

Cheektowaga, New York

September 5th, 1905

Regular meeting of the Town Board called to order at 2:45 PM

Present: Wildy, Smith, Fassett, Forster, Werrick, Ryan and Kless

Moved by Ryan seconded by Fassett that the minutes of the last regular and special meetings be adopted as read

Carried

Moved by Fassett seconded by Ryan that the Communication of Chas. T. Betts be referred to the attorney of this Board

Carried

Moved by Fassett seconded by Forster that the bill of William Wieberg, Assessor for \$246.00 be allowed

Carried

Moved by Fassett seconded by Ryan that the Supervisor be authorized to enforce the injunction obtained against the Lackawanna Railroad Company restraining the laying of tracks across Harlem Avenue, also to see that tracks laid in violation of said injunction be removed from said highway

Carried

Moved by Forster seconded by Werrick that the bill of George Mueller for \$67.50 as Clerk to the Board of Assessors be allowed

Carried

Moved by Fassett seconded by Ryan that Mr. John M. Rohr and (and) Mr. Owen Donahue be and they are hereby appointed attendance officers for the ensuing year

Carried

Moved by Ryan seconded by Smith that we adjourn

Carried

Edward S. Smith
Town Clerk

September 28th, 1905

Pursuant to the statute the Board of Auditors of the Town of Cheektowaga met at the house of Joseph Kalb

Present: Wildy, Smith, Fassett, Forster, Werrick and Ryan

Moved by Forster seconded by Fassett that the bill of Frank Wildy, Supervisor for Board Meetings, etc. amounting to \$60.40 be allowed
Carried

Moved by Fassett seconded by Forster that the bill of Edward S. Smith, Town Clerk for \$296.40 be allowed
Carried

Moved by Fassett seconded by Forster that the bill of Edward S. Smith as registrar of Vital Statistics for \$101.50 be allowed
Carried

Moved by Forster seconded by Werrick that the bill of Bernard Fassett for Board Meetings amounting to \$42.00 be allowed
Carried

Moved by Fassett seconded by Werrick that the bill of Jos. Forster for Town Board Meetings amounting to \$40.00 be allowed
Carried

Moved by (by) Fassett seconded Forster that the bill of H.P. Werrick for Town Board Meetings amounting to \$40.00 be allowed
Carried

Moved by Fassett seconded by Werrick that the bill of the Williamson Law Books Company for \$14.20 be allowed
Carried

Moved by Fassett seconded by Forster that the bill of Dr. M. M. Metz for reporting cases of Births & Deaths amounting to \$1.75 be allowed
Carried

Moved by Forster seconded by Fassett that the bills of Henry P. Werrick for Justices Services amounting to \$58.60 be allowed
Carried

Justice Werrick reports the collection of \$105 in fines

Moved by Werrick seconded by Fassett that the bills of George Mueller for Constables Services amounting to \$19.10 be allowed
Carried

Moved by Forster seconded by Werrick that the bills of B. Fassett for Justices Services amounting to \$9.85 be allowed
Carried

Justice Forster reports the collection of \$18.00 in fines

Moved by Forster seconded by Werrick that the bills of M. W. Carr for Constables Services Amounting to \$181.00 be allowed
Carried

Moved by Forster seconded, by Werrick that the bills of Jos. Kalb for Constables Services amounting to \$159.80 be allowed
Carried

Moved by Forster seconded by Werrick that the bills of George Mueller, Clerk to the Board of Assessors amounting to \$2.50 be allowed
Carried

Moved by Mr. Ryan that this Board audit no more bills presented by officers of the Villages of Sloan or Depew. Motion not seconded, moved by Forster seconded by Werrick that the bills of Patrick J. Leahy Police, Justice of the Village of Sloan amounting to \$1,139.65 be allowed

AYES: Fassett, Forster, Werrick,
(Not voting – Ryan, Smith and Wildy)

(In discussing the above bills of P. J. Leahy, Mr. Ryan stated that he was against auditing the above bills but as he seemed to be in the minority he would leave the decision with the rest of the Board. Mr. Smith remarked that the above amount \$1,139.65 contained a large number of bills account of the arrest of tramps, train-riders and trespassers on Railway Company's property and as he was against all such bills he would not vote for the above bills of P. J. Leahy.

