

Minutes of a meeting of the Town Board of the Town of Riverhead held in the Town Hall on Wednesday, January 16, 1935 at 10:00 A. M.

Present:

Milton L. Burns, Supervisor

Syrena H; Stackpole,  
Julian Rubenstein,  
George E. Luce,  
Z. Ralph Hallock, Justices of the Peace.

Town Attorney Smith was present.

Minutes of a meeting of the Town Board held on Friday, December 28, 1934 and minutes of a Special Meeting of the Town Board held on Monday, January, 7, 1935 were read and on motion and vote were duly adopted.

NOTICE OF HEARING ON TOWN FIRE ORDINANCES.

Please take notice that a public Hearing will be held by the Town Board of the Town of Riverhead at the Town Hall on the corner of Second Street and Roanoke Avenue in the Town of Riverhead, New York, Wednesday, January 16, 1935, at 10:00 A. M. on the question of the enactment of a fire Ordinance.

Proof of Publication of the Notice of a hearing on the question of a Town Fire Ordinance from the Riverhead News and the affidavit of posting said notice in three public places in the Town were presented to the Board ordered placed on file.

Supervisor Burns thereupon advised that the hearing was open to the public and all who desired could be hear at this time.

No one having appeared opposing the adoption of the said ordinance, on motion and vote the hearing was closed.

On motion duly made by Justice Rubenstein and seconded by Justice Hallock, it was RESOLVED that the following Ordinances be and the same hereby enacted as CHAPTER ONE of the Ordinances of the Town of Riverhead.

SECTION 1: DEFINITIONS

When used in this local law:

(a) The word "person" includes an individual, co-partnership, society, association, joint stock company, club, corporation, and any combination of individuals, within the Town of Riverhead, Suffolk County, New York.

(b) The word "approved" when applied to materials, type of construction and appliances within a fire district signifies approval by the Board of Fire Commissioners, or by its nominee appointed to decide as to whether approval should be expressed; and as to materials, type of construction and appliances not in a fire district signifies approval by the Town Board or its nominee appointed to decide as to whether approval

ould be expressed.

(c) The word "permit" signifies the written authority of the Board of Fire Commissioners, or of its nominee, to act within a fire district or the nominee of the Town Board to act outside of a fire district. The word "permit" signifies a writing expressing a warrant by the Board of Fire Commissioners, or by the Town Board to act as therein indicated. A permit shall be executed by the Board of Fire Commissioners or by its appointee designated to act for it, or by Town Board or by its appointee authorized to act for it. A permit may not be arbitrarily granted or withheld, but must be granted or withheld, in the discretion of the authority empowered to grant it, in order to protect against hazard, which, in the opinion of such authority, or its said appointee, should be obviated or against which protection might be reasonably regarded as necessary. In every case, a permit must be preceded by inspection by the authority empowered to grant it, or its said appointee, of the premises which are the subject of such permit. Whenever the Board of Fire Commissioners, or its said appointee, or any appointee of the Town Board, shall reject or refuse to grant a permit, or when it is claimed that provisions of this ordinance or any ordinances relating thereto do not apply, or when it is claimed that the true intent and meaning of this ordinance, or of any regulations, have been misconstrued or wrongly interpreted, and the permit applied for has been refused, then the applicant may appeal to the Town Board in writing, as outlined in Section 8 hereof.

(d) "Application for permit" required by this ordinance to be made to any Board means the form of application prescribed by such Board.

(e) The term "fireworks" as used in this article refers to fire-crackers, rockets, torpedoes, roman candles, toy pistols, toy cannons, detonating canes, blank cartridges, free floating balloons carrying any fire hitting material commonly termed "fire balloons," and other devices designed and intended for pyrotechnic display.

(f) The words "approved devices or materials" mean those which the Board of Fire Commissioners within a fire district, or the Town Board outside of a fire district, as the result of test, or of their examinations, or of test by a generally accepted laboratory, have found to be properly safeguarded against fire hazard.

(g) The phrase "public garage" as used in this ordinance means a building shed or enclosure, or a part thereof, in which a motor vehicle containing volatile flammable oil in its fuel storage tank is stored, housed or kept for which compensation is required, and shall include shops where automobiles are repaired.

(h) "Private garage" means a garage in which no business or industry is carried on.

(i) The word "garage" does not mean or include any building used as a fire house in any incorporated fire district.

(j) The term "generally accepted practice" means a custom established or a usage prescribed, or a means adopted, or a method approved, by the National Board of Fire Underwriters, and/or the Underwriters Laboratories, Inc., and/or the United States Bureau of Standards.

(k) The terms "competent authority" and "generally accepted laboratory" mean the National Board of Fire Underwriters, and/or the Underwriters Laboratories, Inc., and/or the U. S. Bureau of Standards.

(l) Whenever "Town Board" is referred to herein said words shall include any person or persons appointed by the Town Board to act for it.

(m) The term "congested district" means any area where there are buildings under separate ownership not over 100 feet apart.

## Section 2: SAFEGUARDS

A. When operated in the performance of duty the following shall have the right of way: fire department, fire patrol, bureau of buildings, emergency repair of public service corporations, ambulances, police and the military, but this does not relieve the driver or owner of any vehicle from consequences of the arbitrary or careless exercise of this right.

B. A vehicle must not be driven so as to impede or obstruct the progress of the apparatus of a fire department or of any official or employee of a city, town or village in the discharge of his duty at a fire. The operator of a vehicle, not a part of the municipal fire apparatus, shall not operate it through or within the established fire lines or over a line of fire hose. On the approach of fire apparatus, as evidenced by suitable and continuous warning or by street signals operated from fire headquarters, visible or audible one to another indicating the route of the apparatus, the operator of a vehicle which is not a part of the fire apparatus must immediately draw up such vehicle as near as practicable to the right-hand curb and parallel thereto, and bring it to a standstill and the operator of a street car must immediately stop his car and keep it stationary, until the fire apparatus has passed.

C. No vehicle of any kind shall at any time be parked upon any street, avenue or highway, in front of any fire house.

D. No vehicle of any kind, not a part of the municipal fire apparatus, shall at any time be parked within a radius of ten feet of any fire hydrant.

E. No vehicle of any kind, except fire apparatus, shall, at any time, be parked or stopped within a line of 100 feet distant each way from any building which is on fire. Any vehicle which shall be parked in violation of this ordinance may be summarily removed by the fire department.

F. No vehicle of any kind, not a part of the municipal fire apparatus, shall at any time be driven over fire hose or other fire equipment.

G. No person, except a driver of fire apparatus, shall follow in a vehicle of any kind within 200 feet of any fire apparatus answering a fire alarm.

H. No person or persons shall wilfully or designedly make or raise a false cry of fire or cause a false alarm to be sounded.

I. No person or persons shall at any <sup>time</sup> interfere with the work of a fire department at any fire or in the course of any work incidental thereto.

