district, if possible, or deposited in a reserve fund of the Town of Cheektowaga
established for the purpose of retiring outstanding obligations issued on behalf of
said Water District No. 9 to finance the cost of its facilities, excluding any extensions
thereof, and BE IT FURTHER

Item No. 19 cont'd

RESOLVED that the Supervisor be and hereby is authorized to sign the necessary documents for the purchase and sale and payment or deposit of monies hereinbefore authorized by the enabling legislation.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 20 Authorization for planning consultant to submit application to Bureau of Outdoor Recreation relative to proposed Nob Hill Park Site.
This item was withdrawn.

Item No. 21 Motion by Councilman Meyers, seconded by Councilman Halicki

WHEREAS, the Order and Judgment in the action entitled "Buffalo Sewer Authority vs Town of Cheektowaga, et al" and relating to the Eggert Road sewer hookup in Drainage District No. 1 which said order directed the payment of a judgment in the sum of \$239,837 and an additional direction that the Town pay its portion of the construction of the Hastings Avenue storm sewer improvement, and

WHEREAS, the County of Erie and the Erie County Highway Department have obtained bids for said construction and improvement, and

WHEREAS, the Town of Cheektowaga has been informed that the project known as "Project No. RWP GM 201-72, Eggert Road, GM 201, City of Buffalo, Town of Cheektowaga" will cost the Town of Cheektowaga the sum of \$116,745.85, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga, acting as Commissioners of storm Drainage District No 1, of the Town of Cheektowaga, and

Supervisor Daniel E. Weber, pay the sum of \$116,745.85 to the County of Erie, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to sign any and all necessary agreements regarding the payment of said funds.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, there is a need to preserve portions of flood plains within the Town of Cheektowaga for recreation and open space purposes, and

WHEREAS, preservation of such flood plain lands will reduce the possibility of future flood damage and cost to the town resulting from commercial and/or residential development, and

WHEREAS, it would inure to the benefit of the Town of Cheektowaga to acquire said land in the Cayuga Creek Flood Plain as a natural extension of the existing Losson Road Park site, and

WHEREAS, the Town Planning Consultants have advised the Town Board that a recent property appraisal should be obtained and that an application by the Town to seek grants-in-aid for acquisition of said additional land would be desirable, and

WHEREAS, the said property proposed to be acquired is more specifically described in the maps and surveys attached hereto and made a part hereof, and

Item No. 22 cont'd

WHEREAS, the proposed appraisal and subsequent application is necessary in order to comply with the standard and usual appraisal format required by the New York State Office of Parks and Recreation and the Federal Bureau of Outdoor Recreation, THEREFORE, BE IT

RESOLVED that Frank H. Szeliga, S.R.A., Located at Williamsville, New York 14221, be and hereby is retained to appraise the premises set forth in the attached maps and surveys, consisting of approximately 250 acres, of the Cayuga Creek Flood Plain at a fee not to exceed the sum of \$4,500.00, and BE IT FURTHER

RESOLVED, that a transfer of funds from the Contingency Fund of the Town of Cheektowaga, be effectuated for the payment of such fee.

See file "EMPLOYEES - APPRAISERS" for copy of maps and surveys.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, Erie County Personnel has approved the preliminary applications of the Town of Cheektowaga for the creation of the positions of two part-time Clerk-Typists in the Town Justice Office, THEREFORE, BE IT

RESOLVED that Two positions in the Town Justice Office, entitled part-time Clerk-Typist, be and hereby are created at an annual starting salary of \$6488.25.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Halicki, seconded by Councilman Wroblewski

BE IT RESOLVED that Susan Schottman, residing at Cheektowaga, New York be and hereby is appointed to the position of part-time Clerk-Typist in the Town Justice Department at a starting salary of \$6488.25 per annum, effective July 22, 1975, and BE IT FURTHER

RESOLVED that the compensation of said part-time Clerk-Typist shall not exceed the sum of \$3,200.00 within a one-year period.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Motion by Councilman Halicki, seconded by Councilman Wroblewski

BE IT RESOLVED that Florence Walentynowicz, residing at Cheektowaga, New York be and hereby is appointed to the position of part-time Clerk-Typist in the Town Justice Department at a starting salary of \$6488.25 per annum, effective July 22, 1975, and BE IT FURTHER

RESOLVED that the compensation of said part-time Clerk-Typist shall not exceed the sum of \$3,200.00 within a one-year period.

Item No. 24 cont'd

Upon Roll Call

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Wasielewski, seconded by Councilman Johnson

WHEREAS, the Town Board, at its meeting on July 7, 1975 adopted a resolution creating the position of Superintendent of Buildings and Grounds and a resolution appointing Raymond M. Matot to said position, and

WHEREAS, Erie County Personnel had not confirmed said position in writing prior to the adoption of said resolutions, THEREFORE, BE IT

RESOLVED that the aforementioned resolutions creating the position of Superintendent of Buildings and Grounds and the appointment of Raymond M. Matot to said position be and hereby are rescinded.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Motion by Councilman Wasielewski, seconded by Councilman Johnson

WHEREAS, the office of the Erie County Personnel has confirmed in writing the application of the Town of Cheektowaga for the creation of the position of Superintendent of Buildings and Grounds, and said Department of Erie County Personnel has indicated to the Town that said position may be created, THEREFORE, BE IT

RESOLVED that the position of Superintendent of Buildings and Grounds be and hereby is created in the Town of Cheektowaga at a starting salary of \$13,900.00, per annum.

Upon Roll Call....

AYES: Supervisor Weber, Councilman Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Motion by Councilman Wasielewski, seconded by Councilman Johnson

WHEREAS, the position of Superintendent of Buildings and Grounds for the Town of Cheektowaga has been heretofore created by the said Town, NOW, THEREFORE, BE IT

RESOLVED that Raymond M. Matot, residing at _____, Cheektowaga, New York, be and hereby is appointed to the position of Superintendent of Buildings and Grounds for the Town of Cheektowaga at an annual salary of \$13,900.00 per annum, effective July 22, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, Fred F. Haberly has made application and requested the rezoning of property located at 574 French Road from R-Residential to RC-Restricted Business, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

Item No. 26 cont'd

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 18th, 1975 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielowski & Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

7/21/75

#23

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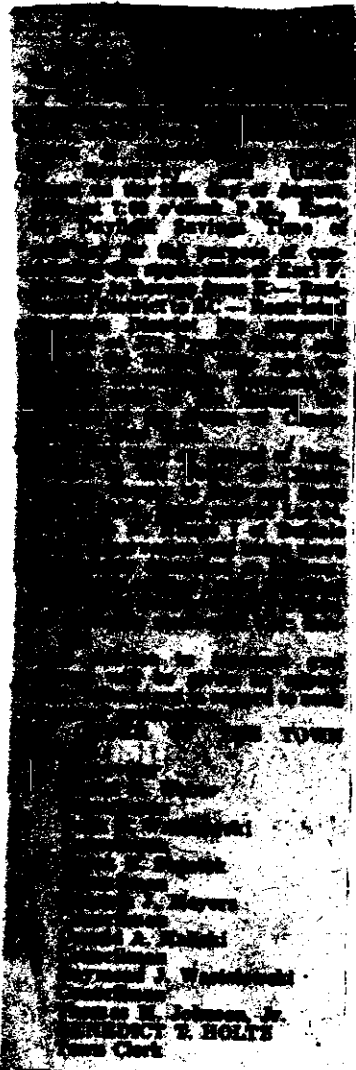
Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 7 day of August,
1975, and the last insertion being on the
day of same, 19.

Subscribed and sworn to before me this 7 day

Susan M. Schasel

of August, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Rainbow and Union Road, on the 18th day of August 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of Earl F. Haberly to Rezone from R-Residential District to RC - Restricted Business District the property located at 574 French Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 19-90 of the Town Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

A certain parcel of land, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of the 1st Township, Range 7 of Buffalo County, Pennsylvania and being more particularly described as follows: As shown on the Cover 288 filed in the Erie County Clerk's Office, the following description: Lot: Sublot 3B.

Persons of interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD
Superior Daniel E. Weber

John T. Wroblewski
Frank E. Swisak
Joseph J. Meyers
Donald A. Hefick
Raymond J. Wroblewski
Thomas M. Johnson, Jr.
BENEDICT T. HOLTZ
Town Clerk

#23

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Item No. 27 Motion by Councilman Johnson, seconded by Councilman Halicki

WHEREAS, a petition for the improvement of both sides of the public highway situated in the Consolidated Lighting District of the Town of Cheektowaga, hereinafter more particularly set forth, by the installation of street lighting equipment hereinafter more particularly described, was presented to this Town Board on the 21st day of July, 1975.

PUBLIC HIGHWAY TO BE IMPROVED

<u>Name of Highway</u>	<u>From</u>	<u>To</u>
Castlewood Drive	Parwood Drive and the east property line of subplot 123 M.C. 2278 on both sides of street westerly.	the end of the street; presently the west property lines of sublots 76 and 77, M.C. 2278.

TYPE OF STREET LIGHTING INSTALLATION

Twenty-five (25) 3350 lumen electrical post top type mercury units.

Estimated cost per year for two years \$7.65 (50' lot).

and

WHEREAS, Andrew H. Schwenk and Casimir A. Kozminski, Assessors of said Town of Cheektowaga, have certified in writing to this Board that the above petition is duly signed and acknowledged in the same manner as a deed to be recorded by the owners of more than one-half of the entire frontage or bounds on both sides of said highway to be improved as aforesaid, and

WHEREAS, the said highway to be improved as aforesaid is situated entirely in said Town outside of any incorporated village or city therein, NOW, THEREFORE,

IT IS HEREBY ORDERED that the Town Board of the Town of Cheektowaga, on the 18th day of August, 1975 at 7:30 o'clock P.M., Eastern Daylight Saving Time, to hear all persons interested in the subject thereof concerning the same, and

IT IS FURTHER ORDERED that a copy of this order, certified by the Town Clerk be published at least once in the DEPEW HERALD AND CHEEKTOWAGA NEWS and in the CHEEKTOWAGA TIMES, newspapers having a general circulation in the Town, not less than ten (10) nor more than twenty (20) days before the date set herein for the hearing, and shall also be posted on the signboard of the Town maintained pursuant to Subdivision six of Section thirty of the Town Law of New York not less than ten (10) nor more than twenty (20) days before the date set herein for the hearing.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

NOTARY PUBLIC
My Commission Expires March 30, 1976

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County

DEPEW HERALD
Depew, New York

BOOKKEEPER
Susan M. Schasel

TOWNSHIP CLERK
Benedict T. Bolte

I, **SUSAN M. SCHASEL**,
do hereby certify that I have
been duly sworn and have
been appointed as Bookkeeper
of the Depew Herald Journal
and Cheektowaga News, a
public newspaper published at
Depew, New York, that the
notice of which the annexed
printed slip taken from
said newspaper, is a copy,
was inserted and published
therein once a week for
one week, the first
insertion being on the
7th day of August
1975, and the last
insertion being on the
same day of August, 1975.

..... **Susan M. Schasel**

being duly sworn, deposes and says that she is the

..... **Bookkeeper** of the

..... **Depew Herald**, a

public newspaper published at

..... **Depew**, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for **1** weeks, the first

insertion being on the **7** day of **August**

19**75**....., and the last insertion being on the

day of **same**, 19..... .

Subscribed and sworn to before me this _____ **7** day
of _____ **August** _____ 19 **75**

_____ **Myrna Rosen** _____
Notary Public in and for Erie County **Myrna Rosen**

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19**76**

424

PROOF OF PUBLICATION

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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

[Heavily obscured and mostly illegible text, likely a transcript of a legal proceeding or a very faded document.]

Susan M. Schasel

being duly sworn, deposes and says that she is the

Bookkeeper

Depew Herald

public newspaper published at

Depew

New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 7 day of August

1975, and the last insertion being on the

day of same, 19

#23

#24

of the Town of Chesham, New York, New York, at the Town Hall, Town of Chesham, and Union Road, in said town on the 21st day of July, 1935 at 7:30 o'clock p.m. Eastern Daylight Saving Time then were:

PRESENT:

Supervisor Daniel E. Weber

Clerks:

Edith T. Winkler

Frank E. Swartz

Donald A. Hefelt

Raymond J. Winkler

Kenneth J. Meyers

Thomas M. Johnson

ABSENT:

Sam No. 77 Councilman Johnson presented the following resolution and moved its adoption:

RESOLUTIONS, a petition for the improvement of both sides of the public highway located in the Consolidated Lighting District of the Town of Chesham, hereafter more particularly set forth, by the installation of street lighting equipment hereafter more particularly described, was presented to this Town Board on the 21st day of July, 1935.

PUBLIC HIGHWAY TO BE IMPROVED

Name of Highway

Continental Drive

From

Proposed Drive and the east property line of lot 123 M.C. 228 on both sides of said street.

To

East side of the street, presently the west property line of lots 78 and 77 M.C. 228.

TYPE OF STREET

LIGHTING INSTALLATION

The Board has been advised that the proposed improvement of the public highway is a type temporary work. Estimated cost of the improvement for two years \$2,500 (\$1,250 per year).

RESOLUTIONS, hereafter more particularly set forth, by the installation of street lighting equipment hereafter more particularly described, was presented to this Town Board on the 21st day of July, 1935.

PUBLIC HIGHWAY TO BE IMPROVED

Name of Highway

Continental Drive

From

Proposed Drive and the east property line of lot 123 M.C. 228 on both sides of said street.

To

East side of the street, presently the west property line of lots 78 and 77 M.C. 228.

TYPE OF STREET

LIGHTING INSTALLATION

The Board has been advised that the proposed improvement of the public highway is a type temporary work. Estimated cost of the improvement for two years \$2,500 (\$1,250 per year).

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LIGHTING INSTALLATION

The Board has been advised that the proposed improvement of the public highway is a type temporary work. Estimated cost of the improvement for two years \$2,500 (\$1,250 per year).

RESOLUTIONS, hereafter more particularly set forth, by the installation of street lighting equipment hereafter more particularly described, was presented to this Town Board on the 21st day of July, 1935.

PUBLIC HIGHWAY TO BE IMPROVED

Name of Highway

Continental Drive

From

Proposed Drive and the east property line of lot 123 M.C. 228 on both sides of said street.

To

East side of the street, presently the west property line of lots 78 and 77 M.C. 228.

TYPE OF STREET

LIGHTING INSTALLATION

The Board has been advised that the proposed improvement of the public highway is a type temporary work. Estimated cost of the improvement for two years \$2,500 (\$1,250 per year).

Item No. 28 Motion by Councilman Meyers, seconded by Councilman Wasielewski

WHEREAS, there is need for Sewer System correction work in Sanitary Sewer District No. 3, now, THEREFORE, BE IT

RESOLVED that the Town Clerk is directed to publish a Notice to Bidders for the furnishing of all tools, equipment, labor and appurtenances required for construction for remedial purposes to implement the Sewer System Correction Program in accordance with plans and specifications prepared by Nussbaumer and Clarke, Consulting Engineers, said notice to be published in the CHEEKTOWAGA TIMES and the DEPEW HERALD (Cheektowaga News) and BE IT FURTHER

RESOLVED that the Town Board will meet at 2:30 P.M., Local Time on August 4th, 1975 for the purpose of properly opening and reading said bids.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on the 4th day of August, 1975 at 2:30 P.M., Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for furnishing all tools, equipment, materials, labor and appurtenances required for construction for remedial purposes of implementing the Sewer System Correction Program, in accordance with the Contract Documents thereof, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer and Clarke, Inc. Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, New York, all of which are on file in the Town Hall, Broadway and Union Road, Cheektowaga, New York. Bids shall be delivered or mailed to the Town Clerk at his office in the Municipal Building.

Copies of the proposed Contract Documents, Plans and Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at Nussbaumer and Clarke's Office upon payment of \$50.00 per set of documents.

Any bidder upon returning said Plans and Contract Documents in good condition, within thirty (30) days following the taking or the rejection of the bids, will be refunded the amount of their deposit. Non-bidders will similarly be refunded one-half of their deposit. Proposals shall be filed with the Town Clerk and no proposal will be accepted after 2:30 P.M., Local Time on the 4th day of August, 1975. Any bidders requesting more than two sets of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, Broadway and Union Road, Cheektowaga, New York 14227, and marked as "Proposal for Sewer Repair System, Cheektowaga Sewer District No. 3"

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with law, and herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

Item No. 28 cont'd

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract.

Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the construction and which are to be separately sold by the Contractor to the Owner prior to the incorporation into the construction pursuant to the provisions of the contract. These taxes are not to be included in the bid.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 21, 1975

PUBLISHED: July 24, 1975

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

7/21/75

PROOF OF PUBLICATION

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Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
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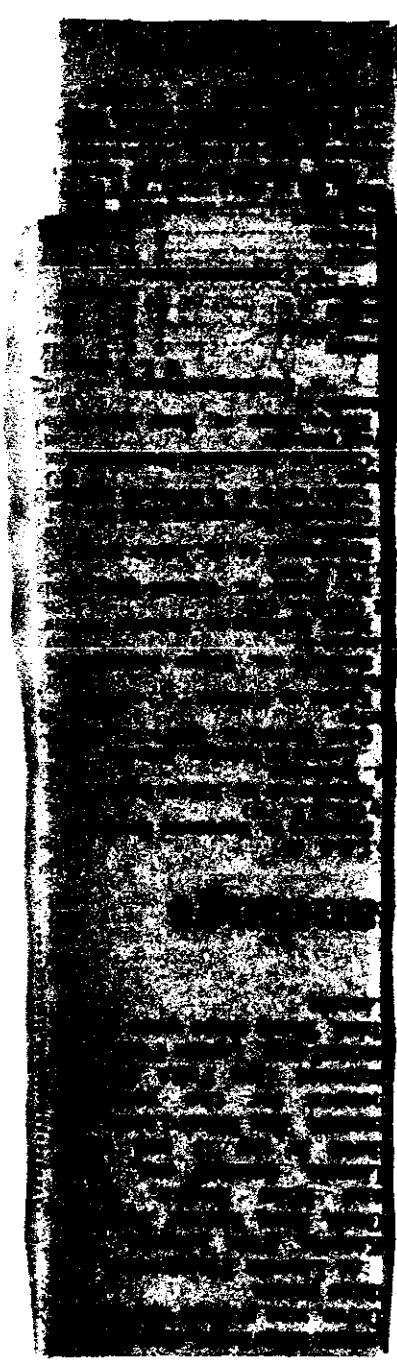
5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.

Susan M. Schasel

.....
being duly sworn, deposes and says that he is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 24 day of July,
1975, and the last insertion being on the
day of same, 19.....



Subscribed and sworn to before me this 24 day

Susan M. Schasel

of July 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

424

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

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day of **same**, 19.....

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#24
11/1

proposals will be received and considered by the Town Board of the Town of Cheektowaga on the 4th day of August, 1975, at 2:30 P.M. Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for furnishing all tools, equipment, materials, labor and appliances required for construction for essential purposes of implementing the Sewer System Correction Program, in accordance with the Contract Documents thereof, including Plans, Specifications, Instructions to Bidders, etc., prepared by Mazzaheimer and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, New York, all of which are on file in the Town Hall, Broadway and Union Road, Cheektowaga, New York. Bids shall be delivered or mailed to the Town Clerk at his office in the Municipal Building.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town office and at the office of the Engineer at 318 Delaware Avenue, Buffalo, New York 14202. Copies may be obtained at Mazzaheimer and Clarke's office upon payment of \$25.00 per set of documents.

The bidder upon returning said Plans and Contract Documents in good condition, within thirty (30) days following the taking or the rejection of the bid, shall be refunded the amount of their deposit. Non-bidders will similarly be refunded one-half of their deposit. Bids shall be filed with the Town Clerk and no proposal will be accepted after 2:30 P.M. Local Time on the 4th day of August, 1975. Any bidders requesting two (2) sets of documents may purchase the copies, but it is understood that they are not returnable.

All bids must be enclosed in a separate envelope and shall be addressed to the Town Board of the Town of Cheektowaga, Broadway and Union Road, Cheektowaga, New York 14227, and marked as "Proposal for Sewer Repair System, Cheektowaga Sewer District No. 1".

The right to reject any or all bids, to waive any irregularities in, or to make an award to other than the low bidder, shall if be deemed to be in the best interest of the Town of Cheektowaga and in accordance with law, and is hereby reserved.

Each proposal must be accompanied by a cash check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Town Clerk for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, certifying that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

The bidder may withdraw his bid within ten (10) days after the date set for the opening thereof, but may withdraw at any time prior to the scheduled time for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage to be paid under the Contract.

Attention of the bidders is further called to Section 204 of the Public

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Excise taxes under the laws of the State of New York and other and counties of the State on all materials which are to be incorporated into the construction and which are to be separately sold by the Contractor to the Owner prior to incorporation.

423

#24

425

Item No. 29 Motion by Councilman Johnson, seconded by Councilman Wasielewski

WHEREAS, it is necessary that seven (7) fire hydrants be moved in order to install sidewalks in their proper location on French Road, NOW, THEREFORE, BE IT

RESOLVED that the Erie County Water Authority is hereby requested to relocate the following fire hydrants in order to permit the proper installation of sidewalks along French Road:

862 French Road
794 French Road
756 French Road
702 French Road
658 French Road
614 French Road
554 French Road

and at north side of French Road opposite Colette Avenue.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Councilman Johnson, seconded by Councilman Meyers

BE IT RESOLVED that the owner of the parcel of land bearing the following descriptions and setting forth the assessment roll of this Town, are hereby ordered to construct a sidewalk in the streets on which their properties are abut, in accordance with the ordinance adopted June 6, 1955, and known as the "Sidewalk Ordinance" and the Town Clerk shall give notice of this order by registered mail addressed to each such owner at his aforementioned address, with return receipt requested, and such letter shall specify that said owner shall construct said sidewalk within thirty (30) days from date of said letter and that such sidewalk required to be so built shall not have been constructed within such time prescribed, the Town Board will cause the same to be done and audit and pay the expense thereof against the property benefited, as provided in section 200A of the Town Law of New York.

Hyland corner of Airport

Jeffords, Kenneth J. & W

Depew, New York 14043

Sublots 117-118

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Meyers, seconded by Councilman Wasielewski

WHEREAS, land developers must install water mains along the right-of-ways of new subdivisions, AND

WHEREAS, fire hydrants must be installed by the subdividers before the Erie County Water Authority accepts these water main extensions as part of their water transmission system; NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to the land developer to install one (1) hydrant in the Bellevue Fire District No. 9, said location is approved by Frank Genspacher, commissioner of Bellevue Fire District No. 9. The location of the hydrant is to be at or in the close proximity of the following location as shown on map cover 2354: (Marywood Farms; Part II-Subdivision)
Lynn Drive-In front of sub lot #6

Item No. 31 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 32 Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, a resolution was previously passed by the Town Board on June 16, 1975, relative to the Policemen's and Firemen's Retirement System and

WHEREAS, said resolution did not satisfy all of the technical requirements relative to benefits in the Policemen's and Firemen's Retirement System, NOW, THEREFORE
BE IT

RESOLVED that said resolution adopted on June 16, 1975, be and hereby is rescinded.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Councilman Halicki, seconded by Councilman Wroblewski

BE IT RESOLVED that the Town Board of the Town of Cheektowaga does hereby elect to pay on account of any member of its Police and Fire Department who has duly elected, or shall hereafter duly elect, to contribute the additional amount required for the purpose of retiring after twenty years of service as provided by Section 384-d of the Retirement and Social Security Law or any subsequent amendments thereto, the entire additional cost on account of the police or fire service rendered by such officer or member of the Police and Fire Department prior to the date of the adoption of this resolution and further agrees to pay one-half of the additional cost on account of Fire Department on and after January 1, 1976.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
NAYES: 0

Item No. 34 Motion by Councilman Swiatek, seconded by Councilman Meyers

RESOLVED that the following be hired Fore Hometown Beautification for summer employment 1975 to replace those individuals who were authorized to work, but have refused employment:

HOMETOWN BEAUTIFICATION at \$2.10 per hour:

Gary J. Pacer

Cheektowaga, New York 14227

Michael J. McCann

Cheektowaga, New York 14225

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

7/21/75

Item No. 35 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, in the negotiation of the 1973-74 Local 1026 Union Contract, it was determined that the job title and pay rate of Mr. Joseph Klosko was to be that of a Maintenance Man, and

WHEREAS, this title has never been changed, NOW, THEREFORE, BE IT

RESOLVED that Mr. Klosko's title be changed, effective immediately, to that of Maintenance Man.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Councilman Johnson, seconded by Supervisor Weber

RESOLVED that permission is hereby given to New York State Electric and Gas Corporation to install 6-42000 lumen HPS Lamps @ \$115.00 each and to remove 6 -42000 lumen fluorescent lamps @ \$113.29 each, in the Town Hall rear parking lot, Broadway and Union Roads, Town of Cheektowaga, in accordance with the attached proposal.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Councilman Johnson, seconded by Councilman Halicki

RESOLVED that permission is hereby given to New York State Electric & Gas Corporation to install 1-7000 lumen mercury lamp @ \$50.00 each, (Pole 8, Line 498) on Peoria St., in the Town of Cheektowaga, in accordance with the attached proposal.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 38 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED that the following transfer of funds in the Special Districts be approved:

	<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
8125.459	Consulting Svcs.	\$1,000.00	8135.413 Travel & Conference
8125.459	Consulting Svcs.	6,000.00	8135.459 Consulting Svcs.
8123.459	Consulting Svcs.	4,000.00	8133.459 Consulting Svcs.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 39 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending July 21, 1975, be and hereby are approved and that the Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General	2115	2282	\$ 407,590.10
Part Town	110	119	7,702.22
Highway	510	547	98,424.48
Special Districts	536	575	281,223.31
Federal Revenue Sharing	36	43	245,769.68
Trust and Agency	44	45	9,790.00
Construction & Improvement	19	11	<u>62,791.43</u>
			<u>\$1,113,291.65</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson
 NAYES: 0
 ABSENT: 0

Item No. 39A Summer help in Utility and Sewer Maintenance Department.
This item was withdrawn.

VI. FROM THE TABLE

Item No. 40 Motion by Councilman Swiatek, seconded by Councilman Wasielewski

WHEREAS, it is in order that bids be advertised to cover the construction of one, two, or three asphaltic tennis courts at three (3) locations; Maryvale U-Crest school grounds, Maryvale East school grounds, and the Tiorunda Court area, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a NOTICE TO BIDDERS for the construction of Tennis Courts, notice to be published in the CHEEKTOWAGA TIMES and the DEPEW HERALD (Cheektowaga News), and BE IT FURTHER

RESOLVED that the Town Board meet on the 4th day of August, 1975 at 2:30 P.M., Eastern Daylight Saving Time, at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on August 4, 1975 at 2:30 P.M., Eastern Daylight Savings Time at the Town Hall, corner of Broadway and Union Road, for the installation of one, two, or three asphaltic tennis courts at three different locations in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town Hall.

Item No. 40 cont'd

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informlities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

BENEDICT T. HOLTZ
Town Clerk

BTH/ow

DATED: July 24, 1975.

* * * * *

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielowski & Johnson
NAYES: 0
ABSENT: 0

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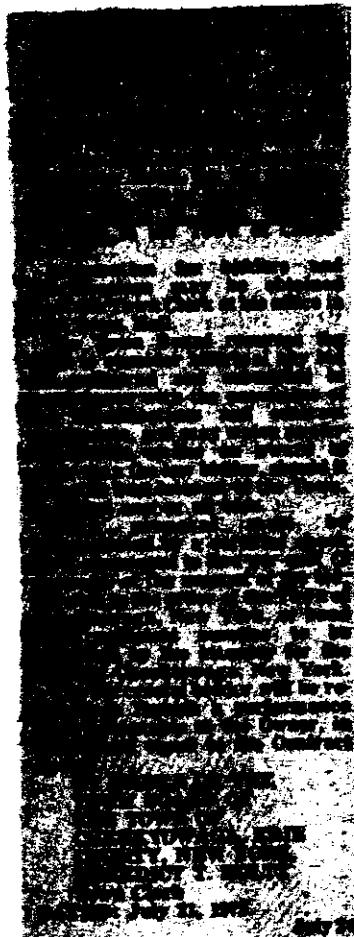
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COUNTY OF ERIE }



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#23

#2

#25

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Susan M. Schasel

of July, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

NOTICE TO BIDDERS

The Town Board of the Town of Cheektowaga at Regular Meeting on July 21, 1975 at 2:30 P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road, for the construction of one, two, or three public tennis courts at three different locations in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town Hall.

The Town Board reserves the right to modify or amend any bid not prepared in accordance with the specifications and contract documents, and may waive any irregularities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Highway for the Town of Cheektowaga, New York.

The accepted bidder will be required to furnish a performance bond amounting to 10% of the contract price.

TOWN OF CHEEKTOWAGA, NEW YORK

BENEDICT T. HOLTZ
Town Clerk

DATED: July 21, 1975

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Item No. 41 Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, there is need for additional Sewage Treatment Plant Operators in the Town Wastewater Treatment Plant No. 5, AND

WHEREAS, the PO-17 form outlining the duties of the position of Sewage Treatment Plant Operator Trainee was approved by the Erie County Department of Personnel, NOW, THEREFORE, BE IT

RESOLVED that five (5) positions of Sewage Treatment Plant Operator Trainee at Wastewater Treatment Plant No. 5 are hereby created.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson

NAYES: 0

ABSENT: 0

Item No. 42 Councilman Johnson presented the following amendment:

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, this is a resolution to create six (6) positions of Patrolmen in the Cheektowaga Police Department, and

WHEREAS, the necessary "PO-17" forms required by the Erie County Personnel Office has been submitted, NOW, THEREFORE, BE IT

RESOLVED that the following amendment to the original resolution be presented to say:

"Three (3) Patrolmen positions be and hereby are created in the Cheektowaga Police Department at a starting salary of \$11,481.00."

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Meyers & Johnson

NAYES: Councilmen Wroblewski, Swiatek, Halicki & Wasielewski

ABSENT: 0

Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, a request has been made for the creation of six (6) positions of Patrolmen in the Cheektowaga Police Department, and

WHEREAS, the necessary "PO-17" forms required by the Erie County Personnel Office have been submitted and approved, NOW, THEREFORE, BE IT

RESOLVED that six (6) Patrolmen positions be and hereby are created in the Cheektowaga Police Department, at a starting salary (annual) of \$11,481.00.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Halicki & Wasielewski

NAYES: Supervisor Weber, Councilmen Johnson & Meyers

ABSENT: 0

VII. SUSPENSION OF RULES

Motion by Councilman Swiatek, seconded by Councilman Halicki to suspend the rules to include the following resolutions:

Item No. 43 Call for public hearing for Traffic amendment - Article VIII

Motion by Councilman Halicki, seconded by Councilman Johnson

BE IT RESOLVED that a public hearing on a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967, be held on the 4th day of August, 1975 at 2:30 o'clock P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendment and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES on July 24, 1975; the said proposed amendment being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 4th day of August, 1975 at 2:30 o'clock p.m., Eastern Daylight Saving Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE VIII

STOP AND YIELD INTERSECTIONS

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>TRAFFIC STOPS</u>	<u>SIGN LOCATION</u>
Huth Road	East & West	S. Roycroft Blvd. Bigelow Road	Westbound	N.E. Corner
Lochland Dr.	North & South	Huth Road	Eastbound	S.W. Corner

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 21, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

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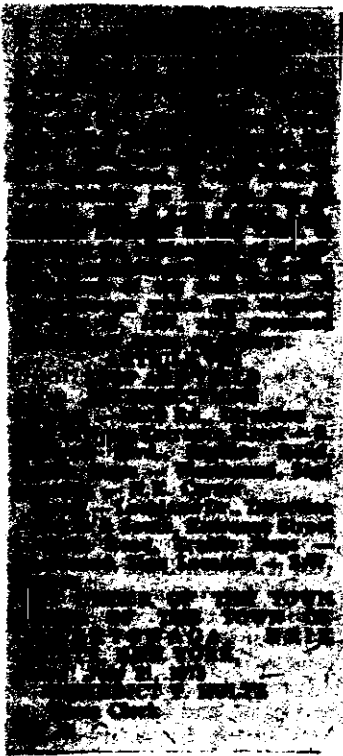
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Susan M. Schasel

of July, 1975

Myrna Rosen
Notary Public in and for Erie County **Myrna Rosen**

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

#23

#24

The Town of Cheektowaga, Erie County,
New York, do hereby certify that the
Town Board, at a regular meeting at the
Town Hall, corner of Broadway and
Main Street, in said Town of Cheektowaga,
on the 4th day of August, 1975 at
7:30 o'clock p.m. Eastern Daylight Saving
Time, to consider the advisability of
making an amendment to the Traffic
Code of the said Town of Cheektowaga,
which was adopted on July 17,
1974, and proposed amendment being as
follows:

ARTICLE VIII
STOP AND YIELD INTERSECTIONS
Section 24-0102. Direction - East &
West - Robert Street, S. Bennett Blvd.
Robert Road, Traffic Signs - Westbound,
at Junction R.E. Corner.
Section 24-0103. Direction - North &
South - Entrance Street - North Road,
Traffic Signs - Eastbound, Sign Location -
at Corner.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF CHEEKTOWAGA, ERIE
COUNTY, NEW YORK.
Signed July 21, 1975
BENJAMIN T. HOLZ
Town Clerk

#23

#24

#25

Item No. 44 Call for public hearing for traffic amendment - Article X

Motion by Councilman Halicki, seconded by Councilman Johnson

BE IT RESOLVED that a public hearing on proposed amendments to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967, be held on the 4th day of August, 1975 at 2:30 o'clock P.M., Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES on July 24th, 1975; the said proposed amendments being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 4th day of August, 1975 at 2:30 o'clock p.m., Eastern Daylight Saving Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE X

Section 102 is amended by adding thereto the following:

Titles as Shown

NO PARKING ANYTIME

HUTH ROAD . . . Southside . . . East from Harlem Road to South Roycroft Blvd.

Section 103 is amended by adding thereto the following:

Titles as Shown

NO PARKING 7 A.M. to 4 P.M. SCHOOLDAYS

HUTH ROAD . . . Northside . . . East from Harlem Road to intersection of . . . Bigelow Road . . . W. of island

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

BENEDICT T. HOLTZ
Town Clerk

DATED: July 21, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski & Johnson

NAYES: 0

ABSENT: 0

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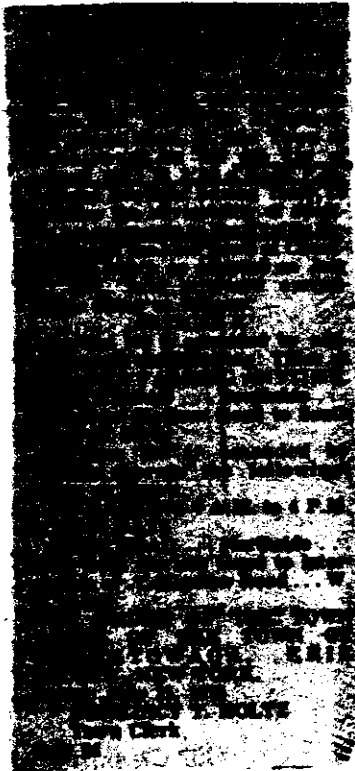
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Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

#23

#25

... New York will hold a public hearing at the Town Hall, corner of Broadway and ...
... on the 4th day of August, 1925 at ...
... 10 o'clock p.m. Eastern Daylight ...
... It is further the authority of ...
... amendments to the Traffic ...
... of the said Town of Cheektowaga which as adopted on July 17, 1925 ...
... amendments being as

ARTICLE X

... amendments by adding thereto the following:

Town of Cheektowaga

NO PARKING ANYTIME

WATER ROAD ... Northside ... East from ...
... Road to South Baycroft Road.

... amendments by adding thereto the following:

Town of Cheektowaga

NO PARKING 7 A.M. to 4 P.M.

SCHOOL DAYS

WATER ROAD ... Northside ... East from ...
... Road to intersection of ...
... Road ... W. of school

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.
Passed July 21, 1925

BENEDICT T. HOLTZ
Town Clerk

#23

#24

#25

Item No. 45 Authorization for Supervisor to pay sum to Brushenbrook property owners
Motion by Supervisor Weber, seconded by Councilman Johnson

WHEREAS, an award was granted in the condemnation proceedings of the Brushenbrook Hunting and Fishing Club, Inc. vs the Town of Cheektowaga for property located on Losson Road in the sum of \$168,100.00, and

WHEREAS, the Town Board and its retained counsel in said proceeding reviewed all aspects of the said proceedings and award including the potential merits and risks in appealing such award, and,

WHEREAS, as a result of such review it appears to the best interests of the Town not to appeal said award and to accept a final settlement of \$165,000.00, without interest, THEREFORE, BE IT

RESOLVED that the Town terminate said proceedings and not appeal said award, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to pay over the sum of \$165,000.00 to the Brushenbrook property owners upon completion of any additional proceedings legally necessary to raise said sum and transfer said monies, and the Supervisor is further authorized to execute any documents, stipulations and agreements on behalf of the Town which may be appropriate and necessary to finalize the acquisition of the said property by the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 46 Hiring of employees under E.E.A.

Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, funds are presently available under the Emergency Employment Act of 1971, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, established by the department head:

Laborer in the Cheektowaga Central School System at a rate of \$40.09 per hour

Grochowiak, Eugene P. , Depew, N.Y. 14043

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Swiatek, Meyers, Halicki, Wasielewski,
Wroblewski & Johnson
NAYES: 0
ABSENT: 0

Item No. 47 Trip for Councilman Swiatek

Motion by Supervisor Weber, seconded by Councilman Halicki

WHEREAS, Mario M. Cuomo, Secretary of State, of the State of New York, has requested the Town Supervisor to appoint a trainee representative to serve as a liaison for the determination of program needs and interests of the Intergovernmental Personnel Act, NOW, THEREFORE, BE IT

RESOLVED that Frank E. Swiatek is appointed as a trainee representative of the Town of Cheektowaga, and BE IT FURTHER

Item No. 47 cont'd

RESOLVED that Frank E. Swiatek is hereby authorized to attend a one day training session in Albany, New York within the next 30 days, and BE IT FURTHER

RESOLVED that all reasonable and legal expenses incurred be reimbursed by the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski & Johnson

NAYES: 0

ABSENT: 0

Item No. 48 Motion by Councilman Wasielewski, seconded by Councilman Wroblewski to adjourn the meeting.

MARY F. HOLTZ
Deputy Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Thomas M. Johnson

ABSENT: Councilman Raymond J. Wasielewski

Also present were: Mary F. Holtz, Deputy Town Clerk; John V. Rogowski, Town Attorney; James Kirisits, Deputy Town Attorney; Carl Trafalski, Building and Plumbing Inspector; Steve Marczynski, Assistant Town Engineer; Benedict Kostrzewski, Chief of Police; Ken Kopacz, Executive Director of the Youth Bureau; Dr. Louis Vendetti, Health Officer.

I. BIDS

Item No. 2 Installation of tennis courts at three (3) locations in the Town. Referred to Chester Bryan, Town Engineer.

Item No. 3 Remedial sewer work at Sanitary Sewer District #3.

Motion by Councilman Halicki, seconded by Supervisor Weber

WHEREAS, there was an error made in the specifications for the bids for Sewer System Correction work in Sanitary Sewer District No. 3, and

WHEREAS, there is need for sewer system correction work in Sanitary Sewer District No. 3, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is hereby directed to publish a Notice to Bidders for the furnishing of all tools, equipment, labor and appurtenances required for construction for remedial purposes to implement the Sewer System Correction Program in accordance with plans and specifications prepared by Nussbaumer and Clarke, Consulting Engineers, said Notice to be published in the CHEEKTOWAGA TIMES and the DEPEW HERALD (Cheektowaga News), and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:30 P.M., Local Time on August 18th, 1975 for the purpose of properly opening and reading said bids.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on the 18th day of August, 1975 at 7:30 P.M., Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for furnishing all tools, equipment, materials, labor and appurtenances required for construction for remedial purposes of implementing the Sewer System Correction Program, in accordance with the Contract Documents thereof, including Plans, Specification, Instructions to Bidders, etc prepared by Nussbaumer and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, New York, all of which are on file in the Town Hall, Broadway and Union Road, Cheektowaga, New York. Bids shall be delivered or mailed to the Town Clerk at his office in the Municipal Building.

#23

#24

Item No. 3 cont'd

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at Nussbaumer and Clarke's Office upon payment of \$50.00 per set of documents.

Any bidder upon returning said Plans and Contract Documents in good conditions, within thirty (30) days following the taking of the rejection of the bids, will be refunded the amount of their deposit. Non-bidders will similarly be refunded one-half of their deposit. Proposals shall be filed with the Town Clerk and no proposal will be accepted after 7:30 P.M., Local Time on the 18th day of August, 1975. Any bidders requesting more than two (2) sets of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, Broadway and Union Road, Cheektowaga, New York 14227, and marked as "Proposal for Sewer Repair System, Cheektowaga Sewer District No. 3."

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with law, and herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract.

Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the construction and which are to be separately sold by the Contract to the Owner prior to incorporation into the construction pursuant to the provisions of the Contract. These taxes are not to be included in the bid.

BENEDICT T. HOLTZ
Town Clerk

TOWN OF CHEEKTOWAGA, NEW YORK

DATED: August 4th, 1975

PUBLISHED: August 7th, 1975

Item No. 3 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, &
Johnson

NAYES: 0

ABSENT: Councilman Wasielewski

AFFIDAVITS-NEXT PAGE

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Publishers Of:

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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 7 day of August
1975, and the last insertion being on the
day of same, 19.....

Subscribed and sworn to before me this 7 day

Susan M. Schasel

of August, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

824

825

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STATE OF NEW YORK
COUNTY OF ERIE

ss.

[REDACTED]

Susan M. Schasel

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1975, and the last insertion being on the
day of same, 19.

424

proposals will be received and considered by the Town Board of the Town of Cheektowaga on the 10th day of August, 1958, at 7:30 P.M., Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for furnishing all tools, equipment, materials, labor and experiences required for construction for remedial purposes of implementing the Sewer System Correction Program, in accordance with the Contract Documents thereof, including Plans, Specifications, Instructions to Bidders, etc. prepared by Nussbaumer and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, New York, all of which are on file in the Town Hall, Broadway and Union Road, Cheektowaga, New York. Bids shall be delivered or mailed to the Town Clerk at his office in the Municipal Building.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineer at 218 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at Nussbaumer and Clarke's office upon payment of \$25.00 per set of documents.

Any bidder upon returning said Plans and Contract Documents in good condition, within thirty (30) days following the taking or the rejection of the bids, shall be refunded the amount of their deposit. Non-bidders will similarly be refunded one-half of their deposit. Bids shall be filed with the Town Clerk and no proposal will be accepted after 7:30 P.M., Local Time on the 10th day of August, 1958. Any bidders intending more than two (2) sets of documents must indicate the excess, but it is understood that they are not to be considered.

Proposals shall be opened in public session at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, at 10:00 A.M. on August 11, 1958, at the Town Clerk's office, Cheektowaga, New York.

The Town of Cheektowaga, New York, is the owner of the project and it is its policy to award the contract to the lowest bidder. The award shall be to the lowest bidder who complies with law, and who is qualified to perform the work.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with a surety company to be approved by the Town Board for the Town of Cheektowaga, New York, in a sum equal to five per cent of the amount of the bid. It is understood that, if his proposal is accepted, he will enter into a contract for the work, and that he will execute such other security as may be required for the faithful performance of the contract. A bidder may withdraw his bid within ten (10) days after the date set for the opening thereof, but may withdraw the same any time prior to the scheduled time for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract amount.

Attention of the bidders is called to the provisions as to conditions of employment to be observed and minimum wages to be paid to the workers.

Attention of the bidders is further called to Section 206 of the Public Works Law which requires a bidder's proposal to include a schedule of subcontractors of non-residents. Such schedule shall be a part of the bid or proposal form and shall be completed with each bid to be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and

Use taxes. The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Use taxes. The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Use taxes. The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Use taxes.

HEMERY T. WELLS
Town Clerk
TOWN OF CHEEKTOWAGA, NEW YORK
Buffalo, August 20, 1958
FILE NO.: August 20, 1958

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Bee Publications Inc.

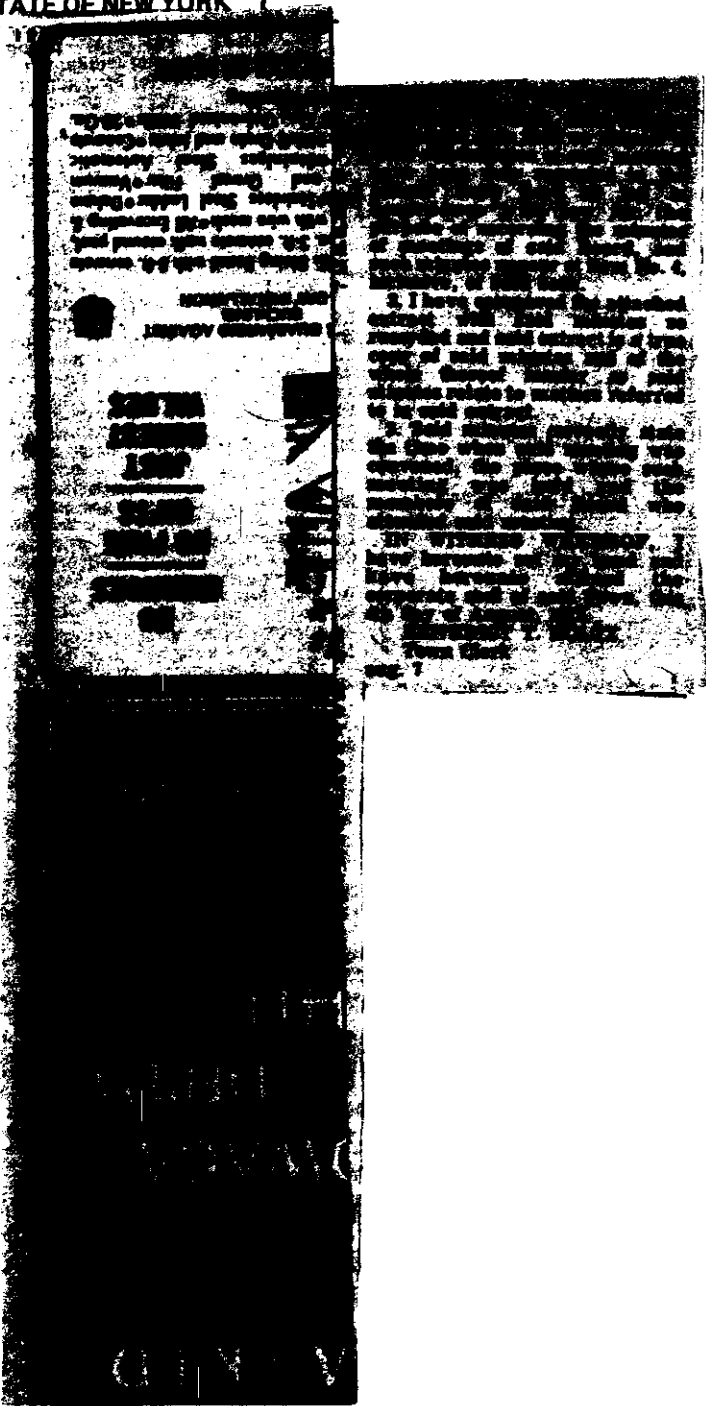
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PHONE: 632-4700

STATE OF NEW YORK

C 1



Susan M. Schasel

being duly sworn, deposes and says that he is the

Bookkeeper

of the

Depew Herald

a

public newspaper published at

Depew

, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 7 day of August

19 75, and the last insertion being on the

day of same, 19.....

Subscribed and sworn to before me this 7 day

of August 19 75

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
Commission Expires March 30, 1976

Form No. 1

424
425

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5564 MAIN STREET, WILLIAMSVILLE, N.Y. 14221 PHONE: 632-4700

STATE OF NEW YORK } ss. COUNTY OF ERIE }

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 14th day of August, 1975 at 9:00 o'clock a.m. Eastern Daylight Saving Time there were: ... IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto signed the corporate seal of said Town, this 14th day of August, 1975. ROBERT T. HOLTE, Town Clerk

Susan M. Schasel being duly sworn, deposes and says that she is the Bookkeeper of the Depew Herald, a public newspaper published at Depew, New York, that the notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for 1 weeks, the first insertion being on the 7 day of August, 1975, and the last insertion being on the same day of same, 19...

#24

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Daniel E. Weber
Councilmen:

Felix T. Wroblewski
Frank E. Swiatek
Kenneth J. Meyers
Thomas M. Johnson
Donald A. Halicki

ABSENT: Councilman Raymond J. Wasiolowski

Motion by Councilman Halicki seconded by Councilman Wroblewski

WHEREAS, this Town Board duly held a Public Hearing on the 4th day of August, 1975 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said Hearing being held in accordance with Notice thereof which was duly published as required by law, at said Hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Town Board determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE VII

STOP AND YIELD INTERSECTIONS

Street - Huth Road; Direction - East & West; Entrance Street - S. Haycraft Blvd., Western Road; Traffic Signs - Westbound; Sign Location - N.E. Corner.
Street - Lockland Drive; Direction - North & South; Entrance Street - Huth; Traffic Signs - Eastbound; Sign Location - S.W. Corner.

Section 2. This to take effect immediately except those parts, if any, which are subject to approval under the provisions of the Vehicle and Traffic Law of the State of New York.

Approved in writing is returned from the New York State Traffic Commission.

Section 3. Territorial Application
This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Tonawanda and Cheesecake.

Section 4. Publication and Posting.
This amendment to said Traffic Ordinance shall be entered in the minutes of the Town Board and shall be published in the Cheektowaga News and in the CHEEKTOWAGA TIMES, newspapers published in this Town, and a printed copy thereof shall be posted on the signpost maintained by the Town Clerk pursuant to Subdivision 6 of Section 38 of the Town Law of the State of New York, and all copies of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Supervisor Weber	Voting AYE
Wroblewski	Voting AYE
Swiatek	Voting AYE
Meyers	Voting AYE
Johnson	Voting AYE
Halicki	Voting AYE
Wasiolowski	Voting ABSENT

TOWNSHIP OF NEW YORK
COUNTY OF ERIE)

BENEDECT T. HOLTZ, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 4, 1975, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 4, inclusive, of said book.

2. I have compared the attached extract with said minutes as recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the date when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town, this 4th day of August, 1975.

Item No. 5 Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, this Town Board duly held a Public Hearing on the 4th day of August, 1975 to consider the advisability of adoption of proposed amendments to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said Hearing being held in accordance with Notice thereof which was duly published, as required by law, at which Hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. This this Town Board determine that it is in the public interest to adopt the following amendments to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE X

SECTION 102 is amended by adding thereto the following:

Titles as Shown

NO PARKING ANYTIME

HUTH ROAD . . . Southside . . . East from Harlem Road to South Roycroft Blvd.

SECTION 103 is amended by adding thereto the following:

Titles as Shown

NO PARKING 7 A.M. to 4 P.M. SCHOOLDAYS

HUTH ROAD . . . Northside . . . East from Harlem Road to intersection of . . .
Bigelow Road . . . W. of island

Section 2. Time to take effect.

(a) These amendments shall take effect immediately except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Depew and Sloan.

Section 4. Publication and Posting

That these amendments to said Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA NEWS and in the CHEEKTOWAGA TIMES, newspapers published in this Town, a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of these amendments specifying the date of adoption thereof.

UPon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, & Johnson

NAYES: 0

ABSENT: Councilman Wasielewski

8/4/75

PROOF OF PUBLICATION

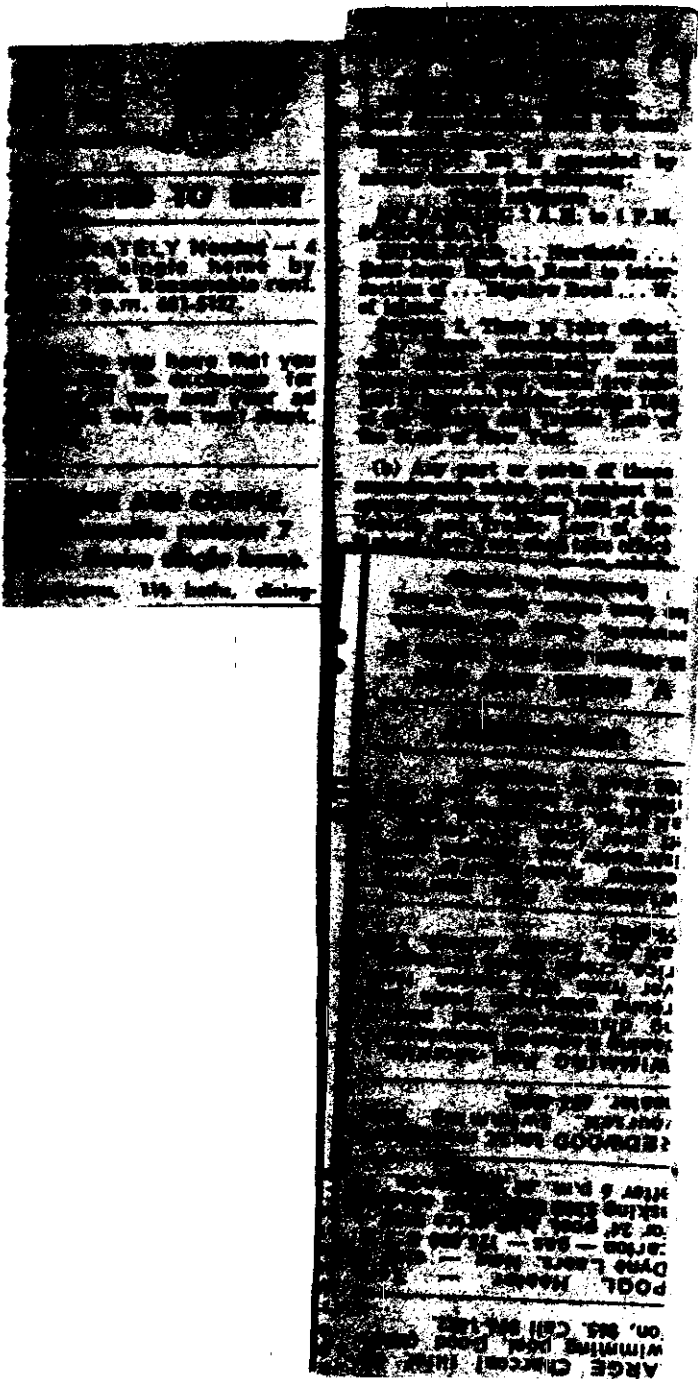
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PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE



Susan M. Schasel

being duly sworn, deposes and says that he is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 7 day of August,
1975, and the last insertion being on the
day of same, 19.

Subscribed and sworn to before me this 7 day

of August 19 75

Myrna Rosen (handwritten signature)

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

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COUNTY OF ERIE } ss.

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therein once a week for 1 weeks, the first
insertion being on the 7 day of August,
1975, and the last insertion being on the
day of same, 1975.

FROM MINUTES
OF CHEEKTOWAGA
TOWN BOARD
At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, located at Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 o'clock p.m. Eastern Daylight Time there were:
PRESENT:
Supervisor
Daniel E. Weber
Councilman
Felix T. Wrzesniewski
Councilman
Frank E. Swartz
Councilman
Kenneth J. Mayers
Councilman
Thomas M. Johnson
Councilman
Donald A. Halicki
ABSENT:
Councilman
Raymond J. Wasielewski

Section 1. That the Town Board determine that it is in the public interest to adopt the following amendments to the Traffic Ordinance of the Town of Cheektowaga, Erie County of Erie, and State of New York, and said amendments are herewith adopted and enacted:

Section 2. These amendments shall take effect immediately except those amendments which are subject to approval under Section 109 of the Vehicle and Traffic Law of the State of New York.
(b) Any part or parts of these amendments which are subject to approval under Section 109 of the Vehicle and Traffic Law of the State of New York shall take effect seven (7) days after the day on which approval in writing is received from the New York State Traffic Department.

Section 3. Formal Application
These amendments shall apply
to the Town of Cheektowaga,
Erie County, New York, outside of
the Village of Depew and Sloon.
Section 4. Publication and
Posting of Amendments to said
Ordinance shall be entered
in the minutes of this Town Board
and shall be published in the
CHEEKTOWAGA NEWS and in
the CHEEKTOWAGA TIMES,
a newspaper published in this
Town and a printed copy thereof
shall be posted on the signboard
maintained by the Town Clerk
pursuant to Subdivision 6 of
Section 11 of the Town Law of the
State of New York, and affidavits
of such publication and posting
shall be filed with the Town Clerk
by the Town Clerk and likewise
a copy of the Ordinance Book a copy
of these amendments specifying
the date of adoption thereof.
Daniel E. Weber
Supervisor
Raymond J. Wasielewski
Councilman
Frank E. Swartz
Councilman
Kenneth J. Mayers
Councilman
Thomas M. Johnson
Councilman
Donald A. Halicki
Councilman
Raymond J. Wasielewski
Councilman

STATE OF NEW YORK
COUNTY OF ERIE
BENEDICT T. HOLTZ, Town
Clerk of the Town hereinafter described, DO HEREBY CERTIFY
as follows:
1. A regular meeting of the Town
Board of the Town of Cheektowaga, a town located in the
County of Erie, State of New York,
was held on August 4, 1975,
and minutes of said meeting have
been duly recorded in the Minute
Book kept by me in accordance
with law for the purpose of re-
porting the minutes of meetings of
said Board, and such minutes
appear at item No. 5, inclusive, of
said book.
2. I have compared the attached
extract with said minutes so re-
corded and said extract is a true
copy of said minutes and of the
whole thereof insofar as said
minutes relate to matters referred
to in said extract.
3. Said minutes correctly state
the time when said meeting was
convened, the place where such
meeting was held and the
members of said Board who
attended said meeting.
IN WITNESS WHEREOF, I
have hereunto set my hand and
have hereunto affixed the
corporate seal of said Town, this
4th day of August, 1975.
BENEDICT T. HOLTZ,
Town Clerk

#24

#25

... of the Town of ...
... of the 4th day of August, 1975
... Eastern Daylight
Saving Time there were:

PRESENT:
Supervisor Daniel E. Weber
Councilman:
Felix T. Wroblewski
Frank E. Swigak
Kenneth J. Meyers
Thomas M. Johnson
Donald A. Heltzi
ABSENT: Councilman Raymond J.
Wroblewski

Resolution by Councilman Heltzi second
ed by Councilman Wroblewski:
WHEREAS, the Town Board duly held a
Public Hearing on the 4th day of August,
1975 to consider the advisability of
adoption of proposed amendments to the
Traffic Ordinance of the Town of
Chickstown, which was adopted on
July 17, 1977, said hearing being held in
accordance with Notice thereof which
was duly published as required by law, or
which had no published notice as required
was attended and persons interested in the
subject thereof.
NOW, THEREFORE, BE IT REQUIRED
as follows:

Section 1. That the Town Board
also that it is in the public interest to
adopt the following amendments to the
Traffic Ordinance of the Town of Chick-
stown, County of Erie, State of New York,
and said amendments be adopted and
adopted and enacted:

ARTICLE X
SECTION 102 to be amended by adding
therein the following:
Taken as Shown
NO PARKING ANYTIME
NO PARKING ANYTIME
Hudson Road to South Street
SECTION 103 to be amended by adding
therein the following:
Taken as Shown
NO PARKING 7 A.M. TO 1 P.M.
SCHOOLS DAYS

HIGHWAY ROAD - Northside - East from
Hudson Road to subdivision of
Hudson Road - W. of Island
Section 2. Time to take effect.
(a) These amendments shall take
effect immediately except those parts, if
any, which are subject to approval under
Section 104 of the Vehicle and Traffic
Law of the State of New York.
(b) Any part or parts of these amend-
ments which are subject to approval
under section 104 of the Vehicle and
Traffic Law of the State of New York
shall take effect from and after the day
on which approval in writing is received
from the New York State Traffic
Commission.

Section 3. Territorial Application
These amendments shall apply to all of
the Town of Chickstown, Erie County,
New York, outside of the Villages of
Depew and Swan.

Section 4. Publication and Posting
That these amendments to said Traffic
Ordinance shall be entered in the minutes
of the Town Board and shall be published
in the Chickstown News and in the
CHEEKTOWAGA TIMES, newspapers
published in this Town, and a printed
copy thereof shall be posted on the
signpost maintained by the Town Clerk
pursuant to Subdivision 5 of Section 211 of
the Town Law of the State of New York,
and affidavits of such publication and
posting shall be filed with the Town Clerk
and the Town Clerk shall likewise enter
to the Ordinance Book a copy of these
amendments specifying the date of
adoption thereof.
Then and so on ...
Supervisor Weber
Councilman:
Wroblewski
Swigak
Meyers
Johnson
Heltzi

Wading AVE
Wading AVE
Wading AVE
Wading AVE
Wading AVE
Wading AVE
Wading AVE
Wading AVE

STATE OF NEW YORK
COUNTY OF ERIE
I, **BENEDICT T. HOLTZ**, Town Clerk of
the Town, hereinafter described, DO
HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board
of the Town of Chickstown, a town
located in the County of Erie, State of
New York, was duly held on August 4,
1975, and minutes of said meeting have
been duly recorded in the Minute Book
kept by me in accordance with law for
the purpose of recording the minutes of
meetings of said Board, and such
minutes appear at item No. 5, inclusive,
of said book.

2. I have compared the attached
extract with said minutes so recorded and
said extract is a true copy of said minutes
and of the whole thereof insofar as said
minutes relate to matters referred to in
said extract.

3. Said minutes correctly state the
time when said meeting was convened,
the place where such meeting was held
and the members of said Board who
attended said meeting.

IN WITNESS WHEREOF, I have here-
unto set my hand and have hereunto
affixed the corporate seal of said Town,
the 4th day of August, 1975.
BENEDICT T. HOLTZ
Town Clerk

III. GENERAL COMMUNICATIONS

Item No. 6 N.Y.S. Department of Transportation - Signal #132 at Union and William
Referred to the Cheektowaga Traffic Safety Commission; Referred to the
Chief of Police, Benedict Kostrzewski

Item No. 7 Cheektowaga Traffic Safety Commission - Recommendations-pedestrian and
street signs.
Referred to Benedict Kostrzewski, Chief of Police.

Item No. 8 Cheektowaga Traffic Safety Commission - Closing of street in front of
Cleveland Hill School.
Referred to Benedict Kostrzewski, Chief of Police.

Item No. 9 NOTICE OF CLAIM
Referred to John V. Rogowski, Town Attorney.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 10 Building Permits
Received and Filed.

Item No. 11 Engineering - hydraulic seeding of Slate Bottom Creek - Notice to Bidders
Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, it is in order that bids be advertised to cover hydraulic
seeding of Slate Bottom Creek, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a NOTICE TO BIDDERS
for hydraulic seeding of Slate Bottom Creek, notice to be published in the CHEEKTOWAGA
TIMES and the DEPWW HERALD (Cheektowaga News), and BE IT FURTHER

RESOLVED that the Town Board meet on the 18th day of August, 1975 at
7:30 P.M., Eastern Daylight Savings Time, at the Town Hall, Broadway and Union Road,
Cheektowaga, New York for the purpose of receiving sealed bids at which time they will
be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of
the Town of Cheektowaga on August 18th, 1975 at 7:30 P.M., Eastern Daylight Saving
Time at the Town Hall, corner of Broadway and Union Road, for the furnishing and
application of hydraulic seed and mulching at Slate Bottom Creek in the Town of
Cheektowaga.

Information for bidders and specifications may be obtained from the
Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not
prepared and submitted in accordance with the provisions of the specifications and
contract documents, and may waive any informalities, make an award to other than the
two bidder, should it be in the best interests of the Town, or reject any and all bids.

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

BENEDICT T. HOLTZ
Town Clerk

DATED: August 4th, 1975
PUBLISHED: August 7th, 1975

#24

#25

Item No. 11 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, &
Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVITS-NEXT PAGE

#24

#25

8/4/75

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the

Bookkeeper

of the

Depew Herald

, a

public newspaper published at

Depew

, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 7 day of August

1975, and the last insertion being on the

day of same, 1975.

Official and public notice...
Attest: August 7, 1975

424
425

Subscribed and sworn to before me this 7 day

Susan M. Schasel

of August 7 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
Commission Expires March 30, 1976

Resolved by the Town Board of the
Town of Cheektowaga on August 10, 1975
at 7:30 P.M. O.S.T. at the Town Hall,
corner of Broadway and Union Road, for
the furnishing and application of hydro-
excavation and ridding of Stone Bottom
Drain in the Town of Cheektowaga.

Information by bidding and specifica-
tions may be obtained from the Town
Clerk at his office in said Town.

The Town Board reserves the right to
accept or reject any bid not prepared
and submitted in accordance with the
provisions of the specifications and
contract documents, and may waive any
provisions, make an award to other
bids, or the low bidder should it be in the
best interests of the Town, or reject any
bid at all.

In the order of the Town Board of the
Town of Cheektowaga, Erie County, New
York.

BENEDICT J. HOLTZ
Town Clerk

DATED: August 4, 1975
PUBLISHED: August 7, 1975

Item No. 12 Engineering - dismantling and removal of five (5) ton hoist with cab and bucket - Award of bid.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the dismantling and removal of a five (5) ton hoist, cab, and bucket from the former incinerator building, 3175 Union Road, Cheektowaga, New York, which bids were duly received and opened at the July 21 meeting, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, said Town Engineer has submitted the same, which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the contract for the dismantling and removal of a five (5) ton hoist, cab, and bucket be awarded to Buffalo Electric Motor and Transmission and Supply, Inc., 1740 Elmwood Avenue, Buffalo, New York 14207, for their bid in the amount of \$125.00 to be paid to the Town of Cheektowaga, said bid meeting all the requirements of the specifications.

* See next page for letter

024



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

July 31, 1975

TO THE SUPERVISOR AND THE
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Dismantling and Removal of a five (5)
ton Hoist with Cab and Bucket.

Dear Sirs:

At the regular Town Board meeting of July 21, 1975, bids were received and publicly opened for the Dismantling and Removal of a five (5) ton Hoist with Cab and Bucket from the former incinerator building at 3175 Union Road, Cheektowaga, New York. Four bid proposals were picked up and one (1) bid was received to pay the Town of Cheektowaga as follows:

Buffalo Electric Motor and Transmission and Supply, Inc.	\$125.00
---	----------

It is, therefore, recommended that the bid be awarded to Buffalo Electric Motor and Transmission and Supply, Inc., 1740 Elmwood Avenue, Buffalo, New York 14207 for the submission of the highest bid to be paid to the Town of Cheektowaga meeting the requirements of specifications for the dismantling and removal of the five (5) ton hoist, cab, and bucket.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

BY Steven T. Marcynski
Steven T. Marcynski
Sr. Engineer Assistant

CLB:SIM:tw

Item No. 12 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 13 Supervisor's Statement of Funds Received and Filed.

V. RESOLUTIONS

Item No. 14 Call for public hearing - Borden Road water lines

Motion by Councilman Johnson, seconded by Supervisor Weber to table this item.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 15 Motion by Supervisor Weber, seconded by Councilman Johnson

WHEREAS, an agreement regarding record data for law enforcement purposes has been received by the Cheektowaga Police Department from the Erie County Department of Central Police Services, and

WHEREAS, said Agreement has been reviewed by Benedict L. Kostrzewski, Chief of Police, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to sign said Agreement on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Chief of Police be and hereby is authorized to sign said agreement on behalf of the Town of Cheektowaga Police Department.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 16 Motion by Councilman Wroblewski, seconded by Councilman Halicki

WHEREAS, Pitt-Orchard, Inc. has applied for a rezoning from R-Residential District to C-Retail Business District the property located at 3083 William Street, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF PROPERTY situate in the Town of Cheektowaga, County of Erie and State of New York and being part of Lot 64, Township 10 and Range 7 of the Holland Land Company's Survey and more particularly described as follows:

POINT OF BEGINNING IS in the southerly bounds of William Street as widened by Parcel #35SK197-43R taken by Erie County Department of Public Works where said southerly bounds is intersected by the west bounds of Town of Cheektowaga C Zoning described as a line drawn at right angles to the original south line of William Street at a point in said south bounds Five Hundred and Ninety (590) feet westerly from the west bounds of Union Road; thence southerly and along the said west bounds of Town of Cheektowaga C Zoning a distance of about Two Hundred Ninety-Five (295 plus or minus) feet

Item No. 16 cont'd

to Cayuga Creek; thence westerly and along Cayuga Creek a distance of about Five Hundred Twenty-Five (525 plus or minus) feet to a point in the easterly line of a 100' wide Power Line Easement in deed Liber 7380 Page 173 being the west line Liber 7465 Page 370; thence northerly along the said west line Liber 7495 Page 370 about Three Hundred Sixty-Five (365 plus or minus) feet to the southerly bounds of William Street as widened by above Parcel #35SK197-43R; thence easterly along the delineated line Parcel #35SK197-43R Five Hundred Eleven and Sixty-Seven Hundredths (511.67) feet to the Point of beginning in the west bounds of existing Town of Cheektowaga C Zoning

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 21st day of July, 1975 at 7:00 p.m., Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York, and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, and would be a continuation of the zoning of the surrounding area, NOW, THEREFORE, BE IT

RESOLVED that the above described premises be and hereby are rezoned from R-Residential District to C-Retail Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVITS-NEXT PAGE

#24

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor
Daniel E. Weber
Councilman
Felix T. Wroblewski
Councilman
Frank E. Swiatek
Councilman
Kenneth J. Meyers
Councilman
Thomas M. Johnson
Councilman
Donald A. Halicki
Councilman
ABSENT:
Councilman
Raymond J. Wankiewicz

Motion by Councilman Wroblewski seconded by Councilman Halicki

Resolved that the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said meeting.

Resolved that the proposed ordinance be adopted with the use and enjoyment of the surrounding area by the owners or occupants thereof, and shall be a continuation of the uses of the surrounding area.

Resolved that the above described provisions be and they are hereby adopted and BE IT FURTHER

Resolved that the Town Board in the Town Clerk's Office be

Open All Day
Supervisor Weber
Voting AYE
Councilman Wroblewski
Voting AYE

DO NOT WRITE IN THESE SPACES
CARPETS - CLEAN UP
DO NOT WRITE IN THESE SPACES

RESOLVED THAT THE PROVISIONS OF THE TOWN ORDINANCE AND THE TOWN LAW OF THE STATE OF NEW YORK AND ALL INTERESTED PARTIES WERE GIVEN AN OPPORTUNITY TO BE HEARD AT SAID MEETING.
RESOLVED THAT THE PROPOSED ORDINANCE BE ADOPTED WITH THE USE AND ENJOYMENT OF THE SURROUNDING AREA BY THE OWNERS OR OCCUPANTS THEREOF, AND SHALL BE A CONTINUATION OF THE USES OF THE SURROUNDING AREA.
RESOLVED THAT THE ABOVE DESCRIBED PROVISIONS BE AND THEY ARE HEREBY ADOPTED AND BE IT FURTHER
RESOLVED THAT THE TOWN BOARD IN THE TOWN CLERK'S OFFICE BE

Susan M. Schasel

being duly sworn, deposes and says that she is the

Bookkeeper

of the

Depew Herald

a

public newspaper published at

Depew

, New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 7 day of August

1975, and the last insertion being on the

day of same, 1975.

Subscribed and sworn to before me this 7 day

of August, 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

424

PROOF OF PUBLICATION

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WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor
Daniel E. Weber
Councilman
Felix T. Wroblewski
Councilman
Frank E. Swiatek
Councilman
Kenneth J. Meyers
Councilman
Thomas M. Johnson
Councilman
Donald A. Halicki
ABSENT:
Councilman
Raymond J. Wasielewski

Motion by Councilman Wroblewski seconded by Councilman Halicki:

WHEREAS, Pitt-Ochard, Inc. has applied for a rezoning from R-Residential District to C-Retail Business District the property located at 3883 William Street, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF PROPERTY situated in the Town of Cheektowaga, County of Erie and State of New York and being part of Lot 6A, Block 19 and Range 7 of the General Land Company's Survey and more particularly described as follows:

POINT OF BEGINNING IS in the southerly bounds of William Street as widened by Parcel No. 358K197-42R taken by Erie County Department of Public Works and said southerly bounds to be bounded by the west bounds of the Town of Cheektowaga C-Zoning Ordinance as a line drawn at right angles to the original south line of William Street at a point in said west bounds Five Hundred and Twenty-Five (225) feet westerly from the east bounds of Union Road; thence southerly and along the said west bounds of Town of Cheektowaga C-Zoning Ordinance a distance of about Two Hundred Twenty-Five (225) feet to the west bounds of said Union Road; thence westerly and along the said west bounds a distance of about Five Hundred Twenty-Five (225) feet to a point in the easterly line of a 120' wide Power Line Easement in deed Liber 7380 Page 173 being the west line Liber 7485 Page 379; thence northerly along the said west line Liber 7485 Page 379 about Three Hundred Sixty-Five (365) feet to the southerly bounds of William Street as widened by above Parcel No. 358K197-42R; thence easterly along the delineated line Parcel No. 35 SK197-42R Five Hundred Eleven and Sixty-Seven Hundredths (511.67) feet to the Point of beginning in the west bounds of existing Town of Cheektowaga C-Zoning Ordinance and to amend the zoning Map and Ordinance accordingly, pursuant to Section 10-60 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 21st day of July, 1975, at 7:00 p.m. Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, and would be a continuation of the zoning of the surrounding area; therefore, BE IT

RESOLVED that the above described premises be and hereby are rezoned from R-Residential District to C-Retail Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be amended accordingly.

Open roll call . . .
Supervisor Weber
Voting AYE
Councilman Wroblewski
Voting AYE

STATE OF NEW YORK
COUNTY OF ERIE

Before me, the undersigned authority, on this 4th day of August, 1975, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 4th day of August, 1975.

Town Clerk

Aug. 7

Susan M. Schasel

being duly sworn, deposes and says that he is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 week's, the first
insertion being on the 7 day of August,
1975, and the last insertion being on the
day of same, 1975.

All members of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, Cheektowaga, New York, on the 4th day of August, 1975 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

- PRESENT:**
 Supervisor Daniel E. Weber
 Councilmen:
 John T. Wroblewski
 Frank E. Swistak
 Kenneth J. Meyers
 Thomas M. Johnson
 Donald A. Halicki

ABSENT: Councilman Raymond J. [Name obscured]

MOVED - by Councilman Wroblewski
 seconded by Councilman Halicki
 that the following rezoning be approved:

REASONS: FHO Orchard, Inc. has applied for a rezoning from R-Residential District to C-Retail Business District the property located at 3823 William Street, Cheektowaga, New York, and being more particularly described as follows:

THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York and being part of Lot 86, Block 11 and Range 7 of the Holland and Company's Survey and more particularly described as follows:
THAT PARCEL OF LAND is in the southeast corner of William Street as shown by Parcel / [Number obscured] taken by the County Department of Public Works where said southeast corner is intersected by the west bounds of Town of Cheektowaga C-Zoning described as a residential zoning district and original plat of [Number obscured] Block 11 and Range 7 of the Holland and Company's Survey and more particularly from the west bounds of Holland Street and southerly westerly along the said west bounds of Town of Cheektowaga C-Zoning a distance of [Number obscured] feet to the center line of Holland Street and [Number obscured] feet to a point in the southeast corner of said parcel as shown on Parcel Map [Number obscured] Page 123 of Volume [Number obscured] of the Erie County Clerk's Office and Parcel Map [Number obscured] Page 124 of Volume [Number obscured] of the Erie County Clerk's Office.

WHEREAS the Erie County Clerk of Erie County, New York,

has caused a public hearing to be held at the Cheektowaga Town Board on the 1st day of July, 1975, at 7:30 p.m. Eastern Daylight Saving Time after which public notice was given by publication in the Town of Cheektowaga of the Town of Cheektowaga Law of the State of New York and approved ordinances given to the Town of Cheektowaga and Erie County.

It appears that the proposed rezoning is in accordance with the provisions of the zoning ordinance of the Town of Cheektowaga, Erie County, New York.

ROLL:
APPROVED:
ABSENT:
SENATE OF NEW YORK
CLERK OF COUNTY
 [Name obscured] Town Clerk of Erie County
 [Name obscured] Erie County

Thomas M. J. ...
Donald A. Halicki
PRESENT: Councilman Raymond J. ...

Motion by Councilman Wroblewski
Seconded by Councilman Halicki
WHEREAS, Pte-Orchard, Inc. has
applied for a rezoning from R-Residential
District to C-Retail Business District
the property located at 3083 William Street,
Cheektowaga, New York, and being
more particularly described as follows:

ALL THAT TRACT OR PARCEL OF
PROPERTY situate in the Town of
Cheektowaga, County of Erie and State
of New York and being part of Lot 84,
Township 10 and Range 7 of the Holland
Land Company's Survey and more
particularly described as follows:

POINT OF BEGINNING IS in the
southerly bounds of William Street as
indicated by Parcel #35SK137-43R taken
by Erie County Department of Public
Works where said southerly bounds is
intersected by the west bounds of Town
of Cheektowaga C Zoning described as a
line shown at right angles to the original
south line of William Street at a point in
said south bounds Five Hundred and
Ninety (500) feet westerly from the west
boundary of Union Road; thence southerly
and along the said west bounds of Town
of Cheektowaga C Zoning a distance of
Five Hundred Ninety-Five (295 plus
or minus) feet to Cayuga Creek; thence
easterly and along Cayuga Creek a
distance of about Five Hundred Twenty-
Five (525 plus or minus) feet to a point in
the westerly line of a 100' wide Power Line
indicated in deed Liber 7388 Page 173
using the west line Liber 7405 Page 370;
thence southerly along the said west line
Liber 7405 Page 370 about Three Hundred
Sixty-Five (365 plus or minus) feet to the
southerly bounds of William Street as
indicated by above Parcel #35SK137-43R;
thence easterly along the delineated line
to the east line of said Power Line as shown

424

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Section 10.05 of the Zoning Ordinance of
the Town of Cheektowaga, New York.

WHEREAS, a public hearing was held
before the Cheektowaga Town Board on
the 21st day of July, 1975, at 7:00 p.m.
Eastern Daylight Saving Time after
publication of the notice as required by
the provisions of the Town Ordinance
and the Town Law of the State of New
York and all interested parties were given
an opportunity to be heard at said
hearing and

WHEREAS, it appears that the pro-
posed rezoning would not interfere with
the use and enjoyment of the surrounding
area and would be a continuation of the zoning
of the surrounding area, now, therefore,

RESOLVED that the above described
property be and hereby is rezoned from
Residential District to C-Retail Busi-
ness District, and BE IT FURTHER
RESOLVED that the Zoning Map in the
Town Clerk's Office be changed accord-

Roll call

Supervisor Weber	Voting AYE
Councilman:	
Wroblewski	Voting AYE
Halicki	Voting AYE
...	Voting AYE
...	Voting AYE
Wroblewski	Voting ABSENT

AYES: 6
NOYES: 0
ABSENT: 1

STATE OF NEW YORK
COUNTY OF ERIE

BENEDICT T. HOLTZ, Town Clerk of
the Town hereinafter described, DO
HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board
of the Town of Cheektowaga, a town
located in the County of Erie, State of
New York, was duly held on August 4,
1975, and minutes of said meeting have
been duly recorded in the Minute Book
kept by me in accordance with law for
the purpose of recording the minutes of
meetings of said Board, and such
minutes appear at item No. 16, inclusive,
of said book.

2. I have compared the attached
extract with said minutes so recorded
and said extract is a true copy of said
minutes and of the whole thereof insofar
as said minutes relate to matters referred
to in said extract.

3. Said minutes correctly state the
time when said meeting was convened,
the place where such meeting was held
and the members of said Board who
attended said meeting.

IN WITNESS WHEREOF, I have here-
unto set my hand and have hereunto
affixed the corporate seal of said Town,
this 4th day of August, 1975.
BENEDICT T. HOLTZ
Town Clerk

Item No. 17 Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, this Town Board, at a meeting held February 18th, 1975, adopted a resolution that the Town Board meet at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 24th day of March, 1975 at 7:00 o'clock P.M., Eastern Daylight Saving Time, for the purpose of considering the advisability of rescinding the previously adopted FIRE PREVENTION CODE, and adopting a new FIRE PREVENTION CODE, Recommended by the American Insurance Association, 1970 Edition, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, not less than 10 days prior to the date of the hearing, as is shown by the duly verified affidavits of publication and posting now on file in the Town Clerk's Office, and

WHEREAS, pursuant to said resolution, the Town Board of the Town of Cheektowaga, New York, did meet on the 24th day of March, 1975, at the Town Hall in the Town of Cheektowaga, New York for the purpose of considering the advisability of rescinding the previously adopted FIRE PREVENTION CODE and adopting a new FIRE PREVENTION CODE, Recommended by the American Insurance Association, 1970 Edition, and

WHEREAS, an opportunity was afforded all persons interested in the subject matter to be heard and at the conclusion of said public hearing the Town Board decided that it was in the public interest to rescind the previously adopted FIRE PREVENTION CODE and adopt a new FIRE PREVENTION CODE, as Recommended by the American Insurance Association, 1970 Edition, to provide as follows:

* See next pages for Fire Prevention Code.

#25

GENERAL FIRE CODE

GENERAL FIRE CODE

Adopted August 4, 1975
BY ORDER OF THE TOWN BOARD

- Daniel E. Weber Supervisor
- Donald A. Halicki Councilman
- Thomas W. Johnson, Jr. Councilman
- Thomas J. Wagoner Councilman
- Frank E. Swiatek Councilman
- Raymond J. Wasielewski Councilman
- Felix T. Wroblewski Councilman
- Benedict T. Holtz Town Clerk
- John U. Rogowski Town Attorney

Town of
Cheektowaga
 Erie County, New York

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Daniel E. Weber

Councilmen:	Kenneth J. Meyers
Felix T. Wroblewski	Thomas M. Johnson
Frank E. Swiatek	Donald A. Halicki

ABSENT: Councilman Raymond J. Wasielewski

Motion by Councilman Johnson seconded by Councilman Meyers.

WHEREAS, this Town Board, at a meeting held February 18, 1975, adopted a resolution that the Town Board meet at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 24th day of March, 1975, at 7:00 o'clock p.m., Eastern Daylight Saving Time, for the purpose of considering the advisability of rescinding the previously adopted FIRE PREVENTION CODE, and adopting a new FIRE PREVENTION CODE, Recommended by the American Insurance Association, 1970 Edition, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, not less than 10 days prior to the date of the hearing, as is shown by the duly verified affidavits of publication and posting now on file in the Town Clerk's Office, and

WHEREAS, pursuant to said resolution, the Town Board of the Town of Cheektowaga, New York, did meet on the 24th day of March, 1975, at the Town Hall in the Town of Cheektowaga, New York, for the purpose of considering the advisability of rescinding the previously adopted FIRE PREVENTION CODE and adopting a new FIRE PREVENTION CODE, Recommended by the American Insurance Association, 1970 Edition, and

WHEREAS, an opportunity was afforded all persons interested in the subject matter to be heard and at the conclusion of said public hearing the Town Board decided that it was in the public interest to rescind the previously adopted FIRE PREVENTION CODE and adopt a new FIRE PREVENTION CODE, as Recommended by the American Insurance Association, 1970 Edition, to provide as follows: [TEXT OF FIRE CODE TO FOLLOW]

NOW, THEREFORE, BE IT

RESOLVED, that a copy of this resolution, certified by the Town Clerk, shall be entered in the minutes and published at least once in the CHEEKTOWAGA TIMES, a newspaper having a general circulation in the said town, and, BE IT FURTHER

RESOLVED, that the Town Clerk post or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution and affidavits of the publication and posting thereof shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that this FIRE PREVENTION CODE ordinance shall take effect ten (10) days after such publication and posting, but such ordinance shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry into the minutes.

