

Cheektowaga January 7, 1907

Regular meeting of the Town Board and Board of Highway Commissioners.

Present Wildy, Fossett, Forster, Ryan, Werick and Kless.

Moved and Seconded that Fossett act as Clerk. Carried.

Moved by Forster seconded by Ryan that the calls of George Mueller amounting to \$90.00 be allowed. Carried.

Moved by Forster seconded by Werick that the bond of Frank Wildy Supervisor on the sum of twenty thousand dollars (\$20000) be accepted. Carried.

Moved by Forster seconded by Werick that the bill of Jerome Ryan amounting to \$52.50 be allowed. Carried.

Moved by Kless seconded by Werick that the bill of Adam Dayler amounting to \$412.00 be allowed. Carried.

Moved by Forster seconded by Kless that the bill of Joseph Brommik amounting to \$248.08 be allowed. Carried.

Moved by Forster seconded by Kless that the bill amounting to \$15.75 be allowed. Carried.

Moved by Forster seconded by Ryan that the bill of John Weiduraer for seasonal work amounting to \$58.00 be allowed. Carried.

Moved by Ryan seconded by Werick that the bill of Toynbee Bros. For new plow amounting to \$13.35 be allowed. Carried.

Moved by Werick seconded by Ryan that the bill of the Barber Asphalt Co. For 2 car loads of crushed stone amounting to \$55.88 be allowed. Carried.

Moved by Werick seconded by Ryan that the bill of the Climax Road machines Company for crushing plate amounting to \$25.00 be allowed. Carried.

Moved by Kless seconded by Forster that the bill of the Roadway Transfer Company amounting to \$7.50 be allowed. Carried.

Moved by Fossett seconded by Forster that this board inspect the Slate Bottom Creek Bridge January 10th at \$2.00 per. Carried.

Moved by Forster seconded by Ryan that John W. Forster be notified to attend the next regular meeting of this board. Carried.

Moved by Fossett seconded by Ryan that John W. Forster be and he is hereby appointed as regular Council at the same salary as last year. Carried.

Adjourned.

B. Fossett
Clerk Protem

Cheektowaga January 26, 1907

To the Honorable the Town Board and Board of Highway Commissioners of Cheektowaga:

The petition of the Cheektowaga Railway Company respectfully shows:

That your petitioner is a street surface railroad Corporation duly organized and incorporated under and in pursuance of an act of the Legislature of the State of New York, entitled Railroad Law.

That the said corporation proposes to build Construct Maintain and operate a street surface railroad for public use with Conveyance of persons and property in care for Compensation in the Town of Cheektowaga in the County of Erie, upon and along the surface of the following Streets, Avenues and Highways in the Town of Cheektowaga, to wit:

Beginning at a point it's westerly terminal being the intersection of the outer line of Clinton Street with the Easterly boundary line of the City of Buffalo said boundary line being the division line between the City of Buffalo and the Town of Cheektowaga thence in an Easterly direction along Clinton Street to an intersection of Clinton and Shanley Street Being 184.5 feet on Clinton Street: thence in a northerly direction along Shanley Street to an intersection with Dingen Street being 2429.47 feet on Shanley Street: thence in an easterly direction along Dingen Street 4500.53 to an intersection with Cass Street: thence across private property 308 feet to an intersection of Garland Street: thence across private property 215.43 feet to the intersection with Bright Avenue and the Sulphur Springs Road: thence in an Easterly direction along Sulphur Springs Road 3241.75 feet it an intersection with Eighrue Street; thence along Eighrue Street in a northeasterly direction 2420.12 feet to a point: thence in an easterly direction 1914.56 feet across private property crossing Cayuga Creek on Trestler to the intersection of Union Road and Lawson Road : thence in an easterly direction along Lawson Road 15346.89 feet to the intersection of Transit Road. Certain of said Transit Road and point of intersection being the division line between the towns of Cheektowaga and Lancaster which point toll be it to easterly terminal giving a total mileage of main line in the Town of Cheektowaga of 5.810 miles.

That the Railroad proposed to be built Construction maintained and operated by your petitioner as herein before set forth is intended to be operated by way no live power, then the Locomotive steam power, which now or as always true heretofore made lawfully be used or employed on it's route.

Your petitioner further shows that: pursuant to the Laws of this state it is necessary for it to obtain the consent of the Town Board of the Town of Cheektowaga to enable it to construct , maintain and operate the Railroad aforesaid, and accordingly your petitioner now applies to your Honorable lady for such consent.