J. No person or persons shall at any time interfere with any representative of the Fire Commissioners or of the Town Board in carrying out an inspection or in the performance of any other duties as such representative.

K. Any person or persons, partnership, or corporation maintaining electric wires for whatsoever purposes shall keep such wiring so arranged, insulated and protected as to be in conformity with the current edition of the National Electrical Code approved by the American Standards Association, and any wiring, designed to convey electricity, found, by the authority empowered to grant a permit, to be in an unsafe condition, or any wiring cut or removed by the fire department in the discharge of its duties, must be repaired or replaced, by the owner or lessee thereof, in accordance with said code and in a safe and proper manner. Whether such repair or replacement is in conformity with such code is a fact to be determined by the Fire Commissioners in a fire district or by the Town Board in a locality not a fire district.

L. All buildings used for public amusement, public lodge, or other meetings, offices, hotels, boarding houses, and factories, must have reasonable means for fire protection and for the safety of their patrons, especially as to exits and fire escapes.

M. No person or persons shall construct a chimney in, or attach any chimney to, any building unless such chimney shall have an approved flue lining; no smoke pipe shall be placed within eighteen inches of any woodwork, unless such woodwork shall be protected in a manner approved by the Fire Commissioners of a fire district if within their jurisdiction, or by the Town Board or its appointee designated to act for it if such structure is not in a fire district.

N. No person or persons shall start a fire within twenty-five feet of any building unless the same is confined to any approved burner and personally supervised until the same be extinguished, nor shall any fire be started anywhere unless supervised as aforesaid and with sufficient help at hand to control and prevent the spread of such fire. A permit must be secured from the Fire Commissioners or from their appointee, appointed to execute such permit, before starting such fire within a fire district and a permit for such a fire not within a fire district, but within the Town's jurisdiction, must be obtained from the Town Board or its appointee designated to act for it. The expiration of such permit is to be fixed by the authority empowered to grant it.

O. All owners, or lessees, in charge of property, must keep all chimneys in any buildings thereon reasonably clean.

P. No person shall, without the permission of a fire chief or the man in charge of the fire force during a fire, enter upon the premises where such a fire is located or in any space within a radius of 100 feet therefrom.

Q. Ashes, smouldering coals or embers, greasy or oily substances, and other matter liable to spontaneous ignition, shall not be deposited or allowed to remain within ten feet of any combustible materials, or construction made up of combustible materials, except in metal or other non-combustible receptacles. Such receptacles shall be placed on non-combustible stands, unless resting on a non-combustible floor on the ground not within a building, and shall be kept at least two feet away from any combustible wall or partition.

R. No person shall permit to remain in any congested district upon any roof, or in any courtyard, vacant lot, open space, basement or attic, any accumulation of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind.

S. In a congested district every person making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible trash, waste or fragments shall, before the close of each day, cause all such material, which is not compactly baled and stacked in an orderly manner, to be removed from the premises containing such material, or stored in suitable vaults or in metal or metal lined and covered receptacles or bins. Suitable presses shall be installed in stores, apartment buildings, factories and similar places for the baling of accumulations of paper and waste materials where such materials are not removed from such premises as herein provided.

T. All school buildings and factories, that are more than three stories in height not of fireproof construction at least up to the third floor, and all school buildings and factories that are two stories in height not of fireproof construction, present a fire hazard and such shall be equipped with exterior fire escapes. Such fire escapes must be approved by the Fire Commissioners, if located within a fire district but if located out of a fire district they must be approved by the Town Board or by its appointee designated to act for it.

U. All fire escapes hereafter erected shall be constructed of non-combustible materials and of sufficient strength to safely sustain a superimposed load of 100 lbs. per square foot. The owner or lessee of any building upon which a fire escape is erected shall keep same in good order and repair.

V. Every non-fireproof tenement house exceeding two stories in height, erected prior to the adoption of these ordinances, shall be provided either with fireproof outside stairways or other fire escapes and such fire escapes must be properly accessible to each apartment. Whoever may be in control of any tenement house shall keep all fire escapes therein in good and repair. No person shall at any time place any encumbrance of any kind before or upon any such fire escape. All fire escapes must be kept clear.

W. No oil burner or oil tank shall be installed in any private or public building the nature, or construction or operation or installation whereof is in conflict with the rules of the National Board of Fire Underwriters appertaining to such burner or such tank.

### Section 3: FIREWORKS

A. No fireworks of any kind shall be offered for sale more than seven week days before July 4th in any year; no fireworks shall be held, or offered for sale, in any building so situated as to involve fire risk to any other building; a permit for any sale of fireworks, or for storage thereof, within a fire district, must be obtained from the Fire Commissioners of such district before such sale or storage. A permit for such sale or storage outside of a fire district must be obtained from the Town Board or its appointee designated to act for it before such sale or storage. All applications for such permits must be filed with the authority empowered to grant them at least thirty days prior to such contemplated sale. Any fireworks left on hand after July 4th must be destroyed or removed from the premises before the seventh day of said month. Any permits for sale of fireworks shall be issued subject to the rules, regulations and conditions as established by the Town Board.

B. No fireworks of any kind shall be sold unless they are manufactured by a reputable fireworks manufacturing company; a fireworks manufacturing company listed in Dunn and Bradstreet as worthy of credit will be regarded as a reputable manufacturer.

C. The sale, display, or release of fire balloons is prohibited.

D. The Board of Fire Commissioners of a fire district upon due application may issue permits to properly qualified persons for giving a pyrotechnic display of fireworks in public parks or other open places located in such fire district; the Town Board may issue such permits in a locality not a fire district. Such permits shall impose such restrictions in the opinion of the Town Board or the Board of Fire Commissioners may be a proper safeguard to life and property in each case.

#### Section 4: INSPECTIONS

A. In a fire district the Fire Commissioners, or any one designated by them as an inspector, and in any locality not a fire district the inspector appointed by the Town Board, may, at all reasonable hours, enter any building or premises, where the public may enter, for the purpose of making any inspection as to fire hazard.

B. Within a fire district it shall be the duty of the Fire Commissioners thereof, and in a locality within the Town's jurisdiction which is not a fire district it shall be the duty of an inspector appointed by the Town Board, to inspect buildings, except private dwellings, in order to guard against a fire hazard.

C. Whenever the Fire Commissioners of a fire district or their inspector, or inspector appointed by the Town Board, shall find in any building, or upon any premises or other place, within their respective jurisdictions, (1) combustible or explosive matter, or (2) dangerous accumulation of rubbish, or (3) unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable material, which is so situated as to endanger property, or (4) obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operation of the fire department, or egress of occupants, in case of fire, the same if in a fire district shall be ordered by said Fire Commissioners or their inspector, or if in the Town's jurisdiction, but not in a fire district, by the inspector appointed by the Town Board, to be removed or remedied.

D. An order for the removal of materials as dangerous or as being obstructive made by the Fire Commissioners of a fire district or their inspector, or the inspector appointed by the Town Board, shall forthwith be complied with by the owner and/or whomever may be in control of the premises or buildings therein mentioned upon delivery of said order to him, subject to appeal as provided in Section 13 hereof.