Upon roll call

Supervisor Weber	Voting	AYE
Councilmen:		
Wroblewski	Voting	AYE
Swiatek	Voting	AYE
Meyers	Voting	AYE
Johnson	Voting	AYE
Halicki	Voting	AYE
Wasielewski	Voting	ABSENT

AYES: 6 NAYES: 0 ABSENT: 1

STATE OF NEW YORK

ERIE COUNTY

OFFICE OF THE] ss:

CLERK OF THE TOWN]

OF CHEEKTOWAGA)

This is to certify that I, BENEDICT T. HOLTZ, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 4th day of August, 1975, and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 5th day of August, 1975.

BENEDICT T. HOLTZ

Clerk of the Town Board

Town of Cheektowaga, New York

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FIRE PREVENTION CODE

ARTICLE I

GENERAL PROVISIONS

Section 1.1. Intent of Code

It is the intent of this code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with standards of the American Insurance Association or the National Fire Protection Association or other approved nationally recognized safety standards shall be deemed to be prima facie evidence of compliance with this intent.

Section 1.2. Application of Code.

a. The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Board of Fire Commissioners of each established Fire District.

b. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the Department of Transportation (DOT), nor as applying to the military forces of the United States.

Section 1.3. Authority to Enter Premises.

a. The Board of Fire Commissioners of each established Fire District shall have the power to authorize the Fire Chief or their duly authorized inspectors to, at all reasonable hours, enter any building or premises within their jurisdiction.

b. The Board of Fire Commissioners of each established Fire District or the Fire Chief or their duly authorized inspectors shall be permitted by the owner, lessee, manager, or operator of any building or premise to enter and inspect their building or premise at the time and for the purpose stated in this section.

Section 1.4. Inspection of Buildings and Premises.

a. The Board of Fire Commissioners of each established Fire District shall have the power to inspect or cause to be inspected by the Fire Chief or other inspectors, all buildings and premises except the interiors of dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard.

b. The Board of Fire Commissioners of each established Fire District or the Fire Chief or their inspectors upon the complaint of any person or whenever he or they deem it necessary, shall inspect any buildings and premises within their jurisdiction.

Section 1.5. Orders to Eliminate Dangerous or Hazardous Conditions.

Whenever any of the officers, members or inspectors of the Fire Company as mentioned in section 1.4 shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the Chief of the Fire Company or authorized inspector.

a. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;

b. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;

c. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials;

d. Accumulations of dust or waste materials in air conditioning or ventilating

systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors, and ducts;

e. Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire;

f. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

Section 1.6. Service of Orders.

a. This service of orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the office making the order, by sending such copy by certified or registered mail to the owner's last known post office address.

b. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this code shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

Section 1.7. Investigation of Fires.

a. The Board of Fire Commissioners of each established Fire District or the Fire Chief or their inspectors shall investigate the cause, origin and circumstances of every fire occurring in the municipality which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire and, if it appears that such fire is of suspicious origin, the Chief of the Fire Company shall be immediately notified of the facts; he shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

b. Every fire shall be reported in writing to the Board of Fire Commissioners within two days after the occurrence of the same, by the officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the Chief of the Fire Company, and shall contain a statement of facts relating to the cause, origin and circumstances of such fire, factors contributing to the spread of the fire, injury to persons, and extent of the damage thereof, and the insurance upon such property, and such other information as may be required.

c. The Police Department, upon request of the Board of Fire Commissioners, shall assist the inspectors in the investigation of any fire which, in their opinion, is of suspicious origin.

Section 1.8. Fire Records.

The Chief of the Fire Company shall keep, in his office, a record of all fires and

of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance and if so, in what amount. Such record shall be made daily from the reports made by the fire company officers and inspectors. All such records shall be public.

Section 1.9. Permits.

a. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

b. Before a permit may be issued, the Chief of the Fire Company, or his assistants, shall inspect and approve the receptacles, vehicles, buildings or storage places to be used.

c. All applications for a permit required by this Code shall be made to the Board of Fire Commissioners in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the Board of Fire Commissioners.

d. Permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any officer of the fire or police departments.

e. One permit only shall be required by establishments dealing in, or using, two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.

Section 1.10. Revocation of Permit.

The Chief of the Fire Company may revoke a permit or approval issued if any violation of this code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Section 1.11. Fire Drills in Educational and Institutional Occupancies.

a. Fire drills shall be held at least once a month in educational occupancies where such occupancies constitute the major occupancy of a building and at least once every two months in institutional occupancies where such occupancies constitute the major occupancy of a building. During severe weather, fire drills may be postponed. A record of all fire drills shall be kept and persons in charge of such occupancies shall file written reports at least quarterly with the Board of Fire Commissioners giving the time and date of each drill held.

b. In educational occupancies fire drills shall include complete evacuation of all persons from the building. In institutional occupancies fire drills shall be conducted to familiarize operating personnel with their assigned positions of emergency duty; complete evacuation of occupants from the building at the time of the fire drill shall be required only where it is practicable and does not involve moving or disturbing persons under medical care.

Section 1.12. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

Acetylene, low pressure - see Section 30.2a.

Acetylene, medium pressure - see Section 30.2b.

Approved, as applied to a material, device or mode of construction, means approved by the Chief of the Fire Company in accordance with the provisions of this Code, or by other authority designated by law to give approval in the matter in question.

Assembly occupancy means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel,

religious, social, or recreational purposes.

Automatic fire alarm system means a system which automatically detects a fire condition and actuates a fire alarm signal device.

Automotive service station (garage) - see section 18.12a.

Barrel - see section 18.12b.

Basement means a story of a building or structure having one-half or more of its clear height below grade.

Blasting agent - see section 12.2a.

Boil-over - see section 16.12d.

Boiling point - see section 16.12c.

Bonded or grounded as protection against static electricity means either that a bond or ground has been deliberately applied, or that an electrically conductive path having a resistance adequate for the intended purpose, usually one million ohms or less, is inherently present by the nature of installation.

Bulk oxygen system - see section 6.2a.

Bulk plant - see section 16.12e.

Business occupancy means the occupancy or use of a building or structure or any portion thereof for the transaction of business, or the rendering or receiving of professional services; including offices.

Cargo tank - see section 18.22a.

Carrier - see section 12.2b.

Catalytic combustion system - see section 26.2.

Cellulose nitrate plastic (pyroxylin) - see section 6.1.

Chemical operations - see section 16.51b.

Chemical plant - see section 16.12f.

Closed container - see section 16.12g.

Combustible fiber - see section 7.1.

Combustible liquid - see section 16.12m.

Compressed gas - see section 8.2b.

Container - see section 16.12h.

Conversion range oil burner - see section 24.2a.

Corrosive liquid - see section 20.2a.

Crude petroleum - see section 16.12i.

Decorative material - see section 21.1a.

Dip tank - see section 15.31a.

Distillery - see section 16.12j.

DOT container means any container approved by the Department of Transportation for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.

Dry cleaning - see section 9.1a.

Dust - see section 10.1.

Dwelling means a building occupied exclusively for residence purposes and having:

- (1) One dwelling unit; or
- (2) Two dwelling units; or
- (3) One or two dwelling units with a total of not more than fifteen boarders or roomers in these units served with meals or sleeping accommodations or both.

Dwelling unit means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Educational occupancy means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving educational instruction.

Explosive - see section 12.2c.

Explosive-actuated power device - see section 12.2d.

Explosive material - see section 12.2e.

Fire resistance rating means the time in hours that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the "Standard Methods of Fire Tests of Building Construction and Materials," ASTM E119, UL Inc. 253, or NFPA No. 251.

Fire retardant ceiling means the ceiling portion of a floor and ceiling or a roof and ceiling assembly having a fire resistance rating of one hour or more that is used to protect a floor or roof assembly other than that with which it was tested.

Fireworks - see section 13.2.

Flammable anesthetic - see section 8.2c.

Flammable aerosol - see section 16.12.1.

Flammable liquid - see section 16.12m.

Flammable solid - see section 20.2b.

Flash point - see section 16.12k.

Fuel gas - see section 30.2c.

Fuel oil - see section 24.2b.

Fumigant - see section 18.2a.

Fumigation - see section 18.2b.

Gaseous hydrogen system - see section 8.2d.

Hazardous chemical - see section 20.1.

Heating and cooking appliance - see section 24.2c.

High hazard occupancy means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, hazardous chemical or explosive material, or which has inherent characteristics that constitute a special fire hazard.

Highly toxic material - see section 20.2c.

Highway - see section 12.2f.

Hydraulic back pressure valve - see section 30.2b.

Industrial plant - see section 16.51a.

Industrial occupancy means the occupancy or use of a building or structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations; except when classed as a high hazard occupancy.

Inhabited building - see section 12.2g.

Institutional occupancy means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained.

Liquefied petroleum gas - see section 21.2a.

Liquefied petroleum gas equipment - see section 21.2b.

Liquid - see section 16.12m.

LP-Gas means liquefied petroleum gas.

Machine - see section 30.2e.

Magazine - see section 12.2h.

Magnesium - see section 23.2.

Manifold - see section 20.2f.

Marine service station - see section 16.12n.

Methylacetylene-propadiene, Stabilized - see section 30.2g.

Mercantile occupancy means the occupancy or use of a building or structure or any portion thereof for the displaying, selling or buying of goods, wares or merchandise; except when classed as a high hazard occupancy.

Multifamily house means a building or portion thereof containing three or more dwelling units; including tenement house, apartment house, flat.

Nonflammable medical gas - see section 8.2e.

Oil burner - see section 24.2d.

Oil burning equipment - see section 24.2e.

Oil fired unit - see section 24.2f.

Organic coating - see section 25.2.

Owner includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, or person having a vested or contingent interest in the property in question.

Oxidizing material - see section 20.2d.

Oxygen manifold, high pressure - see section 30.2h.

Oxygen manifold, low pressure - see section 30.2i.

Person includes corporation and partnership as well as individual.

Pipe - see section 30.2j.

Pipe distribution system - see section 8.2f.

Piping - see section 30.2j.

Place of assembly - see section 21.1b.

Poisonous gas - see section 20.2a.

Portable outlet header - see section 30.2k.

Pressure vessel - see Tank, pressure vessel.

Processing plant - see section 16.51b.

Propellant-actuated power device - see section 12.2i.

Public conveyance - see section 12.2g.

Pyrotechnic - see section 12.2k.

Radiactive material - see section 20.2f.

Railway - see section 12.21.

Refinery - see section 16.12a.

Residential occupancy means the occupancy or use of a building or structure or any portion thereof by persons for whom sleeping accommodations are provided, including hotels, but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained.

Safety can - see section 16.12g.

Sealed store - see section 20.2g.

Small arms ammunition - see section 12.2n.

Small arms ammunition primer - see section 12.2n.

Smokeless propellant - see section 12.2o.

Solvent classification - see section 9.1b.

Spraying area - see section 15.21.

Special industrial explosive device - see section 12.7p.

Special industrial explosive material - see section 12.7a.

Station outlet - see section 30.2.

Storage, isolated - see section 20.2h.

Storage, segregated - see section 20.2i.

Storage, separated - see section 20.2j.

Storage occupancy means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, raw materials, agricultural or manufactured products, including parking garages, or the sheltering of live stock and other animals; except when classed as a high hazard occupancy.

System classification - see section 9.1c.

Tank, atmospheric - see section 16.12a.

Tank, low pressure - see section 16.12b.

Tank, pressure vessel - see section 16.12c.

Tank vehicle - see section 16.12d.

Terminal - see section 12.2r.

Test blasting cap No. 8 - see section 12.2s.

Thermal insecticidal fogging - see section 18.2a.

Thermal insecticidal fogging liquid - see section 18.2c.

Total water capacity - see section 21.2c, 30.2m.

Tubing - see section 30.2j.

Unit physical operations - see section 16.53.

Unstable (reactive) chemical - see section 20.2k.

Unstable (reactive) liquid - see section 16.12m.

Vapor area - see section 15.31b.

Vapor pressure - see section 16.12e.

Vehicle - see section 12.2t.

Ventilation - see section 16.12u.

Section 1.13. Liability for Damages.

This code shall not be construed to hold the municipality responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

ARTICLE 2

AUTOMOBILE TIRE REBUILDING PLANTS

Section 2.1. General.

Automobile tire rebuilding plants shall conform to all other applicable requirements of this code as well as to the following provisions.

Section 2.2. Permit Required.

A permit shall be required to conduct or maintain any tire recapping or rebuilding plant.

Section 2.3. Construction and Protection.

a. Tire rebuilding plants shall have all floor openings, such as for stairs and elevators, enclosed in an approved manner.

b. Tire rebuilding plants in buildings of wood frame construction or in buildings used in part for residence occupancy shall be separated from other portions of

the building by non-combustible construction having a fire resistance rating of not less than two hours, and shall be equipped with an approved automatic sprinkler system.

Section 2.4. Dust Collecting System.

Buffing machines shall be located in a room separated from the remainder of the plant by construction having a fire resistance rating of not less than one hour, with each door opening protected by an approved self-closing fire door. Each machine shall be connected to an ample dust collecting system discharging to a suitable container which shall be cleaned at frequent intervals.

Section 2.5. Ventilation.

Each room where rubber cement is used or mixed, or flammable or combustible solvents are applied, shall be equipped with effective mechanical or natural ventilation.

ARTICLE 3

AUTOMOBILE WRECKING YARDS, JUNK YARDS AND WASTE MATERIAL HANDLING PLANTS

Section 3.1. General.

Automobile wrecking yards, junk yards and waste material handling plants shall conform to all other applicable requirements of this code as well as the following provisions.

Section 3.2. Permit Required.

A permit shall be obtained to conduct or maintain any automobile wrecking yard, junk yard or waste material handling plant.

Section 3.3. Location.

No automobile wrecking yard, junk yard or waste material handling plant shall be located as to seriously expose adjoining or adjacent properties.

Section 3.4. Burning Operations.

The burning of wrecked or discarded automobiles or any parts thereof or junk or any waste materials shall be done only in designated open spaces or incinerator enclosures approved for burning purposes by the Chief of the Fire Company.

Section 3.5. Construction and Protection.

a. Handling and storage of large quantities of waste paper, rags or other combustible materials shall not be in a building of wood frame or ordinary construction unless the building is sprinklered. Vertical openings shall be enclosed in an approved manner.

b. Picking rooms shall be separated from storage rooms by construction having a fire resistance rating of not less than one hour, with each door opening provided with an approved fire door. Picking rooms shall be provided with exhaust systems of sufficient capacity to adequately remove dust and lint.

ARTICLE 4

BOWLING ESTABLISHMENTS

Section 4.1. General.

Bowling establishments shall conform to all other applicable requirements of this code, as well as the following provisions.

Section 4.2. Permit Required.

A permit shall be required for bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.

Section 4.3. Lane Resurfacing Operations.

Resurfacing operations shall not be carried on while the establishment is open for business. The Chief of the Fire Company shall be notified when bowling lanes are to be resurfaced. Proper ventilation shall be provided. Heating, ventilating, or cooling systems employing recirculation of air shall not be operated during resurfacing operations or within one hour following the application of flammable finishes. All electric motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flames prohibited during the application of flammable finishes and for one hour thereafter.

Section 4.4. Pin Refinishing.

a. Pin refinishing involving the application of flammable finishes shall be done only in a special room meeting the provisions of section 16.44; such room shall not be located below grade nor shall it have communication with any pits, wells, pockets or basements.

b. All power tools in such special rooms shall be effectively grounded. A substantial metal box or other receptacle approved by the Chief of the Fire Company shall be provided for lathes and sanding or buffing machines for catching dust thrown off during operations. Contents shall be removed daily and disposed of safely.

c. Storage of flammable or combustible liquids in such special rooms shall not exceed a combined aggregate of 60 gallons in original metal containers or in approved safety containers not exceeding 5 gallons individual capacity. A metal waste can with self-closing cover shall be provided for all waste materials and rags; contents shall be removed daily. Smoking shall be prohibited at all times in refinishing rooms.

ARTICLE 5

CELLULOSE NITRATE MOTION PICTURE FILM

Section 5.1. Scope.

This article applies to the storage and handling of cellulose nitrate motion picture film, hereafter referred to as "nitrate film". Film having a cellulose acetate or other approved slow-burning base, marked safety film, is exempt from these provisions.

Section 5.2. Permit Required.

a. No person shall store, keep or have on hand more than 25 pounds (for 35 mm. film about 5,000 feet) of nitrate motion picture film without a permit.

b. No person shall sell, lease or otherwise dispose of any nitrate motion picture film to any person not having a permit to handle, use or display such film.

Section 5.3. Storage and Handling of Film.

Nitrate film shall be stored and handled so as to be reasonably safe to persons and property. Evidence that nitrate film is stored and handled in accordance with the applicable standards specified for this section 5.3 in article 31 of this Code shall be evidence that such film is stored and handled so as to be reasonably safe to persons and property.

Section 5.4. Enclosures for Motion Picture Projectors.

Motion picture projectors shall not be operated with cellulose nitrate motion picture film except when located in enclosures constructed, equipped and maintained so as to be reasonably safe to persons and property. Evidence that motion picture projectors have been located in enclosures constructed, equipped and maintained in accordance with the applicable standard specified for this section 5.4 in article 31 of this Code shall be evidence that such motion picture projectors are reasonably safe to persons and property.

ARTICLE 6

CELLULOSE NITRATE PLASTICS (PYROXYLIN)

Section 6.1. Definition.

Cellulose nitrate plastic (pyroxylin) shall mean any plastic substance, material or compound, other than cellulose nitrate film covered by article 5 or gun cotton or other explosive covered by article 12, having cellulose nitrate as a base, by whatever name known, when in the form of blocks, slabs, sheets, tubes or fabricated shapes.

Section 6.2. Permit Required.

a. All retailers, jobbers and wholesalers storing or handling more than 25 pounds of cellulose nitrate plastic (pyroxylin) shall obtain a permit.

b. A permit shall be required for the manufacture of articles of cellulose nitrate plastic (pyroxylin), which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.

Section 6.3. Display of Plastics.

a. All display of cellulose nitrate plastic (pyroxylin) articles in stores shall be in show cases or show windows except as permitted in section 6.3b through 6.3c.

b. Articles may be placed on tables but no table shall be over 3 feet wide and 10 feet long, and tables shall be spaced at least 3 feet apart. Where articles are displayed on counters, they shall be arranged in like manner.

c. Spaces underneath tables shall be kept free of storage of any kind of accumulations of paper, refuse and other combustible material.

d. Sales or display tables shall be so located that in the event of a fire at that table, the table will not interfere with free exit from the room, in at least one direction.

e. No electric light shall be located directly above any cellulose nitrate plastic (pyroxylin) material; unless provided with a suitable guard to prevent heated particles from falling.

Section 6.4. Storage and Handling.

a. All raw cellulose nitrate plastic (pyroxylin) material in factory buildings shall be stored and handled in accordance with sections 6.4b through 6.4h.

b. Where raw material in excess of 25 pounds is received in any building or fire area, an approved vented cabinet or vented and sprinklered vault shall be provided for the storage of the material.

c. Not more than 1,000 pounds of raw material may be stored in cabinets in any one workroom, and not more than 500 pounds in any one cabinet, nor more than 250 pounds in one compartment.

d. All raw material in excess of that permitted above shall be kept in vented vaults not exceeding 1,500 cubic feet capacity and with one automatic sprinkler head to each 125 cubic feet of total vault space and with construction and venting in conformity with the requirements prescribed in section 5.5 and satisfactory to the Chief of the Fire Company.

e. No cellulose nitrate plastics (pyroxylin) shall be stored within 2 feet of any heat producing appliances, steam pipes, radiators, or chimneys.

f. In factories manufacturing articles of cellulose nitrate plastics (pyroxylin) such as sprinklered and vented cabinets, vaults, or storage rooms, approved by the Chief of the Fire Company shall be provided as may be necessary to prevent the accumulation in work rooms, of raw stock, stock in process or finished articles.

g. In the work rooms of cellulose nitrate plastic (pyroxylin) factories, operators shall not be stationed closer together than 3 feet, and the amount of material per operator shall not exceed one-half day's supply and shall be limited to the capacity of three tote-boxes including material awaiting removal or use.

h. All waste cellulose nitrate plastic (pyroxylin) materials such as shavings, chips, turnings, sawdust, edgings and trimmings shall be kept under water in metal receptacles until removed from the premises.

Section 6.5. Fire Control.

All new and existing buildings or any portion of buildings used for the manufacture or storage of articles of cellulose nitrate plastic (pyroxylin) in quantities exceeding 100 pounds shall be equipped with an approved system of automatic sprinklers.

Section 6.6. Heating Equipment.

a. Heating equipment used in buildings manufacturing articles from cellulose nitrate plastics (pyroxylin) shall comply with sections 6.6b and 6.6c.

b. Heating equipment containing ignition sources shall not be permitted in any room used for the storage of cellulose nitrate plastic nor within 20 feet of any manufacturing operation.

c. Heating shall be by low pressure steam or hot water radiators.

ARTICLE 7

COMBUSTIBLE FIBER

Section 7.1. Definition.

Combustible fiber shall mean and include readily ignitable and free burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and other like materials.

Section 7.2. Permit Required.

A permit shall be required for the storage and handling of combustible fibers in quantities in excess of 100 cubic feet.

Section 7.3. Loose Storage.

a. Loose combustible fibers (not in suitable bales or packages), whether housed or in the open, shall not be stored within 100 feet of any building except as hereinafter specified.

b. Not more than 100 cubic feet of loose combustible fibers may be kept in any building provided storage is in a metal or metal-lined bin equipped with a self-closing cover.

c. Quantities exceeding 100 cubic feet of loose combustible fibers, but not exceeding 500 cubic feet, may be stored in rooms or compartments having floor, walls and ceiling having a fire-resistance rating of not less than one hour. Each opening into such rooms or compartments from other parts of the building shall be equipped with an approved fire door.

d. Quantities exceeding 500 cubic feet of loose combustible fibers may be stored in approved vaults, constructed as follows: (1) Storage vaults shall be located outside of buildings or if located inside shall be provided with approved safety vents to the outside.

(2) Walls, floors, and ceilings shall be constructed of brick or other approved noncombustible material. Rooms of outside vaults shall be of noncombustible material but may be so constructed as to readily give way in case of an internal explosion.

(3) Openings, if any, between vault and main building shall be protected on each side of the wall by an approved fire door. Wall openings in outside vaults exposing other property (not sufficiently detached to be considered cut off) shall be protected by approved fire doors.

(4) Vaults located within buildings and exceeding 1,000 cubic feet storage capacity shall be protected by approved automatic sprinklers, carbon dioxide, or other approved inert gas systems.

e. Not more than 2,500 cubic feet of loose fibers may be stored in a detached "loose house" suitably located, with openings properly protected against entrance of sparks. The "loose house" shall be used for no other purpose.

Section 7.4. Baled Storage.

a. No single block or pile shall contain more than 25,000 cubic feet of fiber exclusive of aisles or clearances. Blocks or piles of baled fiber shall be separated from adjacent storage by isles not less than 5 feet wide; or by flash fire barriers consisting of continuous sheets of non-combustible material extending from floor to a height of at least one foot above the highest point of piles and projecting at least one foot beyond the sides of the piles.

b. Sisal and other fibers in bales bound with combustible tie ropes, also jute and other fibers liable to swell when wet, shall be stored to allow for expansion in any direction without endangering building walls, ceilings or columns. Not less than 3 feet clearance shall be left between walls and sides of piles, except that if storage compartment is not more than 30 feet in width, one foot clearance at side walls will be sufficient, provided a center aisle not less than 5 feet wide is maintained.

c. Not less than 3 feet clearance shall be maintained between sprinkler pipes and tops of piles.

Section 7.5. Storage of Agricultural Products on the Farm.

Unlimited quantities of hay, straw, and other agricultural products may be stored in or near farm buildings located outside closely-built areas. No permit shall be required for such storage.

ARTICLE 8

COMPRESSED GASES

Section 8.1. Scope.

This article shall apply to bulk oxygen systems and to the storage, handling, and use of compressed gases as defined herein. Liquefied petroleum gases and compressed gases used in conjunction with welding or cutting operations are exempt from these provisions.

Section 8.2. Definitions.

a. *Bulk oxygen system* shall mean an assembly of equipment, such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping, which has a storage capacity at normal temperature and pressure of:

(1) More than 13,000 cubic feet of oxygen connected in service or ready for service, or

(2) More than 25,000 cubic feet of oxygen, including unconnected reserves on hand at the site.

The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen may be stored as a liquid or gas in either stationary or portable containers.

b. *Compressed gas* shall mean and include any mixture of material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70 degrees F., or an absolute pressure exceeding 104 pounds per square inch at 130 degrees F.; or both; or any liquid flammable material having a Reid vapor pressure, as defined in section 16.12, exceeding 40 pounds per square inch at 100 degrees F.

c. *Flammable anesthetic* shall mean a compressed gas which is flammable and administered as an anesthetic and shall include among others, cyclopropane, divinyl ether, ethyl chloride, ethyl ether, tri fluoro ethyl ether and ethylene.

d. *Gaseous or liquid hydrogen system* shall mean a facility in which the hydrogen is delivered, stored and discharged in the gaseous or liquid form to consumer piping. The system includes stationary or portable containers, pressure regulators, safety relief devices, manifolds, interconnecting piping and controls. The system terminates at the point where hydrogen at service pressure first enters the consumer's distribution piping.

e. *Nonflammable medical gas* shall mean a compressed gas which is nonflammable and used for therapeutic purposes and shall include among others, oxygen and nitrous oxide.

f. *Piped distribution system* shall mean a central supply system with control equipment, and a system of piping extending to the points in the hospital where nonflammable medical gases are used, and suitable station outlet valves at each use point.

Section 8.3. Permit Required.

A permit shall be required for the storage, handling, or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas.

Section 8.4. Storage Containers.

Each cylinder or pressure vessel shall be designed, constructed, tested, maintained and marked with the name of the gas contained so as to be reasonably safe to persons and property. Evidence that each cylinder or pressure vessel has been designed, constructed, tested, maintained and marked with the name of the gas contained in accordance with the applicable standards specified for this section 8.4 in article 31 of the Code shall be evidence that such cylinder or pressure vessel is reasonably safe to persons and property.

Section 8.5. Cylinder Systems for Flammable Anesthetics and Nonflammable Medical Gases.

a. Cylinders containing flammable anesthetics and nonflammable medical gases, in hospitals and similar facilities, shall be stored, handled and used so as to be reasonably safe to persons and property. Evidence that cylinders con-

taining flammable anesthetics and non-flammable medical gases, in hospitals and similar facilities have been stored, handled and used in accordance with the applicable standard specified for this section 8.5 in article 31 of this Code shall be evidence that such cylinders are reasonably safe to persons and property.

b. Piping systems shall not be used to distribute flammable medical gases in any hospital or similar facility.

Section 8.6. Piped Distribution Systems for Nonflammable Gases.

Piped distribution systems handling nonflammable medical gases, in hospitals and similar facilities, shall be installed and used so as to be reasonably safe to persons and property. Evidence that said piped distribution systems have been installed and used in accordance with the applicable standard specified for this section 8.6 in article 31 of this Code shall be evidence that such piped distribution systems are reasonably safe to persons and property.

Section 8.7. Bulk Oxygen Systems Installed at Industrial and Institutional Consumer Sites.

Bulk oxygen systems located at industrial and institutional consumer sites shall be installed so as to be reasonably safe to persons and property. Evidence that said bulk oxygen systems that have been located in industrial and institutional consumer sites have been installed in accordance with the applicable standard specified for this section 8.7 in article 31 of this Code shall be evidence that such bulk oxygen system is reasonably safe to persons and property.

Section 8.8. Anhydrous Ammonia.

Anhydrous ammonia shall be stored and handled so as to be reasonably safe to persons and property. Evidence that anhydrous ammonia has been stored and handled in accordance with the applicable standard specified for this section 8.8 in article 31 of this Code shall be evidence that such anhydrous ammonia is reasonably safe to persons and property.

Section 8.9. Gaseous or Liquid Hydrogen Systems at Consumer Sites.

Gaseous or liquid hydrogen systems shall be installed so as to be reasonably safe to persons and property. Evidence that gaseous or liquid hydrogen systems have been installed in accordance with the applicable standard specified for this section 8.9 in article 31 of this Code shall be evidence that such gaseous or liquid hydrogen systems are reasonably safe to persons and property.

ARTICLE 9

DRY CLEANING PLANTS

Section 9.1. Definitions.

a. *Dry cleaning* shall mean the process of removing dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, rugs, or other material, by the use of nonaqueous liquids (solvents), and it shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.

b. *Solvent classification* shall mean a method for classifying solvents as follows:

(1) Class I solvents shall mean flammable liquids having a flash point below 100 degrees F.

(2) Class II solvents shall mean flammable liquids having a flash point at or above 100 degrees F and below 140 degrees F.

(3) Class III solvents shall mean combustible liquids having a flash point at or above 140 degrees F.

c. *System classification* shall mean that dry cleaning plants or systems are classified as follows:

(1) Class I systems shall mean those utilizing Class I solvents.

(2) Class II systems shall mean those utilizing Class II solvents or systems utilizing Class II solvents which do not comply with Class III or Class IV systems.

(3) Class III systems shall mean those employing equipment listed by Underwriters Laboratories, Inc., utilizing Class

III solvents.

(4) Class IV systems shall mean those utilizing solvents which are nonflammable (will not support combustion) or nonflammable at ordinary temperature and only moderately flammable at higher temperatures.

Section 9.2. Permit Required.

a. No person shall engage in the business of dry cleaning without a permit which shall prescribe the class of system to be used.

b. No change shall be made in the solvent used in the equipment to a solvent in a more hazardous class unless permission for such change shall first have been obtained from the Chief of the Fire Company.

Section 9.3. Class I Systems.

a. New dry cleaning plants or systems utilizing Class I solvents shall be prohibited.

b. Existing dry cleaning plants or systems utilizing Class I solvents may be continued in use provided the quantity of Class I solvent that is stored and handled is not increased.

Section 9.4. Class II Systems.

a. Class II systems shall be located in buildings having walls of masonry or noncombustible construction and wall finish shall be plain or plastered without tiling or concealed spaces. Floors of dry cleaning sections shall be of fire-resistive construction and without pits, wells or pockets; and where located over a basement, floor shall be vapor- and liquid-tight. Roof and floors above grade floor, if of combustible construction, shall have the ceilings over the dry cleaning areas protected by cement or gypsum plaster on metal lath or equivalent construction having a fire resistance rating of not less than one hour. Dry cleaning buildings shall not be closer than 10 feet to the line of adjoining property, except that if exposing walls are blank walls having a fire resistance rating of at least four hours the building may be located on the property line.

b. Dry cleaning operations shall be restricted to the lowest floor of a building but shall not be located on any floor below grade, nor in the same building with other occupancies. Operations incidental to the dry cleaning business such as laundering, pressing, and ironing may be in a communicating building or located on the same floor with the dry cleaning plant, provided the dry cleaning operations are separated therefrom by noncombustible partitions having a fire resistance rating of not less than two hours and the communicating openings are protected by approved fire doors.

c. Door openings on stairs or elevators leading from a dry cleaning area to a basement, or opening into a room having openings or stairs to basements, shall be provided with noncombustible sills or ramps raised at least 6 inches. Approved self-closing fire doors shall be provided at such openings. Enclosures shall be of construction equivalent to the floor construction but having a fire resistance rating of not less than one hour.

d. Rooms in which articles are hung up to dry shall be constructed with noncombustible walls, partitions and ceilings having a fire resistance rating of not less than 2 hours. Entrances to drying rooms shall be provided with approved self-closing fire doors. If the drying room is in a separate building it shall conform in all respects to provisions for a dry cleaning building.

e. A mechanical system of ventilation shall be installed in dry cleaning areas and drying rooms so as to be reasonably safe to persons and property. Evidence that a mechanical system of ventilation has been installed in dry cleaning areas and drying rooms in accordance with the applicable standard specified for this section 9.4e in article 31 of this Code shall be evidence that such mechanical system of ventilation is reasonably safe to person and property.

f. The mechanical system of ventilation shall have sufficient capacity to insure complete and continuous change of air

once every 6 minutes and shall be provided with means for remote control. The system shall operate automatically when any dry cleaning equipment is in use.

Section 9.5. Class III Systems.

Class III systems, if located in the same building with other occupancies, shall be separated from the remainder of the building vertically and horizontally by construction having a fire resistance rating of not less than one hour with openings protected by approved fire doors, except that such separation shall not be required for operations incidental to or in connection with the dry cleaning business, such as laundering, scouring, scrubbing, drying, pressing or ironing, and the requirement for such separation may be waived at the discretion of the Chief of the Fire Company based upon a consideration of such factors as type of building construction, nature of occupancy, storage and operating capacity of the system and extent of private fire protection provided.

Section 9.6. Class IV Systems.

a. Class IV systems shall be subject to the requirements for permit in section 9.2, but shall be exempt from all other provisions of this article.

b. Self-service dry cleaning plants utilizing any solvents approved for Class IV dry cleaning installations may be installed subject to the approval of the Chief of the Fire Company.

c. Spotting operations using flammable or combustible liquids shall not be permitted where self-service dry cleaning equipment is installed.

Section 9.7. Heating Equipment.

a. Where Class II systems are used, heating shall be by steam or hot water only. Where Class III systems are used, heating shall be by any approved means which does not involve any open flame or ignition source in the dry cleaning area. Steam and hot water pipes and radiators for heating and drying purposes shall be at least one inch from all woodwork and shall be protected by substantial metal screens arranged so as to prevent combustible goods or materials from coming in contact with pipes and radiators.

b. For Class II or III systems boilers shall be located in a detached building or in a boiler room cut off from the dry cleaning room by partitions of noncombustible material having a fire resistance rating of not less than two hours and without openings. For Class II systems, openings into such boiler rooms shall be at least 10 feet from any exterior openings into the cleaning room.

Section 9.8. Electrical Equipment and Lighting.

a. All electrical wiring and equipment in dry cleaning rooms or other locations subject to flammable vapors shall be reasonably safe to persons and property. Where Class II systems are used, evidence that electrical wiring and equipment is of a type approved for Class I, Division 1 hazardous locations, and has been installed in accordance with the applicable standard specified for this section 9.8a in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property.

b. All electrical wiring and equipment for light and power shall be reasonably safe to persons and property. Where Class III systems are used, evidence that electrical wiring and equipment has been installed in accordance with the applicable standard specified for this section 9.8b in article 31 of this Code shall be evidence that such electrical wiring and

equipment is reasonably safe to persons and property.

c. Lighting shall be by electricity.

Section 9.9. Storage and Handling of Cleaning Solvent.

a. Aboveground containers comprising purifiers, clarifiers, and filters in Class II systems shall not exceed 300 gallons individual capacity and shall not exceed in capacity any industrial tank to which they may be connected. Solvent storage tanks for Class II and Class III systems may be inside of buildings if individual capacity of storage tanks does not exceed 275 gallons and the aggregate capacity of storage tanks does not exceed 500 gallons. Quantities of solvents for Class II and Class III systems in excess of the above shall be stored in accordance with article 16.

b. Pressure type filters shall be equipped with a reliable pressure gauge and shall not be operated at pressures exceeding those for which they are designed. The filters shall be provided with an air bleeding valve and line connected to discharge into the washer or into the storage tank vent line. Such air bleeding lines shall not discharge into the room.

c. The handling of solvents from storage tanks through the various machines and back to the settling and clear solvent tanks shall be through closed circuits of piping. Pumps of positive displacement type shall have a by-pass and relief valve.

d. Sight glasses, the breakage of which would permit the escape of liquids, shall be of a type not readily damaged by heat and shall be reliably protected against physical damage.

e. Liquid level gauge glasses in Class II systems shall be equipped with an automatic device which will immediately shut off the flow of solvent if the glass is broken. These liquid level gauge glasses shall be guarded against physical damage.

f. When underground treating and settling tanks are used, a separate suction and discharge connection shall be provided to the pump for removal of sludge. The suction pipe shall be carried to the tank bottom, and the discharge connection to a suitable container.

g. All piping shall be tested to a pressure of at least fifty per cent in excess of normal operating pressure and proved tight and protected against physical damage.

h. Piping, valves, fittings and ground joint unions for solvents shall be designed for the working pressures and structural stresses to which they may be subjected. They shall be of steel or other material suitable for use with the solvent.

Pipe systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion or contraction. Pipe systems shall contain a sufficient number of valves to operate the system properly and to protect the plant. Cast iron fittings for pressure piping shall be prohibited.

Section 9.10. Washing Machines.

a. Washing machines shall be substantially constructed. The loading door opening shall be equipped with a closing device so designed as to prevent solvent leaks due to splash. The machine shall be provided with interlocks to prevent cylinder rotation under power except for inching when doors are open.

b. Each washing machine shall be provided with an overflow pipe one size larger than the size of the solvent supply line to the machine. Such overflow pipe shall be connected to the shell of the washer so that the top of the overflow is below the bottom of the trunion shaft; it shall be without shut off valves and shall be arranged to discharge to a suitable tank. The supply pipe shall enter the washing machine above the charged liquid level.

c. Individual button and lint traps shall be provided for each washer.

d. In Class II systems, each washing machine shall be provided with approved

extinguishing equipment, arranged to operate automatically in case of fire, consisting of a carbon dioxide system or a steam jet not less than 3/4 inch with a continuously available steam supply at a pressure of not less than 15 pounds per square inch.

Section 9.11. Stills and Condensers.

a. Steam or hot water only shall be used as the source of heat. If steam is used, a pressure regulating valve shall be installed in the steam supply line to the still.

b. Stills and condensers shall be liquid- and gas-tight.

c. Stills shall be designed for operation on the vacuum principle.

d. If a relief valve is provided it shall be equipped with a vent line extending to the outside.

e. A check valve shall be installed in the steam line between the boiler and the still.

f. Each still shall be provided with a combination vacuum and pressure gauge.

g. Each still shall be equipped with a constant level valve to automatically maintain the solvent liquid level in the still at the proper height.

Section 9.12. Drying Tumblers and Cabinets.

a. Drying tumblers in Class II systems shall be of substantial construction, well secured to substantial foundations, and shall be provided with self-closing explosion hatches having an area equal to at least one square foot for each 20 cubic feet of cylinder volume. Hatches shall be arranged to open away from the operator.

b. Drying tumblers in Class II systems shall be provided with a steam jet, of not less than 3/8 inch size, for humidifying during the drying process.

c. Drying tumblers and drying cabinets shall be ventilated to the outside air by means of properly constructed pipes or ducts connected to an exhaust fan of sufficient capacity to remove all dust, vapors, or lint generated by the process. Such discharge pipes or ducts shall be carried to a height of not less than six feet above the roof, and shall be provided with cleanout facilities, if used for Class II systems.

d. Discharge pipes shall not terminate within ten feet measured horizontally from any door, window or wood frame walls of any adjoining or adjacent building.

e. The fan shall be properly housed and so interlocked as to insure operation while the drying tumbler is in use. The fan spindles, blades or running rings shall be constructed of non-ferrous metal. In no case shall the fan motor be mounted within the ventilating duct.

f. Each drying tumbler in Class II systems shall be provided with approved extinguishing equipment, arranged to operate automatically in case of fire, consisting of a carbon dioxide or steam jet system as specified in section 9.10d.

Section 9.13. Extractors.

a. The baskets shall have a rim of non-ferrous metal and shall be well balanced.

b. Extractors shall be provided with liquid-tight covers, or they shall be designed so that none of the liquid solvent is thrown out of the extractor while it is in operation. Cover shall be equipped with automatic mechanical or electrical interlocks which will prohibit operating the extractors while the cover is open and which will prohibit opening the cover until the basket comes to rest.

c. Extractors shall be provided with a drain pipe not less than 1 1/2 inches in diameter connected direct to underground storage tanks or to a suitable aboveground container, or to the washer through an approved extractor pump with connections fitted with proper valves.

d. Brakes, if used, shall be so designed as to prevent the creation of sparks or excessive heat.

e. Extractors shall not be operated at a speed in excess of that prescribed by the manufacturer as shown on name plate

which shall be provided on each machine.

f. Extractors equipped with a solvent spray nozzle for spray rinsing of garments after the primary extraction shall comply as follows:

(1) Installation of spray rinse equipment on existing extractors shall be subject to approval of the Chief of the Fire Company.

(2) Extractor covers shall be made splash proof to prevent leakage of the solvent, and shall be equipped with a latch to hold the cover closed during operation.

(3) Supply pumps of positive displacement type shall be provided with a bypass and relief valve set so as to prevent excessive pressure.

(4) Valves in supply line between pumps and outlet shall be installed in such a manner that the cutoff is effected ahead of any flexible portion of the supply line.

(5) Extractor drain lines shall not be less than 2 inches for extractors up to and including 40 inches in diameter and 3 inches for extractors in excess of 40 inches in diameter.

(6) Extractors shall be provided with at least one drain line open at all times. If more than one extractor drain line is provided for the purpose of alternating use, quick opening valves or equivalent shall be installed in each line and interlocked so that when either valve is shut the other valve is open.

(7) If a separate extractor drain tank is provided, it shall have a capacity equal to the combined total gallonage of the charged solvent extractor, the rinse and the rinse extraction.

(8) Drainage from extractors to all tanks shall be by gravity flow.

Section 9.14. Combination Dry Cleaning Unit.

a. The provisions of this section shall apply to combination dry cleaning units wherein the washing and extracting cycles are completed within the same enclosure.

b. The machines shall be of substantial construction and shall be provided with splash proof doors, or covers, with interlocking means to prevent cylinder rotation, under power, except for inching at slow speed when doors or covers are open. Such interlocks shall provide that during the extracting cycle, opening of the door or cover will disconnect the drive motor and apply braking means to bring the cylinder to rest before access to cylinder is possible. Machines shall be provided with braking means to insure stoppage within reasonable time without the creation of sparks or excessive heat. c. Each machine shall be provided with an overflow pipe one size larger than the size of the solvent supply line to the machine. Such overflow shall be connected so that the top of the overflow is below the bottom of the tannion shaft and arranged to discharge into a suitable tank.

d. Individual button and lint traps, with suitable lids, shall be provided for each machine.

e. The supply pipes to machines, whether from pumps, filters or storage tanks, shall be arranged to deflect solvent stream away from tub openings.

f. Cylinder shall be supported so as to provide sufficient clearance to prevent striking or rubbing adjacent parts during rotation.

g. Machine shall be furnished with name plate indicating maximum cylinder speed and warning that machine will be set in excess of such speed.

h. Each machine in a Class II system shall be provided with approved extinguishing equipment, arranged to operate automatically in case of fire, consisting of a carbon dioxide or steam jet system as specified in section 9.10d.

Section 9.15. Bonding and Grounding for Class II and III Systems.

a. Storage tanks, treatment tanks, purifiers, pumps, piping, washers, extractors, drying tumblers, drying cabinets, combination units, and other such equipment, if not inherently electrically

conductive, shall be bonded together. This system of equipment, if it is not grounded due to the electrical power services installed thereon, shall be grounded. Isolated units of equipment, such as drying cabinets, shall be grounded.

b. Pullleys and belting in dry cleaning rooms shall be provided with properly grounded combs, collectors, or neutralizers.

c. When fabrics are transferred from one piece of equipment to another, the two pieces of equipment shall be electrically bonded together.

d. Metal tops of spotting tables shall be permanently and effectively grounded.

Section 9.16. Scouring, Brushing and Spotting.

a. The brushing (prespotting) table shall have a liquid-tight top with a curb on all sides not less than 1 inch high. The top of the table shall be pitched so as to insure through draining to a 1 1/2 inch drain connected to a suitable container especially provided and marked for that purpose.

b. All scouring or brushing and spotting (prespotting) operations utilizing solvents with lower flash points than the solvents used in the plant dry cleaning machines shall be limited to one gallon and dispensed from approved safety cans. Additional storage shall be in approved safety cans of not over one gallon capacity.

c. Scouring or brushing operations utilizing in excess of one gallon of solvent with lower flash points than the solvent used in the plant dry cleaning machines shall be conducted only in a room or building conforming to all the requirements for a dry cleaning system utilizing the same type of solvent.

d. The total amount of Class I or II solvent used on scouring or brushing tables or in scrubbing tubs, in accordance with section 9.16c, shall not exceed 3 gallons. The scouring or brushing table or scrubbing tub shall be so located as to ensure thorough and effective disposal of vapors through the ventilating system. Scrubbing tubs shall be used only for articles, the character of which prevents their washing in the usual washing machines. Scrubbing tubs shall be secured to the floor and shall be provided with permanent 1 1/2 inch trapped drains to a suitable container specially provided and marked for that purpose.

e. Adequate portable fire extinguishers of a type suitable for fighting fires involving flammable or combustible liquids, shall be provided in all dry cleaning plants; at least one extinguisher shall be provided at each entrance to every room or area where flammable or combustible liquids are stored or used.

f. Section 9.17. Fire Control.

g. Adequate portable fire extinguishers of a type suitable for fighting fires involving flammable or combustible liquids, shall be provided in all dry cleaning plants; at least one extinguisher shall be provided at each entrance to every room or area where flammable or combustible liquids are stored or used.

Section 9.18. Smoking Prohibited.

Smoking in plants employing Class I, Class II, or Class III systems, except in smoking rooms so designated, shall be strictly prohibited and "No Smoking" signs shall be posted.

ARTICLE 10 DUST EXPLOSIONS, PREVENTION OF

Section 10.1. Definition.

Dust as used in this article shall mean pulverized particles of any material which, if mixed with air in the proper proportions, become explosive and may be ignited by a flame or spark.

Section 10.2. Permit Required.

A permit shall be obtained for the operation of any grain elevator, flour, starch or feed mill, or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, or other material producing dust as defined in section 10.1.

Section 10.3. General Requirements.

a. All dust-producing or dust-agitating machinery such as grinding mills and separators, and all elevators, elevator legs, spouts, hoppers and other conveyors shall be provided with casings or enclosures maintained as nearly dust-tight as possible.

b. Approved magnetic or pneumatic

separators shall be installed ahead of all shellers, crackers, crushers, grinding machines, pulverizers and similar machines in which the entrance of foreign materials may cause sparks to be generated.

c. Suitable dust collecting equipment shall be installed and accumulation of dust shall be kept at a minimum in the interior of buildings.

d. All machinery and metal parts of the crushing, drying, pulverizing and conveying systems shall be electrically grounded.

e. Smoking and the carrying of matches, the use of heating or other devices employing an open flame, or use of any spark producing equipment is prohibited in areas containing dust-producing or dust-agitating operations.

f. Artificial lighting in areas containing dust-producing or dust-agitating operations shall be by electricity. All electrical wiring and equipment in such areas shall be installed so as to be reasonably safe to persons and property. Evidence that all electrical wiring and equipment in such areas has been installed in accordance with the applicable standard specified for this section 10.3f in article 31 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property.

g. Plants producing dusts shall be reasonably safe to persons and property. Plants producing dusts which conform to the applicable provisions of this code shall be deemed to be reasonably safe to persons and property. On matters not covered in this code, conformity of plants producing dusts to the applicable standards specified for this section 10.3g in article 31 of this Code shall be evidence that such plants are reasonably safe to persons and property.

h. The possession, storage, transportation and use of not more than 20 pounds of smokeless propellant and 10,000 small arms primers for hand loading of small arms ammunition for personal use.

i. The possession, storage, transportation and use of not more than 15 pounds of explosives or blasting agents, exclusive of smokeless propellants in educational, governmental or industrial laboratories for instruction or research purposes when under direct supervision of experienced competent persons.

j. The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service or Police and Fire Departments acting in their official capacity.

k. Section 12.2. Definitions.

a. Blasting agent shall mean any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, in which none of the ingredients are classified, as explosives, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Water gels complying with section 12.14d shall be classified as blasting agents. Materials or mixtures classified as nitro carbonitrates by DOT Regulations shall be included in this definition.

b. Carrier shall mean persons who engage in the transportation of articles or materials by rail, highway, water or air.

c. Explosive shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B or Class C explosives by Department of Transportation (DOT) Regulations, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord and igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, pyrotechnics, and water gels complying with section 12.14b and 12.14c.

d. Explosive-actuated power device shall mean any tool or special mechanism which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices are jet tappers and jet perforators.

e. Explosive material shall mean any quantity of Class A, Class B, or Class C

Section 11.1. Obstructions to Means of Egress.

a. No person shall at any time place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire.

b. In other than dwellings, no person shall place, store or keep, or permit to be placed, stored or kept on or under or at the bottom of any exit stairway, inside or outside, exit hallway, elevator or other means of egress, any materials the presence or the burning of which would obstruct or render hazardous, egress of persons from the building.

c. No aisle, passageway or stairway in any mercantile occupancy shall be obstructed with tables, show cases, or other obstruction so as to reduce its required width as an exit way during hours such occupancy is open to the public.

d. All doors in or leading to required exit ways shall be kept unlocked at all times when the building or floor area served thereby is occupied.

Section 11.2. Marking of Exit Ways.

a. In rooms accommodating more than 100 persons, required exit doorways, other than those normally used for entrance, shall be plainly marked by approved exit signs, sufficiently illuminated when the floor area is occupied, to be readily distinguished.

b. Where the exit doorways are not visible from all locations in public corridors, directional signs, as required by the Chief of the Fire Company shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways.

Section 11.3. Lighting of Exit Ways.

Required stairways, hallways and other means of egress, including exterior open spaces to or through which exit ways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.

Section 11.4. Stairway Doors to be Kept Closed.

It shall be unlawful to block open any stairway enclosure door which leads to

or from a floor of the building, and which by law is required to be self closing.

Section 11.5. Turnstiles.

No turnstile shall be placed in any required exit, or barring the way of access thereto or travel therefrom, unless immediately adjacent or within 20 feet there is a swinging door or gate opening freely in the direction of the exit travel, or an open passage serving the same general path of travel as the turnstile.

ARTICLE 12 EXPLOSIVES, AMMUNITION, AND BLASTING AGENTS

Section 12.1. Scope.

a. This article shall apply to the manufacture, possession, storage, sale, transportation, and use of explosives, blasting agents, pyrotechnics, and ammunition except as provided in section 12.1b.

b. Nothing in this article shall be construed as applying to:

(1) The Armed Forces of the United States or the State Militia.

(2) Explosives in forms prescribed by the official United States Pharmacopeia.

(3) The sale or use of fireworks.

(4) The possession, transportation and use of small arms ammunition or special industrial explosive devices for personal use.

(5) The possession, storage, transportation and use of not more than 20 pounds of smokeless propellant and 10,000 small arms primers for hand loading of small arms ammunition for personal use.

(6) The manufacture, possession, storage and use of not more than 15 pounds of explosives or blasting agents, exclusive of smokeless propellants in educational, governmental or industrial laboratories for instruction or research purposes when under direct supervision of experienced competent persons.

(7) The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service or Police and Fire Departments acting in their official capacity.

Section 12.2. Definitions.

a. Blasting agent shall mean any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, in which none of the ingredients are classified, as explosives, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Water gels complying with section 12.14d shall be classified as blasting agents. Materials or mixtures classified as nitro carbonitrates by DOT Regulations shall be included in this definition.

b. Carrier shall mean persons who engage in the transportation of articles or materials by rail, highway, water or air.

c. Explosive shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B or Class C explosives by Department of Transportation (DOT) Regulations, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord and igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, pyrotechnics, and water gels complying with section 12.14b and 12.14c.

d. Explosive-actuated power device shall mean any tool or special mechanism which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices are jet tappers and jet perforators.

e. Explosive material shall mean any quantity of Class A, Class B, or Class C

explosives and any other chemical compounds or mixtures thereof used as the propelling or exploding material in any cartridge or other explosive device.

f. Highway shall mean any public street, alley or road.

g. Inhabited building shall mean a building or structure regularly used in whole or in part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, storage and use of explosives and blasting agents.

h. Magazine shall mean any building or structure approved for the storage of explosives.

i. Propellant-actuated power device shall mean any tool or special mechanical device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

j. Public conveyance shall mean any railway car, street car, cab, bus, airplane or other vehicle transporting passengers for hire.

k. Pyrotechnic shall mean any special fireworks (not included in article 13), which are manufactured and designed primarily for producing visible and audible pyrotechnic effects by a combustible explosion, and which are of such composition so as to be included under Class B explosives, as defined by the DOT Regulations.

l. Railway shall mean and include any steam, electric, or other railroad or railway which carries passengers for hire.

m. Small arms ammunition shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

n. Small arms ammunition primer shall mean a small percussion-sensitive explosive charge, encased in a cap, used to ignite propellant powder.

o. Smokeless propellant shall mean solid propellants, commonly called smokeless powders in the trade, used in small arms ammunitions, cannon, rockets, or propellant-actuated power devices.

p. Special industrial explosive device shall mean any explosive-actuated power device and propellant-actuated power devices.

q. Special industrial explosive material shall mean shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, containing dynamite, trinitrotoluol, pentaerythritol tetranitrate, cyclotrimethylene trinitramine, or other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

r. Terminal shall mean those facilities used by carriers for the receipt, transfer, temporary storage or delivery of articles or materials.

s. Test blasting cap no. 8 shall mean one containing 2 grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

t. Vehicle shall mean a conveyance of any type operated upon the highways.

u. Water Gels or Slurry Explosives. See section 12.14b, c, and d.

or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.

(B) To transport blasting caps or electric blasting caps on the same vehicle with explosives.

b. Permits required by section 12.3a(1) shall not be issued for:

(1) Liquid nitroglycerin.

(2) Dynamite (except gelatin dynamite) containing over 60% of liquid explosive ingredient.

(3) Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.

(4) Nitrocellulose in a dry and uncom-pressed condition in quantity greater than ten pounds net weight in one package.

(5) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.

(6) Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected to forty-eight consecutive hours or less at a temperature of 167 degrees F.

(7) New explosives until approved by the U.S. Department of Transportation, except that permits may be issued to educational, governmental or industrial laboratories for instructional or research purposes.

(8) Explosives condemned by the U.S. Department of Transportation.

(9) Explosives not packed or marked in accordance with the requirements of the Department of Transportation.

(10) Explosives containing an ammonium salt and a chlorate.

Section 12.4. Bond Required for blasting.

Before a permit to do blasting as required under section 12.3a (3) shall be issued, the applicant for such permit shall file a bond deemed adequate in each case by the Chief of the Fire Company, which bond shall become available for the payment of any damages arising from the permitted blasting.

Section 12.5. General Requirements.

a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, shall be prohibited unless such manufacture is authorized by the Chief of the Fire Company. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

b. The storage of explosives, and blasting agents is prohibited within the limits established by law as the limits of the district in which such storage is to be prohibited, except for temporary storage for use in connection with approved blasting operation; provided, however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, fuse lighters, fuse igniters, and safety fuses (not including cordeau detonant fuses) in quantities involving less than 500 pounds of explosive material; nor shall it apply to explosive-actuated power devices, when employed in construction operations in highly populated areas, in quantities involving less than 50 pounds of explosive material.

c. The Chief of the Fire Company may limit the quantity of explosives, blasting agents, or ammunition to be permitted at any location.

d. No person shall sell or display explosives or blasting agents on highways, sidewalks, public property or in places of public assembly.

Section 12.6 Storage of Explosives.

a. Explosives, including special industrial explosive materials and any newly developed and unclassified explosive, shall be stored in magazines which comply with this article. This shall not be construed as applying to wholesale and retail stocks of small arms ammunition, fuse lighters, fuse igniters and safety fuses (not including cordeau detonant fuses) in quantities involving less than

500 pounds of explosive material; nor shall it apply to explosive-actuated power devices, when employed in construction operation in highly populated areas, in quantities involving less than 50 pounds of explosive material.

b. Magazines shall be in the custody of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for compliance with all safety precautions.

c. Smoking, matches, open flames, spark producing devices and firearms (except firearms authorized for guards) shall be prohibited inside or within 50 feet of magazines. Combustible materials shall not be stored within 50 feet of magazines.

d. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, trash and debris for a distance of at least 25 feet.

e. Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

f. Magazines shall be kept clean, dry and free of grit, paper, empty packages and rubbish.

g. Heating or interior lighting systems for magazines shall be reasonably safe to persons and property. Evidence that such heating or interior lighting systems have been installed in accordance with the applicable standard specified for this section 12.6 in article 31 of this Code shall be evidence that such heating or interior lighting systems are reasonably safe to persons and property. Where permanent lighting is not required, electric safety flashlights or electric safety lanterns shall be used.

h. Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

i. Magazines shall be of two types, namely: Class I and Class II.

j. Class I magazines shall be used for the storage of explosives when quantities are in excess of fifty pounds of explosive material.

k. Class I or Class II magazines shall be used for the storage of explosives in quantities of 50 pounds or less of explosive material except that a Class II magazine may be used for temporary storage of a larger quantity of explosives at the site of blasting operations where such amount constitutes not more than one day's supply for use in current operations.

l. Class I and Class II magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in accordance with Table 12.6 except as provided in section 12.6m.

See Table 12.6 Page 25

m. The Chief of the Fire Company may authorize the storage of up to 50 pounds of explosives and 5000 blasting caps in wholesale and retail hardware stores or other approved establishments. Explosives and blasting caps shall be stored in separate Class II magazines at approved locations with the magazines located on a floor which has an exit at outside grade level. A distance of 10 feet shall be maintained between the magazines. Their location shall not be changed without approval of the chief of the Fire company.

n. At the site of blasting operations, a distance of at least 150 feet shall be maintained between Class II magazines and the blast area when the quantity of explosives temporarily kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less.

o. Class I magazines shall be designed and constructed so as to be reasonably safe to persons and property. Evidence that Class I magazines have been designed and constructed in accordance with the applicable standard specified for this section 12.6 in article 31 of this Fire Prevention Code shall be evidence that such Class I magazines are reasonably safe to persons and property.

p. Class I magazines shall have openings only for ventilation and entrance

except where heating systems or interior lighting systems are required.

q. Class II magazines shall be constructed of 2-inch tongue and grooved hardwood covered on the outside with 1/16 inch thickness sheet steel (no. 18 manufacturers' standard gauge) or equivalent aluminum, or of all metal construction with sides, bottom and cover of sheet metal fins with 3/8-inch plywood or the equivalent. Edges of metal covers shall overlap sides at least one inch. Class II magazines when located in wholesale and retail hardware stores or other approved establishments shall be mounted on casters or wheels to facilitate removal.

r. Magazines for the storage of explosives shall be weather resistant and properly ventilated, and when used for storage of Class A explosives other than black powder, blasting caps and electric blasting caps, shall also be bullet resistant.

s. Property upon which Class I magazines are located shall be kept with signs reading "Explosives-Keep Off." Such signs shall be located so as to minimize the possibility of a bullet traveling in the direction of the magazine if anyone shoots at the sign.

t. Class II magazines shall be painted red and shall bear lettering in white, on all sides and top at least three inches high, "Explosives-Keep Fire Away."

u. Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine.

v. Magazines shall not be used for the storage of any metal tools or of any commodity except explosives, but this restriction shall not apply to the storage of blasting agents, blasting supplies and oxidizers used in compounding blasting agents.

w. When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosive, when the person in possession of such explosive shall immediately report the fact to the Chief of the Fire Company and upon his authorization shall proceed to destroy such explosives and clean floors stained with nitroglycerin in accordance with the instructions of the manufacturer. Only experienced persons shall do the work of destroying explosives.

x. Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, lungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stock shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

y. When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire, the explosives shall be removed from the magazine. Explosives removed from the magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

Section 12.7. Transportation of Explosives.

a. Explosives shall not be transported on public conveyances.

b. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and shall be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. Such vehicles shall have tight floors and exposed spark-producing metal on the inside of the body shall be covered with

wood or other non-sparking material to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of open-body vehicles.

c. Explosives may be loaded into and transported in a truck, truck with semi-trailer, truck with full trailer, truck tractor with semi-trailer, or truck tractor with semi-trailer and full trailer. Explosives shall not be transported on any pole trailer.

d. Each motor vehicle shall be provided with at least one portable fire extinguisher having at least a 10 B, C rating or when more than one is provided, each extinguisher shall have at least a 5 B, C rating.

e. It shall be the duty of the person to whom a permit has been issued to transport explosives over the highways of the municipality, to inspect daily these vehicles employed by him to determine that:

(1) Fire extinguishers are filled and in operating condition.

(2) Electric wires are insulated and securely fastened.

(3) The motor, chassis and body are reasonably clean and free of excessive grease and oil.

(4) The fuel tank and fuel line are securely fastened and are not leaking.

(5) Brakes, lights, horn, windshield wipers and steering mechanism are functioning properly.

(6) Tires are properly inflated and free of defects.

(7) The vehicle is in proper condition for transporting explosives.

f. Spark producing metals or spark producing metal tools shall not be carried in the body of a vehicle transporting explosives.

g. Only those dangerous articles authorized to be loaded with explosives by DOT regulations shall be carried in the body of a vehicle transporting explosives.

h. No person shall smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives; or drive, load or unload any such vehicle in a careless or reckless manner.

i. Vehicles transporting explosives shall be in the custody of drivers who are physically fit, careful, capable, reliable, able to read and write the English language, not addicted to the use of or under the influence of intoxicants or narcotics, and not less than 21 years of age. They shall be familiar with state and municipal traffic regulations, and the provisions of this article governing the transportation of explosives.

j. Every vehicle transporting explosives shall be marked or placarded on both sides, front and rear, with the word "Explosives" in letters not less than three inches high on a contrasting background.

k. Blasting caps, or electric blasting caps, shall not be transported over the highways of the municipality on the same vehicle with other explosives, except by permission of the Chief of the Fire Company.

l. Vehicles transporting explosives and traveling in the same direction shall not be driven within three hundred feet of each other.

m. Vehicles transporting explosives shall avoid congested traffic and densely populated areas. Designated routes shall be followed.

n. Explosives shall not be transported through any completed vehicular tunnel or subway.

o. Vehicles transporting explosives shall not be left unattended at any time within the municipality.

p. Unauthorized persons shall not ride on vehicles transporting explosives.

q. The fire and police departments shall be promptly notified when a vehicle transporting explosives is involved in an accident, breaks down, or catches fire. Only in the event of such an emergency shall the transfer of explosives from one vehicle to another vehicle be allowed on highways within the municipality and only when qualified supervision is provided. Except in such an emergency, a

Vehicle transporting explosives shall not be parked before reaching its destination on highways within the municipality or adjacent to or in proximity to any bridge, tunnel, dwelling, building or place where people work, congregate or assemble.

r. Delivery shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

s. Vehicles containing explosives shall not be taken into a garage, or repair shop, for repairs or storage.

Section 12.8 Use and Handling of Explosives.

a. Blasting operations shall be conducted during daylight hours except where authorized at other times by the Chief of the Fire Company.

b. The handling and firing of explosives shall be performed by the person possessing a permit to use explosives or by employees under his direct supervision who are at least 21 years old.

c. No person shall handle explosives while under the influence of intoxicants or narcotics.

d. No person shall smoke or carry matches while handling explosives or while in the vicinity thereof.

a. No open flame light shall be used in the vicinity of explosives.

f. Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the Chief of the Fire Company.

g. Blasting operations shall be conducted so as to be reasonably safe to persons and property. Evidence that blasting operations have been conducted in accordance with the applicable standard specified for this section 12.8g in article 31 of this Code shall be evidence that such blasting operations are reasonably safe to persons and property.

h. Before a blast is fired, the person in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and a loud warning signal has been sounded.

i. Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(1) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(2) The posting of signs warning against the use of mobile radio transmitters on all roads within 500 feet of the blasting operations.

(3) Compliance with section 12.8g when blasting within 1/2 miles of broadcast or highpower short wave radio transmitters.

j. When blasting is done in congested areas or in close proximity to a building, structure, railway, highway or any other installation that may be damaged, the blast shall be covered before firing, with a mat constructed so that it is capable of preventing rock from being thrown into the air.

k. Tools used for opening packages of explosives shall be constructed of non-sparking materials.

l. Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

m. Explosives shall not be abandoned.

Section 12.9 Explosives and Blasting Agents at Terminals.

2. The Chief of the Fire Company may designate the location and specify the maximum quantity of explosives or blasting agents which may be loaded, unloaded, reloaded or temporarily retained at each terminal where such operations are permitted.

b. Shipments of explosives or blasting agents delivered to carriers shall comply with DOT regulations.

c. Carriers shall immediately notify the Chief of the Fire Company when explosives or blasting agents are received at terminals.

d. Carriers shall immediately notify consignees of the arrival of explosives or blasting agents at terminals.

e. The consignee of a shipment of explosives or blasting agents shall remove them from the carrier's terminal within 48 hours, Sundays and holidays excluded, after being notified of their arrival.

Section 12.10. Blasting Agents, General Requirements.

a. Unless otherwise set forth in section 12.12 and 12.13, blasting agents excluding water gels shall be transported, stored, and used in the same manner as explosives.

Section 12.11. Mixing Blasting Agents.

a. Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with Table 12.6 and Table 12.10. See Tables 12.6 & 12.10

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b. Buildings or other facilities used for the mixing of blasting agents shall be designed and constructed so as to be reasonably safe to persons and property. Evidence that buildings or other facilities used for the mixing of blasting agents have been designed and constructed in accordance with the applicable standard specified for this section 12.11b in article 31 of this Code shall be evidence that such buildings or other facilities are reasonably safe to persons and property.

c. Compounding and mixing of recognized formulations of blasting agents shall be conducted to provide reasonable safety to persons and property. Evidence that compounding and mixing of recognized formulations of blasting agents have been conducted in accordance with the applicable standard specified for this section 12.11c in article 31 of this Code shall be evidence that such compounding and mixing are reasonably safe to persons and property. No liquid hydrocarbon fuel with a flash point lower than that of No. 2 diesel fuel oil (125 degrees F minimum or legal) shall be used.

d. Smoking or open flames shall not be permitted in or within 50 feet of any building or facility used for the mixing of blasting agents.

e. Empty oxidizer bags shall be disposed of daily by burning in a safe manner in the open at a safe distance from buildings or combustible materials.

Section 12.12. Storage of Blasting Agents and Supplies.

a. Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in section 12.6 for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

b. Blasting agents, when stored entirely separate from explosives, may be stored as provided in:

(1) Section 12.8, or

(2) One story warehouses of fire resistive or noncombustible construction without basements, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather resistant, well ventilated and equipped with a strong door kept securely locked except when open for business.

c. Buildings used for the storage of blasting agents separate from explosives shall be located away from inhabited

buildings, passenger railways and public highways, in accordance with Table 12.6 and Table 12.10.

See Tables 12.6 & 12.10

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d. The interior of buildings used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, nitrates other than ammonium nitrate shall not be stored in any building containing blasting agents unless separated therefrom by construction having a fire-resistance rating of not less than one hour. The provisions of this section shall not prohibit the storage of blasting agents together with non-explosive blasting supplies.

e. Semi-trailers or full trailers may be used for temporarily storing blasting agents, provided they are located away from inhabited buildings, passenger railways and public highways, in accordance with Table 12.6 and Table 12.10. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked except during the time of placement or removal of blasting agents.

See Tables 12.6 & 12.10

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f. Piles of ammonium nitrate and buildings containing oxidizers shall be adequately separated from readily combustible fuels.

g. Caked ammonium nitrate, either in bags or in bulk, shall not be loosened by blasting.

Section 12.13. Transportation of Blasting Agents.

a. When blasting agents are transported in the same vehicle with explosives, section 12.7 shall apply.

b. Vehicles transporting blasting agents shall be in safe operating condition at all times.

c. Every vehicle transporting blasting agents shall be marked or placarded on both sides, front and rear, with the word, "Dangerous" and also the words "Blasting Agents," in letters not less than three inches high on a contrasting background.

d. The hauling of either blasting caps or explosives, but not both, shall be permitted on bulk trucks provided a special wood or non-ferrous-lined container is installed for the explosive. Blasting caps or explosives shall be in DOT specified shipping containers.

e. A bulk vehicle body shall be constructed of noncombustible material and vehicles transporting bulk proxmized blasting agents shall have closed bodies. No in-transit mixing of materials shall be performed.

Section 12.14. Water Gel (Slurry) Explosives and Blasting Agents.

a. Unless otherwise set forth in this section, water gels shall be transported, stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

b. Water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this article.

c. Water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in section 12.2a under Blasting Agent shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this article.

d. Water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in section 12.2a under Blasting Agent shall be classified as blasting agents and manufactured, transported, stored and used as specified for "blasting agents" in this article.

e. Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity of distance limitations. Spills or leaks which may

contaminate combustible materials shall be cleaned up immediately.

f. All facilities, mixing equipment, and delivery vehicles used for the handling of water gel shall be designed and operated so as to be reasonably safe to persons and property. Evidence that such facilities, mixing equipment and delivery vehicles are designed and operated in accordance with the applicable standard specified for this section 12.14f in article 31 of this Code shall be evidence that such facilities, mixing equipment, and delivery vehicles are reasonably safe to persons and property.

Section 12.15. Small Arms Ammunition, Small Arms Primers, and Smokeless Propellants.

a. The storage and display of ammunition, primers, and propellants shall comply with this section 12.15 and the applicable provisions of sections 12.5b and 12.6a.

b. Ammunition, primers, and propellants shall be separated from flammable liquids, hazardous materials not classified as an explosive, and oxidizing materials by a wall having a fire resistance rating of one hour.

c. Not more than 20 pounds of smokeless propellants, in containers of 1-pound maximum capacity, and not more than 10,000 small arms ammunition primers shall be displayed in wholesale and retail hardware stores or other approved establishments.

ARTICLE 13 FIREWORKS

Section 13.1. Scope.

a. This article shall apply to fireworks as hereinafter defined, except as provided in section 13.1b.

b. Nothing in this article shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of state, in accordance with the Department of Transportation (DOT) Regulations covering the transportation of explosives and other dangerous articles by motor, rail and water; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. Such wholesalers, dealers, and jobbers shall store their supplies of fireworks in accordance with section 12.6.

Section 13.2. Definition.

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, model rockets, Roman candles, Daygobombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of any average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of article 12.

Section 13.3. Manufacture, Sale and Discharge of Fireworks.

a. The manufacturer of fireworks is prohibited within the municipality.

It shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks except as provided in section 13.3c through 13.3f.

c. The Chief of the Fire Company may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by fair associations, amusement parks, and other organizations or group of individuals. Such permits may be granted upon application to the Chief of the Fire Company after approval of the Chief of Police and the filing of a bond by the applicant as provided in section 13.4. Every such display shall be handled by a competent operator approved by the Chief of the Fire Company and the Chief of Police and shall be of such composition, character, and so located discharged or fired as in the opinion of the Chief of the Fire Company, after proper inspection, and of the Chief of Police, shall not be hazardous to property or endanger any person or persons.

d. Application for permits shall be made in writing at least thirty days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

e. The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. Evidence that the sale, possession, use and distribution of fireworks for display purposes has been conducted in accordance with the applicable standard specified for this section 13.3e in article 31 of this Code shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provide reasonable safety to persons and property.

f. The Chief of the Fire Company may adopt reasonable rules and regulations for the use of model rockets. The design, construction, and use of model rockets shall be reasonably safe to persons and property. Evidence that the design, construction, and use of model rockets is in accordance with the applicable standard specified for this section 13.3f in article 31 of this Code shall be evidence that such design, construction, and use provides reasonable safety to persons and property.

Section 13.4. Bond and Responsibility for Fireworks Display Required.

a. The Chief of the Fire Company shall require a bond from the permittee in a sum not less than \$1,000.00 conditioned on compliance with the provisions of this article.

b. Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the Chief of the Fire Company determines to be necessary for the protection of the public.

Section 13.5. Disposal of Unfired Fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

Section 13.6. Seizure of Fireworks.

The Chief of the Fire Company shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

ARTICLE 14 FIRE PROTECTION EQUIPMENT

Section 14.1. Scope.

This article shall apply to new and existing conditions except that sections

14.1 and 14.5 shall not apply where equivalent or more stringent legal requirements are enforced by the building or other municipal departments.

Section 14.2. Survey of Premises and Specification of Equipment.

The Chief of the Fire Company shall survey each assembly, educational, industrial, institutional, mercantile, storage, and residential occupancy, except dwelling units of multifamily buildings and dwellings, and shall specify suitable fire extinguishing appliances and fire detecting devices as may be necessary to provide reasonable safety to persons and property.

Section 14.3. Maintenance of Equipment.

Sprinkler systems, standpipe systems, fire alarm systems, and other fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or because of any law or ordinance, shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Chief of the Fire company shall be notified before such tests, repairs, alterations or additions are started unless the work is to be continuous until completion.

Section 14.4. Automatic Sprinkler Systems.

a. General

(1) The areas referred to in this section shall be the areas enclosed by exterior walls or fire walls or a combination thereof, except that in buildings of fire-resistant construction the areas shall be those enclosed by exterior walls, fire walls or walls of noncombustible material having a fire-resistance rating of not less than 2 hours, or a combination thereof.

(2) Combustible goods or merchandise referred to in this section shall include those made of wood, paper or rubber; those containing flammable liquids; those packed with excelsior, paper, or foamed plastic; and other goods or merchandise of equivalent or greater combustibility.

b. Installation in Basements.

(1) Approved automatic sprinkler systems shall be installed in all basement areas exceeding 2,500 square feet, when used for the manufacture, sale, or storage of combustible goods or merchandise (not including garages) or having a bowling lane or restaurant occupancy.

(2) In buildings used for assembly, educational, institutional, and residential occupancies, approved automatic sprinkler systems shall be installed in portions of basement areas used for work shop or storage spaces when the total of such spaces exceed 2,500 square feet. Where the total of these spaces exceed 5,000 square feet, the entire basement area shall be sprinklered.

c. Installation in Institutional Occupancies: Approved automatic sprinkler systems shall be installed in all buildings of institutional occupancy except when:

(1) Of fire-resistive construction; or
(2) Of heavy timber construction not exceeding one story in height, 12,000 square feet in area, and having no ceiling material fastened to or suspended from the roof deck; or

(3) Of protective noncombustible construction not exceeding one story in height and 18,000 square feet in area or two stories in height and 12,000 square feet in area; and with all interior walls, floor or roof and ceiling assemblies having a fire resistance rating of not less than one hour; or

(4) Of unprotected noncombustible or ordinary construction not exceeding one story in height and 9,000 square feet in area or two stories in height and 6,000 square feet in area and with all interior

walls, partitions, floor and ceiling assemblies having a fire resistance rating of not less than one hour and with fire retardant ceilings in the top story; or

(5) Of wood frame construction not exceeding one story in height and not exceeding 2,500 square feet in area.

d. Installation in Residential Occupancies: Approved automatic sprinkler systems shall be installed in all buildings of residential occupancy, other than multifamily buildings and dwellings, when of ordinary construction exceeding 4 stories in height and when of wood frame construction exceeding 3 stories in height.

e. Installation: Automatic sprinkler systems shall be installed so as to provide reasonable safety to persons and property. Evidence that a automatic sprinkler systems have been installed in accordance with the applicable standard specified for this section 14.4 in article 31 of this Code shall be evidence that such automatic sprinkler systems provide reasonable safety to persons and property.

Section 14.5. Standpipes.

a. Approved standpipe systems shall be installed in all buildings exceeding one story and 50 feet in height, except in buildings with existing systems having 4 inch or larger standpipes.

b. Standpipe systems shall be installed so as to provide reasonable safety to persons and property. Evidence that standpipe systems have been installed in accordance with the applicable standard specified for this section 14.5 in article 31 of this Code shall be evidence that such standpipe systems provide reasonable safety to persons and property.

ARTICLE 15 FLAMMABLE FINISHES, APPLICATION OF DIVISION I GENERAL PROVISIONS

Section 15.1. Scope.

This article shall apply to locations or areas where the following activities are regularly done: (1) the application of flammable or combustible finishing materials when applied as a spray by compressed air, "airless," or hydraulic atomization, or by steam, or electrostatic methods or by any other means in continuous or intermittent processes. It also covers the application of combustible powders when applied by powder spray guns, electrostatic powder spray guns, fluidized beds or electrostatic fluidized beds; and (2) dip tank operations in which article or materials are passed through contents of tanks, vats or containers of flammable or combustible liquids, including coating, finishing, treating and similar processes.

Section 15.2. Permit Required.

A permit shall be obtained for spraying or dipping operations utilizing for any working day more than one gallon of flammable or combustible liquids.

Section 15.3. Smoking Prohibited.

Smoking shall be prohibited in any spray finishing or coating areas and in the vicinity of dip tanks. "No Smoking" signs with lettering of approved size shall be conspicuously posted in such areas and shall read "By Order of the Fire Chief."

Section 15.4. Welding Warning Signs.

Conspicuous signs shall be posted in the vicinity of all spraying areas, dipping operations and paint storage rooms, conveying the following warning:

NO WELDING

The use of welding or cutting equipment in, or near this area is dangerous because of fire and explosion. Welding and cutting shall be done only under the supervision of the foreman in charge.

Section 15.5. Electrical Wiring and Equipment.

All installations of electrical wiring and equipment shall be reasonably safe to persons and property. Electrical installations which conform to the applicable

provisions of the National Electrical Code shall be reasonably safe to persons and property; on matters not covered in this Code, conformity of electrical installations to the applicable standard specified for this section 15.5 in article 31 of this Code shall be evidence that such electrical installations are reasonably safe to persons and property.

DIVISION II SPRAY FINISHING

Section 15.21. Definition.

a. *Spraying area* shall mean any area in which dangerous quantities of flammable vapors or combustible residues, dusts or deposits are present due to the operation of spraying processes. The Chief of the Fire company may define the limits of the spraying area in any specific case.

b. A spraying area shall include the interior of spray booths, the interior of ducts exhausting from spraying processes, any area in the direct path of spray, and any area containing dangerous quantities of air-suspended combustible residue, dust, deposits, spray or vapor as a result of spraying operations.

Section 15.22. Location of Spray Finishing Operations.

Spray finishing operations shall not be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved system of automatic sprinklers and separated vertically and horizontally from other areas by noncombustible construction having not less than 2 hours fire resistance rating.

Section 15.23. Spray Booths.

a. Spray booths shall be substantially constructed of noncombustible material.

b. The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury.

c. The floor of the spray booth and operators' working area, if combustible, shall be covered with noncombustible material of such character as to facilitate the safe cleaning and removal of residues.

d. If installed, baffle plates shall be noncombustible material, readily removable or accessible on both sides for cleaning, and designed to promote an even flow of air through the booth and to prevent the deposit of overspray before it enters the exhaust duct. Such baffle plates shall not be located in exhaust ducts.

e. Each spray booth having a frontal area larger than nine square feet shall have a metal detector or curtain not less than 2 1/2 inches deep installed at the upper outer edge of the booth, over the opening.

f. Each spray booth shall be separated from other operations by not less than three feet, or by a greater distance, or by such partition or wall as the Chief of the Fire Company may require to reduce the danger from juxtaposition of hazardous operations.

g. Spray booths shall be so installed that all portions are readily accessible for cleaning. A clear space of not less than three feet on all sides shall be kept free from storage or combustible construction.

h. When spraying areas are illuminated through glass panels or other transparent materials, only fixed lighting units shall be used as a source of illumination. Panels shall effectively isolate the spraying area from the area in which the lighting unit is located, and shall be of a noncombustible material of such a nature or so protected that breakage will be unlikely. Panels shall be so arranged that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.

Section 15.24. Dry Type Overspray Collectors - (Exhaust Air Filters.)

a. Dry type dry filters or filter rolls, if installed in conventional dry type spray booths, shall conform to sections 15.24c through 15.24h.

b. The spraying operations shall be so designed, installed and maintained that the average air velocity over the open face of the booth or booth cross-section during spraying operations shall be not less than 100 linear feet per minute. Electrostatic spraying operations may be conducted with an air velocity over the open face of the booth of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics. Visible gauges or audible alarm or pressure activated devices shall be installed to indicate or insure that the required air velocity is maintained.

c. All discarded filter pads and filter rolls shall be immediately removed to a safe, well detached location or placed in a water-filled metal container and disposed of at the close of the day's operation unless maintained completely in water.

d. The location of filters in a spray booth shall be so as to not reduce the effective booth enclosure of the articles being sprayed.

e. Space within spray booth on the downstream and upstream sides of filter shall be protected with approved automatic sprinklers.

f. Filters or filter rolls shall not be used when applying a spray material known to be highly susceptible to spontaneous heating and ignition.

g. Clean filters or filter rolls shall be noncombustible or of approved type.

h. Filters and filter rolls shall not alternately be used for different types of coating materials, where the combination of materials may be conducive to spontaneous ignition.

Section 15.25. Electrical and Other Sources of Ignition.

a. There shall be no open flame or spark producing equipment in any spraying area as defined in section 15.21, nor within 20 feet thereof, unless separated by a partition, except as permitted in section 15.210, Drying Apparatus and in sections 15.41 to 15.44, Electrostatic Equipment.

b. Room heating appliances, steam pipes or hot surfaces shall not be located in a spraying area where deposits of combustible residues may readily accumulate.

c. Unless specifically approved for locations containing both deposits of readily ignitable residue and explosive vapors, there shall be no electrical equipment in any spraying area, whereon deposits of combustible residues may readily accumulate, except wiring in rigid conduit or in boxes or fittings containing no taps, splices or terminal connections and except as hereinafter provided in section 15.210c relating to drying apparatus and sections 15.41 to 15.44 relating to electrostatic equipment.

d. All electrical wiring and equipment located in a spraying area shall be reasonably safe to persons and property. Where electrical wiring and equipment not subject to deposits of combustible residues is located in a spraying area, evidence that such wiring and equipment is of an explosion-proof type approved for use in Class I, Division I hazardous locations and has been installed in accordance with the applicable standard for this section 15.25 in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property.

e. All electrical wiring, motors, and other equipment located outside of but in proximity to a spraying area shall be reasonably safe to persons and property. Where electrical wiring, motors, or other equipment is located outside of but within 20 feet of any spraying area and is not separated from the spraying area by partitions, evidence that such wiring, motors, or other equipment does not produce sparks under normal operating conditions and is of a type approved for

use in Class I, Division II hazardous locations and has been installed in accordance with the applicable standard specified for this section 15.25 in article 31 of this Code shall be evidence that such electrical wiring, motors, or other equipment are reasonably safe to persons and property.

f. Electric lamps outside of but within 20 feet of any spraying area and not separated therefrom by a partition, shall be totally enclosed to prevent the falling of hot particles and shall be protected from physical damage by suitable guards or by location.

g. Portable electric lamps shall not be used in any spraying area during spraying operations. Portable electric lamps, if used during cleaning or repainting operations, shall be of a type approved for hazardous locations.

h. All metal parts of spray booths, exhaust ducts and piping systems conveying liquids defined by section 18.12m shall be bonded and connected to a ground.

Section 15.26. Ventilation of Spray Booths and Spray Finishing Areas.

a. All spraying areas shall be provided with mechanical ventilation adequate to prevent the dangerous accumulation of vapors and to safely remove such vapors to a safe location.

b. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and drying finishing material residue to be exhausted.

c. Each spray booth shall have an independent exhaust duct system discharging to building exterior, except multiple cabinet spray booths in which identical spray finishing material is used with a combined frontal area of not more than eighteen square feet may have a common exhaust. If more than one fan serves one booth, all fans shall be so interconnected that one fan cannot operate without operating all.

d. Electric motors driving exhaust fans shall not be placed inside booths or ducts. Fan rotating element shall be non-ferrous or non-sparking or the casing shall consist of or be lined with such material.

e. Belts shall not enter the duct or booth unless belt and pulley within the duct or booth are tightly enclosed.

f. Exhaust ducts shall be constructed of steel and shall be substantially supported.

g. Exhaust ducts shall have a clearance from unprotected combustible construction or material of not less than 18 inches. If combustible construction is provided with the following protection applied to all surfaces within 18 inches, clearances may be reduced to the distances indicated:

- (1) 0.0149 inch thickness uncoated sheet steel (no. 28 manufacturers' standard gauge) on 1/4-inch asbestos mill board 12 inches
- (2) 0.0149 inch thickness uncoated sheet steel (no. 20 manufacturers' standard gauge) on 1/8-inch asbestos mill board spaced out one inch on non-combustible spacers 9 inches
- (3) 0.0299 inch thickness uncoated sheet steel (no. 22 manufacturers' standard gauge) on 1-inch mineral wool batts reinforced with wire mesh or the equivalent 3 inches
- (4) Where ducts are protected with an approved automatic sprinkler system, properly maintained, the clearance from unprotected combustible construction or material may be reduced to 6 inches

h. Air exhausted from spraying operations shall not be recirculated.

i. Unless spray booth exhaust duct terminal is from a water-wash spray booth, the terminal discharge point shall be not less than six feet from any combustible exterior wall or roof not discharge in the direction of any combustible construction or unprotected opening in any noncombustible exterior wall within 25 feet.