Justice Leahy reports the collection of \$186.00 in fines

Moved by Fassett second by Werrick that the bills of Jos. Forster for Justices Services amounting to \$184.95 be allowed
Carried

Justice Forster reports the collection of \$51.00 in fines

Moved by Forster seconded by Werrick that the bills of Edward Ryan amounting to \$309.25 be allowed
Carried

Justice Ryan reports collecting \$44.50 in fines

Moved by Fassett seconded by Werrick that the bill of George Fenerstein Assessor for 276.00 be allowed
Carried

Moved by Fassett seconded by Werrick that the bill of J. P. Rupp Assessor amounting to \$268.00 be allowed
Carried

Moved by Forster seconded by Werrick that the bill of John P. Rupp for making copy of assessment roll amounting to \$149.38 be allowed
Carried

Moved by Forster seconded by Werrick that the bill of Jacob Kless, Commissioner of Highways amounting to \$420.00 be allowed
Carried

Moved by Forster seconded by Werrick that the bills of Jas Calberg amounting to \$130.50 Constables Services be allowed
Carried

(4045.73)

Moved and seconded that we adjourn until Monday Oct 2nd, 1905
Carried

Edward S. Smith
Town Clerk

Adjourned meeting of the Board of Auditors of the Town of Cheektowaga met at the house of
A. Schiesel

Present: Wildy, Fassett, Forster, Werrick and Ryan
Absent Smith

Moved by Forster seconded by Werrick that Mr. Fassett act as Clerk
Carried

Moved by Werrick seconded by Ryan that the bills of Louis Butch for Constables Services
amounting to \$157.10 be allowed
Carried

Moved by Ryan seconded by Werrick that the bills of George Mueller for Constables Services
amounting to \$22.85 be allowed
Carried

Moved by Werrick seconded by Ryan that the bill of Wm. Wieberg, Assessor, amounting to
\$5.00 be allowed
Carried

Moved by Werrick seconded by Forster that the bills of Wm. Keefer for Constables Services
amounting to \$33.20 be allowed
Carried

Moved by Werrick seconded by Ryan that the bills of Seymour Schriver amounting to \$61.35 for
Constables Services be allowed
Carried

Moved by Ryan seconded by Forster that the bill of Wm. Criquir amounting to \$21 be allowed
Carried

Moved by Fassett seconded by Forster that the bills of awackley amounting to \$16.30 be allowed
Carried

Moved by Fassett seconded by Forster that the bills of E. P. Johnson amounting to \$44.85 be
allowed
Carried

Moved by Ryan seconded by Forster that the bills of the Police Justice and Village Constables of
the Village of Sloan audited by this Board be and they are hereby reconsidered

Carried

Moved by Ryan seconded by Forster that all bills from the Village of Sloan be referred to our Council
Carried

Moved by Forster seconded by Ryan that the bill of Mr. Fredericks for \$50.00 damages account as wagon breaking through a bridge in the Village of Sloan be referred to our Council
Carried

Moved by Ryan seconded by Forster that the bills of P. J. Kaiser for Constables Services amounting to \$289.50 be allowed
Carried

Moved and seconded that we adjourn
Carried

Bernard Fassett
Clerk pro.tem.

Cheektowaga, NY

September 20, 1905

At the special election of Doyle Fire District No. 1 of the Town of Cheektowaga to bill vacancy caused by the resignation of the Fire Commissioner, John P. Sherrard, there were 18 votes cast. All of which were cast for Mr. Andrew Napieralski, making him the unanimous choice, as certified to by the Two remaining Fire Commissioners, John M. Rohr and James Devnie acting as inspectors of election

Edward S. Smith
Town Clerk

Cheektowaga, NY

November 7, 1905

At the general election held Nov. 7, 1905, the following Town Officers were elected

Supervisor	Frank Wildy	
Town Clerk	Edward S. Smith	
Justice of the Peace	Joseph Forster,	Full term
“ “	Bernard Fassett	“ “
Assessor	John P. Rupp	
“	William F. Wieberg	
“	Peter J. Inda	
Collector	John V. Kaufman	
Overseer of the poor	Frank Kahlbrener	
Commissioner of Highways	Jacob Kless	
Constables	Joseph Prestine	
“	Louis Butch	
“	Joseph Kalb	
“	Frank J. Raymor	
“	Feofil Seuger	