E. A copy of <sup>any</sup> such order described in Section 4 paragraph D hereof shall be personally delivered to whomever is in charge of the premises to which it relates and to the owner thereof personally, but, whenever such person and owner are not found, a copy of such order must be delivered to any adult living on said premises and a copy thereof must be affixed on the same day in a conspicuous place on the door to the entrance of the said premises.

Section 5: PERMITS

A. Upon demand of an applicant for a permit, a refusal of such permit shall be expressed in writing and the reasons for such refusal shall be therein expressed. Permits issued pursuant to the provisions of this ordinance shall be obtained in writing from the authority herein empowered to grant them or from whomever such authority may designate to act upon a request for a permit. Permits shall be for such period as such authority may specify but not exceeding one year. They shall be kept on the premises designated therein and shall be subject to inspection of such authority and/or any officer of the police department.

In addition to the specific requirements elsewhere required in this ordinance a permit must be so obtained for:

- (a) Storage of calcium carbide in excess of one hundred pounds.
- (b) In a congested district, the storage of hay, straw, excelsior and other combustible fibers in excess of one ton.
- (c) Storage of corrosive acids in excess of ten gallons of each kind.
- (d) Storage of chlorates or other oxidizing chemicals in excess of ten pounds.
- (e) Storage or handling of pyroxylin plastic in excess of twenty pounds unless wrapped or packed for sale.
- (f) Use of stationary acetylene generators.
- (g) Use of compressed gas from cylinders in excess of four hundred cubic feet aggregate capacity.
- (h) The application of paint, varnish or lacquer by spray method or with dip tanks and ovens.
- (i) Use of refrigeration systems containing twenty pounds or more of refrigerant material as provided in Section 12 paragraph A hereof.
- (j) The cleaning or dyeing of clothes or other materials with a Class I or II flammable liquid as provided in Section 11 paragraph D hereof.

B. Before a permit is issued the authority empowered to grant it, or its inspector, shall make or cause to be made such inspection or tests as are necessary to assure that the provisions of this ordinance are complied with.

C. The officer or board authorized to grant a permit is authorized to revoke any permit theretofore granted by it or its predecessor whenever any violation of this ordinance is deemed to warrant such revocation, but only after a fair and impartial hearing shall have been accorded the holder of the permit.

D. The Fire Commissioners within their fire district, and the Town Board within a locality not a fire district, may waive literal compliance with any of the provisions of this ordinance upon application in writing by the owner or lessee of premises, or his duly authorized agent, when it would be inequitable and unjust to adhere to the strict letter of this ordinance, provided that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done. The particulars of such grant or allowance and the decision of the authority empowered to act thereon shall be entered upon the records of said authority.

and a signed copy shall be furnished the applicant.

E. No one authorized by this ordinance to act thereunder or to require compliance therewith may ask, demand, receive or accept any emolument, compensation, reward or gift other than compensation paid by the board which he represents, for the doing or for the omitting to do anything required or authorized herein to be done or omitted, or for any service herein authorized to be performed.

#### Section 6: PRIVATE GARAGES

A. There shall be no stove or other open flame heating device in a private garage except in a room completely separated from the part thereof containing vehicles.

B. Artificial light in private garages shall be by incandescent electric light only.

C. In a fire district, unless expressly permitted by the Fire Commissioners thereof, and in a locality not a fire district, unless expressly permitted by the Town Board, not more than five gallons of gasoline, exclusive of that in the tanks which are a constituent of vehicles, shall be kept in a private garage; gasoline shall be kept only in approved safety containers.

#### Section 7: PUBLIC GARAGES

A. Before constructing or altering any public garage within a fire district, complete plans of such proposed work shall be filed with and approved by the Fire Commissioners of such district. No structure shall be used as a public garage within a fire district without a permit from the Fire Commissioners thereof. A building may not be constructed or altered to be used as a public garage in a locality not in a fire district without a permit from the Town Board.

B. Public garages shall be of fireproof, semi-fireproof, or heavy timber, construction as required by the authority herein empowered to approve the plans thereof and in compliance with all the provisions of the building code of the town. One story garages and higher garages of heavy timber construction may have a roof of built-up wood truss construction with no wooden member less than two inches in minimum dimensions. Roofs of one-story garages may also be made of wood sheathing on unprotected steel trusses.

C. A public garage located in, or attached to, a building occupied for any different purpose, shall be separated from such other occupancy by walls, floors and ceilings having a fire resistance rating of not less than two hours. Walls, floors and ceilings which effect such separation shall be continuous and unpierced by openings, provided that door openings equipped with self-closing fire doors leading to salesrooms or offices operated in connection with such garages shall not be prohibited, and provided also that the use of elevators and stairways to other stories accessible only by vestibules or balconies constructed and arranged as required for fire towers, shall not be prohibited. Public garages containing gasoline for sale and carbon or lead burning, welding, or other processes involving open flame or spark emitting devices or the use of machine tools, shall not be connected with any residence building.

D. Garages located in buildings with parts above the garage used for other purposes shall be protected by automatic sprinklers when such garages are able to contain twenty or more passenger automobiles, or are

ed as bus terminals with a capacity of more than two busses, or are  
ed for the storage and loading of two or more trucks.

E. Basements used as public garages shall be continuously venti-  
ted by mechanical ventilating systems so constructed as to assure suitable  
lution and removal of gasoline vapors and motor exhaust fume.

F. Carbon and lead burning, welding and other processes involv-  
g direct application of flame, shall be carried on in the open air not  
ess than ten feet from any building, or in a special room separated from  
the rest of the garage by two-hour partitions.

G. Volatile flammable liquids shall not be used for cleaning pur-  
pees in a garage unless in a special closed machine of approved type, or  
in a special room separated from the rest of the garage by two-hour parti-  
tions.

H. Gasoline and other volatile flammable liquids shall not be  
allowed to run upon the floor or to fall or pass into the drainage system  
of the premises. Self-closing metal cans shall be used for all oily waste  
or wasted oils. Garages shall be swept frequently and kept clean.

I. Exclusive of that in the tanks of vehicles, gasoline shall be  
kept at a public garage only in underground tanks, or in approved safety  
cans, or in approved portable wheeled tanks not exceeding a capacity of  
sixty gallons each. The gasoline tanks of vehicles shall be filled directly  
through hose from pumps attached either to portable tanks or to permanent  
filling stations connected to underground storage tanks. Gasoline shall  
not be handled in any open container.

J. In every public garage two or more approved chemical fire  
extinguishers and four or more pails of sand shall be kept convenient for  
quick use in case of fire.

#### Section 8: FLAMMABLE LIQUIDS

(1) This article applies to all liquids having a flash point be-  
low 187 degrees F. closed cup tester. The flash point shall be as deter-  
mined by the Tagliabue closed cup tester.