Section 15.27. Storage and Handling of Flammable or Combustible Liquids.

a. The storage and handling of flammable or combustible liquids shall be in accordance with article 16 and shall also conform to the provisions of this section.

b. Where the quantity of liquid in 5-gallon and smaller containers, other than original sealed containers, exceeds a total of 10 gallons it shall be stored in a storage cabinet conforming to section 16.43 or in an inside storage room conforming to section 16.44.

c. Original closed containers, approved portable tanks, approved safety cans or a properly arranged system of piping shall be used for bringing flammable or combustible liquids into spray finishing areas. Open containers shall not be used.

d. Containers supplying spray nozzles shall be of closed type or provided with metal covers kept closed. Containers not resting on floors shall be on non-combustible supports or suspended by wire cables. Containers supplying spray nozzles by gravity flow shall not exceed 10 gallons capacity.

e. All containers or piping to which is attached a hose or flexible connection shall be provided with a shutoff valve at the connection. Such valves shall be kept shut when spraying operations are not being conducted. When a pump is used to deliver products, automatic means shall be provided to prevent pressure in excess of the design working pressure of accessories, piping and hose.

f. Heaters shall not be located in spray booths or other locations subject to the accumulation of deposits or combustible residue.

g. If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, pump discharge line shall be provided with an approved relief valve discharging to pump suction or to a safe detached location, or a device provided to stop the prime mover if the discharge pressure exceeds the safe operating pressure of the system.

h. Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be bonded and grounded. Piping systems for flammable or combustible liquids shall be permanently bonded and grounded.

Section 15.28. Fire Control.

Suitable portable fire extinguishers, small hose or other fire extinguishing equipment shall be installed near all spraying areas as may be specified by the Chief of the Fire Company.

Section 15.29. Operations and Maintenance.

a. All spraying areas shall be kept free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary.

b. Scrapers, squeegees or other such tools used for cleaning purposes shall be of non-sparking material.

c. Residue scrapings and debris contaminated with residue shall be immediately removed from premises and properly disposed of.

d. The use of solvents for cleaning operations shall be restricted to Class I and III liquids except solvents with flash points not less than those normally used in spraying operations may be used for cleaning spray nozzles and auxiliary equipment, provided such cleaning is conducted inside spray booths and venting equipment is operating during cleaning.

e. Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second.

f. Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of

at least once daily and at the end of each shift.

Section 15.210. Drying Apparatus.

a. Drying apparatus, in addition to conforming with this article, shall comply with the applicable provisions of article 26.

b. Spray booths, rooms or other enclosures used for spraying operations shall not alternately be used for the purpose of drying by any arrangement which will cause a material increase in the surface temperature of the spray booth, room or enclosure.

c. Except as specifically provided in section 15.210d, drying, fusion or curing units, utilizing a heating system having open flames or which may produce sparks, shall not be installed in a spraying area as defined in section 15.21, but may be installed adjacent thereto when equipped with an interlocked ventilating system arranged to:

(1) Thoroughly ventilate the drying space before heating system can be started;

(2) Maintain a safe atmosphere at any source of ignition;

(3) Automatically shut down heating system in the event of failure of the ventilating system.

d. Automobile refinishing booths or enclosures, otherwise installed and maintained in conformity with this division, may alternately be used for drying with portable electrical infra-red drying apparatus when conforming with the following:

(1) Interior of spray enclosures shall be kept free of over-spray deposits.

(2) During spray operations, the drying apparatus and electrical connections and wiring thereto shall not be located within spray enclosure nor in any other location where spray residue may be deposited thereon.

(3) Spraying apparatus, drying apparatus, and ventilating system of spray enclosure shall be equipped with suitable interlocks so arranged that:

(a) Spraying apparatus cannot be operated while drying apparatus is inside spray enclosure.

(b) Spray enclosure will be purged of spray vapors for a period of not less than 3 minutes before drying apparatus can be energized.

(c) Ventilating system will maintain a safe atmosphere within the enclosure during the drying process and drying apparatus will automatically shut off in the event of failure of the ventilating system.

(4) All electrical wiring and equipment of the drying apparatus shall be reasonably safe to persons and property. Within 18 inches of the floor level, evidence that electrical wiring and equipment is of a type approved for Class I, Division 2 hazardous locations and has been installed in accordance with the applicable standard specified for this section 15.210 d(4) in article 31 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property.

(5) All metallic parts of drying apparatus shall be properly electrically bonded and grounded.

DIVISION III DIP TANKS

Section 15.31. Definitions.

a. *Dip tank* shall mean a tank, vat or container of flammable or combustible liquid in which articles or materials are immersed for the purpose of coating, finishing, treating or similar processes.

b. *Vapor area* shall mean any area containing dangerous quantities of flammable vapors in the vicinity of dip tanks, their drain boards or associated drying, conveying or other equipment, during operation or shut-down periods. The Chief of the Fire Company may determine the extent of the vapor area, taking into consideration the characteristics of the liquid, the degree of sustained ventilation, and the nature of the operations.

Section 15.32. Location of Dip Tank Operations.

Dip tank operations shall not be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved system of automatic sprinklers and separated vertically and horizontally from other areas by construction of noncombustible material having a fire resistance rating of not less than 2 hours.

Section 15.33. Ventilation of Vapor Areas.

a. All vapor areas shall be provided with mechanical ventilation adequate to prevent the dangerous accumulation of vapors and to remove such vapors to a safe location.

b. Required ventilating systems shall be so arranged that the failure of any ventilating fan shall automatically stop any dipping conveyor system.

Section 15.34. Construction of Dip Tanks.

a. Dip tanks, including drain boards if provided, shall be constructed of substantial noncombustible material, and their supports shall be of heavy metal, reinforced concrete or masonry.

b. Dip tanks of over 150 gallons in capacity or 10 square feet in liquid surface area shall be equipped with a properly trapped overflow pipe leading to a safe location outside buildings.

c. The bottom of the overflow connection shall be not less than 6 inches below the top of the tank.

d. Dip tanks over 500 gallons in liquid capacity shall be equipped with bottom drains automatically and manually arranged to quickly drain tank in event of fire, unless the viscosity of the liquid at normal atmospheric temperature makes this impractical. Manual operations shall be from a safely accessible location. Where gravity flow is not practical, automatic pumps shall be provided.

e. Such drains shall be trapped and discharge to a closed properly vented salvage tank or to a safe outside location.

f. Dip tanks utilizing a conveyor system shall be so arranged that in the event of fire, the conveyor system shall automatically cease motion and required bottom drains shall open.

Section 15.35. Storage and Handling of Flammable or Combustible Liquids.

The storage and handling of flammable or combustible, dip tank liquids, shall be in accordance with article 16.

Section 15.36. Electrical and Other Sources of Ignition.

a. There shall be no open flame, spark producing devices, or heated surfaces having a temperature sufficient to ignite vapors in any vapor area.

b. Electrical wiring and equipment in any vapor area shall be reasonably safe to persons and property. In any vapor area, evidence that electrical wiring and equipment is of a type approved for Class I, Division II hazardous locations, and has been installed in accordance with the applicable standard specified for this section 15.36 in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property.

c. Unless specifically approved for locations containing both deposits of readily ignitable residues and explosive vapors, there shall be no electrical equipment in the vicinity of dip tanks or associated drain boards or drying operations which are subject to splashing or dripping of dip tank liquids, except wiring in rigid conduit or in threaded boxes or fittings containing no taps, splices or terminal connections, and except as hereinafter specifically permitted in section 15.41 to 15.44, relating to electrostatic equipment.

d. In any floor space outside a vapor area, but within 20 feet therefrom, and not separated by tight partitions, there shall be no open flames or spark producing devices, except drying and

baking apparatus may be installed adjacent to vapor areas when conforming to section 15.210c.

e. Electrical wiring and equipment in areas covered by section 15.36d shall be reasonably safe to persons and property. In such areas, evidence that electrical wiring and equipment is of a type approved for Class I, Division II hazardous locations, and has been installed in accordance with the applicable standard specified for this section 15.36 in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property.

Section 15.37. Operations and Maintenance.

a. Areas in the vicinity of dip tanks shall be kept as clear of combustible stock as practical and shall be kept entirely free of combustible debris.

b. When waste or rags are used in connection with dipping operations, approved metal waste cans shall be provided and all impregnated rags or waste deposited therein immediately after use. The contents of waste cans shall be disposed of at the end of each shift by methods approved by the Chief of the Fire Company.

Section 15.38. Fire Control.

a. Areas in the vicinity of dip tanks shall be provided with manual fire extinguishers suitable for flammable or combustible liquid fires, as specified by the Chief of the Fire Company.

b. Dip tanks of over 150 gallons capacity or 4 square feet liquid surface area shall be protected with at least one of the following automatic extinguishing facilities:

(1) Approved automatic water spray extinguishing system;

(2) Approved automatic foam extinguishing system;

(3) Approved automatic carbon dioxide system;

(4) Approved automatic dry chemical extinguishing system;

(5) Dip tank covers conforming to section 15.39.

Section 15.39. Dip Tank Covers.

a. Covers arranged to close automatically in the event of fire shall be actuated by approved automatic devices and shall also be arranged for manual operation.

b. Covers shall be of substantial non-combustible material or of tin-clad type with enclosing metal applied with locked joints.

c. Chains or wire rope shall be used for cover support or operating mechanism where the burning of a cord would interfere with the action of a device.

d. Covers shall be kept closed when tanks are not in use.

Section 15.310. Hardening and Tempering Tanks.

a. Hardening and tempering tanks shall conform to sections 15.34, 15.36, 15.37 and 15.38a as well as sections 15.310b through 15.310f, but shall be exempt from other provisions of Division III of this article.

b. Tanks shall be located as far as practicable from furnaces and shall not be located on or near combustible floors.

c. Tanks shall be provided with a non-combustible hood and vent, or other equally effective means, venting to outside of building to serve as a vent in case of fire. All such vent ducts shall be treated as flues and be kept well away from combustible roofs or materials.

d. Tanks shall be equipped with a high temperature limit switch arranged to sound an alarm when the temperature of the quenching medium reaches 50 degrees F below the flash point.

e. Hardening and tempering tanks of over 500 gallons capacity or 25 square feet liquid surface area shall be protected as specified in section 15.38b.

f. Air under pressure shall not be used to fill or to agitate oil in tanks.

Section 15.311. Flow Coat Operations.

a. Flow coat operations shall conform to

the provisions for dip tanks, considering the area of the sump and any areas on which paint flows as the area of a dip tank.

b. Paint shall be supplied by direct low pressure pumping arranged to automatically shut down by means of approved heat actuated devices, in case of fire, or by gravity tank not exceeding 10 gallons in capacity.

Section 15.312. Roll Coating.

a. The processes of roll coating, spreading and impregnating, in which fabrics, paper or other material is passed directly through a tank or trough containing flammable liquids, or over the surface of a roller that revolves partially submerged in a flammable liquid, shall conform to section 15.32b and to the applicable provisions of section 15.11 through 15.310.

b. Adequate arrangements shall be made to prevent sparks from static electricity by electrically bonding and grounding all metallic rotating and other parts of machinery and equipment and by the installation of static collectors or maintaining a conductive atmosphere by means such as high relative humidity.

DIVISION IV

ELECTROSTATIC EQUIPMENT

Section 15.41. Equipment Type and Location.

a. Approved electrostatic equipment shall be used in connection with coating operations.

b. Transformers, power packs, control apparatus, and all other electrical portions of the equipment, with the exception of high voltage grids, electrodes and electrostatic atomizing heads, the hand gun and their connections, shall be located outside of the spraying or vapor areas as defined in sections 15.21 and 15.31b, or shall conform to sections 15.25 and 15.36.

Section 15.42. Controls.

a. A safe distance shall be maintained between goods being painted and fixed electrodes, electrostatic atomizing heads or conductors of at least twice the sparking distance. A suitable sign stating this safe distance shall be conspicuously posted near the assembly.

b. Fixed electrostatic equipment shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

(1) Stoppage of ventilating fans or failure of ventilating equipment from any cause.

(2) Stoppage of the conveyor carrying goods past the high voltage grid.

(3) Occurrence of a ground or of an imminent ground at any point on the high voltage system.

(4) Reduction of clearance below that specified in section 15.42a.

c. Hand electrostatic equipment or powder coating electrostatic equipment shall be interlocked with the ventilating system for the spraying area so that the equipment cannot be operated unless the ventilating system is in operation.

Section 15.43. Guards and Signs.

a. Adequate booths, fencing, railings or guards shall be so placed about the fixed electrostatic equipment that they, either by their location or character or both assure that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing and guards shall be of conducting material, adequately grounded, and shall be at least 5 feet from processing equipment.

b. Signs designating the process zone as dangerous as regards fire and accident shall be posted.

Section 15.44. Ventilation.

The spraying area shall be adequately ventilated so as to insure a safe condition from a fire and health standpoint.

DIVISION V

AUTOMOBILE UNDERCOATING

Section 15.51. Operations Included.
a. Automobile undercoating spray operations, conducted in areas having adequate natural or mechanical ventilation, may be exempt from the provisions of Division II of this article, on approval by the Chief of the Fire Company, when using undercoating materials which are not more hazardous than kerosene, or undercoating materials using only solvents having a flashpoint in excess of 100 degrees F.

b. Undercoating spray operations not conforming with section 15.51a shall be subject to all applicable provisions of this article.

DIVISION VI

POWDER COATING

Section 15.51. Equipment Type, Location and Construction.

a. This division shall apply to finely ground particles of protective finishing material applied in dry powder form by means of a fluidized bed, electrostatic fluidized bed, powder spray guns, or electrostatic powder spray guns.

b. Powder coating operations shall be conducted in either:

- (1) Completely enclosed rooms constructed of noncombustible materials, or
- (2) Enclosed powder coating facilities which are adequately ventilated, or
- (3) Adequately ventilated spray booths meeting the requirements of section 15.23.

c. Electrical and Other Sources of Ignition.

(1) Electrical equipment and other sources of ignition shall conform to the requirements of Division IV of this article except that electrical equipment not covered therein shall conform to section 15.15 for Class II locations and comply with sections 15.25g and 15.25h.

d. Ventilation.

(1) In addition to the provisions of section 15.26 where applicable, exhaust ventilation shall be sufficient to maintain the atmosphere below the lowest explosive limits for the material being applied. All non-deposited air-suspended powders shall be safely removed via exhaust ducts to the powder recovery cyclone or receptacle.

(2) Powders shall not be released to the outside atmosphere.

e. The use of drying, curing, or fusion equipment shall comply with the provisions of article 26 where applicable.

f. Operation and Maintenance.

(1) All areas shall be kept free of the accumulation of powder coating dusts, particularly such horizontal surfaces as ledges, beams, pipes, hoods, booths and floors.

(2) Surfaces shall be cleaned in such manner as to avoid scattering dust to other places or creating dust clouds; vacuum sweeping equipment approved for the use in hazardous locations should be used.

DIVISION VII

ORGANIC PEROXIDES AND DUAL COMPONENT COATINGS

Section 15.71. Safety Precautions for Application and Storage.

a. All spraying operations involving the use of organic peroxides and other dual component coatings shall be conducted in approved sprinklered spray booths meeting the requirements of this article.

b. Spray guns and related handling equipment specifically manufactured for use with organic peroxides shall be used. Separate pressure vessels and inserts specifically designed for the application shall be used for the resin and for the organic peroxide and they shall not be interchanged.

c. Organic peroxide pressure tank inserts shall be constructed of stainless steel or polyethylene.

d. Dusts or overspray residues resulting from the sanding or spraying of finishing materials containing organic peroxides shall not be mixed with other materials.

e. All spilled peroxides shall be promptly removed so there are no residues. Spilled

material may be absorbed by using a noncombustible absorbent and then promptly disposed of in accordance with the manufacturer's recommendation.

f. Organic peroxides shall be stored in a cool, detached building apart from other finishing materials, and only minimum daily requirements shall be brought to the processing area; such material remaining at the spraying station at the end of a day's operations shall be disposed of. Organic peroxides shall be kept away from all sources of heat including steam pipes, radiators, open flames, sparks and solar radiation.

g. Non-sparking tools shall be used in any area where organic peroxides are stored, mixed or applied.

ARTICLE 16 FLAMMABLE AND COMBUSTIBLE LIQUIDS DIVISION I

GENERAL PROVISIONS

Section 16.11. Scope.

This article shall apply to liquids with a flash point below 200 degrees F; to liquids with flash points above 200 degrees F, which when heated assume the characteristics of liquids with flash points below 200 degrees F; except as provided in section 1.2b.

Section 16.12. Definitions.

a. *Automotive service station [garage]* shall mean a building or structure or a portion thereof, in which a motor vehicle containing a flammable fluid in its fuel storage tank, is stored, housed, kept, repaired or serviced and where no repair work is done except exchange of parts and maintenance requiring no open flame, cutting, welding or the use of highly flammable liquids.

b. *Barrel* shall mean a volume of 42 U.S. gallons.

c. *Boiling point* shall mean the boiling point of a liquid at a pressure of 14.7 psia (760 mm). Where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, for purposes of this classification the 10 percent point of a distillation as performed by the method of test specified for this section 16.12c in article 31 of this Code, may be accepted in lieu of the boiling point of the liquid.

d. *Bulk-over* shall mean the expulsion of crude oil (or certain other liquids) from a burning tank in which the light fractions of the crude oil burn off producing a heat wave in the residue, which on reaching a water strata may result in the expulsion of a portion of the contents of the tank in the form of a froth.

e. *Bulk Plant* shall mean that portion of a property where flammable or combustible liquids are received by tank vessel, pipe line, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle, or container.

f. *Chemical plant* shall mean a large integrated plant or that portion of such a plant other than a refinery or distillery where flammable or combustible liquids are produced by chemical reactions or used in chemical reactions.

g. *Closed container* shall mean a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

h. *Containers* shall mean any can, barrel or drum.

i. *Crude petroleum* shall mean hydrocarbon mixtures that have a flash point below 150 degrees F and which have not been processed in a refinery.

j. *Distillery* shall mean a plant or that portion of a plant where flammable or combustible liquids produced by fermentation are concentrated, and where the concentrated products may also be mixed, stored or packaged.

k. *Flammable aerosol* shall mean a material which is dispensed from its container as a mist, spray or foam by a propellant under pressure and which is required to be labeled "Flammable"

under the U.S. Federal Hazardous Substances Act. Such aerosols shall be considered as Class IA liquids.

l. *Flash point* of the liquid shall mean the minimum temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the vessel used as determined by the method of test specified for this section 16.12i in article 31 of this Code.

m. *Liquid* shall mean, when not otherwise identified, both flammable and combustible liquids and shall include any material which has a fluidity greater than that of 300 penetration asphalt by the method of test specified for this section 16.12m in article 31 of this Code.

Combustible liquid shall mean any liquid having a flash point at or above 140 degrees F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees F.

Flammable liquid shall be divided into two classes of liquids as follows:
Class I liquids shall include those having flash points below 100 degrees F and may be subdivided as follows:

Class IA shall include those having flash points below 73 degrees F and having a boiling point below 100 degrees F.

Class IB shall include those having flash points below 73 degrees F and having a boiling point at or above 100 degrees F.

Class IC shall include those having flash points at or above 73 degrees F and below 100 degrees F.

Class II liquids shall include those having flash points at or above 100 degrees F and below 140 degrees F.

When artificially heated to temperatures equal to or higher than their flash points, Class II and III liquids shall be subject to the applicable provisions for Class I or II liquids. The provisions of this article shall also be applied to high flash point liquids when heated to temperatures equal to or higher than their flash points even though these same liquids would be outside the scope of this article when they are not heated.

Unstable [reactive] liquid shall mean a liquid in the pure state or as commercially produced or transported which will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shock, pressure, or temperature. Examples are organic peroxides and nitromethane.

n. *Marine service station* shall mean that portion of a property where flammable or combustible liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft, and shall include all facilities used in connection therewith.

o. *Refinery* shall mean a plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum natural gasoline, or other hydrocarbon sources.

p. *Safety can* shall mean an approved container, not over 5 gallons capacity, having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

q. *Tank, atmospheric* shall mean a storage tank which has been designed to operate at pressures from atmospheric through 0.5 psig.

r. *Tank, low pressure* shall mean a storage tank which has been designed to operate at pressures above 0.5 psig but not more than 15 psig.

s. *Tank, pressure vessel* shall mean a storage tank or vessel which has been designed to operate at pressures above 15 psig.

t. *Vapor pressure* shall mean the pressure, measured in pounds per square inch (absolute) exerted by a volatile liquid, as determined by the method of test specified for this section 16.12r in article 31 of this Code.

that in turn acts to prevent such liquid from being used for prevention of fire and explosion and shall be considered adequate when the vapor-air mixture does not exceed 25 percent of the lower flammable limit.

Section 16.13. Permits Required.

A permit shall be obtained for any of the following:

a. Storage, handling, or use of Class IA and IB liquids in excess of 1 gallon in a dwelling or other place of human habitation; or in excess of 6 gallons in any other building or other occupancy; or in excess of 10 gallons outside of any building; except that no permit shall be required for the following:

(1) For the storage or use of flammable or combustible liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat, or portable heating plant.

(2) For the storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.

b. Storage, handling or use of Class II or III liquids in excess of 25 gallons in a building or in excess of 50 gallons outside of a building, except for fuel oil used in connection with oil burning equipment.

c. For the manufacturing, processing, blending, or refining of flammable or combustible liquids.

d. For the storage of flammable or combustible liquids in stationary tanks.

Section 16.14. Laboratory Listed Tanks and Equipment.

Containers, tanks, equipment and apparatus listed by a nationally recognized testing agency shall be considered as meeting requirements of this article.

Section 16.15. Warning Labels for Containers of Flammable Liquids With Flash Points Below 140 degrees F.

a. All flammable or combustible liquids, and flammable liquid compounds or mixtures, offered for sale at retail in containers, except as indicated in section 16.15b, shall be conspicuously marked or labeled.

b. The labels shall not be required:

(1) On beverages, articles of food or drugs.

(2) When the container is labeled in accordance with the Regulations of the Department of Transportation, or

(3) When the container is labeled in accordance with the Federal Hazardous Substances Labeling Act and Regulations.

c. For all flammable or combustible liquids having a flash point below 140 degrees F, a label similar to the following shall be used:

WARNING! FLAMMABLE
Keep Away from Heat,
Sparks and Open Flame
Keep Closed When Not in Use

Section 16.16. Hazardous Heating, Lighting and Cooking Appliances May be Prohibited.

The Chief of the Fire Company shall prohibit the sale or use of any heating, lighting or cooking appliance using a flammable or combustible liquid which presents a hazard.

DIVISION II

TANK STORAGE

Section 16.21. Design and Construction of Tanks.

a. *Materials*.

(1) Tanks shall be built of steel except as provided in sections 16.21a(2) through 16.21a(5).

(2) Tanks may be built of materials other than steel for installation underground or if required by the properties of the liquid stored. Tanks located above-ground or inside buildings shall be of non-combustible construction.

(3) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used and shall be approved by the Chief of the Fire Company.

(4) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of 40 degrees API or heavier. Concrete tanks with special lining may be used for other services providing the design is in accordance with sound engineering practice.

(5) Tanks may have combustible or noncombustible linings.

(6) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below zero degrees F.

b. *Fabrication*.

(1) Tanks may be of any shape or type consistent with sound engineering design.

(2) Metal tanks shall be welded, riveted and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be non-ferrous metal or any alloy having a melting point above 1000 degrees F and below that of the metal joined.

c. *Atmospheric Tanks*.

(1) Atmospheric tanks shall be built so as to be reasonably safe to persons and property. Evidence that an atmospheric tank has been built in accordance with the applicable standards specified for this section 16.21c(1) in article 31 of this Code shall be evidence that such atmospheric tanks are reasonably safe to persons and property.

(2) Tanks designed for underground service not exceeding 2,500 gallons capacity may be used aboveground.

(3) Low pressure tanks and pressure vessels may be used as atmospheric tanks.

(4) Atmospheric tanks shall not be used for the storage of a flammable or combustible liquid at a temperature at or above its boiling point.

d. *Low Pressure Tanks*.

(1) The normal operating pressure of the tank shall not exceed the design pressure of the tank.

(2) Low pressure tanks shall be built so as to be reasonably safe to persons and property. Evidence that a low pressure tank has been built in accordance with the applicable standards specified for this section 16.21d(2) in article 31 of this Code shall be evidence that said low pressure tanks are reasonably safe to persons and property.

(3) Atmospheric tanks built according to Underwriters' Laboratories, Inc. standards in section 16.21c(1) may be used for operating pressures not exceeding 1 psig and shall be limited to 2.5 psig under emergency venting conditions.

(4) Pressure vessels may be used as low pressure tanks.

e. *Pressure Vessels*.

(1) The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

(2) Pressure vessels shall be built so as to be reasonably safe to persons and property. Evidence that a pressure vessel has been built in accordance with the applicable standard specified in this section 16.21e(2) in article 31 of this Code shall be evidence that such pressure vessels are reasonably safe to persons and property.

f. *Provisions for Internal Corrosion*.

When tanks are not designed in accordance with the sections 16.21c through 16.21e or if corrosion is anticipated beyond that provided for in the design formulas used, additional metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

Section 16.22. Installation of Outside Aboveground Tanks.

a. *Restricted Locations*. The storage of Class I liquids in aboveground tanks outside of buildings is prohibited within the limits established by law, as the limits of the districts in which such storage is to be prohibited.

b. Location with Respect to Property Lines.

(1) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable liquids, operating at pressures not in excess of 2.5 psig and equipped with emergency venting which will not permit pressures to exceed 2.5 psig shall be located in accordance with Table 16.22b(1).

See Table 16.22b(1) Page 26

(2) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable flammable or combustible liquids, operating at pressures exceeding 2.5 psig or equipped with emergency venting which will permit pressures to exceed 2.5 psig shall be located in accordance with Table 16.22b(2).

See Table 16.22b(2) Page 26

(3) Every aboveground tank for the storage of flammable or combustible liquids with boil-over characteristics shall be located in accordance with Table 16.22b(3).

See Table 16.22b(3) Page 26

(4) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table 16.22b(4), except that unstable liquids that are unstable (reactive) chemicals such as organic peroxides and nitromethane shall in addition to complying with the applicable provisions of this article 16 shall comply with sections 20.7, and 20.8 or 20.9 as applicable.

See Table 16.22b(4) Page 26

(5) Reference minimum distances for use in Tables 16.22b(1) through 16.22b(4) inclusive shall be as follows:

See Table 16.22b(5) Page 27

(6) Where two tank properties of diverse ownership have a common boundary, the chief of the fire company may, with the written consent of the owners of the two properties, substitute the distances provided in sections 16.22c(1) through 16.22c(6) for the minimum distances set forth in section 16.22b.

(7) Where end failure horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

c. Spacing (Shell-To-Shell) Between Aboveground Tanks.

(1) The distance between any two flammable or combustible liquid storage tanks shall not be less than three feet.

(2) Except as provided in section 16.22c(3), the distance between any two adjacent tanks shall not be less than one-sixth the sum of their diameters except when the diameter of one tank is less than one-half the diameter of the adjacent tank, the distance between the two tanks shall not be less than one-half the diameter of the smaller tank.

(3) For crude petroleum in conjunction with production facilities located in noncongested areas and having capacities not exceeding 126,000 gallons (3,000 barrels), the distance between such tanks shall be not less than three feet.

(4) For unstable flammable or combustible liquids, the distance between such tanks shall not be less than one-half the sum of their diameters.

(5) When tanks are compacted in three or more rows or in an irregular pattern, greater spacing or other means shall be provided at the discretion of the Chief of the Fire Company so that inside tanks are accessible for fire fighting purposes.

(6) The minimum separation between a liquefied petroleum gas container and a flammable or combustible liquid storage tank shall be 20 feet, except in the case of flammable or combustible liquid tanks operating at pressures exceeding 2.5 psig or equipped with emergency venting which will permit pressures to exceed 2.5 psig in which case the provisions of 16.22c(1) and 16.22c(2) shall apply. Suitable means shall be taken to prevent the accumulation of flammable or combustible liquids under adjacent liquefied petroleum gas containers such as by diversion curbs or grading. When

flammable or combustible liquid storage tanks are within a diked area, the liquefied petroleum gas containers shall be outside the diked area and at least 10 feet away from the center line of the wall of the diked area. The foregoing provisions shall not apply when liquefied petroleum gas containers of 125 gallons or less capacity are installed adjacent to fuel oil supply tanks of 550 gallons or less capacity.

d. Location of Outside Aboveground Tanks with Respect to Important Buildings on Same Property.

(1) Every outside aboveground tank shall be separated from important buildings on the same property by distances not less than those specified in sections 16.22b(1) to 16.22b(4) whichever is applicable. The appropriate distance column in Tables 16.22b(1) to 16.22b(5) that shall be used shall be the one reading: "Minimum Distance in Feet from Nearest Side of Any Public Way or from Nearest Important Building."

e. Normal Venting for Aboveground Tanks.

(1) Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceeding the design pressure in the case of other atmospheric tanks, as a result of filling or emptying, and atmospheric temperature changes.

(2) Normal vents shall be sized so as to be reasonably safe to persons and property and at least as large as the filling or withdrawal connection, whichever is larger but in no case less than 1 1/4 inch nominal inside diameter. Evidence that normal vents have been sized in accordance with the applicable standard specified for this section 16.22e(2) in article 31 of this Code shall be evidence that such vents are reasonably safe to persons and property.

(3) Low-pressure tanks and pressure vessels shall be adequately vented to prevent development of pressure or vacuum, as a result of filling or emptying, and atmospheric temperature changes, from exceeding the design pressure of the tank or vessel. Protection shall also be provided to prevent overpressure from any pump discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.

(4) If any tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

(5) Unless the vent is designed to limit the internal pressure to 2.5 psf or less, the outlet of vents and vent drains shall be arranged to discharge in such a manner as to prevent localized overheating of any part of the tank in the event vapors from such vents are ignited.

(6) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressure or vacuum conditions except as provided in section 16.22e(7). Tanks and pressure vessels storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters except as provided in section 16.22e(8).

(7) Tanks of 3,000 bbls. capacity or less containing crude petroleum in crude-producing areas; and, outside aboveground atmospheric tanks under 1,000 gallons capacity containing other than Class IA flammable liquids may have open vents.

(8) Flame arresters or venting devices required in section 16.22e(6) may be omitted for Class IB and IC liquids where conditions are such that their use may, in case of obstruction, result in tank damage.

f. Emergency Relief Venting For Fire Exposure for Aboveground Tanks.

(1) Every aboveground storage tank shall have some form of construction of device that will relieve excessive internal

pressure caused by exposure fires.

(2) In a vertical tank the construction referred to in section 16.22f(1) may take the form of a floating roof, litter roof, a weak roof-to-shell seam, or other approved pressure relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam.

(3) Where entire dependence for emergency relief is placed upon pressure relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation, or self-reactivity shall be taken into account. The total capacity of both normal and emergency venting devices shall be not less than that derived from Table 16.22f(3), except as provided in sections 16.22f(5) or 16.22f(6).

See Table 16.22f(3) Page 27

Such device may be a self-closing manhole cover, or one using long bolts that permit the cover to lift under internal pressure, or an additional or larger relief valve or valves.

The wetted area of the tank shall be calculated on the basis of: 5% per cent of the total exposed area of a sphere or spheroid, 75 per cent of the total exposed area of a horizontal tank, and first 30 feet aboveground of the exposed shell area of a vertical tank.

(4) For tanks and storage vessels designed for pressures over 1 psig, the total rate of venting shall be determined in accordance with Table 16.22f(3), except that when the exposed wetted area of the surface is greater than 2,800 sq. ft., the total rate of venting shall be calculated by the following formula:

$$CFH = 1.107 A^{0.82}$$

where:

CFH = venting requirements, in cubic feet of free air per hour.

A = exposed wetted surface, in square feet.

(5) The total emergency relief venting capacity for any specific stable liquid may be determined by the following formula:

$$\text{Cubic feet of free air per hour} = V \sqrt{1337}$$

where:

V = Cubic feet of free air per hour from Table 16.22f(3).

L = latent heat of vaporization of specific liquid in Btu per lb.

M = molecular weight of specific liquid.

(6) The required air flow rate of section 16.22f(3) or 16.22f(5) may be multiplied by the appropriate factor listed in the following schedule when protection is provided as indicated. Only one factor may be used for any one tank.

.5 for drainage in accordance with section 16.22h(2) for tanks over 200 square feet of wetted area.

.3 for approved water spray.

.3 for approved insulation.

.15 for approved water spray with approved insulation.

(7) The outlet of all vents and vent drains on tanks equipped with emergency venting to permit pressures exceeding 2.5 psig shall be arranged to discharge in such a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

(8) Each commercial tank venting device shall have stamped on it the opening pressure, the pressure at which the valve reaches the full open position, and the flow capacity at the latter pressure, expressed in cubic feet per hour of air at 60 degrees F and at a pressure of 14.7 psia.

(9) The flow capacity of tank venting devices 12 in. and smaller in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests may be conducted by the manufacturer if certified by a qualified impartial observer, or may be conducted by an outside agency. The flow capacity of tank venting devices larger than 12 in. nominal pipe size, including manhole

covers with long bolts or equivalent, may be calculated provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the word "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

g. Vent Piping for Aboveground Tanks.

(1) Vent piping shall be constructed in accordance with Division III.

(2) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings.

(3) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifold tanks are subject to the same fire exposure.

h. Drainage, Dikes and Walls For Aboveground Tanks.

(1) **Drainage and Dike Areas:** The area surrounding a tank or a group of tanks shall be provided with drainage as in section 16.22h(2), or shall be diked as provided in section 16.22h(3), to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways, except that in particular installations these provisions may be waived or altered at the discretion of the Chief of the Fire Company when tanks under consideration do not constitute a hazard to adjoining property.

(2) **Drainage:** Where protection of adjoining property or waterways is by means of a natural or man-made drainage system, such systems shall comply with the following:

(a) A slope of not less than 1 percent away from the tank toward the drainage system shall be provided.

(b) The drainage system shall terminate in vacant land or other area or in an impounding basin having a capacity not smaller than that of the largest tank served. This termination area and the route of the drainage system shall be so located that, if the flammable or combustible liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.

(c) The drainage system, including automatic drainage pumps, shall not discharge to adjoining property, natural water courses, public sewers, or public drains unless the discharge of flammable or combustible liquids would not constitute a hazard, or the system is so designed that it will not permit flammable or combustible liquids to be released.

(3) **Diked Areas:** Where protection of adjoining property or waterways is accomplished by retaining the liquid around the tank by means of a dike, the volume of the diked area shall comply with the following requirements:

(a) Except as provided in section 16.22h(3)(b), the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

(b) For a tank or group of tanks with fixed roofs containing crude petroleum with boilover characteristics, the volumetric capacity of the diked area shall be not less than the capacity of the largest tank served by the enclosure, assuming a full tank. The capacity of the diked enclosure shall be calculated by deducting the volume below the height of the dike of all tanks within the enclosure.

(c) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls 3 feet or more in height shall have a flat section at the top not less than 2 feet wide. The slope of earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.

(d) The walls of the diked area shall be restricted to an average height of 5 feet above interior grade.

(e) Where provision is made for draining water from diked areas, drainage shall be provided at a uniform slope of not less than 1% away from tanks toward a sump, drainbox or other safe means of disposal located at the greatest practical distance from the tank. Such drains shall normally be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions.

(f) No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

(g) Each diked area containing two or more tanks shall be sub-divided preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked areas as follows:

(1) When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type tank, one sub-division for each tank in excess of 10,000 bbls. and one sub-division for each group of tanks (no tank exceeding 10,000 bbls. capacity) having an aggregate capacity not exceeding 15,000 bbls.

(2) When storing normally stable liquids in tanks not covered in section 16.22h(3)(g)(1), one subdivision for each tank in excess of 100,000 gallons (2,500 bbls.) and one sub-division for each group of tanks (no tank exceeding 100,000 gallons capacity) having an aggregate capacity not exceeding 150,000 gallons (3,570 bbls.)

(3) When storing unstable liquids in any type of tank, one sub-division for each tank except that tanks installed with drainage so as to be reasonably safe to persons and property shall require no additional subdivision. Evidence that such drainage has been installed in accordance with the applicable standard specified for this section 16.22h(3)(g)(3) in article 31 of this Code shall be evidence that such drainage provides reasonable safety to persons and property.

(4) The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, shall not be less than 18 inches in height.

i. Tank Openings Other Than Vents for Aboveground Tanks.

(1) Connections for all tank openings shall be vapor and liquid tight.

(2) Each connection to an above ground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses and temperatures involved, including fire exposures.

(3) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquid-tight closure. This may be a valve, plug or blind, or a combination of these.

(4) Openings for gaging shall be provided with a vapor-tight cap or cover.

(5) For Class IB and IC liquids other than crude oils, gasolines and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity. A fill pipe entering the top of a tank shall terminate within six inches of the bottom of the tank and shall be installed to avoid excessive vibration.

(6) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than five feet away from any building opening. Such connection shall be closed and liquid tight when not in use. The connection shall be properly identified.

Section 16.23. Installation of Underground Tanks.

a. Location: Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks or tanks under buildings shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing Class I liquids to the nearest wall of any basement or pit shall be not less than one foot, and to any property line that may be built upon, not less than three feet. The distance from any part of a tank storing Class II or III liquids to the nearest wall of any basement, pit or property line shall be not less than one foot.

b. Depth and Cover: Underground tanks shall be set on firm foundation and surrounded with at least six inches of noncorrosive, inert materials such as clean sand, earth or gravel well tamped in place. The tank shall be placed in the hole with care since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank or scrape off the protective coating of coated tanks. Tanks shall be covered with a minimum of two feet of earth, or shall be covered with not less than one foot of earth, on top of which shall be placed a slab of reinforced concrete not less than four inches thick. When underground tanks are, or are likely to be, subjected to traffic, they shall be protected against damage from vehicles passing over them by at least three feet of earth cover, or 18 inches of well-tamped earth, plus six inches of reinforced concrete or eight inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.

c. Corrosion Protection: Corrosion protection for the tank and its piping shall be provided by one or more of the following methods: (1) use of protective coatings or wrappings; (2) cathodic protection; or, (3) corrosion resistant materials of construction.

d. Vents.

(1) Location and Arrangement of Vents for Class I Liquids: Vent pipes from tanks storing Class I liquids shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than 12 feet above the adjacent ground level. Vent pipes shall discharge only upward in order to disperse vapors. Vent pipes two inches or less in nominal inside diameter shall not be obstructed by devices that will cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than ten feet in length or greater than two inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet.

(2) Size of Vents: Each tank shall be vented through piping adequate in size to prevent back-flow of vapor or liquid at the fill opening while tank is being filled.

Vent pipes shall be not less than 1 1/4 inch nominal inside diameter.

(3) Location and Arrangement of Vents for Class II or III Liquids: Vent pipes from tanks storing Class II or III flammable liquids shall terminate outside of building and higher than the fill pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

(4) Vent Piping: Vent piping shall be constructed in accordance with Division III. Vent pipes shall be so laid as to drain toward the tank without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage. The tank end of the vent pipe shall enter the tank through the top.

(5) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are filled simultaneously.

e. Tank Openings Other Than Vents.

(1) Connections for all tank openings shall be vapor or liquid tight.

(2) Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. If inside a building, each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(3) Fill and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank.

(4) For Class IB and IC liquids other than crude oils, gasolines and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within six inches of the bottom of the tank.

(5) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than five feet away from any building opening. Such connection shall be closed and liquid tight when not in use. The connection shall be properly identified.

Section 16.24. Installation of Tanks Inside of Buildings.

a. Location: Tanks shall not be permitted inside of buildings except as provided in Divisions V, VII, VIII.

b. Vents: Vents for tanks inside of buildings shall be provided as in sections 16.22e, 16.22f, 16.22g(2), and 16.23d except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall discharge vapors outside the buildings.

c. Vent Piping: Vent piping shall be constructed in accordance with Division III.

d. Tank Openings Other Than Vents.

(1) Connections for all tank openings shall be vapor or liquid tight.

(2) Each connection to a tank inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses and temperatures involved, including fire exposures.

(3) Flammable or combustible liquid tanks located inside of buildings except in one-story buildings designed and protected for flammable or combustible liquid storage, shall be provided with an automatic-closing heat-actuated valve on each withdrawal connection below the liquid level, except for connections used for emergency disposal, to prevent continued flow in the event of fire in the vicinity of the tank. This function may be incorporated in the valve required in section 16.24d(2), and if a separate valve shall be located adjacent to the valve

required in section 16.24d(2).

(4) Openings for manual gaging, if independent of the fill pipe shall be provided with a vapor-tight cap or cover. Each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(5) For Class IB and IC liquids other than crude oils, gasolines and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within six inches of the bottom of the tank.

(6) The fill pipe inside of the tank shall be installed to avoid excessive vibration of the pipe.

(7) The inlet of the fill pipe shall be located outside of buildings at a location free from any source of ignition and not less than five feet away from any building opening. The inlet of the fill pipe shall be closed and liquid tight when not in use. The fill connection shall be properly identified.

(8) Tanks inside buildings shall be equipped with a device, or other means shall be provided, to prevent overflow into the building.

Section 16.25. Supports, Foundations and Anchorage for All Tank Locations.

a. Tank supports shall be installed on firm foundations. Tank supports shall be of concrete, masonry or steel. Single wood timber supports (not cribbing) laid horizontally may be used for outside aboveground tanks if not more than 12 inches high at their lowest point.

b. Steel supports or exposed piping shall be protected so as to have a fire resistance rating of not less than two hours, except that steel saddles need not be protected if less than 12 inches high at their lowest point. At the discretion of the Chief of the Fire Company, approved water spray protection or its equivalent may be used as an alternate.

c. The design of the supporting structure for tanks such as spheres shall require special engineering consideration.

d. Every tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the shell.

e. Tanks shall rest on the ground or on foundations made of concrete, masonry, piling or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

f. Where a tank is located in an area that may be subjected to flooding, the applicable precautions outlined in Appendix A, Protection of Tanks Containing Flammable or Combustible Liquids in Locations That May Be Flooded, shall be observed.

g. In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of such shocks.

Section 16.26. Sources of Ignition.

In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical and mechanical), spontaneous ignition, chemical and physical-chemical reactions and radiant heat.

Section 16.27. Testing.

a. All tanks, whether shop-built or field erected, shall be strength tested before they are placed in service in accordance with the applicable paragraphs of the Code or Standard referenced in sections 16.21(1), 16.21d(2), and 16.21e(2) under which they were built. The ASME Code stamp, API monogram, or the label of the Underwriters' Laboratories, Inc. on a tank shall be evidence of compliance with this strength test. Tanks not so marked shall

be strength tested before they are placed in service in accordance with good engineering principles.

b. When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed upon the bottom of the tank exceeds 10 psi, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed. In special cases where the height of the vent above the top of the tank is excessive the hydrostatic test pressure shall be specified by the Chief of the Fire Company.

c. In addition to the strength test called for in sections 16.27a and 16.27b, all tanks and connections shall be tested for tightness. Except for underground tanks, this tightness test shall be made at operating pressure with air, inert gas or water prior to placing the tank in service. In the case of field-erected tanks the strength test may be considered to be the test for tank tightness. Underground tanks and piping, before being covered, enclosed or placed in use, shall be tested for tightness hydrostatically, or with air pressure at not less than 3 psi and not more than 5 psi.

d. All leaks or deformations shall be corrected in an acceptable manner before the tank is placed in service. Mechanical caulking is not permitted for correcting leaks in welded tanks except pin hole leaks in the roof.

e. Tanks to be operated at pressures below their design pressure may be tested by the applicable provisions of section 16.27a or 16.27b based upon the pressure developed under full emergency venting of the tank.

DIVISION III PIPING, VALVES AND FITTINGS

Section 16.31. General.

a. The design (including selection of materials), fabrication, assembly, test and inspection of piping systems containing flammable or combustible liquids shall be suitable for the expected working pressures, and structural stresses and shall be reasonably safe to persons and property. Piping systems designed, fabricated, assembled, tested and inspected for the expected working pressures and structural stresses in conformance with the applicable provisions of this Code shall be deemed to be reasonably safe to persons and property; on matters not covered in this code, conformity of piping system installations to the applicable standards specified for this section 16.31a in article 31 of this Code shall be evidence that such piping systems are reasonably safe to persons and property.

b. This division shall not apply to any of the following:

(1) Tubing or casing on any oil or gas wells and any piping connected directly thereto.

(2) Motor vehicle, aircraft, boat or portable or stationary engine.

(3) Piping within the scope of any applicable boiler and pressure vessel Code.

c. Piping systems shall consist of pipe, flanges, bolting, gaskets, valves, fittings, the pressure containing parts of other components such as expansion joints and strainers, and devices which serve such purposes as mixing, separating, snubbing, distributing, metering, or controlling flow.

Section 16.32. Materials for Piping, Valves and Fittings.

a. Materials for piping, valves or fittings shall be steel or nodular iron except as provided in sections 16.32b through 16.32e. Nodular iron materials when used shall comply with the applicable standard specified for this section 16.32a in article 31 of this Code which shall be evidence that such materials are reasonably safe to persons and property.

b. Materials other than steel or nodular iron may be used underground or if required by the properties of the flammable or combustible liquid handled.

c. Materials other than steel or nodular

iron shall be designed to specifications embodying principles recognized as good engineering design for the material used and shall be approved by the Chief of the Fire Company.

d. Piping valves and fittings may have combustible or non-combustible linings.

e. When low melting point materials such as aluminum and brass or materials that soften on fire exposure such as plastic, or nonconductive materials such as cast iron, are necessary, special consideration shall be given to their behavior on fire exposure. If such materials are used in aboveground piping systems or inside buildings, they shall be suitably protected against fire exposure or so located that any spill resulting from the failure of these materials could not unduly expose persons, important buildings or structures or can be readily controlled by remote valves.

Section 16.33. Pipe Joints.

a. Joints shall be made liquid tight. Welded or screwed joints or approved connectors shall be used. Threaded joints and connections shall be made up tight with a suitable lubricant or piping compound.

b. Pipe joints dependent upon the friction characteristics of combustible materials for mechanical continuity of piping shall not be used inside buildings. They may be used outside of buildings above or below ground. If used aboveground, the piping shall either be secured to prevent disengagement at the fitting or the piping system shall be so designed that any spill resulting from such disengagement could not unduly expose persons, important buildings or structures, and could be readily controlled by remote valves.

Section 16.34. Supports.

Pipe systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion or contraction.

Section 16.35. Protection Against Corrosion.

All piping for flammable liquids, both aboveground and underground, where subject to external corrosion, shall be painted or otherwise protected.

Section 16.36. Valves.

Piping systems shall contain a sufficient number of valves to operate the system properly and to protect the plant. Piping systems in connection with pumps shall contain a sufficient number of valves to control properly the flow of liquid in normal operation and in the event of physical damage. Each connection to pipe lines, by which equipment such as tank cars or tank vehicles discharge liquids by means of pumps into storage tanks, shall be provided with a check valve for automatic protection against back flow if the piping arrangement is such that backflow from the system is possible.

Section 16.37. Testing.

All piping before being covered, enclosed or placed in use shall be hydrostatically tested to 150% of the maximum anticipated pressure of the system, or pneumatically tested to 110% of the maximum anticipated pressure of the system, but not less than 5 pounds per square inch gage at the highest point of the system. This test shall be maintained for a sufficient time to complete visual inspection of all joints and connections, but for at least 10 minutes.

DIVISION IV CONTAINER AND PORTABLE TANK STORAGE

Section 16.41. Scope.

a. This division shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 90 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

b. This division shall not apply to the following:

- (1) Storage of containers in bulk plants, service stations, refineries, chemical plants and distilleries;
- (2) Flammable liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;
- (3) Flammable or combustible paints, oils, varnishes and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days.
- (4) Beverage when packaged in individual containers not exceeding one gallon in size.

Section 16.42. Design, Construction, and Capacity of Containers.

a. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 48, of the Code of Federal Regulations (DOT Regulations), shall be deemed to be acceptable.

b. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 psig, or 30 per cent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in sections 16.22(3) and 16.22(5). At least one pressure-actuated vent having a minimum capacity of 6,000 cu. ft. of free air (14.7 psia and 60 degrees F) shall be used. It shall be set to open at not less than 5 psig. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300 degrees F.

c. Flammable and combustible liquids packaged for sale or use shall conform to Table 16.42c.

See Table 16.42c Page 27

Section 16.43. Design, Construction, and Capacity of Storage Cabinets.

a. Not more than 60 gallons of flammable or combustible liquids may be stored in a storage cabinet. No individual container may exceed 5 gallons capacity.

b. Metal cabinet shall be constructed in the following manner or built to equivalent requirements. The bottom, top, door and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2 inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least two inches above the bottom of the cabinet. When deemed necessary by the Chief of the Fire Company, cabinets shall be vented. The cabinet shall be conspicuously labeled in red letters "FLAMMABLE-KEEP FIRE AWAY."

Section 16.44. Design, Construction, and Capacity of Inside Storage Rooms.

a. Inside Storage Rooms shall have walls, floors and ceilings of noncombustible materials with a fire resistance rating as required in section 16.44. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least four inches in height, or the floor in the storage area shall be at least four inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternative to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected in an approved manner. Wood at least one inch nominal thickness may be used for shelving, racks, damage, scaffolds, floor overlay and similar installations. Heating shall be restricted to low pressure steam or hot water or electric units complying with section 16.44b.

b. Electrical wiring and equipment located in Inside Storage Rooms shall be reasonably safe to persons and property. Where electrical wiring and equipment located in such rooms using Class I

liquids is installed, evidence that such electrical wiring and equipment is approved for Class I, Division II hazardous locations and has been installed in accordance with the applicable standard specified for this section 16.44b in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property. Also, where electrical wiring and equipment located in such rooms using Class II and III liquids, evidence that electrical wiring and equipment is approved for general use and has been installed in accordance with the applicable standard specified for this section 16.44b in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property.

c. Every Inside Storage Room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the room. The ventilating equipment and any lighting fixtures shall be operated by the same switch. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

d. In every Inside Storage Room there shall be maintained one clear aisle at least three feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only. Storage shall comply with the following:

Fire Protection Provided	Fire Resistance Rating	Maximum Floor Area	Total Allowable Quantities Gals./sq. ft. of Floor Area	
			10 sq. ft.	4 sq. ft.
yes	2 hour	500 sq. ft.	10	4
yes	1 hour	500 sq. ft.	4	5
no	1 hour	150 sq. ft.	5	2

*Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by the Chief of the Bureau of Fire Prevention.

Section 16.45. Storage Inside Buildings. a. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways or areas normally used for the safe egress of people.

b. The storage of flammable or combustible liquids in containers or portable tanks shall comply with sections 16.45c through 16.45h, except that the Chief of the Fire Company may impose a quantity limitation or require greater protection where unusual hazard to life or property is involved. Increase of these amounts may be authorized where the type of construction, fire protection provided, or other factors substantially reduce the hazard.

c. Dwellings and Apartment Houses Containing Not More Than Three Dwelling Units and Accompanying Attached and Detached Garages: Storage in excess of 25 gallons shall be prohibited, not including fuel oil for oil burner service.

d. Assembly Occupancies, Apartment Houses Containing More Than Three Dwelling Units, and Hotels: Storage in excess of 10 gallons shall be in containers stored in a storage cabinet or in safety cans or in an Inside Storage Room not having an opening communicating with that portion of the building used by the public. Storage quantities shall be limited to that required for building and equipment operation or maintenance not including fuel oil for oil burner service.

e. Office Occupancies: Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed

metal containers stored in a storage cabinet or in safety cans or in an Inside Storage Room not having a door that opens into that portion of the building used by the public.

f. Educational and Institutional Occupancies: Storage shall be limited to that required for maintenance demonstration, treatment, and laboratory work not including fuel oil for oil burner service. All liquids in laboratories and at other points of use shall meet the following storage provisions:

(1) No glass or approved plastic container shall exceed the capacity requirements of Table 16.42c and safety cans shall not exceed two gallons capacity.

(2) Not more than 10 gallons of flammable or combustible liquids, not in safety cans, plus 25 gallons in safety cans shall be stored outside of a storage cabinet or storage room.

(3) Quantities of flammable and combustible liquids in excess of those set forth in this section 16.45f shall be stored in an Inside Storage Room or storage cabinet.

g. Mercantile Occupancies and Other Retail Stores:

(1) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed two gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(2) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, 120 gallons of Class IB, 180 gallons of Class IC, 240 gallons of Class II, or 500 gallons of combustible liquids or any combination of flammable liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an Inside Storage Room as provided in Section 16.44. For water miscible liquids, these quantities may be doubled.

(3) Containers in display area shall not be stacked more than three feet or two containers high, whichever is the greater, unless on fixed shelving or otherwise satisfactorily secured.

(4) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

h. General Purpose Public Warehouses: Storage shall be in accordance with Table 16.45a or 16.45b and in buildings or in portions of such buildings cut off by standard fire walls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

See Tables 16.45a & 16.45b

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i. Flammable and Combustible Liquid Warehouses or Storage Buildings:

(1) If a storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire resistance rating of at least two hours. In particular installations, the distance requirements between the storage building and other buildings may be altered at the discretion of the Chief of the Fire Company after consideration of the height, size and character of construction and occupancy of the exposed buildings. At the discretion of the Chief of the Fire Company approved self-closing fire doors suitable for Class D openings may be installed in a standard manner on the otherwise blank walls.

(2) The total quantity of liquids within a building shall not be restricted but the arrangement of storage shall comply with Tables 16.45a or 16.45b.

(3) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(4) Portable tanks stored over one tier

high shall be designed to nest securely, without damage, and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(5) No pile shall be closer than three feet to the nearest beam, chord, girder or other obstructions, and shall be three feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(6) Aisles at least three feet wide shall be provided where necessary for reasons of access to doors, windows or standpipe connections.

Section 16.46. Storage Outside Buildings. a. Storage outside buildings shall be in accordance with Table 16.46a or 16.46b. See Tables 16.46a & 16.46b

b. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of section 16.46b(1) and 16.46b(2) are complied with.

(1) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have exterior walls with a fire resistance rating of at least two hours and having no opening within 10 feet of such storage.

(2) Where quantity stored exceeds 1,100 gallons, or provisions of section 16.46b(1) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

c. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least six inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

d. Storage area shall be protected against tampering or trespassers, where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

Section 16.47. Fire Control.

a. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(1) At least one portable fire extinguisher having a rating of not less than 10-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(2) At least one portable fire extinguisher having a rating of not less than 10-B units shall be located not less than 10 feet, nor more than 25 feet, from any flammable liquid storage area located outside of a storage room but inside a building.

b. Where automatic extinguishing systems are provided they shall be installed to provide reasonable safety to persons and property. Evidence that such systems are installed in accordance with the applicable standard specified for this section 16.47b in article 31 of this Code shall be evidence that such systems provide reasonable safety to persons and property.

c. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

d. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

DIVISION V INDUSTRIAL PLANTS AND PROCESSING PLANTS

Section 16.51. Scope. a. Industrial Plants.

(1) This division shall apply to those industrial plants where: (a) the use of flammable or combustible liquids is incidental to the principal business, (section 16.52); or (b) where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering,

distillation, and similar operations which do not involve chemical reaction, (section 16.53).

(2) Where portions of industrial plants involve chemical reactions as described in section 16.51b, those portions of the plant shall meet the requirements for Processing Plants.

b. Processing Plants. This division shall also apply to processing plants or processing buildings which contain chemical operations such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes but shall not apply to chemical plants, refineries or distilleries as defined which are covered in Division VII, Refineries, Chemical Plants and Distilleries.

Section 16.52. Incidental Storage or Use of Flammable and Combustible Liquids in Industrial Plants.

a. Section 16.52 shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business.

b. Flammable and combustible liquids shall be stored in tanks or closed containers.

(1) Except as provided in sections 16.52b(2) and 16.52b(3) all storage in storage cabinets and inside storage rooms shall comply with section 16.42 and 16.43 of Division IV, Container Storage.

(2) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building, shall not exceed:

(a) 25 gallons of Class IA liquids in containers; and

(b) 120 gallons of Class IB, IC, II or III liquids in containers; and

(c) One portable tank not exceeding 600 gallons of Class IB, IC, II or III liquids.

(3) Where large quantities of flammable or combustible liquids are necessary, storage shall be in tanks which shall comply with the applicable requirements of Division II, Tank Storage.

c. Rooms in which flammable or combustible liquids are transferred from one tank or container to another container in quantities requiring a permit shall be separated from other operations in the building by walls, floors or roof and ceiling assemblies of noncombustible material having a fire resistance rating of not less than 2 hours. Rooms shall have at least one exterior wall. Door openings shall be provided with noncombustible liquid-tight sills at least 4 inches high and provided with an approved self-closing fire door. Adequate drainage to a safe location shall be provided. Adequate natural or mechanical ventilation shall be provided. Heating shall be by low pressure steam or hot water or by electrical units. All electrical wiring and equipment shall comply with section 16.55e(2).

d. Handling Liquids at Point of Final Use in Industrial Plants.

(1) Flammable liquids shall be kept in covered containers when not actually in use.

(2) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(3) Class I liquids shall be used only where there are no open flames or other sources of ignition within the possible path of vapor travel and provided flammable vapor-air mixtures do not occur beyond a 5 foot radius from the point of use. Point of use areas not meeting this requirement shall be ventilated and comply with section 16.52b.

(4) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tank by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

Section 16.53. Unit Physical Operations in Industrial Plants.

a. Section 16.54 shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change.

b. Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for fire fighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in sections 16.54a(1) and 16.54a(2) except that the blank wall referred to in section 16.54a(2) shall have a fire resistance rating of at least two hours.

c. Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a noncombustible wall having a fire resistance rating of at least two hours.

Section 16.54. Processing Plants.

a. Location and Construction of Processing Plants.

(1) The location of each processing vessel shall be based upon its flammable or combustible liquid capacity. Processing vessels shall be located, with respect to distances to lines of adjoining property which may be built upon, in accordance with Table 16.54a(1), except when the processing plant is designed in accordance with section 16.54a(2).

See Table 16.54a(1) Page 27

(2) The distances required in section 16.54a(1) may be waived when the vessels are housed within a building and the exterior wall facing the line of adjoining property which may be built upon is a blank wall having a fire resistance rating of not less than four hours. When Class IA or unstable liquids are handled, the blank wall shall have explosion-resistance. Explosion-venting shall be provided through one or more of the following methods: (a) open air construction; (b) lightweight walls and roof; (c) lightweight wall panels and roof hatches; (d) windows of explosion venting type. Construction for explosion venting shall be reasonably safe to persons and property. Evidence that construction for explosion venting is in accordance with the applicable standard specified for this section 16.54a(2) in article 31 of this Code shall be evidence that such construction is reasonably safe to persons and property.

(3) Processing buildings shall be of fire resistive or noncombustible construction except heavy timber construction with load-bearing walls may be permitted for plants utilizing only stable Class II or Class III liquids. Except as provided in section 16.54a(2) or in the case of explosion resistant walls used in conjunction with explosion relieving facilities, load-bearing walls shall be prohibited. Buildings shall be without basement or covered pits.

(4) Areas shall have adequate exit facilities arranged to prevent occupants from being trapped in the event of fire. Exits shall not be exposed by the drainage facilities described in section 16.53a.

b. Liquid Handling at Process Plants.

(1) Storage.

(a) The storage of flammable or combustible liquids in tanks shall be in accordance with the applicable provisions of Division II, Tank Storage.

(b) If the storage of flammable or combustible liquids in outside above-ground or underground tanks is not practical because of government regulations, temperature considerations or production considerations, tanks may be permitted inside of buildings or structures in accordance with the applicable provisions of Division II, Tank Storage.

(c) Storage tanks inside of buildings shall be permitted only in areas at or above grade which have adequate

drainage and are separated from the processing area by construction having a fire resistance rating of at least two hours. This shall not apply to processing equipment containing flammable or combustible liquids in such quantities as are essential to continuity of daily operations. Day tanks, running tanks, surge tanks, and feed tanks are permitted in process areas.

(d) The storage of flammable or combustible liquids in containers shall be in accordance with the applicable provisions of Division IV, Container and Portable Tank Storage.

(2) Piping, Valves and Fittings.

(a) Piping, valves and fittings shall be in accordance with Division III, Piping, Valves and Fittings.

(b) Approved flexible connectors may be used where vibration exists or where frequent movement is necessary. Approved hose may be used at transfer stations.

(c) Piping containing flammable or combustible liquids shall be identified.

(3) Transfer.

(a) The transfer of large quantities of flammable or combustible liquids shall be through piping by means of pumps or water displacement. Except as required in process equipment, gravity flow shall not be used. The use of compressed air as a transferring medium shall be prohibited.

(b) Positive displacement pumps shall be provided with pressure relief discharging back to the tank or to pump suction.

(4) Equipment.

(a) Equipment shall be designed and arranged to prevent the unintentional escape of liquids and vapors and to minimize the quantity escaping in the event of accidental release.

(b) Where the vapor space of equipment is usually within the flammable range and where the special hazards of operation, sources of ignition, or exposures indicate a need, protection shall be provided by one or more of the following means: inerting, explosion suppression systems, or by designing the equipment to contain the peak explosion pressure which may be modified by explosion relief. Inerting shall be reasonably safe to persons and property. Evidence that inerting methods are in accordance with the applicable standard for this section 16.54b(4)(b) shall be evidence that inerting methods are reasonably safe to persons and property.

Section 16.55. General Requirements for Industrial Plants and Processing Plants. a. Drainage.

(1) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire, and shall comply with Division II Tank Storage, section 16.27h(2).

(2) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(3) The plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property.

b. Ventilation.

(1) Areas with unit physical operations using Class I liquids at industrial plants and enclosed buildings at processing plants shall be ventilated at a rate of not less than one cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(2) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable

vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than five feet from equipment which exposes Class I liquids to the air.

c. Tank Vehicle and Tank Car Loading and Unloading.

(1) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the applicable portions of section 16.64 of Division VI, Bulk Plants.

d. Fire Control.

(1) Approved portable fire extinguishers of appropriate size, type and number shall be provided.

(2) Where the special hazards of operation or exposure indicate a need, the following fire control provisions shall be provided.

(a) A reliable water supply shall be available in pressure and quantity adequate to meet the probable fire demands.

(b) Hydrants shall be provided in accordance with accepted good practice.

(c) Processing plants shall have hose connected to a source of water so that all vessels, pumps, and other equipment containing flammable or combustible liquids can be reached with at least one hose stream. Nozzles that are capable of discharging a water spray shall be provided.

(d) Processing plants shall be protected by an approved automatic sprinkler system or equivalent extinguishing system. If special extinguishing systems including but not limited to those employing foam, carbon dioxide or dry chemical are provided, approved equipment shall be used and installed in an approved manner.

(3) An approved means for prompt notification of fire to those within the plant and any public fire department available shall be provided. Where service is available, a public fire alarm box shall be located nearby if required by the Chief of the Fire Company.

(4) All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition and they will serve their purpose in time of emergency.

e. Sources of Ignition.

(1) General.

(a) Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, static, electrical and mechanical sparks, spontaneous ignition, including heat-producing chemical reactions and radiant heat.

(b) Class I liquids shall not be dispersed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(2) Electrical Equipment.

(a) All electrical wiring and equipment shall be installed so as to be reasonably safe to persons and property. Evidence that the installation of such electrical wiring and equipment is in accordance with the applicable standard specified for this section 16.55e(2)(a) in article 31 of this Code shall be evidence that such equipment and wiring is reasonably safe to persons and property.

(b) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified

Class I, Division I. For those pieces of equipment installed in accordance with section 16.55e(2), the Division I area shall extend five feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division I if any part of the pit is within a Division I or II classified area, unless the pit is provided with mechanical ventilation.

(c) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division I locations shall be classified Division II. These locations include an area within 20 feet horizontally, three feet vertically beyond a Division I area, and up to three feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division I or II area shall be classified Division II. If Class I or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment. When the release of heated flammable or combustible liquids or unheated Class I flammable liquids generate sufficient vapors, the entire building, and possibly a zone surrounding it, shall be considered a Class I, Division II location.

(d) Where the provisions of section 16.55e(2)(a), 16.55e(2)(b), and 16.55e(2)(c) require the installation of electrical equipment suitable for Class I, Division I or Division II locations, ordinary electrical equipment including switch-gear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation make-up air shall be uncontaminated by flammable vapors.

(3) Maintenance and Repair.

(a) When necessary to do maintenance work in a flammable or combustible liquid processing area, the work shall be authorized by a responsible supervisor.

(b) Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

f. Housekeeping.

(1) Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(2) Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, unit physical operation, or any part of the processing equipment.

(3) Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(4) Ground area around buildings and unit operating areas shall be kept free of weeds, trash or other unnecessary combustible materials.

DIVISION VI BULK PLANTS

Section 16.61. Location of Plants.

No new bulk plants shall be constructed within the limits established by law as limits of the districts in which such plants are prohibited.

Section 16.62. Storage.

a. Class I liquids shall be stored in closed containers, or in storage tanks aboveground outside of buildings, or underground in accordance with Division II, Tank Storage.

b. Class II or III liquids shall be stored in containers, or in tanks within buildings or aboveground outside of buildings, or underground in accordance with Division II, Tank Storage.

c. Containers of flammable or combustible liquids when piled one upon the other shall be separated by damage sufficient to provide stability and to prevent excessive stress on container walls. The height of pile shall be consistent with stability and strength of containers.

Section 16.63. Buildings.

a. Exits. Rooms storing flammable or combustible liquids or in which flammable or combustible liquids are handled by pumps shall have exit facilities approved by the Chief of the Fire Company.

b. Heating. Rooms in which Class I liquids are stored or handled shall be heated only by means not constituting a source of ignition such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

c. Ventilation.

(1) Ventilation shall be provided for all rooms, buildings, or enclosures in which Class I liquids are pumped or dispensed. Design of ventilation shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or coarse screens. Where natural ventilation is impracticable, mechanical ventilation shall be provided.

(2) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapor may travel; unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(3) Containers of Class I liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable or combustible liquids are being handled.

Section 16.64. Loading and Unloading Facilities.

a. Location and Equipment.

(1) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property that may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill spout. Buildings for pumps or shelters for personnel may be a part of the facility.

(2) Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading rack shall not be used for the transfer of Class II or Class III liquids.

(3) Valves used for the final control for filling tank vehicles shall be of the self-closing type and mutually held open except where automatic means are provided for shutting off the flow when the vehicle is full or after filling of a preset amount.

b. Static Protection.

(1) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided (a) where Class I liquids are loaded, or (b) where Class II or Class III liquids are loaded into vehicles which may contain vapors from previous cargoes of Class I liquids.

(2) Protection as required in section 16.64b(1) shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle.

(3) Such banding connection shall be made fast to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

(4) Bonding as specified in sections 16.54b(1), 16.84b(2), and 16.84b(3) is not required: (a) where vehicles are loaded exclusively with products not having a static accumulating tendency, such as asphalt, most crude oils, residual oils and water-soluble liquids; (b) where no Class I liquids are handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and Class III liquids; and (c) where vehicles are loaded or unloaded through closed bottom or top connections.

(5) Filling through open domes into the tanks of tank vehicles or tank cars, that contain vapor-air mixtures within the flammable range or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends near the bottom of the tank. This precaution is not required when loading liquids which are nonaccumulators of static charges.

(c) Stray Currents. Tank car loading facilities where flammable or combustible liquids are loaded or unloaded through open domes shall be protected against stray currents by permanently bonding the pipe to at least one tail end to the rack structure if of metal. Multiple pipes entering the rack area shall be permanently electrically bonded together. In addition, in areas where excessive stray currents are known to exist, all pipe entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipelines. These precautions are not necessary where Class II or Class III liquids are handled exclusively, and there is no probability that tank cars will contain vapors from previous cargo of Class I liquids. Temporary bonding between the tank car and the rack or piping is not required during either loading or unloading, irrespective of class of liquid handled.

(d) Container Filling Facilities. Class I liquids shall not be dispensed into containers unless the nozzle and containers are electrically interconnected. Where the metallic floplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section 16.54d shall be deemed to have been complied with.

Section 16.55. Electrical Equipment.

a. This section shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids only are stored or handled, the electrical equipment may be installed in accordance with the provisions of section 16.55b for ordinary locations.

b. All installations of electrical wiring and equipment shall be reasonably safe to persons and property. For Class I liquids where electrical wiring and equipment are installed, evidence that such wiring and equipment are of the type approved for use in the hazardous locations as set forth in Table 16.55b and that such wiring and equipment have been installed in accordance with the applicable standard specified for this section 16.55b in article 31 of this Code shall be evidence that such wiring and equipment are reasonably safe to persons and property.

See Table 16.55b Page 28

c. Table 16.55b shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. In Table 16.55b a classified area shall not extend beyond an unpierced wall, roof or other solid partition.

d. The area classifications listed in section 16.55c shall be based on the premise that the installation meets the

applicable requirements of article 16 in all respects. Should this not be the case, the Chief of the Fire Company shall have the authority to classify the extent of the hazardous area.

Section 16.66. Sources of Ignition.

Class I liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated localities. "NO SMOKING" signs shall be conspicuously posted where hazard from flammable vapors is normally present.

Section 16.67. Drainage and Waste Disposal.

Provision shall be made to prevent flammable or combustible liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems or natural waterways. Connections to such sewers, drains, or waterways by which flammable or combustible liquids might enter shall be provided with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

Section 16.68. Fire Control.

Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to locations where fires are likely to occur. Additional fire-control equipment may be required where a tank of more than 50,000 gallons individual capacity contains Class I liquids and where an unusual exposure hazard exists from surrounding property. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall provide reasonable safety to persons and property. Evidence that the design and amount of such equipment is in accordance with the applicable standard specified for this section 16.68 in article 31 of this Code shall be evidence that such equipment provides reasonable safety to persons and property.

DIVISION VII SERVICE STATIONS

Section 16.71. Location.

Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

Section 16.72. Construction.

Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

Section 16.73. Storage and Handling. a. General Provisions.

(1) Liquids shall be stored in approved closed containers not exceeding 30 gallons capacity, in tanks located underground, in tanks in special enclosures as described in section 16.73b or in above-ground tanks as provided for in section 16.73b(1), 16.73b(2) and 16.73b(3).

(2) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(3) The provisions of section 16.73a(1) shall not prohibit the temporary use of movable tanks in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public. Such installations shall only be made with the approval of the Chief of the Fire Company.

(4) The provisions of 16.73a(1) shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

(a) The tank vehicle design, construction, and operation shall be reasonably safe to persons and property. Evidence that such tank vehicles are designed, constructed, and operated in accordance with the applicable standard specified for this section 16.73a(4) of this Code shall be evidence that such tank vehicles are designed, constructed, and operated so as to be reasonably safe to persons and property.

(b) The dispensing is done on premises not open to the public.

(c) The motor vehicles are owned or operated by a commercial, industrial or governmental agency.

(d) The dispensing hose does not exceed 50 feet in length.

(e) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(f) An inspection of the premises and operations has been made and approval granted by the Chief of the Fire Company.

(5) Accurate inventory records shall be maintained and reconciled on all Class I liquid storage tanks for possible indication of leakage from tanks or piping.

b. Special Enclosures.

(1) When installation of underground tanks in accordance with section 16.73 is impractical because of property or building limitation, tanks for flammable or combustible liquids may be installed in buildings if enclosed and upon specific approval of the Chief of the Fire Company.

(2) The enclosure shall be substantially liquid and vapor tight without backfill. Sides, top and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any vapors which might accumulate should leakage occur.

(3) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level beneath large buildings of commercial, mercantile or residential occupancy, tanks containing Class I liquids installed of necessity in accordance with section 16.73a(2) shall not exceed 5,000 gallons individual or 18,000 gallons aggregate capacity.

c. Inside Buildings.

(1) Except where stored in tanks as provided in section 16.73b, no Class I liquid shall be stored within any service station building except in approved closed containers of aggregate capacity not exceeding 120 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(2) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station building providing the electrical installation complies with section 16.77b and provided that any heating equipment complies with the provisions of section 16.78, as applicable.

(3) Class II or III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

(4) Labeling. No sale or purchase of any Class I, II or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(5) Dispensing Into Containers. No delivery of any Class I liquids shall be made into portable containers unless the container is constructed of metal or is approved by the Chief of the Fire Company, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling.

Section 16.74. Attendance or Supervision of Dispensing.

Each service station open to the public shall have an attendant or supervisor on duty whenever the station is open for business.

Section 16.75. Dispensing Systems.

a. Location. Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(1) Inside Location. Approved dispensing units may be located inside of buildings upon specific approval of the Chief of the Fire Company. The dispensing area shall be separated from other areas in a manner approved by the Chief of the Fire Company. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle that is out of control descending a ramp or other slope. The dispensing area shall be provided with an approved mechanical or gravity ventilation system.

When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with the gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

b. Emergency Power Cut-Off. Clearly identified and easily accessible switches or circuit breakers shall be provided at a location remote from the dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

c. Dispensing Units.

(1) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(2) Dispensing devices for Class I liquids shall be of approved type.

(3) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(4) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

d. Remote Pumping Systems.

(1) Scope. Remote pumping systems shall apply to systems for dispensing Class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(2) Pumps. Pumps shall be designed or equipped so that no part of the system will be subject to pressure above its allowable working pressure. Pumps installed abovegrade, outside of buildings, shall be located not less than ten feet from lines of adjoining property which may be built upon, and not less than five feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings as provided for dispensers in section 16.75a(1), or in pits as provided in section 16.75d(3). Pumps shall be substantially anchored and protected against physical damage by vehicles.

(3) Pits. Pits for subsurface pumps or piping manifolds of subsurface pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no longer than necessary for inspection and maintenance and shall be provided with a tight fitting cover.

(4) Controls.

(a) A control shall be provided that will permit the pump to operate only

when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(b) An approved impact valve, incorporating a fusible link, designed to close automatically in event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(5) Testing. After the completion of the installation including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility, shall be tested for at least thirty minutes at the maximum operating pressure of the system. Such tests shall be repeated at five year intervals thereafter.

a. Delivery Nozzles.

(1) Hose nozzle valves of either the manual or automatic type for dispensing Class I liquids into a fuel tank or into a container shall be manually held open during the dispensing operation except as provided in section 16.75e(2).

(2) On any service station dispenser accessible to the public an approved automatic-closing type nozzle with hold-open latch shall be permitted only when all dispensing of Class I liquids is to be done by the service station attendant.

(3) If the dispensing of Class I liquids at a service station available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be an approved automatic-closing type without a hold-open latch.

f. Special Type Dispensers.

(1) Approved special dispensing devices such as, but not limited to, coin-operated, card-operated, and remote preset types are permitted at service station, provided there is at least one qualified attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I liquids while said liquids are being dispensed; it shall be the responsibility of the attendant to prevent the dispensing of Class I liquids into portable containers not in compliance with section 16.73c, control sources of ignition, and to immediately handle accidental spills and fire extinguishers if needed.

(2) The attendant or supervisor on duty shall be capable of performing the functions and assuming the responsibilities covered in section 16.75f(1).

(3) Emergency controls shall be installed at a location acceptable to the Chief of the Fire Company, but controls shall not be more than 100 feet from dispensers.

(4) Instructions for the operation of dispensers shall be conspicuously posted.

Section 16.76. Marine Service Stations.

a. The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet away from any activity not associated with the handling of fuel.

(1) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves or floating docks or on shore or on piers of the solid fill type.

(2) Dispensing nozzles shall be automatic-closing without a hold-open latch. b. Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided in sections 16.76b(1) and 16.76b(2).

(1) Where shore location would require excessively long supply lines to dispensers, the Chief of the Fire Company may authorize the installation of tanks on a pier provided that applicable portions of Division I relative to spacing, diking and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(2) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(3) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in section 18.23(2) so adjusted that liquid cannot flow by gravity from the tanks in case of piping or hose failure.

c. Piping between shore tanks and dispensing units shall be as specified in Division III, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shore line.

(1) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(2) Piping shall be located so as to be protected from physical damage.

(3) Piping handling Class I liquids shall be grounded to control stray currents.

Section 18.77. Electrical Equipment.

a. This section shall apply to areas where Class I liquids are stored or handled.

b. All installations of electrical wiring and equipment shall be reasonably safe to persons and property. For Class I liquids where electrical wiring and equipment are installed, evidence that such wiring and equipment are of the type approved for use within the hazardous areas as set forth in Table 18.77b and that such wiring and equipment have been installed in accordance with the applicable standard specified for this section 18.77b in article 31 of this Code shall be evidence that such wiring and equipment are reasonably safe to persons and property.

See Table 18.77b Page 28

c. In Table 18.77b a classified area shall not extend beyond the unperforated wall, roof or other solid partition.

d. For area classifications not covered in section 18.77b and not listed in Table 18.77b, the Chief of the Fire Prevention Bureau shall have the authority to classify the extent of the hazardous area.

Section 18.78. Heating Equipment.

a. Heating equipment shall be installed as provided in section 18.78b through f.

b. Heating equipment may be installed in the conventional or ordinary manner in an area except as provided in sections 18.78c through 18.78f.

c. Heating equipment may be installed in a special room separated from areas classified by Table 18.77b by walls having a fire-resistance rating of at least one hour and without any openings in the walls less than eight feet above the floor into an area classified in Table 18.77b except sales, storage or rest rooms which have no such openings. The room containing the heating equipment shall not be used for combustible storage and all air for combustion purposes shall come from outside of the building.

d. Heating equipment using gas or oil fuel, may be installed in the lubrication, sales or service room, where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles.

e. Heating equipment using gas or oil fuel approved for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least eight feet above the floor.

f. Electrical heating equipment shall be installed to conform with section 16.77.

Section 16.75. Drainage and Waste Disposal.

Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising floor slabs, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or drums outside of any building until removed from the premises.

Section 16.76. Source of Ignition.

In addition to the previous restrictions of this division, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, or receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors of all equipment being fueled shall be shut off during the fueling operation.

Section 16.79. Fire Control.

Each service station shall be provided with at least one fire extinguisher having a minimum classification of 5 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening and lubrication or service room. Other fire control devices shall be provided as required by the Chief of the Fire Company.

DIVISION VIII REFINERIES, CHEMICAL PLANTS AND DISTILLERIES

Section 16.81. Location.

No permit shall be issued for the construction of a refinery, other plant storing or handling crude petroleum, chemical plant, or distillery until approval has been given for the proposed location with respect to topography, nearness to places of assembly, residential or mercantile occupancies, and adequacy of water supply for fire control.

Section 16.82. Storage.

a. Flammable or combustible liquids shall be stored in tanks, in containers, or in portable tanks. Tanks shall be installed in accordance with Division II of this article.

b. Outside aboveground tanks for the storage of flammable or combustible liquids in tank farms and in locations other than process areas shall be located with respect to property lines and public ways and to each other in accordance with section 18.22b and 18.22c.

Section 16.83. Fired and Unfired Pressure Vessels.

Fired and unfired pressure vessels shall be constructed so as to be reasonably safe to persons and property. Evidence that fired and unfired pressure vessels have been constructed in accordance with the applicable standards specified for this section 16.83 in article 31 of this Code shall be evidence that vessels are reasonably safe to persons and property.

Section 16.84. Location of Process Units.

Process units shall be located so that they are accessible from at least one side for the purpose of fire control. Where topographical conditions are such that flammable liquids may flow from a processing area so as to constitute a fire hazard to property of others, provisions shall be made to divert or impound the flow by curbs, drains, or other suitable means.

Section 16.85. Fire Control.

a. Portable fire extinguishing and control equipment shall provide reasonable safety to persons and property. Evidence that portable fire extinguishing is in accordance with the applicable standard specified for this section 16.85a in article 31 of this Code shall be evidence that such equipment provides reasonable safety to persons and property.

b. Water shall be available in volume and at adequate pressure to supply water hose streams, foam producing equipment, automatic sprinklers or water spray systems as the need is indicated by the special hazards of operation and storage.

c. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operations and storage.

DIVISION IX

TANK VEHICLES FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

Section 16.91. Scope.

This division shall apply to tank motor vehicles to be used for the transportation of asphalt or normally stable flammable and combustible liquids with a flashpoint below 200 degrees F.

Section 16.92. Definitions.

a. Cargo tank shall mean any container having a liquid capacity in excess of 100 gallons, used for the carrying of flammable or combustible liquids or asphalt and mounted permanently or otherwise upon a tank vehicle. The term "cargo tank" does not apply to any container used solely for the purpose of supplying fuel for the propulsion of the tank vehicle upon which it is mounted.

b. Tank vehicle shall mean any vehicle other than railroad tank cars and boats, with a cargo tank mounted thereon or built as an integral part thereof used for the transportation of flammable or combustible liquids. Tank vehicles include self-propelled vehicles, and full trailers and semi-trailers without motive power and with wheels carrying either part or all of the load.

Section 16.93. Permit Required.

No person shall engage in the business of delivering flammable or combustible liquids from tank vehicles without a permit.

Section 16.94. Tank Vehicle Design.

a. Cargo tanks used for transporting flammable and combustible liquids at temperatures equal to or above their boiling points shall be constructed so as to be reasonably safe to persons and property. Evidence that cargo tanks are constructed in accordance with the applicable standards specified for this section 16.94a in article 31 of this Code shall be evidence that such cargo tanks are reasonably safe to persons and property.

b. Cargo tanks used for transporting flammable and combustible liquids at a temperature below their boiling points shall be constructed so as to be reasonably safe to persons and property. Evidence that cargo tanks are constructed in accordance with the applicable standards specified for this section 16.94b in article 31 of this Code shall be evidence that such cargo tanks are reasonably safe to persons and property.

c. The material used in the construction of the cargo tanks shall be compatible with the chemical characteristics of the flammable or combustible liquid to be transported.

d. Any tank vehicle designed or used for transporting materials at liquid temperatures above ambient temperature shall have a red warning sign permanently attached to the vehicle containing at least the following:

"Maximum allowable cargo temperature is . . . degrees F."
This maximum allowable cargo temperature shall be specified by the manufacturer of the vehicle.

Section 16.95. Tires.

All tank motor vehicles shall be equipped with rubber tires on all wheels.

Section 16.96. Static Protection.

a. Cargo tanks and vehicle chassis shall be electrically bonded.

b. Provision shall be made in the tank structure of the vehicle for the bonding of

the vehicle to the fill pipe during truck loading operations.

Section 16.97. Protection Against Collision or Overturn.

a. Draw-off valves or faucets projecting beyond the frame at the rear of a tank vehicle shall be adequately protected against collision by bumpers or similar means.

b. On-tank vehicles constructed hereafter, all closures for filling openings shall be protected from damage in the event of overturning of the tank vehicle by being enclosed within the body of the tank, or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the tank vehicle.

Section 16.98. Lighting.

No lighting device other than electric lights shall be used on tank vehicles. Lighting circuits shall have suitable overcurrent protection (fuses or automatic circuit breakers). The wiring shall have sufficient carrying capacity and mechanical strength and shall be secured, insulated, and protected against physical damage.

Section 16.99. Full Trailers and Semi-Trailers.

a. Trailers shall be firmly and securely attached to the vehicle drawing them, in a manner conforming with accepted engineering practice.

b. Each full trailer and semi-trailer shall be equipped with reliable brakes on all wheels, and adequate provisions shall be made for their efficient operation from the driver's seat of the vehicle drawing the trailer, or semi-trailer.

c. Trailer connections shall be such as to prevent the towed vehicle from whipping or swerving from side to side dangerously or unreasonably and shall cause the trailer to follow substantially in the path of the towing vehicle.