Edward S. Smith
Town Clerk

Cheektowaga, NY

November 13, 1905

Pursuant to the call be Special Meeting of the Town Board of Cheektowaga was held at the house of A. Cr. Duringer

Present: Wildy, Smith, Forster, Fassett, Werrick and Ryan

Meeting called for the purpose of auditing accounts of Election Officers

Moved by Forster seconded by Ryan that the following bills be allowed
Carried

Wm. H. Beach	Inspector of Election	\$12.00
John W. Baker	“ “	25.80

A. Hitchcock	“ “	20.00
Fred C. Wander	Inspector of Election	18.00
A. B. Ferraud	“ “	25.80
Frank J. Staebell	“ “	20.00
E. P. Johnston	Poll Clerk	8.00
R. A. Fayler	“ “	8.00
Frank J. Wendele	“ “	8.00
Williamson Law Book Co.		4.00

Moved by Smith seconded by Ryan that the bills of the remaining Election Officers be allowed at the same ratio as above and that the Supervisor be empowered to pay the same
Carried

Moved by Forster seconded by Smith that we adjourn
Carried

Edward S. Smith
Town Clerk

The following is a copy of the minutes of the election of Fire Commissioners and Treasurer, Cheektowaga Fire District No. 2, known as Walden Fire District; Cheektowaga by Dec. 10th, 1904

Pursuant to the call a meeting of the legal voters of Walden Fire District No. 2 of the Town of Cheektowaga, NY.

A meeting was held at the Rescue Hose House on Walden Ave., Town of Cheektowaga, NY Meeting called to order by Town Clerk, Edward S. Smith, who read the call for the meeting as published by the Town Clerk.

Moved by Mr. Peter Fick seconded by Mr. Owen Donahue, that Mr. Bernard Fassett act as Chairman of the meeting
Carried

Moved by Mr. P. Fick seconded by Mr. A. Donahue that Mr. Jos. Lippert act as secretary
Carried

Moved by Mr. P. Fick seconded by O Donahue that there be Fire Commissioner (3) nominated
Carried

The following person were nominated as Fire Commissioner, Bernard Fassett, Jasons Wieberg, Edward Ernst, Jos. Forster and William A. Trapp

Chairman Fassett appointed E. S. Smith and Phillip Kaiser as tellers

Moved and seconded that the nominee receiving the largest number of votes be elected for (3) three years

Carried

Bernard Fassett	16 votes
Wm. A. Trapp	16 votes
Jos. Forster	22 votes
Josias C. Wiabarg	6 votes
Edward Ernst	6 votes

Making a tie between Fassett and Trapp

Joseph Forster received 22 votes and is elected Fire Commissioner for (3) years, Mr. Wm. Al Trapp in drawing received the Commissionership for (2) years Bernard Fassett for (1) year

Chairman Fassett declared Mr. Joseph Forster, Wm. A. Trapp and Bernard Fassett duly elected Fire Commissioner of Walden Fire District No. 2, Cheektowaga, NY.

Moved by Mr. P. Fick, seconded by Wm. Donahue that Mr. Ernst Wieberg be nominated as Treasure of the Fire District

Carried

There were no other nominations for Treasurer

There was one ballot cast for Ernst Weiberg as Treasurer and he was declared elected

Moved by Mr. Fassett seconded by Mr. Fick that we adjourn

Carried

The foregoing is a correct copy of the minutes of the first elected of Walden Fire District No. 2 of the Town of Cheektowaga, NY held Dec. 10th, 1904

Jos. S. Lippert
Secretary

I have compared the above minutes with the original on file in my office and find them a true and correct copy thereof

Edward S. Smith
Town Clerk

Cheektowaga, NY

November 25, 1905

Special meeting of the Town Board of Cheektowaga duly called was held at the house of Peter Fick, in the Town of Cheektowaga, Nov. 25, 1905

Present: Wildy, Smith, Fassett, Ryan, Werrick and Kless, for the purpose of authorizing the Supervisor to raise money for the purpose of paying the indebtedness of the Town

The following was moved by Ryan seconded by Fassett put to vote and Carried unanimously

Resolved that the Supervisor of the Town of Cheektowaga be and he is hereby authorized to borrow the sum of Six Thousand Dollars, upon certificate of indebtedness, to be issued by the said Supervisor of the Town of Cheektowaga and Town Clerk of said Town; Four Thousand of said indebtedness to be payable March 1, 1906 and Two Thousand thereof to be payable June 1, 1906, with interest from the date of the certificates of indebtedness to the date of payment, at the rate of six per cent per annum