Therefore, your petitioner prays and makes applications to the Town Board and Board of Highway Superintendents of Cheektowaga for to consent and permission to be granted to your petition it's successor , successors, leases and assigns to construct , maintain and operate a street surface railroad for public use through upon and along the avenues, streets, and highways above set forth and described together with all necessary connections, sidewalks, sidings, turnouts, turn tables, crossovers and suitable

stands for the Convenient working of said railroad and for the accommodations of the Company's which may be run over paid railroad by your Petitioner to successors, leases or assigns to the erection upon said streets, avenues and highways of the necessary poles and stringing of wires so that the cars of said company be by the means of power and Electricity.

Dated January 26th 1907

Cheektowaga Railway Company
Frao. E. Williams President

Moved by Ryan seconded by Kless that the petition of the Cheektowaga Railway Company be received and filed and that the Town Clerk's be directed to publish the necessary public notices according to the Railroad Law. Carried.

Moved by Ryan seconded by Fossett that this Board reimburse in Saturday July 16th 1907 at 8 o'clock for the purpose of considering the application of the Cheektowaga Railway Company. Carried.

Present Wildy, Smith, Fossett, Forster, Werick, Ryan and Kless.

Special meeting of the Town Board and Board of Highway Superintendents Town of Cheektowaga duly called and held July 26th 1907 at 8 o'clock P.M.

Edward S. Smith
Town Clerk

Cheektowaga February 4, 1907

Regular meeting of the Town Board and Board of highway Commissioners also the Board of Health of the Town of Cheektowaga.

Present Wildy, Smith, Fossett, Forster, Werick, Ryan and Kless.

Moved by Forster Seconded by Fossett that the minutes of the last regular meeting be adopted as read. Carried.

Moved By Fossett Seconded by Kless that the bills of Alfred Boone for work on highways amounting to \$37.50 be allowed. Carried.

Moved by Forster Seconded by Fossett that the bill even Criqui amounting to \$13.00 be allowed. Carried.

Moved by Fossett Seconded by Kless that the bill of Adam Schmitt for quarrying stone for highway purposes amounting to \$89.59 be allowed. Carried.

Moved by Fossett Seconded by Kless that the bill of Adam Burkhardt amounting to \$23.03 be allowed. Carried.

Moved by Fossett Seconded by Kless that the bill of Steven Schultz amounting to \$7.00 be allowed. Carried.

Moved by Fossett Seconded by Kless that the bill of Dr. C. L. Ruess account of reporting vital statistics amounting to \$2.00 be allowed. Carried.

Mr. Smith objected to the auditing of the bills of Mr. Gavaile, Mr. Moore, Mr. Burkhart, Mr. Coluite and Dr. Ruess on account of such bills not having the usual abbituants attached.

Moved by Ryan Seconded by Werick that bills of Joseph Forster for Justices Services amounting to \$109.60 be allowed. Carried.

Moved by Smith Seconded by Fossett that the Health offices be authorized to have Bacteriological Examinations of Diphtheria, membranous Croup, Widal's test in Typhoid cases made in accordance with the request of the state commissioner of health and that the cost of any one of such Examinations shall not exceed the sum of 3 dollars. Carried.

Moved by Fossett Seconded by Kless that the secretary of the Board of Health notify our case that his rendering establishment is becoming very obnoxious to residents of our town living in the vicinity of said establishment on account of the odors that arise from such establishment and that if such odors are not abated within ten days this establishment will be declared a public nuisance. Carried.

Moved by Fossett Seconded by Forster that the salary of the Health officer be fixed at \$300.00 per year. Carried.

Moved by Fossett Seconded by Ryan that each justice of the peace of the Town of Cheektowaga be and he is hereby authorized to lease a building or part of a building to hold court. Therein; the rental of any of such building or parts thereof not to exceed the sum of \$5.00 per month. Carried.

Ayes - Smith, Fossett, Forster, Werick, Ryan and Kless

Noes - Wildy

It was agreed that such rentals shall date from November 1906 at which time the request for an allowance for office rental was first submitted to this Board.

Moved by Ryan Seconded by Fossett that the chairman appoint a committee of three to consult the commissioner of public works of the city of Buffalo with a view of establishing Sewer districts and making connections with the Buffalo Sewers at Clinton Street, William Street, Walden Avenue, and Genesee Street. Carried.

Ryan, Fossett and Wildy named as such committee.

Moved by Fossett Seconded by Ryan that we adjourn. Carried.

Edward S. Smith
Town Clerk

Pursuant to the publication a public hearing was held at the house of Peter Fix in the Town of Cheektowaga Saturday February 16th 1907 at 8 o'clock P.M. on the application of the Cheektowaga Railroad Co. as filed with the Town Board and Board of Highway Commissioners of the Town of Cheektowaga January 26th 1907.