Section 16.991. Marking.

Every tank vehicle used for the transportation of any flammable liquid, regardless of the quantity being transported, or whether loaded or empty shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally as follows:

(1) With a sign or lettering on the motor vehicle with the word "Flammable."

(2) With the common name of the flammable liquid being transported.

Section 16.992. Fire Control.

a. Each tank vehicle shall be provided with at least one portable fire extinguisher having at least a 10 B, C rating or when more than one is provided, each extinguisher shall have at least a 5 B, C rating.

b. Fire extinguishers shall be kept in good operating condition at all times, and they shall be located in an accessible place on each tank vehicle.

Section 16.993. Operation of Tank Vehicles.

a. Drivers shall be thoroughly instructed in the proper method of operating tank vehicles.

b. Tank vehicles shall not be operated unless they are in proper repair, devoid of accumulation of grease, oil or other flammables, and free of leaks.

c. Dome covers shall be closed and latched while the tank vehicle is in transit.

d. No tank vehicle shall be operated with a cargo temperature above the maximum allowable cargo temperature specified on the warning sign required by section 16.94d.

e. No material shall be loaded into or transported in a tank vehicle at a temperature above its ignition temperature, unless properly safeguarded in an approved manner.

f. Flammable and combustible liquids which are loaded at or above their boiling points or may reach their boiling point temperature during transit shall be

loaded only into cargo tanks constructed in accordance with section 16.94a.

g. Flammable and combustible liquids shall be loaded only into cargo tanks constructed of material that is chemically compatible with the chemical characteristics of the liquid. The flammable and combustible liquid being loaded shall also be compatible with the liquid hauled on the previous load unless the cargo tank has been cleaned.

h. No tank vehicle, or any compartment thereof, which has been utilized for Class I liquid, shall be loaded with Class II or III liquid until such tank or compartment and all piping, pumps, meters and hose connected thereto have been completely drained. A tank, compartment, piping, pump, meter or hose which does not drain completely shall be flushed at the loading point with a quantity of Class II or Class III liquid equal to twice the capacity of piping, pump, meter and hose, to clear any residue of Class I liquid from the system.

Section 16.994. Filling and Discharging Tank Vehicles.

a. The driver, operator or attendant of any tank vehicle shall not remain in the vehicle but shall not leave the vehicle while it is being filled or discharged. Delivery hose, when attached to a tank vehicle shall be considered to be a part of the tank vehicle.

b. Motors of tank trucks or tractors shall be shut down during making and breaking hose connections. If loading or unloading is done without the use of a power pump, the tank truck or tractor motor shall be shut down throughout such operations.

c. The cargo tank shall be bonded to the fill stem or some part of the tank structure electrically interconnected with the fill stem piping, except tank vehicles handling asphalt, tank vehicles loading any flammable liquid through bottom connections, and tank vehicles used exclusively for transporting Class II or III liquids when loaded at locations where no Class I liquids are handled.

d. The bond-wire connection shall be made prior to opening the dome covers. It shall be maintained in place during the entire filling operation and the dome covers shall be securely closed before the bond-wire is disconnected from the cargo tank.

e. No external bond-wire connection nor bond-wire integral with a hose are needed for the unloading of flammable or combustible liquids into underground tanks.

f. No cargo tank or compartment thereof used for the transportation of any flammable or combustible liquid or asphalt shall be loaded liquid full. Sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit and in no case less than one percent.

g. Simultaneous delivery to underground tanks from two or more hoses shall be made by means of tight connections between the hose and the fill pipe.

h. Cargo tanks shall be free of all water before they are loaded with hot asphalt.

Section 16.995. Ignition Sources.

a. Smoking by tank vehicle drivers, helpers, repairmen, or other personnel is prohibited while they are driving, making deliveries, filling, or making any repairs to tank vehicles.

b. Open flames shall not be used near manholes or vents.

Section 16.996. Parking and Garaging.

a. Except in an emergency no tank vehicle shall be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the

day or night if the street is well lighted at point of parking.

b. Tank vehicles containing flammable or combustible liquids shall not be parked out of doors at any one point for longer than one hour, except off the streets, and at least 25 feet from any buildings used for assembly, institutional or residential occupancy.

c. Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief of the Fire Company.

ARTICLE 17 FRUIT RIPENING PROCESSES

Section 17.1. Scope.

This article shall apply to the process of ripening green bananas or citrus fruits in tightly closed rooms heated with direct fired heaters and shall include those processes where ethylene gas is introduced into the room to assist the ripening process.

Section 17.2. Permit Required.

A permit shall be required for any fruit ripening process.

Section 17.3. Use of Ethylene.

a. The location of buildings in which fruit ripening processes utilizing ethylene are conducted shall be approved by the Chief of the Fire Company.

b. Ethylene shall be introduced by some means under positive control and measured so that the quantity introduced does not exceed 1 part ethylene to 1,000 parts of air.

c. Containers storing ethylene shall be constructed so as to be reasonably safe to persons and property. Evidence that containers storing ethylene are constructed in accordance with the applicable standards specified for this section 17.3c in article 31 of this Code shall be evidence that such containers are reasonably safe to persons and property.

d. Containers other than those connected for use shall be stored outside of the building or in a special building except that not more than two portable DOT containers not connected for use may be stored inside the building premises. Such inside rooms or portions of buildings used for storage of these containers shall be constructed in accordance with sections 30.17d and 30.17e.

e. Ethylene piping shall be of iron pipe. Flexible connectors and hose, when used, shall be of approved type. Tubing shall be of brass or copper with not less than 0.049 inch wall thickness.

Section 17.4. Electrical Equipment.

a. Electrical wiring and equipment shall be installed so as to be reasonably safe to persons and property. Evidence that electrical wiring and equipment are installed in accordance with the applicable standard specified for this section 17.4a in article 31 of this Code shall be evidence that such wiring and equipment are reasonably safe to persons and property.

b. Lighting shall be electricity.

Section 17.5. Heating.

a. Heating of ripening rooms shall be by indirect means with low pressure steam, hot water, or warm air; approved electric heaters; or approved gas heaters or approved kerosene heaters both of which shall have sealed combustion chambers.

b. Steam and hot water pipes and radiators shall have a clearance of at least one inch to combustible material.

c. Gas heaters and their vents shall be installed so as to be reasonably safe to persons and property. Evidence that gas heaters and their vents are installed in accordance with the applicable standards specified for this section 17.5c in article 31 of this Code shall be evidence that such gas heaters and vents are reasonably safe to persons and property.

d. Gas heaters shall be equipped with an automatic pilot device to shut off the gas supply whenever the flame is extinguished.

e. Burners for gas or kerosene heaters shall be installed so that air for

combustion is taken from outside the ripening room and the products of combustion are discharged to the outside.

e. Kerosene heaters shall be installed in accordance with the applicable provisions of article 24, Oil Burning Equipment.

f. Electric heaters shall be of a type having no exposed surface at a temperature higher than 800 degrees F and with thermostatic elements which produce no sparks and shall be of a type approved for use in hazardous locations.

g. A protective guard shall be provided around any heater to prevent the possibility of its being knocked over by other equipment such as vehicles or lift trucks.

Section 17.6. Open Flames.

a. Open flame heaters and open lights shall not be permitted in ripening rooms.

b. "No Smoking" signs shall be posted at every entrance and smoking shall be prohibited in the ripening rooms.

Section 17.7. Housekeeping.

Ripening rooms shall be frequently cleared of all combustible material.

ARTICLE 18 FUMIGATION AND THERMAL INSECTICIDAL FOGGING

Section 18.1. Scope.

This article applies to fumigation and thermal insecticidal fogging operations which shall conform to all other applicable requirements of this Code, as well as the following provisions.

Section 18.2. Definitions.

a. *Fumigant* shall mean a substance or mixture of substances which is a gas, or is rapidly or progressively transformed to the gaseous state, even though some nongaseous or particulate matter may remain and be dispersed in the treatment space and which is intended to be effective against one or more pest organisms in the space being treated. This definition excludes aerosols, fogs, or smokes which are particulate suspensions of liquids or solids dispersed in air.

b. *Fumigation* shall mean the application of a fumigant to a tightly closed treatment space using a definite dosage with a definite exposure period.

c. *Thermal insecticidal fogging liquid* shall mean any insecticidal liquid specifically designed for emission from a thermal fog generating unit in the form of an aerosol fog which is lethal to pest organisms and insects.

d. *Thermal insecticidal fogging* shall mean the application of any insecticidal liquid by discharging through a thermal fog generating unit, by means of heat, pressure and turbulence, in the form of an aerosol fog or mist that is blown into an area to be treated.

Section 18.3. Permit Required.

a. A permit shall be required for any person performing any fumigation or thermal insecticidal fogging which is dangerous, noxious or poisonous to the life or health of human beings, or which constitutes a fire hazard. All persons actually engaged in the work shall require a fumigation or thermal insecticidal fogging "operators" permit.

b. Applicants for fumigation or thermal insecticidal fogging "operators" permits shall be required to appear in person before the authority granting the permit for such questioning as will show the training, experience, qualifications, character and reputation of the applicant in regard to fumigation or thermal insecticidal fogging. Applicants shall demonstrate knowledge of the properties of the fumigants and thermal insecticidal fogging liquids used and shall be familiar with the proper first aid measures to be used in case of emergencies.

Section 18.4. Sources of Ignition.

a. All fires, open flames and similar sources of ignition shall be eliminated from the space utilizing flammable fumigants or flammable thermal insecticidal fogging liquids. Heating, if needed,

shall be by indirect means with steam or hot water.

b. When utilizing flammable fumigants or flammable thermal insecticidal fogging liquids, electricity shall be shut off except circulating fans may be used provided such equipment does not create an ignition hazard. Electrical wiring and equipment shall be designed and installed so as to be reasonably safe to persons and property. Evidence that electrical wiring and equipment has been designed and installed in accordance with the applicable standard specified for this section 18.4b in article 31 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property.

Section 18.5. Notification of Fumigation or Thermal Insecticidal Fogging.

a. The holder of a fumigation or thermal insecticidal fogging permit shall notify the Fire Company at least 24 hours prior to the beginning of a usual fumigation or fogging operation except at least 2 hours shall be required for fumigation in public health emergencies or on shipboard. Notification shall give the location of the building, ship or enclosed space to be fumigated or fogged as well as its character and use, the fumigants or insecticides to be used, the person or persons in charge of the operation, permit holders name, address and emergency telephone and the date and time when it will be started and completed.

b. Notice of any fumigation or thermal insecticidal fogging shall be served with sufficient advance notice upon the occupants of any building or other enclosed space involved in the operation to enable them to evacuate the premises by a specified time. Occupants shall be notified not to re-enter the premises until the operator in charge of fumigation gives his approval.

c. Prior to fumigation or fogging warning signs shall be posted on all doors or entrances to buildings, permanent fumigation rooms, vaults or tanks to be fumigated; upon all gangplanks or ladders from the dock, pier, or land to a marine vessel; and on doors of wheeled transit vehicles. Each building or other fumigation operation shall be provided with at least one sign on each side and such signs shall not be more than 75 feet apart. Warning signs shall be printed with the words DANGER and POISON GAS in red on a white background, all capitalized, in letters at least 2 inches high. The FUMIGANT NAME shall be in red on a white background, all capitalized, in letters at least 1 inch high. Other information required on warning signs relative to fumigant hazards, persons to contact in emergency, date and time of fumigation or fogging, or other data shall be approved by the Chief of the Fire Company.

Section 18.6. Thermal Insecticidal Fogging Liquids.

No thermal insecticidal fogging liquid used for fogging a building or enclosure shall be a Class I liquid.

Section 18.7. Protective Equipment and Breathing Apparatus.

All persons engaged in the business of fumigation or thermal insecticidal fogging shall maintain and have available approved protective equipment and breathing apparatus as may be required.

Section 18.9. Watchman Required During Fumigation.

During the period fumigation is in process, except when fumigation is conducted in a gas-tight vault or tank, a capable, alert watchman or watchmen shall remain on duty at the entrance or entrances to the building, ship, or enclosed space fumigated until after the fumigation is completed and until the premises are properly ventilated and again safe for human occupancy. Sufficient watchmen shall be provided to prevent any person from entering the building, ship or enclosed space under fumigation without being observed.

Section 18.9. Thermal Insecticidal Fogging.

When conducting thermal insecticidal fogging indoors, not more than one gallon of insecticide shall be used for each 50,000 cubic feet of space. The fog shall not be blasted directly against any combustible object or material.

ARTICLE 19 GARAGES

Section 19.1. General.

Garages shall conform to all applicable requirements of this Code, as well as to the provisions of this article.

Section 19.2. Permit Required.

A permit shall be required for any person using any building, shed or enclosure as a place of business for the purpose of servicing or repairing any motor vehicle therein.

Section 19.3. Cleaning with Flammable Liquids.

No Class I liquid shall be used in any garage for washing parts or removing grease or dirt, unless in a special closed machine approved for the purpose or in a separate well ventilated room enclosed by walls having a fire resistance rating of not less than two hours with openings therein protected by approved fire doors or fire windows, and with no opening from such room to any upper or lower story.

Section 19.4. Handling of Gasoline and Oils.

a. The fuel tanks of motor vehicles shall be filled directly through hose from approved pumps attached to approved portable tanks or drawing from underground storage tanks. Storage and handling of flammable or combustible liquids shall conform to article 16. The transfer of gasoline in any garage shall not be made in any open container.

b. Garage floors shall drain to oil separators or traps discharging to sewer. Contents of oil separators or traps of floor drainage systems shall be collected at sufficiently frequent intervals and removed from the premises to prevent oil from being carried into the sewers. Self-closing metal cans shall be used for all city waste or waste oils.

ARTICLE 20 HAZARDOUS CHEMICALS

Section 20.1. Scope.

This article shall apply to materials not otherwise covered in this Code which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability, or liability to explosion render fire fighting abnormally dangerous or difficult; also to materials and formulations which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous or exothermic reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases, radioactive materials, and unstable chemicals, as defined in section 20.2.

Section 20.2. Definitions.

a. *Corrosive liquid* shall mean and include those acids, alkaline caustic liquids, and other corrosive liquids which when in contact with living tissue, will cause severe damage of such tissue by chemical action; or in case of leakage will materially damage or destroy other containers of other hazardous commodities by chemical action and cause the release of their contents; or are liable to cause fire when in contact with organic matter or with certain chemicals.

b. *Flammable solid* shall mean and include a solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from manufacturing or

processing. Examples are: white phosphorus, metallic sodium and potassium, and zirconium powder.

c. *Highly toxic material* shall mean a material so toxic to man as to afford an unusual hazard to life and health during fire fighting operations. Examples are: parathion, TEPP (tetraethyl phosphate), HETP (hexaethyl tetraphosphate), and similar insecticides and pesticides.

d. *Oxidizing material* shall mean any solid liquid, or gaseous substance which yields oxygen readily to support combustion or which reacts readily to oxidize fuels or other combustible materials.

e. *Poisonous gas* shall mean and include any noxious gas of such nature that a small amount of the gas in air is dangerous to life. Examples are: chlorine, cyanogen, fluorine, hydrogen cyanide, nitric oxide, nitrogen tetroxide and phosgene.

f. *Radioactive material* shall mean and include any material or combination of material that spontaneously emits ionizing radiation.

g. *Sealed source* shall mean a quantity of radiation so enclosed as to prevent the escape of any radioactive material but at the same time permitting radiation to come out for use.

h. *Storage, isolated* shall mean storage in a separate detached building located away from hazardous occupancies, important exposures, and inhabited buildings.

i. *Storage, segregated* shall mean storage in the same fire area but physically detached from incompatible materials by partitions or walls or when contained in a tank.

j. *Storage, separated* shall mean storage in the same fire area but physically detached by space from incompatible materials, using sills or curbs to maintain spacing or by using intervening storage of nonhazardous, compatible commodities.

k. *Unstable (reactive) chemical* shall mean any substance, other than one classified as an explosive or blasting agent, which will vigorously and energetically react, is potentially explosive, will polymerize, decompose instantaneously, undergo uncontrollable auto-reaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are: organic peroxides, nitromethane, and ammonium nitrate.

Section 20.3. Permit Required.

a. A permit shall be required for the storage or handling of more than 55 gallons of corrosive liquids; or more than 50 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 500 pounds of nitromethane; or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures defined in section 20.1b; or any amount of highly toxic material or poisonous gas.

b. A permit shall be required for the storage or handling at any installation of more than one microcurie of radium not contained in a sealed source; or more than one millicurie of radium or other radioactive material in a sealed source or sources; or any amount of radioactive material for which a specific license from the United States Atomic Energy Commission is required so as to be reasonably safe to persons and property. Evidence that a specific license for the radioactive material has been obtained from the United States Atomic Energy Commission in accordance with this applicable standard specified for this section 20.3b in article 31 of this Code shall be evidence that such license represents reasonable procedure for safety to persons and property.

c. Before authorizing the issuance of any permit, the Chief of the Fire Company may require the applicant to submit in writing one or more of the following:

(1) A report from an approved testing laboratory setting forth the physical and chemical properties of the chemical in question, whenever such properties are not readily available in published references or from other recognized sources.

(2) Evidence that the manner of manufacture, processing, storage, use or transportation of the hazardous chemicals in question is in accordance with nationally recognized safe practices and that no undue hazard to life or property is involved.

(3) Qualification, experience and knowledge of the person who is to supervise the operations involving the particular material. Reports concerning materials or processes may be marked for the confidential information of the Chief of the Fire Company who shall use the data contained therein to evaluate the fire and explosion hazard.

Section 20.4. General Requirements.

a. The manufacture, storage, handling and use of hazardous chemicals shall be safeguarded with such protective facilities as public safety requires.

b. The Chief of the Fire Company may require the separation, or isolation of any chemical that in combination with other substances may bring about a fire or explosion or may liberate a flammable or poisonous gas. The Chief of the Fire Company may require separation from other storage facilities, dwellings, places of assembly, educational occupancies, railroads, and public highways, when the quantity stored constitutes a material hazard. Limitations on storage quantities shall be considered with regard to proximity of these exposures and congested commercial and industrial districts.

c. Defective containers which permit leakage or spillage shall be disposed of or repaired, in accordance with recognized safe practices; no spilled materials shall be allowed to accumulate on floors or shelves.

d. Where kept for retail sale in containers or packages usual to the retail trade, storage shall be neat and orderly and shelves shall be of substantial construction.

Section 20.5. Oxidizing Materials.

a. Packaged oxidizing materials shall be stored in dry locations and separated from organic and other combustible materials. Bulk oxidizing materials shall not be stored on or against wooden surfaces.

b. Oxidizing materials that have a severe fire hazard and may deflagrate on exposure to fire, shock, or friction, but which are not expected to detonate shall be in segregated or isolated storage. Segregation shall be by walls having a fire resistance rating of not less than 2 hours. Automatic sprinklers shall be provided where the building is not adequately isolated.

c. Oxidizing materials that may detonate on exposure to fire, shock, or friction shall comply with the requirements of Section 20.8 Organic Peroxides.

Section 20.6. Radioactive Materials.

a. Durable, clearly visible signs warning of radiation dangers shall be placed at all entrances to areas or rooms where radioactive materials are used or stored. In addition, each container in which radioactive materials are used, stored, or transported shall bear a durable, clearly visible, appropriate warning sign. Such signs shall be posted to provide reasonable safety to persons and property. Evidence that such signs are in accordance with the applicable standard specified for this section 20.6a in article 31 of this Code shall be evidence that such signs provide reasonable safety to persons and property.

b. Signs are not required for storage of manufactured articles other than liquids, such as instruments or clock dials or electronic tubes or apparatus of which radioactive materials are a component part, and luminous compounds, when securely packed in strong containers, provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours.

c. When not in use, radioactive materials shall be kept in adequately

shielded fire-resistant containers of such design that the gamma radiation will not exceed 200 milliroentgens per hour or equivalent at any point of readily accessible surface.

Section 20.7. Unstable (Reactive) Chemicals.

a. Storage location for unstable chemicals, such as organic peroxides, nitromethane and ammonium nitrate shall be subject to approval by the Chief of the Fire Company with respect to nearness to dwellings, places of assembly, educational occupancies, institutional occupancies, railroads, and public highways. Limitations on storage quantities shall be considered with regard to proximity of these exposures and congested commercial or industrial district.

b. Unstable chemicals shall be stored away from all incompatible chemicals and contaminating and sensitizing materials. Such chemicals shall be kept away from all heat-producing appliances and electrical devices and shall be protected from external heat, fire and explosion. Unstable reactive chemicals shall not be stored in the same building with or in close proximity to explosives and blasting agents except that ammonium nitrate may be stored with explosives and blasting agents in accordance with article 12. Good housekeeping shall be maintained. Uncontaminated contents of broken or cracked bags, packages or other containers shall be transferred to new and clean containers before storing. Other spilled materials and discarded containers shall be promptly gathered up and destroyed in an approved manner. All electric bulbs shall be equipped with guards to prevent breakage. Open lights or flames and smoking shall be prohibited in or near storage areas. Internal combustion motor vehicles or lift trucks shall not be parked or stored in the room or compartment where such chemicals are located.

c. Unstable chemicals that are unstable (reactive) liquids, such as organic peroxides and nitromethane shall in addition to complying with the applicable provisions of this article 20 shall comply with the applicable provisions of Division II or article 11.

Section 20.8. Organic Peroxides.

a. Organic peroxide storage shall comply with section 20.7 and this section 20.8.

b. Organic peroxides of 50 pounds or more shall be stored in a detached, well isolated, ventilated, and unheated storage building constructed of materials having a fire resistance rating of not less than two hours with a noncombustible floor and a light weight insulated roof. If not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable liquid storage, combustible materials in the open and from any other building or highway:

Weight of Organic Peroxide Pounds	Distance Feet
50 to 100	75
100 to 500	100
500 to 1,000	125
1,000 to 3,000	200
3,000 to 5,000	300
5,000 to 10,000	400

c. Stock supplies stored inside production buildings shall be limited to 50 pounds at any one time.

d. The organic peroxides shall be stored in the original shipping containers (DOT containers). Care shall be taken to avoid rough handling or contamination of these chemicals. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

Section 20.9. Nitromethane.

a. Nitromethane storage shall comply with section 20.7 and this section 20.9.

b. Nitromethane storage shall be in a suitable isolated outdoor area with no hazardous processing in the vicinity of the storage area.

c. Nitromethane shall be stored in the drums in which it is received or in an underground tank with suitable corrosion

protection and a minimum of 2 feet of earth over the tank or in banded tanks aboveground. If the drum storage is not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage of 2,000 pounds or more shall be located the following minimum distances from inhabited buildings:

Weight Pounds	Approximate Distance Feet
Beginning at 2,000	4
2,000 to 10,000	20
10,000 to 20,000	40
20,000 to 40,000	80
40,000 to 80,000	150
	500

d. Care shall be taken to avoid rough handling or contamination of this chemical. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

Section 20.10. Ammonium Nitrate.

a. Ammonium nitrate in the form of crystals, flakes, grains or pills shall include technical grade, fertilizer grade as determined by applicable test procedures and apparatus specified for this section 20.10a in article 31 of this Code, nitrous oxide grade, dynamite grade, and other mixtures containing 60% or more ammonium nitrate; but shall not include blasting agents.

b. Ammonium nitrate storage shall comply with section 20.7 and this section 20.10. Approval of large quantity storage shall be subject to due consideration of fire, explosion, and possible toxic vapors from burning or decomposing ammonium nitrate. Ammonium nitrate shall be considered capable of undergoing detonation with about half the blast effect of explosives, if heated under confinement that permits high pressure build-up, or if subjected to strong shocks, such as from an explosion.

c. Ammonium nitrate storage areas shall be separated by a space of 30 feet, with sills or curbs, or by approved type walls with a fire resistance rating of not less than one hour, from stocks of organic chemicals, corrosive liquids, flammable compressed gases, flammable and combustible materials, such as coal, sawdust, charcoal, or flour where storage of such materials is permitted with ammonium nitrate. Walls referred to in this section 20.10c need extend only to the underside of the roof. All flooring in storage and handling areas shall be of noncombustible material and shall be without drains, traps, pits or pockets into which any molten ammonium nitrate could flow and be confined in event of fire.

d. Sulphur and finely divided metals, explosives and blasting agents shall not be stored in the same building with ammonium nitrate except when stored so as to be reasonably safe to persons and property. Evidence that sulphur and finely divided metals, explosives and blasting agents when stored with ammonium nitrate are in accordance with the applicable standard specified for this section 20.10d in article 31 of the Code shall be evidence that such storage is reasonably safe to persons and property.

e. Ammonium nitrate shall not be accepted for storage where the temperature of the product exceeds 130 degrees F.

f. In areas where lightning storms are prevalent, approved lightning protection shall be provided.

g. Bagged Storage.

(1) Bagged ammonium nitrate exceeding 60 tons total weight shall be stored in a well-ventilated building of fire-resistant or noncombustible construction or in buildings of other types of construction equipped with an approved automatic sprinkler system.

(2) Quantities of 2500 tons or more shall be stored in well-ventilated buildings of fire-resistant or noncombustible construction equipped with an approved automatic sprinkler system.

(3) Sprinkler protection shall be required for the storage of less than 2500 tons

of ammonium nitrate where the location of the storage buildings or industrial occupancy or the presence of other stored materials may present a special hazard.

(4) Each storage pile of bags or other authorized packages and containers of such materials shall not exceed 20 feet in width and 50 feet in length. The length is not limited if the building is of fire-resistant or noncombustible construction or sprinkler protected. For pile heights exceeding 15 feet, a hydraulically engineered sprinkler system shall be required. Such pile units shall be separated by a clear space of not less than 36 inches in width from the base to the top of the piles, serving as cross-aisles. At least one service or main aisle in the storage area shall be not less than 4 feet in width. A clearance of not less than 30 inches shall be maintained from building walls and partitions and of not less than 36 inches from ceilings or roof structural members with a minimum of 18 inches from sprinklers.

(5) Automatic sprinkler systems, when required by section 20.10g shall provide reasonable safety to persons and property. Evidence that automatic sprinkler systems have been designed and installed in accordance with applicable standard specified for this section 20.10g(5) in article 31 of this Code shall be evidence that such automatic sprinkler systems provide reasonable safety to persons and property.

h. Bulk Storage.

(1) Bulk storage of various grades of ammonium nitrate, which are described in section 20.10a, shall be permitted only after due consideration has been given to location in regard to heavily populated and built-up centers, including marine terminals and other waterfront facilities, and after specific approval by the Chief of the Fire Company.

(2) Ammonium nitrate shall be stored in an isolated location; in bins in warehouses, away from incompatible materials; or in site-type or other detached outdoor enclosed structures. Such storage facilities shall be well-ventilated.

(3) Height or depth of pile shall be limited by the pressure setting tendency of the product. The range of humidity and temperature changes, and the pellet quality of the product in the storage space shall be considered in determining the pressure setting tendency. Temperature cycles through 50 degrees F and high atmospheric humidity shall be considered undesirable for storage in depth. Pile height shall be at least 36 inches below ceilings or roof structural members with a minimum of 18 inches from sprinklers and shall be so sized and arranged that all material is moved out periodically.

(4) Galvanized iron, copper, lead and zinc shall not be used in bin structure unless suitably protected. Wooden bins or aluminum bins protected against impregnation by ammonium nitrate may be permitted. Bins and storage areas shall be clear and free of materials which may contaminate ammonium nitrate. Suitable provisions shall be made to prevent conveyor system lubricants from dripping onto storage areas.

(5) If a facility in a permitted location provides a low hazard exposure through isolation, it may be considered acceptable without sprinkler protection when all other fire protection safeguards are met.

(6) Dynamite, other explosives and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

i. All electrical installations shall be reasonably safe to persons and property. Evidence that electrical installations have been installed in accordance with the applicable standard specified for this section 20.10i in article 31 of this Code shall be evidence that such electrical installations are reasonably safe to persons and property. All electrical wiring and equipment shall be approved for the purpose and, where necessary, designed to minimize damage from corrosion

by any means, including ammonium nitrate dust.

j. Exposed ignition sources, such as open lights, flames, and smoking shall be prohibited at all storage and bulk handling facilities.

k. All internal combustion motor vehicles, lift trucks, tractors, and other specialized bulk-handling and cargo-conveying equipment shall not be permitted to remain overnight in a building where ammonium nitrate is stored, unless parked in an area approved exclusively for such parking purposes. All such vehicles shall be retrieved in a safe outside location.

l. All points of entry to commercial warehouses storing ammonium nitrate shall be identified with a prominently displayed, durable sign worded "Ammonium nitrate," with letters at least 2 inches high in colors contrasting with the background, with a caution notice about open lights, flames, and smoking near such storage areas.

m. Ammonium nitrate shall be stored so as to be reasonably safe to persons and property. Evidence that ammonium nitrate has been stored in accordance with the applicable standard specified for this section 20.10m in article 31 of this Code shall be evidence that such ammonium nitrate storage is reasonably safe to persons and property.

n. Housekeeping and maintenance in all warehousing or storage facilities and marine terminals shall be regularly conducted to provide reasonable safety to persons and property. Evidence that housekeeping and maintenance in marine terminals has been conducted in accordance with the applicable standard specified for this section 20.10n in article 31 of this Code shall be evidence that such housekeeping and maintenance provide reasonable safety to persons and property.

Section 20.11. Highly Toxic Materials.

a. Highly toxic materials shall be separated from other chemicals and combustible and flammable substances by storage in a room or compartment separated from other areas by walls and floor and ceiling assemblies having a fire resistance rating of not less than one hour. The storage room shall be provided with adequate drainage facilities and natural or mechanical ventilation to the outside atmosphere.

b. Legible warning signs and placards stating the nature and location of the highly toxic materials shall be posted at all entrances to areas where such materials are stored or used.

Section 20.12. Poisonous Gases.

a. Storage of poisonous gases shall be in rooms with walls, and floor and ceiling assemblies having a fire resistance rating of not less than one hour and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person.

b. Legible warning signs stating the nature of hazard shall be placed at all entrances to locations where poisonous gases are stored or used.

Section 20.13. Corrosive Liquids.

Satisfactory provisions shall be made for containing and neutralizing or safety flushing away leakage of corrosive liquids which may occur during storage or handling.

Section 20.14. Motor Vehicle Transportation of Hazardous Chemicals and Other Dangerous Articles.

a. The transportation of hazardous chemicals and other dangerous articles by motor vehicles shall comply with DOT Regulations.

b. Owners of vehicles involved in intra-state shipments shall obtain a permit to transport hazardous chemicals and other dangerous articles on designated routes within the municipality. Such application shall certify that said vehicles meet all

equipment requirements of DOT Regulations. Owners of vehicles involved only in interstate shipments and complying with DOT Regulations shall register with the Chief of the Fire Company for the purpose of assuring due notification and use of officially designated routes, approved stopping and parking places, and inspection stops.

ARTICLE 21 LIQUEFIED PETROLEUM GASES

Section 21.1. Scope.
This article shall apply to all storage and handling of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses.

Section 21.2. Definitions.

a. *Liquefied petroleum gas* shall mean any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butane (normal butane or isobutane) and butylenes.

b. *Liquefied petroleum gas equipment* shall mean all containers, apparatus, piping (not including utility distribution piping systems) and equipment pertinent to the storage and handling of liquefied petroleum gas. Gas consuming appliances shall not be considered as being liquefied petroleum gas equipment.

c. *Total water capacity* shall mean allowable tank capacity in gallons or pounds of water.

Section 21.3. Permits and Reports of Installations.

a. A permit shall be obtained for each installation of liquefied petroleum gas employing a container or an aggregate of interconnected containers of over 2,000 gallons water capacity, and for each permanent installation, irrespective of size of containers, made at buildings in which people congregate for civic, political, educational, religious, social or recreational purposes. Such buildings shall include schools, churches, hospitals, institutions, hotels, and restaurants, each having a capacity of 20 or more persons.

b. Where the nature of adjoining occupancy, proximity of adjacent buildings or unusual conditions indicate the need, the Chief of the Fire Company may require the submission of plans to the Board of Fire Commissioners prior to making the installation and if compliance with the requirements of this Code is shown by said plans, a permit shall be issued.

c. Installers shall maintain a record of all installations for which a permit is not required by section 21.3a (but not including installation of gas burning appliances and replacing of portable cylinders) and have it available for inspection by the Fire Company.

Section 21.4. Inspection of Installations.

It shall be the duty of the Fire Company to inspect a reasonable number of liquefied petroleum gas installations to determine if the provisions of this article are being complied with.

Section 21.5. Installation of Equipment.

All installations of liquefied petroleum gas equipment including such equipment installed at utility gas plants, shall be reasonably safe to persons and property. Liquefied petroleum gas installations which conform to the applicable provisions of this Code shall be deemed to be reasonably safe to persons and property; on matters not covered in this Code or in other laws or regulations legally in effect, conformity of liquefied petroleum gas installations to the applicable standards specified for this section 21.5 in article 31 of this Code shall be evidence that such liquefied petroleum gas installations are reasonably safe to persons and property.

Section 21.6. Location of Containers.

a. Within the limits established by law restricting the bulk storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of

any one installation shall not exceed 2,000 gallons water capacity; except that in particular installations this capacity limit may be altered at the discretion of the Chief of the Fire Company after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the local fire department.

b. Multiple container installations with a total storage water capacity of more than 180,000 gallons (approximately 150,000 gallons LP-Gas capacity) shall be subdivided into groups containing not more than 180,000 gallons in each group. Such groups shall be separated by a distance of not less than 50 feet, unless the tanks are (1) buried or mounded in an approved manner, or (2) protected with approved insulation on such areas that may be subject to impingement of ignited gas from pipelines or other leakage or (3) protected by fire walls of approved construction, or (4) protected by an approved system for application of water, or (5) protected by other approved means. Where one of these forms of protection is provided, the separation shall not be less than 25 feet between such container groups.

Section 21.7. LP-Gas in Buildings.

a. Vapor shall not be piped into any building at pressures in excess of 20 psig except as follows:

(1) Buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; and when such buildings or separate areas thereof, are constructed in accordance with section 21.5.

(2) Buildings, structures, or equipment under construction or undergoing major renovation.

b. Liquid shall be permitted in buildings provided:

(1) The requirements of section 21.7a (1) are met.

(2) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(a) Installations of liquid piping, hydrostatic relief valves, and flexible connectors shall comply with section 21.5. All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(b) A shut-off valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shut-off valve shall also be placed at the appliance end of the intermediate branch line. Such shut-off valve shall be upstream of any flexible connector used with the appliance.

(c) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-Gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shut-off valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(d) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except as the appliance connector, shall be prohibited.

(e) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(1) Using an approved automatic quick-closing coupling type closing in both directions when coupled in the fuel line, or

(2) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

c. Portable containers shall not be taken into buildings except as provided in section 21.8.

Section 21.8. Location of Containers and Regulating Equipment Inside Buildings.

a. Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(1) In buildings used exclusively for container charging, vaporization, pressure reduction, gas mixing, gas manufacturing or distribution.

(2) LP-Gas vehicles or tank vehicles as parked or garaged in accordance with section 21.10.

(3) In use for a motor fuel.

(4) In storage awaiting use or resale.

(5) When portable use is necessary.

b. The following provisions shall apply for portable use under section 21.8a(5):

(1) Small containers. Containers having a maximum water capacity of 2 1/2 pounds (nominal 1 pound LP-Gas capacity) are permitted to be used inside of buildings as part of approved self-contained hand torch assemblies or similar appliances.

(2) Public Exhibitions or Demonstrations. Containers having a maximum water capacity of 12 pounds (nominal 5 pounds LP-Gas capacity) are permitted to be used temporarily inside of buildings for public exhibition or demonstration purposes, including use for classroom demonstrations.

(3) Buildings Frequented by the Public:

(a) When buildings frequented by the public are open to the public, containers are permitted to be used for repair or minor renovation, as follows:

(1) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds LP-Gas capacity).

(2) The number of LP-Gas containers shall not exceed the number of workmen assigned to use the LP-Gas.

(3) Containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.

(b) When buildings frequented by the public are not open to the public, containers are permitted to be used for repairs or minor renovations, as follows:

(1) The provisions of section 21.8b(4) shall apply except that containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.

(4) Buildings or structures Under Construction or Undergoing Major Renovation; Containers are permitted to be used in buildings or structures under construction or undergoing major renovation when such buildings or structures are not occupied by the public, as follows:

(a) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(b) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least 8 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heaters shall not be directed toward any LP-Gas container within 20 feet.

(c) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(d) When heaters are connected to containers for use in an unpartitioned

area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifold shall be separated by at least 20 feet.

(e) On floors on which heaters are not connected for use, containers are permitted to be manifolded together for connection to a heater or heaters on another floor, provided (a) the total water capacity of containers connected to any one manifold is not greater than 2,450 pounds (nominal 1,000 pounds LP-Gas capacity) and (b) where more than one manifold having a total water capacity greater than 735 pounds (nominal 300 pounds LP-Gas capacity) are located in the same unpartitioned area, they shall be separated by at least 50 feet.

(f) When compliance with the provisions of section 21.8b(4) (d) and (e) is impractical, they may be altered by the Chief of the Bureau of Fire Prevention.

(g) Storage of containers awaiting use or resale shall comply with section 21.5.

(5) Industrial Occupancies for Processing, Research or Experimental Purposes: Containers are permitted to be used in industrial occupancies for processing, research or experimental purposes as follows:

(a) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(b) Containers connected to a manifold shall have a total water capacity not greater than 735 pounds (nominal 300 pounds LP-Gas capacity) and not more than one such manifold may be located in the same room unless separated at least 20 feet from a similar unit.

(c) The amount of LP-Gas in containers for research and experimental use shall be limited to the smallest practical quantity.

(6) Industrial Occupancies Utilizing Portable Equipment For Space Heating: Containers are permitted to be used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, as follows:

(a) Containers and heaters shall comply with and be used in accordance with section 21.8b(4).

(7) Emergency Heating: Containers are permitted to be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(a) Containers and heaters shall comply with and be used in accordance with section 21.8b(4).

(b) The temporary heating equipment shall not be left unattended.

(8) Educational and Institutional Occupancies for Non-Classroom Research or Experimental Purposes: Containers are permitted to be used in educational and institutional laboratory occupancies for research or experimental purposes, but not in classrooms, as follows:

(a) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds LP-Gas capacity) when used in educational occupancies. The maximum water capacity of individual containers shall be 12 pounds (nominal 5 pounds LP-Gas capacity) when used in institutional occupancies.

(b) If more than one such container is located in the same room, the containers shall be separated by at least 20 feet.

(c) Containers not connected for use shall be stored in accordance with section 21.5, except that they shall not be stored in a laboratory room.

(9) Temporary Use For Training Purposes: Containers are permitted to be used temporarily in buildings for training purposes related to installation and use of LP-Gas systems, as follows:

(a) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity), but the maximum quantity of LP-Gas that

may be placed in each container shall be 20 pounds.

(b) If more than one such container is located in the same room, the containers shall be separated by at least 20 feet.

(c) The training location shall be acceptable to the Chief of the Fire Company.

(d) Containers shall be removed from the building when the training class has terminated.

Section 21.9. Marking Cargo Vehicles.

Every tank vehicle used for the transportation of liquefied petroleum gas shall be marked on each side and rear, thereof, on a sharply contrasting background, with **FLAMMABLE COMPRESSED GAS** or **FLAMMABLE GAS** in block letters at least three inches high, and in block letters at least two inches high, **LIQUEFIED PETROLEUM GAS**, or **BUTANE** or **PROPANE** as appropriate.

Section 21.10. Parking and Garaging.

a. Except in an emergency, no tank vehicle shall be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking.

b. Tank vehicles containing flammable or combustible liquids shall not be parked out of doors at any one point for longer than one hour, except off the streets, and at least 20 feet from any buildings used for assembly, institutional or residential occupancy.

c. Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief of the Fire Company.

Section 21.11. Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries, and Tank Farms.

Liquefied petroleum gas installations (including refrigerated storage) at marine and pipeline terminals, natural gas processing plants, refineries and tank farms, where tank farms do not include storage at industrial locations, shall be designed and installed so as to be reasonably safe to persons and property. Evidence that liquefied petroleum gas installations at marine and pipeline terminals, natural gas plants, refineries, and tank farms, have been designed and installed in accordance with the applicable standard specified for this section 21.11 in article 31 of this Code shall be evidence that such liquefied petroleum gas installations are reasonably safe to persons and property.

ARTICLE 22 LUMBER YARDS AND WOODWORKING PLANTS

Section 22.1. Permit Required.

A permit shall be required for the storage of lumber exceeding 100,000 board feet.

Section 22.2. Open Yard Storage.

a. Lumber shall be piled with due regard to stability of piles and in no case higher than 20 feet.

b. Driveways between and around lumber piles shall be at least 15 feet wide and maintained free from accumulation of rubbish, equipment or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is produced.

c. Permanent lumber storage exceeding 100,000 board feet shall be surrounded with a suitable fence at least 6 feet high, unless storage is within a building.

Section 22.3. Operational Fire Hazard in Lumber Yards.

a. The burning of shavings, sawdust and refuse materials shall be permitted only under boilers, in furnaces, or in incinerators or refuse burners safely constructed and located. Stacks shall be

provided with approved spark arresters having openings not greater than 3/4-inch, or other effective means provided which will eliminate the danger from sparks, such as an expansion chamber, baffle walls or other effective arrangement. At boiler or other points where sawdust or shavings are used as fuel, a storage bin constructed of non-combustible materials with raised sill shall be provided.

b. Smoking shall be prohibited except in specified safe locations in buildings. Large "No Smoking" signs shall be painted on exterior building walls and on signs, erected at driveways' edges. "No Smoking" signs shall be posted throughout all buildings except in specific locations designated as safe for smoking purposes.

c. Weeds shall be kept down throughout the entire yard and shall be sprayed as often as needed with a satisfactory weed killer or cut or grubbed out. Dead weeds shall be removed.

d. Debris such as sawdust, chips and shorts shall be removed regularly from piling areas and not less frequently than quarterly. Proper housekeeping shall be maintained at all times.

Section 22.4. Fire Control in Open Yards and Buildings.

Portable fire extinguishing equipment suitable for the fire hazard involved shall be provided at convenient conspicuous accessible locations in open yards. When used, approved Class A portable fire extinguishers, properly protected against freezing where necessary, shall be provided so that the travel distance to the nearest unit does not exceed 75 feet. In buildings, fire extinguishing equipment shall be provided as specified by the Chief of the Fire Company.

Section 22.5. Woodworking Plants.

a. Sawmills, planing mills and other woodworking plants shall be equipped with refuse removal systems which will collect and remove a wood dust and shavings as produced; or suitable metal or metal-lined bins, provided with normally closed covers or automatically closing covers, shall be installed at or near such machines, and shavings and sawdust shall be swept up and deposited in such bins at sufficiently frequent intervals as to keep the premises clean. Blower and exhaust systems shall be installed so as to be reasonably safe to persons and property. Evidence that blower and exhaust systems have been installed in accordance with the applicable standard specified for this section 22.5a in article 31 of this Code shall be evidence that such blower and exhaust systems are reasonably safe to persons and property.

b. Fire fighting equipment, either portable fire appliances or small hose supplied from a suitable water system, shall be provided near any machine producing shavings or sawdust.

c. Woodworking plants shall be reasonably safe to persons and property. Woodworking plants which conform to the applicable provisions of this Code shall be deemed to be reasonably safe to persons and property; on matters not covered in this Code, conformity of woodworking plants to the applicable standard specified for this section 22.5c in article 31 of this Code shall be evidence that such plants are reasonably safe to persons and property.

ARTICLE 23 MAGNESIUM

Section 23.1. Scope.

This article applies to the storage, handling and processing of magnesium.

Section 23.2. Definition.

Magnesium shall mean the pure metal and alloys of which the major part is magnesium.

Section 23.3. Permit Required.

A permit shall be obtained for the melting, casting, heat treating, machining, or grinding, of more than 10 pounds of magnesium per working day.

Section 23.4. Storage of Pigs, Ingots and Billets.

a. Storage of magnesium pigs, ingots and billets out of doors shall be in piles not exceeding 1,000,000 pounds each, separated by aisles not less in width than 1/2 the height of pile, and separated from combustible material or buildings on the same or adjoining property by a distance of not less than the height of the nearest pile.

b. Storage of pigs, ingots and billets in buildings shall be on floors of noncombustible material, in piles not larger than 500,000 pounds each, separated by aisles not less in width than 1/2 the height of the pile.

Section 23.5. Melting Pots.

Floors under and around melting pots shall be of noncombustible material.

Section 23.6. Storage of Magnesium Articles in Foundries and Processing Plants.

The size of storage piles of magnesium articles in foundries and processing plants shall not exceed 1250 cubic feet and shall be separated by aisles not less in width than 1/2 the height of pile.

Section 23.7. Heat Treating Ovens.

Approved means shall be provided for control of magnesium fires in heat treating ovens.

Section 23.8. Magnesium Processing Operations.

a. At each grinding, buffing or wire brushing operation on magnesium, not including rough finishing of castings, dust shall be collected by means of suitable hoods or enclosures connected to a liquid precipitation type of separator, such that the dust will be converted to sludge without contact in a dry state with any high speed moving parts.

b. Connecting ducts or suction tubes shall be completely grounded and as short as possible, with no unnecessary bends. Ducts shall be carefully fabricated and assembled, with a smooth interior and with internal lap joints pointing in the direction of air flow, and without unused capped side outlets, pockets or other dead-end spaces which might allow an accumulation of dust.

c. Each machine shall be equipped with its individual dust separating unit, except that with multi-unit machines not more than two dust-producing units may be served by one separator. Not more than four portable dust-producing units in a single enclosure or stand may be served by one separator unit.

d. Power supply to dust-producing machines shall be interlocked with the motor driving the exhaust blower and the liquid level controller of the wet collector in such a way that improper functioning of the dust collecting system will shut down the machine it serves. A time delay switch or equivalent device shall be provided in the dust producing machine to prevent the starting of its motor drive until the wet collector is in complete operation and several changes of air have swept out any residual hydrogen.

e. All electrical wiring, fixtures and equipment in the immediate vicinity of and attached to dust-producing machines, including those used in connection with separator equipment, evidence that all electrical wiring, fixtures and equipment is of a type approved for Class II, Group E hazardous locations and has been installed in accordance with the applicable standard specified for this section 23.8e in article 31 of this Code shall be evidence that such electrical wiring, fixtures and equipment are reasonably safe to persons and property.

f. All equipment shall be securely grounded by permanent ground wires.

Section 23.9. Fire Control.

A supply of approved extinguishing

powder in a substantial container with a hand scoop or shovel for applying powder on magnesium fires or an approved extinguisher unit designed for use with such powder shall be kept within easy reach of every operator performing a machining, grinding or other processing operation on magnesium.

Section 23.10. Storage of Magnesium Articles in Warehouses and Stores.

a. Magnesium storage in quantity greater than 50 cubic feet shall be separated from storage of other materials that are either combustible or in combustible containers, by aisles equal in width to not less than the height of the piles of magnesium.

b. Magnesium storage in quantity greater than 1,000 cubic feet shall be separated into piles each not larger than 1,000 cubic feet with aisles between equal in width to not less than the height of the piles.

c. Where storage in quantity greater than 1,000 cubic feet is in a building of combustible construction, or the magnesium is packed in combustible crates or cartons, or there is other combustible storage within 30 feet of the magnesium, the storage area shall be protected by automatic sprinklers.

Section 23.11. Handling of Magnesium Fines (Fine Magnesium Scrap).

a. Chips, turnings and other fine magnesium scrap shall be collected from the pans or spaces under machines and from other places where they collect at least once each working day, and placed in a covered, vented steel container and removed to a safe location.

b. Magnesium fines shall be kept separate from other combustible materials.

c. Storage in quantity greater than 50 cubic feet of fine magnesium scrap (six 55-gallon steel drums) shall be separated from other occupancies by fire-resistive construction without window openings or by an open space of at least 50 feet.

d. Storage in quantity greater than 1,000 cubic feet shall be separated from all buildings other than those used for magnesium scrap recovery operations by a distance of not less than 100 feet.

ARTICLE 24 OIL BURNING EQUIPMENT

Section 24.1. Scope.

This article applies to oil burning equipment except combustion engines, oil lamps, and portable devices such as blow torches, melting pots, and weed burners.

Section 24.2. Definitions.

a. *Conversion range oil burner* shall mean an oil burner designed to burn kerosene, range oil or similar fuel. This burner is intended primarily for installation only in a stove or range, a portion or all of which originally was designed for the utilization of solid fuel and which is flue-connected.

b. *Fuel oil* shall mean kerosene or any hydrocarbon oil specified in the standard for this section 24.2b in article 31 of this Fire Prevention Code and having a flash point not less than 100 degrees F.

c. *Heating and cooking appliance* shall mean an oil-fired appliance not intended for central heating. These appliances include kerosene stoves, oil stoves, and conversion range oil burners.

d. *Oil burner* shall mean a device for burning oil in heating appliances such as boilers, furnaces, water heaters, ranges and the like. A burner of this type may be furnished with or without a primary safety control; and it may be a pressure atomizing gun type, a horizontal or vertical rotary type, or a mechanical or natural draft vaporizing type.

e. *Oil burning equipment* shall mean an oil burner of any type together with its tank, piping, wiring, controls and related devices and shall include all oil burners, oil-fired units, and heating and cooking appliances but exclude those exempted by section 24.1.

f. *Oil-fired unit* shall mean a heating appliance equipped with one or more oil

burners and all the necessary safety controls, electrical equipment and related equipment manufactured for assembly as a complete unit. This definition does not include kerosene stoves or oil stoves.

Section 24.3. Permit Required.

A single permit shall be required for the initial installation of an oil burner and a fuel oil tank used in connection therewith that is in excess of 25 gallons in a building or in excess of 60 gallons outside of a building. A separate permit shall be required for the replacement of either the oil burner or a fuel oil tank connected to an oil burner.

Section 24.4. Use of Approved Equipment.

Oil burning equipment shall be of approved type.

Section 24.5. General Installation Requirements.

a. The installation shall be made in accordance with the instructions of the manufacturer.

b. The installation shall be such as to provide reasonable accessibility for cleaning heating surfaces, removing burners, replacing motors, controls, air filters, draft regulators and other working parts and for adjusting, cleaning and lubricating parts requiring such attention.

c. After installation of the oil burning equipment, operation tests shall be conducted to make certain that the burner is operating in a safe and acceptable manner and that all safety devices function properly.

Section 24.6. Electrical Wiring and Equipment.

Electrical wiring and equipment used in connection with oil burning equipment shall be installed so as to be reasonably safe to persons and property. Evidence that electrical wiring and equipment has been installed in accordance with the applicable standard specified for this section 24.6 in article 31 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property.

Section 24.7. Fuel Oil.

The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the manufacturer. Crankcase oil or any oil containing gasoline shall not be used.

Section 24.8. Design, Construction, and Installation of Fuel Oil Tanks.

a. Materials.

(1) Tanks shall be built of steel except as provided in section 24.8a(2) through 24.8a(5).

(2) Tanks for underground service may be built of material other than steel.

(3) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used and shall be approved by the Chief of the Fire Company.

(4) Unlined concrete tanks may be used for aboveground or underground service for fuel oils having a gravity of 40 degrees API or heavier. Concrete tanks shall be built in accordance with sound engineering practice.

(5) Tanks may have combustible or noncombustible linings.

b. Fabrication.

(1) Tanks may be of any shape or type consistent with sound engineering design.

(2) Metal tanks shall be welded, riveted and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filter metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1000 degrees F and below that of the metal joined.

c. Atmospheric Tanks.

(1) Atmospheric tanks shall be built so as to be reasonably safe to persons and property. Evidence that an atmospheric tank has been built in accordance with

the applicable standards specified for this section 24.8c(1) in article 31 of this Code shall be evidence that such atmospheric tanks are reasonably safe to persons and property.

(2) Steel tanks designed for underground service not exceeding 2500 gallons capacity may be used aboveground.

(3) Atmospheric tanks built according to Underwriters' Laboratories, Inc., standards in section 24.8c(1) may be used for operating pressures not exceeding 1 psig. Atmospheric aboveground tanks shall be limited to 2.5 psig under emergency venting conditions.

(4) The tank shall be designed for the maximum static head which will be imposed when the vent or fill pipe is filled with oil. The maximum static head so imposed on tanks built in accordance with Underwriters' Laboratories, Inc., standards in section 24.8c(1) shall not exceed 10 psig at the bottom of the tank.

(5) Pressure tanks, if required to conform to section 24.8c(4) shall be built so as to be reasonably safe to persons and property. Evidence that a pressure vessel has been built in accordance with the applicable standard specified for this section 24.8c(5) in article 31 of this Code shall be evidence that such pressure vessels are reasonably safe to persons and property. If such tanks are larger than 500 gallons or are to be buried underground, all openings in such tanks shall be located above the highest normal liquid level.

d. An outside aboveground tank not larger than 60 gallons capacity may be a DOT-5 Shipping Container (drum) and so marked or may be an approved safety can.

e. The installation of fuel oil tanks shall comply, where applicable, with section 16.22 through 16.27 except as provided in sections 24.8f through 24.8i.

f. An unenclosed inside fuel oil supply tank shall have a capacity of not more than 550 gallons. Not more than one 550 gallon tank or two tanks of aggregate capacity of 550 gallons or less shall be connected to one oil burning appliance and the aggregate capacity of such tanks installed in the lowest story, cellar or basement of a building shall not exceed 1100 gallons unless separation is provided for each 550 gallons of tank capacity. Such separation shall consist of an unpierced masonry wall or partition extending from the lowest floor to the ceiling above the tank or tanks and shall have a fire resistance rating of not less than 2 hours.

g. A supply tank larger than 550 gallons capacity shall be enclosed when installed inside of a building.

(1) Except as provided in section 24.8g(2) enclosed tanks in buildings shall be in accordance with the following:

(a) In buildings of other than fire-resistive construction the gross capacity of the tank(s) shall be not more than 10,000 gallons.

(b) In buildings of fire-resistive construction the gross capacity of the tank(s) shall be not more than 15,000 gallons.

(c) The enclosure for tanks in sections 24.8g(1)(a) and 24.8g(1)(b) shall be constructed of walls, floor and top having a fire resistance rating of not less than 3 hours with the walls bonded to the floor. If the walls of such enclosure extend to and are bonded to the underside of a concrete floor or roof above which has a fire resistance rating of not less than 3 hours a separate top is not required for the tank enclosure.

(2) The gross capacity of tanks shall be limited to 50,000 gallons in any building provided:

(a) The individual capacity of any tank is not more than 25,000 gallons.

(b) The tank(s) are in an enclosure constructed of walls, floor and top having a fire resistance rating of not less than 3 hours with walls bonded to the floor.

(c) The tank enclosure is located in a room or area of the building cut off vertically and horizontally from other areas and floors of the building by construction having a fire resistance rating of

not less than 2 hours. Access into the room shall be by an opening protected by an approved, self-closing fire door. The top and walls of the tank enclosure shall be independent of the building construction except that an exterior building wall having a fire resistance rating of not less than 3 hours may serve also as a wall of the tank enclosure.

(3) The tank shall be supported at least four inches above the floor by masonry saddles at least 12 inches thick, spaced not more than eight feet on centers and extending the full width of the tank. At least 15 inches clearance shall be provided between the tank and the top and walls of the tank enclosure for the purpose of inspection and repair.

(4) All connections to an enclosed supply tank having a capacity of more than 550 gallons shall be made through the top of the tank, and the transfer of oil shall be by pump only and through continuous piping to and from the consuming appliances.

(5) Each tank enclosure shall be provided with an approved, self-closing fire door and a noncombustible liquid-tight sill or ramp at least six inches high. If the sill or ramp is more than six inches high, the walls to a height corresponding to the level of oil that will be retained shall be built to withstand the lateral pressure due to the liquid head.

h. Stoves which are designed for barometric feed shall not be connected to separate oil supply tanks.

i. Non-flue connected stoves shall be equipped with integral tanks of capacity not more than 2 gallons.

j. Gravity oil supply tanks installed in conversion range oil burners shall not exceed one 6 gallon metal tank or two 3 gallon glass bottles.

k. Supply or storage tanks located above the lowest story, cellar or basement shall not exceed 60 gallons capacity and the total capacity of tanks so located shall not exceed 60 gallons.

l. Oil supply tanks other than those furnished as an integral part of the stove or range shall not be located within 5 feet, horizontally, of any fire or flame; except that tanks not over 6 gallons capacity may be within this distance but not within 2 feet of the stove or range in which the burner is installed, provided the temperature rise of the oil supply at this distance is not excessive when the burner is operated at full capacity.

Section 24.9. Piping Materials and Design.

a. All piping shall be wrought iron, steel, or brass pipe, or brass or copper tubing except as provided in section 24.9b. Wall thicknesses of wrought iron and wrought steel pipe shall be such that they are reasonably safe to persons and property. Evidence that wall thicknesses of pipe are in accordance with the applicable standard specified for this section 24.9a in article 31 of this Code shall be evidence that such wall thicknesses are reasonably safe to persons and property. Approved flexible metal hose may be used to reduce the effect of jarring and vibration or where rigid connections are impracticable and shall be installed in full compliance with its approval.

b. Piping may be of materials other than those specified in section 24.9a if used underground. Such piping shall be designed to specifications embodying principles recognized as good engineering design for the material used and shall be approved by the Chief of the Fire Company.

c. Piping used in the installation of oil burners and appliances other than conversion range oil burners shall be not smaller than 3/8 in. in pipe size or 3/8 OD tubing except that 1/4 in. pipe or 5/16 OD tubing may be used in the suction line of systems where the top of the tank is below the level of the oil pump. Copper tubing shall have 0.035 in. nominal and 0.032 in. minimum wall thickness.

d. Piping between conversion range oil burners and tanks shall be standard steel, wrought iron or brass pipe not smaller than 1/4 inch in size or brass or

copper tubing not less than 5/16 inch OD with a wall thickness not less than 0.049 inch.

e. Pipe shall be connected with standard fittings and tubing with fittings of approved type. Connectors shall not be used inside of buildings or aboveground outside of buildings. If used below ground outside of buildings, connectors shall be of approved type and installed in accordance with the conditions of their approval. All threaded joints and connections shall be made tight with suitable lubricant or pipe compound. Unions requiring gaskets or packing, right and left couplings, and sweat fittings employing solder having a melting point of less than 1000 degrees F shall not be used in oil lines. Cast iron fittings shall not be used.

f. Piping shall be substantially supported and protected against physical damage and where necessary protected against corrosion. All buried piping except copper piping shall be protected against corrosion.

g. Proper allowance shall be made for expansion, contraction, jarring and vibration. Pipe lines, other than tubing, connected to underground tanks, except straight fill lines and test wells, shall be provided with double swing joints arranged to permit the tanks to settle without impairing the tightness of the pipe connections.

Section 24.10. Fill and Return Piping.

a. A fill pipe on a tank larger than 60 gallons shall terminate outside of a building at least two feet from any building opening. Every fill terminal shall be equipped with a tight metal cover.

b. A return line from a burner or pump to a supply tank shall enter the top of the tank.

c. An auxiliary tank shall be filled by a pump transferring oil through continuous piping from the supply tank.

Section 24.11. Supply Connections.

a. All piping, except the burner supply line from a tank having a capacity not over 550 gallons and the cross connection between two such tanks having an aggregate capacity of 550 gallons or less, shall be connected into the top of the supply tank.

b. The burner supply connection to tank or tanks having a capacity of more than 550 gallons shall be connected to the top of the tank except in commercial and industrial installations the burner supply connection may be below the liquid level but each such connection shall be provided with an internal or external shutoff valve located as close as practicable to the shell of the tank. External valves and their connections to the tank shall be of steel.

c. A transfer pump may be used to deliver oil from a supply tank to a burner or to an auxiliary tank. Except in commercial, industrial or centralized oil distribution installations, such a pump shall be connected to tankage having a capacity of not more than 550 gallons or to two tanks having an aggregate capacity of not over 550 gallons.

d. The pressure at the oil supply inlet to an appliance shall not be greater than 3 psi.

e. Where supply tanks are set below the level of the burner, the oil piping shall be so laid as to pitch toward the supply tank without traps.

f. Air or other gases shall not be used to pressurize tanks.

g. All tanks in which a constant oil level is not maintained by an automatic pump shall be equipped with an approved method of determining the oil level.

Section 24.12. Vent Piping.

Vent pipes shall terminate outside of buildings not less than two feet measured vertically or horizontally from any window or other building opening. Vent terminals shall terminate in a weather-proof vent cap which shall have a minimum free open area equal to the cross-sectional area of the vent pipe. If the static head of the vent pipe filled with

oil exceeds 10 psi, the tank shall be designed for the maximum static head which will be imposed.

Section 24.13. Oil Pumps.

a. An oil pump not a part of an approved burner shall be a positive displacement type which automatically shuts off the oil supply when stopped.

b. An automatic pump not an integral part of a burner shall be an approved type installed in full compliance with its approval.

Section 24.14. Valves.

a. Readily accessible manual shut-off valves shall be installed at each point where required to properly control the flow of fuel in normal operation and where required to avoid oil spillage during servicing. The valve shall be installed to close against the supply.

b. Where a shutoff is installed in the discharge line of an oil pump not an integral part of a burner, a pressure relief valve shall be connected into the discharge line between the pump and the shut-off valve and arranged to return surplus oil to the supply tank or to bypass it around the pump, unless the pump includes an internal bypass.

c. Where oil is supplied to a burner, requiring uniform flow by gravity feed and a constant level valve is not incorporated in the burner assembly or the oil is not supplied by an automatic pump, a constant level valve shall be installed in the supply line at the gravity tank or as close thereto as practicable, to insure uniform delivery of oil to the burner. The vent opening of such constant level valve shall be connected by piping or tubing to the outside of the building, unless the constant level valve is provided with an anti-flooding device. Vent piping or tubing of constant level valves shall not be connected to tanks or tank vents.

Section 24.15. Installation of Oil Burners and Oil-Fired Units.

a. Oil burners other than oil stoves with integral tanks, shall be provided with some means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a convenient location at a safe distance from the burner.

b. Oil burners for which a competent attendant will not be constantly on duty in the room where the burner is located while the burner is in operation shall be equipped with a primary safety control of a type specifically approved for the burner with which it is used. When primary safety controls are installed in connection with other oil burners such automatic devices shall be of a type specifically approved for use with the burner to which they are attached.

c. Each appliance fired by oil burners and each oil-fired unit shall be provided with automatic limit controls which will prevent unsafe pressure or low water in a steam boiler or overheating within a hot-water boiler, furnace or heater.

d. Limiting controls and low-water shutoffs intended to prevent unsafe operation of heating equipment by opening an electrical circuit to the burner or oil shut-off device shall be so arranged as to effect the direct opening of that circuit, whether the switching mechanism is integral with the sensing element or remote from same.

e. A water heater shall be provided with water pressure, temperature and vacuum relief devices. Means shall be provided to prevent siphoning in any boiler or tank to which any circulating water heater is attached.

f. Electric motor-driven oil burners of the type not equipped with primary safety controls with integral oil pumps and electric motor-driven pump sets for use with such burners not equipped with integral pumps, shall be provided with a motor controller incorporating no-voltage protection to be wired into the power supply to the motor.

g. In systems where either steam or air is used for atomizing the oil or where air for combustion is supplied by a source

which may be interrupted without shutting off the oil supply, the oil atomizing or air supply shall be interlocked in a manner to immediately shut off the oil supply upon failure of the atomizing or air supply.

h. When automatically operated burners are used in installations equipped with forced or induced draft fans or both, means shall be provided to immediately shut off the oil supply upon fan failure.

i. Oil burners not equipped to provide safe automatic restarting after shut down shall require manual restarting after any control functions to extinguish the burner flame.

j. Oil-fired appliances shall be installed in rooms that are large compared with the size of the appliance except that an appliance specifically approved for installation in a confined space such as an alcove or closet may be so installed when the installation is in compliance with the approval. In alcove and closet installations, the clearances from the appliance to the walls and ceiling shall be not less than as specified in the approval, regardless of the type of construction.

k. Oil burning appliances shall be installed so as to be reasonably safe to persons and property. Evidence that oil burning appliances have been installed in accordance with the applicable standard specified for this section 24.15k in article 31 of this Code shall be evidence that such oil burning appliances are reasonably safe to persons and property.

Section 24.16. Installation of Heating and Cooking Appliances.

a. Kerosene and oil stoves shall be equipped with a primary safety control furnished as an integral part of the appliance by the manufacturer to stop the flow of oil in the event of flame failure. Barometric oil feed shall not be considered a primary safety control.

b. A conversion range oil burner shall be equipped with a thermal (heat actuated) valve in the oil supply line, located in the burner compartment of the stove.

c. Small heating and cooking appliances shall be installed so as to be reasonably safe to persons and property. Evidence that small heating and cooking appliances have been installed in accordance with the applicable standard specified for this section 24.16c in article 31 of this Code shall be evidence that such small heating and cooking appliances are reasonably safe to persons and property.

ARTICLE 25 ORGANIC COATINGS, MANUFACTURE OF

Section 25.1. Scope.

a. This article shall apply to (1) processes manufacturing protective and decorative finishes or coatings (paints) for industrial, automotive, marine, transportation, institutional, household or other purposes and (2) the handling of flammable and combustible liquids, certain combustible solids and potential dust explosion conditions.

b. This article shall not apply to (1) processes manufacturing nonflammable or water thinned coatings or (2) operations applying coating materials.

Section 25.2. Definition.

Organic coating shall mean a liquid mixture of binders such as alkyl, nitrocellulose, acrylic, or oil, and flammable and combustible solvents such as hydrocarbon, ester, ketone, or alcohol, which when spread in a thin film convert to a durable protective and decorative finish.

Section 25.3. Permit Required.

A permit shall be required for any organic coating manufacturing operation making more than one gallon of an organic coating on any working day.

Section 25.4. Location.

a. Each organic coating manufacturing operation within 50 feet of the line of

adjoining property that may be built upon or public thoroughfare shall have the exposing wall constructed as indicated in the schedule below.

Distance in Feet from Line of Adjoining Property That May Be Built Upon or Public Thoroughfare	Construction of Exposing Wall Expressed in Terms of Fire Resistance Rating
Less than 10	at least 4 hours
10 to 30	at least 3 hours
Over 30 but less than 50	at least 2 hours

When approved automatic sprinkler systems are installed; a 50 per cent reduction in the distances to property lines and the fire resistance ratings of the exposing walls may be made.

b. An organic coating manufacturing operation shall not be located in the same building with other occupancies. Operations incidental to or in connection with organic coating manufacturing shall not be classed as "other occupancies" for the purpose of this provision.

c. An organic coating manufacturing operation shall be accessible from at least one side for the purpose of fire control.

d. Where topographical conditions are such that flammable and combustible liquids may flow from the organic coating manufacturing operation so as to constitute a fire hazard to properties of others, drainage facilities shall be provided in accordance with sections 25.8h and 25.6i.

Section 25.5. Storage of Raw Materials and Finished Products.

a. The storage, handling and use of flammable and combustible liquids shall be in accordance with Division II and IV of article 16.

b. Tank storage for flammable and combustible liquids inside of buildings shall be permitted only in storage areas at or above-grade which are detached from the processing area or cut off from the processing area by noncombustible construction having a fire resistance rating of at least two hours and openings shall be equipped with approved fire doors. This is not intended to prevent processing equipment from containing flammable and combustible liquids or storage in such quantities as are essential to the continuity of operations.

c. Tank car and tank vehicle loading and unloading stations for Class I liquids shall be separated from the processing area, other plant buildings, nearest line of adjoining property that may be built upon or public thoroughfare by a clear distance of not less than 25 feet.

d. Loading and unloading structures and platforms for flammable and combustible liquids shall be designed and installed in accordance with section 16.64.

e. Tank cars for flammable liquids shall be unloaded so as to be reasonably safe to persons and property. Evidence that such tank cars have been unloaded in accordance with the applicable standard specified for this section 25.5e in article 31 of this Code shall be evidence that such tank car unloading is reasonably safe to persons and property.

f. Tank vehicles for flammable and combustible liquids shall be loaded and unloaded in accordance with Division IX of article 16.

g. Finished products that are flammable or combustible liquids shall be stored outside of buildings, in a separate building, or in a separate room cut off from the processing area by a noncombustible wall or partition having a fire resistance rating of at least two hours and openings shall be equipped with approved fire doors. The storage of finished products shall be in tanks or in closed containers in accordance with Divisions II and IV of article 16.

h. The nitrocellulose storage shall be in a separate building or in a room cut off by noncombustible construction having a fire resistance rating of at least two hours and openings shall be equipped with approved fire doors. The nitrocellulose storage area shall be used for no

other purpose. Electrical wiring and equipment installed in such rooms or buildings shall be reasonably safe to persons and property. In nitrocellulose storage rooms or buildings evidence that electrical wiring and equipment is of a type approved for Class I, Division II hazardous locations and has been installed in accordance with the applicable standard specified for this section 25.5b in article 31 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property.

i. Nitrocellulose shall be stored only in closed containers. Barrels shall be stored on end and, if tiered, not more than two high. Barrels or other containers of nitrocellulose shall not be opened in the main storage building but at the point of use or other location set aside for the purpose.

j. Spilled nitrocellulose shall be promptly wetted with water and disposed of by use or by burning in the open at a suitable detached location.

k. The storage of organic peroxides shall be in accordance with sections 26.7 and 20.8.

l. The size of the package containing the organic peroxide shall be selected so that, as nearly as practical, full packages are utilized at one time. Any peroxide spilled shall be promptly cleaned up and disposed of as recommended by the supplier.

Section 25.6. Process Buildings.

a. Buildings shall be of fire resistive or noncombustible construction without load bearing walls and without basements or pits. The first floor shall be at or above grade.

b. Raw material and finished stock storage buildings shall be limited to one story in height and either detached or cut off from manufacturing buildings by noncombustible construction having a fire resistance rating of at least two hours and openings shall be equipped with approved fire doors.

c. Stairway enclosures and structures housing elevators shall be enclosed by noncombustible walls having a fire resistance rating of at least two hours, and be equipped with approved fire doors.

d. Each manufacturing room shall have at least two exits, well separated, one of which shall be directly to the outside. Access to all exits shall be kept clear and doors shall open in the direction of travel. Door fastenings shall be of the safety release type. Supervisory management offices, change and locker rooms located in manufacturing buildings shall be provided with adequate exits.

e. Structures in which Class I liquids or finely divided flammable solids are processed shall be provided with explosion venting.

f. Enclosed buildings in which Class I liquids are processed or handled shall be ventilated at a rate of not less than 1/2 cubic foot per minute per square foot of solid floor area. This shall be accomplished by exhaust fans preferably taking suction at floor levels, and discharging to a safe location outside the building. Provisions shall be made for introduction of noncontaminated intake air in such a manner that all portions of solid floor areas will be subject to continuous uniformly distributed movement of air.

g. Heating in hazardous areas, if required, shall be provided by indirect means. Ignition sources such as open flames, or electrical heating elements, except as provided in Section 25.11 shall not be used within the building.

h. Drainage facilities shall be provided to direct flammable and combustible liquid leakage and fire protection water to a safe location away from the building, any other important structure or storage, or adjoining property.

i. Emergency drainage systems containing flammable and combustible liquids connected to public sewers or discharging into public waterways shall be equipped with traps or separator tanks.

Section 25.7. Process Mills, Mixers, and Kettles.

a. Mills operating with close clearances and used for the processing of flammable and heat sensitive materials, such as nitrocellulose, shall be located in a detached building or in a noncombustible structure without other occupancy. The amount of nitrocellulose or other flammable material brought into the area shall be no more than that required for a batch.

b. Mixers shall be of the enclosed type or, if of the open type shall be provided with properly fitted covers. Where gravity flow is used, a shut-off valve shall be installed as close as practical to the mixer and a control valve shall be provided near the end of the fill pipe.

c. Open kettles shall be located in an outside area, provided with a protective roof or in a separate building of noncombustible construction or separated from other areas by means of a noncombustible wall or partition having a fire resistance rating of at least two hours.

d. The vaporizer section of heat transfer systems heating closed kettles containing solvents shall be remotely located. Contact heated kettles containing solvents shall be equipped with safety devices that in case of fire can turn the process heat off, turn the cooling medium on, and inject inert gas into the kettle.

e. The kettle and thin-down tank shall be instrumented, controlled and interlocked so that any failure of the controls will result in a safe condition. The kettle shall be provided with a pressure rupture disc in case the normal vent becomes inoperative. The vent piping from the rupture disc shall be of a minimum length and shall discharge to a safe location. The thin-down tank shall be adequately vented. Thinning operations shall be provided with an adequate vapor removal system.

Section 25.8. Processing Piping.

a. All piping, valves and fitting shall be designed for the working pressures and structural stresses to which they may be subjected. They shall be of steel or other material approved for the service intended.

b. Valves shall be of an indicating type. Terminal valves on remove pumping systems shall be of the "dead-man" type which will shut off both the pump and the flow of solvent.

c. Piping systems shall be substantially supported and protected against physical damage. Piping shall be pitched to avoid unintentional trapping of liquids or suitable drains shall be provided.

d. Approved flexible connectors may be used where vibration exists or where frequent movement is necessary. Approved hose shall be used at dispensing stations.

e. Before being placed in service, all piping shall be free of leaks when tested to not less than 1 1/2 times the working pressure or a minimum of not less than 5 psig at the highest point in the system. Tests shall continue for a minimum of 30 minutes.

Section 25.9. Transfer of Flammable and Combustible Liquids in Process Areas.

a. The transfer of large quantities of flammable and combustible liquids shall be through piping by means of pumps. The use of compressed air as a transfer medium shall be prohibited.

b. Pumps shall be selected for the flammable and combustible liquid used, the working pressures and the structural stresses to which they may be subjected.

c. Where solvents are pumped from storage to points of use approved switches shall be provided in the processing areas and at the pumps to shut down the pumps in case of fire.

d. Empty and filled containers shall be stored outside of the filling area.

Section 25.10. Raw Materials in Process Areas.

a. The amount of nitrocellulose brought into the operating area shall not exceed that required for a shift. Any nitrocellulose which may be spilled on the floor or

elsewhere shall be promptly swept up, put into a pail of water, and removed at the end of the day or shift and disposed of by use or by burning in the open at a suitable detached location.

b. Organic peroxides brought into the operating area shall be in the original shipping container and shall not exceed the quantity required for a shift. When in the operating area the peroxide shall not be placed in locations exposed to ignition sources, heat or mechanical shocks.

Section 25.11. Electrical Equipment.

a. All electrical wiring and equipment within storage or processing areas shall be installed so as to be reasonably safe to persons and property.

b. Where Class I liquids are exposed to the air, the design of equipment and ventilation of buildings shall be such as to limit the Class I, Division 1 locations to pits, the interior of equipment and the "immediate vicinity" of pumps or equipment locations such as dispensing stations, open centrifuges, plate and frame filters, opened vacuum filters, change cans, and the surfaces of open equipment. Immediate vicinity means a zone extending from the vapor liberation point 20 feet horizontally in all directions and vertically from the floor to a level 6 feet above the highest point of vapor liberation.

c. All locations not covered by Section 25.11b where Class I liquids are handled shall be Class I, Division II. If the flash point of the liquid processed is higher than ambient temperature and at least 100 degrees F, ordinary electrical equipment may be used though care shall be used in locating electrical apparatus to prevent hot metal from falling into open processing equipment.

d. Ordinary electrical equipment, including switch gear, may be used if installed in a room which is maintained under positive pressure with respect to the hazardous area. Air or other media for pressurization shall be taken from a location where entrainment of flammable vapor is improbable.

e. Evidence that electrical wiring and equipment is of a type approved as provided in section 25.11a through 25.11e and has been installed in accordance with the applicable standard specified for this section 25.11e in article 31 of this Code shall be evidence that such electrical wiring and equipment are reasonably safe to persons and property.

Section 25.12. Protection Against Static Electricity and Lightning.

a. All equipment such as tanks, machinery and piping, where an ignitable mixture may be present shall be bonded and connected to a ground. The bond or ground or both shall be physically applied or shall be inherently present by the nature of the installation. This electrically conductive path shall have a resistance of not more than one million ohms.

b. Electrically isolated sections of metallic piping or equipment shall be bonded to the other portions of the system or grounded.

c. Tank vehicles loaded or unloaded through open connections shall be grounded and bonded to the receiving system.

d. When a flammable mixture is transferred from one portable container to another, a bond shall be provided between the two containers.

e. Steel framing of buildings shall be grounded with resistance of not more than five ohms.

Section 25.13. Fire Control and Detection.

a. Important manufacturing and storage buildings shall be protected by a sprinkler system or a water spray system. Sprinkler systems or water spray systems shall be installed to provide reasonable safety to persons and property. Evidence that such sprinkler systems or water spray systems are installed in accordance with the applicable standards specified for this section 25.13a in article 31 of this Code shall be evidence that such sprinkler systems or

water spray systems provide reasonable safety to persons and property.

b. An adequate supply of portable fire extinguishers suitable for flammable liquid fires shall be provided.

c. Standpipe and hose shall be provided in important operating buildings.

d. Where good public fire protection facilities are not readily available, private fire protection facilities shall be provided.

e. A suitable fire alarm system shall be provided.

f. All plant fire protection facilities shall be adequately maintained, periodically inspected and tested.

Section 25.14. Maintenance.

a. The cleaning of tanks or vessels which have contained flammable or combustible liquids shall only be done under the supervision of persons who understand the fire and explosion potential.

b. When necessary to make repairs involving "hot work" the work shall be authorized by the responsible individual in charge before the work is started.

c. When necessary to enter a tank, pit, manhole or other confined spaces, such entry shall be authorized by the responsible individual in charge.

d. Power operated industrial trucks shall be of a type approved for the location.

e. Open flames and direct-fired heating devices shall be prohibited in areas where flammable vapor-air mixtures may exist.

f. Smoking shall be prohibited except in designated safe areas.

g. Empty containers previously used for flammable or combustible liquids shall be removed to a well detached, outside location and if not cleaned on the premises, removed from the plant as soon as practical.

h. Full containers stored outside shall be kept a safe distance from buildings or other exposures.

i. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear in all parts of processing and storage areas of buildings.

ARTICLE 26

OVENS AND FURNACES

Section 26.1. Scope.

This article shall apply to the location, design, construction and operation of industrial processing ovens and furnaces, operating at approximately atmospheric pressures and temperatures not exceeding 1400 degrees F which are heated with oil or gas fuel or which during operation contain flammable vapors from the material in the oven or catalytic combustion system. It is the intent of this article to provide for the operation of these ovens and furnaces within certain limitations of control depending on oven or furnace design, flammable formulations and ventilation needs, the disregard of which may cause them to function in an unsafe manner, thereby becoming liable to destruction by fire or explosion.

Section 26.2. Definition.

Catalytic combustion system shall mean an oven heater of any construction that employs catalysts to accelerate oxidation or combustion of fuel-air or fume-air mixtures for eventual release of heat to an oven process.

Section 26.3. Permits and Plans Required.

a. No oven or furnace to which this Code applies shall be operated without a permit from the Chief of the Fire Company.

b. Application for a permit shall be accompanied by plans showing all essential details as to location, design, construction, controls and calculations for safe operation. The process and materials involved shall be fully described. Catalytic combustion systems utilized for the oxidation or combustion of the exhaust gases or vapors shall be described.

Section 26.4. Location and Construction.

a. Ovens, furnaces and related equipment shall be located with due regard to the possibility of fire resulting from overheating or from the escape of fuel gas or fuel oil and the possibility of damage to the building and injury to persons resulting from explosion.

b. Ovens and furnaces shall be located at or above grade, or in basements at least fifty per cent of the wall area of the room in which the oven or furnace is located shall be above grade.

c. Ovens and furnaces shall be so located as to be readily accessible for inspection and maintenance and with adequate clearances to permit the proper functioning of explosion vents. Roof and floors of ovens and furnaces shall be sufficiently insulated and ventilated to keep temperatures at combustible ceilings and floors below 160 degrees F.

d. Ovens and furnaces shall be constructed of noncombustible materials throughout except where the maximum oven operating temperature is not over 160 degrees F. If the outside surface temperature of the oven exceeds 160 degrees F adequate guards shall be provided to protect personnel. The metal frames of ovens or furnaces shall be electrically grounded.

e. Ovens and furnaces which may contain flammable air-gas mixtures shall be equipped with relief vents for freely relieving internal explosion pressures, and all explosion-venting panels or doors shall be arranged so that when open, the full vent opening will be an effective relief area.

f. All duct work shall be constructed of noncombustible material. Ducts shall be made tight throughout and shall have no openings other than those required for the proper operation and maintenance of the system. Ducts passing through combustible walls, floors, or roofs shall have adequate insulation and clearances to prevent surface temperatures from exceeding 160 degrees F. Exhaust ducts shall not discharge near doors, windows or other air intakes in a manner that will permit re-entry of vapors into the building.

Section 26.5. Ventilation.

a. Ovens and furnaces in which flammable or toxic vapors are liberated or through which products of combustion are circulated shall be ventilated by the introduction of a supply of fresh air and proper exhaust to outdoors. Discharge pipes shall not terminate within 10 feet measured horizontally from any door, window or wood frame walls of any building. Such ventilation shall be arranged to provide vigorous and well distributed air circulation within the oven or furnace to insure that the flammable vapor concentration will be safely below the lower explosion limit at all times. Unless the oven or furnace is operated in accordance with specific approval specifying particular solvents and rate of ventilation, the rate of ventilation shall not be less than 10,000 cubic feet of fresh air per gallon of solvent evaporated in continuous process ovens or furnaces and not less than 200 cubic feet per minute per gallon of flammable solvent evaporated in batch process ovens or furnaces.

b. Exhaust duct openings shall be located in the area of greatest concentration of vapors.

c. All exhaust shall be by mechanical means using power driven fans.

Section 26.6. Design and Installation.

Ovens and furnaces including catalytic combustion systems shall be designed and installed so as to be reasonably safe to persons and property. Evidence that ovens and furnaces including catalytic combustion systems have been designed and installed in accordance with the applicable standard specified for this section 26.6 in article 31 of this Code shall be evidence that such ovens and furnaces including catalytic combustion systems are reasonably safe to persons and property.

Section 27. Safety Controls.

a. Safety controls shall be sufficient in number, and substantially constructed and arranged to maintain the required conditions of safety and prevent the development of fire and explosion hazards.

b. Ventilation controls suitably interlocked, shall be provided which will insure the required pre-ventilation and ventilation of the system.

c. Fuel safety controls, suitably interlocked and arranged to minimize the possibility of dangerous accumulations of explosive air-fuel mixtures in the heating systems, shall be provided.

d. Excess temperature controls shall be provided to maintain a safe operating temperature within the oven or furnace.

e. Conveyor interlocks shall be provided in conveyor ovens or furnaces having a flammable vapor hazard, so that the conveyor cannot move unless ventilating fans are operating and discharging the required amount of air.

Section 28. Fire Control.

a. Ovens, furnaces and exhaust ducts containing or processing sufficient combustible materials to sustain a fire shall be equipped with automatic sprinklers as required by the Chief of the Fire Company.

b. Approved portable fire extinguishers shall be installed near the oven, furnace, and related equipment to provide reasonable safety to persons and property. Evidence that approved portable fire extinguishers have been provided in accordance with the applicable standard specified for this section 28.1b in article 31 of this Code shall be evidence that such portable fire extinguishers provide reasonable safety to persons and property.

ARTICLE 27

PLACES OF ASSEMBLY

Section 27.1. Definitions.

a. *Decorative material* shall include all such material as curtains, draperies, steamers, surface coverings applied over the building interior finish for decorative, acoustical or other effect and also cloth, cotton batting, straw, vines, leaves, trees and plastics used for decorative effect, but it shall not include floor coverings, ordinary window shades, nor materials one fortieth of an inch or less in thickness applied directly to and adhering tightly to a noncombustible base.