Edward S. Smith
Town Clerk

Cheektowaga, NY

Nov. 25, 1905

The Buffalo Southern Railway Company's representatives about the time of adjournment appeared before the board and asked for a special session to consider its application to maintain and operate a street surface railway upon the highways known as Union Road and William Street which request was granted by unanimous consent

Moved by Fassett seconded by Kless that the application of the Buffalo Southern Railway Company be received filed and published in two daily papers
Carried

Moved by Ryan seconded by Fassett that we adjourn this meeting to Dec. 18th, 1905 at 8 PM at the house of Peter Fix
Carried

Adjourned

Edward S. Smith
Town Clerk

The following preamble and resolution was offered and accepted by Mr.'s Fassett and Kless and substituted for the resolution appearing on page 7

Whereas, the Buffalo Southern Railway Company has this day filed its petition with this Board, praying for consent to build, construct, maintain and operate its road, in along and upon Union Road, so called, in the Township of Cheektowaga, between the South line of said township and the Buffalo, Bellevue and Lancaster Railroad and on William Street in the said Township from the Union Road, so called, to the City Line of the City of Buffalo

Now therefore, be it resolved that the said application in writing be first heard and considered at a meeting of this Board to be held at the residence of Peter Fix, City Line and Walden Avenue on the 18th, day of December, 1905 at seven o'clock PM, at which all persons interested may appear and be heard and that notice thereof be given by publication for two weeks preceding said hearing in the Daily Courier and the Daily Express published in Buffalo, NY

Frank Wildy, Supervisor
Edward S. Smith, Clerk

Dated – Nov. 25th, 1905

Buffalo, NY Dec. 6, 1905

To the Clerk of the Town of Cheektowaga

Sir:

I, George D. Emerson, Secretary of the County Board of Canvassers for Erie County, hereby certify that it appears from the certificate of the said Board of Canvassers, on file in this Office, that the following persons were duly elected to the several offices herein named for your town at the general election held on the seventh day of November, 1905:

Supervisor	Frank Wildy
Town Clerk	Edward S. Smith
Justice of the Peace	Joseph Forster
Justice of the Peace	Bernard Fassett
Assessor	John P. Rupp
Assessor	William F. Wieberg
Assessor	Peter J. Inda
Commissioner of Highways	Jacob Kless
Collector	John V. Kauffman
Overseer of Poor	Frances Kahlbrenner
Constable	Louis Butch
Constable	Joseph Prestine
Constable	Joseph Kolb
Constable	Theophil Sanger
Constable	Frank J. Raynor

Each of said persons is required to take the oath of office within ten (10) days from the date of notification; Justices of the Peace before the County Clerk and all other officers at your office

George D. Emerson
Secretary, Board of Canvassers

December 4, 1905

Regular meeting of the Town Board

Present: Wildy, Fassett, Forster, Werrick, Ryan & Kless

Absent: Smith

Moved by Forster seconded by Ryan that Mr. Fassett act as Clerk

Carried

Moved by Ryan seconded by Forster that the reading of the minutes of last meeting be dispersed with

Carried

Moved by Ryan seconded by Forster that the bill of John W. Fisher for \$205.00 be allowed

Carried

Moved by Ryan seconded by Forster that the sum of Eight Hundred and Forty- Five Dollars (\$845) be spread upon the taxable property of Walden Fire District No. 2 to defray that hydrant tax for the ensuing year

Carried

Moved by Forster seconded by Ryan that the sum of Eight Hundred and Forty-Five Dollars (\$845) be spread upon the taxable property of Doyle Fire District No. 1 to defray the hydrant tax for the ensuing year

Carried

Moved by Forster seconded by Kless that the opinion of John W. Fisher regard the bills from Sloan be received, filed and laid on the table until our next regular meeting

Carried

Moved by Ryan seconded by Kless that the following Resolution be adopted, resolved that it is the sense of this Board that the construction of the Buffalo Frontier Terminal, RR is a public convenience and a necessity

Moved by Fassett seconded by Ryan that the attorney give an opinion whether this Village of Sloan are entitled to a police justice and have power of appointing constables

Carried

Moved by Ryan seconded by Kless that we meet at J. Forster, Saturday, Dec. 9th, 1905

Carried

Moved and seconded that we adjourn

Carried

Bernard Fassett
Clerk pro.tem.