Present Wildy, Smith, Fossett, Forster, Werick, Ryan and Kless. Also a member of taxpayers from the Southern portion of the Town of Cheektowaga also Rumsey, Wheeler and Levi who attended the meeting to oppose the application of the petitioner in the interest of the Buffalo Southern Railway Company after a discussion of

the matter it was moved by Mr. Ryan that the meeting be adjourned Wednesday evening February 20th 1907 at 8 o'clock P.M. at the house of Henry Pfohl, Bellevue. Carried.

Edward S. Smith
Town Clerk

Dated at Cheektowaga
February 16th 1907

Cheektowaga February 20th 1907

Adjourned meeting for the purpose of further hearing the petition of the Cheektowaga Railway Company.

Present Wildy, Fossett, Forster, Werick, Ryan and Kless.

Moved by Forster Seconded by Werick that Mr. Fossett act as clerk in the absence of the Town Clerk. Carried.

Moved by Ryan Seconded by Kless that the following pre-audible and resolutions be adopted:

Whereas on the 26th day of January 1907 at a meeting of the Town Board and Board of Highway Commissioners constructing the local authorities and highway commissioners constructing the local authorities and Highway Commissioners of the Town of Cheektowaga the duly verified petition and application of the Cheektowaga railway Company 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 it's successor, successors, lessee, lessees and assigns, permissions to build construct maintain and operate a street surface railroad for public use by either single or double backs through, upon and across the street in the Town of Cheektowaga therein mentioned together with all necessary sidings, switches, turnouts and crossovers for the accommodation of the cars of said company which may be run on said railroad and also so erect upon said street and highways the necessary pales and the stringing of the necessary wires so that the cars of said company may be adopted and moved by of native power of electricity and whereas on the presentation of said petition and application this board duly adopted a resolution and made an order receiving the said written application and ordering the same filed as aforesaid and appointing the 16th day of February 1907 at 7 o'clock in the afternoon of that day as the time and the house of peter Tick at the corner of Walden Avenue and Randolph Street in the said town as the place where said application would be first considered and that all persons who desired might then and there be heard relative thereto and directing a notice to be published as required by law, which notice was duly published as directed by said resolution and order and proof of said 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 hold a meeting and have 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 said Town of Cheektowaga and the board having heard all persons appearing and desiring to be heard regarding the said application and having duly adjourned to meet again to further consider said petition and application on February 20th 1907 at 8 o'clock P.M. at the house of Henry Pfohl at Bellevue in said Town of Cheektowaga and this board having met in pursuance of said adjourned 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 no therefore

Resolved that consent be and the same is hereby given by the Town Board and Board of Highway Commissioners of the Town of Cheektowaga constituting the Highway Commissioners and local authorities of said town to this Cheektowaga Railway Company and to it's successor, successors, lessee, lessees and assigns to build, construct, maintain and operate a street surface railroad for compensation with single trucks through upon; along and across the following named street and highways in said Town of Cheektowaga to wit;

Beginning in Clinton Street at the boundary line between the City of Buffalo and the Town of Cheektowaga running in Clinton Street to Shanley street hence in Shanley Street as now laid out and in a Continuation thereof to Dingens Street; thence in Dingens Street to and across Cass Street and private property to and across Garland Avenue and private property to the intersection of Bright Avenue and Sulphur Springs Road; thence in Sulphur Springs Road to Eighrue Street; thence in Eighrue Street a distance of 2420.12 feet; thence in an easterly direction across private 1 crossing Cayuga Creek on a trestle to the intersection of Union Road and Lawson road thence in the Lawson road (Crossing Borden Road) to the Center line of Transit road, being the easterly terminal of said railroad;

Resolved that consent be and the same hereby is also given to said Cheektowaga Railway Company it's successor, successors, lessee, lessees and assigns to construct maintain and operate upon said street, roads and highways such switches, turnouts and crossovers as shall be necessary for the operation of said railroad, subject to the approval herein after provided for;

Resolved that consent be and the same is hereby given to the said Cheektowaga Railway Company it's successor, successors, lessee, lessees, and assigns to erect and maintain all necessary pales and to string all necessary wires thereon through, upon, along and across said streets, roads and highways so that the cars on said roadway be operated and moved by means of native power of Electricity.

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

First - that the said Company shall comply with all of the conditions of article 4 of chapter 565 of the laws of 1890 known as the Railroad Law of the state of New York and all act amendatory thereof and supplementary thereto.