*May be measured by folding a piece to 5 thicknesses and measuring to see if the thickness of 5 layers exceeds 1/8 inch.

b. *Place of assembly* shall mean a room or space used for assembly or educational occupancy for 100 or more occupants or which has a floor area of 1,500 square feet or more used for such purposes. Such room or space shall include any similar occupied connecting room or space in the same story, or in a story or stories above or below, where entrance is common to the rooms or spaces.

Section 27.2. Permit Required.

No place of assembly as defined in section 27.1b shall be maintained, operated or used as such without a permit, except that no permit shall be required for any place of assembly used solely as a place of religious worship.

Section 27.3. Decorative Material.

a. No decorative material shall be used which as applied will ignite and allow flame to spread over the surface or allows burning particles to drop when exposed to a match flame test applied to a piece removed from the material and tested in a safe place. The piece shall be held in a vertical position and the bottom edge exposed to a flame from a common match held in a horizontal position, one-half inch underneath the piece, and at a constant location for a minimum of 12 seconds.

b. Treatments used to accomplish this flameproofing shall be renewed as often

as may be necessary to maintain the flameproof effect.

Section 27.4. Pyroxylin Coated Fabric.

Pyroxylin coated fabric used as a decorative material in accordance with section 27.3, or as a surface covering on fixed furnishings, shall be limited as follows: Such fabric containing 1.4 ounces or more of cellulose nitrate per square yard shall not be used in excess of a total amount equivalent to one square foot of fabric surface to 15 cubic feet of room volume. Each square foot of such fabric which contains 1.7 ounces or more of cellulose nitrate per square yard shall be counted as two square feet in making this computation.

Section 27.5. Motion Picture Screens.

In places of assembly no motion picture screen or screen masking shall be used which will ignite and allow flame to spread over the surface when exposed to the match flame test described in section 27.3a.

Section 27.6. Exit Doors.

During the period of occupancy, no exit door shall be locked, bolted or otherwise fastened or obstructed by any means, so that the door cannot be opened from the inside by the use of the ordinary door latch or knob or by pressure on the door or on a panic release device.

Section 27.7. Aisles.

In each room where chairs, or tables and chairs, are used, the arrangement shall be such as will provide for ready access by aisles to each exit doorway. Aisles leading directly to exit doorways shall have not less than 36 inches clear width which shall not be obstructed by chairs, tables or other objects.

Section 27.8. Use of Exit Ways.

No part of a stairway, whether interior or exterior, nor of a hallway, corridor, vestibule, balcony or bridge leading to an exit way shall be used for any purpose which will interfere with its value as an exit way.

Section 27.9. Plan of Exit Ways and Aisles.

A plan showing the capacity and location of exit ways and of aisles leading thereto shall be submitted for approval to the Fire Company and an approved copy shall be kept on display in the premises.

Section 27.10. Marking and Lighting of Exit Ways.

All exit ways in places of assembly shall be marked and lighted in accordance with section 11.2 and 11.3.

Section 27.11. Number of Occupants Permitted.

Each place of assembly shall be posted with a legible sign in contrasting colors conspicuously located stating the maximum number of occupants permitted. The number shall be determined by the capacity of exit ways provided.

Section 27.12. Fire Control.

All fire protection equipment required, under article 14 shall be kept in working condition. Extinguishers and hose and similar appliances shall be visible and convenient at all times. It shall be the duty of the owner and the tenant of each building, or part of a building, occupied as a place of assembly to properly train sufficient regular employees in the use of fire appliances so that such appliances can be quickly put in operation.

Section 27.13. Ash Trays.

Where smoking is permitted, there shall be provided on each table and at other convenient places suitable non-combustible ash trays or match receivers.

ARTICLE 28

PRECAUTIONS AGAINST FIRE, GENERAL

Section 28.1. Bonfires and Outdoor Rubbish Fires.

a. *Permit Required.* No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

b. *Location Restricted.* No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless (1) the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or (2) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure.

c. *Attendance of Open Fires.* Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

d. *Chief May Prohibit.* The Chief of the Fire Company may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

Section 28.2. Matches.

a. *Permit Required.* No person shall manufacture matches without a permit. No person shall store matches exceeding in aggregate 25 cases of matches without a permit.

b. *Wholesale Storage.* At wholesale establishments and where ever matches exceeding 25 cases are stored, shipping containers containing matches shall be arranged in piles not exceeding 18 feet in height nor 25,000 cubic feet in volume. Such pile units shall be separated from each other and from other combustible material by a clear space of not less than 4 feet. In storage rooms where shipping containers containing matches are open, the broken containers and contents shall be neatly piled with other match stock in a portion devoted to match storage exclusively.

Section 28.3. Smoking Prohibited Under Certain Conditions.

a. Smoking shall mean and include the carrying of lighted pipe, cigar, cigarette or tobacco in any form.

b. Where conditions are such as to make smoking a hazard in any areas of piers, wharves, warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the Chief of the Fire Company is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Chief of the Fire Company shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

c. "No Smoking" signs of approved sized lettering and location required in accordance with section 28.2b shall read "By Order of the Fire Chief."

d. It shall be unlawful for any person to remove any legally required "No Smoking" sign or to smoke in any place where such signs are posted.

Section 28.4. Use of Torches for Removing Paint and Sweating Pipe Joints.

a. Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one approved fire extinguisher or water hose connected to a water supply in the area where such burning is done. In all cases, a fire watcher shall remain on the premises for one hour after the torch or flame-producing device has been used.

b. Any person using a torch or other flame-producing device for sweating pipe

joints in any building or structure shall have available in the immediate vicinity where the sweating is done one approved fire extinguisher or water hose connected to a water supply. Combustible material in the close proximity of flame shall be protected against ignition by shielding, wetting, or other approved means. In all cases, a fire watcher shall remain in the vicinity of the sweating operation for 1/2 hour after the torch or flame-producing device has been used.

Section 28.5. Hot Ashes and Other Dangerous Materials.

No person shall deposit hot ashes or cinders, or smouldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within ten feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet away from any combustible wall or partition or exterior window opening.

Section 28.6. Accumulations of Waste Materials.

Reefs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

Section 28.7. Handling Readily Combustible Materials.

No person making, using, storing or having in charge, or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered, receptacles or bins. The Chief of the Fire Company shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

Section 28.8. Storage of Readily Combustible Materials.

a. *Permit Required.* No person shall store in any building or upon any premises in excess of 2,000 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a permit.

b. *Storage Requirements.* Storage in buildings shall be orderly, shall not be within two feet of the ceiling, shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur, and not so located as to endanger exit from the building. Storage in the open shall be more than twenty feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.

Section 28.9. Flammable Decorative Materials in Buildings of Mercantile and Institutional Occupancy.

Highly flammable materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless first rendered flameproofed in accordance with section 27.3. Electric light bulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproofed.

Section 28.10. Storage or Display in Roofed-over Malls.

No combustible goods, merchandise, or decorations shall be displayed or stored in a roofed-over mall unless approved by the Chief of the Fire Company.

Section 28.11. Open Flames or Lights Restricted.

a. No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible, or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.

b. No heating or lighting apparatus or equipment capable of igniting flammable material of the type stored or handled shall be used in the storage area of any warehouse storing rugs, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work area of any establishment used for the upholstering of furniture.

Section 28.12. Kindling of Fire on Land of Others Restricted.

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

Section 28.13. Maintenance of Chimneys, Vents, Heat Producing Appliances, and Exhaust Systems.

a. Chimneys, flues or similar devices for conveying products of combustion or hot gases to the exterior of the building shall be maintained in a manner as not to create a hazardous condition.

(1) Existing masonry chimneys which upon inspection are found to be without flue liner and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous shall be made safe by means of a fire clay liner, fire brick, a corrosion resistant metal pipe and otherwise repaired if necessary, or the chimney shall be removed. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue and entire space between the metal liner and the walls of the chimney filled with cement mortar.

(2) Existing chimneys and vents of metal which are corroded or improperly supported shall be replaced, unless suitable repairs are made.

(3) Existing chimney and vent connectors of metal which are corroded or improperly supported shall be replaced.

b. All heat producing appliances, including boilers, furnaces, incinerators, ovens, and restaurant type cooking appliances shall be installed and maintained so as to be reasonably safe to persons and property. Evidence that heat producing appliances are installed in accordance with the applicable standard specified for this section 28.13b in article 31 of this Code shall be evidence that such heat producing appliances are installed so as to be reasonably safe to persons and property.

c. Exhaust systems provided for restaurant cooking equipment shall be maintained in a manner such as not to create a hazardous condition.

(1) Hoods, grease removal devices, fans, ducts and other devices shall be inspected periodically and cleaned as needed to remove grease and deposits of residues.

(2) Fire extinguishing systems shall be inspected periodically and checked for proper operation. These inspections shall include a check that the supply of extinguishing agent in the system is adequate, and all actuation components are operating satisfactorily. Fusible links, if employed, shall be replaced or properly cleaned. Instructions for manual operation of the system shall be posted conspicuously in the kitchen and employees checked for their knowledge of procedures.

(3) Any fire dampers shall be tested periodically to insure proper functioning of all parts.

d. Commercial, industrial and flue-fuel incinerators shall be provided with approved spark arrestors or other effective means for arresting sparks and fly ash.

Section 28.14. Trappdoors to be Closed.

All trappdoors, except those which are automatic in their operation, in any factory building or building used for storage shall be closed at the completion of the business of each day.

Section 28.15. Shaftways to be Marked.

Every outside window in a building used for manufacturing purposes or for storage which opens directly on any hoistways or other vertical means of communication between two or more floors in such building, shall be plainly marked with the word "SHAFTWAY" in red letters at least six inches high on a white background; such warning sign to be so placed as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word, "SHAFTWAY" so placed as to be easily visible to any one approaching the shaftway from the interior of the building.

Section 28.16. Fire Lanes on Private Property, Devoted to Public Use.

a. The marking of fire lanes on private property, devoted to public use, shall be approved by the Chief of the Fire Company and the Chief of the Police.

b. Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

ARTICLE 23 TENTS

Section 29.1. Permit Required.

No tent covering an area in excess of 120 square feet shall be erected, maintained, operated or used without a permit.

Section 29.2. Fire Watchers to be Employed.

One or more qualified persons to serve as fire watcher shall be employed by all circuses, carnivals, or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits, and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exitways are kept open and that "No Smoking" rules are enforced.

Section 29.3. Tents for Assembly to Conform to Recognized Good Practice.

The design, construction, flameproofing, location, maintenance and use of tents for assembly shall be reasonably safe to persons and property. Evidence that the design, construction, flameproofing, location, maintenance, and use of tents are in accordance with the applicable standard specified for this section 29.3, in article 31 of this Code shall be evidence that such tents are reasonably safe to persons and property.

ARTICLE 30

WELDING OR CUTTING, ACETYLENE GENERATORS, AND CALCIUM CARBIDE SECTION 30.1. Scope.

a. This article shall apply to:

(1) Installation and operation of oxygen-fuel gas welding and cutting systems; fuel-gases when used with oxygen for welding, cutting, heating, and heat-treating operations; utilization of gaseous fuels generated from flammable liquids under pressure when such fuels are used with oxygen; or electric arc welding or cutting or any combination thereof, or

(2) Storage of calcium carbide and gases used in welding, cutting or heat treating.

Section 30.2. Definitions.

a. *Acetylene, low pressure* shall mean acetylene at a pressure not exceeding 1 psig.

b. *Acetylene, medium pressure* shall mean acetylene at pressures exceeding 1 psig but not exceeding 15 psig.

c. *Fuel Gas* shall mean acetylene, hydrogen, natural gas, LP-Gas, methylacetylene-propadiene, stabilized and other liquefied and non-liquefied flammable gases which are stable because of their composition or because of the conditions of storage and utilization stipulated in this article.

d. *Hydraulic back-pressure valve* as a term is used interchangeably with "hydraulic seal" and "hydraulic valve."

e. *Machine* shall mean a device in which one or more torches using fuel gas and oxygen are incorporated.

f. *Manifold* shall mean an assembly of pipe and fittings for connecting two or more cylinders for the purpose of supplying gas to a piping system or directly to a consuming device.

g. *Methylacetylene-propadiene, Stabilized* shall mean a mixture of gases which, in the liquid phase, contains not more than 68 mole percent of the compounds methylacetylene and propadiene in combination, and which contains at least 6 mole percent butanes and at least 18 mole percent other saturated hydrocarbon diluents. The mixture shall contain not more than 10 mole percent propylene nor more than 2 mole percent butadiene.

h. *Oxygen manifold, high-pressure* shall mean a manifold connecting oxygen containers having a DOT service pressure exceeding 200 psig.

i. *Oxygen manifold, low-pressure* shall mean a manifold connecting oxygen containers having a DOT service pressure not exceeding 200 psig.

j. *Piping* shall mean pipe or tubing or both for any purpose and made of any material that is acceptable under this article.

Pipe shall mean a rigid conduit.

Tubing shall mean a semi-rigid conduit.

k. *Portable outlet header* shall mean an assembly of piping and fittings used for service-outlet purposes which is connected to the permanent service piping by means of hose or other non-rigid conductors.

l. *Station outlet* shall mean the point at which gas is withdrawn from the service piping system.

m. *Total water capacity* shall mean allowable tank capacity in gallons or in pounds of water. (735 pounds water capacity is equivalent to about 328 pounds of propane, 368 pounds of methylacetylene-propadiene, stabilized, or 375 pounds of butane.)

Section 30.3. Permit Required for Welding or Cutting.

a. A permit shall be required of each company, corporation, copartnership or owner-operator performing welding or cutting operations except as provided in section 30.3b. This permit shall not be required for each welding or cutting job location. The company, corporation, copartnership or owner-operator shall notify the Fire Company in advance where such work is taking place, except where such work is done in response to an emergency call that does not allow time for the Fire Company to be notified in advance of the work.

b. A permit shall not be required of any company, corporation, copartnership or owner-operator:

(1) Where the welding or cutting is performed in areas approved for the purpose, or

(2) Having an approved permit system established for control of the fire hazards involved.

c. Application for a permit required by this article shall be made by the company, corporation, copartnership or owner-operator performing the welding

or cutting operation or by his duly authorized agent.

d. A permit for welding or cutting operations shall not be issued unless the individuals in charge of performing such operations are capable of doing such work in a safe manner. Demonstration of a working knowledge of the provisions of this article shall constitute acceptable evidence of compliance with this requirement.

e. Companies, corporations, copartnerships and owner-operators required to have a permit shall maintain a record of all locations where welding or cutting operations are performed and have it available for inspection by the Fire Company.

Section 30.4. Equipment.

Approved equipment shall be used in welding and cutting.

Section 30.5. Installation and Operation of Welding and Cutting Equipment.

a. Welding and cutting equipment shall be installed and operated so as to be reasonably safe to persons and property. Evidence that welding and cutting equipment has been installed and is operated in accordance with the applicable standards specified for this section 30.5a, in article 31 of this Code shall be evidence that such welding and cutting equipment and operations thereof are reasonably safe to persons and property.

b. The use of liquid acetylene is prohibited.

c. Fuel gases in the liquid phase shall not be piped into any building except when used exclusively to house equipment for vaporization, pressure reduction, or gas mixing or in buildings used exclusively for research and experimental laboratories.

Section 30.6. Fire Control.

a. Before welding or cutting operations are begun in areas not designed or approved for the purpose, specific authorization shall be obtained from the owner of the premises or his duly authorized agent.

b. When welding or cutting operations are performed above, or within 35 feet or combustible construction or material exposed to the operation, or within 35 feet of floor, ceiling or wall openings so exposed:

(1) Such combustible construction or material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide.

(2) Such floor, ceiling or wall openings shall be protected by noncombustible shields or covers.

(3) A fire watcher shall be provided to watch for fires, make use of portable fire extinguishers or fire hose, and perform similar fire prevention and protection duties. The fire watcher shall remain on the job at least thirty minutes after the welding or cutting operations have been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Fire Company.

c. One or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.

d. Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust, or loose combustible stocks are present when sparks or hot metal from the welding or cutting operations may cause ignition or explosion of such materials.

e. Except as provided in section 30.3f, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or inerted or purged.

f. "Hot tapping" may be permitted on tanks and pipe lines provided such operations are performed by companies, corporations, copartnerships or owner-operators not required to have a permit under section 30.3b(2).

g. Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is done close to automatic sprinkler heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

Section 30.7. Permit Required for Cylinder and Container Storage.

A permit shall be required for the storage of cylinders of containers used in conjunction with welding or cutting operations when more than 2,000 cubic feet of flammable compressed gas other than liquefied petroleum gas, or a total water capacity of 735 pounds of liquefied petroleum gas or methylacetylene-propadiene, stabilized, or 6,000 cubic feet of nonflammable compressed gas is stored.

Section 30.8. Storage of Cylinders and Containers.

a. Fuel gas cylinders stored inside of buildings, except those in actual use or attached ready for use, shall be limited to a total capacity of 2,000 cubic feet of gas, or a total water capacity of 735 pounds of liquefied petroleum gas or methylacetylene-propadiene, stabilized. Storage exceeding these amounts shall be in a separate room in accordance with sections 30.17d and 30.17e or cylinders shall be stored outside or in a separate building.

b. Separate rooms or buildings for fuel gas storage shall be well ventilated. Heating systems, electrical equipment and control of sources of ignition shall comply with sections 30.17h through 30.17j.

c. Cylinders of dissolved acetylene shall be stored with the valve end up to minimize possibility of solvent being discharged as liquid.

d. Oxygen cylinders shall not be stored in inside acetylene generator rooms.

e. Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire resistance rating of at least one hour. This partition shall be without openings and shall be gas tight.

f. Oxygen cylinders in storage shall be separated from fuel gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire resistance rating of at least 1/2 hour.

g. Cylinders permitted inside of buildings shall be stored at least 20 feet from highly combustible materials and where they will not be exposed to excessive rise in temperature, physical damage, or tampering by unauthorized persons.

h. Empty cylinders shall have their valves closed while in storage and during shipment.

i. Where caps are provided for valve protection, such caps shall be in place except when the cylinders are in service or connected ready for service.

j. Welding or cutting work shall not be supported by compressed gas cylinders.

k. Gas shall not be transferred from one cylinder to another or mixed with another gas in a cylinder.

l. Pressure adjusting screws on regulators shall be fully released before the regulator is attached to a cylinder and the cylinder valve opened.

m. Valves on cylinders of compressed gas shall be opened slowly.

n. Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the service piping system.

o. High-pressure oxygen cylinders shall be used only with pressure-regulating devices approved and marked for use with oxygen.

p. As oxygen under high pressure may react violently with oil or grease, every possible precaution shall be taken to prevent oxygen from coming in contact with oil or grease. Oxygen cylinders, valves, regulators, hose, and other apparatus shall be kept free from oil or

grease and shall not be handled with oily hands, oily gloves, or with greasy equipment.

q. Fuel gas shall not be used from cylinders through torches or other devices equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

Section 30.9. Manifolding of Cylinders.

a. Except as provided in section 30.5b, fuel gas cylinders connected to one manifold inside a building shall be limited to a total capacity not exceeding a total water capacity of 735 pounds of liquefied petroleum gas or methylacetylene-propadiene, stabilized or 3,000 cubic feet of other fuel gas. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart.

b. Fuel gas cylinders connected to one manifold having an aggregate capacity exceeding a total water capacity of 735 pounds of liquefied petroleum gas or methylacetylene-propadiene, stabilized or 3,000 cubic feet of other fuel gas shall be located outdoors or in a separate building or room constructed in accordance with section 30.17d and 30.17e.

c. Separate manifold buildings or rooms may also be used for the storage of drums of calcium carbide and cylinders containing fuel gases. Such buildings or rooms shall have no open flames for heating or lighting and shall be well ventilated.

d. High-pressure fuel gas manifolds shall be provided with approved pressure regulating devices.

e. Oxygen manifolds shall not be located in an acetylene generator room. Oxygen manifolds shall be separated from fuel gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire resistance rating of at least 1/2 hour.

f. Except as provided in section 30.5g, oxygen cylinders connected to one manifold shall be limited to a total gas capacity of 600 cubic feet. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart.

g. An oxygen manifold, to which cylinders having an aggregate capacity of more than 600 cubic feet of oxygen are connected, shall be located outdoors or in a separate noncombustible building. Such a manifold, if located inside a building having other occupancy, shall be located in a separate room constructed of noncombustible materials and having a fire resistance rating of at least 1/2 hour or in an area with no combustible material within 20 feet of the manifold.

h. High-pressure oxygen manifolds shall be provided with approved pressure-regulating devices.

i. Low-pressure oxygen manifolds shall be suitable for use with oxygen at a pressure of 200 psig, having a minimum bursting pressure of 1,000 psig and be protected by a safety relief device which will relieve at a maximum pressure of 500 psig. The following sign shall be conspicuously posted at each low pressure oxygen manifold:

LOW-PRESSURE MANIFOLD
DO NOT CONNECT HIGH-PRESSURE
CYLINDERS

MAXIMUM PRESSURE—200 PSIG

j. Portable outlet headers shall not be used indoors except for temporary service where the conditions preclude a direct supply from outlets located on the service piping system.

k. Each outlet on the service piping from which oxygen or fuel gas is withdrawing to supply a portable outlet header shall be equipped with a readily accessible shutoff valve.

l. Master shutoff valve for both oxygen and fuel gas shall be provided at the entry end of the portable outlet header.

m. Portable outlet headers for fuel gas service shall be provided with an approved hydraulic back-pressure valve.

installed at the inlet and preceding the service outlets, unless an approved pressure-reducing regulator, an approved back-flow check valve, or an approved hydraulic back-pressure valve is installed at each outlet. Outlets provided on headers for oxygen service may be fitted for use with pressure-reducing regulators or for direct hose connections.

n. The pressure in the gas cylinders connected to and discharged simultaneously through a common manifold shall be approximately equal.

Section 30.10. Service Piping Systems for Fuel Gases and Oxygen.

a. Piping and fittings shall be reasonably safe to persons and property, and comply with sections 30.10a through 30.10d. Evidence that piping and fittings are in accordance with the applicable standard specified for this section 30.10a in article 31 of this Code shall be evidence that said piping and fittings are reasonably safe to persons and property.

b. Pipe shall be at least schedule 40 and fittings shall be at least standard weight in sizes not over six inches in nominal size.

c. Copper tubing shall be Type K or L so as to be reasonably safe to persons and property. Evidence that copper tubing is in accordance with the applicable standard specified for this section 30.10c in article 31 of this Code shall be evidence that said copper tubing is reasonably safe to persons and property.

d. Piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass or stainless steel tubing except as provided in sections 30.10e and 30.10f.

e. Oxygen piping and fittings at pressure in excess of 700 psig shall be stainless steel or nonferrous metal.

f. Pipe for acetylene or methylacetylene-propadiene, stabilized shall be steel or wrought iron, except that unalloyed copper may be used in listed equipment.

g. Acetylene shall not be piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 psig.

h. Joints in steel or wrought iron piping shall be welded, threaded or flanged. Fittings, such as elbows, tees, couplings and unions, may be rolled, forged or cast steel, malleable iron or nodular iron. Gray or white cast-iron fittings are prohibited.

i. Joints in brass or copper pipe shall be welded, brazed, threaded or flanged. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point filler metal.

j. Joints in seamless copper, brass, or stainless steel tubing shall be approved gas tubing fittings or the joints shall be brazed. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point filler metal.

k. Threaded connections in oxygen pipe shall be tinned or made up with litharge and glycerine, litharge and water, or other joint compound approved for oxygen service applied to the male threads only.

l. Piping shall be run as directly as practicable, protected against corrosion and physical damage, and allowance made for expansion, contraction, jarring and vibration.

m. Readily accessible gas valves shall be provided to shut off the gas supply to buildings, in the discharge from generators, gas holders, manifolds or other sources of supply.

n. Underground pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable corrosion resisting material.

o. All piping shall be tested and proved tight at one and one-half times its maximum working pressure. Any medium used for testing oxygen lines shall be oil-free and nonflammable.

Section 30.11. Protective Equipment.

a. Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging to a safe location.

b. Approved protective equipment shall be installed in the fuel gas piping to

prevent: (1) backflow of oxygen into the fuel gas supply; (2) passage of a flash back into the fuel gas supply system; and (3) excessive back pressure of oxygen in the fuel gas supply system.

c. The protective equipment shall be located in the main supply line, or at the head of each branch line, or at each location where gas is withdrawn.

d. Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel gas system.

e. Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel gas system.

f. Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flash-back protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flash-back protection devices.

g. Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

Section 30.12. Station Outlet Protective Equipment.

a. A check valve, pressure regulator, hydraulic seal, or combination of these devices shall be provided at each station outlet, including those on portable headers, to prevent backflow.

b. A shutoff valve shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

Section 30.13. Hose and Hose Connections.

Hose for oxygen and fuel gas service including hose used to connect portable outlet headers to service piping shall be reasonably safe to persons and property. Evidence that hose for oxygen and fuel gas service including hose used to connect portable outlet headers is in accordance with the applicable standard specified for this section 30.13 in article 31 of this Code shall be evidence that said hose is reasonably safe to persons and property.

Section 30.14. Pressure Reducing Regulator.

Regulators or automatic reducing valves shall be used only for the gas for which they are intended.

Section 30.15. Permit Required for Acetylene Generators.

No person shall operate an acetylene generator having a carbide capacity exceeding 5 pounds without a permit.

Section 30.16. Acetylene Generators.

a. Acetylene shall not be generated at a pressure in excess of 15 psig.

b. Portable generators shall not be operated within 10 feet of combustible material other than floors.

c. Portable generators shall be taken outdoors for cleaning, charging or purging.

Section 30.17. Outside Generator Houses and Inside Generator Rooms for Stationary Acetylene Generators.

a. Outside generator houses shall be of noncombustible construction. Openings in any outside generator house shall not be located within 5 feet of any opening in another building.

b. Exit doors shall be located so as to be readily accessible in case of emergency.

c. Buildings in which acetylene generators are located shall not exceed one story in height except that they may be installed on the top floor or roof of a multi- or single-story building.

d. Generators installed inside buildings shall be enclosed in a separate room of ample size. The walls, partitions, floors and ceilings of inside generator rooms shall be of noncombustible construction having a fire resistance rating of at least one hour. The walls or partitions shall be

continuous from floor to ceiling and shall be securely anchored. At least one wall of the room shall be an exterior wall.

e. Openings from an inside generator room to other parts of the building shall be protected by an approved swinging type, self-closing fire door. Windows in partitions shall be wired glass in approved metal frames with fixed sash. Fire doors and windows shall be installed so as to be reasonably safe to persons and property. Evidence that fire doors and windows have been installed in accordance with the applicable standard specified for this section 30.17e in article 31 of this Code shall be evidence that such fire doors and windows are reasonably safe to persons and property.

f. Explosion venting for outside generator houses and inside generator rooms shall be provided in exterior walls or roofs. The venting area shall be not less than one square foot per 50 cubic feet of room volume and may consist of any one or any combination of the following: walls of light, noncombustible material preferably single-thickness, single-strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

g. Inside generator rooms or outside generator houses shall be well ventilated with vents located at floor and ceiling levels.

h. Heating shall be by steam, hot water, or other indirect means. Heating by flames or fires shall be prohibited in outside generator houses or inside generator rooms, or in any enclosure communicating with them.

i. All electrical wiring and equipment in outside generator houses or inside generator rooms shall be reasonably safe to persons and property. When electrical wiring and equipment are used in outside generator houses or inside generator rooms, evidence that electrical wiring and equipment is of a type approved for Class I, Division II hazardous locations and has been installed in accordance with the applicable standard specified for this section 30.17 in article 31 of this Code shall be evidence that such electrical wiring and equipment is reasonably safe to persons and property.

j. Source of ignition shall be prohibited in outside generator houses or inside generator rooms.

k. Operating instructions shall be posted in a conspicuous place near the generator or kept in a suitable place available for ready reference. When recharging generators the order of operations specified in the instructions supplied by the manufacturer shall be followed.

Section 30.18. Permit Required for Storage of Calcium Carbide.

A permit shall be required to store or keep calcium carbide in excess of two hundred pounds.

Section 30.19. Containers for Calcium Carbide.

Calcium carbide shall be contained in metal packages of sufficient strength to prevent rupture. The packages shall be provided with a screw top or equivalent and shall be constructed water- and air-tight. Solder shall not be used in such a manner that the package would fail if exposed to fire. Packages shall be conspicuously marked "Calcium Carbide - Dangerous if Not Kept Dry" or with equivalent warning.

Section 30.20. Storage of Calcium Carbide in Buildings.

a. Storage of calcium carbide inside buildings shall be in a dry, waterproof and well-ventilated location.

b. Calcium carbide not exceeding 600 pounds may be stored inside buildings or in the same room with fuel gas cylinders.

c. Calcium carbide exceeding 600 pounds but not exceeding 5000 pounds shall be stored in accordance with section 30.20d, or in an inside generator

room or outside generator house, or, in a separate room in a one-story building which may contain other occupancies, but without cellar or basement beneath the carbide storage section. Such rooms shall be constructed in accordance with sections 30.17d and 30.17e. These rooms shall be used for no other purpose.

d. Calcium carbide in excess of 500 pounds shall be stored in one story buildings without cellar or basement and used for no other purpose, or in outside generator houses. The location of such storage building shall be away from congested mercantile and manufacturing districts. If the storage building is of non-combustible construction, it may adjoin other one-story buildings if separated therefrom by unperforated fire walls; if it is detached less than 10 feet from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within 10 feet. If the storage building is of combustible construction, it shall be at least 20 feet from any other one- or two-story building, and at least 30 feet from any other building exceeding two stories.

Section 30.21. Storage of Calcium Carbide Outside Buildings.

Calcium carbide in unopened metal containers may be stored outdoors. Storage areas shall be at least 10 feet from lines of adjoining property that may be built upon.

Section 30.22. Electric Arc-Welding and Cutting.

a. The frame or case of the welding machine except internal combustion engine driven machines shall be grounded. Ground connections shall be mechanically strong and electrically adequate for the required current.

b. Welding current return circuits from the work to the machine shall have proper electrical contact at all joints and periodic inspection shall be made to ascertain that proper electrical contact is maintained.

c. When electric arc-welding or cutting is to be discontinued for any substantial period of time, such as during lunch hour or overnight, all electrodes shall be removed from the holders, the holders shall be carefully located so that accidental contact cannot occur, and the machines shall be disconnected from the power source.

ARTICLE 31 SEPARABILITY CLAUSE

If any clause, sentence, paragraph, section or part of this article as adopted, or as amended or supplemented, shall be adjudged by any court of competent jurisdiction, to be invalid or unconstitutional such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

ARTICLE 32 PENALTIES

a. Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Appeal Board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be

required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

APPENDIX A PROTECTION OF TANKS CONTAINING FLAMMABLE OR COMBUSTIBLE LIQUIDS IN LOCATIONS THAT MAY BE FLOODED

1. Scope.

The provisions herein are for the protection of tanks containing flammable or combustible liquids that may become buoyant due to a rise in the level of the water table or due to their location in an area that may be subjected to flooding.

2. Aboveground Tanks.

a. Vertical Tanks:

(1) No aboveground vertical storage tank containing a flammable or combustible liquid shall be located so that the allowable liquid level within the tank is below the established maximum flood stage, unless the tank is provided with a guiding structure such as described in section 6.

(2) Independent water supply facilities shall be provided at locations where there is no ample and dependable public water supply available for loading empty tanks with water.

(3) In addition to the preceding requirements, each tank so located that more than 70 per cent, but less than 100 per cent, of its allowable liquid storage capacity will be submerged at the established maximum flood stage, shall be safeguarded by one of the following methods:

(a) Tank shall be raised, or its height shall be increased, until its top extends above the maximum flood stage a distance equivalent to 30 per cent or more of its allowable liquid storage capacity, provided, however, that the submerged part of the tank shall not exceed 2 1/2 times the diameter; or

(b) As an alternate to the foregoing, adequate noncombustible structural guides, designed to permit the tank to float vertically without loss of product, shall be provided.

b. Horizontal Tanks:

(1) Independent water supply facilities shall be provided at locations where there is no ample and dependable public water supply available for loading partially empty tanks with water.

(2) Each horizontal tank so located that more than 70 per cent of its storage capacity will be submerged at the established flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete of sufficient weight to provide adequate load for the tank when filled with flammable or combustible liquid and submerged by flood waters to the established flood stage, or adequately secured by other means.

c. Other Types of Tanks: Spherical and spheroidal tanks shall be protected by applicable methods as specified for either vertical or horizontal tanks.

3. Underground Tanks.

a. At locations where there is no ample and dependable water supply, or where filling of underground tanks with liquids is impracticable because of the character of their contents, their use, or for other reasons, each tank shall be safeguarded against movement when empty and submerged by high ground water of flood waters by anchoring, weighting with concrete or other approved solid loading material, or securing by other means. Each such tank shall be so constructed and installed that it will safely resist external pressures due to high ground water of flood waters.

b. At locations where there is an ample and dependable water supply available, underground tanks containing flammable or combustible liquids, so installed that more than 70 per cent of their storage

capacity will be submerged at the maximum flood stage, shall be so anchored, weighted, or secured by other means, as to prevent movement of such tanks when filled with flammable or combustible liquids, and submerged by flood waters to the established flood stage.

4. Pipe Connections.

Pipe connections below the allowable liquid level in a tank shall be provided with valves or cocks located as closely as practicable to the tank shell. Such valves and their connections to tanks shall be of steel or other material suitable for use with the liquid being stored. Cast iron shall not be permitted.

5. Independent Water Supply Facilities.

a. At locations where an independent water supply is required, it shall be entirely independent of public power and water supply. Independent sources of water shall be available when flood waters reach a level no less than 10 feet below the bottom of the lowest tank on a property.

b. The self-contained power and pumping unit shall be so located or so designed that pumping into tanks may be carried on continuously throughout the rise in flood waters from a level 30 feet below the lowest tank to the level of the potential flood stage.

c. Capacity of the pumping unit shall be such that the rate of rise of water in all tanks shall be equivalent to the established potential average rate of rise of flood waters at any stage.

d. Each independent pumping unit shall be tested periodically to insure that it is in satisfactory operating condition.

6. Structural Guides.

a. Structural guides for holding floating tanks above their foundations shall be so designed that there will be no resistance to the free rise of a tank, and shall be constructed of noncombustible material.

b. The strength of the structure shall be adequate to resist lateral movement of a tank subject to a horizontal force in any direction equivalent to not less than 25 pounds per square foot acting on the projected vertical cross-sectional area of the tank.

c. Where tanks are situated on exposed points or bents in a shore line where swift currents in flood waters will be present, the structures shall be designed to withstand a unit force of not less than 50 pounds per square foot.

7. Safe Practices.

a. Water Loadings:

(1) The filling of a tank to be protected by water loading shall be started as soon as flood waters reach a dangerous flood stage. The rate of filling shall be at least equal to the rate of rise of flood waters (or the established average potential rate of rise).

(2) Sufficient fuel to operate the water pumps shall be available at all times to insure adequate power to fill all tankage with water.

(3) All valves on connecting pipe lines shall be closed and locked in closed position when water loading has been completed.

b. Floating Tanks:

(1) Where structural guides are provided for the protection of floating tanks, all rigid connections between tanks and pipe lines shall be disconnected and blanked off or blinded before the flood waters reach the bottom of the tank, unless control valves and their connections to the tank are of a type designed to prevent breakage between the valve and the tank shell.

(2) All valves attached to tanks other than those used in connection with water loading operations shall be closed and locked.

(3) If a tank is equipped with a swing line, the swing pipe shall be raised to and secured at its highest position.

c. Inspections.

a. The Fire Company shall make periodic inspections of all plants where the storage of flammable or combustible liquids is such as to require compliance

with the foregoing provisions in order to assure the following:

(1) That all flammable or combustible liquid storage tanks are in compliance with these requirements and so maintained.

(2) That detailed printed instructions of what to do in flood emergencies are properly posted.

(3) That station operators and other employees depended upon to carry out such instruction are thoroughly informed as to the location and operation of such valves and other equipment necessary to effect the intent of these provisions.

APPENDIX B ABANDONMENT OR REMOVAL OF UNDERGROUND TANKS

1. Methods.

a. Underground tanks taken out of service shall be safeguarded or disposed of by any one of the three following means:

(1) Placed in a "temporarily out of service" condition. Tanks shall be rendered "temporarily out of service" only when it is planned that they will be returned to active service within a reasonable period or pending removal or abandonment within 90 days.

(2) Abandoned in place, with proper safeguarding.

(3) Removed.

2. Records.

a. In cases where tanks are either rendered "temporarily out of service" or permanently abandoned, records shall be kept of tank size, location, date of abandonment, and method used for placing the abandoned tank in a safe condition. With any of the methods described in section 1, no cutting torch or other flame or spark producing equipment shall be used until the tank has been completely purged or otherwise rendered safe. In each case, the steps given shall be carried out successively.

3. Tanks Rendered Temporarily Out of Service.

a. With tanks rendered "temporarily out of service",

(1) The fill line, gage opening, and pump suction shall be capped and secured against tampering.

(2) The vent line shall be left open.

4. Tanks Abandoned in Place.

a. With underground tanks abandoned in place,

(1) All flammable or combustible liquid shall be removed from the tank and from all connecting lines.

(2) The suction, inlet, gage, and vent lines shall be disconnected.

(3) The tank shall be filled completely with an inert solid material.

(4) The remaining underground piping shall be capped.

5. Tanks Removed.

a. When underground tanks are removed,

(1) All flammable or combustible liquids in the tank and connecting lines shall be removed.

(2) The suction, inlet, gage and vent lines shall be disconnected. Sections of connecting lines which are not to be used shall be removed. Inlets, outlets, and leaks, if any, shall be capped or plugged.

(3) After removal, the tank shall be gas freed; on the premises if it can be done safely at that location, or transported to an area not accessible to the public and the tank gas freed at that location.

6. Tanks That Are Junked.

a. If a tank is to be disposed of as junk, it shall be retested for flammable vapors, and, if necessary, rendered gas free. After junking and before releasing to junk dealer, a sufficient number of holes or opening shall be made in it to render it unfit for further use.

7. Tanks That Are Reused.

a. Used tanks which are to be reused for flammable or combustible liquid service shall meet all the provisions of article 16 for the installation of underground tanks.

TABLE 12.6. AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES.

See Section 12.6 Page 5

EXPLOSIVES		DISTANCE IN FEET WHEN STORAGE IS BARRICADED			
POUNDS OVER	POUNDS NOT OVER	FROM INHABITED BUILDINGS	FROM PASSENGER RAILWAYS	FROM PUBLIC HIGHWAYS	SEPARATION OF MAGAZINES
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	12
30	40	140	55	55	14
40	50	150	60	60	16
50	75	170	70	70	18
75	100	185	75	75	20
100	125	200	80	80	22
125	150	215	85	85	24
150	200	235	95	95	26
200	250	255	105	105	28
250	300	270	120	120	30
300	400	295	130	130	32
400	500	320	145	145	34
500	600	340	155	155	36
600	700	360	165	165	38
700	800	375	170	170	40
800	900	390	180	180	42
900	1,000	400	185	185	44
1,000	1,200	425	190	190	46
1,200	1,400	440	195	195	48
1,400	1,600	470	205	205	50
1,600	1,800	490	220	220	52
1,800	2,000	505	235	235	54
2,000	2,500	525	255	255	56
2,500	3,000	540	275	275	58
3,000	4,000	635	295	295	60
4,000	5,000	685	310	310	62
5,000	6,000	730	320	320	64
6,000	7,000	770	330	330	66
7,000	8,000	800	340	340	68
8,000	9,000	835	350	350	70
9,000	10,000	865	360	360	72
10,000	12,000	875	370	370	74
12,000	14,000	885	380	380	76
14,000	16,000	900	405	405	78
16,000	18,000	940	420	420	80
18,000	20,000	975	435	435	82
20,000	25,000	1,055	470	470	84
25,000	30,000	1,130	500	500	86
30,000	35,000	1,205	525	525	88
35,000	40,000	1,275	550	550	90
40,000	45,000	1,340	570	570	92
45,000	50,000	1,400	590	590	94
50,000	55,000	1,460	610	610	96
55,000	60,000	1,515	630	630	98
60,000	65,000	1,565	645	645	100
65,000	70,000	1,610	660	660	102
70,000	75,000	1,655	675	675	104
75,000	80,000	1,695	690	690	106
80,000	85,000	1,730	705	705	108
85,000	90,000	1,760	720	720	110
90,000	95,000	1,790	735	735	112
95,000	100,000	1,815	745	745	114
100,000	110,000	1,850	770	770	116
110,000	120,000	1,855	790	790	118
120,000	130,000	1,875	810	810	120
130,000	140,000	1,890	825	825	122
140,000	150,000	1,900	835	835	124
150,000	160,000	1,935	850	850	126
160,000	170,000	1,965	870	870	128
170,000	180,000	1,990	880	880	130
180,000	190,000	2,010	905	905	132
190,000	200,000	2,030	920	920	134
200,000	210,000	2,055	935	935	136
210,000	230,000	2,100	955	955	138
230,000	250,000	2,155	980	980	140
250,000	275,000	2,215	1,010	1,010	142
275,000	300,000	2,275	1,040	1,040	144
			1,075	1,075	146

NOTE 1 - All types of blasting caps in strengths through No. 8 shall be rated at 1/2 pounds of explosives per 1000 caps.

NOTE 2 - "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point twelve feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

NOTE 3 - "Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 4 - "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 5 - When a building containing explosives is not barricaded, the distances shown in the Table shall be doubled.

NOTE 6 - When two or more storage magazines are located on the same property, each magazine shall comply with minimum distances specified from inhabited buildings, railways, and highways, and in addition they shall be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, shall be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and shall comply with the distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 7 - This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling of temporary storage necessary or incidental thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

TABLE 12.10. TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS; 1,6

See Section 12.10 Page 6

Donor Weight		Minimum Separation Distance of Receptor When Barricaded 2 (feet)		Minimum Thickness of Artificial Barricades (Inches)
Pounds Over	Pounds Not Over	Ammonium Nitrate 3	Blasting Agent 4	
	200	3	11	12
	300	4	14	12
	600	5	18	12
	1,000	6	22	12
	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Notes to Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents

NOTE 1 - Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium-nitrate fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

NOTE 2 - When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like, which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives, or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances (see Table 12.8) are not required.

NOTE 3 - The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute*, and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

NOTE 4 - These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

NOTE 5 - Earth, or said dikes or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding explosives which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

NOTE 6 - When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half of its actual weight because its blast effect is lower.

*Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1954.

TABLE 16.22b[1]

See Section 16.22 Page 10

Type of Tank	Protection	Minimum Distance in Feet from Property Line Which May Be Built Upon, Including the Opposite Side of a Public Way and Shall Not Be Less Than 5 Feet	Minimum Distance in Feet from Nearest Side of Any Public Way or from Nearest Important Building, and Shall Not Be Less Than 5 Feet
Floating Roof	Protection for Exposures*	1/2 times diameter of tank but need not exceed 90 feet	1/6 times diameter of tank but need not exceed 30 feet
	None	Diameter of tank but need not exceed 175 feet	1/6 times diameter of tank but need not exceed 30 feet
Vertical with Weak Roof to Shell Seam	Approved foam or inerting system on the tank	1/2 times diameter of tank but need not exceed 90 feet	1/6 times diameter of tank but need not exceed 30 feet
	Protection for Exposures*	Diameter of tank but need not exceed 175 feet	1/3 times diameter of tank but need not exceed 60 feet
	None	2 times diameter of tank but need not exceed 330 feet	1/3 times diameter of tank but need not exceed 60 feet

[TABLE 16.22b[1] continued]

Horizontal and Vertical Tanks with Emergency	Approved inerting system on the tank or approved foam system	1/2 times Table 16.22b(5)	1/2 times Table 16.22 b(5)
Relief Venting to Limit Pressures to 2.5 psig	on vertical tanks	Protection for Exposures*	Table 16.22b(5)
	None	2 times Table 16.22b(5)	Table 16.22b(5)

*Protection for exposures shall mean fire protection for structures on property adjacent to tanks. When acceptable to the Chief of the Bureau of Fire Prevention, such structures located (1) within the jurisdiction of any public fire department or (2) within or adjacent to plants having private fire brigades shall be considered as having adequate protection for exposures.

TABLE 16.22b[2]

See Section 16.22 Page 10

Type of Tank	Protection	Minimum Distance in Feet from Property Line Which May Be Built Upon, Including the Opposite Side of a Public Way	Minimum Distance in Feet from Nearest Side of Any Public Way or from Nearest Important Building
Any Type	Protection for Exposures	1/2 times Table 16.22b(5) but shall not be less than 25 feet	1/2 times Table 16.22b(5) but shall not be less than 25 feet
	None	3 times Table 16.22b(5) but shall not be less than 50 feet	1/2 times Table 16.22b(5) but shall not be less than 25 feet

* Special consideration may be given to tanks equipped with automatic depressuring systems.

TABLE 16.22b[3]

See Section 16.22 Page 10

Type of Tank	Protection	Minimum Distance in Feet from Property Line Which May Be Built Upon, Including the Opposite Side of a Public Way	Minimum Distance in Feet from Nearest Side of Any Public Way or from Nearest Important Building
Floating Roof	Protection for Exposures	Diameter of tank but need not exceed 175 feet	1/3 times diameter of tank but need not exceed 60 feet
	None	2 times diameter of tank but need not exceed 330 feet	1/3 times diameter of tank but need not exceed 60 feet
Fixed Roof	Approved foam or inerting system	Diameter of tank but need not exceed 175 feet	1/3 times diameter of tank but need not exceed 60 feet
	Protection for Exposures	2 times diameter of tank but need not exceed 330 feet	2/3 times diameter of tank but need not exceed 120 feet
	None	4 times diameter of tank but need not exceed 330 feet	2/3 times diameter of tank but need not exceed 120 feet

TABLE 16.22b[4]

See Section 16.22 Page 10

Type of Tank	Protection	Minimum Distance in Feet from Property Line Which May Be Built Upon, Including the Opposite Side of a Public Way	Minimum Distance in Feet from Nearest Side of Any Public Way or from Nearest Important Building
Horizontal and Vertical Tanks with Emergency Relief Venting to Permit Pressure Not in Excess of 2.5 psig	Tank protected with any one of the following: Approved water spray, inerting, Approved insulation and refrigeration, Approved barricade	Table 16.22b(5) but not less than 25 feet	Not less than 25 feet
	Protection for Exposures	3/4 times Table 16.22b(5) but not less than 50 feet	Not less than 50 feet
	None	5 times Table 16.22b(5) but not less than 100 feet	Not less than 100 feet
	Tank protected with any one of the following:		
Horizontal and Vertical Tanks with Emergency Relief Venting to Permit Pressure Not in Excess of 2.5 psig	Approved water spray, Approved insulation and refrigeration, Approved barricade	2 times Table 16.22b(5) but not less than 50 feet	Not less than 50 feet
	Protection for Exposures	4 times Table 16.22b(5) but not less than 100 feet	Not less than 100 feet
	None	8 times Table 16.22b(5) but not less than 150 feet	Not less than 150 feet

TABLE 16.22b[5]
See Section 16.22 Page 10

Capacity Tank Gallons	Minimum Distance in Feet from Property Line Which May Be Built Upon, Including the Opposite Side of a Public Way		Minimum Distance in Feet from Nearest Side of Any Public Way or From Nearest Important Building
	5	10	
275 or less	5	5	5
276 to 750	10	10	5
751 to 10,000	15	15	5
10,001 to 30,000	20	20	5
30,001 to 50,000	30	30	10
50,001 to 100,000	50	50	15
100,001 to 300,000	80	80	25
300,001 to 1,000,000	100	100	35
1,000,001 to 2,000,000	135	135	45
2,000,001 to 3,000,000	165	165	55
3,000,001 or more	175	175	60

TABLE 16.22f[3]
See Section 16.22 Page 10

Wetted Area Versus Cubic Feet Free Air per Hour (14.7 psia and 60°F)

Sq. Ft.	CFH	Sq. Ft.	CFH	Sq. Ft.	CFH
20	21,100	200	211,000	1,000	324,000
30	31,600	250	239,000	1,200	357,000
40	42,100	300	265,000	1,400	389,000
50	52,700	350	288,500	1,600	414,000
60	55,200	400	312,000	1,800	439,000
70	75,700	500	394,000	2,000	463,000
80	84,220	600	392,000	2,400	704,000
90	94,800	700	428,000	2,800	742,000
100	105,000	800	462,000	and over	
120	126,000	900	493,000		
140	147,000	1,000	524,000		
160	168,000				
180	190,000				
200	211,000				

Note - Interpolate for intermediate values.

TABLE 16.42c. MAXIMUM ALLOWABLE SIZE OF CONTAINERS AND PORTABLE TANKS
See Section 16.42 Page 12

TABLE 16.42c. MAXIMUM ALLOWABLE SIZE OF CONTAINERS AND PORTABLE TANKS

Container Type	Flammable Liquids				Combustible Liquids Class III
	Class IA	Class IB	Class IC	Class II	
Glass or approved plastic	1 pt.	1 oz.	1 gal.	1 gal.	1 gal.
Metal (Other Than 30T Drums)	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety Cans	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal Drums (DOT Spec.)	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved Portable Tanks	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container Exemptions:

- (a) Medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of sections 16.42a and 16.42c.
- (b) Upon presentation of satisfactory proof that storage of flammable or combustible liquids in metal containers would affect their chemical purity or result in excessive corrosion of the container, the Chief of the Bureau of Fire Prevention may approve other containers.

TABLE 16.45a. INDOOR CONTAINER STORAGE
See Section 16.45 Page 12

Class Liquid	Storage Level	Protected Storage* Maximum per File		Unprotected Storage Maximum per File	
		Gals.	Height (See Note 3)	Gals.	Height (See Note 3)
IA	Ground and Upper Floors	2,750 (30)**	3 ft. (1)**	660 (12)**	3 ft. (1)**
	Basement	NOT PERMITTED		NOT PERMITTED	
IB	Ground and Upper Floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	NOT PERMITTED		NOT PERMITTED	
IC	Ground and Upper Floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	NOT PERMITTED		NOT PERMITTED	
II	Ground and Upper Floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	NOT PERMITTED	
Combustible	Ground and Upper Floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	NOT PERMITTED	

* A sprinkler or equivalent fire protection system approved by the Chief of the Fire Company.
** (Numbers in parentheses indicate corresponding number of 55-gallon drums.)

TABLE 16.45a. INDOOR CONTAINER STORAGE continued

NOTE 1 - When two or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the two or more separate maximum gallonages.
NOTE 2 - Aisles shall be provided so that no container is more than 12 feet from an aisle. Main aisles shall be at least eight feet wide and side aisles at least four feet wide.
NOTE 3 - Each pile shall be separated from each other pile by at least four feet. When stored on suitably protected racks or when the storage is suitably protected, containers may be piled up to the height limits in 16.45(c) where approved by the Chief of the Fire Company.

TABLE 16.45b. INDOOR PORTABLE TANK STORAGE
See Section 16.45 Page 12

Class Liquid	Storage Level	Protected Storage* Maximum per File		Unprotected Storage Maximum per File	
		Gals.	Height	Gals.	Height
IA	Ground and Upper Floors	NOT PERMITTED		NOT PERMITTED	
	Basement	NOT PERMITTED		NOT PERMITTED	
IB	Ground and Upper Floors	20,000	7 ft.	2,000	7 ft.
	Basement	NOT PERMITTED		NOT PERMITTED	
IC	Ground and Upper Floors	40,000	14 ft.	5,500	7 ft.
	Basement	NOT PERMITTED		NOT PERMITTED	
II	Ground and Upper Floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	NOT PERMITTED	
Combustible	Ground and Upper Floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	NOT PERMITTED	

*Asterisk note and Notes 1, 2, and 3 of Table 16.45a shall apply.

TABLE 16.46a. OUTDOOR CONTAINER STORAGE
See Section 16.46 Page 12

Class	1 Maximum Per File Gallons (See Note 1)	2 Distance Between Piles (See Note 2)	3 Distance Between Piles (See Note 2)	4 Distance to Property Line That Can Be Built Upon (See Notes 3 & 4) (See Note 4)	
				5 Distance to Street, Alley Public Way	6 Distance to Street, Alley Public Way
IA	1,100	5 ft.	5 ft.	20 ft.	10 ft.
IB	2,200	5 ft.	5 ft.	20 ft.	10 ft.
IC	4,400	5 ft.	5 ft.	20 ft.	10 ft.
II	8,800	5 ft.	5 ft.	10 ft.	5 ft.
Combustible	22,000	5 ft.	5 ft.	10 ft.	5 ft.

Note 1 - When two or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the two or more separate gallonages.
Note 2 - Within 200 feet of each portable tank, there shall be a 12-foot wide access way to permit approach of fire control apparatus.
Note 3 - The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column four shall be doubled.
Note 4 - When total quantity stored does not exceed 50% of maximum per pile, the distances in columns four and five may be reduced 50% but not less than three feet.

TABLE 16.46b. OUTDOOR PORTABLE TANK STORAGE
See Section 16.46 Page 12

Class	1 Maximum Per File Gallons	2 Distance Between Piles	3 Distance Between Piles	4 Distance to Property Line That Can Be Built Upon	
				5 Distance to Street, Alley Public Way	6 Distance to Street, Alley Public Way
IA	1,100	5 ft.	5 ft.	20 ft.	10 ft.
IB	2,200	5 ft.	5 ft.	20 ft.	10 ft.
IC	4,400	5 ft.	5 ft.	20 ft.	10 ft.
II	8,800	5 ft.	5 ft.	10 ft.	5 ft.
Combustible	44,000	5 ft.	5 ft.	10 ft.	5 ft.

Notes 1, 2, 3, and 4 of Table 16.46a shall apply.

TABLE 16.54a[1]
See Section 16.54 Page 13

Processing Vessels with Emergency Relief Venting to Permit Pressure	Stable Liquids	Unstable Liquids
Not in excess of 2.5 psig	Table 16.22b(5)*	2 1/2 times Table 16.22b(5)*
Over 2.5 psig	1 1/2 times Table 16.22b(5)*	4 times Table 16.22b(5)*

*Double distances where protection of exposure is not provided.

TABLE 16.65b. ELECTRICAL EQUIPMENT HAZARDOUS AREAS - BULK PLANTS.

See Section 16.65 Page 14

Location	NEC Class I, Group D Division	Extent of Classified Area
Tank Vehicle and Tank Car - Loading through Open Dome	1	Within 3 feet of edge of dome, extending in all directions.
	2	Area between 3 feet and 5 feet from edge of dome, extending in all directions.
Tank Vehicle and Tank Car - Loading through Bottom Connections with Atmospheric Venting	1	Within 3 feet of point of venting to atmosphere extending in all directions.
	2	Area between 3 feet and 5 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of leading connection.
Tank Vehicle and Tank Car - Loading through Closed Dome with Atmospheric Venting	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet from open end of vent, extending in all directions. Also within 3 feet of edge of dome, extending in all directions.
Tank Vehicle and Tank Car - Loading through Closed Dome with Vapor Recovery	2	Within 3 feet of point of connection from both fill and vapor line, extending in all directions.
		Directions.
Tank Vehicle and Tank Car - Bottom Loading with Vapor Recovery or Any Bottom Unloading	2	Within 3 feet of point of connection, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
Drum and Container Filling - Outdoors, or Indoors with Adequate Ventilation	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Tank-Belowground		See Table 16.77b.
Tank-Aboveground - Shell, Ends, or Roof and Dike Area	2	Within 10 feet from shell, ends, or roof of tank. Area inside dikes to level of top of dike.
Tank-Aboveground Vent	1	Within 5 feet of open end of vent, extending in all directions.
	2	Area between 5 feet and 10 feet from open end of vent, extending in all directions.
Tank-Aboveground Flooding	1	Area above the roof and within the shell.
Pits - Without Mechanical Ventilation	1	Entire area within pit if any part is within a Division 1 or 2 classified area.
Pits - With Mechanical Ventilation	2	Entire area within pit if any part is within a Division 1 or 2 classified area.
Pits - Containing Valves, Fittings or Flanges, and Not within a Division 1 or 2 Classified Area	2	Entire pit.
Pumps, Bleeders, With-Dravel Fittings, Meters and Similar Devices - Indoors	2	Within 3 feet of any edge of such devices, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of such devices.
Pumps, Bleeders, With-Dravel Fittings, Meters and Similar Devices - Outdoors	2	Within 3 feet of any edge of such devices, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of such devices.
Storage and Repair Garage	1	All pits or spaces below floor level.
	2	Area up to 18 inches above floor or grade level for entire storage or repair garage.
Drainage Ditches, Separators, Impounding Basins	2	Area up to 18 inches above ditch, separator or basin. Also up to 18 inches above grade within 15 feet horizontally from any edge.
Garages for Other Than Tank Vehicles	Ordinary	If there is any opening to these rooms within the extent of an outdoor classified area, the entire room shall be classified the same as the area classification at the point of the opening.
Outdoor Drum Storage	Ordinary	
Indoor Warehousing Where There is No Flammable Liquid Transfer	Ordinary	If there is any opening to these rooms within the extent of an indoor classified area, the room shall be classified the same as if the wall, curb or partition did not exist.
Office and Rest Rooms	Ordinary	

*When classifying extent of area, consideration shall be given to fact that tank cars or tank vehicles may be spotted at varying points. Therefore, the extremities of the loading or unloading positions shall be used.

TABLE 16.77b. ELECTRICAL EQUIPMENT FOR AREAS - SERVICE STATIONS

See Section 16.77 Page 15

Location	NEC Class I, Group D Division	Extent of Classified Area
Underground Tank-Fill Opening	1	Any pit, box or space below grade level, any part which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a lower fill connection and within a horizontal radius of 5 feet from a tight fill connection.
Underground Tank-Vent, Discharging Upward	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet of open end of vent extending in all directions.
Dispenser Pits	1	Any pit, box or space below grade level, any part which is within the Division 1 or 2 classified area.
Dispenser - Dispenser Enclosure	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.
Dispenser - Outdoor	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
Dispenser - Indoor with Mechanical Ventilation	2	Up to 18 inches above grade or floor level within 10 feet horizontally of any edge of enclosure.
Dispenser - Indoor with Gravity Ventilation	2	Up to 18 inches above grade or floor level within 10 feet horizontally of any edge of enclosure.
Remote Pump - Outdoor	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
Remote Pump - Indoor	1	Entire area within any pit.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
Lubrication or Service Room	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
Lubrication or Service Room - Dispenser for Class I Liquids	2	Within 3 feet of any fill or dispensing point, extending in all directions.
Special Enclosure Inside Building per Section 16.73b	1	Entire enclosure.
Sales, Storage and Rest Rooms	Ordinary	If there is any opening in these rooms within the extent of a Division 1 area, the entire room shall be classified as Division 1.

FIRE DISTRICTS

- No. 1 DOLYLE NO. 1, William and Alaska Streets
DOYLE NO. 2, 100 Willowlawn Parkway
- No. 2 WALDEN, 20 Pine Ridge Road
- No. 3 FORKS, Broadway and Union Road
FORKS, Nagel Drive and S: Creek Drive
- No. 4 U-CREST, 255 Clover Place
- No. 5 PINE HILL, 2435 Genesee Street
- No. 6 CLEVELAND HILL, 440 Cleveland Drive
- No. 8 HY-VIEW, 8 Airport Drive
- No. 9 BELLEVUE, Como Park Boulevard
- No. 10 SOUTH LINE, 1049 French Road
SOUTH LINE, Boxwood Lane

FIRE PROTECTION DISTRICTS
TIO-RUN-DA (Cleveland Hill No. 6)

VILLAGE FIRE DEPARTMENTS
DEPEW - 2315 George Urban Boulevard
SLOAN - 55 Gates Avenue

Printed and Published for the Town of Cheektowaga

by order of the Town Board

Cheektowaga TIMES
343 Maryvale Drive
Cheektowaga, N. Y. 14225

Item No. 17 cont'd

NOW, THEREFORE, BE IT

RESOLVED that a copy of this resolution, certified by the Town Clerk shall be entered in the minutes and published at least once in the CHEEKTOWAGA TIMES, a newspaper having a general circulation in the said town, and BE IT FURTHER

RESOLVED that the Town Clerk post or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution and affidavits of the publication and posting thereof shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that this FIRE PREVENTION CODE ordinance shall take effect ten (10) days after such publication and posting, but such ordinance shall take effect from the date of tis service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry into the minutes.

Upon Roll Call....

AVES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVITS-NEXT PAGE

**EXTRACTS FROM MINUTES OF
CHECKTOWAGA TOWN BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4th day of August, 1975 at 2:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Daniel E. Weber

Councilmen:

Felix T. Wroblewski
Frank E. Swiatek
Kenneth J. Meyers
Thomas M. Johnson
Donald A. Halicki

ABSENT: Councilman Raymond J. Wasielewski

Motion by Councilman Thomas M. Johnson seconded by Councilman Kenneth J. Meyers

WHEREAS, this Town Board, at a meeting held February 18, 1975, adopted a resolution that the Town Board meet at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 24th day of March, 1975, at 7:00 o'clock p.m. Eastern Daylight Saving Time, for the purpose of considering the advisability of rescinding the previously adopted FIRE PREVENTION CODE, and adopting a new FIRE PREVENTION CODE, Recommended by the American Insurance Association, 1970 Edition, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, not less than 10 days prior to the date of the hearing, as is shown by the duly verified affidavits of publication and posting now on file in the Town Clerk's Office, and

WHEREAS, pursuant to said resolution, the Town Board of the Town of Cheektowaga, New York, did meet on the 24th day of March, 1975, at the Town Hall in the Town of Cheektowaga, New York, for the purpose of considering the advisability of rescinding the previously adopted FIRE PREVENTION CODE and adopting a new FIRE PREVENTION CODE, Recommended by the American Insurance Association, 1970 Edition, and

WHEREAS, an opportunity was afforded all persons interested in the subject matter to be heard and at the conclusion of said public hearing the Town Board decided that it was in the public interest to rescind the previously adopted FIRE PREVENTION CODE and adopt a new FIRE PREVENTION CODE, as Recommended by the American Insurance Association, 1970 Edition, to provide as follows:

(TEXT OF CODE TO FOLLOW RESOLUTION)

NOW, THEREFORE, BE IT RESOLVED, that a copy of this resolution, certified by the Town Clerk, shall be entered in the minutes and published at least once in the CHECKTOWAGA TIMES, a newspaper having a general circulation in the said town, and, BE IT FURTHER

RESOLVED, that the Town Clerk post or cause to be posted conspicuously on a signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution and affidavits of the publication and posting thereof shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that this FIRE PREVENTION CODE ordinance shall take effect ten (10) days after such publication and posting, but such ordinance shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry into the minutes.

Upon roll call
Supervisor Weber Voting AYE

Councilmen:
Wroblewski Voting AYE
Swiatek Voting AYE
Meyers Voting AYE
Johnson Voting AYE
Halicki Voting AYE
Wasielewski Voting ABSENT

AYES: 6
NAYES: 0
ABSENT: 1
STATE OF NEW YORK
ERIE COUNTY)
OFFICE OF THE
CLERK OF THE TOWN
OF CHECKTOWAGA)

This is to certify that I, BENEDICT T. HOLTZ, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie, on the 4th day of August, 1975, and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 5th day of August, 1975.

BENEDICT T. HOLTZ
Clerk of the Town Board
Town of Cheektowaga, New York

#24

#2

Item No. 18 Motion by Supervisor Weber, seconded by Councilman Halicki

WHEREAS, Henry A. Orlowski, has made application and requested the rezoning of property located at 2841 William Street from RA-Apartment District to RC-Restricted Business, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on September 15th, 1975 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson

NAYES: 0

ABSENT: Councilman Wasielewski

AFFIDAVITS-NEXT PAGE

The Town of Chateaugay, Erie County,
 New York, at the Town Hall in the said
 Town of Chateaugay, corner of Broad-
 way and Union Road, on the 15th day of
 September, 1935, at 7:30 o'clock P.M.,
 Eastern Daylight Saving Time of said day
 for the purpose of considering the
 application of Henry A. Olsowski to
 change from Neighborhood District to
 Restricted Business District the
 property located at 204 William Street
 as shown on the Zoning Map and
 Ordinance accordingly, pursuant to
 Section 24-100 of the Zoning Ordinance of
 the Town of Chateaugay, New York.

Description
 All that certain parcel of land situate in
 the Town of Chateaugay, County of
 Erie, State of New York being part of Lot
 No. 10 of the 1st Range 7, of the Buffalo
 Land Association and more fully
 described as follows:

Beginning at a point on the south line
 of William St. 65' wide W East of the
 east line of Lot 10; thence southerly and
 westerly to the west line of Lot 10, a
 distance of 35'; to a point thence
 southerly parallel to the north line of
 Lot 10 a distance of 65' to the west line of
 Lot 10; thence southerly along the west
 line of Lot 10 a distance of 65' to a
 point thence southerly at a 30 degree
 angle a distance of 65' to a point
 on the north line of Lot 10.

The above parcel containing 0.71
 acres more or less.

All persons in interest and others will
 be given an opportunity to be heard in
 regard to such proposed application.

MEMBERS OF THE TOWN BOARD
 Supervisor Daniel E. Weber
 Councilmen:
 Frank T. Wroblewski
 Frank E. Swistak
 Kenneth J. Moyers
 Donald A. Holicki
 Raymond J. Wozniowski
 Thomas M. Johnson
 BENEDICT T. HOLTZ



#25

Item No. 19 Motion by Supervisor Weber, seconded by Councilman Meyers

WHEREAS, the U.S. Labor Department has set the minimum wage rate at \$2.10 per hour, as of January 1, 1975, NOW, THEREFORE, BE IT

RESOLVED that the pay rate for Election day be set at \$34.65.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 20 Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the Nob Hill Park Site has been designated as a future Town Park site in the Comprehensive Proposed Land Use Plan under the Comprehensive Plan Study of 1968 for the Town of Cheektowaga as provided by the Town Planning Consultant, the firm of Tryon & Schwartz & Associates, Inc. and

WHEREAS, there has been recent public response in favor of the Town acquiring the Nob Hill Park site, and

WHEREAS, there is an immediate need to acquire said land as it is the last available park site north of Genesee Street in the Town, and

WHEREAS, the lifting of restrictions on development in this area for other uses is imminent, BE IT THEREFORE

RESOLVED that said Tryon & Schwartz & Associates, Inc. be and hereby is directed to prepare the application for submission by the Town of Cheektowaga; the cost of his services not to exceed the sum of \$1,000.00, and BE IT FURTHER

RESOLVED that subsequent to compliance with the standard appraisal format as required by the New York State Office of Parks and Recreation that the Town Planning Consultant is hereby directed to prepare and submit all necessary application forms for state and federal (Bureau of Outdoor Recreation) grants in aid to the Niagara Frontier State Parks and Recreation Commission for the purpose of acquiring the Nob Hill Park site whose bounds and limits shall be as defined in a recent feasibility study conducted by the firm of Tryon & Schwartz & Associates, Inc., the Town Planning Consultant, to provide needed recreation and open spaces, and BE IT FURTHER

RESOLVED that said fee be paid out of the Contingency Fund.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 21 Motion by Councilman Halicki, seconded by Supervisor Weber

WHEREAS, Mr. Frank Galeza, laborer in the Highway Department, Town of Cheektowaga, has been absent from work due to illness and during said absence he has used up his accumulated sick leave time, and

WHEREAS, said employee has requested an extension of his sick leave benefits pursuant to the limitations specified in the Collective Bargaining Agreement between the Town of Cheektowaga and the Employees' representative, THEREFORE, BE IT

RESOLVED that said Frank Galeza be and hereby is granted extended sick leave with pay for a period not to exceed (15) fifteen days commencing on August 4th, 1975 thru August 22nd, 1975, and subject to provisions of the Collective Bargaining Agreement between the Town of Cheektowaga and the Employees' representative, and BE IT FURTHER

RESOLVED that said Frank Galeza be and hereby is granted extended sick leave without pay for the period beginning August 15, 1975 thru August 31, 1975.

8/4/75

#24

#25

Item No. 21 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 22 Motion by Councilman Swiatek, seconded by Supervisor Weber

WHEREAS, two vacancies presently exist on the Cheektowaga Youth Board,
NOW, THEREFORE, BE IT

RESOLVED that the following be appointed to serve a full three (3) year term on the Cheektowaga Youth Board beginning August 4, 1975:

Fran Kozminski	Pat Welch
Depew, New York	Cheektowaga, New York

and BE IT FURTHER

RESOLVED that the following are re-appointed to the Cheektowaga Youth Board, for a term not to exceed three (3) years, beginning May, 1975:

Robert Pietrzak	Paul Wiech
Cheektowaga, New York	Depew, New York

and BE IT FURTHER

RESOLVED that Michael Nikel, , Cheektowaga, New York be hired as a replacement in the Hometown Beautification Program, at a rate of \$2.10 per day, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 23 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, organized, long-range planning is an effective management tool and is vital to the growth of the Town of Cheektowaga, and

WHEREAS, the Town Board has under consideration various capital programs, and

WHEREAS, it is projected that the Town of Cheektowaga will receive aid for some of these programs through general revenue sharing, Housing and Community Development Act, countercyclical assistance, and other public works bills and aid programs, and

WHEREAS Section 99G of the General Municipal Law authorizes any municipal corporation, by resolution or ordinance of the governing Board, to undertake the planning and execution of a capital program in accordance with the provisions of this Section, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board authorizes the Town Attorney, John Rogowski and Town Accountant John Malloy, to review the provisions, power and limitations of this Section and to report back to the Board at their earliest convenience.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

8/4/75

Item No. 24 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, 4th District Erie County Legislator Richard A. Slisz has received numerous requests by constituents in his district to have a traffic signal installed at Union and Bennett Roads in Cheektowaga, and

WHEREAS, such a signal would alleviate back-ups on Como Park Blvd., and tie-ups on Bennett Road, and

WHEREAS, such a signal on Bennett and Union Roads would have a great effect on extending bus service to the Como Mall, NOW, THEREFORE, BE IT

RESOLVED that the Town Board petition the New York State Department of Transportation to undertake a traffic count study at the intersection of Union and Bennett Roads, and BE IT FURTHER

RESOLVED that a copy of this resolution be forwarded to Mr. Ken Reitmeier, Erie County Assistant, Deputy Highway Commissioner, and Mr. Richard A. Slisz, 4th District Erie County Legislator.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 25 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Emergency Jobs Program Title VI, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, starting dates to be established by the department head:

Laborer in the Erie County Community College - North Campus at a rate of \$4.09 per hour

Witaszek, Edward L. , Cheektowaga, N.Y. 14227

(replacement for Arthur A. Hauser - indirect placement)

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 26 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Title II, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, established by the department head:

Laborer in the Cheektowaga Central School System at a rate of \$4.09 per hour

, Cheektowaga, N.Y. 14227

(replacement for James Duzak)

Item No. 26 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
 NAYES: 0
 ABSENT: Councilman Wasielewski

Item No. 27 Motion by Supervisor Weber, seconded by Councilman Halicki

BE IT RESOLVED that the Town Board of the Town of Cheektowaga does hereby elect to provide the benefits of Section 75 i of the Retirement and Social Security Law as presently or hereafter amended, and BE IT FURTHER

RESOLVED that this election shall become effective with the payroll period beginning on the 18th day of August, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
 NAYES: 0
 ABSENT: Councilman Wasielewski

Item No. 28 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED that the following transfer of funds in the General Fund be approved:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A9015.811 Police Retirement	\$43,159.00	A9010.810 Regular Retirement
A7310.131 Clerk Typist	3,000.00	A7310.468 Beautification
A7310.485 C.A.T.C.H.	2,500.00	A7310.486 Administrative Intern
A1110.455 Contractural Expenses	2,000.00	A1110.200 Justice-Office Equipment
<u>HIGHWAY FUND</u>		
Surplus	30,000.00	Item 4 DS5140.173 Ditch Work

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
 NAYES: 0
 ABSENT: Councilman Wasielewski

Item No. 29 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending August 4, 1975, be and hereby are approved and that Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General	2283	2411	\$1,232,045.37
Part Town	120	130	5,519.57
Special Districts	576	612	2,349,427.60

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#25

Item No. 29 cont'd

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Highway	548	591	1,282,012.43
Trust and Agency	46	52	448,710.73
Federal Revenue Sharing	44	47	1,163,982.24
Construction & Improvement	23	25	<u>216,155.59</u>
			<u>\$6,697,853.53</u>

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

VI. FROM THE TABLE

Item No. 30 Highway - Rowley Hollow Subdivision, approval of Plan.
This item was tabled until the next meeting.

Motion by Councilman Wroblewski, seconded by Councilman Swiatek to suspend the rules to include the following items:

VII. SUSPENSION OF RULES

Item No. 31 This item was withdrawn before the meeting.

Item No. 32 Creation and appointment in Building Inspector's Department
Motion by Councilman Wroblewski, seconded by Supervisor Weber

WHEREAS, Erie County Personnel has approved the preliminary applications of the Town of Cheektowaga for the creation of the position of part-time Clerk in the Town Building Inspector's Office, NOW, THEREFORE, BE IT

RESOLVED that the position in the Town Building Inspector's Office entitled part-time Clerk be and hereby is created at a starting salary of \$22.00 per day, and BE IT FURTHER

RESOLVED that Diane Corkins, , be and hereby is appointed to the position of part-time Clerk in the Building Inspector's Office at a starting salary of \$22.00 per day, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 33 Rescind resolution regarding Sewer District #5
Motion by Councilman Meyers, seconded by Councilman Swiatek

WHEREAS, the New York State Department of Environmental Conservation in their review of the Town of Cheektowaga Sewer District No. 5 application for a Federal Grant requires that a previously passed Town Board Resolution covering an Industrial Cost Recovery System be amended, NOW, THEREFORE, BE IT

Item No. 33 cont'd

RESOLVED that said resolution dated March 17, 1975, is and hereby rescinded.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 34 Grants regarding Sewer District #5

Motion by Councilman Meyers, seconded by Councilman Swiatek

WHEREAS, it is a requirement of the Federal Grant Program that assurance be given to the Environmental Protection Agency that where industrial wastes are to be treated by the proposed project an equitable system of cost recovery will be applied, NOW, THEREFORE, BE IT

RESOLVED that it is the intent of this Board of the Town of Cheektowaga that should a Federal Grant be issued to the Town Sewer District No. 5, the Town of Cheektowaga will apply an Industrial Cost Recovery System approved by the U.S. Environmental Protection Agency to industries within the areas of the Town served by said Sewer District No. 5 with a User Charge System prepared in accordance with Subpart E - Grants for Construction of Treatment Works - Federal Water Pollution Act Amendments of 1972 as published in the Federal Register - Volume 39, Number 29, dated February 11, 1974.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 35 Letter from Cheektowaga Jaycees regarding New York State Jaycees Winter Board Meeting.

Motion by Councilman Halicki, seconded by Councilman Wroblewski to table this item.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 36 Motion by Supervisor Weber, seconded by Councilman Wroblewski to adjourn the meeting in memory of:

Boleslaw Buzik
Edward J. Wilk
Thaddeus Przybysz.

MARY F. HOLTZ
Deputy Town Clerk

Item No. 33 cont'd

RESOLVED that said resolution dated March 17, 1975, is and hereby rescinded.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 34 Grants regarding Sewer District #5

Motion by Councilman Meyers, seconded by Councilman Swiatek

WHEREAS, it is a requirement of the Federal Grant Program that assurance be given to the Environmental Protection Agency that where industrial wastes are to be treated by the proposed project an equitable system of cost recovery will be applied, NOW, THEREFORE, BE IT

RESOLVED that it is the intent of this Board of the Town of Cheektowaga that should a Federal Grant be issued to the Town Sewer District No. 5, the Town of Cheektowaga will apply an Industrial Cost Recovery System approved by the U.S. Environmental Protection Agency to industries within the areas of the Town served by said Sewer District No. 5 with a User Charge System prepared in accordance with Subpart E - Grants for Construction of Treatment Works - Federal Water Pollution Act Amendments of 1972 as published in the Federal Register - Volume 39, Number 29, dated February 11, 1974.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 35 Letter from Cheektowaga Jaycees regarding New York State Jaycees Winter Board Meeting.

Motion by Councilman Halicki, seconded by Councilman Wroblewski to table this item.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 36 Motion by Supervisor Weber, seconded by Councilman Wroblewski to adjourn the meeting in memory of:

Boleslaw Buzik
Edward J. Wilk
Thaddeus Przybysz.

MARY F. HOLTZ
Deputy Town Clerk

Item No. 1 At a regular adjourned meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of August, 1975 at 5:00 P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Donald A. Halicki
Councilman Thomas M. Johnson

ABSENT: Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Raymond J. Wasielewski

Also present were: Mary F. Holtz, Deputy Town Clerk

Item No. 2 This meeting was adjourned until 10:00 o'clock P.M., on August 7th, 1975 due to lack of quorum.

MARY F. HOLTZ
Deputy Town Clerk

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Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of August, 1975 at 10:00 P.M., Eastern Daylight Saving Time, there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Thomas M. Johnson

ABSENT: Councilman Raymond J. Wasielewski

Also present were: Benedict T. Holtz, Town Clerk; John V. Rogowski, Town Attorney.

Item No. 2 Resolution giving authorization for transfer station for refuse disposal
Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga and Community Disposal Service, Inc. have entered into a contract whereby said Community Disposal Service, Inc. agreed to accept the refuse from the Town of Cheektowaga said contract being dated the 27th day of December, 1974, and effective as of January 2, 1975, and

WHEREAS, the routes used by the Cheektowaga Sanitation Department trucks to deliver said refuse included a portion of Lovejoy Street in the City of Buffalo, said street being located between the boundary of the Village of Sloan and the City of Buffalo to its intersection with North Ogden Street in the City of Buffalo, and

WHEREAS, the Town intends to fulfill its obligations and duties under the terms of said contract and to exercise its rights thereunder, and

WHEREAS, the Town has been informed by the City of Buffalo that the City intends to prevent the use of said portion of Lovejoy Street in the City of Buffalo by the Town sanitation trucks, and that the City intends to issue summonses to any trucks and its drivers who would traverse said streets with truck loads in excess of five tons, and

WHEREAS, it appears that if the City does in fact take steps to prevent the use of said street by the Town of Cheektowaga an emergency situation would therefore arise in that the failure of the Town to dispose of its refuse could create a health and safety hazard, and

WHEREAS, an alternative is available to the Town of Cheektowaga in delivering its refuse to another site within the Town of Cheektowaga, THEREFORE, BE IT

RESOLVED that in the event the City of Buffalo exercises its powers and does in fact prevent the Town sanitation trucks from using that portion of Lovejoy Street in the City of Buffalo which is an access route to the disposal site in the Village of Sloan, the Town Board hereby considers such an event to be an emergency situation and that upon the occurrence of such an event an emergency situation would in fact exist since the health and safety of its residents would be affected by the accumulation of refuse and garbage within the Town streets, and BE IT FURTHER

RESOLVED that if the Town of Cheektowaga is unable to make delivery of its refuse to the transfer station site of Community Disposal Service, Inc. because of the aforementioned circumstances taking effect, the Supervisor be and hereby is authorized to cause said refuse to be delivered to Land Reclamation, Inc. refuse site at Indian Church Road and Broadway Streets in the Town of Cheektowaga, at a rate of \$1.35 per cubic yard and the Supervisor is hereby authorized to enter into an agreement for such refuse disposal with Land Reclamation, Inc. at the aforementioned price and for a period not to exceed thirty (30) days.

8/7/75

Item No. 2 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 3 Authorization for Town Attorney to take steps to protect Town's rights under Refuse site contract

Motion by Supervisor Weber, seconded by Councilman Wroblewski

WHEREAS, the Town of Cheektowaga may be prevented from delivering its refuse to a transfer station site operated by Community Disposal Service, Inc., in the Village of Sloan, New York, and

WHEREAS, the Town of Cheektowaga and Community Disposal Service, Inc. have entered into a contract for delivery of the Town's refuse to said site and it appears that the Town may not be able to gain access to said site, THEREFORE, BE IT

RESOLVED that the Town Attorney's Office be and hereby is authorized to take whatever steps it may deem necessary to protect the Town's rights under said contract and its ability to gain access to said transfer station site.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 4 Letter from Donald T. Maharan Associates - Cheektowaga Library Program
No action was taken on this letter.

BENEDICT T. HOLTZ
Town Clerk

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 26 August 18, 1975</u>	
4	Street Lighting - Castlewood Drive.	1-2
	<u>Meeting No. 30 September 15, 1975</u>	
6	Amendment to the Traffic Ordinance - Various "Stop and Yield Intersections".	1-2

 GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 26 August 18, 1975</u>		
5	N.Y.S. Department of Transportation - Notice of Order regarding winter parking restrictions.	2
6	N.Y.S. Department of Transportation - Public Notice for a public hearing regarding I.T.A. Buffalo Limousine, Inc.	2
7	NOTICE OF CANCELLATION of Designation of Restricted Highway--Broadway.	2
8	N.Y. Telephone - Notice of Claim for property damage.	3
9	County of Erie, Department of Public Works - Borden Rd. Traffic Control.	3
10	County of Erie, Department of Public Works - George Urban Blvd., from Harlem to Union Rd.	3
11	County of Erie, Department of Environmental Quality - Scajaquada Creek Trash Rack.	3
12	County of Erie, Office of Comptroller - Report of examination of Books and Records of Cheektowaga Public Library.	3
13	Pine Hill Fire District No. 5 - letter of appreciation.	3
14	Letters regarding Cablevision.	3
15	Scaffidi & Moore Architects - letter regarding Community Building in Dartwood Park.	3
16	A. J. Thrun, Traffic Safety Commission - Beryl & Genesee rebuilding.	3

Meeting No. 28 September 2, 1975

2	Erie Cty. Dept. of Environmental Quality - Notice of Public Hearing: Proposed Changes in Article III - Air Quality - of the Erie Cty. Environmental Quality Code.	1
3	NOTICE AND PETITION TO REVIEW 1975-76 ASSESSMENTS - Textron, Inc. vs. The Board of Assessors and The Board of Assessment Review of the Town of Cheektowaga.	1
4	NOTICE AND PETITION - Review under Article 7 of the Real Property Tax Law of a Tax Assessment by National Electronic Television School, Inc. vs. Andrew H. Schwenk, Assessor for Town of Chktg. and The Board of Assessment Review of the Town of Chktg.	1
5	SUMMONS AND COMPLAINT - Buffalo Sheet Metals, Inc. vs. Town of Chktg. R.J. Moran & Sons, Inc., and Lear Siegler, Inc. (Mammoth Division).	1
6	NOTICE OF CLAIM - Raymond L. Wardzinski, Parent and Natural Guardian of David Wardzinski (infant) vs. Town of Chktg., New York.	1
7	Robert G. Reis, - Correspondence re: Trespassing Problems.	1

Meeting No. 28 September 2, 1975 Cont'd

- 8 Mr. & Mrs. R. Marzec, - Request to speak re: 1
Building Permit for Single Dwelling.

Meeting No. 30 September 15, 1975

- 7 N.Y.S. Dept. of Transportation - Notice of Postponement of P.H. 3
re: Petition of I.T.A. Buffalo Limousine, Inc. to operate bus route
in City of Bflo. and Town of Cheektowaga.
- 8 Norman A. Nuessle, - Correspondence re: Use of 3
Retention Basins in the Chapel, Broad, Northcrest area of Chktg.
- 9 Mrs. Eleanor Owens, - Correspondence re: Settle- 3
ment for damages, work and expense to house sewer line.