December 9th, 1905

Adjourned meeting of the Town Board

Present: Wildy, Fassett, Forster, Werrick, Ryan and Kless
Absent: Smith

The report of Attorney Fisher as regards Police Justice is Village of Sloan received and filed

Moved by Ryan seconded by Forster that the report be laid, on the table until our next regular meeting
Carried

Moved by Ryan seconded by Werrick that Justice Leahy be requested to produce his docket and minutes at our next regular meetings
Carried

Moved by Ryan seconded by Werrick that our Attorney be requested to bring an accountant with him to examine the Constables and Justice bills
Carried

Moved by Ryan seconded by Kless that we meet Saturday, Dec. 16, 1905 for hearing of Lehigh Valley RR Crossings meeting held at Joseph Forster

Moved by Ryan seconded by Kless that we adjourn
Carried

Bernard Fassett
Clerk pro.tem.

December 18, 1905

Special meeting of the Town Board of the Town of Cheektowaga, NY was held at the house of Peter Fix, Walden Ave. and City Line Dec.18, 1905 at 8:00PM to grant a hearing on the application of the Buffalo Southern Railway Company

Present: Wildy, Smith, Fassett, Forster, Werrick and Ryan also Kless, Highway Commissioner

There were also a large number of tax payers living on William Street present all of whom spoke in favor of granting the Company the franchise to run its cars on Williams Street and Union Road the only point over which there was any difference of opinion was the place of laying the tracks in the highway from the city line to Kennedy Road

Moved by Smith seconded by Werrick that the Attorney of this Board be instructed to draft a suitable franchise to be considered by this Board on Tuesday Evening, December 26th, 1905

Carried

Moved by smith seconded by Werrick that we adjourn

Carried

Edward S. Smith
Town Clerk

Dated Cheektowaga, NY December 19th, 1905

Meeting of the taxable inhabitants of Doyle Fire District No. 1 was duly held, pursuant to the call, Dec. 19th, 1905 at 6:30PM meeting opened by John M. Rohr, President of the Board of Fire Commissioners

Moved by Mr. Gattlieb Koch seconded by Mr. Christian Frukbeiner that Chas Reukaub act as Secretary of the meeting

Carried

The Board of Fire Commissioners asked for an appropriation of \$815 for necessary Expenses for the ensuing year.

Moved by Mr. Nehrbass seconded by Mr. Frukbeiner that Doyle Fire District No. 1 raise \$815 for necessary expenses for the ensuing year.

AYE John Rohr, Gottliab Koch, Jos. Nehrbass, Christian Frukbeiner, James Devine, Peter Scymanski, Jas. Kamhinger, Jacob Swinarski, Stephen Landowski

NOES None
Carried unanimously

Moved by Mr. Nehrbass seconded by Mr. Sczymanski that we adjourn
Carried

Chas Renkauf
Secretary

I, Edward S. Smith, Town Clerk of the Town of Cheektowaga hereby certify that the foregoing is a true and correct copy of the minutes of Doyle Fire District No. 1 of the Town of Cheektowaga held by the taxable inhabitants of said district for the purpose of raising the Town \$815 for necessary expenses on Dec. 19th, 1905

Edward S. Smith
Town Clerk

December 26, 1905

At a meeting and hearing had by and before the Town Board of the Town of Cheektowaga, New York, constituting the highway Commissioners of said Town held at the Town Cheektowaga at the house of Peter Fix on the 26th day of December 1905.

Present: Frank Wildy, Supervisor and Chairman, of said Board; Edward S. Smith, Town Clerk and Secretary of said Board; Bernard Fassett, Joseph Forster, Henry P. Werrick, Edward Ryan, Justices of the Peace and Jacob Kless, Commissioner of Highways of said Town.