Second - that the said Railroad shall be constructed in agreed and work man like 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 or

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 carriage ways shall be reconstructed at the expense of the said Cheektowaga Railway Company and in such manner as shall be approved by the Town Board and Board of Highway Commissioners and the Expense of such supervision by the Town Board and Board of Highway Commissioners shall be paid upon demand by the said Cheektowaga Railway Company.

Third - before the said Cheektowaga 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, crossovers, etc. in the said streets and highways which map shall be approved by the Town Board and board of highway Commissioners before any work shall be done in the construction of said railroad.

No changes shall be made in the location of said tracks, switches, turnouts, crossovers, etc. thereafter without the consent and approval of the Town Board and Board of Highway Commissioners and in case in the opinion of said Town Board and Board of Highway Commissioners it shall hereafter become necessary that said tracks, switches, turnouts, crossovers, etc. shall be moved from the side of the street in any street or highway where the same may be originally located on the side of the street so the center of the street the same shall be done by the Cheektowaga Railway Company within one year after notice to make such removal, to be given by mail addresses to the said Company at the Town of Cheektowaga. In case the said company shall neglect and refuse to make such changes within one year after, the Town Board and board of highway commissioners may cause the same to be done and the expense thereof shall be paid by the said company on demand. In case said tracks shall be removed from the side of the street to the center of the street, pursuant to the provisions of this grant and by direction of the Town Board and Board of highway Commissioners and the Town Board shall determine that in order to accommodate the public property the roadway of said street shall be widened by the said Cheektowaga railway Company to such width as the Town Board and board of highway commissioners shall direct and said Company shall reconstruct the said roadway at the width so determines by the Town Board in such manner as shall be directed and approved by the Town Board and Board of Highway Commissioners and the expense thereof shall be paid by the said Railway Company.

Fourth - the said Cheektowaga Railway Company shall not charge a greater fare than five (5) cents upon its lines from any point in the Town of Cheektowaga to any other point in the Town of Cheektowaga to any other point in said Town of Cheektowaga and shall give such transfers as may be necessary to permit passengers to go from point as its line in the Town of Cheektowaga to any other point on its line in the Town of Cheektowaga. Said Company shall carry children under six years of age free of charge, when accompanied by a parent or guardian, and shall carry children over six years and under twelve years of age at a fare of three (3) cents.

Fifth - the said Cheektowaga 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 Cheektowaga Railway Company in the construction, maintenance and operation of it's said railroad, siding, turnouts, switches, crossovers etc. And it shall wherever it's tracks shall be laid in the traveled portion of the street or highway, maintain the said street or highway in a proper condition for public use under the supervision of the Town Board and Board of highway Commissioners of said Town of Cheektowaga and shall macadamize the same and keep the same in-macadamized between it's track and two (2) feet outside thereof on either side in such manner as shall be directed by the Town Board and Board of Highway Commissioners and under the supervision of said Town Board and Board of Highway Commissioners; and in case of default upon it's part so to do after today's notice from the said Town Board and Board of Highway Commissioners to be given by mail addressed to the said company at the Town of Cheektowaga New York then the said Town Board and Board of Highway Commissioners may cause said highways to be macadamized and properly maintained between the tracks of said company and two feet outside on either side, and the expense thereof shall be paid by said company upon demand. In case any of said streets or highway should be paved during the life of this franchise and consent then in that case the said company agrees to pave said street or highways between it's tracks and two feet outside thereof on either side at it's own expense with the same material and in a uniform manner with the pavement laid by the Town of Cheektowaga and in case of it's failure so to so within 30 days after notices so to do, to be given as herein before provided their the said town of Cheektowaga may do said works and the expense thereof shall be paid by the said company upon demand.

Sixth - the poles and wires necessary to be set and used in the operation of the railroad of the said Cheektowaga Railway shall be placed in such portions of the highway 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 always be kept properly insulated so as to prevent the escape of Electricity therefrom and the said Cheektowaga Railway Company shall save the Town of Cheektowaga harmless for any damages or claims made or in any way based upon the manner in which said pales and wires shall be erected and maintained.

Seventh - the Cheektowaga Railway Company shall apply to the state Board of Railroad Commissioners for a certificate of necessity within two (2) months from the date of the granting of this railroad over the streets and highways here in before mentioned within one year from the graining of this franchise or consent and shall commence building it's railroad over the streets and highways herein before mentioned within one year from the graining of this franchise or consent and shall complete the same within three years thereafter, and in case of their failure either to make such application to the Board of Railroad Commissioners for a necessity within the time herein provided or to commence building and railroad within one year from the graining of this franchise or to complete the building said railroad within three years from the granting of this franchise or consent, shall immediately become void and of this effect.