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 DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 26 August 18, 1975</u>		
17	Building Permits.	3
18	Permission for Captain Enser, Jr. to attend School	3-4
19	Permission for Chief to attend International Association of Chiefs of Police Conference.	4
20	Engineering Dept. - Northeast Sanitary Sewer Thruway Permit.	4
21	Highway Dept. - Notice to Bidders for street name signs.	4-5
22	Award of bid for Window Washing Services.	6
23	Ronald Norman, Receiver of Taxes - report of monies.	6
24	Health report for July, 1975.	6
<u>MEETING NO. 28 September 2, 1975</u>		
9	Building Permits.	2
10	Supervisor's Statement of Funds - July, 1975.	2
<u>MEETING NO. 30 September 15, 1975</u>		
10	Building Permits.	3
11	Dr. Louis Vendetti, Health Officer - Health Report for month of August, 1975.	3

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 RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 26 August 18, 1975</u>		
25	Authorization for payment of Town's share regarding Eggert Road Improvements.	6-7
26	Authorization for payment of interest regarding Eggert Road Judgment.	7
27	Change date of meeting.	7
28	Pay rate for poll clerks.	7
29	Create position of part-time Clerk-Typist in Town Justice Office.	7-8
30	Appointment to position of part-time Clerk-Typist in Town Justice Office.	8
31	Appointment of Dog Enumerators.	8-9
32	Substitute hiring under Title II.	9
33	Transfer of laborer under Title II.	9
34	Authorization for several employees to be kept on for Town Pool.	9-10
35	Town requests Erie County to proceed with project of rehabilitation of George Urban Blvd. from Harlem to Union.	10
36	Authorization for Supervisor to sign water service application for Losson Park.	10
37	Authorization for Town Attorney and Town Engineer to attend meetings regarding Wastewater No. 5 Facilities Projects.	10
38	Request for Metro Bus to review rates on Walden Avenue.	11
39	Recognition of two (2) additional senior citizen groups in Town of Cheektowaga.	11
40	Pay adjustment for Town Employees.	11
41	Appointment of Charlotte Janiak as Bingo Inspector.	12
42	Appointment of Clerk in Town Clerk's Office on temporary basis.	12
43	Transfer of Funds.	12
44	Warrant List.	12-13
<u>Meeting No. 28 September 2, 1975</u>		
11	Highway Dept. - Advertise for Bids for street name signs, u-posts, curve signs, etc.	2-3
12	Highway Dept. - Advertise for Bids for one used 1964 International Truck with Vac-All (leaf picker-sewer cleaner and street flusher).	4

Meeting No. 28 September 2, 1975 Cont'd

13	Building and Grounds Dept. - Advertise for Bids for 3/4 ton, four wheel drive pick-up truck with snow plow.	5
14	Judges' Office - Request to attend Advanced Training School.	6
15	Benedict L. Kostrzewski, Chief of Police - Request to attend Police Conference.	6
16	Engineering Dept. - Award of Bid for Deodorizers and Enzymes.	6-7
17	Engineering Dept. - Rejection of Bid for Hydraulic Seeding of Slate Bottom Creek.	7-8
18	Engineering Dept. - Rejection of Bids for Sanitary Sewer Correction Work--District No. 3; Readvertise for Bids.	8-10
19	Engineering Dept. - Adv. for Bids for Storm and Sanitary Sewer const. in St. Felix Drainage Area.	11-12
20	Authorization for Sewer Maintenance Dept. to stripe parking lanes in the Cleveland Hill Hose Co. and the Pine Hill Hose Co. parking lots.	13
21	Authorization to install two fire hydrants in Bellevue Fire Dist.#9.	13
22	Authorization for Town Attorney's Office to prepare Bond Resolution for Losson Road Library.	13
23	Decision on Rezoning - 574 French Road.	13-14
24	Call for P.H. to amend the Traffic Ordinance re: Various Stop and Yield Intersections.	15-16
25	Amend Resolution of 8/18/75 re: Appointment of Bingo Inspector.	17
26	Authorization for Town Attorney's Office to draw up Agreement between Town and St. John Gualberts Parish for use of Parish facilities for Nutrition Program.	17
27	Replacement of part-time Recreation Attendant of Senior Citizens at Bellevue School.	17
28	Creation of Senior Citizens Task Force.	18
29	Appointment of three Advisory Board Members in regards to the operation of the social center/recreation center at 3409 Genesee St.	18
30	Create Position of Working Foreman in the Plumbing Department.	18
31	Appointment to the Position of Working Foreman in the Plumbing Dept.	18
32	Youth Board - Employee Title Change.	18-19
33	Recreation Department - Replacement of Pool Supervisor at Town Park pool.	19
34	Pay Adjustment for Employee under C.E.T.A., Title II.	19
35	Pay Adjustment for Employee under C.E.T.A., Title VI.	19
36	Warrant List.	19-20
37	Transfer of Funds.	20

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 30 September 15, 1975</u>		
11a	Authorization for Supervisor to sign agreement between Chktg.- Maryvale Union Free School District and Town re: Outdoor Tennis Courts.	3-4
12	Town Clerk's Office - Call for P.H. for Rezoning - 760 Dick Road.	4
13	Town Clerk's Office - Call for P.H. for Rezoning - 4822 Genesee St.	5
14	Town Clerk's Office - Call for Public Hearing for Rezoning of 2958 Union Road.	6
15	Town Clerk's Office - Call for Public Hearing for Rezoning of 212 Vern Lane.	7
16	Building and Plumbing Dept. - Supervision of Dept. during Building Inspector's Vacation.	8
17	Highway Dept. - Adv. for Bids for a 1975 Hydraulic Sewer Cleaner.	8-9
18	Highway Dept. - Adv. for Bids for New Tires and Tubes; Recapped Tires.	10
19	Building and Grounds Dept. - Adv. for Bids for the purchase of New Lighting Standards.	11
20	Engineering Dept. - Adv. for Bids for one 3/4 ton, four (4) wheel drive pick-up truck for Town Garage.	12
21	Authorization for Town of Cheektowaga to quit-claim a water pipeline to the Erie County Water Authority.	13-14
22	Authorization for Town Attorney and Deputy to attend N.Y.S. Planning Federation Meeting.	14
23	Retain firm for design and construction of Dehumidification and Air Conditioning of the Cheektowaga Recreation Center.	14
24	Amend application with Consortium of Erie County re: Community Development Funds.	14-15
25	Authorization of firm to prepare plans and specifications for bidding for the Scajaquada Creek Flock Control Project.	15
26	Rescind Resolution of 9/2/75 re: Allocation of Funds to move Water Meter Boxes on Harlem Road.	15
27	Allocation of Funds to move Water Meter Boxes on Hyland Road.	15
28	Rescind Resolution of 8/18/75 re: Senior Citizens Club.	16
29	Reappointment of three members of the Cheektowaga Traffic Safety Commission.	16
30	Recreation Dept. - Appointment of General Mechanic.	16
31	Recreation Dept. - Hiring of part-time employees.	16-17
32	Create Position of Working Foreman in Plumbing Dept.	17
33	Appointment to the Position of Working Foreman in Plumbing Dept.	17
34	Substitute Hiring under C.E.T.A., Title II.	17-18
35	Substitute Hiring under C.E.T.A., Title VI.	18

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 30 September 15, 1975 Cont'd</u>	
36	Warrant List.	18-19
37	Transfer of Funds.	19
38	Award of Bids for Tennis Courts.	19-20

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FROM THE TABLE

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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45	Cheektowaga Jaycees - letter regarding budget.	13
46	Acceptance of Rowley Hollow Subdivision, approval of plan.	13
47	Donald Maharan Associates - letter regarding services on Chktg. Library.	13
<u>Meeting No. 28 September 2, 1975</u>		
38	Resolution re: Rehabilitation of George Urban Blvd. from Harlem to Union Road.	20
39	Pay Rate for Poll Clerks.	20-21
40	A. J. Thrun, Traffic Safety Commission - re: Beryl and Genesee Rebuilding.	21
<u>Meeting No. 30 September 15, 1975</u>		
39	A. J. Thrun, Chktg. Traffic Safety Commission - Correspondence re: Beryl and Genesee Rebuilding.	20

 SUSPENSION OF RULES

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 26 August 18, 1975</u>		
48	Change Patti Herrmann from Title II to Title VI.	13
49	Appoint Jerry Gabryszak as Acting Senior Citizen's Director.	13
50	Chamber of Commerce.	14
51	Direct Supervisor to write Penn Central Railroad re: vehicle safety problems on Union Rd. and George Urban Blvd.	14
52	Authorization for Town Attorney and Deputy Town Attorney to attend meetings in Albany.	14

Meeting No. 28 September 2, 1975

41A	Replacement under the E.E.A. Program; Replacement under C.E.T.A., Title VI.	21-22
41B	Recreation Department - Hiring of part-time Employees for the Ice Rink.	22
42	Cayuga Creek Flood Control Construction Program.	23
43	Scajaquada Creek Flood Control Program.	23
44	Improvement of Losson Road Drainage System.	23
45	Memorialize N.Y.S. Dept. of Transportation to schedule bids for construction of storm sewer portion of Union Road improvement project.	23-24
46	Storm sewer construction project - Beach Road from Genesee St. to Wehrle Drive.	24
47	Allocation of funds to move Water Meter Boxes on Harlem Road.	24

Meeting No. 30 September 15, 1975

40	1975 Pay Raise for Two (2) Town Employees.	20
41	Request Town Attorney to undertake feasibility study re: Creation of Sanitary Sewer District in Northeast area of Town.	20-21
42	Engineering Dept. - Hiring of part-time Employee.	21
43	Transfer of Various Duties and Tasks re: Primaries and Elections to the Utility Department.	21
44	Memorialize Congressman Kemp to obtain funding for a study re: Flood Control Plan--upper reaches of Scajaquada Creek.	21-22

REGULAR ADJOURNED MEETINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 29 September 10, 1975</u>	
1A	Appointment of Chairman.	1
2	Rehabilitation of George Urban Blvd. from Harlme Road to Union Rd.	1

*Public Hearing September 10, 1975

* 7:00 P.M. -- Twenty-seven (27) Supplemental Pages Preceding
Regular Adjourned Meeting re: Dissolution of Water District No. 9
as a result of Borden Road Reconstruction Project No. RWP/CR 322-72.

SPECIAL MEETINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 27 August 22, 1975</u>	
2	Call for Public Hearing re: Dissolution of Water District No. 9.	1
3	Authorization for Town Board to sign Memorandum of Agreement and Bill of Sale regarding Water District #9.	2-3
4	Retain Attorney for legal services in proceedings regarding Water District No. 9.	3
5	Town Board memorializes State Legislature to consider amending legislation regarding Buffalo Sewer Authority.	3-4
6	Appointment of six (6) Patrolmen.	4

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Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 18th day of August, 1975 at 7:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Thomas M. Johnson

ABSENT: Councilman Raymond J. Wasielewski

Also present were: Mary F. Holtz, Deputy Town Clerk; John V. Rogowski, Town Attorney; James Kirisits, Deputy Town Attorney; Chester Bryan, Town Engineer; Carl Trafalski, Building and Plumbing Inspector; Bernard Arendt, Assistant Building Inspector; Ronald Norman, Receiver of Taxes and Assessments; Raymond Matot, Superintendent of Buildings and Grounds; Sal LaGreca, Director of Manpower Services; Benedict Kostrzewski, Chief of Police.

I. BIDS

Item No. 2 Engineering - hydraulic seeding and mulching at Slate Bottom Creek
Referred to Chester Bryan, Town Engineer.

Item No. 3 Engineering - Sewer system correction program for Sanitary Sewer
District No. 3.
Referred to Chester Bryan, Town Engineer.

II. PUBLIC HEARINGS

Item No. 4 This being the time and place advertised for a public hearing on the proposed improvement of both sides of the public highway situated in the Consolidated Lighting District of the Town of Cheektowaga, hereinafter more particularly set forth, by the installation of street lighting equipment hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor, such proof was duly filed.

PUBLIC HIGHWAY TO BE IMPROVED

<u>Name of Highway</u>	<u>From</u>	<u>To</u>
Castlewood Drive	Parwood Drive and the east property line of subplot 123 M.C. 2278 on both sides of street westerly	the end of the street; presently the west property lines of sublots 76 & 77 M.C. 2278

TYPE OF STREET LIGHTING INSTALLATION

Twenty-five (25) 3350 lumen electrical post top type mercury units.
Estimated cost per year for two years \$7.65 (50' lot)

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. No persons appearing in opposition to the proposed improvement, the Supervisor declared the hearing closed.

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Item No. 4 cont'd

Motion by Councilman Johnson, seconded by Councilman Wroblewski

WHEREAS, this Town Board has this day held a public hearing on the petition requesting the improvement of both sides of the public highway situated in the Consolidated Lighting District of the Town of Cheektowaga, hereinafter more particularly set forth, by the installation of street lighting equipment hereinafter more particularly described.

PUBLIC HIGHWAY TO BE IMPROVED

<u>Name of Highway</u>	<u>From</u>	<u>To</u>
Castlewood Drive	Parwood Drive and the east property line of subplot 123 M.C. 2278 on both sides of street westerly	the end of the street; presently the west property lines of sublots 76 & 77 M.C. 2278.

TYPE OF STREET LIGHTING INSTALLATION

Twenty-five (25) 3350 lumen electrical post top type mercury units.
Estimated cost per year for two years \$7.65 (50' lot)

and heard all persons interested in the subject thereof; NOW, THEREFORE

BE IT RESOLVED that this Town Board does hereby decide at such public hearing and upon the evidence given thereat,

(a) that such petition is signed and acknowledged as required by law and is otherwise sufficient, and

(b) that it is in the public interest to grant in whole the relief sought, and BE IT

FURTHER RESOLVED that such petition is hereby approved and the installation of such street lighting equipment along said highway is hereby authorized, and that the Town Board is hereby authorized to purchase and to have installed said street lighting equipment, and BE IT

FURTHER RESOLVED that the Town Clerk shall cause a certified copy of this resolution to be recorded in the office of the Clerk of Erie County, New York, within ten (10) days after the adoption thereof, in conformity with Section 195 of the Town Law.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

III. GENERAL COMMUNICATIONS

Item No. 5 N.Y.S. Department of Transportation - Notice of Order regarding winter parking restrictions.
Referred to Benedict Kostrzewski, Chief of Police; Referred to the Traffic Safety Commission.

Item No. 6 N.Y.S. Department of Transportation - Public Notice for a public hearing regarding I.T.A. Buffalo Limousine, Inc.
Referred to Benedict Kostrzewski, Chief of Police.

Item No. 7 NOTICE OF CANCELLATION of Designation of Restricted Highway - Broadway
Referred to Benedict Kostrzewski, Chief of Police.

- Item No. 8 N.Y. Telephone - Notice of Claim for property damage
Referred to John V. Rogowski, Town Attorney.
- Item No. 9 County of Erie, Department of Public Works - Borden Road Traffic Control.
Referred to Benedict Kostrzewski, Chief of Police; Referred to Traffic
Safety Commission.
- Item No. 10 County of Erie, Department of Public Works - George Urban Boulevard
from Harlem to Union.
Referred to the Town Board.
- Item No. 11 County of Erie, Department of Environmental Quality - Scajaguada Creek
Trash Rack.
Referred to Chester Bryan, Town Engineer.
- Item No. 12 County of Erie, Office of Comptroller - report of examination of books
and records of Cheektowaga Public Library
Referred to the Town Board.
- Item No. 13 Pine Hill Fire District No. 5 - letter of appreciation.
Received and Filed.
- Item No. 14 Letters regarding Cablevision.
Referred to John V. Rogowski, Town Attorney; Referred to the Town Board.
- Item No. 15 Scaffidi & Moore ARchitects - letter regarding Community Building in
Dartwood Park.

Motion by Councilman Swiatek, seconded by Councilman Wroblewski

BE IT RESOLVED that change order G-1 for the Community Building in
Dartwood Park to Hadala Construction, Inc. for the General Construction work in the
amount of \$450,00 in addition to the contract sum for the reworking of existing parking
area be approved and the Supervisor is hereby authorized to sign the same in behalf
of the Town of Cheektowaga.
- Upon Roll Call....
 AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
 NAYES: 0
 ABSENT: Councilman Wasielewski
- Item No. 16 A.J. Thrun, Traffic Safety Commission - Beryl & Genesee rebuilding.
This item was tabled.

IV. DEPARTMENTAL COMMUNICATIONS

- Item No. 17 Building Permits
Received and Filed.
- Item No. 18 Permission for Captain Enser, Jr. to attend school.

Motion by Councilman Halicki, seconded by Councilman Swiatek

RESOLVED that Captain Frank A. Enser, Jr. of the Cheektowaga Police
Department is hereby authorized to attend the Smith & Wesson Armorer School, to be
held at the School and Factory at Springfield, Massachusetts, from August 25th -
September 5th, and BE IT FURTHER

RESOLVED that the Town reimburse Captain Enser for all his necessary

Item No. 18 cont'd

and reasonable travel expenses incurred while attending said school.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 19 Permission for Chief to attend International Association of Chiefs of Police conference.
This item was withdrawn.

Item No. 20 Engineering - Northeast Sanitary Sewer Thruway Permit.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga, as part of its Sanitary Sewer District No. 5 Pollution Abatement Program, has to construct a sanitary sewer more commonly identified as the Northeast InterSewer, AND

WHEREAS, said Northeast Interceptor Sewer has to be constructed under and within the right-of-way of the New York State Thruway, and

WHEREAS, the New York State Thruway Authority requires that a permit be applied for and an agreement entered into, holding the Authority harmless in this understanding, NOW, THEREFORE, BE IT

RESOLVED that Supervisor Daniel E. Weber is authorized to make application with the New York State Thruway Authority for a permit and is further authorized to sign the Authority's Standard Undertaking Agreement on behalf of the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilman Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 21 Highway - Notice to Bidders for street name signs.

Motion by Councilman Wroblewski, seconded by Supervisor Weber

BE IT RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the purchase of quantities of street name signs, U-posts, curve signs, etc. to be used by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 2:30 P.M., September 2nd, 1975 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

SEALED PROPOSALS WILL BE RECEIVED, publicly opened and read and considered by the Cheektowaga Town Board on the 2nd day of September, 1975 at 2:30 P.M., Eastern Daylight Saving Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York for the purpose of furnishing of street name signs; dead end signs; brackets, U-Posts, and two (2) inch pipe; left and right curve signs.

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Item No. 21 cont'd

Bids to be submitted in opaque envelopes plainly marked: "BID FOR STREET NAME SIGNS, DEAD END SIGNS, RIGHT AND LEFT CURVE SIGNS, LOAD LIMIT SIGNS, BRACKETS AND U-POSTS AND TWO (2) INCH PIPE."

Non-collusion forms must be signed and submitted with bids. Such bids to be firm bids.

Information for bidders and specifications may be obtained from Alfred F. Wnek, Superintendent of Highways, in his office at 3145 Union Road, Cheektowaga, New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: August 14, 1975
PUBLISHED: August 21, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVITS-NEXT PAGE

*** CHEEKTOWAGA TIMES failed to publish the Notice to Bidders.

8/18/75

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PROOF OF PUBLICATION

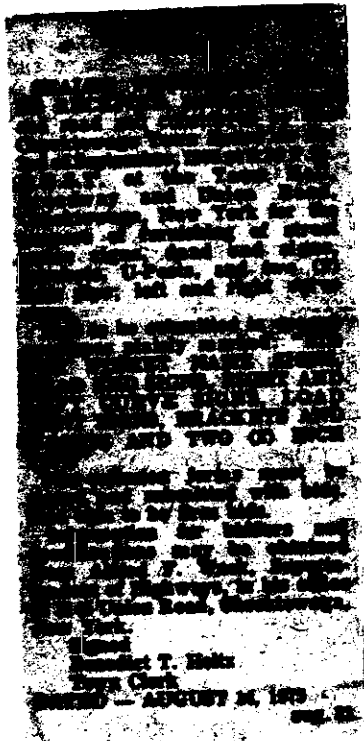
Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 21 day of **August**,
1975, and the last insertion being on the
day of same, 1975.

#27
#28

Subscribed and sworn to before me this 21 day

Susan M. Schasel

of August, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

Item No. 22 Award of bid for window washing services

Motion by Supervisor Weber, seconded by Councilman Halicki

WHEREAS, bids were duly received by this Town Board at a meeting held on July 21, 1975 for window washing service for the Town Hall and the Police and Court Building, as a result of advertisement therefor, and such bids were referred to the Superintendent of Buildings for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed and attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the bid for window washing service be awarded to Main Window Washing Co., Inc. as follows; said bidder being the lowest responsible bidder meeting specifications:

Main Window Cleaning Co., Inc.	Police and Court Building	\$72.00
	Town Hall	60.00
	Total per month	\$132.00

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 23 Ronald Norman, Receiver of Taxes - report of monies Received and Filed.

Item No. 24 Health report for July, 1975 Received and Filed.

V. RESOLUTIONS

Item No. 25 Motion by Councilman Halicki, seconded by Supervisor Weber

WHEREAS, the Town Board, by resolution duly adopted on July 21, 1975 authorized the Supervisor to pay over the sum of \$116,745.85 to the County of Erie for the project known as "Project No. RWP GM 201072, Eggert Road, GM 201, City of Buffalo, Town of Cheektowaga", and

WHEREAS, said resolution authorized the Supervisor to sign any and all necessary agreements regarding the payment of said funds, and

WHEREAS, an agreement pertaining to said resolution and project has been prepared and is attached hereto and made a part hereof, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute the attached agreement on behalf of the Town Board acting as Commissioners of Town of Cheektowaga Storm Drainage District No. 1.

* See next pages for agreement.

Item No. 25 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 26 Motion by Councilman Meyers, seconded by Councilman Swiatek

WHEREAS, the Order and Judgment in the action entitled "Buffalo Sewer Authority vs Town of Cheektowaga, et al." and relating to the Eggert Road sewer hookup in Storm Drainage District No. 1 which said order directed the payment of a judgment in the sum of \$239,837 and an additional directive that the Town pay its portion of the construction of the Hastings Avenue storm sewer improvement, and

WHEREAS, since the entry of the initial Order and Judgment on July 12, 1972 the question of the payment of interest upon said judgment was further considered by Justice Walter J. Mahoney of the Erie County Supreme Court, and

WHEREAS, certain conferences were held and arguments submitted by counsel of the respective parties, and

WHEREAS, Justice Walter J. Mahoney has rendered a recent opinion by letter dated July 16, 1975 and addressed to the counsel for the respective parties ordering that interest be paid on the judgment of \$239,827 to the Buffalo Sewer Authority by the Town of Cheektowaga, said rate of interest to be governed by Section 3-a, General Municipal Law, from August 22, 1972, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga on behalf of the Town Board, acting as Commissioners of Town of Cheektowaga Storm Drainage District No. 1, pay the interest as specified by Justice Walter J. Mahoney on the judgment sum of \$239,827 at the rate of interest governed by Section 3-a, General Municipal Law, to wit: three per cent (3%) per annum.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 27 Motion by Supervisor Weber, seconded by Councilman Wroblewski

WHEREAS, the next regular meeting of this Town Board would normally be held on Monday, September 1st, 1975, and

WHEREAS, said Monday, September 1st, 1975 is a legal holiday in celebration of Labor Day, NOW, THEREFORE, BE IT

RESOLVED that the next regular Town Board meeting will be held on Tuesday, September 2nd, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 28 Pay rate for poll clerks
This item was tabled until the next meeting.

Item No. 29 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, Erie County Personnel has approved the preliminary applications of the Town of Cheektowaga for the creation of the position of part-time clerk-typist in the Town Justice Office, THEREFORE, BE IT

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Item No. 29 cont'd

RESOLVED that the position entitled part-time Clerk-Typist in the Town Justice Office, be and hereby is created at an annual starting salary of \$6488.25.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 30 Motion by Councilman Swiatek, seconded by Councilman Meyers

BE IT RESOLVED that Audrey A. Gabryszak, residing at Cheektowaga, New York be and hereby is appointed to the position of part-time Clerk-Typist in the Town Justice Department at a starting salary of \$6488.25 per annum, effective August 11, 1975, and BE IT FURTHER

RESOLVED that the compensation of said part-time Clerk-Typist shall not exceed the sum of \$3,200.00 within a one-year period.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 31 Motion by Supervisor Weber, seconded by Councilman Wroblewski

WHEREAS, it is necessary to employe thirty (30) Dog Enumerators to take the 1976 Dog Census: NOW, THEREFORE,

BE IT RESOLVED that the following be appointed as Dog Enumerators:

Betty Bules	Cheektowaga	14225
Pat Healy	Cheektowaga	14225
Gloria Patzler	, Cheektowaga	14225
Sophie M. Netzel	Cheektowaga	14225
Lucy Szrama	, Cheektowaga	14225
Chris McEwen	, Cheektowaga	14225
Joan Cuddihy	, Cheektowaga	14225
Theresa Iannone	Cheektowaga	14225
Betty Dedline	Cheektowaga	14225
Kathleen Nowak	Depew	14043
Shirley Kurdziel	Depew	14043
Louise Tabone	Cheektowaga	14211
Irene Grzybowski	Cheektowaga	14225
Joanne Babiarz	Depew	14043
Stanley Kubik	Cheektowaga	14227
Eileen Nowak	Cheektowaga	14211
Norma Lizak	Cheektowaga	14206
Joan Stachewicz	, Cheektowaga	14227
Terry Owczarczak	Cheektowaga	14227
Monica Arendt	Cheektowaga	14227
Mary Wazny	, Cheektowaga	14227
Christine Czaja	Cheektowaga	14211
Marion Olejniczak	, Cheektowaga	14206
Caroline Trzaska	Cheektowaga	14227
Alice Nowak	Cheektowaga	14211
Eleanor Schwarzott	, Cheektowaga	14206
Florence Young	Cheektowaga	14227
Deloris Karpinski	Cheektowaga	14225
Phyllsi Teresi	, Cheektowaga	14206
Eleanor Owczarczak		

Item No. 31 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 32 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Title II, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, starting date established by the department head:

Laborer in the Highway Dept. at a rate of \$4.09 per hour

Citta, Marion J. , Cheek., N.Y. 14225

(replacement for Norbert Kaufman - In-direct placement)

Klein, Leonard E. , Cheek., N.Y. 14225

(replacement for Bernard Lipowski - In-direct placement)

Laborer in the Cheektowaga Central School System at a rate of \$4.09 per hour

Filipski, Victor T. , Cheek., N.Y. 14225

(replacement for Jerome A. Hopcus)

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 33 Motion by Councilman Swiatek, seconded by Supervisor Weber

WHEREAS, Mr. Jerome A. Hopcus residing at _____, in the Town of Cheektowaga, has been hired under the Comprehensive Employment and Training Act of 1973 under Title II, as a Laborer in the Cheektowaga Central School System, NOW, THEREFORE, BE IT

RESOLVED that Mr. Hopcus be transferred to the position of Laborer in the Recreation Department at an hourly wage of \$4.09, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 34 Motion by Councilman Swiatek, seconded by Councilman Meyers

RESOLVED that the Cheektowaga Town Park Pool remain open an additional 2 weeks this season to move the closing date of the pool for the season to September 14, 1975.

BE IT FURTHER RESOLVED that the following employees be kept on for the additional time and compensated as listed below:

Brian Hansen, Pool Director \$250.00
John Zastempowski III, Pool Supervisor \$130.00
Jean Spadinger, Pool Supervisor \$130.00

Item No. 34 cont'd

BE IT FURTHER RESOLVED that Thomas Buyea be hired as a lifeguard at the rate of \$2.35 per hour.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 35 Town requests Erie County to proceed with project of rehabilitation of George Urban Boulevard from Harlem to Union

Motion by Supervisor Weber, seconded by Councilman Wroblewski to table this item.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 36 Motion by Councilman Wroblewski, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga in the construction of the Losson Road Park has provided for a four inch (4") water service to take care of part facilities, AND

WHEREAS, the Erie County Water Authority has submitted an estimate in the amount of \$4,500.00 for the connection of the water meter pit to the Erie County Water Authority water line along Losson Road, NOW, THEREFORE, BE IT

RESOLVED that the sum of \$4,500.00 is to be provided to the Erie County Water Authority for the construction of said water line connection, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized to sign the water service application for the provision of said water service to the Losson Road Park.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 37 Motion by Councilman Halicki, seconded by Councilman Meyers

WHEREAS, various business matters are pending between the Town of Cheektowaga and a number of State agencies and departments in Albany, New York regarding Wastewater No. 5 Facilities Projects, and

WHEREAS, conferences, meetings and consultations are expected to be held between representatives of the State agencies and Town of Cheektowaga officials to transact business on behalf of the Town during the next several months, NOW, THEREFORE, BE IT

RESOLVED that the Town Engineer and Town Attorney be and hereby are authorized to attend such meetings as are necessary to transact business on behalf of the Town for the period ending on December 31, 1975, AND BE IT FURTHER

RESOLVED that their reasonable and necessary expenses to attend such meetings in Albany, be reimbursed by the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 38 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, a number of senior citizens in the Town of Cheektowaga have expressed concern over the fare structure for public bus transportation in the Walden Avenue area of Town, and

WHEREAS, these senior citizens feel that the 25¢ fare charged for service along Walden Avenue between the Buffalo City line and the Thruway Mall in the Town of Cheektowaga is excessive for the short distance traveled, and

WHEREAS, the Cheektowaga Town Board is concerned over the financial plight of the senior citizens due to inflationary pressures, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of Cheektowaga hereby requests the Metro Bus Co. to review their fare structure along the said route, in an effort to set a more equitable rate for bus transportation, for senior citizens and other passengers, along Walden Avenue, in Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 39 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, two Senior Citizen Groups located within the Town of Cheektowaga have requested recognition by the Town Board as an official Senior Citizens Group, and

WHEREAS, said groups have regularly scheduled meetings, events and activities, NOW, THEREFORE, BE IT

RESOLVED that the Town Board recognize the St. John Gualberts Senior Citizens Group and the Town Park Senior Citizens Group, and BE IT FURTHER

RESOLVED that each Group be awarded \$100 for arts and crafts and \$200 for transportation for the balance of the 1975 fiscal year.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 40 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, several members who are not covered by any bargaining agreement in the Town of Cheektowaga have not received pay raises for 1975, NOW, THEREFORE, BE IT

RESOLVED that the following named employees be given a 9% pay increase for the year 1975:

Lorraine I. Kaminski
Senior Clerk - Assessor's Office

Mary Gawron
Senior Clerk - Assessor's Office

Phyllis Nagowski
Clerk-Typist - Sanitation Department

Patricia E. Staniaszek
Director of Youth Programs - Youth Bureau

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

8/18/75

Item No. 41 Motion by Councilman Wroblewski, seconded by Councilman Meyers

RESOLVED that Charlotte Janiak, 16 Normandy Avenue, Cheektowaga, New York be appointed Bingo Inspector, at an annual salary of \$3,000.00, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilman Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 42 Motion by Councilman Meyers, seconded by Councilman Halicki

BE IT RESOLVED that Susan Mulcahy, , Cheektowaga, New York be appointed Clerk in the Town Clerk's Office on a temporary per diem basis at \$22.00 per day, starting August 22, 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 43 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED that the following transfer of funds in the General Fund be approved:

	<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
	A1110.455 Contracted Services	\$7,750.00	A1110.220 Office Equipment
	A1622.449 Major Roof Improv.	7,000.00	A1621.200 Mowers & Equip.

HIGHWAY FUND

From Surplus	5,000.00	DM5130.209 Radios
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Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 44 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending August 18th, 1975, be and hereby are approved and that Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General	2412	2560	\$324,542.58
Part Town	131	136	2,968.38
Special Districts	613	666	179,556.61
Highway	592	626	76,548.06
Trust and Agency	53	59	27,138.50
Federal Revenue Sharing	48	56	49,936.30
Construction & Improvement	26	28	<u>34,239.58</u>
			<u>\$694,930.01</u>

Item No. 44 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Wasielewski
NAYES: 0
ABSENT: Councilman Wasielewski

VI. FROM THE TABLE

Item No. 45 Cheektowaga Jaycees - letter regarding budget
This item was withdrawn.

Item No. 46 Acceptance of Rowley Hollow Subdivision - approval of plan
No action was taken.

Item No. 47 Donald Maharan Associates - letter regarding services of Cheektowaga Library.
This item was withdrawn as it is already included on Warrant List

VII. SUSPENSION OF RULES

Item No. 48 Change Patti Herrmann from Title II to Title VI
Motion by Councilman Swiatek, seconded by Supervisor Weber

WHEREAS, Mrs. Patrice J. Herrmann residing at
in the Town of Cheektowaga, has been a Town employee under the continued administration
of the Comprehensive Employment and Training Act, Title II, NOW, THEREFORE, BE IT

RESOLVED that the Title of Mrs. Patrice J. Herrmann be changed from
"TITLE II" to "TITLE VI" in a permanent capacity, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 49 Appoint Jerry Gabryszak as Acting Senior Citizens Director
Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, Jerome Gabryszak has been hired as an Administrative Trainee
under the Manpower Program, NOW, THEREFORE, BE IT

RESOLVED that Mr. Gabryszak's duties be expanded to include Senior
Citizens Activities on a temporary basis, and BE IT FURTHER

RESOLVED that Mr. Gabryszak report to the Recreation Director in that
capacity, and BE IT FURTHER

RESOLVED that Mr. Gabryszak attend Seminars on aging at Niagara
University between September 16th and November 4th, and that his legal and necessary
expenses be paid not to exceed \$20.00.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Wasielewski

#27

#28

Item No. 50 Resolution regarding Chamber of Commerce.
There was no action taken on this.

Item No. 51 Authorization to direct Supervisor to write Penn Central Railroad re:
vehicle safety problems on Union and George Urban.
Received and Filed.

Item No. 52 Authorization for Town Attorney and Deputy Town Attorney to attend
meetings in Albany.

Motion by Councilman Halicki, seconded by Councilman Meyers

WHEREAS, various business matters are pending between the Town of
Cheektowaga and a number of State agencies and departments in Albany, New York, and

WHEREAS, conferences, meetings and consultations are expected to be
held between representatives of the State agencies and Town of Cheektowaga officials
to transact business on behalf of the Town during the next several months, NOW,
THEREFORE, BE IT

RESOLVED, that the Town Attorney and Deputy Town Attorneys be and hereby
are authorized to attend such meetings as are necessary to transact business on behalf
of the Town for the period ending on December 31, 1975, and BE IT FURTHER

RESOLVED that their reasonable and necessary expenses to attend such
meetings in Albany, be reimbursed by the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki &
Johnson

NAYES: 0

ABSENT: Councilman Wasielewski

Item No. 53 Motion by Councilman Meyers, seconded by Councilman Wroblewski
to adjourn the meeting.

MARY F. HOLTZ
Deputy Town Clerk

Item No. 1 At a special meeting of the Town Board of the Town of Cheekotwaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 22nd day of August, 1975 at 7:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Thomas M. Johnson

ABSENT: Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski

Also present were: John V. Rogowski, Town Attorney; Benedict Kostrzewski, Chief of Police.

Item No. 2 Call for public hearing regarding dissolution of Water District No. 9.

* See next pages for Order.

At a special meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town, on the 22nd day of August, 1975.

PRESENT:

Hon. Daniel E. Weber,	Supervisor
Felix T. Wroblewski,	Councilman
Kenneth J. Meyers,	Councilman
Donald A. Halicki,	Councilman
Raymond J. Wasielewski,	Councilman
Thomas M. Johnson,	Councilman
Frank E. Swiatek,	Councilman
Joseph E. Obstarczyk,	Councilman
ABSENT: Raymond J. Wasielewski	Councilman
Frank E. Swiatek	Councilman

----- -X

In the Matter :
of the : ORDER CALLING
 : PUBLIC HEARING
 :
Dissolution of Water District No. 9, in the :
Town of Cheektowaga, in the County of Erie, :
New York, pursuant to Chapter 303 of the Laws : September 10, 1975
of New York 1975, and Section 202-c of the :
Town Law. :
----- -X

WHEREAS, pursuant to Chapter 303 of the Laws of New York 1975, the Town Board of the Town of Cheektowaga ("Board" and "Town"), in the County of Erie, New York, is authorized to convey the water line now located in Water District No. 9, any abandoned water lines and any interest said Water District may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project number RWP/CR 322-72 to the Erie County Water Authority for the sum of twenty-two thousand, four hundred fifty dollars (\$22,450.00); and

WHEREAS, said \$22,450.00 shall be used to pay the outstanding bonded indebtedness of said district, if possible, or deposited in a reserve fund of the Town established for the purpose of retiring outstanding obligations issued on behalf of said Water District No. 9 to finance the cost of its facilities, excluding any extensions thereof; and

WHEREAS, if said sum deposited in said reserve fund and the interest thereon is insufficient to pay such outstanding bonded indebtedness and interest thereon, the Town is authorized to expend such moneys as may be necessary to fully retire such bonded indebtedness and the interest thereon; and

WHEREAS, following said purchase and sale, if there are any contracts to accomplish the purpose of said Water District No. 9, excluding any extensions thereof, in force and effect, the same shall be assumed by the Erie County Water Authority; and

WHEREAS, in accordance with said Chapter 303, the Town has conveyed or has contracted to convey its interests and has received or will receive payment or deposit of moneys as hereinabove described, and is now authorized to dissolve said Water District No. 9; and

WHEREAS, upon dissolution all the property of said Water District No. 9, excluding any extensions thereof, shall become the property of said Erie County Water Authority, which shall then assume and pay all the debts of said District except the bonded indebtedness and contracts as hereinabove described; provided, however that the several present extensions to Water District No. 9 known as, respectively, Strasmer Road, Como Park Boulevard, Transit Road, Messer Avenue, Losson Road (west extension), Lynnette Court, Freemont Avenue and Losson Road (east extension) shall be and hereby are, upon such dissolution, constituted and established as separate and distinct individual water districts of the Town of Cheektowaga as respectively bounded, described and set forth in the original resolutions establishing such extensions;

WHEREAS, the District to be dissolved is bound and described as follows:

~~Respectfully~~

WATER DISTRICT NO. 9 (Original)

Cheektowaga Water District No. 9, as originally formed, covers a portion of the easterly part of the Town of Cheektowaga in Erie County lying along and within 200 feet on either side of the center line of Norton Road from the northerly corporation limits of the village of Depew to the West Seneca Town line and along London Street (William Street) 2,500 feet westerly of and 622 feet easterly of Norton Road.

now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Cheektowaga, New York, in the Town, on the 10th day of September, 1975, at 7.00 o'clock P.M. (D.S.T.) to consider said dissolution of the District, to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the ^{Deputy} Town Clerk publish at least once in the "DEPEW HERALD AND CHEEKTOWAGA NEWS," a newspaper published in Depew, New York, and the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, and hereby designated as the official newspapers of the Town for such publication, and post on the sign board maintained pursuant to subdivision 6 of Section 30 of the Town Law and conspicuously in five (5) public places within the District, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Dated: August 22, 1975

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

William C. Walker
Supervisor

Councilman

Felix J. Wroblewski
Councilman

Councilman

Kenneth J. Meyer
Councilman

Councilman

Donald G. Varick
Councilman

Thomas M. Johnson
Councilman

STAL

Members of the Town Board of the Town
of Cheektowaga, New York

STATE OF NEW YORK)
 : ss:
COUNTY OF ERIE)

 Deputy
MARY F. HOLTZ /
~~BERNARD K. KROCK~~, Town Clerk of the Town of Cheektowaga,

in the County of Erie, State of New York, HEREBY CERTIFY that
I have compared the preceding Order Calling Public Hearing
with the original thereof filed in my office on the 22nd day of
~~September~~, 1975, and that the same is a true and correct copy
of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
the seal of said Town this 22nd day of
August
~~September~~, 1975.

SEAL

Mary F. Holtz
Deputy Town Clerk

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE }

ss.



.....Susan M. Schasel.....
being duly sworn, deposes and says that she is the
.....Bookkeeper..... of the
.....Depew Herald....., a
public newspaper published at
.....Depew....., New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for1..... weeks, the first
insertion being on the 28 day of August
1975, and the last insertion being on the
day ofsame....., 19......

#28

Subscribed and sworn to before me

of August, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

Susan M. Schasel

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Form No.

of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town, on the 22nd day of August, 1975.

PRESENT:

Supervisor Daniel E. Weber
Councilmen:

Felix T. Wróblewski
Kenneth J. Meyers
Donald A. Halicki
Thomas M. Johnson

ABSENT:

Councilman: Raymond J. Wasielewski
Frank E. Swiatek

in the Matter of the Dissolution of Water District No. 9, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Chapter 383 of the Laws of New York 1975, and Section 382-c of the Town Law.

ORDER CALLING PUBLIC HEARING

September 18, 1975

WHEREAS, pursuant to Chapter 383 of the Laws of New York 1975, the Town Board of the Town of Cheektowaga ("Board" and "Town"), in the County of Erie, New York, is authorized to convey the water line now located in Water District No. 9, any abandoned water lines and any interest said Water District may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project number WPPYCB 322-72 to the Erie County Water Authority for the sum of twenty-two thousand, four hundred fifty dollars (\$22,450.00); and

WHEREAS, said \$22,450.00 shall be used to pay the outstanding bonded indebtedness of said district, if possible, or deposited in a reserve fund of the Town established for the purpose of retiring outstanding obligations issued on behalf of said Water District No. 9 to finance the cost of its facilities, excluding any extensions thereof; and

WHEREAS, if said sum deposited in said reserve fund and the interest thereon is insufficient to pay such outstanding bonded indebtedness and interest thereon, the Town is authorized to expend such moneys as may be necessary to fully retire such bonded indebtedness and the interest thereon; and

WHEREAS, following said purchase and sale, if there are any contracts to accomplish the purpose of said Water District No. 9, excluding any extensions thereof, in force and effect, the same shall be assumed by the Erie County Water Authority; and

WHEREAS, in accordance with said Chapter 383, the Town has conveyed or has contracted to convey its interests and has received or will receive payment or deposit of moneys as hereinabove described, and is now authorized to dissolve said Water District No. 9; and

WHEREAS, upon dissolution all the property of said Water District No. 9 excluding any extensions thereof, shall become the property of said Erie County Water Authority, which shall then assume and pay all the debts of said District except the bonded indebtedness and contracts as hereinabove described;

WHEREAS, the District to be dissolved is bound and described as follows:
WATER DISTRICT NO. 9 (Original)
Cheektowaga Water District No. 9, as originally formed, covers a portion of the easterly part of the Town of Cheektowaga in Erie County lying along and within 235 ft. on either side of the center line of Borden Road from the westerly corporation limits of the village of Depew to the West Seneca Town Line and along Union Road (William Street) 2,500 ft. westerly of and 422 ft. easterly of Borden Road.

WHEREAS, the District to be dissolved is bound and described as follows:

WATER DISTRICT NO. 9 (Original)
Cheektowaga Water District No. 9, as originally formed, covers a portion of the easterly part of the Town of Cheektowaga in Erie County lying along and within 235 ft. on either side of the center line of Borden Road from the westerly corporation limits of the village of Depew to the West Seneca Town Line and along Union Road (William Street) 2,500 ft. westerly of and 422 ft. easterly of Borden Road.

now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town of Cheektowaga, New York, in the Town, on the 18th day of September, 1975, at 7:00 o'clock P.M. (D.S.T.) to consider said dissolution of the District, to hear all persons interested in the subject thereof concerning the same and for such other action as the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Deputy Town Clerk publish at least once in the "Depew Herald and Cheektowaga News," a newspaper published in Depew, New York, and the "Cheektowaga TIMES," a newspaper published in Cheektowaga, New York, and hereby designated as the official newspapers of the Town for such publication, and post on the sign board maintained pursuant to subdivision 8 of Section 28 of the Town Law and conspicuously in five (5) public places within the District, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Dated: August 22, 1975

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Supervisor Daniel E. Weber
Councilmen:

Felix T. Wróblewski
Kenneth J. Meyers
Donald A. Halicki
Thomas M. Johnson

Members of the Town Board of the Town of Cheektowaga, New York.

STATE OF NEW YORK

: 25

COUNTY OF ERIE)

MARY F. HOLTZ, Deputy Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 22nd day of August, 1975, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 22nd day of August, 1975.

MARY F. HOLTZ
Deputy Town Clerk

Item No. 3 Authorization for Town Board to sign Memorandum of Agreement and Bill of Sale regarding Water District #9

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the New York State Legislature has enacted legislation known as Chapter 303 of the Laws of New York for the year 1975 and entitled "AN ACT authorizing the Town of Cheektowaga, Erie County to convey on behalf of water district number nine of such town, certain water lines to the Erie County Water Authority, authorizing the Town of Cheektowaga to dissolve such Water District and provide for the payment of its indebtedness and constituting certain extensions of said Water District as separate individual water districts": and

WHEREAS, said Act included a provision whereby the Town Board of the Town of Cheektowaga, acting as such Commissioners may convey the water line now located in Water District No. 9, any abandoned water lines and any interest said Water District may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project number RWP CR 322-72 to the Erie County Water Authority for the sum of Twenty-Two Thousand Four Hundred Fifty (\$22,450.00) Dollars, THEREFORE, BE IT

RESOLVED that the Town Board acting as Commissioners of Water District No. 9 in the Town of Cheektowaga, New York hereby agrees to transfer said water lines and the property of water Water District No. 9 to the Erie County Water Authority for the sum of Twenty-Two Thousand Four Hundred Fifty (\$22,450.00) Dollars and BE IT FURTHER

RESOLVED that said Town Board, acting as Commissioners of Water District No. 9 of the Town of Cheektowaga, New York, sign the Memorandum of Agreement and Bill of Sale attached hereto and made a part hereof.

* See next few pages for Memorandum of Agreement and Bill of Sale

#28

AC
#231
D

ERIE COUNTY WATER AUTHORITY

ELLCOTT SQUARE BUILDING
BUFFALO, NEW YORK 14203
TELEPHONE (716) 856-9500

September 8, 1975

Town of Cheektowaga
Town Hall
Broadway and Union Road
South Cheektowaga, New York 14227

Attention: Town Clerk

Re: Water District No. 9
Cheektowaga, New York

Gentlemen:

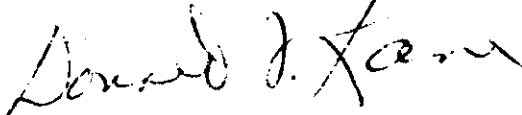
Enclosed herewith please find an extract from the Minutes of a regular meeting of the Authority held on Wednesday, September 3, 1975, authorizing the Authority to purchase all the lines, title and interest to the Water Lines, appurtenances, meters and all the property of Water District No. 9 as presently constituted for the total sum of Twenty Two Thousand Four Hundred and Fifty (\$22,450.00) Dollars.

Enclosed also please find our check #66342 dated September 5, 1975, in the amount of \$22,450.00 covering the purchase of said water lines; executed Memorandum of Agreement between the Authority and the Cheektowaga Town Board, Acting as Commissioners of Water District No. 9, dated August 25, 1975, and an executed Bill of Sale With Affidavit dated August 25, 1975.

These are forwarded for your files.

Very truly yours,

ERIE COUNTY WATER AUTHORITY



Donald F. Kane
Secretary to the Authority

DFK:mlm
Enclosures
cc: John V. Rogowski

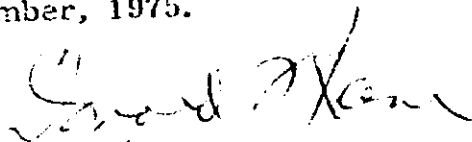
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CERTIFICATION

I, DONALD F. KANE, the duly elected and qualified SECRETARY to the ERIE COUNTY WATER AUTHORITY, a corporation existing under the Laws of the State of New York, do hereby certify that I have compared the annexed resolution, which is an extract from the minutes of the meeting of the Authority held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 3rd day of September, 1975, a quorum being present and that said resolution is a true and correct copy of the resolution so adopted and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of said corporation this 4th day of September, 1975.



Donald F. Kane
Secretary to the Authority

(SEAL)

EXTRACT FROM THE MINUTES OF THE MEETING OF
THE ERIE COUNTY WATER AUTHORITY HELD ON
SEPTEMBER 3, 1975

At a regular meeting of the Erie County Water Authority held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 3rd day of September, 1975, a quorum being present, the following resolution was adopted:

WHEREAS, the New York State Legislature has enacted legislation known as Chapter 303 of the Laws of New York for the year 1975 and entitled "AN ACT authorizing the Town of Cheektowaga, Erie County, to convey on behalf of Water District No. 9 of such town, certain water lines to the Erie County Water Authority, authorizing the Town of Cheektowaga to dissolve such Water District and provide for the payment of its indebtedness and constituting certain extensions of said Water District as separate individual water districts"; and

WHEREAS, said ACT included a provision whereby the Town Board of the Town of Cheektowaga, acting as such Commissioners, may convey the water line now located in Water District No. 9, any abandoned water lines and any interest said Water District may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project number RWP CR 322 - 72 to the Erie County Water Authority for the sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars; and

WHEREAS, the Erie County Legislature on the 2nd day of September, 1975, allocated an amount not to exceed \$300,000.00 to reimburse the Erie County Water Authority, to pay inter alia, the cost of dissolution of Water District No. 9 and the transfer of facilities funded from the 1972 Road Widening Program; and

WHEREAS, the Erie County Water Authority desires to buy and the Commissioners of Water District No. 9 desire to sell all the lines, title and interest to the water lines, appurtenances, meters and all the property of said District located in said Water District No. 9 as presently constituted for the total sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars; and

WHEREAS, Joseph F. Wandyez, Administrative Director, recommends the purchase of said water lines in Water District No. 9 in the sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00); and

WHEREAS, Nicholas Konst, Associate Attorney, concurs with this recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority agrees to buy said lines and to pay to the Commissioners of Water District No. 9 the sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars for all the lines, title and interest to the water lines, appurtenances, meters and all the property of said District located in said Water District No. 9 as presently constituted; and be it further

RESOLVED: That the Treasurer or in his absence the Assistant Treasurer be and he hereby is authorized and directed to issue a check in the amount of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars payable to the Commissioners of Water District No. 9 for the abovementioned water lines.

A motion was made by Mr. Bassett and seconded by Mr. Pfeiffer to adopt the foregoing resolution.

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority agrees to buy said lines and to pay to the Commissioners of Water District No. 9 the sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars for all the lines, title and interest to the water lines, appurtenances, meters and all the property of said District located in said Water District No. 9 as presently constituted; and be it further

RESOLVED: That the Treasurer or in his absence the Assistant Treasurer be and he hereby is authorized and directed to issue a check in the amount of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars payable to the Commissioners of Water District No. 9 for the abovementioned water lines.

A motion was made by Mr. Bassett and seconded by Mr. Pfeiffer to adopt the foregoing resolution.

MEMORANDUM OF AGREEMENT

Between

the

CHEEKTOWAGA TOWN BOARD, ACTING AS COMMISSIONERS
OF WATER DISTRICT NO. 9, TOWN OF CHEEKTOWAGA

and the

ERIE COUNTY WATER AUTHORITY

PARTIES: The Cheektowaga Town Board acting as Commissioners of Water District No. 9 located in the Town of Cheektowaga, County of Erie and State of New York, hereinafter referred to as the "Water Commissioners".

Erie County Water Authority, a public benefit corporation having its office and principal place of business at No. 350 Ellicott Square Building, Buffalo, New York, hereinafter referred to as the "Water Authority".

PREMISES:

WHEREAS, the New York State Legislature has enacted legislation known as Chapter 303 of the Laws of New York for the year 1975 and entitled "AN ACT authorizing the Town of Cheektowaga, Erie County to convey on behalf of water district number nine of such town, certain water lines to the Erie County Water Authority, authorizing the Town of Cheektowaga to dissolve such Water District and provide for the payment of its indebtedness and constituting certain extensions of said Water District as separate individual water districts; and

WHEREAS, said Act included a provision whereby the Town Board of the Town of Cheektowaga, acting as such Commissioners may convey the water line now located in Water District No. 9, any abandoned water lines and any interest said Water District may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project number RWP CR 322-72 to the Erie County Water Authority for the sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars; and

WHEREAS, said parties have determined to implement this enabling legislation and to carry out the purposes therein.

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

1. The Erie County Water Authority agrees to buy and the Commissioners agree to sell all the lines, title and interest to the water lines, appurtenances, meters and all the property of said District located in said Water District No. 9 as presently constituted for the total sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars.

2. The parties hereto agree that the said sum of Twenty Two Thousand Four Hundred Fifty (\$22,450.00) Dollars shall be used to pay the outstanding bonded indebtedness of such District, if possible, or deposited in a reserve fund of the Town of Cheektowaga established for the purpose of retiring outstanding obligations issued on behalf of said Water District Number Nine to finance the cost of its facilities, excluding any extensions thereof. In the event such sum deposited in such reserve fund and the interest thereon should not be sufficient to pay such outstanding bonded indebtedness and interest thereon, the Town of Cheektowaga and the Commissioners are hereby authorized to expend such moneys as may be necessary to fully retire such bonded indebtedness and the interest thereon. Following such purchase and sale, if there are any contracts to accomplish the purpose of such Water District Number Nine, excluding any extension thereof, in force and effect, the same shall be assumed by the Erie County Water Authority.

3. The parties hereto agree that following the purchase and sale of the property of Water District No. 9, the Commissioners shall hold a public hearing in the manner and upon the notice specified in Section 202-c of the Town Law for the purpose of dissolving said Water District.

4. The Erie County Water Authority further agrees that upon the transfer of said property of Water District No. 9 and the payment of monies therefore, said Erie County Water Authority will assume and pay all

the debts of such District except the bonded indebtedness and contracts for which purchase has heretofore been made by said enabling ACT.

5. The parties further agree that upon execution of this Agreement that they shall execute any and all other documents required by the parties or either of them and/or any other governmental agencies to give full force and effect to this Agreement and its intended purposes.

IN WITNESS WHEREOF, the respective parties set their hands and seals the day and year first above written.

COMMISSIONERS OF WATER DISTRICT
NO. 9, TOWN OF CHEEKTOWAGA

Daniel E. Weber
Daniel E. Weber

Felix T. Wroblewski
Felix T. Wroblewski

Frank E. Swiatek
Frank E. Swiatek

Kenneth J. Meyers
Kenneth J. Meyers

Thomas M. Johnson, Jr.
Thomas M. Johnson, Jr.

Donald A. Halicki
Donald A. Halicki

Raymond J. Wasielewski

CONSTITUTING THE WATER
COMMISSIONERS OF WATER
DISTRICT NO. 9

Dated: August 25, 1995

ERIE COUNTY WATER
AUTHORITY

Thomas J. Gaffney
Chairman

Virginia B. Burt
Vice Chairman

John B. Liss
Treasurer

CONSTITUTING THE BOARD
OF COMMISSIONERS OF THE
ERIE COUNTY WATER
AUTHORITY

#28

STATE OF NEW YORK)

) ss:

COUNTY OF ERIE)

On this 25th day of August Nineteen Hundred and Seventy Five, before me, the subscribers, personally appeared, Daniel E. Weber, Felix T. Wroblewski, Frank E. Swiatek, Kenneth J. Meyers, Thomas M. Johnson, Donald A. Halicki and ~~Raymond J. Wasielewski~~, to me personally known and known to me to be the same persons described in and who executed the within Instrument, and acknowledged to me that they executed the same as Commissioners of Water District No. 9, Town of Cheektowaga.

John V Rogowski

Notary Public

JOHN V ROGOWSKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

STATE OF NEW YORK)

) ss:

COUNTY OF ERIE)

On this 5th day of September, Nineteen Hundred and Seventy Five, before me, the subscribers, personally appeared, George J. Pfeiffer, Kingman Bassett and John B. Lis, to me personally known and known to me to be the same persons described in and who executed the within Instrument, and acknowledged to me that they executed the same as Commissioners of the Erie County Water Authority.

Nicholas Honst

NICHOLAS HONST
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

#28

#29

Known all Men by these Presents,

That COMMISSIONERS OF WATER DISTRICT NO. 9 in the Town of Cheektowaga, party

of the first part, for and in consideration of the sum of twenty two thousand, four hundred fifty dollars (\$22,450.00) lawful money of the United States, to us in hand paid, at or before the ensembling and delivery of these presents, by ERIE COUNTY WATER AUTHORITY, 350 Ellicott Square Building, Buffalo, New York, party of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does grant and convey unto the said party of the second part, its successors, executors, administrators and assigns, all water lines and property of Water District No. 9 now located in Water District No. 9, Town of Cheektowaga, including any appurtenances, meters, abandoned water lines and any and all interest said water district may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project number RWP CR 322-72.

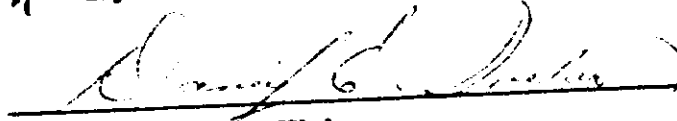
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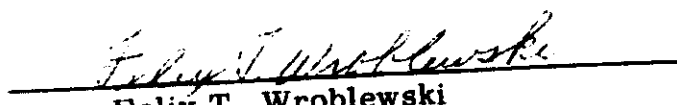
#28

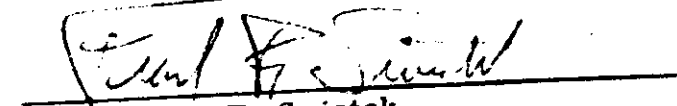
To have and to hold, the same unto the said party of the second part, its successors, executors, administrators and assigns forever. And the Town of Cheektowaga, does, for its successors, assigns, heirs, executors and administrators covenant and agree to and with the said party of the second part, to Quitclaim the sale of the said water lines and all property now owned by said Water District No. 9, Town of Cheektowaga, including appurtenances, meters and abandoned water lines hereby sold unto the said party of the second part, its successors, executors, administrators and assigns, against all and every person and persons whomsoever.

In Witness whereof they have hereunto set their hands and seal this 25th day of August Nineteen Hundred and Seventy Five.

In Presence of


Daniel E. Weber LS


Felix T. Wroblewski LS


Frank E. Swiatek LS

Kenneth J. Meyers LS
Kenneth J. Meyers

Thomas M. Johnson LS
Thomas M. Johnson

Donald A. Halicki LS
Donald A. Halicki

Raymond J. Wasielewski LS
Raymond J. Wasielewski

COMMISSIONERS OF WATER DISTRICT
NO. 9, TOWN OF CHEEKTOWAGA

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 25th day of August Nineteen Hundred
and Seventy Five, before me, the subscribers, personally appeared,
Daniel E. Weber, Felix T. Wroblewski, Frank E. Swiatek, Kenneth
J. Meyers, Thomas M. Johnson, Donald A. Halicki and ~~Raymond J.
Wasielewski~~, to me personally known and known to me to be the same
persons described in and who executed the within Instrument, and
acknowledge to me that they executed the same as Commissioners of
Water District No. 9, Town of Cheektowaga.

John V. Rogowski
Notary Public

JOHN V. ROGOWSKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

#28

429

Item No. 3 cont'd

Upon Roll Call.....

AYES: Supervisor Weber, Councilmen Wroblewski, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilmen Wasielewski & Swiatek

Item No. 4 Retain Attorney for legal services in proceedings regarding Water District No. 9

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the Town Board, acting as Commissioners of Water District No. 9 of the Town of Cheektowaga, New York, are completing the procedures for implementing the provisions of Chapter 303 of the Laws of the State of New York for the year 1975 and relating to the relocation of water lines on Borden Road and the widening of said road, and

WHEREAS, said Chapter 303 of the Laws of the State of New York for the year, 1975 require a Public Hearing for the dissolution of said Water District No. 9, THEREFORE, BE IT

RESOLVED that Richard D. Alessi, Attorney at Law be and hereby is retained for his legal services in said proceedings in coordination with the Town Attorney's Office and BE IT FURTHER

RESOLVED that his reasonable fees and expenses be paid by the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Swiatek and Wasielewski

Item No. 5 Town Board memorializes State Legislature to consider amending legislation regarding Buffalo Sewer Authority.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga is desirous of entering an Agreement with the Buffalo Sewer Authority relative to the joint sewer facilities between the Buffalo Sewer Authority and Cheektowaga Sanitary Sewer District No. 5, and

WHEREAS, the Buffalo Sewer Authority is a corporation organized and existing under provisions of the Public Authorities Act, and

WHEREAS, it is presently required that members of the Buffalo Sewer Authority be residents of the City of Buffalo, and

WHEREAS, it would appear to the best interests of the Town of Cheektowaga that at least one Town resident be allowed to be appointed a member of said Authority, and

WHEREAS, it appears that employees of said Authority must be residents of the City of Buffalo, and

WHEREAS, it further appears that due to the expanding functions of the Buffalo Sewer Authority outside of the bounds of the City of Buffalo, its functions are now taking on a regional aspect, THEREFORE, BE IT

RESOLVED that the Town Board hereby memorializes the State Legislature to consider the enactment of amending legislation to the Public Authorities Act which would permit the same Buffalo Sewer Authority to be expanded into a regional board of commissioners to include areas outside of the City of Buffalo, to allow a resident of the Town of Cheektowaga to become a member of said Authority and to allow the employment of persons in said Authority who reside in the County of Erie, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to the Clerk of the State Senate, the Clerk of the State Assembly, State Senator Dale M. Volker, State Assemblyman William Hoyt and State Assemblyman Dennis T. Gorski.

Item No. 5 cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Councilman Swiatek and Wasielewski

Item No. 6 Appointment of six (6) Patrolmen

Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, six (6) Patrolman positions previously have been created in the Cheektowaga Police Department by Town Board resolution adopted on July 21, 1975, NOW, THEREFORE, BE IT

RESOLVED that the following eligible candidates be and hereby are appointed Patrolmen in the Cheektowaga Police Department at an annual salary of \$11,481.00, effective September 3, 1975:

1. Gary J. Grieco, , Cheektowaga, New York
2. Daniel Conley, , Cheektowaga, New York
3. Michael S. McDermott, , Cheektowaga, New York
4. Craig M. Moriarity, , Depew, New York
5. Harry L. Bollman, , Cheektowaga, New York
6. Richard S. Chamberlin, , Cheektowaga, New York

Upon Roll Call....

AYES: Councilmen Wroblewski, Meyers, Halicki & Johnson
NAYES: 0
ABSENT: Supervisor Weber, Councilmen Swiatek and Wasielewski

Item No. 7 Motion by Councilman Wroblewski, seconded by Councilman Meyers to adjourn the meeting.

JOHN V. ROGOWSKI
Town Attorney

#28

439

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd day of September, 1975 at 2:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson

ABSENT: 0

Also present were: Mary F. Holtz, Deputy Town Clerk; John V. Rogowski, Town Attorney; Robert Miller, Deputy Town Attorney; Chester Bryan, Town Engineer; Andrew Schwenk, Town Assessor; Ronald Norman, Receiver of Taxes and Assessments; Carl Trafalski, Town Building and Plumbing Inspector; Sal LaGreca, Director of Manpower Services; Ken Kopacz, Executive Director of Youth Board; Dr. Vendetti, Town Health Officer.

I. GENERAL COMMUNICATIONS

Item No. 2 Erie County Dept. of Environmental Quality - Notice of Public Hearing: Proposed Changes in Article III - Air Quality - of the Erie County Environmental Quality Code.

Received and Filed; Copies given to the Town Board Members.

Item No. 3 NOTICE AND PETITION TO REVIEW 1975-76 ASSESSMENTS - Textron, Inc. vs. The Board of Assessors and The Board of Assessment Review of the Town of Cheektowaga. Referred to John V. Rogowski, Town Attorney; Board of Assessors.

Item No. 4 NOTICE AND PETITION - Review under Article 7 of the Real Property Tax Law of a Tax Assessment by National Electronic Television School, Inc. vs. Andrew H. Schwenk, Assessor for Town of Chktg. and The Board of Assessment Review of the Town of Chktg.

Referred to John V. Rogowski, Town Attorney; Board of Assessors.

Item No. 5 SUMMONS AND COMPLAINT - Buffalo Sheet Metals, Inc. vs. Town of Chktg., R.J. Moran & Sons, Inc., and Lear Siegler, Inc. (Mammoth Division). Referred to John V. Rogowski, Town Attorney.

Item No. 6 NOTICE OF CLAIM - Raymond L. Wardzinski, Parent and Natural Guardian of David Wardzinski (infant) vs. Town of Cheektowaga, New York. Referred to John V. Rogowski, Town Attorney.

Item No. 7 Robert G. Reis, - Correspondence re: Trespassing Problems. Referred to Benedict L. Kostrzewski, Chief of Police.

Item No. 8 Mr. & Mrs. R. Marzec, - Request to speak re: Building Permit for Single Dwelling. Lengthy Argument/Discussion between Attorneys of both parties - Marzecs vs. Carl Trafalski; Building Permit--Approved (197 Rehm Rd., Single Dwelling & Attached Garage).

II. DEPARTMENTAL COMMUNICATIONS

Item No. 9 Building Permits.
Received and Filed.

Item No. 10 Supervisor's Statement of Funds - July, 1975.
Received and Filed.

Supervisor Weber excused himself from the Town Board Meeting
after Councilmen's Comments.

III. RESOLUTIONS

Item No. 11 Highway Department - Advertise for Bids for street name signs, u-posts,
curve signs, etc.

Motion by Councilman Wasielewski, seconded by Councilman Halicki

WHEREAS, the CHEEKTOWAGA TIMES has failed to publish a Notice to
Bidders for the purchase of quantities of street name signs, u-posts, curve signs,
etc. to be used by the Cheektowaga Highway Department on scheduled date, NOW, THERE-
FORE, BE IT

RESOLVED that the Town Clerk be directed to reschedule the opening of
bids and publish a new Notice to Bidders for the purchase of quantities of street name
signs, u-posts, curve signs, etc. to be used by the Cheektowaga Highway Department.
Information for bidders and specifications may be obtained from the Office of the
Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said
Notice to be published in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES, and BE IT
FURTHER

RESOLVED that the Town Board will meet at 7:30 p.m., September 15,
1975 for the purpose of properly opening and reading the sealed bids.

LEGAL NOTICE TO BIDDERS

SEALED PROPOSALS WILL BE RECEIVED, publicly opened and read and
considered by the Cheektowaga Town Board on the 15th day of September, 1975, at 7:30
p.m., Eastern Daylight Saving Time, at the Town Hall Broadway and Union Road, Cheektowaga,
New York for the purpose of furnishing of street name signs, dead end signs, brackets,
u-posts, and two (2) inch pipe; left and right curve signs.

Bids to be submitted in opaque envelopes plainly marked: "BID FOR
STREET NAME SIGNS, DEAD END SIGNS, RIGHT AND LEFT CURVE SIGNS, LOAD LIMIT SIGNS,
BRACKETS AND U-POSTS AND TWO (2) INCH PIPE".

Non-collusion forms must be signed and submitted with bids. Said
bids to be firm bids.

Information for bidders and specifications may be obtained from
Alfred F. Wnek, Superintendent of Highways, in his office at 3145 Union Road,
Cheektowaga, New York.

Benedict T. Holtz
Town Clerk

DATED: September 2, 1975

Item No. 11 Cont'd

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and
Johnson
NAYES: 0
ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

9/2/75

-3-

129

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 4 day of September,
1975, and the last insertion being on the
day of same, 1975.

Notice of Public Hearing...
to be submitted in opaque
envelopes plainly marked: "BID
FOR STREET NAME SIGNS,
ROAD END SIGNS, RIGHT AND
LEFT CURVE SIGNS, LOAD
LIMIT SIGNS, BRACKETS AND
POSTS AND TWO (2) INCH
Signs."
Sub-collection forms must be
signed and submitted with bids.
Bids to be firm bids.
Information for bidders and
specifications may be obtained
from Alfred P. Wuck, Superin-
tendent of Highways, in his office
at 5564 Union Road, Cheektowaga,
New York.
BENEDICT T. HOLTE
Town Clerk
DATED: September 2, 1975

Subscribed and sworn to before me this 4 day

Susan M. Schasel

of September, 1975

Eleanor Measer

Notary Public in and for Erie County

Eleanor Measer

ELEANOR MEASER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Seuter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *September 4, 1975* ;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Seuter
.....

Sworn to before me this *5th*

day of *September*, 19*75*

Naidine C. Williams
.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

429

Sealed and
opened on the 2nd day of September, 1975,
at 1:30 p.m. E.S.T. at the Town Hall
Highway and Union Road, Cheektowatch,
New York for the purpose of
installing of street name signs, dead end
signs, brackets, U-Poles, and two (2) inch
left and right curve signs.
Bids to be submitted in envelope
marked plainly marked: "BID FOR
STREET NAME SIGNS, DEAD END
SIGNS, RIGHT AND LEFT CURVE SIGNS,
BRACKETS AND TWO (2) INCH PIPE."
All collection forms must be signed
and submitted with bids. Said bids to be
sealed.
Information for bidders and specifica-
tions may be obtained from Alfred E.
Wick, Superintendent of Highways, in
charge at 3145 Union Road, Cheektowatch,
New York.
BENEDICT T. HOLTZ
Town Clerk
DATED: September 2, 1975

#29

Item No. 12 Highway Department - Advertise for Bids for one (1) used 1964 International Truck with Vac-All (leaf picker-sewer cleaner and street flusher).

Motion by Councilman Wroblewski, seconded by Councilman Wasielewski

BE IT RESOLVED that the Town Clerk is hereby directed to publish a Notice to Bidders for the purchase of the following equipment to be used in the Cheektowaga Highway Department:

One (1) Used 1964 International Truck with Vac-All
(Leaf Picker-Sewer Cleaner and Street Flusher)

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:30 p.m., September 15, 1975, for the purpose of properly opening and reading the sealed bids.

LEGAL NOTICE TO BIDDERS

SEALED PROPOSALS will be received and considered by the Town Board of the Town of Cheektowaga at a meeting to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 7:30 p.m., Eastern Daylight Saving Time, September 15, 1975 for the following:

One (1) Used 1964 International Truck with Vac-All Unit
(Sewer Cleaner-Street Flusher-Leaf Picker)

Specifications may be picked up at the Highway Department office, located at 3145 Union Road, Cheektowaga, New York.

Non-collusion form must be signed and submitted with the bid.

Benedict T. Holtz
Town Clerk

DATED: September 2, 1975
PUBLISHED: September 4, 1975

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

#29

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper

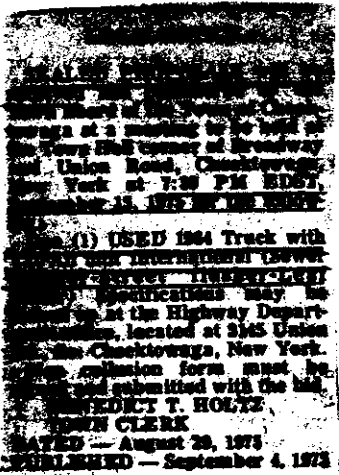
Depew Herald

public newspaper published at
Depew, New York, that the

notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first
insertion being on the 4 day of September

19 75, and the last insertion being on the
same day of 19.....



Subscribed and sworn to before me this 4 day Susan M. Schasel
of September, 19 75

Eleanor Measer
Notary Public in and for Erie County Eleanor Measer

ELEANOR MEASER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 77

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Glady M. Sechete, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication *September 4, 1975*;
last publication ;
and that no more than six days intervened be-
tween publications.

Glady M. Sechete
Sworn to before me this *5th*
day of *September* , 19...*75*..
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19...*77*...

and considered by the Town Board of the
Town of Cheektowaga at a meeting to be
held at the Town Hall corner of Broadway
and Union Road, Cheektowaga, New
York at 7:30 PM EDT, September 15,
1975 for the following:

One (1) USED 1984 Truck with Vac-Air
and International (Sewer cleaner Street
Sucker-Leaf picker) Specifications may
be picked up at the Highway Department
office located at 3145 Union Rd., So.
Cheektowaga, New York.

Non-collusion form must be signed and
submitted with the bid.

BENEDICT T. HOLTZ
Town Clerk

ISSUED - August 29, 1975

PUBLISHED - September 4, 1975

Item No. 13 Building and Grounds Dept. - Advertise for Bids for 3/4 ton, four (4) wheel drive pick-up truck with snow plow.

Motion by Councilman Wasielewski, seconded by Councilman Wroblewski

WHEREAS, the Building and Grounds Department is in need of a new 3/4 ton, four (4) wheel drive pick-up truck with snow plow, AND

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE, BE IT

RESOLVED, that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said vehicle, notice to be published in the CHEEKTOWAGA TIMES and the CHEEKTOWAGA NEWS (Depew Herald), AND, BE IT FURTHER

RESOLVED, that the Town Board will meet on the 15th day of September, 1975, at 7:30 p.m., Eastern Daylight Saving Time for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on September 15, 1975, at 7:30 P.M., at the Town Hall, corner of Broadway and Union Road for one (1) 3/4 ton, four (4) wheel drive pick-up truck.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contracts documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Benedict T. Holtz
Town Clerk

DATED: September 2, 1975

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Halicki and Wasielewski
NAYES: Councilmen Meyers and Johnson
ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

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WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 4 day of September,
1975, and the last insertion being on the
day of same, 19.....

NOTICE
Sealed proposals will be received by the Town Board of the Town of Cheektowaga, Erie County, New York, on September 15, 1975, at 7:30 P.M., at the Town Hall, corner of Broadway and Union Road for sale (1) 1/2 in. four (4) wheel drive pickup truck.
Specifications for bidders and specifications may be obtained from the Town Clerk at his office in said Town.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any formalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.
By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
BENEDICT T. HOLTZ
Town Clerk
DATED: September 2, 1975

Subscribed and sworn to before me this 4 day Susan M Schasel

of September 75, 1975

Eleanor Measer

Notary Public in and for Erie County Eleanor Measer

ELEANOR MEASER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Secketer, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clara*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication.....*September 4, 1975*.....;
last publication.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Secketer.....

Sworn to before me this*5th*.....

day of*September*....., 19.....*75*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

#29
#30

Resolved by the Town Board of the
Town of Cheshbrough on September 2,
1975, at 7:30 P.M., at the Town Hall,
corner of Broadway and Union Road for
one (1) 3/4 ton, four (4) wheel drive
pick-up truck.

Information for bidders and specifica-
tions may be obtained from the Town
Clerk at his office in said Town.

The Town Board reserves the right to
consider informal any bid not prepared
and submitted in accordance with the
provisions of the specifications and
contract documents, and may waive any
irregularities, make an award to other
than the low bidder, should it be in the
best interest of the Town, or reject any or
all bids.

By order of the Town Board the Town
of Cheshbrough, Erie County, New York.

BENEDICT T. HOLTZ

Town Clerk

DATED: September 2, 1975

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Item No. 14 Judges' Office - Request to attend Advanced Training School.

Motion by Councilman Swiatek, seconded by Councilman Wasielewski

WHEREAS, the New York State Association of Magistrates Advanced Training School will be held at Grand Island, New York, September 22-24, 1975, AND

WHEREAS, Honorable Joseph E. Pyszczyński, Town Justice, has requested permission for himself and Tom Kolbert, Court Clerk, to attend said Training School, now, therefore, BE IT

RESOLVED, that Honorable Joseph E. Pyszczyński, Town Justice, and Tom Kolbert, Court Clerk, be and hereby are authorized to attend said Training School, and BE IT FURTHER

RESOLVED, that all necessary expenses incurred at said Training Session be reimbursed by the Town of Cheektowaga under Section 77-b of the General Municipal Law.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski
NAYES: Councilman Johnson
ABSENT: Supervisor Weber

Item No. 15 Benedict L. Kostrzewski, Chief of Police - Request to attend Police Conference.

Motion by Councilman Halicki, seconded by Councilman Wasielewski

WHEREAS, the International Association of Chiefs of Police Conference will be held at Denver, Colorado, September 13-18, 1975, AND

WHEREAS, Benedict L. Kostrzewski, Chief of Police has requested permission to attend said conference, now, therefore, BE IT

RESOLVED, that Benedict L. Kostrzewski, Chief of Police, be and hereby is authorized to attend said conference, and BE IT FURTHER

RESOLVED, that all necessary expenses incurred in attending said conference be reimbursed by the Town.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 16 Engineering Dept. - Award of Bid for Deodorizers and Enzymes.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, bids were duly received on July 17, 1975, as the result of advertisement, therefore, for the furnishing to the Town of Cheektowaga of all enzymes and deodorizers required thru June 1976, and said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated August 28, 1975, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of Deodorizers and Enzymes to the Town thru June 1976, as per said unit prices and as recommended by the Town Engineer be and same hereby is awarded to Thames Chemical, Ltd., 3806 Union Road, Cheektowaga, New York 14225 for Enzymes at \$3.50 per pound and to Voelker Analysis, Inc., 766 Babcock St., Buffalo, New York 14206 for Deodorizers at \$4.25 per gallon.

***SEE NEXT TWO PAGES FOR REPORT

9/2/75

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Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

August 28, 1975

TO THE SUPERVISOR AND THE
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re.: Deodorizers and Enzymes
Award of Bid

Gentlemen:

At the regular Town Board meeting of July 17, 1975, bids were received and publically opened for the purchase of Deodorizers and Enzymes for Sewer Treatment Plants No. 3 and No. 5 in the Town of Cheektowaga for the period thru June 1976. Seven bids were received as follows:

	Item I-Deodorizer Per Gallon	Item II-Enzymes Per Pound
Thames Chemical Ltd.	\$ 5.75	\$ 3.50
Volker Analysis, Inc.	4.25	12.80
Oxford Chemicals	7.95	4.95
Don Herberger Distributing, Co.	8.94	4.976
Certified Laboratories	8.75	5.75
Madison Chemical	5.60	6.25
Chester Wick	5.45	7.50

Anticipated quantities for purchase were not specified in the bid proposal. Frank Lunz, Treatment Plant Superintendent, was consulted and he has had satisfactory results with the products submitted in the low bid.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

Page 2

August 28, 1975

TO THE SUPERVISOR AND THE
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re.: Deodorizer's and Enzymes

It is, therefore, recommended that the bid be awarded to Voelker Analysis, Inc., 766 Babcock St., Buffalo, New York 14206 for Deodorizers and to Thames Chemical, Ltd., 3806 Union Road, Cheektowaga, New York 14225 for Enzymes for the submission of the lowest bid meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan

Chester L. Bryan, P.E.
Town Engineer

CLB:tw

Item No. 16 Cont'd

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and
Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 17 Engineering Dept. - Rejection of Bid for Hydraulic Seeding of Slate
Bottom Creek.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, Notice to Bidders was duly published for the receipt of
bids for Hydraulic Seeding and Mulching of Slate Bottom Creek, AND

WHEREAS, only one bid was received and referred to the Town Engineer
for analysis, tabulation, and report, AND

WHEREAS, said Town Engineer has submitted the same, which is hereto
attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that said bid for Hydraulic Seeding and Mulching of Slate
Bottom Creek be rejected as bids received were higher than anticipated.

***SEE NEXT PAGE FOR REPORT



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

August 29, 1975

TO THE SUPERVISOR AND THE
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re.: Hydraulic Seeding of
Slate Bottom Creek
Rejection of Bid

Gentlemen:

At the regular Town Board meeting of August 18, 1975, bids were received and publically opened for Hydraulic Seeding and Mulching of Slate Bottom Creek. One (1) bid was received as follows:

Star Landscaping, Inc.	\$9,480.00
------------------------	------------

Bids were received by the Engineering Department for review. It is the recommendation that the bid be rejected as it was higher than anticipated. It is also recommended that the scope of work be reduced to preventing erosion on the north bank area only at this time. The north bank is the critical area.

It is planned to utilize our Utility Department to hand set an erosion resisting plant (Crownvetch) or equal that is recommended for poor stony soils. Maximum costs of materials will be much below bidding requirements.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

BY Steven T. Marcynski
Steven T. Marcynski
Senior Engineer Assistant

CLB:SIM:tw

30

Item No. 17 Cont'd

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 18 Engineering Department - Rejection of Bids for Sanitary Sewer Correction Work--District No. 3; Readvertise for Bids.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, Notice to Bidders was duly published for the receipt of bids for Sewer System Correction Work in Sanitary Sewer District No. 3, AND

WHEREAS, said bids were referred to Nussbaumer and Clarke, Inc., consulting engineers and to the Town Engineer for analysis, tabulation, and report, AND

WHEREAS, said Town Engineer has submitted the same, which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the bids for Sewer System Correction Work in Sanitary Sewer District No. 3 be rejected as recommended in the said report, AND, BE IT FURTHER

RESOLVED, that the Town Clerk publish a Notice to Bidders to re-advertise for said Sewer System Correction Work in Sanitary Sewer District No. 3, AND, BE IT FURTHER

RESOLVED, that the Town Board will meet at 2:30 P.M. Local Time on October 6, 1975 for the purpose of properly opening and reading said bids.

***SEE NEXT PAGE FOR REPORT



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

August 29, 1975

TO THE SUPERVISOR AND THE
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re.: Sanitary Sewer Correction
Work-District No. 3
Rejection of Bids

Gentlemen:

At the regular Town Board meeting of August 18, 1975, bids were received and publically opened for sanitary sewer correction work in Sanitary Sewer District No. 3. Three (3) bids were received with the following totals.

Marin Concrete Co.....	\$58,665.00
Shurtrench Construction, Inc....	\$59,225.00
First Rhyme Construction Company, Inc.....	\$145,721.20

Bids were received by Nussbaumer and Clarke Inc., consulting engineers. It is the recommendation of the consulting engineers and ourselves that the bids be rejected and re-advertised since the bids as received are higher than anticipated for the type of remedial work specified.

Very truly yours,

TOWN OF CHEEKTOWAGA

C. L. Bryan
Chester L. Bryan, P.E.
Town Engineer

CLB:tw

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on the 6th day of October, 1975, at 2:30 P.M. Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for furnishing all tools, equipment, materials, labor and appurtenances required for construction for remedial purposes of implementing the Sewer System Correction Program, in accordance with the Contract Documents thereof, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, New York, all of which are on file in the Town Hall, Broadway and Union Road, Cheektowaga, New York. Bids shall be delivered or mailed to the Town Clerk at his office in the Municipal Building.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at Nussbaumer and Clarke's office upon payment of \$50.00 per set of documents.

Any bidder upon returning said Plans and Contract Documents in good condition, within thirty (30) days following the taking or the rejection of the bids, will be refunded the amount of their deposit. Non-bidders will similarly be refunded one-half of their deposit. Proposals shall be filed with the Town Clerk and no proposal will be accepted after 2:30 P.M. Local Time on the 6th day of October, 1975. Any bidders requesting more than two (2) sets of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, Broadway and Union Road, Cheektowaga, New York 14227, and marked as "Proposal for Sewer Repair System, Chktg. Sewer District No. 3".

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with law, and herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract.

Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the construction and which are to be separately sold by the Contractor to the

#30

Item No. 18 Cont'd

Owner prior to incorporation into the construction pursuant to the provisions of the contract. These taxes are not to be included in the bid.

BENEDICT T. HOLTZ, TOWN CLERK
TOWN OF CHEEKTOWAGA, NEW YORK

DATED: September 2, 1975

PUBLISHED: September 18, 1975

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and
Johnson

NAYES: 0

ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:


Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss. **LEGAL NOTICE TO PUBLISHERS**

NOTICE IS HEREBY GIVEN that copies of the following notice were published in the Depew Herald, a public newspaper published at Depew, New York, on the 18th day of September, 1975, and from 10 a.m. to 5 p.m. on the 18th day of September, 1975, and from 10 a.m. to 5 p.m. on the 19th day of September, 1975, and the last insertion being on the same day of September, 1975.



School District Board of Education will hear a Formal Statement of the School District by Hawkins & Sons, Auditor, when it meets at 8 p.m. Monday, Sept. 22, at the district office.

Other matters on the agenda for the board meeting are as follows:

Personal and classified information.

Susan M. Schasel

being duly sworn, deposes and says that she is the Bookkeeper of the Depew Herald, a public newspaper published at Depew, New York, that the notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for 1 weeks, the first insertion being on the 18 day of September, 1975, and the last insertion being on the same day of September, 1975.