(2) For the purpose of this ordinance flammable liquids are classi-  
fied as follows:

Class I. Liquids having a flash point below 75 degrees F. closed  
cup tester. Examples of such are ether, gasoline, naphtha, and benzol.

Class II. Liquids having a flash point above that for Class I and  
below 70 degrees F. closed cup tester. Examples of such are alcohol and  
amyl acetate.

Class III. Liquids having a flash point above that for Class II  
and below 187 degrees F. closed cup tester. Examples of such are kerosene  
and fuel oil.

(3) A permit shall be obtained from the Board of Fire Commiss-  
ioners for the storage or handling of flammable liquids in a fire district  
in excess of one gallon where such storage or handling is for the purpose  
of sale, or for use in some business or industry, or for the storage of  
flammable liquids in excess of fifty-five gallons in connection with oil  
burning equipments. A permit for such storage or handling in the jurisdic-  
tion of the Town Board not a fire district must be obtained from the Town  
Board.

(4) Within a fire district before any flammable liquid tank or piping is covered from sight, the installation shall be inspected and approved by the Fire Commissioners or their inspector designated to so act for them. Such installation is prohibited in a locality not a fire district unless permitted by the Town Board.

(5) The Fire Commissioners of a fire district may prevent the sale or use, in their fire district and the Town Board may prevent the sale or use in a locality not a fire district, of any heating or lighting appliances using flammable liquids, which have not been tested by Underwriters Laboratories, Inc., or some other competent authority, and found to be properly safeguarded against fire hazard.

(6) Class 1 and 11 liquids shall not be kept or stored in any building used as a place of public assembly, except in laboratories for experimental purposes.

(7) In establishments, where Class 1 or 11 liquids are used in manufacturing, cleaning or other process, the Fire Commissioners of a Fire District, and the Town Board in localities not in fire districts, may require such preventive and protective measures as will reasonably safeguard life and property against fire.

(8) Class 1 liquids shall not be kept inside of buildings except in sealed containers or approved safety cans of not more than five gallons capacity each, but in garages and manufacturing plants the authority herein empowered to act with regard to flammable liquids may permit the use of approved, portable, wheeled tanks where the nature of the business requires such storage.

(9) Class 11 liquids shall not be kept inside of buildings except in sealed containers or approved safety cans of not over five gallons capacity each, or in closed drums, barrels or tanks. Containers of Class 11 liquids, of over five gallons capacity, shall not be used to fill other containers inside of buildings unless in a room conforming to the succeeding paragraph (10) hereof.

(10) Rooms for the storage and handling of flammable liquids shall be constructed with walls, floors and ceilings, having a fire resistance rating of not less than one hour; but where, in the opinion of the authority, herein empowered to act as to flammable liquids, the hazard is more than moderate, based upon (a) a consideration of the quantity, (b) nature of the liquids involved and (c) the extent of mixing operations together with the construction of the building and its exposures, construction having a fire resistance rating of not less than two hours shall be required. Door openings to such rooms shall be equipped with approved automatic or self-closing fire doors and shall have sills raised at least six inches above the room floor.

(11) The storage of Class 111 liquids in buildings, in connection with oil burning equipments, shall be in accordance with the following: tanks of not over 275 gallons capacity each, and having, in the aggregate, capacity not in excess of 550 gallons, may be installed without enclosures. Other tanks shall be completely enclosed with a heat insulation equivalent to reinforced concrete not less than eight inches in thickness, with at least a six-inch space on sides between tank and concrete insulation filled with sand or well tamped earth, and with twelve inches of sand on top of tank, either between tank and concrete slab or above concrete slabs.

(12) Flammable liquids shall not be drawn or handled in the presence of any open flame or fire. Except as permitted below, flammable liquids shall be drawn from a tank, inside any building, not by a spigot, but only by a pump equipped with a shut-off nozzle, or other method approved by the authority herein empowered to act as to flammable liquids. Draw-off pipes, terminating inside buildings, shall have a valve at the discharge end; when delivery is by gravity, the shut-off valve must be of the automatically closing type and in addition an emergency valve shall be provided. Draw-off devices for Class 1 and 11 liquids shall not be located on floors below grade.

(13) An approved, domestic type oil burner may be supplied by gravity from a tank of flammable liquid of 275 gallons maximum capacity. A second tank may be provided if connected by an approved three-way valve so that not more than 275 gallons can be discharged at any one time.

(14) In any fire district the Fire Commissioners, and in any locality not a fire district, the Town Board may permit gravity flow of flammable liquids in manufacturing and jobbing plants where the nature of the business requires it and the nature of the hazard justifies it.

(15) Smoking or the carrying of matches or other smoking material in rooms where flammable liquids are handled is prohibited. Suitable "NO SMOKING" signs shall be displayed.

(16) Except as provided in Sections 7 and 8 hereof, the storage of flammable liquids in outside aboveground tanks is prohibited within a fire district, unless approved and authorized by the Fire Commissioners thereof. Such storage in a locality not a fire district is prohibited unless approved and authorized by the Town Board except as provided in Sections 7 and 8 hereof.

(17) The distance from each outside aboveground tank, containing flammable liquids, to line of adjoining property or nearest building, shall not be less than set forth in the table below. For such tanks exceeding 45,000 gallons capacity, and in particular installations of tanks of any greater size, these distances shall be increased at the discretion of the authority herein empowered to act as to flammable liquids in the district or locality where the same may be located, after consideration of special features such as: topographical conditions, nature of occupancy of and proximity to buildings on adjoining property, and height and character of construction of such buildings, capacity and construction of proposed tanks and character of liquids to be stored, degree of private fire protection to be provided, and facilities of the fire department to cope with oil fires

(18) Minimum distances of outside aboveground tanks (containing flammable liquid) to line of adjoining property or nearest building shall be as follows:

Capacity of Tank, Gallons	Minimum Distances, Feet
0 to 600	5
601 to 1,000	10
1,001 to 3,000	20
3,001 to 21,000	25
21,001 to 31,000	30
31,001 to 45,000	40

At marketing stations and elsewhere truck loading racks shall be separated from tanks by distances at least equivalent to those specified in the above table.

(19) Any underground tank containing flammable liquid shall have the top of the tank not less than two feet below the surface of the ground, except that, in lieu of the two-foot cover, such tank may be buried under twelve inches of earth and a cover of reinforced concrete, at least five inches in thickness, provided, which shall extend to at least one foot beyond the outline of the tank in all directions, concrete cover to be placed on a firm, well tamped, earth foundation. Where necessary to prevent floating, such tank shall be securely anchored or weighted.

Where such tank cannot be entirely buried, it shall be covered over with earth to a depth of at least two feet with a slope on all sides not steeper than  $1\frac{1}{2}$  feet horizontal to one foot vertical.

For liquids with a flash point below 100 degrees F., underground tanks, having a capacity in excess of 550 gallons, containing such liquid, shall be at least ten feet, and tanks having a capacity in excess of 2,000 gallons shall be at least twenty feet from any building the lowest floor, basement, cellar or pit of which is below the top of the tank.