Eighth - In case the said Cheektowaga Railway Company shall in the construction and maintenance of it's railroad through the streets and highways herein before mentioned, be obliged to cross any streams, the same shall be crossed upon

suitable bridges constructed by the said Cheektowaga 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 and unless other arrangements shall be made therefor hereafter, none of such bridges so erected by said company shall be used by the public.

The said Cheektowaga Railway Company shall reconstruct at it's own expense all in the highways over which said Railway Company shall lay it's tracks so that the same will be safe and will properly drain the water in said highways.

Ninth - the said Cheektowaga railway Company shall at it's own expense level off the snow, thrown off it's own expense level off the snow, thrown off it's tracks with carriage or roadways of any of the streets or highways through or across which it's tracks may be laid so that the use of said streets or highways by the public shall not be in anyway impaired in case of the failure of the said Company so to do the Town Board and Board of Highway Commissioners may cause the same to be done and the expense shall be paid by the said Cheektowaga Railway Company on demand.

Tenth - the said Railway Company shall in the construction of it's railway across Cayuga Creek carry it's tracks across said Creek upon trestlework, so constructed as to not impede the flow of water in the Spring, and so as not to cause and damages by the blocking of the flow of water in said Creek and over the adjacent lands.

Eleventh - Before this franchise or consent shall become operative, the Cheektowaga Railway Company shall file with the Town Clerk of the Town of Cheektowaga to acceptance thereof in writing and it's agreement to confirm to and abide by all of the conditions and covenants herein contained; such bond to be approved as to it's form, manner of execution and the sufficiency of the surety, by the supervisor of the town. The Town Board and Board of Highway Commissioners may at any time render the said Cheektowaga Railway Company to file a new bond with other or different surety Companies as surety if in their opinion the interest of the Town shall require it.

Twelfth - this franchise or consent if accepted as herein before provided, shall continue for a period of fifty years (50) from the date hereof unless the same shall be sooner for failed by a failure of the said Cheektowaga Railway Company to apply for a certificate of necessity when the period herein before limited or to commence work upon the construction of it's railroad within one year after the granting hereof or to complete said railroad within three (3) years from the granting hereof.

We the undersigned do hereby certify that the foregoing resolution was duly adopted at a meeting of the Town Board and Board of Highway Commissioners, held on the 20th day of February 1907.

Frank Wildy
Supervisor

Bernard Fossett
acting Town Clerk

Henry P. Werick
Justice of the Peace

Edward Ryan

Justice of the Peace

Joseph Forster
Justice of the Peace

Jacob Kless
Commissioner of Highways

I Edward S. Smith, Town Clerks in and for the Town of Cheektowaga, Erie County, New York hereby certify that the foregoing is a full, true and correct copy of a franchise or consent granted, the Cheektowaga Railway Company by the Town Board and Board of Highway Commissioners of said Town of Cheektowaga on the 20th day of February 1907 and filed in my office.

Edward S. Smith
Town Clerk

Cheektowaga March 4th 1907

Regular meeting of the Town Board of the Town of Cheektowaga NY.
Present Wildy, Fossett, Forster, Werick, Ryan and Kless.

Reading of the minutes of last meeting dispensed

Moved by Ryan Seconded by Forster that the bill of Joseph Bromuik for team work amounting to \$88.00 be allowed. Carried.

Moved by Forster Seconded by Ryan that the bill of Martin Long for gravel amounting to \$41.25 be allowed. Carried.

Moved by Forster Seconded by Ryan that the bill of Chris Smith for team work amounting to \$12.00 be allowed. Carried.

Moved by Ryan Seconded by Forster that the bill of william Lurtz for team work amounting to \$10.00 be allowed. Carried.

Moved by Werick Seconded by Forster that the bill of Henry Sheilding for removing fence on Lawson Road amounting to \$50.00 for use of Engine for stone crusher amounting to \$69.00 and for 7 days team work amounting to \$28.00; Total \$147.00 be allowed. Carried.

Moved by Forster Seconded by Werick that the bills of Justice Edward Ryan amounting to \$166.53 be allowed. Carried.

Judge Ryan repairs the collection of \$43.50 in fines.

Moved by Forster Seconded by Ryan that the bills of Constables as Gallery amounting to \$31.50 be allowed. Carried.

Moved by Forster Seconded by Fossett that this meeting adjourn. Carried.

B. Fossett
Clerk Protem