Subscribed and sworn to before me this 18 day

of September, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

Form No. 1

430

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

NOTICE TO BIDDERS GIVEN
that sealed proposals will be received...
Copies of the proposed Contract Documents...
Any bidder upon returning said Plans and Contract Documents...
All bids must be enclosed in a separate sealed envelope...
The right to reject any or all bids, to waive any informalities...
Each proposal must be accompanied by a certified check...
No bidder may withdraw his bid within forty-five (45) days...
The successful bidder will be required to furnish a performance bond...
Attention of the bidders is called to the requirements as to conditions of employment...
Attention of the bidders is further called to Section 2804 of the Public Authority Law...
The Town of Cheektowaga is an exempt organization under the Tax Law...
DATED: September 2, 1973
PUBLISHED: September 18, 1973

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 18 day of September,
1975, and the last insertion being on the
day of same, 19.

Subscriber

of

Notary Public

My

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sechster, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Chief*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication, *September 18, 1975*;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechster

Sworn to before me this*19th*.....

day of*September*....., 19*75*

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

#30

State on all materials which are to be incorporated into the construction and Contractor to the Owner prior to incorporation into the construction pursuant to the provisions of the contract. These taxes are not to be included in the bid.

BENEDICT T. HOLTZ,

Town Clerk

Town of Cheektowaga, New York

DATED: September 2, 1975

PUBLISHED: September 18, 1975

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on the 8th day of October, 1975, at 2:30 P.M. Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for Acquisition of tools, equipment, materials, labor and accommodations required for construction for remedial repairs of implementation of the Sewer System Correction Program, in accordance with the Contract Documents thereof, including Plans, Specifications, Instructions to Bidders, etc., prepared by Meacham and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, New York, all of which are on file in the Town Hall, Broadway and Union Road, Cheektowaga, New York. Bids shall be delivered or mailed to the Town Clerk at his office in the Municipal Building.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 318 Delaware Avenue, Buffalo, New York 10202. Copies may be received at Meacham and Clarke's office upon payment of \$50.00 per set of documents.

Any bidder upon returning said Plans and Contract Documents in good condition, within thirty (30) days following the taking or the rejection of the bid, will be refunded the amount of their deposit. Non-bidders will similarly be refunded one-half of their deposit. Proposals shall be filed with the Town Clerk and no proposal will be accepted after 2:30 P.M. Local Time on the 8th day of October, 1975. Any bidders requesting more than one (2) sets of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, Broadway and Union Road, Cheektowaga, New York 14227, and marked as "Proposal for Sewer System, Cheektowaga Sewer District No. 5".

The right to reject any or all bids, to receive any information in, or to make an appeal to other than the low bidder, might if be deemed to be in the best interest of the Town of Cheektowaga and in accordance with law, and is hereby reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract. The bidder may withdraw his bid within sixty-five (65) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled day for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract amount.

Attention of the bidders is called to the agreements as to conditions of employment to be observed and minimum wages to be paid under the Contract.

Notice of the bidders is further given that Section 2094 of the Public Health Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless completed with, such bid will not be accepted.

The Town of Cheektowaga is an equal opportunity employer. The Town Clerk will be exempt from payment of State and

Item No. 19 Engineering Department - Advertise for Bids for Storm and Sanitary Sewer Construction in St. Felix Drainage Area.

Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, as part of a long-range program for town-wide drainage improvements the consulting engineering firm of Nussbaumer and Clarke, Inc. has prepared plans and specifications for the construction of storm sewers and sanitary sewers related to the St. Felix Avenue drainage area, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is directed to publish a Notice to Bidders in connection with said storm and sanitary sewer construction, notice to be published in the CHEEKTOWAGA TIMES and the CHEEKTOWAGA NEWS, and, BE IT FURTHER

RESOLVED, that the Town Board meet on the 15th day of September, 1975 at 7:30 P.M. Local Time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 15th day of September, 1975, at 7:30 P.M. Local Time, in the Town Clerk's Office, Town of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of storm and sanitary sewers and related work in the St. Felix Drainage Area, all complete, in place, tested and ready for use, in accordance with the Contract Documents therefor, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents.

Any bidder returning such Plans and Specifications in good condition within 14 calendar days following the bid opening, will be refunded the full amount of his deposit. Non-bidders will be refunded one-half of the deposit. Any bidder requesting more than one set of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposed for St. Felix Drainage".

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within 45 days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids.

#30
7

Item No. 19 Cont'd

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this Contract.

Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the construction and which are to be separately sold by the Contractor to the Owner prior to incorporation into the construction pursuant to the provisions of the Contract. These taxes are not to be included in the bid.

BENEDICT T. HOLTZ, TOWN CLERK
TOWN OF CHEEKTOWAGA, NEW YORK

DATED: September 2, 1975

PUBLISHED: September 4, 1975

* * * * *

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Wasielewski and Johnson
NAYES: Councilman Halicki
ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Notary Public in and for the County of Erie, State of New York, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the Publishers of the above named publications, and that the same were published in the County of Erie, State of New York, on the 1st day of September, 1975, at the Town of Depew, New York, in the Town Office, Town of Cheektowaga Town Hall, Broadway and Main Road, Town of Cheektowaga, New York 14227, for the purpose of all intents and purposes.

As a result of legislative action taken by the State of New York, the Village of Depew, the Buffalo Niagara Water Supply Authority and the Buffalo Niagara Water Supply Authority are authorized to operate and maintain a water supply system in the City of Buffalo, New York, and to provide for the same. The Village of Depew, the Buffalo Niagara Water Supply Authority and the Buffalo Niagara Water Supply Authority are authorized to operate and maintain a water supply system in the City of Buffalo, New York, and to provide for the same. The Village of Depew, the Buffalo Niagara Water Supply Authority and the Buffalo Niagara Water Supply Authority are authorized to operate and maintain a water supply system in the City of Buffalo, New York, and to provide for the same.

Susan M. Schasel
being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 4 day of September,
1975, and the last insertion being on the
day of same, 1975.

Subscribed and sworn to before me this 4 day

Susan M. Schasel

of September 1975

Eleanor Measer

Notary Public in and for Erie County

Eleanor Measer

ELEANOR MEASER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

#30

PROOF OF PUBLICATION

Bee Publications Inc.

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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

... of the proposed Contract... Specifications... to be enclosed in a sealed envelope... must be accompanied by a certified check... No bidder may withdraw his bid... The successful bidder will be required to furnish a performance bond... Attention of the bidders is called to the requirements as to conditions of employment... Attention of the bidders is further called to Section 2094 of the Public Authority Law... The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Tax of the State of New York... BENEDICT T. HOLTZ, TOWN CLERK, TOWN OF CHEEKTOWAGA, NEW YORK

Susan M. Schasel

being duly sworn, deposes and says that she is the Bookkeeper of the Depew Herald, a public newspaper published at Depew, New York, that the notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for 1 weeks, the first insertion being on the 4 day of September, 1975, and the last insertion being on the same day of 1975.

BENEDICT T. HOLTZ,
TOWN CLERK
TOWN OF CHEEKTOWAGA,
NEW YORK
Noted: September 2, 1975
Published: September 4, 1975
BENEDICT T. HOLTZ

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Glady M. Sechte, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Glady*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*September 4, 1975*.....;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Glady M. Sechte

Sworn to before me this*5th*.....

day of*September*....., 19.....*75*.....

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 77

#30
7

BENEDICT I. HOLTZ
Town Clerk

Town of Cheektowaga, New York

Deed: September 2, 1975

Published: September 4, 1975

Proposals for the Town Board of Cheektowaga, New York, sealed proposals will be received and opened by the Town Board of Cheektowaga on the 5th day of September, 1975, at 7:30 P.M. Local time in the Town Clerk's Office, Town of Cheektowaga Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227, for supplying all tools, equipment, materials and labor for the construction of an and sanitary sewers and related work in the St. Felix Drainage Area. All proposals, in plain, sealed and ready for use, in accordance with the Contract Documents thereon, including plans, specifications, instructions to bidders, etc., prepared by Huestonier & Clark, Inc., Consulting Engineers for the said work.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town of Cheektowaga and Union Road, Town of Cheektowaga, New York 14227.

Copy of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, and at the office of the Engineer at 308 Delaware Avenue, Buffalo, New York 14202, from which same office copies may be secured upon payment of \$25.00 per set of documents. Any bidder requesting such Plans and Specifications in good condition within 14 calendar days following the bid opening, will be refunded the full amount of his deposit. Non-refunds will be refunded one-half of the deposit. Any bidder requesting more than one set of documents may purchase the excess, but it is understood that they are not refundable.

Plans must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposal for St. Felix Drainage."

No right to reject any or all bids, to refuse any information in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, which accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, registered thereto, if his proposal is accepted, he will enter into a contract for the same, and that he will accept such tender security as may be required for the best performance of the contract. The bidder may withdraw his bid within 10 days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this Contract.

It is the policy of the Town of Cheektowaga to employ persons who are qualified to perform the work of the contract. Such certificate is part of the bid or proposal form and unless attached with such bid will not be considered.

The Town of Cheektowaga is an equal opportunity employer and will accept applications from persons of all races and ethnicities. Any person who is a resident of the Town of Cheektowaga and wishes to be considered for the position of the Clerk should send the appropriate proposal to the president of the Cheektowaga

Item No. 20 Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, the Cleveland Hill Hose Company and the Pine Hill Hose Company have petitioned the Town for assistance in the striping of their parking lots, AND

WHEREAS, this need is necessary to effectively use their limited parking facilities during emergency fire and first aid calls, AND

WHEREAS, such work is beneficial to the well-being of the citizens of the respective fire company areas, NOW, THEREFORE, BE IT

RESOLVED, that the Sewer Maintenance Department is hereby directed to stripe parking lanes in the Cleveland Hill Hose Company and the Pine Hill Hose Company parking lots.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 21 Motion by Councilman Halicki, seconded by Councilman Wasielewski

WHEREAS, land developers must install water mains along the right-of-ways of new subdivisions, AND

WHEREAS, fire hydrants must be installed by the subdividers before the Erie County Water Authority accepts these water main extensions as part of their water transmission system; NOW, THEREFORE, BE IT

RESOLVED that permission is hereby granted to the land developer to install two (2) hydrants in the Bellevue Fire District No. 9. Said locations are approved by Frank W. Genspacher, Commissioner, at or in close proximity to the following locations as shown on Water Line Plan, Phase III of Como Subdivision (Map Cover 2331):

Croydon Drive - in front of subplot #109, and also
in front of subplot #121.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 22 Motion by Councilman Swiatek, seconded by Councilman Halicki

BE IT RESOLVED that the Town Attorney's Office is hereby authorized to commence the necessary bonding provisions relative to defraying the construction costs to be borne by the Town for the construction of the Losson Road Library.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 23 Motion by Councilman Wroblewski, seconded by Councilman Swiatek

WHEREAS, Earl F. Haberly has applied for a rezoning from R-Residential District to RC-Restricted Business District the property located at 574 French Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 94, Township 10, Range 7 of

Item No. 23 Cont'd

Buffalo Creek Reservation and being more particularly described as follows: As appears on Map Cover 2288 filed in the Erie County Clerk's Office, the following numbered Lot: Sublot 165,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 18th day of August, 1975, at 7:00 p.m. Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the requirements of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance dealing with the screening of the adjacent residential area should be complied with, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, now, therefore, BE IT

RESOLVED that said rezoning is granted subject to the owners complying with the provisions of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance wherein the premises must be properly screened along the boundary line between subject premises and adjacent residential properties, and BE IT FURTHER

RESOLVED that the above described premises be and hereby are rezoned from R-Residential District to RC-Restricted Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said town on the 2nd day of September, 1975 at 8:30 o'clock P.M. Eastern Daylight Saving Time there were present:

- Councilman Paul T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Thomas M. Johnson
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski

ABSENT: Supervisor Daniel E. Weber. Motion by Councilman Wroblewski seconded by Councilman Swiatek.

WHEREAS, Earl F. Haberly has applied for a rezoning from R-Residential District to RC-Restricted Business District the property located at 574 French Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 84, Township 10, Range 4 of Buffalo Creek Reservation and being more particularly described as follows: As appears on Map Cover 2000 filed in the Erie County Clerk's Office, the following numbered Lot: Sublot 165, and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 18th day of August, 1975, at 7:00 p.m. Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the requirements of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance dealing with the rezoning of the adjacent residential area should be complied with,

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, now, BE IT

RESOLVED that said rezoning be granted subject to the owners complying with the provisions of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance wherein the rezoning must be properly screened along the boundary line between subject premises and adjacent residential properties, and BE IT FURTHER

RESOLVED that the above described premises be and hereby are rezoned from R-Residential District to RC-Restricted Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly. Upon roll call

- Supervisor Weber
Voting ABSENT
Councilman Wroblewski
Voting AYE
Councilman Swiatek
Voting AYE
Councilman Meyers
Voting AYE
Councilman Johnson
Voting AYE
Councilman Halicki
Voting AYE
Councilman Wasielewski
Voting AYE
AYES: 6
NAYS: 0

STATE OF NEW YORK
COUNTY OF ERIE

BENEDICT T. HOLTZ, Town Clerk of the Town hereinafter described. DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was held on September 2, 1975, and minutes of said meeting have been duly recorded in the minute book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 28, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true and correct copy of said minutes and of the contents thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the date when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the corporate seal of the County of Erie of said Town, this 2nd day of September, 1975.
BENEDICT T. HOLTZ
Town Clerk

Susan M. Schasel

being duly sworn, deposes and says that she is the Bookkeeper of the Depew Herald, a public newspaper published at Depew, New York, that the notice of which the annexed printed slip taken from said newspaper, is a copy, was inserted and published therein once a week for 1 weeks, the first insertion being on the 4 day of September 19 75, and the last insertion being on the same day of 19.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sechter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *September 4, 1975* ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechter

Sworn to before me this *5th*
day of *September* , 19..... *75*
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19..... *77*

Record
number
of said
instrument
referred
to in this
affidavit
shall be
written
in the
margin
of this
document
and the
date of
recording
shall be
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in the
margin
of this
document

#30

A regular meeting of the Town Board of the Town of Chateaugay, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd day of September, 1925 at 2:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

- Councilmen:
Felix T. Wroblewski
Frank E. Swietak
Kenneth J. Meyers
Thomas M. Johnson
David A. Haecki
Dyroyard J. Wroblewski
AGENT: Supervisor Donald E. Weber
Motion by Councilman Wroblewski seconded by Councilman Swietak.

WHEREAS, Emil F. Hickey has applied for a zoning from Residential District to RC-Residential Business District in a certain tract at 5th French Road, Chateaugay, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Chateaugay, County of Erie and State of New York, being part of Lot M, Township 11, Range 7 of the Buffalo Creek Reservation and being more particularly described as follows: As appears on Map Cover 2288 held in the Erie County Clerk's Office, the following numbered Lot: Sublot 105, and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 4-10 of the Zoning Ordinance of the Town of Chateaugay, New York, and

WHEREAS, a public hearing was held before the Chateaugay Town Board on the 30th day of August, 1925, at 7:30 p.m. Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the requirements of Section 4-11, paragraphs (b) and (c), Section 4-12, paragraph (c), and Section 4-13 of the Town Zoning Ordinance dealing with the screening of the adjacent residential area should be complied with, and **WHEREAS**, it appears that the proposed zoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, therefore, **BE IT**

RESOLVED that said zoning is hereby subject to the terms complying with the provisions of Section 4-11, paragraphs (b) and (c), Section 4-12, paragraph (c), and Section 4-13 of the Town Zoning Ordinance wherein the provisions must be properly screened along the boundary line between subject premises and adjacent residential properties, and **BE IT FURTHER**

RESOLVED that the above described premises be and hereby are rezoned from Residential District to RC-Residential Business District, and **BE IT FURTHER RESOLVED** that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon roll call ... Voting **ABSENT**
Supervisor Weber

Councilmen:
Wroblewski Voting **AYE**
Swietak Voting **AYE**
Meyers Voting **AYE**
Johnson Voting **AYE**
Haecki Voting **AYE**
Wroblewski Voting **AYE**
AGES: 9
NAVES: 9

AGENTS: 1
STATE OF NEW YORK
COUNTY OF ERIE

I, **BENEDICT T. HONITZ**, Town Clerk of the Town hereinafter described, DO **HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Chateaugay, a town located in the County of Erie, State of New York, was duly held on September 2, 1925, and minutes of said meeting have been duly recorded in the minutes book kept by me in accordance with law for the purpose of recording

and with which appears on the minutes, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and hereunto affixed the corporate seal of said Town, this 2nd day of September, 1925.

BENEDICT T. HONITZ
Town Clerk

BE IT RESOLVED that a public hearing on proposed amendments to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967, be held on the 15th day of September, 1975 at 7:30 o'clock, p.m. Eastern Daylight Saving Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES on September 4, 1975; the said proposed amendments being set forth in the Notice of Hearing.

NOTICE OF HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 15th day of September, 1975 at 7:30 o'clock p.m. Eastern Daylight Saving Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE VIII

STOP AND YIELD INTERSECTIONS

Section 80 is amended by deleting therefrom the following:

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>TRAFFIC STOPS</u>	<u>SIGN LOCATION</u>
HUTH ROAD	East-West	S.Roycroft Blvd. Bigelow Road	Westbound	N.E. Corner

Section 80 is amended by adding thereto the following:

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>TRAFFIC STOPS</u>	<u>SIGN LOCATION</u>
S.ROYCROFT BLVD. BIGELOW ROAD	East-West Southeast Northwest	HUTH ROAD	Westbound	N.E. Corner
REDLEAF LANE	East-West	TERRY LANE	Southbound	N.W. Corner
REDLEAF LANE	East-West	TERRY LANE	Northbound	S.E. Corner
HONORINE DRIVE	North-South	MARYWOOD DRIVE	Eastbound	S.W. Corner
HONORINE DRIVE	North-South	MARYWOOD DRIVE	Westbound	N.E. Corner
HONORINE DRIVE	North-South	OLD STONE ROAD	Eastbound	S.W. Corner
HONORINE DRIVE	North-South	OLD STONE ROAD	Westbound	N.E. Corner

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

Dated: September 2, 1975

BENEDICT T. HOLTZ
Town Clerk

Item No. 24 Cont'd

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and
Johnson
NAYES: 0
ABSENT: Supervisor Weber

AFFIDAVITS-NEXT PAGE

#30
7

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sechster, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication *September 4, 1975*;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechster

Sworn to before me this *5th*

day of *September*, 19..... *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

The Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 15th day of September, 1975 at 7:30 o'clock p.m. Eastern Daylight Saving Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE VIII

STOP AND YIELD INTERSECTIONS

Section 88 is amended by deleting

therefrom the following:

Street - Huth Road; Direction, East-West; Entrance Street - S. Roycroft Blvd. Bigelow Road; Traffic Stops - Westbound; Sign Location - N.E. Corner.

Section 88 is amended by adding thereto the following:

Street - S. Roycroft Blvd. Bigelow Road; Direction East-West, Southeast & Northwest; Entrance Street - Huth Road; Traffic Stops - Westbound; Sign Location - N.E. Corner.

Street - Redleaf Lane; Direction, East-West; Entrance Street - Terry Lane; Traffic Stops - Southbound; Sign Location - N.W. Corner.

Street - Redleaf Lane; Direction, East-West; Entrance Street - Terry Lane; Traffic Stops - Northbound; Sign Location - S.E. Corner.

Street - Honorine Drive; Direction, North-South; Entrance Street - Marywood Drive; Traffic Stops - Eastbound; Sign Location - S.W. Corner.

Street - Honorine Drive; Direction, North-South; Entrance Street - Marywood Drive; Traffic Stops - Westbound; Sign Location - N.E. Corner.

Street - Honorine Drive; Direction, North-South; Entrance Street - Old Stone Road; Traffic Stops - Eastbound; Sign Location - S.W. Corner.

Street - Honorine Drive; Direction - North-South; Entrance Street - Old Stone Road; Traffic Stops - Westbound; Sign Location - N.E. Corner.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: September 2, 1975

BENEDICT T. HOLTZ

Town Clerk

#29

#30

Item No. 25 Motion by Councilman Meyers, seconded by Councilman Wroblewski

WHEREAS, the Town Board adopted a resolution at a regular Town Board meeting held on August 18, 1975, appointing Charlotte Janiak, residing at 16 Normandy Avenue in the Town of Cheektowaga, New York to the position of Bingo Inspector in the Town of Cheektowaga at an annual salary of \$3,000.00, and

WHEREAS, the present starting salary for the position of Bingo Inspector is \$3,150.00 annually, now, therefore, BE IT

RESOLVED that said resolution be and hereby is amended to read as follows:

"BE IT RESOLVED that Charlotte Janiak, residing at 16 Normandy be and hereby is appointed to the position of Bingo Inspector in the Town of Cheektowaga, New York at an annual salary of \$3,150.00, effective immediately."

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 26 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, the Town of Cheektowaga is in the process of making application to the Erie County Office for the Aging for a nutrition site in Cheektowaga, and

WHEREAS, the Town is desirous of locating this site at St. John Gualberts Parish located at Doat and Gualbert Streets, which is located in an area that has a high concentration of elderly citizens, and

WHEREAS, St. John Gualberts Parish has expressed a strong interest to cooperate with the Town in providing a nutrition site at the Parish, NOW, THEREFORE, BE IT

RESOLVED that the Town Attorney's Office is hereby authorized to draw up a contractual agreement between the Town and St. John Gualberts Parish for use of Parish facilities for the Nutrition Program.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 27 Motion by Councilman Swiatek, seconded by Councilman Wasielewski

WHEREAS, Peter Schalberg recently resigned as part-time Recreation Attendant of Senior Citizens at the Bellevue School, NOW, THEREFORE, BE IT

RESOLVED that Estelle Halicki, be and hereby is hired as part-time Recreation Attendant at the Bellevue School at the rate of \$2.50 per hour.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber
ABSTAINED: Councilman Halicki

Item No. 28 Motion by Councilman Meyers, seconded by Councilman Johnson

WHEREAS, a number of Senior Citizen Leaders in Cheektowaga have expressed an interest in the formation of a Town Senior Citizen Council, NOW, THEREFORE, BE IT

RESOLVED that a Task Force be created to study the possibility of forming such a Council and report back to the Town Board with their recommendations, and BE IT FURTHER

RESOLVED that the Task Force be composed of four Town Senior Citizen Leaders, Edward Leak, Recreation Director, and Jerome Gabryszak, Administrative Assistant to the Town Board.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 29 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga has entered into an agreement with the Cheektowaga-Maryvale Union Free School District to maintain and operate the social center and/or recreation center located at 3409 Genesee Street, and

WHEREAS, the agreement called for the establishment of an Advisory Board of six members, three of which shall be chosen by the Board of Education of the Maryvale School District, and three of which shall be chosen by the Town Board, of the Town of Cheektowaga, and

WHEREAS, such Advisory Board would have the authority to make recommendations to the Town Board regarding the operation of said social center and/or recreation center, and

WHEREAS, the Maryvale Board of Education, at their meeting of August 4, 1975, appointed the following individuals:

Mr. Raymond E. Stewart,	- one year term
Mrs. Pat Welch,	- two year term
Dr. Robert Binner,	- three year term

NOW, THEREFORE, BE IT RESOLVED that the Cheektowaga Town Board appoint the following three members:

Mrs. Estelle A. Halicki,	- one year term
Mr. Kenneth J. Kopacz,	- two year term
Rev. Paul Letourneau, Our Lady Help of Christians Church, 4125 Union Rd.	- three year term

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 30 Create Position of Working Foreman in the Plumbing Department.
Item Withdrawn.

Item No. 31 Appointment to the Position of Working Foreman in the Plumbing Dept.
Item Withdrawn.

Item No. 32 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, the Erie County Department of Personnel has requested a change of title for the position of Director of Youth Programs, NOW, THEREFORE, BE IT

Item No. 32 Cont'd

RESOLVED that the title of Director of Youth Programs be hereby changed, effective immediately, to the title of Program Coordinator of the Youth Bureau.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 33 Motion by Councilman Swiatek, seconded by Councilman Meyers

BE IT RESOLVED that Lynn Doyle be hired as a pool supervisor for the additional two weeks that the Town Park pool will remain open, at the rate of \$130.00. She will be replacing Jean Spadinger who was hired at a previous meeting and will be unable to fulfill the job.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 34 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, a resolution was adopted at a regular Town Board Meeting held on January 2, 1975 regarding the hourly wage of \$3.00 for Mrs. Patricia A. Robichaud, hired under C.E.T.A., Title II, and,

WHEREAS, said hourly wage was in error, NOW, THEREFORE, BE IT

RESOLVED that the hourly wage of Mrs. Patricia A. Robichaud be changed from "\$3.00" to "\$3.17".

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 35 Motion by Councilman Swiatek, seconded by Councilman Wroblewski

WHEREAS, a resolution was adopted at a regular Town Board Meeting held on January 20, 1975 regarding the hourly wage of \$3.00 for Mrs. Lorraine A. Brem, hired under C.E.T.A., Title VI, and,

WHEREAS, said hourly wage was in error, NOW, THEREFORE, BE IT

RESOLVED that the hourly wage of Mrs. Lorraine A. Brem be changed from "\$3.00" to "\$3.17".

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 36 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED, that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending September 2, 1975, be and hereby are approved and that Supervisor pay said warrants:

Item No. 36 Cont'd

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General	2561	2703	\$ 667,367.92
Part Town	137	144	54,056.45
Special Districts	667	714	1,520,443.17
Highway	627	661	323,255.80
Trust and Agency	60	--	94,277.07
Federal Revenue Sharing	57	59	171,435.95
Construction & Improvement	29	30	<u>307,777.20</u>
			<u>\$3,138,613.56</u>

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
 NAYES: 0
 ABSENT: Supervisor Weber

Item No. 37 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED, that the following transfer of funds in the Highway Fund be approved:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
Surplus	\$ 8,000.00	DR5110.440 Machine Rental
DS5142.170 Labor	300.00	DS5148.170 Labor
<u>FEDERAL REVENUE SHARING</u>		
CF7110.403 Losson Bldg.	18,000.00	CF7110.402 Maryvale Center

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
 NAYES: 0
 ABSENT: Supervisor Weber

IV. FROM THE TABLE

Item No. 38 Resolution re: Rehabilitation of George Urban Blvd. from Harlem Rd. to Union Rd.
 Item Referred to Adjourned Meeting of September 10, 1975, at 7:30 P.M.

Item No. 39 Pay Rate for Poll Clerks.

Motion by Councilman Halicki, seconded by Councilman Meyers

BE IT RESOLVED that Item No. 19 in the meeting of August 4th, 1975, be and hereby is rescinded.

WHEREAS, the U. S. Labor Department has set the minimum wage rate at \$2.10 per hour, as of January 1, 1975, NOW, THEREFORE, BE IT

Item No. 39 Cont'd

RESOLVED that the pay rate for Primary Day and Registration Days shall be \$28.00 per day, and BE IT FURTHER

RESOLVED that the pay rate for Election Day shall be \$34.65, and BE IT FURTHER

RESOLVED that the Chairman of each district will be paid \$5.00 more for each day that she picks up the supplies.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 40 A. J. Thrun, Traffic Safety Commission - re: Beryl and Genesee St. Rebuilding.

Motion by Councilman Meyers, seconded by Councilman Johnson to table this item until the next regular Town Board Meeting to be held on September 15, 1975, at 7:30 P.M.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

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Motion by Councilman Johnson, seconded by Councilman Swiatek to Waive the Rules.

* * * * *

V. SUSPENSION OF RULES

Item No. 41A Replacement under the E.E.A. Program; Replacement under C.E.T.A., Title VI.

Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, funds are presently available under the Emergency Employment Act of 1971, NOW, THEREFORE, BE IT

RESOLVED that the following person be and hereby is hired under the position listed below, at a salary rate as specified, established by the department head:

Laborer in the Erie Community College - South Campus at a rate of \$4.09 per hour:

James H. Mook, Chktg., NY 14225

(replacement for Ronald M. Danielewicz)

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

429

430

Item No. 41A Cont'd

Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Emergency Jobs Program Title VI, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, starting dates to be established by the department head:

Administrative Trainee in the Office of Manpower Services - E.C.C. South Campus at a rate of \$9,118.00 per year:

Robert V. Ferguson , Chktg., NY 14227

(replacement for Daniel A. Jegierski)

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 41B Recreation Department - Hiring of part-time Employees for the Ice Rink.

Motion by Councilman Swiatek, seconded by Councilman Meyers

RESOLVED that the following be hired by the Recreation Department as part-time employees for the Ice Rink to be used as Skate Guards at the rate of \$2.50 per hour:

Donald Burns
Joseph Kaier
Richard Krueger
John Matecki
Gerard Owczarczak
David Schmauss
Jeffrey Stoltman

BE IT FURTHER RESOLVED that the following be hired by the Recreation Department as part-time employees for the Ice Rink as Recreation Attendants at the rate of \$2.50 per hour:

David Kosobucki
Kenneth Bloch
James Stachewicz
Salvatore Castro Jr.

ALSO, BE IT FURTHER RESOLVED that the following be hired by the Recreation Department as part-time employees for the Ice Rink as Hockey Instructors at the rate of \$5.00 per hour:

Thomas Clement
Erich Piffi

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 42 Cayuga Creek Flood Control Construction Program.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga has again been subjected to a storm of major proportions and similar to that of the hundred year flood in August 1963, AND

WHEREAS, the U. S. Corps of Engineers has established thru various studies that there is economic justification for the flood control program for Cayuga Creek, NOW, THEREFORE, BE IT

RESOLVED, that the U. S. Corps of Engineers and U. S. Congressman, Jack Kemp are memorialized to work on behalf of the residents of the Town of Cheektowaga to advance the Cayuga Creek Flood Control Construction Program to the earliest date possible.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 43 Scajaquada Creek Flood Control Program.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the U. S. Corp of Engineers has established through extensive studies the economic justification for a flood control program for Scajaquada Creek, AND

WHEREAS, the August 30, 1975 flooding of Scajaquada Creek caused extensive damages of the magnitude of the 1963 flood which damages could have been substantially reduced if the flood control plan was completed, NOW, THEREFORE, BE IT

RESOLVED, that the U. S. Corp of Engineers and U. S. Congressman Jack Kemp are memorialized to do all in their power to advance the Scajaquada Creek flood control program to the earliest possible date.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 44 Improvement of Losson Road Drainage System.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the Erie County Sewer District No. 4 trunk sewer is to be constructed along Losson Road, AND

WHEREAS, there is need for the improvement of the drainage along the Losson Road right-of-way, NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is memorialized to undertake the improvement of the Losson Road drainage system under the Losson Road trunk sewer contract.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 45 Memorialize N.Y.S. Dept. of Transportation to schedule bids for construction of storm sewer portion of Union Rd. improvement project.

Motion by Councilman Johnson, seconded by Councilman Meyers

Item No. 45 Cont'd

WHEREAS, the New York State Department of Transportation has finalized the design of a storm sewer system in conjunction with the scheduled improvement of Union Road from George Urban Blvd. northerly to Wehrle Drive, AND

WHEREAS, the construction of said storm sewer and highway widening is essential to the well being of the residents of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the New York State Department of Transportation is memorialized to immediately schedule bids for the construction of the storm sewer portion of the Union Road improvement project.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 46 Storm sewer construction project - Beach Road from Genesee St. to Wehrle Dr.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, the storm drainage system along Beach Road is restricted at various locations and is inadequate to serve the needs of the residents of the Town of Cheektowaga tributary to this road, AND

WHEREAS, this inadequate drainage system results in localized flooding detrimental to the health and well-being of the citizens of the Town, NOW, THEREFORE, BE IT

RESOLVED, that Erie County Highway Department and the Erie County Legislature are memorialized to authorize a storm sewer construction project along the length of Beach Road from Genesee Street to Wehrle Drive.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 47 Allocation of Funds to move Water Meter Boxes on Harlem Rd.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, water meter boxes on Harlem Road are interfering with the Town sidewalk construction work, NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$1,250.00 is allocated and chargeable to the sidewalk program to move the water meter boxes.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 48 Motion by Councilman Johnson, seconded by Councilman Swiatek to adjourn the meeting until September 10th, 1975 at 7:30 P.M. Eastern Daylight Saving Time.

#29

Item No. 48 Cont'd

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and
Johnson
NAYES: 0
ABSENT: Supervisor Weber

MARY F. HOLTZ
Deputy Town Clerk

PUBLIC HEARING

SEPTEMBER 10, 1975

7:00 P. M.

RE: Dissolution of Water District No. 9, in the Town of Cheektowaga
as a result of Erie County's
Borden Road Reconstruction Project No. RWP/CR 322-72

***SEE NEXT FEW PAGES RE: PUBLIC HEARING

Meeting of the Town Board of the Town of Cheektowaga,
in the County of Erie, New York.

September 10, 1975

A special meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, corner of Broadway and Union Road, in said Town on September 10, 1975, at 7:00 o'clock, p.m., (D.S.T.).

PRESENT: Councilman Felix T. Wroblewski, Chairman
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Thomas M. Johnson
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski

ABSENT: Honorable Daniel E. Weber, Supervisor

ALSO PRESENT: Benedict T. Holtz, Town Clerk
Robert Miller, Esq., Deputy Town Attorney

* * * * *

MR. SWIATEK: Would you kindly record the absence of Supervisor Weber. A resolution was sponsored to make Mr. Wroblewski Chairman at this hearing.

MR. JOHNSON: Mr. Wroblewski, first on the record, before business, is the hearing on --

MR. WROBLEWSKI: Let's all rise, please, and recite the Pledge to the Flag.

(Whereupon, the Pledge of Allegiance to the Flag was joined in by all in attendance.)

MR. WROBLEWSKI: This is an adjourned meeting with regard to Water District No. 9 and --

MR. SWIATEK: Mr. Wroblewski, I wonder if it would be possible, just for the record, that we have a report on the events that came up to this meeting. I believe our Councilman Richard Slisz is in the audience. I have it here, Dick. I think it would be good, just for the record, to know where we have been and where we are going with this hearing.

MR. HOLTZ: Benedict T. Holtz, Town Clerk. I think for the record I should read -- I am not going to read the whole publication, but the Order.

MR. WROBLEWSKI: All right.

MR. HOLTZ: On the record. A special meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, be held at the Town Hall on the 10th day of September, 1975 at 7:00 o'clock, p.m., (D.S.T.), to consider the dissolution of the District and to hear all persons interested in the subject thereof concerning the same and for such other actions on the part of the Town Board with relation thereto.

MR. WROBLEWSKI: All right. First here, the people that are for them?

MR. SWIATEK:

Mr. Wroblewski, can we have County Legislator, Mr. Slisz, just for the record, make a statement?

LEGISLATOR SLISZ:

What I did, I tried to compile some of the chronological history of Borden Road. I sent it to many of the residents on Borden Road and to Water District No. 9, to give them an idea of what happened in the past and then to appear at this meeting to hear what they have to say.

I would like to go over it briefly so we know what happened in the past.

First of all, within 1971-72, we had a controversial situation. The County made a decision to widen Borden Road. The County decided that it should be a forty-eight foot, four-lane, highway, or should it be something less, like forty-four foot.

That was resolved and finally the County decided themselves to have a two-lane center-lined highway, forty feet wide.

Following that it was discovered that the water lines had to be relocated, understanding that it was a small District, only two hundred fifty home owners who were in that District are obligated to pay any relocation costs, although there is some two hundred families tapped into this line.

That became a controversial issue and then the Town allowed the County of Erie to pick up the costs for the relocation of Borden Road.

After two votes on that issue, that became a reality. The County had the obligation of picking up the cost of picking up the water line.

In the Spring of 1975, that was conceived following a visit to Albany -- our Town Attorney, Water Authority Attorney, Mr. Konst, who is here, to see if we could pass legislation.

We talked to State Audit Control to see if we could abolish the District, however, in order to abolish the District, we found we had to see if we could find anything in the State Legislature to allow us to accept State legislation. This is what the hearing is all about, to see if this is permissible and then the County of Erie -- there was another problem, that the Water Authority was going to lay a line alongside of our line.

In any event, we felt if we could combine the job, we could save some money and have a savings, and that was the reality. We passed that legislation.

We passed that legislation. September 2nd in the County Legislature, we passed a

resolution which would allow from the 1972 Road Widening Program, the sum of \$300,000.00 for the widening of Borden Road, transferring all of the equipment, et cetera, to the Water Authority and also paying off the \$22,500.00.

However, now we are at the point where we must abolish the District. Before that can be done, there was the other matter of the transfer of \$22,500.00 that had to be made to the Water Authority, I believe, to the Town of Cheektowaga, before even a hearing was held.

We are at this point to see if we can have the District abolished. I might say this is probably an isolated case. I don't believe it will set a precedent where the County of Erie picked up the cost. I feel it is a benefit to the District No. 9 residents. If we don't do this, I could see where the 250 families would have to join the Water District.

Now, we will turn the Water District over to the Water Authority, whose job it is, which is created for the purpose of supplying water.

For the people that are here from that District, I might say that you will no longer have an indebtedness for the \$22,500.00, and the Water Authority will be the one supplying the water, and also, there is another some \$80,000.00 which was unforeseen at that time and for even those residents who were outside

the District, although in the District, outside of that strip, might have to pay some tap-in fees.

In any event, I think, that to the satisfaction of law, it has all been dissolved if we approve the dissolution of the District today.

Mr. Konst is here to answer any questions the people may have.

MR. JOHNSON: Mr. Chairman --

MR. WROBLEWSKI: All right. Mr. Johnson?

MR. JOHNSON: Again, for the record, I would like to answer the comments, simply to add certain information.

Of course, the original action by the County Legislature was more of a demoralizing statement, namely, legislation that would allow the County to assume the cost such as water line relocation which it does not normally assume, and the State legislation specifically permitted the County Executive, with the approval of the County Legislature, to assume such costs, and it was permissive legislation, not binding legislation, meaning it wasn't going to settle the relocation costs throughout the County, but adopted, as Mr. Slisz indicated, because we had a Water District apart from the Water Authority, and today's meeting will now merge a Water District by action of the Town Board, the managers of that,

and on the Amendment, by dissolution of that District.

It will involve the transfer of all real property of the District.

By the way, when we say, "District," this is specifically the Borden Road segment and portions of Losson Road, segments of District 9 and its extensions. There will still be five small Districts, I believe, that are not involved -- directly involved in this Borden Road construction, but the base district along Borden Road is what we are resolving here tonight, and a portion of either side of Borden Road along Losson Road and the specific legislation that was recently sought by a Town Board resolution was one in which it would be a tri-party agreement in which the County would pay the \$22,450.00; it would pay off the bonded indebtedness which must precede it. There is no bonded indebtedness and then, at the same time, the payment and the dissolution allows the transfer of all real properties to the Water Authority, and the Water Authority then can act to build a water line along Borden Road because it is now -- it now has complete jurisdiction of Borden Road.

They had planned a line in the area but found it an easy solution to their problems

and ours to build a line along Borden Road in the path of Borden Road in place of the relocation of the original line.

This is what certainly made the County quite happy because, essentially, a good portion of the water line was to be built along Borden Road to replace the old line, and the County would not have to reconstruct, so the County benefits by partially reconstructing water lines. The Water Authority benefits, and the District benefits by having its bonded indebtedness wiped out. The Town benefits, of course, because we have resolved a very difficult problem, and the road project itself can continue along with the water line and be finished and we can have a bad eye-sore in the Town removed, to the comfort of all, driven within the Town.

This is the purpose that we are here for tonight.

MR. MEYERS:

I, Councilman Meyers, move this resolution, and the resolutions that are associated with it, that this is a three-party agreement, together, along with the Town's eventual act to dissolve the District and to work very closely with it, and the final workings of the legislators that went to Albany.

There was certain wording that would have obligated the Town for some portion of the

water lines there. This was cleared up.

There was the matter of some -- some additional hundreds of dollars that we were not originally with, not originally involved, in the County offer and this was cleared up; the \$22,450.00 does wipe the slate clean and I think it is to your benefit, as far as the small District that will remain, that they will be incorporated into new separate District, they will be small and not facing any great cost.

It is incumbent upon this Town Board, as I have said in the past, that we dissolve those small districts that remain so we no longer have water districts in the Town of Cheektowaga and we no longer have problems that these people must face, whatever the road project or government project would make it necessary to remove. In other words, raise the tax base, that was the problem we had; the problem facing the road projects that were exorbitant to them and certainly the County has a wider tax base. The County is very generous to assume this and forever end these problems.

LEGISLATOR SLISZ: Just for one clarification. Ken Reitmeier is here. Do you recall any of the streets which would not become --

MR. WROBLEWSKI: Wait a minute. Steve Marcynski, from our Engineers' Office, are you ready to

answer any questions?

MR. MARCYNSKI: Como is an extension; Transit Road, Strasmer, an extension of Losson Road from Waulz's house out to the end, wherever Waulz's house is, I don't know where it is, off the railroad tracks; anyway, Freemont and Messer and Lynnette.

LEGISLATOR SLISZ: That is seven.

MR. MARCYNSKI: They are all small, and Freemont is paid up.

MR. JOHNSON: In fact, the first thing the Board will be moving on is to dissolve Como. Its debt has been paid off and it is in the path of a County Highway Project. The lines are fairly new and we will probably not involve any cost. It is fitting that they be dissolved and turned over to the Water Authority as well.

MR. WROBLEWSKI: All right. Mr. Reitmeier, do you want to add something on it now?

MR. REITMEIER: No, sir. I am in agreement with anything that has been said. Any questions that I can answer later, I will be here to do so.

MR. WROBLEWSKI: Now we will ask the people. First, for the abolishment of the District, Mr. Adolph Wiercioch?

ADOLPH WIERCIOCH: I am Adolph Wiercioch, 1059 Borden Road. I must say, after three years, well, I am happy in a way, but not completely so, be-

cause I feel that I left some of my people down who were not absorbed and relieved of the burden that we on Borden Road have, to relieve them.

However, as Tom Johnson mentioned, there are only a couple of streets, just a small portion of Losson Road which is remaining, which is a County Highway. If it should ever have to be widened, I am afraid we will face that problem again, and also, Como Park, as I understand it, both of these roads are on the drawing board.

If something is not done before these roads are ready to be widened, this Board will encounter the same type of problem that we have experienced in the past three years.

Believe me, in three years, it wasn't an easy battle. I have made friends and I have made enemies.

Some Members of this Town Board, we have had heated words over this road widening project and the dissolution of this District. This is something, I guess, that the people, not only on Borden Road, but people no matter where they be, no matter what community they may be in, they have to stand up and fight for their rights.

Initially, when you talked about the

cost of relocation, there was a price figure of seventy or eighty thousand dollars and months would go by and then the figure is up to \$150,000.00.

We shouldn't even have to pay the \$70,000.00. Now, after the final figures are in, the cost of \$300,000.00 to put new lines, relocate these lines, you can see why I, myself, as an individual, and Bob Javit who is my Vice Chairman in my Committee with the support of all of the residences in that District, fought so hard so we would not be strapped. We will never -- not in my life time, my children's life time, or my grandchildren's life time, get done paying \$300,000.00.

Some of you opposed me, you fought me to the end, but that is water over the dam. It is still over the dam. It is still up in here (indicating head), and it is going to stay here (indicating head).

This is not a threat. I am not threatening anyone, but I am expressing my feelings because it took three years. Each one has their own mind and, of course, you, in the Legislative Body, feel that you are dictating -- not dictating -- legislating what you feel is proper and at times you have the proper information and maybe at other times, you do not, but you vote on it as you see it and,

unfortunately, we disagree on how some of you saw it, so we had to fight you all the way.

Now, one other thing that comes to mind: I want to answer -- Tom Johnson brought this up, so that we don't have re-occurring problems, not so much with other Districts, but with our District, I, as Chairman, would like to put this Board on record to notify whoever is in authority, I think it is the Assessor's Office, that these costs not appear on our tax rolls in February because the cost that the Authority is paying for the absorption of this District includes the costs, including this year, and it is not starting next year, it is including this year, so as I said, I am sorry that there are not too many residents from Borden Road, some of them I feel I let them down, but this was the best thing that we could come up with.

I would like to publicly thank Tom for a great job.

MR. WROBLEWSKI: You are for it being abolished?

ADOLPH WIERCIOCH: As I said, I am happy in a sense and sad for the people that we could not include. I am certainly not in opposition to it. I would be a darn fool if I was. I am glad we are out of the water issue. Maybe we

can rest. We will fight other issues as they come along.

MR. JOHNSON:

I do want the public to know that on the small Districts not included, the extensions, every single effort imaginable was made to include all of what was the original Water District No. 9 and its extensions, but to make this special State Legislation, we had to confine it to the area of the road being improved.

In fact, it was a great fight to get portions of Losson Road going east and west from Borden also included in this fight, and the final legislation was the best to be had.

Now, it is incumbent upon this Town Board to dissolve the other Districts. Maybe, in the future, they will have their own separate problems and hopefully we can dissolve them as their bonded indebtedness is paid off.

I am sure Mr. Konst recognizes this and we can work with him as we have in the past.

MR. WROBLEWSKI:

Anything else?

MR. MARCYNski:

Steve Marcynski,

There are presently 51 residences on Borden Road who still have a District 9 water meter and every resident that gets a new water meter, it then becomes an Erie County water district meter and they get reimbursed

for their deposit, what they paid in 1951. What is going to happen to those who still have a water district 9 meter and not Erie County Authority meters? There are 51 such residences.

MR. JOHNSON: Mr. Konst?

MR. KONST: In discussing this with Mr. Rogowski, legally, the Water District will refund this money because the people in the Water District put up a deposit.

Because of the unusual legislation, the Water Authority worked with Mr. Rogowski on it, but the Water Authority will refund the money.

MR. JOHNSON: I think that is excellent. I want you to understand how much I and, I believe, the Town Board does appreciate the cooperation of the Water Authority and the County of Erie in this whole matter.

Thank you very much, Mr. Konst. It is an extremely fine gesture on the part of the Water Authority.

MR. MARCYNSKI: I do approve of dissolution.

MR. WROBLEWSKI: Anyone else who wishes to be heard in this regard?

(No response.)

MR. WROBLEWSKI: None? Anybody against it?

(No response.)

MR. WROBLEWSKI: If not, we close the hearing.

MR. HOLTZ: Benedict T. Holtz, Town Clerk. (Reading.)

"Meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York. September 10, 1975.

A special meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, corner of Broadway and Union Road, in said Town, on September 10, 1975, at 7:00 o'clock, p.m., (daylight saving time.)

There were present, and Mr. Weber is absent, and six Council Members present, also Benedict T. Holtz, Town Clerk, and Robert Miller, Town Attorney.

The Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, in said Town, at 7:00 o'clock, p.m., (Daylight Savings Time), to consider the dissolution of Water District No. 9 in said Town.

The Town Clerk presented affidavits showing that certified copies of the Order calling said public hearing had been duly published and posted pursuant to the provisions of Section 202-c of the Town Law.

Now, here are persons appearing. I have a record of those that have appeared and it will be inserted in the Resolution. The following persons appeared in favor of the said proposed dissolution:

#29

(17)

Councilman Frank E. Swiatek

Councilman Thomas M. Johnson

Hon. Richard Slisz, Erie County Legislator

Mr. Adolph Wiercioch

Mr. Steve Marcynski

Mr. Kenneth Reitmeier, Erie County
Department of Public Works

Mr. Nicholas Konst, Attorney for
Erie County Water Authority.

The following persons appeared in
opposition of said proposed dissolution:

(None.)

The Town Clerk reported that the follow-
ing pertinent written communications had been
received:

(None.)

The Chairman of the Meeting, Councilman
Felix T. Wroblewski, inquired as to whether
there were any other persons present who wished
to be heard. No one appeared.

Whereupon, the Chairman declared the
public hearing closed.

Councilman Johnson offered the follow-
Resolution and moved its adoption:

RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED SEPTEMBER 10, 1975, APPROVING
THE DISSOLUTION OF WATER DISTRICT NO. 9, WHOLLY
LOCATED IN SAID TOWN.

RECITALS

WHEREAS, the Town Board of the Town of

Cheektowaga, in the County of Erie, New York (herein called "Town Board" and "Town" respectively) has under consideration a proposal to dissolve Water District No. 9, (herein called "District"), wholly located in the Town;

WHEREAS, pursuant to Chapter 303 of the Laws of New York, 1975, the Town Board of the Town is authorized to convey the water line now located in the District, any abandoned water lines, and any interest the District may have in water lines laid or relocated as a consequence of Erie County's Borden Road reconstruction project No. RWP/CR 322-72 to the Erie County Water Authority for the sum of Twenty-two Thousand, Four Hundred Fifty Dollars (\$22,450.00); and

WHEREAS, said \$22,500.00 shall be used to pay the outstanding bonded indebtedness of the District, if possible, or deposited in a reserve fund of the Town established for the purpose of retiring outstanding obligations issued on behalf of the District to finance the cost of its facilities, excluding any extensions thereof; and

WHEREAS, if said sum deposited in said reserve fund and the interest thereon is insufficient to pay such outstanding bonded indebtedness and interest thereon, the Town is authorized to expend such moneys as may

be necessary to fully retire such bonded indebtedness and the interest thereon; and --"

MR. JOHNSON: I would like to make one statement?

MR. HOLTZ: Wait a minute, don't interrupt until I get through.

MR. JOHNSON: No, it is the matter of the wording you read, Ben. It should be "Borden Road Water District No. 9."

MR. HOLTZ: I am reading what is in the Resolution, Mr. Johnson. That can be corrected.

MR. JOHNSON: Okay. I just talked to the attorney. It will be so that all the voters know about it.

MR. HOLTZ: (Reading).

"WHEREAS, following said purchase and sale, if there are any contracts to accomplish the purpose of the District, excluding any extensions thereof, in force and effect, the same shall be assumed by the Erie County Water Authority; and

WHEREAS, in accordance with Chapter 303, the Town has conveyed, or has contracted to convey its interests, and has received or will receive payment or deposit of moneys as hereinabove described, and is now authorized to dissolve the District; and

WHEREAS, upon dissolution, all the property of the District, excluding any extensions thereof, shall become the

property of said Erie County Water Authority, which shall then assume and pay all the debts of the District, except the bonded indebtedness and contracts as hereinabove described; provided, however, that the several present extensions to the District known as, respectively, Strasmer Road, Como Park Boulevard, Transit Road, Messer Avenue, Losson Road (west extension), Lynnette Court, Freemont Avenue and Losson Road (east extension) shall be and hereby are, upon such dissolution, constituted and established as separate and distinct individual water districts of the Town as respectively bounded, described and set forth in the original Resolutions establishing such extensions;

WHEREAS, the District to be dissolved is bounded and described as follows:

WATER DISTRICT NO. 9

Cheektowaga Water District No. 9, as originally formed, covers a portion of the easterly part of the Town of Cheektowaga in Erie County lying along and within 233 feet on either side of the center line of Borden Road from the southerly corporation limits of the Village of Depew to the West Seneca Town Line and along Losson Road (William Street) 2,560 feet westerly of and 622 feet easterly of Borden Road.

WHEREAS, the Town Board determined to proceed with such dissolution and adopted an Order on August 22, 1975, reciting a description of the proposed District to be dissolved, the proposed basis of distributing the costs of any outstanding indebtedness and interest thereon, disposing of the property and contracts for services there, and specifying September 10, 1975, at 7:00 o'clock, p.m., (D.S.T.) as the time when, the Town Hall in the Town as the place where, the Town Board would meet to consider the proposed dissolution, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto, as may be required or authorized, by Section 202-c of the Town Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of said Section of the Town Law; and

WHEREAS, a public hearing in the matter was duly held by the Town on the 10th day of September, 1975, commencing at 7:00 o'clock, p.m., (D.S.T.), at the Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to dissolution;

NOW, THEREFORE, upon the evidence

adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE
TOWN OF CHEEKTOWAGA, IN THE COUNTY
OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that it is in the public interest to dissolve and discontinue the District pursuant to Chapter 303.

Section 2. The District is hereby dissolved and discontinued and said dissolution shall become effective upon the purchase and sale of such facilities as referred to in the "Recitals" hereof and the deposit of said \$22,450.00.

Section 3. If said sum is insufficient to pay said outstanding bonded indebtedness and interest thereon, the Town is authorized to expend such moneys as may be necessary to fully retire such bonded indebtedness and the interest thereon.

Section 4. Upon the occurrence of the event described in Section 2 hereof, all the property of the District, excluding any extensions thereof, shall become the property of said Erie County Water Authority, which shall then assume and pay all the debts of the District, except the bonded indebtedness and contracts as hereinabove described; provided, however, that the several present extensions to the District known as,

respectively, Strasmer Road, Como Park Boulevard, Transit Road, Messer Avenue, Losson Road (west extension), Lynette Court, Freemont Avenue and Losson Road (east extension) shall be and hereby are, upon such dissolution, constituted and established as separate and distinct individual Water Districts of the Town as respectively bounded, described and set forth in the original Resolutions establishing such extensions.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after this Resolution becomes effective to file certified copies thereof in the Office of the Clerk of the County of Erie and in the Office of the State Department of Audit and Control.

Section 6. This Resolution shall take effect immediately.

The adoption of the foregoing Resolution was seconded by Councilman Meyers and duly put to a vote on roll call, which resulted as follows:

AYES:	6
NOES:	0
ABSENT:	1

The Resolution was declared unanimously adopted.

MR. HALICKI: Mr. Chairman, I feel we are coming so close to budget time that copies should go to Mr. Malloy's office?

MR. HOLTZ: Copies should be immediately forwarded to the Supervisor, which is the usual procedure.

MR. JOHNSON: I might add, Councilman Halicki held a meeting of his Finance Meeting last Wednesday night, which we discussed special budget. It was mentioned by Mr. Malloy we would have to strike this from the rolls and very happily, I might say.

MR. WROBLEWSKI: Wait a minute -- go ahead.

MR. HOLTZ: Who moves to adjourn the meeting?

MR. JOHNSON: We have an additional items, Ben.

MR. WIERCIOCH: I would like to thank this Board for its vote of confidence. I think probably it was the best we could do.

MR. WROBLEWSKI: I think it is, too.

MR. HOLTZ: Here's to the Resolution --

WHEREAS, the Town of Cheektowaga has received and reviewed the preliminary report for the proposed rehabilitation of George Urban Boulevard in the Town of Cheektowaga, Department of Public Works; and

WHEREAS, the details of such rehabilitation have been presented to the interested residents at a public hearing

and,

THEREFORE, BE IT RESOLVED, the Town Board of the Town, the Town shall hereby request the County to proceed with the project with preliminary planning and report, with certified copies of this Resolution being sent to the County --

MR. JOHNSON:

Mr. Chairman, before there is a movement on this, we are committed to having a public information session tonight prior to moving this Resolution in which those residents could attend and would be able to see the sectional maps, and would be able to see the maps that our Engineering Department have drawn for George Urban Boulevard, and would be able to ask questions of Mr. Reitmeier.

The sectional maps show the location of trees and homes on every section of the proposed improved highway. I believe you will find those sectional maps will show you that no trees will be taken, no significant encroachment will be made. This is up to you to decide.

If the Chair would allow, the people could look at these and they can look at their sections. If we could have a short recess?

MR. HOLTZ: Gentlemen, I might remind you that I advertised only one specific reason for this meeting, and that was for the public hearing.

MR. JOHNSON: Ben, we adjourned.

MR. HOLTZ: Wait a minute. Just a moment. We got an important piece of legislation here. If you want to continue then you will have to dissolve this hearing, and if you want to continue the Town Board meeting, you can't.

Now, the Law is important in this. Now, you got to close the hearing. You have not closed the hearing. You are continuing with a Town Board meeting. You can't do that.

MR. JOHNSON: During the recess they can look at these.

MR. WASIELEWSKI: I make a motion we adjourn the hearing.

MR. JOHNSON: I will second it, Ray.

MR. WASIELEWSKI: I move the hearing be closed.

MR. JOHNSON: I second it. Okay.

MR. WROBLEWSKI: All in favor?

ALL: Yes.

(Whereupon, at 8:00 o'clock, p.m., (D.S.T.)
the hearing was adjourned.)

General - No Veto

CERTIFICATE

I, BENEDICT T. HOLTZ, Town Clerk of the Town of Cheektowaga in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town duly called and held on September 10, 1975, has been compared by me with the original Minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original Minutes as far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 10th day of September, 1975.

Town Clerk

(seal)

GERALD J. ROMANO
COURT REPORTER
4670 Hodgson Drive
Williamsport, PA 14221

#29

#30

* Following the Public Hearing held on September 10, 1975, at 7:00 P.M., Eastern Daylight Saving Time RE: Dissolution of Water District No. 9 in the Town of Cheektowaga as a result of Erie County's Borden Road Reconstruction Project No. RWP/CR 322-72, the Town Board held an adjourned meeting from September 2nd, 1975, at this time!

REGULAR ADJOURNED MEETING NO. 29

CHEEKTOWAGA, NEW YORK
September 10th, 1975

Item No. 1 At a regular adjourned meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 10th day of September, 1975 at 7:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson

ABSENT: Supervisor Daniel E. Weber

Also present were: Benedict T. Holtz, Town Clerk; Robert Miller, Deputy Town Attorney.

Item No. 1A Motion by Councilman Swiatek, seconded by Councilman Halicki

BE IT RESOLVED that in the absence of Supervisor Daniel E. Weber, Councilman Felix T. Wroblewski will act as Chairman of this adjourned meeting.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 2 Rehabilitation of George Urban Blvd. from Harlem to Union Road.

Motion by Councilman Halicki, seconded by Councilman Wasielewski

WHEREAS, the Town of Cheektowaga has received and reviewed the preliminary planning report for the proposed rehabilitation of George Urban Boulevard from Harlem to Union in the Town of Cheektowaga by the Erie County Department of Public Works, and

WHEREAS, the details of such rehabilitation have been presented to the interested residents at a public hearing, BE IT THEREFORE

RESOLVED, that the Town Board of Cheektowaga shall and hereby does request the County of Erie to proceed with the project as outlined in said preliminary planning report, and, BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to the Erie County Department of Public Works, Division of Highways, Erie County Executive, Edward V. Regan and Legislator Richard Slisz.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: Supervisor Weber

Item No. 3 Motion by Councilman Wasielewski, seconded by Councilman Johnson to adjourn the meeting.

BENEDICT T. HOLTZ
Town Clerk

9/10/75

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of September, 1975 at 7:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson

ABSENT: 0

Also present were: Mary F. Holtz, Deputy Town Clerk; Robert Miller, Deputy Town Attorney; Chester L. Bryan, Town Engineer; Andrew Schwenk, Town Assessor; Ronald Marten, Ass't. Building Inspector; Sal LaGreca, Director of Manpower Services; Ken Kopacz; Executive Director of Youth Board; Richard Slisz, Legislator--4th District; Dr. Vendetti, Town Health Officer.

I. BIDS

Item No. 2 Highway Department - Street name signs, U-posts, Curve signs, etc.
Referred to Alfred Wnek, Town Highway Superintendent.

Item No. 3 Highway Department - One (1) used 1964 International Truck with Vac-All (leaf picker - sewer cleaner and street flusher).
Referred to Alfred Wnek, Town Highway Superintendent.

Item No. 4 Buildings and Grounds - 3/4 ton, four (4) wheel drive Pick-up Truck with snow plow.
Referred to Chester L. Bryan, Town Engineer.

Item No. 5 Engineering Dept. - Storm and Sanitary Sewer Construction--St. Felix Drainage Area.
Referred to Chester L. Bryan, Town Engineer.

II. PUBLIC HEARINGS

Item No. 6 Motion by Councilman Halicki, seconded by Councilman Wroblewski

WHEREAS, this Town Board duly held a Public Hearing on the 15th day of September, 1975 to consider the advisability of adoption of proposed amendments to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said Hearing being held in accordance with Notice thereof which was duly published as required by law, at which Hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That this Town Board determine that it is in the public interest to adopt the following amendments to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII

STOP AND YIELD INTERSECTIONS

Section 80 is amended by deleting therefrom the following:

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>TRAFFIC STOPS</u>	<u>SIGN LOCATION</u>
HUTH ROAD	East-West	S. Roycroft Blvd.	Westbound	N.E. Corner

Section 80 is amended by adding thereto the following:

<u>STREET</u>	<u>DIRECTION</u>	<u>ENTRANCE STREET</u>	<u>TRAFFIC STOPS</u>	<u>SIGN LOCATION</u>
S. ROYCROFT BLVD.	East-West Southeast- Northwest	Huth Road	Westbound	N.E. Corner
REDLEAF LANE	East-West	Terry Lane	Southbound	N.W. Corner
REDLEAF LANE	East-West	Terry Lane	Northbound	S.E. Corner
HONORINE DRIVE	North-South	Marywood Drive	Eastbound	S.W. Corner
HONORINE DRIVE	North-South	Marywood Drive	Westbound	N.E. Corner
HONORINE DRIVE	North-South	Old Stone Road	Eastbound	S.W. Corner
HONORINE DRIVE	North-South	Old Stone Road	Westbound	N.E. Corner

Section 2. Time to Take Effect.

(a) These amendments shall take effect immediately except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Depew and Sloan.

Section 4. Publication and Posting.

That these amendments to said Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA NEWS and in the CHEEKTOWAGA TIMES, newspapers published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of these amendments specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

★ Clarence Bee ★ Lancaster Enterprise Journal
 ew Herald Journal and Cheektowaga News

5564 MAIN STREET,
 WILLIAMSVILLE, N.Y. 14221
 PHONE: 632-4700

TAT
 OUN

center. All these flags will eventually become prized family possessions. Order yours now from Bibles by phoning 633-3333. Commander William Cardinal wishes to thank post members on their large and dance at last week's meeting. The next one will be Tuesday, September 23, starting at 7 p.m. and finishing no later than 9:30 p.m. This being the second meeting of the month. The following members will be referred to the following members: patients at local hospitals. Raymond Krummer of Lancaster is a patient at Cheektowaga Hospital. Richard Hahn is a patient at Veterans Hospital. Let us remember these patients at Veterans Hospital. a get well card and prayer.

Councilman Halicki
 Voting AYE
 Councilman Waszlewski
 Voting AYE
 Councilman Johnson
 Voting AYE
 Councilman Meyers
 Voting AYE
 Councilman Swiatek
 Voting AYE
 Councilman Wroblewski
 Voting AYE
 Councilman Halicki
 Voting AYE
 Councilman Waszlewski
 Voting AYE
 AYES: 7
 NAYES: 0
 ABSENT: 0
 STATE OF NEW YORK
 COUNTY OF ERIE
 I, BENEDICT T. HOLTZ, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:
 1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 15, 1975 and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6, inclusive, of said book.
 2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.
 3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.
 IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of September, 1975.
 BENEDICT T. HOLTZ
 Town Clerk
 sept. 18

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper
 of the
Depew Herald
 a public newspaper published at
Depew, New York, that the
 notice of which the annexed printed slip taken from
 said newspaper, is a copy, was inserted and published
 therein once a week for 1 weeks, the first
 insertion being on the 18 day of September
1975, and the last insertion being on the _____
 day of same, 19____.

Subscribed and sworn to before me this 18 day
 of September, 1975

Susan M. Schasel

Myrna Rosen
 Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
 Notary Public, State of New York
 Qualified In Erie County
 My Commission Expires 26 March 30, 1976

PROOF OF PUBLICATION

Bee Publications Inc.

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Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

TATE OF NEW YORK
COUNTY OF ERIE

ss.

EXTRACT FROM THE MINUTES OF THE TOWN BOARD OF CHEEKTOWAGA TOWN

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of September, 1975 at 7:00 o'clock p.m. before David L. Searles, Town Clerk were:

PRESENT:

Supervisor
Daniel E. Weber
Councilman
Paul T. Wroblewski
Councilman
Frank E. Swiatek
Councilman
Kenneth J. Meyers
Councilman
Thomas M. Johnson
Councilman
Donald A. Halicki
Councilman
Raymond J. Wasielewski
Councilman

ABSENT: 0

Motion by Councilman Halicki seconded by Councilman Wroblewski

WHEREAS, this Town Board duly held a Public Hearing on the 15th day of September, 1975 to consider the advisability of adoption of proposed amendments to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, said Hearing being held in accordance with Notice thereof which was duly published as required by law, at which Hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That this Town Board determine that it is in the public interest to adopt the following amendments to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VIII TRAFFIC ORDINANCE

Section 18 is amended by deleting therefrom the following:

Street - Ruth Road, Direction - East-West, Entrance Street - S. Roycroft Blvd., Traffic Stops - Westbound, Sign Location - N.E. Corner.

Section 20 is amended by adding thereto the following:

Street - S. Roycroft Blvd., Direction - East-West, Southeast-Southwest, Entrance Street - Ruth Road, Traffic Stops - Westbound, Sign Location - N.E. Corner.

Street - Redleaf Lane, Direction - East-West, Entrance Street - Terry Lane, Traffic Stops - Northbound, Sign Location - N.W. Corner.

Street - Redleaf Lane, Direction - East-West, Entrance Street - Terry Lane, Traffic Stops - Northbound, Sign Location - N.W. Corner.

Street - Honorine Drive, Direction - North-South, Entrance Street - Marywood Drive, Traffic Stops - Eastbound, Sign Location - E.W. Corner.

Street - Honorine Drive, Direction - North-South, Entrance Street - Marywood Drive, Traffic Stops - Westbound, Sign Location - N.E. Corner.

Street - Honorine Drive, Direction - North-South, Entrance Street - Old Stone Road, Traffic Stops - Eastbound, Sign Location - S.W. Corner.

Street - Honorine Drive, Direction - North-South, Entrance Street - Old Stone Road, Traffic Stops - Westbound, Sign Location - N.E. Corner.

Section 2. Time to Take Effect.

(a) These amendments shall take effect immediately except those parts, if any, which are subject to approval under Section 1084 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1084 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Depew and Sloan.

Section 4. Publication and Posting.

That these amendments to said Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA NEWS and in the CHEEKTOWAGA TIMES, newspapers published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 20 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter into the Ordinance Book a copy of these amendments specifying the date of adoption thereof.

Town roll call

Supervisor Weber
Voting AYE
Councilman Wroblewski
Voting AYE
Councilman Swiatek
Voting AYE
Councilman Meyers
Voting AYE
Councilman Johnson
Voting AYE
Councilman Halicki
Voting AYE
Councilman Wasielewski
Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK COUNTY OF ERIE

I, BENEDICT T. HOLTZ, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 15, 1975 and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 6, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 15th day of September, 1975.

BENEDICT T. HOLTZ
Town Clerk
sept. 18

Susan M. Schasel

being duly sworn, deposes and says that he is the
Bookkeeper

of the
Depew Herald

public newspaper published at
Depew

New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for 1 weeks, the first

insertion being on the 18 day of September

1975, and the last insertion being on the

day of same, 19.....

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Glady M. Seiditz of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Editor*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks;
first publication...*September 18, 1975*...;
last publication.....;
and that no more than six days intervened be-
tween publications.

Glady M. Seiditz

Sworn to before me this*19th*.....
day of*September*....., 19.....*75*.....
.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*



Service & Repair

Cellars

BASEMENT wall cracks permanently repaired; call the professionals - Uttech Waterproofing Inc., 883-8991.

FLOODED, damp cellars or yards made dry with drain tile; sump pumps installed; water conditions corrected; Donald A. York, Inc.; 688-4111.

Concrete

CONCRETE work: cellar floors, garages, driveways, foundations and block work; free estimates; 883-3939.

CONCRETE flat work, driveways, patios; cellar floors and side walks; free estimates; Michael D'Addetta, 632-9271. -A

Tailoring

ALTERATIONS for men & women, Came Mall area; reasonable; 882-8446. -38

Advertisements

BENEDICT T. HOLTZ, Town Clerk of the Town hereinafter described, DO

EXTRACTS FROM MINUTES

OF CHESTOWN/USA TOWN BOARD

At a regular meeting of the Town Board of the Town of Chestown/USA, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of September, 1975 at 7:30 o'clock a.m., Eastern Daylight Saving Time, there were:

PRESENT:

Supervisor Donald E. Weber

Absent:

Felix T. Wroblewski

Frank E. Swinick

Kenneth J. Meyers

Thomas M. Johnson

Donald A. Hackett

Raymond J. Wroblewski

ABSENT:

Motion by Chairman Hackett seconded by Chairman Wroblewski: **WHEREAS**, the Town Board duly held a public hearing on the 15th day of September, 1975 to consider the advisability of adoption of proposed amendments to the Traffic Ordinance of the Town of Chestown/USA which was published on July 17, 1977, said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof; **THEREFORE, BE IT RESOLVED**

as follows:

Section 1. That the Town Board determine that it is in the public interest to adopt the following amendments to the Traffic Ordinance of the Town of Chestown/USA, County of Erie, and State of New York, and said amendments are hereby adopted and enacted:

ARTICLE IV

STOP AND YIELD INTERSECTIONS

Section 111 is amended by adding

herefrom the following:

Stop: Hutch Road; Direction, East
Stop: Kenona Street; S. Baycraft
Stop: Traffic Sign - Westbound; Sign Location - NE Corner.

Section 112 is amended by adding

herefrom the following:

Stop: Baycraft Blvd.; Direction, East
Stop: Southport/Horwood; Entrance
Stop: Hutch Road; Traffic Signs - Westbound; Sign Location - NE Corner.
Stop: Hutch Road Lane; Direction, East
Stop: Entrance Street - Terry Lane; Traffic Signs - Southbound; Sign Location - N.W. Corner.

Stop: Hutch Lane; Direction, East
Stop: Entrance Street, Terry Lane; Traffic Signs - Northbound; Sign Location - SE Corner.

Stop: Kenona Drive; Direction, North-South; Entrance Street - Marywood Drive; Traffic Signs - Eastbound; Sign Location - S.W. Corner.

Stop: Kenona Drive; Direction, North-South; Entrance Street Marywood Drive; Traffic Signs - Westbound; Sign Location - N.E. Corner.

Stop: Kenona Drive; Direction, North-South; Entrance Street - Old Stone Road; Traffic Signs - Eastbound; Sign Location - S.W. Corner.

Stop: Kenona Drive; Direction, North-South; Entrance Street - Old Stone Road; Traffic Signs - Westbound; Sign Location - N.E. Corner.

Section 2. Time to Take Effect.

(a) These amendments shall take effect on the date of their adoption, if the Board so resolves to amend said Ordinance. If the Board so resolves to amend said Ordinance on the date of their adoption, they shall take effect on the date of their adoption.

(b) Any part or parts of these amendments which are subject to approval under Article VIII of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval is received from the New York State Traffic Commissioner.

Section 3. Technical Application.

These amendments shall apply to all of the Town of Chestown/USA, Erie County, New York, outside of the Village of Terry and Glen.

Adopted & Published and Filed.

III. GENERAL COMMUNICATIONS

Item No. 7 N.Y.S. Dept. of Transportation - Notice of Postponement of Public Hearing re: Petition of I.T.A. Buffalo Limousine, Inc. to operate bus route in City of Bflo. and Town of Cheektowaga.

Referred to Cheektowaga Traffic Safety Commission; Benedict L. Kostrzewski, Chief of Police.

Item No. 8 Norman A. Nuessle, - Correspondence re: Use of Retention Basins in the Chapel, Broad, Northcrest area of Cheektowaga.

Referred to the Town Board Members; Chester L. Bryan, Town Engineer; Alfred Wnek, Town Highway Superintendent.

Item No. 9 Mrs. Eleanor Owens, - Correspondence re: Settlement for damages, work and expense to house sewer line.

Referred to John V. Rogowski, Town Attorney.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 10 Building Permits.
Received and Filed.

Item No. 11 Dr. Louis Vendetti, Health Officer - Health Report for month of August, 1975.

Received and Filed.

V. RESOLUTIONS

Item No. 11A Authorization for Supervisor to sign agreement between Cheektowaga-Maryvale Union Free School District and Town re: Outdoor Tennis Courts.

Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, the Town of Cheektowaga has been negotiating with the CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK for permitting the Town to use certain parcels of real property of the said school district for outdoor tennis courts and related outdoor recreational purposes, said parcels of real property being located at the Maryvale U-Crest Elementary School site and the Maryvale East Elementary School site, and

WHEREAS, said negotiations have been culminated to the satisfaction of both parties, therefore, BE IT

RESOLVED that an agreement between the CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK and the TOWN OF CHEEKTOWAGA, incorporating the terms of the negotiations and agreement between the parties be executed by the Supervisor on behalf of the Town of Cheektowaga.

***See Next Nine (9) Pages for Copy of Said Agreement

A G R E E M E N T

THIS AGREEMENT made as of the 15th day of September, 1975, by and between CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 1050 Maryvale Drive, Cheektowaga, New York, party of the first part, hereafter referred to as "School District"

and

TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road (no street number) Cheektowaga, New York, party of the second part, hereafter referred to as "Town."

WITNESSETH:

WHEREAS, the School District is the owner of certain real property located in the Town of Cheektowaga, Erie County, New York and more particularly identified hereafter, and

WHEREAS, the Town is desirous of using said real property for outdoor tennis courts and related outdoor recreational purposes and such use by the Town is in the best interests of the School District.

NOW THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO, pursuant to the provisions of Section 244-b of the General Municipal Law of New York as follows:

ARTICLE 1. That the School District hereby grants to the Town the right to use for outdoor tennis courts and related outdoor recreational purposes, free of charge, from September 15, 1975 until September 15, 1990 unless otherwise sooner terminated, the following parcels of real property:

PARCEL A. Maryvale U-Crest Elementary School site.

A rectangular area measuring one hundred fifty (150) feet by one hundred twenty (120) feet located at the northeast end of the Maryvale U-Crest Elementary School site, the one hundred fifty (150)-foot dimension being parallel with the northerly line of the property and about twenty-five (25) feet southerly from the existing ditch and the southwest corner of the rectangular parcel being located thirty (30) feet northeast of the existing school building. Attached hereto is a drawing marked Exhibit "A" showing the location of said rectangular parcel.

PARCEL B. Maryvale East Elementary School site.

A rectangular area measuring one hundred fifty (150) feet by one hundred twenty (120) feet located on the northwest side of the Maryvale East Elementary School site, the one hundred fifty (150)-foot dimension being in an east-west direction, the east line of the rectangular area being located seventy (70) feet westerly from the west side of the north-south portion of the school building and parallel with it and the south line being located seventy (70) feet north of the north line of the east-west portion of the school building. Attached hereto is a drawing marked Exhibit "B" showing the location of said rectangular parcel.

ARTICLE 2. That this grant of use is made by the School District upon the following conditions which the Town agrees to comply with and perform.

A. That the parcels of real property described in Article 1 herein, including the improvements constructed thereon by the Town, shall be maintained by the Town in good repair and free and clear of debris, high weeds and grass, rubbish, junk or deleterious materials and the condition of the property shall at all times be such as not to constitute a nuisance or otherwise

deteriorate the neighborhood.

B. That the use of the parcels of real property described in Article 1 herein shall be for outdoor tennis courts and related outdoor recreational purposes and the Town shall not erect any permanent buildings or structures on the property except with the written consent of the School District.

C. That at all times that this agreement is in effect the Town shall maintain in effect a comprehensive general liability insurance policy written by an insurance company authorized to conduct such business in New York State in which insurance policy the School District and its Board of Education, their successors and assigns shall be named insureds and the policy shall have bodily injury limits of not less than \$500,000 per person, \$1,000,000 for any occurrence and property damage limit of not less than \$500,000 written on an occurrence basis. Such insurance shall protect the School District and its Board of Education, their successors and assigns from liability which may at any time occur by reason of the use by the Town of the parcels of real property described in Article 1 herein and by reason of the use by the Town of the right of access provided in Article 3 herein.

D. That the Town shall hold the School District and its Board of Education, their successors and assigns, indemnified and free and harmless from any and all claims for personal injury and/or property damage which may at any time occur by reason of the use by the Town of said parcels of real property described in Article 1 herein and by reason of the use by the Town of the right of access provided in Article 3 herein.

E. That the rights herein granted shall not be transferred, conveyed, deeded, assigned or otherwise disposed of by the Town.

F. That the Town shall comply with all laws, ordinances and regulations affecting the premises and the Town's use

thereof and the right of access provided in Article 3 herein.

ARTICLE 3. That the Town shall have reasonable access to the parcels of real property described in Article 1 herein for the use permitted under this agreement while this agreement is in effect as to the said parcels of real property.

ARTICLE 4. That in case of partial or complete condemnation of the said real property described in Article 1 herein, and/or the right of access provided in Article 3 herein, the court in which the proceedings shall be brought shall determine the amounts to be paid to the School District, its successors and assigns and the Town.

ARTICLE 5. That all improvements constructed by the Town on the said parcels of real property described in Article 1 herein shall belong to the Town until this agreement shall expire on September 15, 1990 or shall be sooner terminated as otherwise provided in this agreement, except that the Town shall have sixty (60) days after such date of expiration or date of termination to remove all such improvements which it desires to remove and shall restore the ground to its present condition, including the sodding thereof and any buildings or other improvements not removed by the Town by the end of said sixty (60) day period shall thereupon become the sole and absolute property of the School District.

ARTICLE 6. That the rights of the Town herein granted are subject to all rights of use, easements or restrictions of record, if any.

ARTICLE 7. That the School District shall have the right of entry, at reasonable times, for inspection of the said parcels of real property described in Article 1 herein during the period that this agreement shall be in effect.

ARTICLE 8. That the School District makes no representations, statements or warranties, express or implied to the Town

in respect to the parcels of real property described in Article 1 herein as to which rights to use as described in this agreement are granted or as to the real property over which right of access is given in Article 3 herein as to title, condition, or the use or occupation that may be made thereof, and the School District shall not be liable for any latent defects therein.

ARTICLE 9. That any violation of the conditions or terms of this agreement by the Town or the discontinuance of the use of the parcels of real property described in Article 1 herein by the Town shall thereupon terminate the rights herein granted to the Town and all rights herein of the Town shall cease to exist and be null and void and the School District shall be fully and completely released from any and all obligations under this agreement, and the Town shall immediately surrender possession to the School District which shall have all legal remedies to regain possession, including a special proceeding under Article 7 of the Real Property Actions and Proceedings Law or similar proceedings which at that time may be provided by statute.

ARTICLE 10. That the Town shall and will pay and discharge at or before the time when the same shall be payable, or if paid by the School District, then will promptly reimburse the School District for the payment of all taxes, special assessments, assessments, service charges, special ad valorem levies, sewer rents, rents, levies, charges, rates, duties or other impositions by whatsoever name or names they may be called which are levied, assessed, charged or imposed against said parcels of real property described in Article 1 herein and/or the improvements therein or thereon at any time while this agreement shall be in effect and to and including the sixtieth day after the date of termination or expiration of the agreement. If other real property owned by the School District is included in the taxes, special assessments, assessments, service charges, special ad valorem levies, sewer

rents, rents, levies, charges, rates, duties or other impositions by whatsoever name or names they may be called, the parties shall agree to a proper allocation thereof as between them. The lien date or dates shall govern allocations between the parties as to September 15, 1975 and thereafter to and including the sixtieth day after the date of termination or expiration of the agreement and the School District shall be liable for the amount or amounts allocable prior to September 15, 1975 and after the sixtieth day after the date of termination or expiration of the agreement and the Town shall be liable for any and all amounts allocable from September 15, 1975 to and including the sixtieth day after the date of termination or expiration of the agreement.

ARTICLE 11. That this agreement is binding upon the parties hereto, their successors and assigns.

ARTICLE 12. That the terms and conditions of this agreement shall be construed as applying separately to each of the parcels of real property described in Article 1 herein and the legal effect shall apply independently as to each of such parcels.

ARTICLE 13. That this agreement represents the entire agreement between the parties hereto and there are no other agreements, representations or warranties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

CHEEKTOWAGA-MARYVALE UNION FREE
SCHOOL DISTRICT OF THE TOWN OF
CHEEKTOWAGA, ERIE COUNTY, NEW YORK

By Robert M. Russell
Member of Board of Education

By Raymond E. Stewart
Member of Board of Education

By Robert M. Russell
Member of Board of Education

By James W. Blange
Member of Board of Education

By Charles W. Collins
Member of Board of Education

Attest:

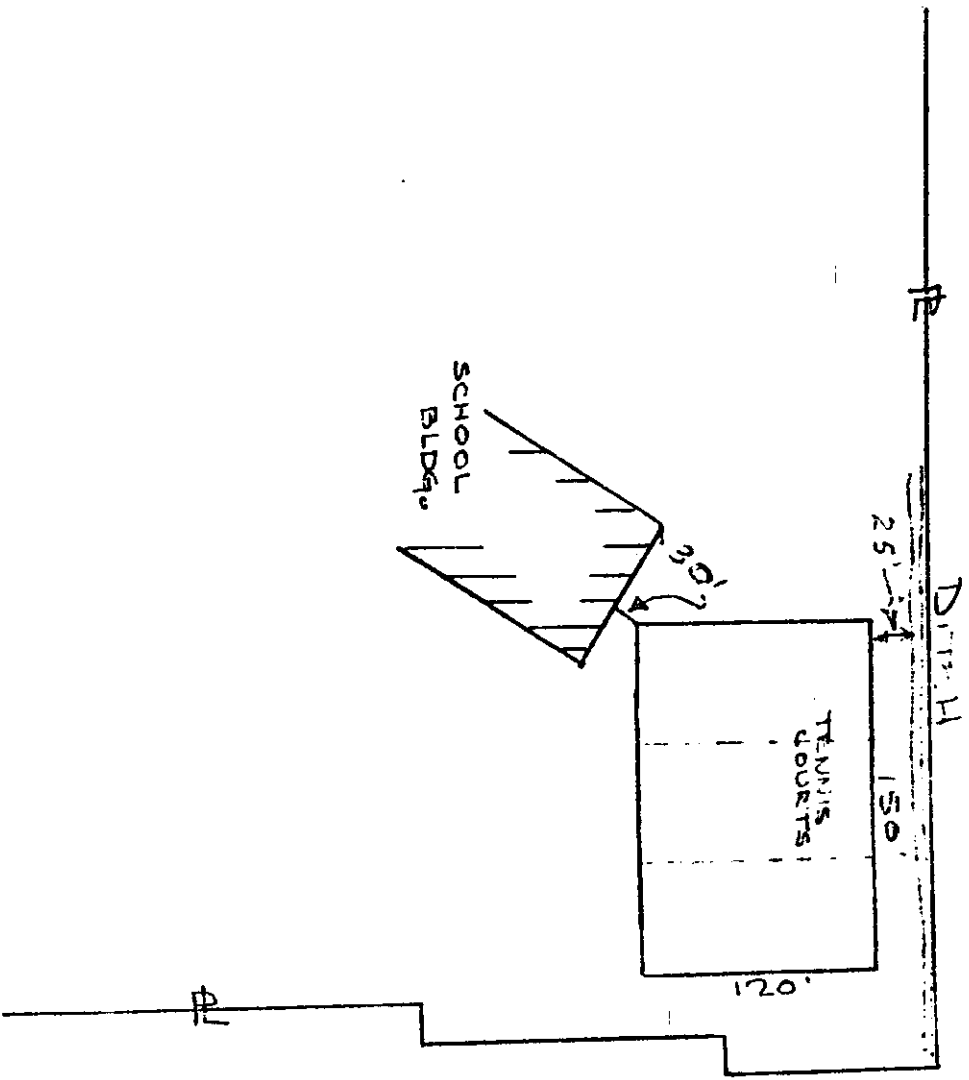
America Cappella
School District Clerk

TOWN OF CREEKTOWAGA, ERIE COUNTY,
NEW YORK

By David C. Miller
Supervisor

Attest:

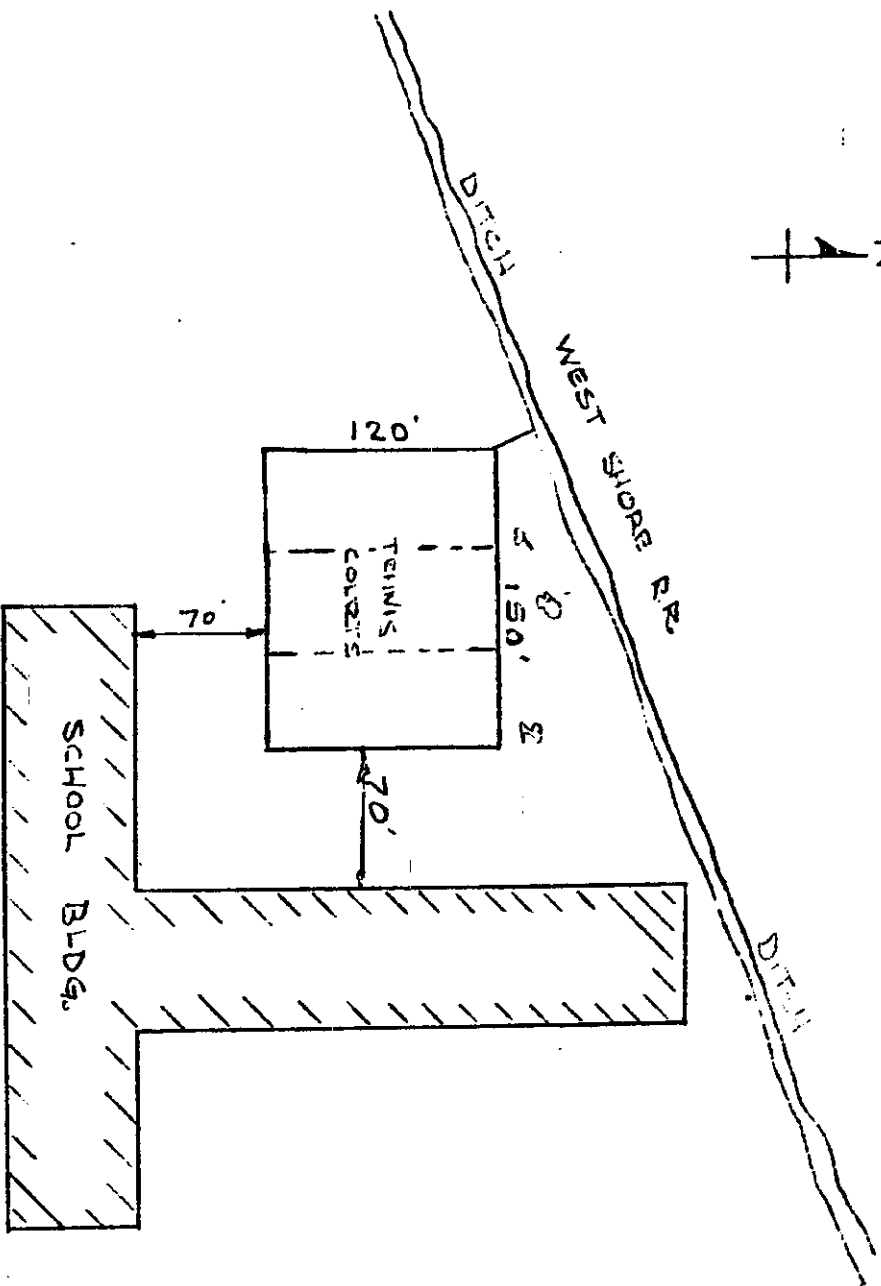
Deputy Mary F. Kelly
Town Clerk



PROPOSED TENNIS COURTS
U-CREST SCHOOL

SCALE 1" = 100'

PHIBIT



MOORMAN DR. R.O.W.