This Board having duly held a meeting on the 25th, day of November, 1905, at which meeting the Buffalo Southern Railway Company a Surface Railroad Corporation duly created and organized under the laws of the State of New York, having duly presented to the Board its written petition and application, which was duly filed in said Town Clerks Office on that day and in and by which petition and application, the said Railroad Corporation duly makes application for the consent and the permission of this Board, to be granted to said Railroad Corporation and to its successor or successors, lessee, lessees and assigns, to build, construct, maintain and operate a street surface railroad for public use in the conveyance of persons and property in cars for compensation either by single or double railroad tracks as may be determined and with all necessary switches, connections, sidings, turnouts, Town Tables, crossovers and suitable stands for the convenient working of said railroad and for the

accommodation of the cars which may be run thereon and for the erection of are necessary poles and the stringing of all necessary wires, so that the cars of said Company may be operated and moved by motive power other than steam locomotive power which now or at any time hereafter may lawfully be used or employed on its route upon and along the following streets in said Town of Cheektowaga, to wit:

Commencing at a point where the Union Road, so called, intersects the southerly line of the Town of Cheektowaga and thence running northerly along Union Road, so called, to the point where the Buffalo Bellevue and Lancaster railroad now exists in said Union Road, so called and also commencing at the intersection of William Street with Union Road, so called and thence westerly along said William Street to the City Line of the City of Buffalo and on the presentation and filing of said petition and application, this Board having duly passed it's resolution and made its order receiving the said written application and ordering the same filed as aforesaid and appointing the 18th day of December, 1905, at 7 o'clock in the afternoon of that day as the time and the house of Peter Fix at the City Line of the City of Buffalo and Walden Avenue, as the place when and where the said application would be first considered by this Board and the Local authorities of said Town of Cheektowaga and that all persons who desired might then and there be heard relative there to and that a notice in accordance with such resolution and order be published daily for fourteen days prior to December 18th, 1905, in each, the Buffalo Courier, and Buffalo Express, two newspapers printed and published in the City of Buffalo, NY and this Board having convened at the said home of Peter Fix on the 18th day of December, 1905 at 7 o'clock PM for the meeting and hearing provided, by said resolution and order and due proof by affiliated having been presented to the Board of the due publication of said notice according to the requirement of said resolution and order and this Board hearing heard all persons desirous of being heard upon the question of granting the prayer of said petition and application and the said Board having then adjourned to meet again on the 26th day of December, 1905, at the house of Peter Fix in said Town of Cheektowaga, at 7 o'clock, PM for the further consideration of said petition and application and the said Board having again heard all persons who desired to be heard upon the question of the granting of the prayer of said petition and application and the Board having duly considered and deliberated thereon, Mr. Fassett offered the following preamble and resolution whereas, on the 25th, day of November 1905, at a meeting this Board constituting the local authorities and Highway Commissioners of the Town of Cheektowaga, the duly verified petition and application of the Buffalo Southern Railway Company, a Street Surface Railroad Corporation, duly created and organized under the Laws of the State of New York, was duly presented to this Board, praying that this Board would duly grant to the said corporation, its successor, successors, lessee, lessees and assigns, permissions to build, construct, maintain and operate, a street surface railroad for public use in the convenience of persons and property in cars for compensation by either single or double tracks through and upon the streets in the Town of Cheektowaga there in mentioned, together with all necessary connections, Switches, sidings and turnouts, for the accommodation of the cars of said Company, which may be run on said railroad and also to erect upon the said streets and highways the necessary poles and the stringing of the necessary wires so that the cars of said Company may be operated and moved by means of the motive power of electricity and whereas, on the presentation of said petition and application the Board duly adopted a resolution and made an order, receiving the said written application and ordering the same filed as afore said and appointing the 18th day of December, 1905, at 7 o'clock in the afternoon of that day as the time and the house of Peter Fix at the corner of City Line and Walden Avenue in the said Town of Cheektowaga, as the place when and where the said application would first be considered by this Board and the Local Authorities of said Town of Cheektowaga and that all persons who desired might then and there be heard relative there to

and that a notice in accordance with said resolution and order, be published daily for fourteen days prior to said December, 18th, 1905, in the Buffalo Courier and the Buffalo Express, Newspapers published in the City of Buffalo, there being no newspaper published in said Town of Cheektowaga and the City of Buffalo being the nearest City to said Town and whereas, the said notice was duly published as directed by said resolution and order and proof of such publication having been duly filed with the Board and

Whereas, at the time and place first mentioned, in said resolution and order and also in said published notice, this Board duly held a meeting and had a hearing in said matter at which said petition and application were first considered by this Board, constituting the local authorities and Highway Commissioners of the said Town of Cheektowaga and the Board having heard all person appearing and desiring to be heard, regarding the said petition and application and this Board having duly adjourned to meet again to further consider said petition and application on December, 26th, 1905, at 7 o'clock PM at the house of Peter Fix, in the Town of Cheektowaga and this Board having duly met in pursuance of said adjournment and having further considered said petition and application and having again heard all persons who desired to be heard upon the question of granting said petition and application