(20) The maintenance, design, and construction within a fire district of any tank containing flammable liquid shall conform to generally accepted good practice and shall only be such as are approved by the Fire Commissioners of such district. Such use of such tank in a locality not a fire district shall be only such as is approved by the Town Board. The Fire Commissioners within a fire district, or the Town Board within a locality not a fire district, may impose as a condition of maintaining such tanks, the supply of fire fighting apparatus and materials and watchmen to be specified by such Commissioners or Town Board. Tanks approved as to maintenance, design and construction by Underwriters Laboratories and tanks conforming to the standards of the American Petroleum Institute as to maintenance, design and construction shall be approved.

(21) Any tank containing flammable liquid shall be set on firm foundations. Such a tank, exceeding 1,000 gallons capacity, shall not be installed inside any building unless first approved and expressly permitted by the Fire Commissioners if within a fire district, or by the Town Board if not within a fire district. Such outside aboveground tank, more than one foot above the ground, shall have a foundation and supports of masonry or protected steel, except that wooden cushions may be used.

(22) No combustible material shall be permitted under or within ten feet of any outside aboveground storage tank containing flammable liquid. An electric motor not of approved explosion-proof type, or an internal combustion engine, shall not be placed beneath any tank containing flammable liquid or elsewhere within the line of vapor travel therefrom.

(23) An open galvanized iron vent pipe arranged for proper draining, or an automatically operated vent, shall be provided for every tank which may contain flammable vapor. The lower end of the vent pipe shall not extend through the top into such tank for a distance of more than one inch.

(24) Vent openings for Class I and II liquids, and vent openings or vent pipes exceeding two inches for Class III liquids, shall be

provided with approved flame arresters and shall be of sufficient area to permit escape of air or vapor during the filling operation. Vent openings, except those automatically operated, shall not be less than one inch in diameter. Arresters shall be accessible for examination and repair. Vent pipes shall be provided with weatherproof hoods and terminate outside of building, twelve feet above top of fill pipe, or, if tight connection is made in filling line, to a point one foot above the level of the top of the highest reservoir from which the tanks may be filled and, if possible, not less than three feet, measured horizontally and vertically, from any window or other building openings. Where a power pump is used in filling storage tanks and a tight connection is made to the fill pipe, the vent pipe shall be not smaller than the fill pipe.

(25) With the exception of vertical, cone-roof tanks having a roof slope less than  $2\frac{1}{2}$  inches in twelve inches and in which the strength of the joint between roof and shell is no greater than that of the weakest vertical joint in the shell, all aboveground tanks containing flammable liquid shall have some form of relief for preventing the development of excessive internal pressure in case of exposure to fire surrounding such tank. The method of relief must be such as is acceptable to the Fire Commissioners of a fire district where located within such fire district or acceptable to the Town Board where not so located.

(26) Any aboveground tank containing crude oil, or other liquid which has a tendency to boil over, and any tank exceeding 18,000 gallons capacity which contains flammable liquid, shall be surrounded with a dike of earth or masonry having a capacity not less than that of the tank; the minimum height of such earth dike shall be three feet, but of such masonry dike thirty inches shall be the minimum height.

(27) Any aboveground tank of less than 18,000 gallons capacity must have any attached piping protected against mechanical injury and shall, when containing flammable liquids, be diked or the entire yard containing it shall be provided with a curb or retaining wall or other suitable means taken to prevent the discharge of liquids on to other property in case of a rupture in tank or piping, provided, however that when any vertical tank of less than 18,000 gallons capacity is set on a solid foundation with exposed piping (which piping will permit delivery of tank contents and which is protected from mechanical injury), such dike or curb may be omitted.

(28) Dikes or walls required by the preceding paragraphs shall be of earth or masonry so constructed as to afford adequate protection. When dikes surround any tank containing crude oil, they shall have a suitable coping or deflector projecting inward properly constructed to minimize the effect of a "boil over" wave. Dikes surrounding any crude oil tank shall be not less than fifty feet from the shell of tank or tanks surrounded.

(29) Portable containers for Class I and II liquids shall be painted red (entire container or conspicuous band or stripe) and be conspicuously lettered in black as follows:

"Dangerous - Keep Lights and Fire Away."

(30) Piping used for flammable liquids shall be standard, full weight, wrought iron, steel or brass pipe or approved copper tubing; for working pressures in excess of 100 pounds per square inch extra heavy fittings shall be used. No pipe or tubing less than one-half inch internal

meter shall be used. Outside piping shall be protected against mechanic-injury.

(31) Piping carrying Class 1 and 11 liquids, unless without joints connections, shall not extend through any room which contains any open light or fire.

(32) Any tank, aboveground, containing flammable liquid, shall have valve located near the tank in each pipe. In case two or more tanks are cross-connected there shall be a valve near each tank in each cross-connection.

(33) Every pump, delivering to or taking supply of flammable liquid from an aboveground storage tank, shall be provided with valves on each suction and discharge of pump, and, in delivering to a tank, shall have a check valve to prevent flow of liquid from tank to pump.

(34) In systems using pumps to supply auxiliary tanks or header systems, which feed flammable liquid to internal combustion engines or fuel burners, a pressure relief valve shall be installed to return surplus oil to the supply tank.

(35) Delivery of flammable liquids, of Class 1 and 11, to a storage tank, shall be made directly to the storage tank through the filling pipe by means of a hose or pipe between the filling pipe and barrel, tank wagon or tank car from which such liquid is being drawn.

(36) The end of the filling pipe for any underground storage tank for Class 1 and 11 liquids shall be carried to a location outside of any building, but not within five feet of any entrance door, or cellar opening; this filling pipe shall be closed by a screw cap.

(37) Where flammable liquids are kept, used or handled within a fire district, a quantity of loose non-combustible absorbents, such as dry sand or ashes, together with pails or scoops, and chemical extinguishers or other extinguishing devices or materials, shall be provided in such quantities as may be directed by the Fire Commissioners, or by the Town Board where such liquids are kept, used or handled in a locality not a fire district.

(38) Non-portable containers for the storage of liquified petroleum gases (whereof propane and butane are the principal constituents) shall be constructed in accordance with Section 8 of the Boiler Code of the American Society of Mechanical Engineers. Such containers, when aboveground, shall be located not less than fifty feet from the nearest building other than buildings devoted exclusively to gas manufacturing and distributing operations and not less than fifty feet from the line of adjoining property which may be built upon.

#### Section 9: NITROCELLULOSE MOTION PICTURE FILMS

A. This section applies to motion picture film having a cellulose nitrate base. The word "film" wherever used in this section refers to such film. Cellulose acetate film, bearing the manufacturer's warranty that it is a safety film or "not dangerous" film, is exempt from these provisions.