BAY LN.

PROPOSED TENNIS COURTS

SCALE: 1" = 100'

EXHIBIT

Item No. 11A Cont'd

Upon Roll Call.....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Halicki, Wasielewski
and Johnson
NAYES: Councilman Meyers
ABSENT: 0

Item No. 12 Town Clerk's Office - Call for Public Hearing for Rezoning of 760
Dick Road.

Motion by Councilman Wroblewski, seconded by Councilman Wasielewski

WHEREAS, Leon B. Sacks of 760 Dick Road, Inc. has made application
and requested the rezoning of property located at 760 Dick Road from RA-Apartment
District to M1-Light Manufacturing District, said applicant being the owner of property
aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under
the provisions of the Zoning Ordinance on October 20, 1975, at 7:00 o'clock P.M.,
Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and
Union Road.

Upon Roll Call.....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Shady M. Seate, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Shady*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks;
first publication.....*October 9, 1975*..... ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Shady M. Seate

Sworn to before me this*10th*.....

day of*October*....., 19*75*.....

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 20th day of October 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of 200 Dick Road, Inc. to Rezone from RA-1 Apartment District to M-1 Light Manufacturing District the property located at 200 Dick Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York and being part of Lot 12, Township 11, Range 7 and being described as follows: BEGINNING at a point in the intersection of the west line of Dick Road (100 feet wide) and the south line of West Shore Railroad; thence south easterly along the west line of Dick Road 59.92 feet to a point; thence continuing south easterly along the west line of Dick Road, 32.12 feet to a point; thence continuing south easterly along the west line of Dick Road 302.83 feet to a point; thence continuing south easterly along the west line of Dick Road 66.74 feet to a point; thence west at right angles to the west line of Dick Road 144.63 feet to a point; thence south 51.0 feet to a point in the north line of map covers 1219 & 2109; thence west along the north line of map cover 1219 & 2109, 1233.67 feet to a point in the south line of the West Shore Railroad; thence north east along the south line of the West Shore Railroad, 1238.30 feet to the point or place of BEGINNING.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Daniel E. Weber

Councilmen:

Felix T. Wroblewski
Frank E. Swiatek
Kenneth J. Meyers
Donald A. Halicki
Raymond J. Wasielewski
Thomas M. Johnson, Jr.
BENEDICT T. HOLTZ
Town Clerk

Item No. 13 Town Clerk's Office - Call for Public Hearing for Rezoning of 4822 Genesee Street.

Motion by Councilman Wroblewski, seconded by Councilman Wasielewski

WHEREAS, Marie C. Tadio has made application and requested the rezoning of property located at 4822 Genesee Street from M1-Light Manufacturing District to CM-General Commercial District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 20, 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

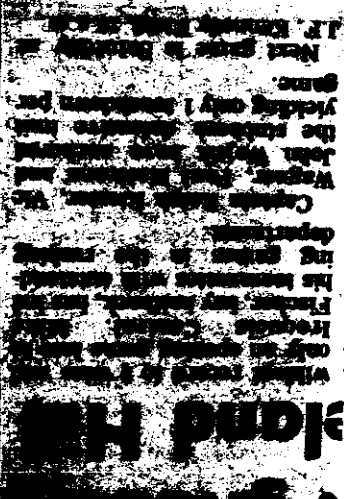
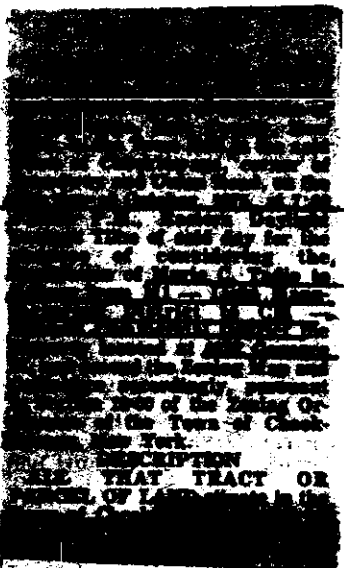
5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 9 day of October,
1975, and the last insertion being on the
day of same, 19.



Subscribed and sworn to before me this 9 day

Susan M. Schasel

of October, 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

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5564 MAIN STREET,
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PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 9 day of October,
1975, and the last insertion being on the
day of same, 19.

Blacked-out section containing a 'NOTICE OF PUBLIC HEARING' from the Town of Cheektowaga regarding a proposed street layout or land use change. The text is largely illegible due to heavy blacking out.

Subscriber

9 day

Susan M. Schasel

of

1975

Notary Public in and for Erie County

Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Glady M. Seckter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Club* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *October 9, 1975* ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Glady M. Seckter

Sworn to before me this *10th*

day of *October*, 19..... *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of N.Y.
Qualified in Erie County
My Commission Expires March 30, 19 *77*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 20th day of October 1975, at 7:00 o'clock P.M. Eastern Daylight Savings Time of said day for the purpose of considering the application of Marie C. Tadio to Rezone from M-1 Light Manufacturing District to C-1 General Commercial District the property located at 422 Genesee St. and around the same Map and Ordinance accordingly, pursuant to Section 19-09 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 76, Township 11, Range 7 of the Holland Land Company's survey, more particularly bounded and described as follows:

BEGINNING at the intersection of the northerly line of "new" Genesee Street (as now laid out) and the southerly line of the West Shore Railroad (as a 100.0 foot wide right-of-way);

Thence northeasterly along said southerly line of the West Shore Railroad right-of-way for a distance of 532.32 feet to a point in the westerly line of Liber 3086 of Deeds at page 517 as filed in the Erie County Clerk's Office;

Thence southerly along said westerly line of Liber 3086, page 517 for a distance of 332.72 feet to a point in said northerly line of "new" Genesee Street (as now laid out);

Thence westerly along said northerly line of "new" Genesee Street and along a curve having a radius of 1,500 feet for an arc distance of 230.52 feet to a point;

Thence northwesterly along said northerly line of "new" Genesee Street (as now laid out) for a straight line distance of 230.50 feet to the point or place of beginning, containing 1.94 acres of land, more or less.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Daniel E. Weber

Councilmen:

Felix T. Wroblewski

Frank E. Swiatek

Kenneth J. Meyers

Donald A. Halicki

Raymond J. Wasielewski

Thomas M. Johnson, Jr.

BENEDICT T. HOLTZ

Town Clerk

Item No. 14
Union Road.

Town Clerk's Office - Call for Public Hearing for Rezoning of 2958

Motion by Councilman Wroblewski, seconded by Councilman Wasielewski

WHEREAS, Henry J. Popiela has made application and requested the rezoning of property located at 2958 Union Road from R-Residential District to C-Retail Business District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 20, 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

DESCRIPTION
TRACT OF
LAND, situate in the
County of Erie, State of New York, being
... at a point in the
... of Union Road (66
... 20 feet northerly
... line of Marie
... (66 feet in width); running
... on a line parallel
... northerly line of
... 20 feet to the point
... of beginning; containing
... on a line
... with the lot northerly
... Avenue, 20 feet to a
... northerly on a line
... with the said
... of Union Road 66
... northerly of a line
... parallel with the said
... line of Marie Avenue 20
... northerly on a line
... parallel with the westerly
... Union Road 66 feet to the
... point or place of be-
... further in interest and
... will be given an opportunity
... in regard to such
... OF THE TOWN
... E. Weber
... W. W. Winkowski
... J. S. Szytek
... J. Mayne
... A. H. H. H.
... J. W. Winkowski
... J. Johnson, Jr.
... T. HOLTE
... Clerk

Susan M. Schasel
being duly sworn, deposes and says that she is the
Bookkeeper
of the
Depew Herald
public newspaper published at
Depew
New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 9 day of October,
1975, and the last insertion being on the
day of same, 19.

Subscribed and sworn to before me this 9 day
of October, 1975

Susan M. Schasel

Myrna Rosen
Notary Public in and for Erie County

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Seabrook of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication *October 9, 1975* ;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Seabrook

Sworn to before me this *10th*

day of *October*, 19 *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *77*

Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 20th day of October 1975, at 7:00 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of Henry J. Popiela to Rezone from B-Residential District to C-Retail Business District the property located at 2958 Union Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-60 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot No. 15, Township 11 and Range 7 of the Holland Land Company's Survey, and being Subdivision Lot No. 51 and Block E, as shown under Map Cover No. 527, as filed in the Erie County Clerk's office.

BEGINNING at a point in the westerly line of Union Road (65 feet in width), 52 feet northerly from the northerly line of Marie Avenue (30 feet in width); running thence westerly on a line parallel with the said northerly line of Marie Avenue 120 feet to the principal place of beginning; continuing thence westerly on a line parallel with the said northerly line of Marie Avenue, 30 feet to a point, thence northerly on a line drawn parallel with the said westerly line of Union Road 65 feet; thence easterly on a line drawn parallel with the said northerly line of Marie Avenue 30 feet; thence southerly on a line drawn parallel with the westerly line of Union Road 65 feet to the principal point or place of beginning.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Daniel E. Weber

Councilmen:

Peter T. Wroblewski
Frank E. Swistak
Kenneth J. Meyers
Donald A. Halicki
Raymond J. Wasielewski
Thomas M. Johnson, Jr.

BENEDICT T. HOLTZ
Town Clerk

PROOF OF PUBLICATION

Bee Publications Inc.

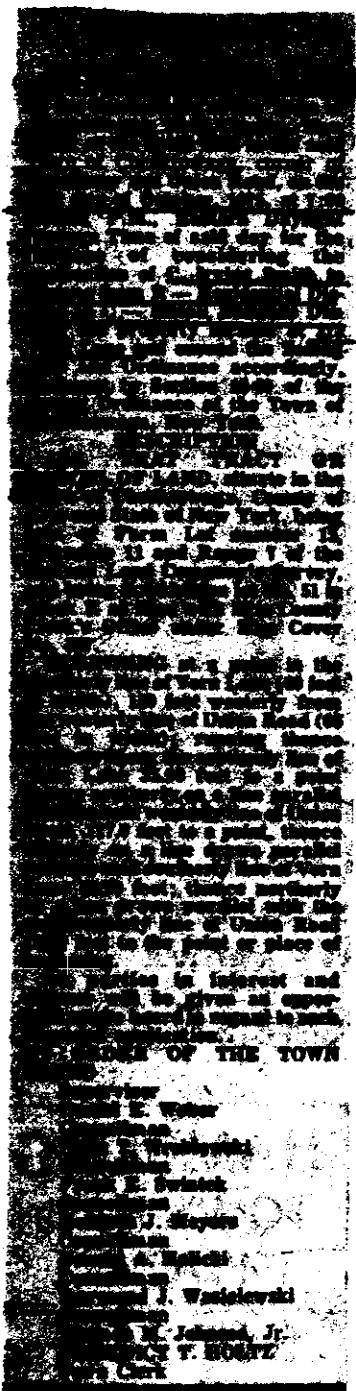
Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 9 day of October,
1975, and the last insertion being on the
day of same, 19.....

Subscribed and sworn to before me this 9 day

Susan M. Schasel

of October, 1975

Myrna Rosen

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County 76
My Commission Expires March 30, 19__

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Glady M. Sedite, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication *October 9, 1975* ;
last publication ;
and that no more than six days intervened be-
tween publications.

Glady M. Sedite

Sworn to before me this *10th*

day of *October*, 19*75*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 20th day of October 1975, at 7:00 o'clock P.M. Eastern Daylight Saving Time of said day for the purpose of considering the application of C. Irving Smith to Rezone from Residential District to C-Retail Business District the property located at 212 Vern Lane and amend the Zoning Map and Ordinance accordingly, pursuant to Section 2-40 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot number 15, Township 11 and Range 7 of the Holland Land Company's Survey, and being Subdivision lot No. 51 in Block E as filed with Erie County Clerk's Office under Map Cover No. 527.

BEGINNING at a point in the southerly line of Vern Lane (60 feet in width), 120 feet westerly line of Union Road (66 feet in width); running thence westerly along the southerly line of Vern Lane 35.90 feet to a point thence southerly on a line parallel with the said westerly line of Union Road, 117.0 feet to a point, thence easterly on a line drawn parallel with the said southerly line of Vern Lane 35.90 feet; thence northerly on a line drawn parallel with the said westerly line of Union Road 117.0 feet to the point or place of beginning.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Daniel E. Weber

Councilmen:

- Felix T. Wroblewski
- Frank E. Swiatek
- Kenneth J. Meyers
- Donald A. Halicki
- Raymond J. Wasielewski
- Thomas M. Johnson, Jr.

BENEDICT T. HOLTZ
Town Clerk

Item No. 16 Building and Plumbing Dept. - Supervision of Department during Building Inspector's Vacation.

Motion by Councilman Wroblewski, seconded by Councilman Johnson

BE IT RESOLVED that Mr. Ronald Marten, Ass't. Building Inspector, be and hereby is authorized to supervise the Building and Plumbing Department during the absence of Carl Trafalski, effective September 8th through September 19th, 1975, and BE IT

FURTHER RESOLVED that a copy of this resolution be forwarded to the Payroll Department notifying said Payroll Clerk of the increase in salary for Mr. Ronald Marten during such period.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 17 Highway Department - Advertise for Bids for a 1975 Hydraulic Sewer Cleaner.

Motion by Councilman Wasielewski, seconded by Councilman Johnson

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of a 1975 Hydraulic Sewer Cleaner, 1500 Gallon Truck Mounted and Multiple Purpose Pumping Apparatus for use by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 2:30 p.m. October 6, 1975 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

SEALED PROPOSALS WILL be received and considered by the Town Board of the Town of Cheektowaga at a meeting to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 2:30 P.M., Eastern Daylight Saving Time, October 6th, 1975 for:

1975 Hydraulic Sewer Cleaner, 1500 Gallon, Truck Mounted & Multiple Purpose Pumping Apparatus

Specifications may be picked up at the Highway Department, office of Alfred F. Wnek, located at 3145 Union Road, S. Cheektowaga, New York. Non-collusion form must be signed and submitted with bid.

BENEDICT T. HOLTZ
Town Clerk

DATED: September 12, 1975
PUBLISHED: September 18, 1975

Item No. 17 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

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Publishers Of:

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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 18 day of September,
1975, and the last insertion being on the
day of same, 19.

SEALED ENVELOPES TO BE OPENED AT THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA AT A MEETING TO BE HELD AT THE TOWN HALL, CORNER OF BROADWAY AND UNION ROAD, CHEEKTOWAGA, NEW YORK AT 2:30 P.M., E.D.S.T., OCTOBER 28, 1975.
BENEDICT T. HOLTZ
Town Clerk
DATED: September 12, 1975
PUBLISHED: September 18, 1975

Subscribed and sworn to before me this 18 day

Susan M. Schasel

of September, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

Myrna A. ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Seidman, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clah* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication *September 18, 1975*;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Seidman

Sworn to before me this *19th*
day of *September*, 19... *75*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19... *77*

and approved by the Town Board of the
Town of Cheektowaga at a meeting to be
held at the Town Hall, corner of
Broadway and Union Road, Cheektowaga,
New York at 2:30 P.M. E.D.S.T.
Monday 8th, 1975 for:
1975 Hydraulic Sewer Cleaner, 1500
Gallon, Truck Mounted & Multiple
Purpose Pumping Apparatus
Specifications may be picked up at the
Highway Department, office of Alfred F.
Blask, located at 3145 Union Road, S.
Cheektowaga, New York. Non-collusion
form must be signed and submitted with

BENEDICT T. HOLTZ
Town Clerk

DATED: September 12, 1975
PUBLISHED: September 18, 1975

Item No. 18 Highway Department - Advertise for Bids for New Tires and Tubes;
Recapped Tires.

Motion by Councilman Wasielewski, seconded by Councilman Halicki

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of new tires, tubes and recapped tires for use in the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA NEWS and the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 2:30 p.m. October 6, 1975 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

NOTICE is hereby given in compliance with Section 142 of the Highway Law as amended and Section 103 of the General Municipal Law, that, Alfred F. Wnek, Superintendent of Highways of the Town of Cheektowaga, Erie County, New York has recommended the purchase of Tires and Tubes in excess of \$1,000.00 as follows:

SEASONAL REQUIREMENT: NEW TIRE AND TUBES - All tires to be Nylon per specifications for Heavy Duty Trucks, Tractors and other equipment.

RECAPPED TIRES - As per specifications.

Specifications and bid forms may be obtained from the Town of Cheektowaga Highway Department, 3145 Union Road, S. Cheektowaga, New York during regular business hours. The Superintendent of Highways reserves the right to reject any or all bids. All bids to be furnished, must be sealed in opaque envelopes and sent to the Town Hall, c/o Benedict T. Holtz, Town Clerk, Broadway and Union Rd., Cheektowaga, New York 14227 and clearly marked:

"BIDS FOR TIRES AND TUBES AND FOR RECAPPED TIRES FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT."

Non-collusion forms must be signed and submitted with bids. All bids to be publicly opened and read at the Town Board meeting October 6th, 1975 at 2:30 P.M., Eastern Daylight Saving Time. Bidders may attend the public opening if they so desire.

BENEDICT T. HOLTZ
Town Clerk

DATED: September 9, 1975
PUBLISHED: September 18, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK }
COUNTY OF ERIE } ss.

Susan M. Schasel

.....
being duly sworn, deposes and says that ^she is the
.....
Bookkeeper of the
.....
Depew Herald , a
public newspaper published at
.....
Depew , New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for ¹ weeks, the first
insertion being on the ¹⁸ day of **September**,
19⁷⁵, and the last insertion being on the
day of **same**, 19.....

NOTICE is hereby given in compliance with Section 128 of the Highway Law as amended and Section 108 of the General Municipal Law that, Alfred F. Walsh, Superintendent of Highways of the Town of Cheektowaga, Erie County, New York has recommended the purchase of Tires and Tires and Recapped Tires for the Town of Cheektowaga Highway Department. All bids must be submitted in sealed envelopes and sent to the Town Hall, c/o Benedict T. Holtz, Town Clerk, Broadway and Union Road, Cheektowaga, New York 14221 and clearly marked: "BIDS FOR TIRES AND TIRES AND FOR RECAPPED TIRES FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT." Non-collision forms must be filled and submitted with bids. All bids to be publicly opened and read at 10:00 A.M. on September 19, 1975 at the Town Hall, Cheektowaga, New York. Any bidder desiring to inspect the same may do so by public opening if they so desire.
BENEDICT T. HOLTZ
Town Clerk
Dated: September 9, 1975
Published: September 18, 1975

Subscribed and sworn to before me this _____ ¹⁸ day _____
of _____ ^{September}, 19 ⁷⁵
.....
Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 19⁷⁶

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Hechler, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks;
first publication.....*September 18, 1975*.....;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. Hechler
Sworn to before me this*19th*.....
day of*September*....., 19*75*.....
.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C WILLIAMS
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

LEGAL NOTICE TO BIDDERS

NOTICE is hereby given in compliance with Section 142 of the Highway Law as amended and Section 183 of the General Municipal Law, that, Alfred F. Wnek, Superintendent of Highways of the Town of Cheektowaga, Erie County, New York has recommended the purchase of Tires and Tubes in excess of \$1,000.00 as follows:

SEASONAL REQUIREMENT: NEW TIRE AND TUBES - All tires to be Nylon per specifications for Heavy Duty Trucks, Tractors and other equipment.

RECAPPED TIRES - As per specifications.

Specifications and bid forms may be obtained from the Town of Cheektowaga Highway Department, 3145 Union Road, S. Cheektowaga, New York during regular business hours. The Superintendent of Highways reserves the right to reject any or all bids. All bids to be furnished, must be sealed in opaque envelopes and sent to the Town Hall, c/o Benedict T. Holtz, Town Clerk, Broadway and Union Road, Cheektowaga, New York 14227 and clearly marked:

"BIDS FOR TIRES AND TUBES AND FOR RECAPPED TIRES FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT."

Non-collusion forms must be signed and submitted with bids. All bids to be publicly opened and read at the Town Board meeting October 8th, 1975 at 2:30 P.M. E.D.S.T. Bidders may attend the public opening if they so desire.

BENEDICT T. HOLTZ
Town Clerk

Dated: September 9, 1975
Published: September 16, 1975

Item No. 19 Building and Grounds Department - Advertise for Bids for the purchase of New Lighting Standards.

Motion by Councilman Johnson, seconded by Councilman Wroblewski

WHEREAS, the Town of Cheektowaga purchases light standards for street lighting purposes, and

WHEREAS, it would be in the public interest to obtain said standards through public bidding, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders in connection with said light standards, notice to be published in the Cheektowaga Official Papers, and BE IT FURTHER

RESOLVED that specifications for said light standards can be obtained from the Town Clerk's Office and BE IT FURTHER

RESOLVED that the Town Board will meet on the 6th day of October, 1975, at 2:30 P.M. Eastern Daylight Saving Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at a public meeting called for that purpose.

LEGAL NOTICE

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 2:30 P.M. Eastern Daylight Saving Time, on October 6, 1975, for the furnishing of light standards for the Town of Cheektowaga. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York, or from the Office of the Building and Maintenance Department located at 3329 Broadway, Cheektowaga, New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: September 11, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 18 day of September,
1975, and the last insertion being on the
day of same, 19.....

LEGAL NOTICE
NOTICE TO BIDDERS
Sealed proposals will be received and considered by the Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 2:30 P.M. Eastern Daylight Saving Time on the 11th day of September, 1975 for the furnishing of 1000 standard for the town of Cheektowaga. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York, or from the Office of the Building and Maintenance Department located at 3329 Broadway, Cheektowaga, New York.
BENEDICT T. HOLTZ
Town Clerk
DATED: September 11, 1975
Sept. 18

Subscribed and sworn to before me this 18 day
of September, 1975

Susan M. Schasel

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Form No.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sediter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *September 18, 1975*;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sediter
Sworn to before me this *19th*
day of *September*, 19*75*
Naidine C. Williams
Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE TO BIDDERS
Sealed proposals will be received and
considered by the Town Board of the
Town of Cheektowaga at a meeting
to be held at the Town Hall,
Broadway and Union Road,
Cheektowaga, New York at 2:30 P.M.
on Monday, October 13, 1975, for the furnishing of light
fixtures for the Town of Cheektowaga.
Information for bidders and specifica-
tions may be obtained from the Town
Clerk's Office located in the Town Hall,
Broadway and Union Road, Cheektowaga,
New York, or from the Office of
the Building and Maintenance Depart-
ment located at 3329 Broadway, Cheek-
towaga, New York.
BENEDICT T. HOLTZ
Town Clerk
Dated: September 11, 1975

Item No. 20 Engineering Department - Advertise for Bids for one 3/4 ton, four (4) wheel drive pick-up truck for Town Garage.

Motion by Supervisor Weber, seconded by Councilman Wasielewski

WHEREAS, the Town Garage is in need of a new 3/4 ton, four (4) wheel drive pick-up truck, and

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE,
BE IT

RESOLVED, that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said vehicle, notice to be published in the CHEEKTOWAGA TIMES and the CHEEKTOWAGA NEWS (Depew Herald), and
BE IT FURTHER

RESOLVED, that the Town Board of the Town of Cheektowaga will meet on the 6th day of October, 1975, at 2:30 P.M., Eastern Daylight Saving Time for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 6, 1975, at 2:30 P.M., at the Town Hall, corner of Broadway and Union Road for one (1) 3/4 ton, four (4) wheel drive pick-up truck.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County,
New York.

BENEDICT T. HOLTZ
Town Clerk

DATED: September 15, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Halicki and Wasielewski
NAYES: Councilmen Meyers and Johnson
ABSENT: 0

AFFIDAVITS-NEXT PAGE

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5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 18 day of September,
1975, and the last insertion being on the
day of same, 19.....

LEGAL NOTICE TO BIDDERS
Sealed proposals will be received by the Town Board of the Town of Cheektowaga on October 6, 1975, at 2:30 P.M. at the Town Hall, corner of Broadway and Union Road for one (1) 24 ton, four-wheel drive pick-up truck. Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town. The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids. By order of the Town Board of the Town of Cheektowaga, Erie County, New York. BENEDICT T. HOLTZ, Town Clerk. DATED: September 5, 1975. Sept. 18

Subscribed and sworn to before me this 18 day

Susan M. Schasel

of September, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

considered by the Town Board of the
Town of Cheektowaga on October 8,
1975 at 2:30 P.M. at the Town Hall,
corner of Broadway and Union Road in
the 10 1/4 ton, four-wheel drive pick-up
truck.

Information for bidders and specifica-
tions may be obtained from the Town
Clerk at his office in said Town.

The Town Board reserves the right to
consider informal any bid not prepared
and submitted in accordance with the
provisions of the specifications and
contract documents, and may waive any
irregularities, make an award to other
than the low bidder, should it be in the
best interest of the Town, or reject any or
all bids.

By order of the Town Board of the
Town of Cheektowaga, Erie County, New
York.

BENEDICT T. HOLTZ
Town Clerk

WJH: September 15, 1975

Item No. 21

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, certain houses located on Park Avenue do not have access to any water supply, and

WHEREAS, the Erie County Water Authority has indicated that if the Town of Cheektowaga would give them a quit-claim bill of sale for any pipes they may own on Park Avenue, they would proceed in an effort to provide these homes with water, therefore, BE IT

RESOLVED that the attached quit-claim bill of sale be signed by the Supervisor and sent to the Erie County Water Authority so that the people in the area may have a satisfactory water supply.

***SEE NEXT PAGE FOR COPY OF QUIT-CLAIM BILL

KNOW ALL MEN BY THESE PRESENTS

THAT on the 15th day of September, 1975, the TOWN OF CHEEKTOWAGA, NEW YORK, party of the first part for and in consideration of the sum of One and no more (\$1.00 & no more) Dollars lawful money of the United States paid by the ERIE COUNTY WATER AUTHORITY, party of the second part, does hereby remise, release and forever Quit-Claim to the said party of the second part, its successors and assigns forever,

All the pipe it now owns or ever owned and located in the right-of-way of Park Avenue, Cheektowaga, New York and any and all water pipelines located in said Park Avenue, Cheektowaga, New York running north from Como Park Boulevard to Zurbrick Road.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the said pipeline.

TO HAVE AND TO HOLD, the above granted pipeline unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first has hereunto set its hand and seal the day and year first above written.

TOWN OF CHEEKTOWAGA

By [Signature]

STATE OF NEW YORK)
COUNTY OF ERIE) SS

On this 16th day of September, 1975, before me personally came DANIEL E. WEBER, to me known, who, being by me duly sworn did depose and say that he resides in the Town of Cheektowaga, New York; that he is the Supervisor of said Town, the municipal corporation described in and which executed the within instrument; that he knows the seal of said Town; that the seal so affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said Town; and that he signed his name thereto by like order.

Linda Baer
State of New York
Erie County
Commission Expires March 30, 1976

Linda Baer

Item No. 21 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Halicki, seconded by Councilman Wasiolewski

WHEREAS, the New York State Planning Federation Meeting will be held at Grossinger's, Grossingers, New York between Sunday October 19th and Tuesday, October 21st, 1975, and

WHEREAS, a request has been made by the Town Attorney and Deputy Town Attorney to attend said meeting, now, therefore, BE IT

RESOLVED that the Town Attorney and Deputy Town Attorney be and hereby are authorized to attend the New York State Planning Federation Meeting and that their reasonable and necessary expenses incurred in attending said meeting will be reimbursed by the Town.

Upon Roll Call....

AYES: Councilmen Wroblewski, Swiatek, Halicki and Wasiolewski
NAYES: Supervisor Weber, Councilmen Meyers and Johnson
ABSENT: 0

Item No. 23 Motion by Councilman Meyers, seconded by Councilman Swiatek

WHEREAS the Town of Cheektowaga requires dehumidification and air conditioning at the Cheektowaga Recreation Center located at 214 Ridge Park Road in the Town of Cheektowaga, and

WHEREAS the Town of Cheektowaga requires an architectural firm to design said dehumidification and air conditioning, NOW, THEREFORE, BE IT

RESOLVED that the firm of Donald T. Maharan Associates, P.C., of 505 Delaware Avenue, Buffalo, be retained to perform all services required for the design and construction of the system, and

BE IT FURTHER RESOLVED that the fee to the architects shall be 2 1/2 times direct personnel expenses, plus reimbursable expenses.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga has filed an application with the consortium of Erie County for Community Development Funds of the Housing and Community Development Act of 1974, and

WHEREAS, said application was approved by the Department of Housing and Urban Development, and

WHEREAS, the Town of Cheektowaga had listed the Dartwood Drive Community Center as a project under Community Development, and

WHEREAS, said project would be ineligible due to its status as a pre-existing project, NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Cheektowaga hereby amend this application to include the work on the Scajaquada Creek Project as a priority Project, at an estimated cost of \$125,000, and BE IT FURTHER

Item No. 24 Cont'd

RESOLVED that the amended application be sent to the Erie County Planning Department for processing.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Swiatek, seconded by Councilman Johnson

WHEREAS, the U. S. Army Corps of Engineers is preparing a design plan for the Scajaquada Creek Flood Control Project, and

WHEREAS, said plan includes certain work which could be done prior to final approval by the Corps, and

WHEREAS, the general design work is being done by McFarland, Johnson, and Gibbons, Consulting Engineers, 1945 Sheridan Drive, Buffalo, New York, and

WHEREAS, the Town Board of the Town of Cheektowaga is desirous of performing certain work on diversionary channels known as T-3 diversion, NOW, THEREFORE, BE IT

RESOLVED that the firm of McFarland, Johnson, and Gibbons, be authorized to prepare plans and specifications for bidding for the above named project.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Johnson, seconded by Councilman Swiatek

WHEREAS, a resolution was passed on September 2, 1975, allocating the sum of \$1,250.00 chargeable to the sidewalk program to move the water meter boxes on Harlem Road, NOW, THEREFORE, BE IT

RESOLVED, that said resolution be and hereby is rescinded.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Johnson, seconded by Councilman Swiatek

WHEREAS, water meter boxes on Hyland Road are interfering with the Town sidewalk construction work, NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$1,250.00 is allocated and chargeable to the sidewalk program to move the water meter boxes.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 28

Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, the members of the St. John Gualberts Senior Citizen Club have decided that they would, at this time, like to remain independent of the Town's senior citizen program due to the large number of members who live outside the Town, and

WHEREAS, this club has conveyed their opinion to the Town in a letter dated September 9th, 1975, and

WHEREAS, a resolution was passed by this Town Board on Monday, August 18th, 1975, recognizing the St. John Gualbert's Senior Citizens Club as a Town sponsored club, NOW, THEREFORE, BE IT

RESOLVED, that said resolution is hereby rescinded, and BE IT FURTHER

RESOLVED, that the Town Park Senior Citizens Club be recognized as a Town sponsored Club, and be entitled to receive \$200 for transportation and \$100 for arts & crafts for the remainder of 1975.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 29

Motion by Supervisor Weber, seconded by Councilman Halicki

WHEREAS, the term of office of Carl Scheffline, Rudy Santa Maria, and Anthony Osswald, members of the Cheektowaga Traffic Safety Commission, expired on September 2, 1975, NOW, THEREFORE, BE IT

RESOLVED, that Carl Scheffline of Cheektowaga, New York 14225; Rudy Santa Maria of Cheektowaga, New York; and Anthony Osswald of Cheektowaga, New York 14225 be and hereby are re-appointed to the Board of the Cheektowaga Traffic Safety Commission, terms to expire on September 2, 1978.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 30

Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, a vacancy presently exists in the Cheektowaga Recreation Center for a "General Mechanic", and

WHEREAS, this position has previously been created and posted in accordance with the Erie County Department of Personnel, NOW, THEREFORE, BE IT

RESOLVED that Leo Krutchen, be removed from the C.E.T.A. Program, and hired as "General Mechanic" in the Cheektowaga Recreation Center, at a starting salary of \$4.40 per hour, effective immediately.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 31

Motion by Councilman Swiatek, seconded by Councilman Meyers

BE IT RESOLVED that the following be hired as part-time employees for the Recreation Center to be used as:

9/15/75

Item No. 31 Cont'd

Ticket Seller at the rate of \$2.50 per hour:

Jay Meyers

Figure Skating Instructor at the rate of \$5.00 per hour:

Lise Woolrich

Figure Skating Instructor at the rate of \$10.00 per hour:

Beffe O'Donnell

Part-time Recreation Attendants -- Dartwood Drive Community Center - at the rate of \$2.50 per hour:

Diane Kaczorowski
Mary Klumpp

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson

NAYES: 0

ABSENT: 0

Item No. 32 Create Position of Working Foreman in Plumbing Department.

Motion by Councilman Wroblewski, seconded by Supervisor Weber to
table this item until the regular adjourned meeting to be held on September 22nd,
1975, at 5:30 P.M., Eastern Daylight Saving Time.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson

NAYES: 0

ABSENT: 0

Item No. 33 Appointment to the Position of Working Foreman in Plumbing Department.

Motion by Councilman Wroblewski, seconded by Supervisor Weber to
table this item until the regular adjourned meeting to be held on September 22nd,
1975, at 5:30 P.M., Eastern Daylight Saving Time.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasiolewski and Johnson

NAYES: 0

ABSENT: 0

Item No. 34 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, funds are presently available under the Comprehensive Employ-
ment and Training Act of 1973, Title II, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the
positions listed below, at a salary rate as specified, starting dates established by
the department head:

Laborer in the Parks Department at a rate of \$4.09 per hour:

August F. Lerner

, Chktg., NY 14225

(Replacement for Leo Krutchen)

9/15/75

Item No. 34 Cont'd

School Nurse in the Cheektowaga Central School District at a rate of \$7,940.00 per year:

Patricia J. Borucki , Chktg., NY 14225

(Replacement for Irene Russo)

Laborer in the Highway Department at a rate of \$4.09 per hour:

Robert S. Wojtaszczyk , Chktg., NY 14227

(Replacement for Joseph Gacek)

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson

NAYES: 0

ABSENT: 0

Item No. 35 Motion by Councilman Swiatek, seconded by Councilman Halicki

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Emergency Jobs Program Title VI, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the positions listed below, at a salary rate as specified, starting dates to be established by the department head:

Laborer in the Plant #5 Department at a rate of \$4.09 per hour:

Thomas A. Nero , Chktg., NY 14225

(Replacement for Robert Dobmeier)

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson

NAYES: 0

ABSENT: 0

Item No. 36 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED, that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending September 15, 1975, be and hereby are approved and that Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General	2704	2835	\$404,290.79
Part Town	145	152	2,778.36
Special Districts	715	739	142,875.34
Highway	662	690	60,180.85
Trust and Agency	61	62	33,119.62
Federal Revenue Sharing	60	62	5,447.64
Construction & Improvement	30	--	---
			<u>\$648,692.60</u>

Item No. 36 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Councilman Halicki, seconded by Councilman Wroblewski

RESOLVED, that the following transfer of funds in the General Fund be approved:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A1990.480 Contingent	\$ 400.00	A1356.100 Ass't. Review Fees
A7140.200 Station Wagon	1,106.18	A7140.168 Umpires and Referees
A3120.200 Police Cars	10,000.00	A3120.400 Police Supplies
A1010.413 Town Board Travel	700.00	A1010.400 Office Supplies

FEDERAL REVENUE SHARING ACCOUNT

CF1620.400 Town Buildings	\$15,000.00	CF7110.411 Rink Paving (NEW ACCOUNT)
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Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 38 Motion by Councilman Swiatek, seconded by Councilman Johnson

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the installation of one, two, or three tennis courts at three different locations in the Town of Cheektowaga, two locations on Maryvale School District property and one location on Town property at the Tiorunda Area, which bids were duly received and opened at a public meeting called for that purpose, AND

WHEREAS, an acceptable agreement has been signed between the Town of Cheektowaga and the Maryvale School Board, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, said Town Engineer has submitted the same which is hereto attached and made part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the installation of three (3) tennis courts at Maryvale U-Crest and two (2) tennis courts at the Tiorunda Area as per bid prices and as recommended by the Town Engineer be and the same is hereby awarded to Cemulini Concrete Construction, Inc., 589 Northland Avenue, Buffalo, New York 14211, said bid being the lowest meeting the requirements of the specifications.

Item 1c-Maryvale U-Crest-three (3) courts	\$22,675.00
Item 3b-Tiorunda Town Property-two (2) courts	\$18,717.00

***SEE NEXT TWO PAGES FOR REPORT



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

August 15, 1975

TO THE SUPERVISOR AND THE
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re.: Tennis Court Bid Award

Gentlemen:

At the regular Town Board meeting of August 4, 1975, bids were received and opened for the installation of one, two, or three tennis courts at three different locations in the Town of Cheektowaga. Two locations were on Maryvale school district properties and one location was on Town property at the Tiorunda area. Four (4) bids were received as follows:

Item	Cemulini Const.	Schreiber Hauling	D & H Paving, Inc.	Louis DelPrince
1. Maryvale U-Crest	\$	\$	\$	\$
a. one court	12,680	13,991	13,998	15,070
b. two courts	17,917	20,868	21,461	21,985
c. three courts	22,675	26,966	28,722	29,300
2. Maryvale East				
a. one court	12,680	13,991	14,213	15,070
b. two courts	17,917	20,868	21,281	21,985
c. three courts	22,475	26,966	28,922	29,300
3. Tiorunda Area				
a. one court	13,505	13,991	13,713	15,070
b. two courts	18,717	20,868	20,781	21,985
c. three courts	22,990	26,966	27,922	29,300

It is therefore recommended that bids be awarded to the lowest bidder meeting the requirements of the specifications. Funds available permit the installation of two (2) courts at the Tiorunda Area and three (3) courts at the



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

August 15, 1975

To the Supervisor and the
Honorable Town Board Members

Re.: Tennis Court Bid Award

Page 2

Maryvale U-Crest property and should be awarded to Cemulini Concrete Construction, Inc., 589 Northland Avenue, Buffalo New York 14211.

The Acting Deputy Superintendent of Parks, Recreation Director and Myself inspected old and new tennis courts installed by this contractor and found them acceptable. The chief planner for the Erie County Parks Department stated that this contractor has installed tennis courts for the county and is a reputable contractor.

Very truly yours,

TOWN OF CHEEKTOWAGA

Chester L. Bryan, P.E.
Town Engineer

BY 
Steven T. Marcynski
Senior Engineer Assistant

CLB:SIM:tw

cc: Jim Matecki

Item No. 38 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Halicki, Wasielewski and Johnson
NAYES: Councilman Meyers
ABSENT: 0

VI. FROM THE TABLE

Item No. 39 A. J. Thrun, Cheektowaga Traffic Safety Commission - Correspondence
re: Beryl & Genesee Rebuilding.

Motion by Councilman Halicki, seconded by Councilman Wasielewski to table this item until the next regular Town Board Meeting to be held on October 6, 1975, at 2:30 P.M. Eastern Daylight Saving Time.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Motion by Councilman Halicki, seconded by Councilman Wroblewski to Waive the Rules.

VII. SUSPENSION OF RULES

Item No. 40 1975 Pay Raise for Two (2) Town Employees.

Motion by Councilman Halicki, seconded by Councilman Swiatek

WHEREAS, several members who are not covered by any bargaining agreement in the Town of Cheektowaga have not received pay raises for 1975, NOW, THEREFORE, BE IT

RESOLVED that the following named employees be given a 9% pay increase for the year 1975:

Thaddeus Ruda
Field Assessor

Earl Scherer
Field Assessor

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 41 Request Town Attorney to undertake feasibility study re: Creation of Sanitary Sewer District in Northeast area of Town.

Motion by Councilman Johnson, seconded by Councilman Meyers

WHEREAS, property owners in the northeast area of Town, which area is still unsewered, have requested that the area be established as a sanitary sewer district, NOW, THEREFORE, BE IT

Item No. 44 Cont'd

to the Village of Depew and the Town of Lancaster with due consideration given to flood protection, erosion control and retention basins.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

Item No. 45 Motion by Councilman Swiatek, seconded by Councilman Wasielewski to adjourn this meeting until September 22nd, 1975, at 5:30 P.M. Eastern Daylight Saving Time.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

MARY F. HOLTZ
Deputy Town Clerk

 REGULAR ADJOURNED MEETINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 31 September 22, 1975</u>		
2	Resolution re: four (4) Preliminary Budget Hearings in each of four (4) School Districts.	1
3	Call for Public Hearing on 1976 Preliminary Benefit Basis Budget.	1-2
4	Appointment of Appraiser re: Nob Hill Park site.	3
4a	Amendment to Resolution on Nob Hill Park Site.	3
5	Retention of Law Firm to represent Town in pending Assessment Review Proceedings.	4
6	Street Name Changes - Map Cover 2354, Marywood Farms Part II.	4
7	Authorization for Town Engineer to attend Air Pollution Control Association Conference.	4
8	Create Position of Working Foreman in Plumbing Department.	4-5
9	Appointment to the Position of Working Foreman in Plumbing Department.	5
10	Engineering Dept. - Hiring of part-time Employee.	5
11	Authorization for Youth Board Director to attend Conference on Delinquency Prevention.	5
12	Reappointment of Ronald Marten as Acting Building & Plumbing Inspector.	6

Meeting No. 32 September 30, 1975

2	Schedule of budgetary review work sessions for preparation of 1976 Preliminary Ad Valorem Budget.	1
3	Appointment of General Mechanic in Recreation Department.	1
4	Change of street names.	2
5	Allocation of money for Bellevue Senior Citizens Group.	2
6	Notice of hearing regarding Greater Buffalo International Airport.	2-3
7	Request replacement for Dog Enumerator.	4
8	Rescission of resolutions dated 3/18/74; 4/7/75 re: Losson Road Library Site.	4-5
8a	Bond Resolution re: Losson Road Library Site *(Copy of Bond Resolution Follows).	5

 REGULAR TOWN BOARD MEETINGS

Meeting No. 33 October 6, 1975

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<u>B I D S</u>		
2	Engineering - Readvertise for bids for Sewer System Correction Work-- District No. 3.	1
3	Engineering - one (1) 3/4 ton, four (4) wheel drive pick-up truck for Town Garage.	1
4	Buildings and Grounds - Purchase of new light standards.	1
5	Highway - 1975 Hydraulic Sewer Cleaner.	1
6	Highway - New Tires and Tubes; Recapped tires.	1
<u>G E N E R A L C O M M U N I C A T I O N S</u>		
7	N.Y.S. Division of Housing and Community Renewal - public hearing draft of proposed amendments deemed necessary for additional fire safety in buildings regulated by State Building Construction Codes.	1
8	N.Y.S. Department of Transportation - Notice of Order authorizing Right Turns..	1
9	N.Y.S. Department of Transportation - Letter regarding construction of the storm sewer portion of Union Road Project.	1
10	N.Y.S. Department of Transportation - Notice of Public Hearing on Buffalo Limousine, Inc.	2
11	New York Telephone - letter regarding notice of claim for cable on Indian Road.	2
12	Richard Slisz, Erie County Legislator - Letter regarding construction of a subtrunk sewer on south side of Losson Road in Sewer District #1.	2
13	Albert J. Rydzynski, Village Attorney, Sloan - letter regarding traffic hazard on Broadway created by illegally parked cars.	2
14	Mary E. Harrigan, Williamsville Deputy Village Clerk - resolution regarding Buffalo International Airport.	2
15	William Street Citizens & Taxpayers Assn. - letter regarding lots overgrown with shrubs and weeds on William St.	2
16	NOTICES OF CLAIM - John I. Torgerson, father of Dawn Torgerson vs. Town of Cheektowaga and Recreation Center; Robert and Jean Goulding vs. Town of Cheektowaga, County of Erie, etc.	2
17	SUMMONS & COMPLAINT - Robert Puricelli vs. City of Tonawanda and Town of Cheektowaga; Brown-Devlin Associates vs. Town of Cheektowaga, Manufacturers and Traders Trust Company.	2
18	Residents of Nandale Drive requesting Town to reimburse them for pipes being replaced by St. Felix -- Thruway Project.	2
19	Larry T. Czechowicz, 11 Theresa Drive - letter regarding Theresa Dr. flooding problem.	2

Meeting No. 33 October 6, 1975 Cont'd

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20	Building Permits.	2
21	Andrew Schwenk, Sole Assessor - Annual Report.	2
22	Supervisor's Statement of Funds.	2
23	Health report for September.	3
<u>R E S O L U T I O N S</u>		
24	Authorization for Planning Commission Chairman to attend conference.	3
25	Change time of hearing regarding Greater Buffalo International Airport on October 6th, 1975 from 8:00 P.M. to 9:00 P.M.	3
26	Request that Town Attorney's Office do research and file report re: anti-pornography Ordinance.	4
27	Authorization for Town Attorney's Office to initiate legal action regarding Sewer District No. 7, Village of Depew area.	4
28	Request support by Town Board in favor of expansion of facilities at St. Joseph's Intercommunity Hospital.	4-5
29	Decision on Rezoning - 2841 William Street.	5-6
30	Amendment to Traffic Ordinance.	7-8
31	Appointment of Clerk-Typist in Building Maintenance Department.	9
32	Appointment of Cheektowaga representative to Erie County Fire Advisory Board.	9
33	Authorization for Supervisor to execute easement.	9
34	Highway - Ludwig Street Bridge.	10
35	Highway - Award of bid for street name signs.	10-11
36	Highway - Award of bid for one used 1964 International Truck with Vac-All.	11
37	Highway - Notice to Bidders for Sodium Chloride, Cinders and Calcium.	11-12
38	Central Garage - Request permission for two mechanics to attend General Motors School.	13
39	Town Clerk's Office - Call for Public Hearing for rezoning at 620 Cayuga Road.	13
40	Town Clerk's Office - Call for Public Hearing for rezoning at S.W. Corner of Glidden and Harlem.	14
41	Engineering - rescind resolution of September 30, 1975 re: street name changes.	15
42	Engineering - highway name changes.	15

Meeting No. 33 October 6, 1975 Cont'd

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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45	Engineering - Notice to Bidders for auto for Assessors and Sanitation.	16
46	Engineering - Promotion in Town Garage.	16
47	Appointments to position of Sewage Treatment Plant Operator Trainees in the Wastewater Treatment Plant No. 5.	16
48	Resolution setting dates for preliminary budget hearings.	16-17
49	Pay increase for employee.	18
50	Hiring of employee under Title VI.	18
51	Appointment of Recreation Attendant (Part-time).	18
52	Appointment of General Mechanic in Recreation Department.	18
53	Resolution establishing Youth Service Project.	18-19
54	Creation of Senior Citizen Position.	19
55	Restraining Order regarding Village of Depew.	19
56	Janora Ditch Easement.	19
57	Transfer of Funds.	19-20
58	Warrant List.	20-21

S U S P E N S I O N O F R U L E S

59	Acceptance of Town Highways; Old Farm Road and Old Farm Court.	21-22
60	Permission for N.Y.S. Electric & Gas to install lights on Dick Rd., Broadway, north of Walden.	22-23
61	Permission for N.Y.S. Electric & Gas to install lights on Sherry Ct.	23-24
62	Permission for N.Y.S. Electric & Gas to install lights on Central Blvd., Sewage Treatment Plant No. 5.	24-25
63	Permission for N.Y.S. Electric & Gas to install lights on Ellicott Road.	25-26

Item No. 1 At a regular adjourned meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 22nd day of September, 1975 at 5:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Donald A. Halicki
Councilman Raymond J. Wasielewski

ABSENT: Councilman Thomas M. Johnson

Also present were: Mary F. Holtz, Deputy Town Clerk; John Rogowski, Town Attorney; Robert Miller, Deputy Town Attorney; Ronald Marten, Ass't. Building Inspector; Ken Kopacz, Executive Director of the Youth Board.

Item No. 2 Resolution re: four (4) Preliminary Budget Hearings in each of the four (4) School Districts.

Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS individual participation in our municipal process is absolutely vital in forming public policy, and

WHEREAS open and full participation in the budgetary process will enable us to conduct the people's business more effectively, and

WHEREAS the present budget calendar indicates that we end the budgetary process with a public hearing, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board go on record in favor of four preliminary budget hearings in each of the four School Districts, and BE IT FURTHER

RESOLVED that the Town Board request the use of the High School auditoriums from the respective School Boards of Cheektowaga Central High School, Cleveland Hill High School, Maryvale High School, and John F. Kennedy High School.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 3 Call for Public Hearing on 1976 Preliminary Benefit Basis Budget.

Motion by Councilman Halicki, seconded by Councilman Wasielewski

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 1976 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, and

WHEREAS, this Town Board has assessed the Special District costs on a benefit basis against the lots or parcels of land against which the improvement was chargeable, and

WHEREAS, this Town Board has prepared an assessment roll for each district describing each lot or parcel of land in the district, the owner thereof, and the assessment levied against it, and

Item No. 3 Cont'd

WHEREAS, this Town Board has filed such estimates and assessment rolls with the Town Clerk, now, therefore, BE IT

RESOLVED that this Town Board shall meet at 7:30 P.M. Eastern Daylight Saving Time on the 9th day of October, 1975 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, and BE IT FURTHER

RESOLVED that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES and in the CHEEKTOWAGA NEWS (Depew Herald) on September 25th, 1975, newspapers having a general circulation within the Town.

P U B L I C N O T I C E

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE IS ALSO GIVEN that a Public Hearing on such Estimates and Assessment Rolls will be held October 9th, 1975, at 7:30 P.M. Eastern Daylight Saving Time at the Town Hall, Union Road and Broadway, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,
NEW YORK.

BENEDICT T. HOLTZ
Town Clerk

DATED: September 22, 1975
PUBLISHED: September 25, 1975

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki
and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

AFFIDAVITS-NEXT PAGE

PROOF OF PUBLICATION

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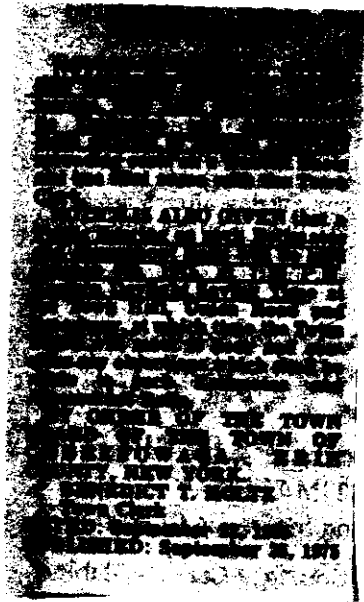
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★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



.....George J. Measer.....

being duly sworn, deposes and says that he is the

.....Publisher..... of the

.....Depew Herald....., a

public newspaper published at

Depew

....., New York, that the

notice of which the annexed printed slip taken from

said newspaper, is a copy, was inserted and published

therein once a week for1..... weeks, the first

insertion being on the ...25... day of ...September...

1975..., and the last insertion being on the

day ofsame....., 19..... .

subscribed and sworn to before me this 25 day

of September, 1975

Myrna Rosen
Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1976

#33

331

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Seute, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication *September 25, 1975* ;
last publication ;
and that no more than six days intervened be-
tween publications.

Gladys M. Seute

Sworn to before me this *26th*

day of *September*, 19..... *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE IS ALSO GIVEN that a Public Hearing on such Estimates and Assessment Rolls will be held October 9th, 1975, at 7:30 P.M. Eastern Daylight Saving Time at the Town Hall, Union Road and Broadway, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

BENEDICT T. HOLTZ
Town Clerk

DATED: September 22, 1975
PUBLISHED: September 25, 1975

Item No. 4

Appointment of Appraiser re: Nob Hill Park site.

Motion by Councilman Meyers, seconded by Councilman Swiatek

WHEREAS, it would inure to the benefit of the Town of Cheektowaga to acquire land to be used as the Nob Hill Park site, and

WHEREAS, the Town Planning Consultants have advised the Town Board that a recent property appraisal should be obtained and that an application by the Town to seek grants-in-aid for acquisition of said additional land would be desirable, and

WHEREAS, the proposed appraisal and subsequent application is necessary in order to comply with the standard and usual appraisal format required by the New York State Office of Parks and Recreation and the Federal Bureau of Outdoor Recreation, therefore, BE IT

RESOLVED that Frank H. Szeliga, S.R.A., located at 300 W. Maplemere Road, Williamsville, New York 14221, be and hereby is retained to appraise the premises being considered for the proposed Nob Hill Park site, consisting of approximately 34 acres.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 4a

Amendment to Resolution on Nob Hill Park site.

Motion by Councilman Halicki, seconded by Councilman Wasielewski

BE IT RESOLVED that the resolution adopted by the Cheektowaga Town Board on September 22nd, 1975, appointing Mr. Frank H. Szeliga, S.R.A., located at 300 W. Maplemere Road, Williamsville, New York 14221 to appraise the premises being considered for the proposed Nob Hill Park site be and hereby is amended to set the sum of the appraiser's fee at \$2,500.00, and BE IT FURTHER

RESOLVED that a transfer of funds from the Contingency Fund of the Town of Cheektowaga be effectuated for the payment of such fee.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 5
Proceedings.

Retention of Law Firm to represent Town in pending Assessment Review

Motion by Councilman Halicki, seconded by Councilman Wasielewski

BE IT RESOLVED that the law firm of Kavinoky, Cook, Hepp, Sandler, Gardiner and Wisbaum, located at 120 Delaware Avenue, Buffalo, New York, be and hereby is retained to represent the Town of Cheektowaga in the pending assessment review proceedings brought by the following petitioners:

Benderson Development Company, Inc. (2 proceedings)
Darling & Company
Textron, Inc.
National Electronic Television School, Inc.

and BE IT FURTHER

RESOLVED that their reasonable fees and expenses be paid by the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki
and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 6

Street Name Changes - Map Cover 2354, Marywood Farms Part II.

Motion by Councilman Swiatek, seconded by Councilman Wroblewski to table this item until the regular adjourned meeting to be held on September 30th, 1975, at 5:30 P.M. Eastern Daylight Saving Time.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki
and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 7

Authorization for Town Engineer to attend Air Pollution Control Association Conference.

Motion by Councilman Meyers, seconded by Councilman Wroblewski

WHEREAS, the Air Pollution Control Association is holding a speciality conference that will be attended by persons from many states and several countries,
AND

WHEREAS, the Town Engineer is a member of the Board of Directors and Chairman of one of the program committees, NOW, THEREFORE, BE IT

RESOLVED, that the Town Engineer is hereby authorized to attend said Air Pollution Control Association speciality conference on October 5 thru 7, 1975, at Buffalo, New York, with all necessary and legal expenses to be paid for by the Town.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 8

Create Position of Working Foreman in Plumbing Department.

Motion by Councilman Wroblewski, seconded by Councilman Meyers

WHEREAS the necessary "PO-17" forms required by the Erie County Personnel Department have been completed and received by the Town for the position of "Working Foreman" in the Plumbing Department, NOW, THEREFORE, BE IT

Item No. 8 Cont'd

RESOLVED that the position of "Working Foreman" in the Plumbing Department, be and hereby is created at an hourly rate of \$6.38 per hour.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 9 Appointment to the Position of Working Foreman in Plumbing Department.

Motion by Councilman Wroblewski, seconded by Councilman Meyers

WHEREAS the position of "Working Foreman" has previously been created in the Plumbing Department, NOW, THEREFORE, BE IT

RESOLVED that Norbert Skibinski, residing at _____, be and hereby is appointed "Working Foreman" in the Plumbing Department at an hourly rate of \$6.38 per hour.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki, and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 10 Engineering Department - Hiring of part-time Employee.

Motion by Councilman Meyers, seconded by Councilman Wroblewski

BE IT RESOLVED, that the following person is hired as part-time employee at the rate of \$3.50 per hour with assignments as directed by the Engineering Department:

Mark Steger

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 11 Authorization for Youth Board Director to attend conference on Delinquency Prevention.

Motion by Councilman Swiatek, seconded by Councilman Meyers

RESOLVED, that Kenneth J. Kopacz, Executive Director of the Cheektowaga Youth Bureau, is hereby authorized to attend The First National Conference on Delinquency Prevention, to be held in Niagara Falls, New York, October 14th - 17th, and BE IT

FURTHER RESOLVED that Kenneth J. Kopacz be reimbursed for his necessary and reasonable travel expenses in connection with said trip.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski
NAYES: 0
ABSENT: Councilman Johnson

Item No. 12 Reappointment of Ronald Marten as Acting Building and Plumbing Inspector.

Motion by Councilman Wroblewski, seconded by Supervisor Weber

BE IT RESOLVED that Ronald Marten, residing at Cheektowaga, New York, be and hereby is reappointed as Acting Building and Plumbing Inspector during the absence of Carl Trafalski, effective September 22nd, 1975, and, BE IT FURTHER

RESOLVED that a copy of this resolution be forwarded to the Payroll Department notifying said Payroll Clerk of the increase in salary for Mr. Ronald Marten during such period.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski

NAYES: 0

ABSENT: Councilman Johnson

Item No. 13 Motion by Councilman Wasielewski, seconded by Councilman Swiatek to adjourn this meeting until September 30th, 1975, at 5:30 P.M. Eastern Daylight Saving Time.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki and Wasielewski

NAYES: 0

ABSENT: Councilman Johnson

MARY F. HOLTZ
Deputy Town Clerk

Item No. 1 At a regular adjourned meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said Town on the 30th day of September, 1975 at 5:30 P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Daniel E. Weber
Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson

ABSENT: Councilman Donald A. Halicki

Also present were: Mary F. Holtz, Deputy Town Clerk; John V. Rogowski, Town Attorney.

Item No. 2 Schedule of budgetary review work sessions for preparation of 1976 Preliminary Ad Valorem Budget.

Motion by Councilman Johnson, seconded by Councilman Meyers

RESOLVED that the following schedule of budgetary review work sessions be adopted by the Town Board for preparation of the 1976 Preliminary Ad Valorem Budget:

<u>MEETING DATE</u>	<u>AREAS TO BE COVERED</u>
Wed. - October 1st - 6:00 p.m.	General overview of all funds - rates and broad budgetary problem areas
Tues. - October 7th - 7:30 p.m.	Sanitation, Highway
Thurs. - October 9th - 8:00 p.m. (after Benefit Basis Public Hearing)	Police
Tues. - October 14th - 7:30 p.m.	Parks, Recreation and Youth
Thurs. - October 16th - 7:30 p.m.	Central Garage, Building Maintenance and other Departments as requested by the Town Board
Sat. - October 18th - 9:30 a.m.	Final Departmental Interviews (if any) and Budget Completion

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Wasielewski and Johnson
NAYES: 0
ABSENT: Councilman Halicki

Item No. 3 Appointment of General Mechanic in Recreation Department.
Item Withdrawn until the next regularly scheduled Town Board Meeting to be held October 6, 1975 at 2:30 P.M. Eastern Daylight Saving Time.

Item No. 6 Cont'd

from its operation, and

WHEREAS the Niagara Frontier Transportation Authority is now considering a program of long-range expansion and renovation of all existing runways and all supporting facilities at the G.B.I.A. to the extent that the expanded facility would be able to accommodate increased jet traffic, and

WHEREAS, NFTA concedes that aircraft noise problems will continue and probably increase, "by reason of increasing frequency of operation. . . .to become more acute until about 1985", and

WHEREAS the NFTA admittedly has little or no direct control over the individual pilots or airlines that fail to adhere to predetermined flight plans designed to reduce or otherwise control jet pollution and noise impact or to provide for the safety and well-being of the surrounding community, and

WHEREAS the airport's present effects upon the quality of life in the Town of Cheektowaga, particularly with respect to residents living near the runways and along the South west runway corridor, is of the utmost concern to the Cheektowaga Town Board, and

WHEREAS the proportion of jet traffic has increased over recent years resulting in the heightened sensitivity of our constituency and the fear that such plans as may be promulgated by the NFTA will not appreciably reduce the current detrimental effects upon the environment, and

WHEREAS notwithstanding the decision making process established by the NFTA, it is the consensus belief of the Cheektowaga Town Board that an environmental impact statement is a necessary prerequisite to a cost-benefit analysis of the airport alternatives, and

WHEREAS such statement requires, by ample precedent, citizen input, as well as evaluation of impact upon community real estate values, and

WHEREAS it is the expressed will of the Cheektowaga Town Board that the execution of any alternative regarding the handling of air traffic by the NFTA must include a clearly defined program of flood control measures, noise, water and air pollution abatement to be inaugurated at the Greater Buffalo International Airport, and

WHEREAS the Town Board has been informed that the NFTA consultants are preparing a report assessing various alternatives affecting future operations at the G.B.I.A., and which is to be filed in October of 1975, NOW, THEREFORE, BE IT

RESOLVED that the Niagara Frontier Transportation Authority is hereby petitioned to conduct an environmental information hearing in the month of October, 1975, at a mutually agreed upon time and location within the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the Cheektowaga Town Board on October 6, 1975, at *7:30 p.m., in the Council Chambers, shall conduct an environmental hearing, such hearing to be for the sole purpose of receiving citizen comment and testimony concerning any aspect of the present G.B.I.A. facility and contemplated expansion or renovation thereof, and, BE IT FURTHER

RESOLVED that an accurate record be made of such proceedings to be submitted in evidence to the above named Authority.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Wasielewski and Johnson
NAYES: 0
ABSENT: Councilman Halicki

* NOTE - TIME CHANGE ON PUBLIC HEARING TO 9:00 P.M.

***See Meeting No. 33A, 10/6/75, for copy of minutes on public hearing!

9/30/75

Item No. 7

Request replacement for Dog Enumerator.

Motion by Councilman Wasielewski, seconded by Councilman Wroblewski

BE IT RESOLVED that Cecelia Brzyski of _____, Cheektowaga, New York 14225 be and hereby is appointed as a Dog Enumerator for the 1976 Dog Census.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Wasielewski and Johnson

NAYES: 0

ABSENT: Councilman Halicki

Item No. 8
Library Site.

Rescission of resolutions dated 3/18/74 and 4/7/75 re: Losson Road

Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga and Dr. Victor Reinstein have previously entered into an Agreement dated December 28, 1973 relative to the proposed construction of a library on Losson Road, and

WHEREAS, Dr. Reinstein has offered a gift of cash to the Town together with a parcel of land of approximately two (2) to three (3) acres in size, and

WHEREAS, since the date of said Agreement various meetings have been held among Town officials, members of the County Library Board, and others and an estimate of costs has been arrived at, and

WHEREAS, the Town Board has adopted resolutions on March 18, 1974 and April 7, 1975 whereby paragraph "FIFTH" of said Agreement of December 28, 1973 was to be amended, and

WHEREAS, it now appears that said proposed amendments are not necessary or appropriate and that a rescission of said resolutions of March 18, 1974 and April 7, 1975 appear to be in the best interests of all parties and will more accurately comply with the provisions of the Local Finance Law, Town Law and General Municipal Law of the State of New York relating to bonding procedures and contracts entered into by a municipality, therefore, be it

RESOLVED that the resolutions of March 18, 1974 and April 7, 1975, copies of which are attached hereto and made a part hereof, be and hereby are rescinded, and
BE IT FURTHER

RESOLVED that the Agreement of December 28, 1973 remain in full force and effect according to its original provisions as filed with the minutes of the December 28, 1973 meeting including paragraph "FIFTH" thereof in its entirety, and the Town Board hereby ratifies said original Agreement of December 28, 1973.

***SEE NEXT TWO PAGES

RESOLUTION OF MARCH 18, 1974:

Motion by Councilman Swiatek, seconded by Councilman Meyers

WHEREAS, the Town of Cheektowaga has heretofore entered into an agreement dated December 28, 1973 relating to the proposed construction of a library site on Losson Road, and

WHEREAS, said agreement includes a provision for a charitable gift to the Town by Dr. Victor Reinstein of a parcel of land on Losson Road in the Town of Cheektowaga, New York and the sum of \$200,000.00 to be used for the proposed construction of said library, and

WHEREAS, said agreement in paragraph "FIFTH" thereto contains a contingency clause regarding the completion of bonding proceedings on or before March 15, 1974 and permitting either party, at its option, to cancel said agreement if such proceedings are not completed by March 15, 1974, and

WHEREAS, said deadline could not be met due to pending negotiations and conferences between the Town representatives and the Erie County Library Board, and

WHEREAS, it is the intention of both the Town of Cheektowaga and Dr. Victor Reinstein to accept said gift and build said library and to continue the agreement in full force and effect, and

WHEREAS, Dr. Victor Reinstein and the Town have heretofore and on or about February 15, 1974 have mutually decided to waive the deadline of March 15, 1974 and have decided further to amend said agreement by striking out that portion of paragraph "FIFTH" of said agreement which states as follows:

"In the event that the TOWN is unable to acquire the necessary funds through the required legal bonding proceedings, including the issuance of bond anticipation notes, without fault of the TOWN, or for reasons beyond its control by March 15, 1974, then either party may cancel this Agreement, by giving written notice of such cancellation to the other party, and this Agreement and all obligations thereunder, shall become null and void, and the initial December payment shall be returned to REINSTEIN, and neither party shall have any claim against the other."

NOW, THEREFORE, BE IT

RESOLVED that said agreement of December 28, 1973 be and hereby is amended to strike out that portion of paragraph "FIFTH" of said agreement which states as follows:

"In the event that the TOWN is unable to acquire the necessary funds through the required legal bonding proceedings, including the issuance of bond anticipation notes, without fault of the TOWN, or for reasons beyond its control by March 15, 1974, then either party may cancel this Agreement, by giving written notice of such cancellation to the other party, and this Agreement and all obligations thereunder, shall become null and void, and the initial December payment shall be returned to REINSTEIN, and neither party shall have any claim against the other."

and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute said amended agreement on behalf of the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Halicki,
Wasielewski and Johnson
NAYES: 0
ABSENT: 0

RESOLUTION OF APRIL 7, 1975:

Motion by Councilman Swiatek, seconded by Councilman Wasielewski

BE IT RESOLVED that the Agreement entered into on the 28th day of December, 1973 by and between Victor Reinstein and the Town of Cheektowaga for a library on Losson Road be hereby amended by deleting paragraph "FIFTH" and that new and appropriate language be inserted therein. Said language should be negotiated between the Town Attorney's Office and Victor Reinstein to the satisfaction of the mutual parties herein.

Upon Roll Call.....

AYES: Councilmen Wroblewski, Swiatek, Meyers, Halicki, Wasielewski and
Johnson

NAYES: 0

ABSENT: Supervisor Weber

Item No. 8 Cont'd

Upon Roll Call....

AYES: Supervisor Weber, Councilmen Wroblewski, Swiatek, Meyers, Wasielewski
and Johnson
NAYES: 0
ABSENT: Councilman Halicki

Item No. 8A Bond Resolution re: Losson Road Library Site.

***SEE NEXT FEW PAGES

AFFIDAVITS FOLLOW COPY OF BOND RESOLUTION

433

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga
in the County of Erie, New York.

September 30, 1975

*

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regular

A adjourned meeting of the Town Board of the Town

of Cheektowaga, in the County of Erie, New York, was held at the
Town Hall, in said Town, on September 30, 1975, at 5:30
o'clock P.M. (D.S.T.).

There were present: Hon. Daniel E. Weber, Supervisor,
and ~~David W. Weber~~ Councilman Felix T. Wroblewski
Councilman Frank E. Swiatek
Councilman Kenneth J. Meyers
Councilman Thomas M. Johnson
Councilman Raymond J. Wasielewski

There were absent: Councilman Donald A. Halicki

Also present: Mary F. Holtz Deputy
~~Benedict F. Holtz~~ Town Clerk
John V. Rogowski, Town Attorney

*

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*

Councilman Swiatek offered the following
resolution and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED SEPTEMBER 30, 1975, AUTHORIZING THE CONSTRUCTION OF A NEW TOWN PUBLIC LIBRARY BUILDING ON LAND TO BE ACQUIRED BY GIFT BY SAID TOWN, SITUATE ON THE NORTH SIDE OF LOSSON ROAD, IN SAID TOWN, AT AN ESTIMATED MAXIMUM COST OF \$1,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$50,000 CAPITAL NOTES TO PROVIDE THE DOWN PAYMENT AND \$950,000 SERIAL BONDS OF THE TOWN TO FINANCE THE BALANCE OF THE APPROPRIATION AND AUTHORIZING AMOUNTS RECEIVED BY GIFT FROM DR. VICTOR REINSTEIN PURSUANT TO AN AGREEMENT WITH THE TOWN TO BE EXPENDED TOWARDS THE COST OF SAID SPECIFIC OBJECT OR PURPOSE OR TOWARDS REDEMPTION OF ANY BONDS ISSUED THEREFOR, OR BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, is hereby authorized to construct a new Town public library building as a branch library to be known as "The Julia Boyer Reinstein Library" to be located on land to be acquired by gift from Dr. Victor Reinstein, located on the north side of Losson Road, in the Town, to grade and improve the site and purchase the original furnishings, equipment, machinery and apparatus required for the purpose for which said library building is to be used, all in accordance with plans, specifications

and estimates of cost prepared by Foit and Maharin, duly licensed architects of the State of New York, dated July 23, 1975 on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000 and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 capital notes to provide the down payment required by law, the issuance of \$950,000 serial bonds of the Town to finance the balance of said appropriation and the levy of a tax upon all the taxable real property within the Town, to pay the principal of said bonds and the interest thereon as the same shall become due and payable. The Town has entered into a duly authorized agreement with Dr. Victor Reinstein on December 28, 1973, whereby Dr. Reinstein agrees to make and the Town agrees to accept a charitable gift of land as shown on Schedule A of the agreement and the sum of \$200,000 in aid of financing the cost of constructing said specific object or purpose, payable at the rate of \$20,000 or more per year extending over a period not greater than ten (10) years. Any amounts so received are hereby authorized to be expended towards the cost of constructing the project herein authorized or applied towards the redemption of said bonds or any bond anticipation notes issued in anticipation of the sale of said bonds, or budgeted as an offset to taxes for the payment of the principal of and interest on said notes and bonds.

Section 2. Capital notes in the principal amount of \$50,000 and serial bonds of the Town in the principal amount of \$950,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The said library building to be constructed is of Class "A" construction, as defined by Section 11.00 a.11(a) of the Law and the period of probable usefulness of the specific object or purpose for which said capital notes and serial bonds are to be issued, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of serial bonds authorized pursuant to this resolution, or any bond anticipation notes in anticipation of the sale of such bonds, and such current funds in the amount of \$50,000 will be provided from the proceeds of capital notes herein authorized to be issued. The Supervisor, the chief fiscal officer of the Town, is hereby authorized and directed to set aside said current funds and to apply the same to the cost of constructing said library.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the notes and bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by §52.00 of the Law and said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and provision

shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said Notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the notes and bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall be subject to a permissive referendum.

*

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The adoption of the foregoing resolution was seconded by
Councilman Meyers and duly put to a vote on roll call, which
resulted as follows:

AYES: 6

NOES: 0

ABSENT: 1

The resolution was declared unanimously adopted.

* * *

Councilman Swiatek offered the following resolution
and moved its adoption:

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THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES, AS FOLLOWS:

Section 1. The Town Clerk shall, within ten (10) days after adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 2 hereof, cause to be published at least once in the "DEPEW HERALD AND CHEEKTOWAGA NEWS", a newspaper published in Depew, New York, and the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, having a general circulation therein, and hereby designated as the official newspapers of said Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of the foregoing bond and capital note resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. The Notice referred to in Section 1 hereof shall be in substantially the following form:

TOWN OF CHEEKTOWAGA, IN THE
COUNTY OF ERIE, NEW YORK.

PLEASE TAKE NOTICE that on September 30, 1975, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted the bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted September 30, 1975, authorizing the construction of a new Town public library building on land to be acquired by gift by said Town, situate on the north side of Losson Road, in said Town, at an estimated maximum cost of \$1,000,000, appropriating said amount therefor, authorizing the issuance of \$50,000 capital notes to provide the down payment and \$950,000 serial bonds of the Town to finance the balance of said appropriation and authorizing amounts received by gift from Dr. Victor Reinstein pursuant to an agreement with the Town to be expended towards the cost of said specific object or purpose or towards redemption of any bonds issued therefor, or budgeted as an offset to the taxes for payment of the principal of and interest on said bonds,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Town of Cheektowaga ("Town"), New York, to construct a new Town public library building as a branch library to be known as "The Julia Boyer Reinstein Library" to be located on land acquired by gift located on the north side of Losson Road, in the Town, including grading and improving the site, all in accordance with plans, specifications and estimates of cost prepared by Poit & Maharin, licensed architects of the State of New York, on file in the Office of the Town Clerk; APPROVING said plans, specifications and estimates of cost; STATING the estimated maximum cost thereof is \$1,000,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$50,000 capital notes to provide the down payment required by law, the issuance of \$950,000 serial bonds to finance the balance of said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the interest on said notes and bonds and the principal thereof when due and payable; STATING that the Town has entered into an agreement with Dr. Victor Reinstein whereby Dr. Reinstein agrees to make and the Town agrees to accept a charitable gift of land as shown on Schedule A of the agreement and the sum of \$200,000 to aid in financing the cost of constructing said specific object or purpose, payable at the rate of \$20,000 or more over a period not greater than ten (10) years and AUTHORIZING any amounts so received to be expended towards the cost of such specific object or purpose or towards redemption of any bonds issued therefor or budgeted as an offset to the taxes for the payment of the principal of and interest on said notes and bonds;

SECOND: AUTHORIZING \$50,000 capital notes and \$950,000 serial bonds to be issued pursuant to the provisions

of the Local Finance Law ("Law"), to finance that portion of the appropriation not provided by said current funds;

THIRD: DETERMINING AND STATING that the period of probable usefulness of said specific object is thirty (30) years; that current funds are required to be provided prior to the issuance of the bonds authorized pursuant to this resolution or of any notes in anticipation of the sale of said bonds, and such current funds will be provided from the proceeds of the capital notes herein authorized; AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply the same solely to the specific object or purpose herein described; STATING the maturity of the bonds herein authorized to be issued will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said notes and bonds and any notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: PROVIDING that the resolution shall be subject to a permissive referendum.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF CHEEKTOWAGA, NEW YORK

Dated: September 30, 1975

BENEDICT T. HOLTZ,
Town Clerk

Section 3. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspapers hereinabove referred to in Section 1 hereof, and hereby designated the official newspapers for said publication, together with a notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 4. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Meyers and duly put to a vote on roll call, which resulted as follows:

AYES: 6

NOES: 0

ABSENT: 1

The resolution was declared unanimously adopted.

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CERTIFICATE

I, BENEDICT T. HOLTZ, Town Clerk of the Town of Cheektowaga,
in the County of Erie,

State of New York, HEREBY CERTIFY that the foregoing
annexed extract from the minutes of a meeting of the _____
Town Board _____ of said _____ Town _____,
duly called and held on September 30, 19 75, has been
compared by me with the original minutes as officially recorded in my
office in the Minute Book of said _____ Town Board _____
and is a true, complete and correct copy thereof and of the whole of said
original minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said _____ Town _____
this 30th day of September, 19 75

Benedict T. Holtz
Town Clerk

(Seal)

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PROOF OF PUBLICATION

Bee Publications Inc.

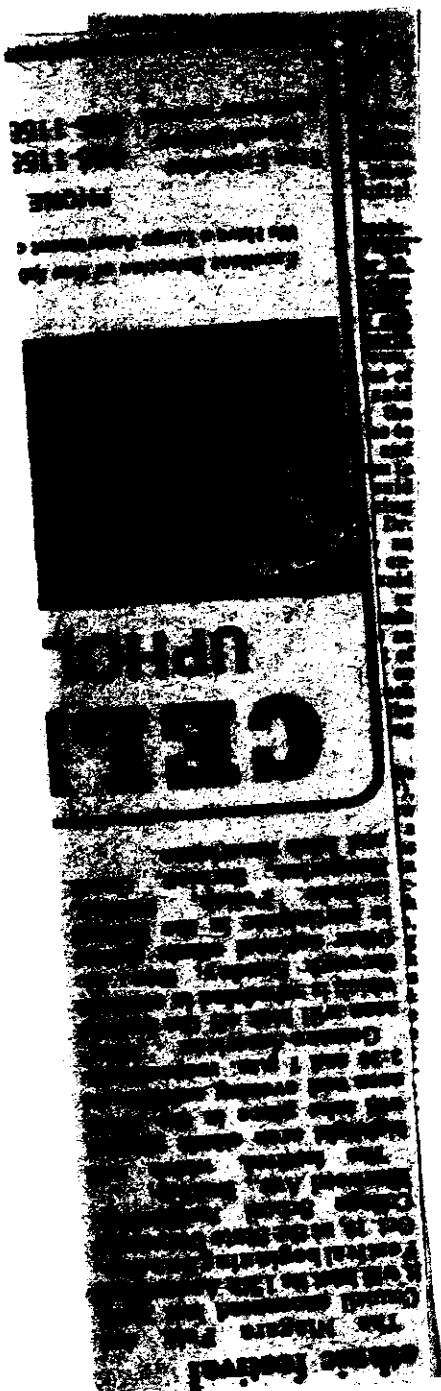
Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.



Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 9 day of October,
1975, and the last insertion being on the
day of same, 19.

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Subscribed and sworn to before me this 9 day

of October, 1975

Susan M. Schasel

Notary Public in and for Erie County Myrna Rosen

MYRNA ROSEN
Notary Public, State of New York
Qualified In Erie County
My Commission Expires March 30, 1976

Form No. 1

PROOF OF PUBLICATION

Bee Publications Inc.

Publishers Of:

Amherst Bee ★ Clarence Bee ★ Lancaster Enterprise Journal
★ Depew Herald Journal and Cheektowaga News

5564 MAIN STREET,
WILLIAMSVILLE, N.Y. 14221
PHONE: 632-4700

STATE OF NEW YORK
COUNTY OF ERIE

ss.

[Large vertical block of text, mostly illegible due to heavy blacking out]

Susan M. Schasel

being duly sworn, deposes and says that she is the
Bookkeeper of the
Depew Herald, a
public newspaper published at
Depew, New York, that the
notice of which the annexed printed slip taken from
said newspaper, is a copy, was inserted and published
therein once a week for 1 weeks, the first
insertion being on the 9 day of October,
19 75, and the last insertion being on the
day of same, 19.....

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STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sechter of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *October 9, 1975* ;
last publication..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sechter

Sworn to before me this *10th*

day of *October*, 19 *75*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *77*

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**TOWN OF CHEEKTOWAGA, IN THE
COUNTY OF ERIE, NEW YORK**

PLEASE TAKE NOTICE that on September 30, 1975, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted the bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Cheektowaga, New York, adopted September 30, 1975, authorizing the construction of a new Town public library building on land to be acquired by gift by said Town, situate on the north side of Lawson Road, in said Town, at an estimated maximum cost of \$1,000,000, appropriating said amount therefor, authorizing the issuance of \$50,000 capital notes to provide the down payment and \$950,000 serial bonds of the Town to finance the balance of said appropriation and authorizing amounts expended by gift from Dr. Victor Reinstein pursuant to an agreement with the Town to be expended towards the cost of said specific object or purpose or towards redemption of any bonds issued therefor, or budgeted as an offset to the taxes for payment of the principal of and interest on said bonds,"
as abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Town of Cheektowaga ("Town"), New York, to construct a new Town public library building as a branch library to be known as "The Julia Hoyer Reinstein Library" to be located on land acquired by gift located on the north side of Lawson Road, in the Town, including grading and improving the site, all in accordance with plans, specifications and estimates of cost prepared by Folt & Mahurin, licensed architects of the State of New York, on file in the Office of the Town Clerk; APPROVING said plans, specifications and estimates of cost; STATING the estimated maximum cost thereof is \$1,000,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$50,000 capital notes to provide the down payment required by law, the issuance of \$950,000 serial bonds to finance the balance of said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the interest on said notes and bonds and the principal thereof when due and payable; STATING that the Town has entered into an agreement with Dr. Victor Reinstein whereby Dr. Reinstein agrees to make and the Town agrees to accept a charitable gift of land as shown on Schedule A of the agreement and the sum of \$200,000 to aid in financing the cost of constructing said specific object or purpose, payable at the rate of \$20,000 or more over a period not greater than ten (10) years and AUTHORIZING any amounts so received to be expended towards the cost of such specific object or purpose or towards redemption of any bonds issued therefor or budgeted as an offset to the taxes for the payment of the principal of and interest on said notes and bonds;

SECOND: AUTHORIZING \$50,000 capital notes and \$950,000 serial bonds to be issued pursuant to the provisions of the Local Finance Law ("Law"), to finance that portion of the appropriation not provided by said current funds;

THIRD: DETERMINING AND STATING that the period of probable usefulness of said specific object is thirty (30) years; that current funds are required to be provided prior to the issuance of the bonds authorized pursuant to this resolution or of any notes in anticipation of the sale of said bonds, and such current funds will be provided from the proceeds of the capital notes herein authorized; AUTHORIZING AND DIRECTING the Supervisor to set aside said current funds and to apply the same solely to the specific object or purpose herein described; STATING the maturity of the bonds herein authorized to be issued will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said notes and bonds and any notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: PROVIDING that the resolution shall be subject to a permissive referendum.
BY ORDER OF THE TOWN BOARD OF
THE TOWN OF CHEEKTOWAGA, NEW
YORK

Dated: September 30, 1975
BENEDICT T. HOLTZ
Town Clerk

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Item No. 9 Motion by Councilman Wroblewski, seconded by Councilman Swiatek
to adjourn the meeting.

MARY F. HOLTZ
Deputy Town Clerk

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9/30/75