Now therefore resolved, that consent be and the same hereby is given by the Town Board of the Town of Cheektowaga, constituting the Highway Commissioners and local authorities of said Town to the said Buffalo Southern Railway Company and to its successor, successors, lessee, lessees and assigns, to build, construct, maintain and operate a street surface railroad for public use in the convenience of persons and property in cars for compensation, with single tracks through upon and along the following named streets, roads and highways in said Town of Cheektowaga to wit: Commencing at a point where the Union Road, so called, intersects the southerly line of the Town of Cheektowaga; thence running northerly along Union Road, so called, to the tracks now laid in said Union Road, so called, by the Buffalo Bellevue and Lancaster Railroads and also commencing at the intersection of William Street with Union Road, so called thence westerly along said William Street to the City Line of the City of Buffalo.

Resolved, that consent be and the same is hereby also given to said Buffalo Southern Railway Company, the successor, successors, lessee, lessees and assigns, to construct maintain upon said streets, roads and highways such switches, sidings, turnouts crossovers as shall be necessary for the operation of said railroad

Resolved that consent be and the same is hereby also given to said Buffalo Southern Railway Company, it's successor, successors, lessee, lessees and assigns to erect and maintain all necessary poles and to string all necessary wires there on, through, along and upon all of said streets, roads and highways, so that the cars on said road may be operated and moved by means of the motive power of electricity.

This consent, franchise or grant is hereby made subject to the following expressed conditions, to wit:

First That said road shall be constructed in a good and workmanlike manner, under the Supervision of the Town Board and Board of Highway Commissioners of said Town of Cheektowaga and in such portion of the Street of Highway as shall be directed by the said Town Board and Board of Highway Commissioners and the roads and streets through which the same

shall be constructed, shall be put in the same condition as they were before the construction of said street surface railroad for the use of the public as highways, without any expense to the Town and in case in the opinion of said Town Board and Board of Highway Commissioners it shall become necessary to widen the roadway in any of the said streets or highways in order to properly accommodate the public, then the said roadways or carriageways shall be so widened and reconstructed at the expense of the said Buffalo Southern Railway Company and in such manner as shall be directed and approved by the said Town Board and Board of Highway Commissioners and the expense of said Supervision by the Town Board and Board of Highway Commissioners, shall be paid upon demand, by said Buffalo Southern Railway Company,

Second. Before said Buffalo Southern Railway Company, shall do any work under this franchise or consent, it shall file with the Town Clerk of the Town of Cheektowaga, a map, showing the location of its tracks, together with the turnouts, switches, sidings, etc., in the said streets and highways, which map before any work shall be done, shall be approved by the Town Board and Board of Highway Commissioners, no changes shall be made in the location of said tracks, switches, turnouts, sidings, etc., thereafter without the consent and approval of the Town Board and Board of Highway Commissioners and in case, in the opinion of the said Town Board and Board of Highway Commissioners, it shall there after become necessary, that the said tracks, switches, turnouts, etc., shall be moved from the side of the street where the same may be located, to the centre of the street, the same shall be done by the Buffalo Southern Railway Company within one year after notice to make such removal, to be given by mail, address to the said Company, at its office in the City of Buffalo, New York. In case said Company shall neglect and refuse to make such change within one year after such notice, then the said Town Board and Board of Highway Commissioners may cause the same to be done at the expense of the said Company.

Third. The said Buffalo Southern Railway Company shall not change a greater fare then five cents upon its said line, from any point in the Town of Cheektowaga to any other point in the Town of Cheektowaga and shall give such transfers, as may be necessary, to permit passengers to go from any point as its said line in the Town of Cheektowaga to any other point on its line in the Town of Cheektowaga.