B. No person shall store, keep or have on hand in any building in a fire district more than twenty-five pounds (about 5,000 feet of  $1\frac{3}{8}$  inch film) of nitrocellulose motion picture film without a permit from the Fire Commissioners of such district, or without a permit from the Town Board if

such building be in a locality not a fire district.

C. No person shall sell any toy or miniature motion picture machine which is devised to contain nitrocellulose motion picture film, or sell, lease or otherwise dispose of any nitrocellulose motion picture film, to any person not having a permit to handle, use or display such film.

D. Any cabinet having a capacity of over fifty pounds of film shall be provided with a vent from each compartment to the outside of the building. The vent shall have a minimum, effective, sectional area of fourteen square inches per 100 pounds of film capacity.

E. Smoking or the carrying of a lighted pipe, cigar, cigarette or other form of smoking material in any room where such film is stored or handled is prohibited.

#### Section 10: EXPLOSIVES

A. This section applies to all explosives and all ammunition except pyrotechnic devices covered by Section 3 hereof.

B. The manufacture of explosives and/or ammunition, is prohibited. A permit shall be obtained from the Fire Commissioners of a fire district to have, keep, use, store or transport any explosives and/or ammunition in such fire district, and from the Town Board to so handle explosives in a locality not a fire district.

C. Explosives shall not be transported or carried on or in any conveyance carrying passengers for hire.

D. Every vehicle, while carrying explosives, shall display upon an erect pole, at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the word "DANGER" printed, stamped or sewed thereon in white letters at least six (6) inches in height, or in lieu of such flag the word "EXPLOSIVES" must be painted on, or attached to the rear end and each side of such vehicle in letters at least four (4) inches in height.

E. It shall be unlawful for any person to smoke in or upon any vehicle containing explosives, or, while intoxicated, to drive, load or unload such vehicle, or to drive such vehicle in a careless or reckless manner, or to abandon such vehicle.

F. It shall be unlawful for any person to place or carry, or cause to be placed or carried, any metal tool or other unattached, similar piece of metal, in the bed or body of a vehicle containing explosives.

G. It shall be unlawful for any person to place or carry, or cause to be placed or carried, any matches or any exploders, detonators, blasting caps, or other similar explosive material, in the bed or body of any vehicle containing explosives.

H. Magazines containing explosives shall be kept clean and free from dirt, rubbish and empty packages.

I. Ammunition shall be kept or displayed in a fire district only as provided by the Board of Fire Commissioners, and in a locality not a fire district only as provided by the Town Board, to be expressed in a permit.

#### Section 11: DRY CLEANING AND DRY DYEING

A. "Dry cleaning" shall include the removal of dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, furs, rugs and similar articles by immersion or agitation in flammable liquids or by brushing or scouring with such liquids.

B. "Spotting" is the local application of flammable liquids to spots of dirt, grease, paints or stains, and shall be limited to the use of one quart of such liquid, stored and applied from an approved safety can.

C. "Dry dyeing" is the process of dyeing in a solution of dye colors and flammable liquids.

D. No dry cleaning or dry dyeing or spotting shall be done in any building in a fire district without a permit from the Board of Fire Commissioners of such district, or in any building not in a fire district without a permit from the Town Board.

E. Permits may be given for any dry cleaning or dry dyeing or spotting operation in any plant where the equipment and/or nature thereof, shall not, in the opinion of the authority empowered to issue such permits, constitute an undue hazard to neighboring structures.

#### Section 12: REFRIGERATING DEVICES

A. No installation of a refrigerating unit or system containing in excess of twenty pounds of refrigerant shall be made in a fire district until a permit has been obtained from the Board of Fire Commissioners thereof, or in a locality not a fire district without a permit from the Town Board, except that no permit shall be required for non-condensing refrigerating systems using air as a refrigerant.

B. Any system requiring a permit, and any system containing any refrigerant which is harmful to health, the vapors of which are not readily apparent through odor or irritating effect, shall have added to such refrigerant a suitable leak detecting agent which will give warning before dangerous concentrations are reached. This restriction shall not apply to systems employing carbon dioxide.

C. Except in a plant used exclusively for ice making, refrigeration or cold storage, no system containing over 100 pounds of irritant or flammable refrigerant, shall be installed unless it conforms to the following provisions:

(1) Refrigeration shall be by the indirect method, except that direct refrigeration will be permitted in rooms, vaults or other spaces used for storage only, or in connection with a manufacturing process located on the ground floor only and with adequate exit facilities. No brine circulating system employing a brine having a flash point below 100 degrees F. shall be permitted in any location in which an indirect system only is permissible.

(2) Each compressor shall be in a special machinery room with suitable exit to the outside. Adequate means for ventilation shall be provided by a door or window opening to the outside or a mechanical system of ventilation shall be provided.

(3) Remote control shall be provided such that all machinery can be shut down without entering the machinery room.

(4) Suitable mask shall be provided, which shall be kept in operative condition in an easily accessible case or cabinet immediately outside the machinery room.

(5) All doorways between the machinery room and other parts of the building shall be normally closed and shall be tight fitting. No other openings between the machinery room and other parts of the building shall be permitted.

(6) No open flame or spark producing device shall be permitted in any refrigerating machinery room with a system containing a flammable refrigerant.

D. No refrigerating system containing over 1,000 pounds of refrigerant having a flash point below 25 degrees F. shall be permitted within a fire district unless approved and authorized by the Fire Commissioners. Such system in a locality not a fire district is prohibited unless approved and authorized by the Town Board.

E. No refrigerating system of the intermittent absorption type containing over 1,000 pounds of refrigerant shall be permitted, and no system of the intermittent absorption type containing over 100 pounds of refrigerant shall be permitted unless the heating medium is low pressure steam.

F. All refrigerant piping, tubing and fittings shall be of a material suitable for the refrigerant employed.

G. Standard wall thickness pipe may be used in a refrigerating system where a test pressure of 300 pounds or less is required; where the test pressure is in excess of 300 pounds extra heavy pipe shall be used. If flanged fittings are used they shall be of the recessed gasket type. Piping shall be rigidly secured in place.

H. Approved seamless metal tubing of copper or other material suitable for the refrigerant may be used for refrigerant lines in systems containing not over 100 pounds of refrigerant.

I. Elevator, dumbwaiter or other shafts containing moving objects shall not be used for outlet or junction boxes or for tubing or piping carrying refrigerant.

J. Every refrigerating system of more than twenty pounds capacity, or system supplying two or more evaporators and using seamless metal tubing for refrigerant lines, shall have all such tubing, except between the compressor and the nearest riser box or manifold, installed in iron pipe or other metal enclosure, with suitable metal outlet boxes for manifolds and for all valves except those at the evaporators. Flexible metal enclosures

may be used at bends or at terminals if not exceeding six feet in length and rigidly fastened to connecting pipe and/or valve boxes. Each run of pipe shall be sealed or plugged at each junction box inlet with a material not affected by moisture or the temperature of the line. All joints shall be accessible and shall be of sweated types, except that flared joints may be used for tubing not more than 5/8 inch in diameter and where the required test pressure does not exceed 180 pounds. Enclosures shall be rigidly secured to the walls or other support. Tubing shall be independently supported in such a manner as to prevent excessive vibration and strains at points and connections. Valves, service connections and joints in tubing shall be rigidly secured in suitable metal boxes at accessible points.

K. No refrigerating system shall be placed in operation until the complete installation has been tested (if in a fire district) by the installer in the presence of the Board of Fire Commissioners or their appointee designated to act for them, or, if not in a fire district, in the presence of an appointee of the Town Board. A certificate of approval shall be posted on the premises where an approved system is installed. Tests shall include a vacuum test of the complete piping system, preferably with the evaporators, installed, but valves thereon may be closed to prevent withdrawal of the refrigerant; under this test a vacuum of twenty inches of mercury shall be placed upon the system and shall be held for a period of twenty minutes, with no detectable drop, after the pump has been stopped.

L. After said vacuum test, the system of piping in a refrigerating system shall be tested by application of the pressure indicated in the table below:

Refrigerant Used.	TEST PRESSURES	
	High Side Part Lbs. per sq. m.	Low Side Part Lbs. per sq. m.
Carbon dioxide	1,500	750
Ammonia	300	150
Methyl chloride	180	80
Sulphur dioxide	135	50
iso-butane	130	50
Propane	75	35
Methyl chloride	50	25
Ethylene chloride	15	15

M. In a refrigerating system exceeding twenty pounds capacity, the compressor, if not located in a machinery room, shall not be located under stairways or near any dumb waiter or elevator shaft, but shall be located as early beneath the riser as practicable and shall preferably not be in a room containing storage of combustible material; shall in any case be located in an accessible part of the building with adequate lighting facility provided and shall be protected against mechanical injury by a non-combustible partition, or by heavy metal netting secured to two by four-inch wooden studding to metal posts.

N. Shut-off valves in a refrigerating system shall be installed at service outlet in pressure and return lines, and in each riser or manifold connection at or near the compressor. These valves shall be fitted with hand wheel or other means of ready operation as an integral part thereof. Valves in service connections shall be located outside of refrigerating unit at such distance above the floor as will provide ready accessibility. Compressors which may be removed as a unit shall have valves permitting the removal of the evaporator with valves attached.

O. Service connections in a refrigerating system shall conform to the following rules set forth in paragraphs (a), (b), (c) of Section O hereof:

(a) Not more than a single tenant shall be supplied from an outlet box on a main riser. Such outlet box shall be located within the premises of the tenant served and so arranged as to be accessible at all times.

(b) No outlet or junction box shall be permitted in any hallway, stairway, or vertical shaft not cut off at each story.

(c) Every refrigerator shall be rigidly secured in place.

P. Every refrigerating system containing over twenty pounds of refrigerant which operates above atmospheric pressure, and every water cooled system containing over twelve pounds of refrigerant and capable of producing a pressure in excess of the test pressure, shall be provided with a pressure limiting device.

Q. Each refrigerating system containing over 100 pounds of refrigerant shall have compressor or generator protected by a pressure-relief valve connected into the high pressure side between the main stop-valve and the compressor or generator to relieve excessive pressure into the low pressure side of the system or to the atmosphere. Where discharge is to the low pressure side, a relief valve shall be provided on the low pressure side of the system.

R. No stop-valve shall be located in a refrigerating system between a pressure relief device, or pressure limiting device and the part of the system protected thereby, unless two pressure relief devices of required size are used and so arranged that only one pressure relief device can be cut off for repair purposes at any one time.

S. Every refrigerating system exceeding twenty pounds capacity shall have a pressure relief device on shell type apparatus, such as liquid separators, liquid receivers, condensers, evaporators and absorbers, which can be shut off by stop valves.

T. Every refrigerating system containing more than 100 pounds of refrigerant shall be provided with a hand-operated relief valve for discharging the refrigerant in case of fire, either to the atmosphere or to a suitable body of water. For systems containing irritant or flammable refrigerants, the discharge to the atmosphere shall be through a proper diffuser above the roof of buildings within fifty feet. The hand-operated relief valve shall be located outside the machinery room, or shall be capable of operation from the outside.

U. In a refrigerating system a rupture member may be substituted for the relief valve in carbon dioxide systems or systems operating below atmospheric pressure.

V. The provisions of Section 12 hereof do not apply to refrigerators designed to be or which are cooled solely by ice to be placed therein.

## SECTION 13: APPEALS

Any order of a Board of Fire Commissioners or of their inspector, or of anyone authorized to act for them, or of anyone authorized to act for the Town Board, shall be complied with by the person to whom it is directed, as therein required, if such person is the owner or occupant or in charge of the premises or buildings or locality therein mentioned, but such person may appeal therefrom to the Town Board in writing within five days after service of such order by delivering such writing to the Town Clerk, and the Town Board after receipt by such clerk of such notice of said appeal, may in its discretion stay the effect of such order; the Town Board shall within ten days review such order, from which such appeal may be taken, and file its decision thereon, and unless such order is revoked or modified, it shall remain in full force and be thereupon obeyed by such owner or occupant. Any owner or occupant failing to comply with such order the effect of which has not been stayed, or with such order as settled by the decision of such appeal, shall be liable to a penalty as hereinafter stated.

The service of any such order upon the occupant, or owner, of the premises, or person in charge thereof, to whom it is directed, must be made by personal delivery of a true copy thereof, or by delivering the same to and leaving it with any adult living on said premises and on the same day by affixing a copy thereof in a conspicuous place on the floor 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 true copy of said order, or, if such owner is absent from the jurisdiction of the officer serving the order, by mailing such copy to the owner's last known post-office address.

## Section 14: PENALTIES

A. The violation of any provision of this ordinance shall constitute disorderly conduct and any person who shall (1) violate any of the provisions of this ordinance, or (2) fail to comply therewith, or (3) violate or fail to comply with any order or regulation made thereunder, or (4) build or maintain a structure in violation of any specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall, for each and every such violation or noncompliance, respectively, be punishable by a fine not to exceed the sum of twenty-five dollars and, in addition to such penalty, such person shall be a disorderly person. The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy within a reasonable time such violations or defects; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. All fines collected under this act shall be paid to the Town and credited to its general fund.

C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## Section 15: CONFLICTING ORDINANCES REPEALED

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 16: DATE OF EFFECT

This ordinance shall take effect and be in force from and after its passage and legal publication and posting thereof as required by Section 133 of the Town Law. The vote, Justices Stackpole, Rubenstein, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

Mr. Jacob Harding, Attorney for the Riverhead Sewer District addressed the Board and reported on the progress which has been made thus far, leading to the construction of the Sewer System.

Mr. Lewis C. Austin, representing the Civic Club addressed the Board, stating that the proposed New State Road as now planned would shunt the Village of Riverhead altogether and urged the Board to make an official objection to the proper authorities.