Fourth. The said Buffalo Southern Railway Company shall save the Town of Cheektowaga harmless from any and all damages, for or by reason of anything done or omitted to be done by the said Buffalo Southern Railway Company, in the Construction Maintenance or Operation of its road, sidings, turnouts, switches, etc. and it shall wherever its tracks shall be laid in the travelled portion of the street or highway, maintain the said street or highway in a proper condition for the public use, under the supervision of the Town Board and Board of Highway Commissioners of the Town of Cheektowaga and shall macadamize the same and keep the same macadamized between its tracks and two feet outside thereof on either side, under the Supervision and direction of the Town Board and Board of Highway Commissioners and in case of default upon the past so to do after thirty days notice from the said Town Board and Board of Highway Commissioners, to be given by mail addressed to the office of the said Company at the City of Buffalo, New York, then the said Town Board and Board of Highway Commissioners may cause said highways macadamized and properly maintained between the tracks of said company and two feet outside thereof on either side and shall collect the expense thereof from

the said company. In case of any of said streets or highways should be paved during the life of the franchise or consent, their in that case the said Company agrees to pave said streets of highways between its tracks and two feet outside thereof on either side at its own expense, with the same material and in a uniform manner with the pavement laid by the said Town of Cheektowaga and in case of its failure so to do within sixty days after notice so to do, to be given as herein before provided then the said Town of Cheektowaga may do said work at the expense of said company and collect said expense from the said Company

Fifth, The poles and wires necessary to be set and used in the operation of the road of the said Buffalo Southern Railway Company, shall be placed in such portions of the highways and at such places as shall be designated by the Town Board and Board of Highway Commissioners and the wires carrying the current of electricity to supply the trolley wire, shall be always kept properly insulated so as to prevent the escape of the electricity there from and the said Buffalo Southern Railway Company shall save the Town of Cheektowaga harmless from any damages or claims made or in any way based upon the manner in which said poles and wires shall be elected and maintained

Sixth, The Buffalo Southern Railway Company shall commence building its road over the streets and highways herein before mentioned with one year from the granting of this franchise or consent and shall complete the same within three years there after and in case of their failure to so to do, then all rights and privileges granted by this franchise or consent, shall become void and of no effect.

Seventh, In case the said Buffalo Southern Railway Company shall in the construction and maintenance of its road, over the streets and highways herein before maintained, be obliged to cross any streams, the same shall be crossed upon suitable bridges constructed by the said Buffalo Southern Railway Company at their own expense and at such places in the highways, as shall be designated by the Town Board and Board of Highway Commissioners, unless other agreements shall be made therefore hereafter, none of such bridges erected by said Company shall be used by the public

Eighth, Before this franchise or consent shall become operative, the Buffalo Southern Railway Company shall file with the Town Clerk of the Town of Cheektowaga, its acceptance there of in writing and its agreement to conform to and abide by all of the conditions and covenants herein contained and a bond in the penal sum of Seventy-Five Hundred Dollars. Executed by said Company and same responsible approved surety Company conditioned for the faithful performance of all of the agreements herein contained and the observance of all of the conditions here in contained. Unless such acceptance and agreement and bond shall be filed within sixty days from date hereof, then this franchise or consent shall immediately become void

Ninth This franchise or consent shall continue for the period of Fifty Years from the date hereof provided said Buffalo Southern Railway Company shall accept the same as above provided and shall complete said road within three years from the date hereof

Frank Wildy
Edward S. Smith

Supervisor
Town Clerk

Edward Ryan
Henry P. Werrick
Joseph Forster
Bernard Fassett
Jacob Kless

Justice
“
“
“
Commissioner of Highways

I, hereby certify that the foregoing is a true and correct copy of a franchise or consent granted the Buffalo Southern Railway Company December 26th, 1905 and filed in my office on even date.

Edward S. Smith
Town Clerk

Cheektowaga, NY December 28, 1905

Regular annual meeting of the Board of Town auditors to audit the books and account of Town Officers

Present: Wildy, Fassett, Werrick, Forster, Ryan and Kless
Absent: Smith

The Board examined the books and vouchers of Frank Wildy, Supervisor and pronounced them correct and find a balance due the Supervisor of \$129.26

The Board examined the books and vouchers of Frank Kahlbremer, overseer of the poor and found their correct finding a balance of \$98.49 due paid Frank Kahlbremer as overseer of the poor.

The Board examined the books and vouchers of Jacob Kless, Commissioner of Highway find a balance of \$36.21 still in the hands of said Jacob Kless, Commissioner of Highways the bill of Jacob Kless for the annual team work and other bills outstanding for ballast and material were not included in the accounts examined

The Board there upon adjourned, to meet on the 8th day of January, 1906.

Bernard Fassett
Clerk pro.tem