All members of the Town Board consented to act as a Committee to confer with J. J. Darcy, State Engineer of Roads for Suffolk County in regard to the above matter.

The matter of the Harold Robinson house which is partly on the highway leading to the Howell M. Reeve Park was brought to the attention of the Board.

On motion duly made by Justice Luce and seconded by Justice Stackpole, it was RESOLVED, that the Board hereby recommends that the Supt. of Highway expend the sum not to exceed \$200.00 for the removal of the said obstruction. The vote, Justices Stackpole, Rubenstein, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

Thomas J. Walker, Policeman in Charge presented the Police Department report for the year of 1934 and on motion and vote was ordered placed on file.

A communication from Fred J. Beile, C. E., in regard to the reviewing of his plans for the Riverhead Sewer System was read and ordered placed on file.

On motion duly made by Justice Hallock and seconded by Justice Luce, it was RESOLVED that the Board hereby recommends that Jacob Harding, Attorney for the Sewer District confer with George P. Jessup, Engineer, Fred J. Beile, C. E., and Reginald C. Smith, Town Attorney and submit to the Board a proposed contract between the Riverhead Sewer District and Fred J. Beile, C. E. The vote, Justices Stackpole, Rubenstein, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

A communication from Francis E. Howell, in regard to the drainage pipe through his property was read and ordered placed on file.

On motion duly made by Justice Stackpole and seconded by Justice Luce it was RESOLVED by unanimous consent that Supervisor Burns take up the matter of drains on State Highways with State Authorities.

The Town Board adjourned at 12:15 noon to convene at 1 P. M.

The Town Board reconvened at 1:30 P. M.

Present:

Milton L. Burns, Supervisor

Syrena H. Stackpole,

Julian Rubenstein,

George B. Luce,

Z. Ralph Hallock, Justices of the Peace.

Mr. Chauncey H. Young presented a bill for \$305.00, balance due him for right of ways and surveying in the matter of opening the Sound Shore Road.

On motion duly made by Justice Stackpole and seconded by Justice Rubenstein it was RESOLVED by unanimous consent that the Town Clerk is hereby directed to send Mr. Chauncey H. Young a certified copy of a resolution, duly adopted by the Town Board of the Town of Riverhead on January 11, 1935, pertaining to the above matter.

On motion duly made by Justice Stackpole and seconded by Justice Luce, it was RESOLVED that the County Review be and it is hereby designated the official newspaper for the publication of all notices for the year 1935. The vote, Justices Stackpole, Rubenstein, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

On motion duly made by Justice Stackpole and seconded by Justice Luce, it was RESOLVED by unanimous consent that the Board hereby recommends that all stationery, printing, and similar supplies needed by any Official or Department should be purchased from the Riverhead News, for the year 1935, whenever practicable.

On motion duly made by Justice Rubenstein and seconded by Justice Luce, it was RESOLVED that Bond No. S-67653 of the Century Indemnity Company, effective October 24, 1934, bonding Syrena H. Stackpole, Justice of the Peace in the amount of One Thousand (\$1,000.00) Dollars be and the same hereby is approved as to form, manner of execution and the sufficiency of the surety, the same being additional surety, and be it further

RESOLVED that bond No. 9678470 of the American Surety Company bonding Z; Ralph Hallock, Justice of the Peace in the amount of One Thousand (\$1,000.00) Dollars be and the same hereby is approved as to form, manner of execution and sufficiency of the surety, and be it further

RESOLVED that the personal bond dated December 10, 1934, of John S. Hower and Everett C. Petty bonding Z. Ralph Hallock, Justice of the Peace in the amount of One Thousand (\$1,000.00) Dollars be and the same is hereby cancelled, and be it further

RESOLVED that the Town Clerk be and he is hereby directed to file the said bonds (No. S-67653 and No. 9678470) with the County Clerk. The vote, Justices Rubenstein and Luce, Yes, Justices Stackpole and Hallock, Not voting, Supervisor Burns, Yes. Total vote, Yes 3, Not Voting 2, No 0. The resolution was thereupon declared duly adopted.

On motion duly made by Justice Hallock and seconded by Justice Luce, it was RESOLVED that the following assignment be and the same is hereby adopted.

UNITED STATES DISTRICT COURT,  
EASTERN DISTRICT, NEW YORK.

-----  
: :  
In the Matter of : :  
: :  
SUFFOLK COUNTY BUICK INC., : :  
: :  
A Bankrupt. : :  
: :  
-----

KNOW ALL MEN BY THESE PRESENTS, That Riverhead Water District a Municipal Corporation organized and existing under the Laws of the State of New York, and having its principal place of business at Riverhead, Suffolk County, New York, in consideration of the sum of One (\$1.00) Dollar, paid by Van Brunt Tandy of Mattituck, New York, and other valuable consideration here- assigns to the said Van Brunt Tandy all of its rights, title and interest and to all moneys due or that may become due to it from Suffolk County Buick, Inc. a Bankrupt, by reason of the sale of service and/or water or by reason of any other thing or account and which claim has been heretofore asserted by said Riverhead Water District to the said Court and against said Bankrupt. The vote, Justices Rubenstein, Stackpole, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was there- upon declared duly adopted.

Proof of publication of the <sup>notice of</sup> enactment of the Sidewalk obstruction ordinance from the Riverhead News and an affidavit of posting the said notice in three public places within the Town pursuant to Law, was presented to the Board and ordered placed on file.

Forrest G. Downs, Receiver of Taxes, addressed the Board and re- quested an extension of time for the extra Clerk who is employed in his office due to the large amount of mail which has accumulated.

On motion duly made by Justice Hallock and seconded by Justice Luce, it was RESOLVED that Louise E. Downs be and she hereby is appointed a Special Clerk in the Office of the Receiver of Taxes for an additional period, not to exceed four weeks at the rate of her present compensation of \$25.00 per week. The vote, Justices Rubenstein, Stackpole, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

Forrest G. Downs also advised the Board that he had collected a \$20.00 counterfeit note, due to the very fine imitation.

On motion duly made by Justice Rubenstein, and seconded by Justice Hallock, it was RESOLVED that the amount of \$20.00 in the accounts of Forrest G. Downs, Receiver of Taxes be put in suspense, pending an investigation. The vote, Justices Rubenstein, Stackpole, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

The Board of Assessors addressed the Town Board and requested them to fix a rate for their traveling expenses.

On motion duly made by Justice Hallock and seconded by Justice Rubenstein, it was RESOLVED, that the rate for traveling expenses for the Board of Assessors be and it is hereby fixed at \$1.00 per hour. The vote, Justices Rubenstein, Stackpole, Luce and Hallock, Yes, Supervisor Burns, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

The Town Board then convened as Board of Audit and examined the Welfare bills for the month of December, 1934.

There being no further business, the Town Board adjourned at 4:00 P. M. till Wednesday, January 30, 1935, at 10:00 A. M.

*Harry J. Kratoille*  
Harry J. Kratoille, Town Clerk.