



**STATE OF NEW YORK
DIVISION OF MILITARY AND NAVAL AFFAIRS
330 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-3514**

DAVID A. PATERSON
GOVERNOR
COMMANDER IN CHIEF

JOSEPH J. TALUTO
MAJOR GENERAL
THE ADJUTANT GENERAL

July 29, 2008

Facilities Management
and Engineering

Mr. Karl Page, President
Chief Petty Officers Club of
Western New York
5 Porter Avenue
Buffalo, NY 14201

Dear Mr. Page:

Based on community input and concern, the New York State Division of Military and Naval Affairs (DMNA) has reconsidered its planned course of action with respect to the state owned building located at 5 Porter Avenue, Buffalo NY. In order for the Chief Petty Officer's (CPO) Club of Western New York to continue its occupancy operating a commercial food and beverage service, the following must be addressed based on the various code violations outlined in the enclosed Microsoft PowerPoint document. Furthermore, to establish completion, relative to addressing these code violations, DMNA will provide a 90-day window commencing upon receipt of this letter for the CPO Club to develop and implement a course of corrective action.

Please note that the DMNA is willing to work with you to accomplish your objectives with an understanding that the CPO Club will show an earnest desire to move forward. These safety code deficiencies are a serious concern to this agency. The potential impact on the health and well-being of your membership and the public at large remains our top priority.

Therefore, if the CPO Club desires to continue using the facility by agreeing to make the repairs, there will need to be interim restrictions on its activities. These restrictions will allow the CPO Club to principally focus on the required and necessary remediation of the listed code violations. The conditions are as follows:

a. The CPO Club may not sell, prepare or serve food or alcoholic beverages until all remediation activity is satisfactorily completed.

b. The CPO Club must obtain and provide an appropriate Certificate of Insurance naming New York State and DMNA as an additional insured in the amounts of \$2 million dollars Personal Injury and \$2 million dollars Property Damage.

c. The DMNA will provide the CPO Club with a license, revocable at will, allowing club representatives, contractors and vendors to enter the premises only for the purposes of preparing estimates, plans and other necessary documents to assemble the remediation plan.

d. The DMNA, upon approval of the remediation plan, will issue a second revocable license to the CPO Club to perform the necessary repairs and changes.

Please fully understand this reconsideration in no way allows or sanctions the CPO Club to maintain its current operations while addressing and remediating the documented building code deficiencies.

Please acknowledge receipt of this letter in writing to the undersigned, so that a legal basis may be established for you to enter the premises and begin your work.

Sincerely,

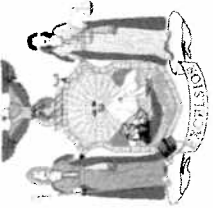


Paul McDonald
Director of Facilities Management
and Engineering

Enclosure

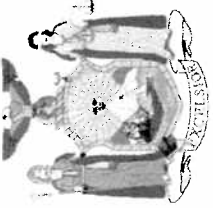
Copy Furnished:

Assemblyman Jim Hayes
Assemblyman Sam Hoyt
Assemblyman Robin Schimminger
Assemblyman Mark J.F. Schroeder
Congressman Brian Higgins
Mr. Robert Conway
Mr. Michael Ostrander



NYS FIRE CODE VIOLATIONS – CPO Club

- Sprinkler system is inoperative. Needs to be repaired, tested and certified.
- Electrical panel boxes and wiring throughout the building needs to be verified for compliance with NYS Building Code and NEC standards. Need to remediate all unapproved conditions, i.e. open boxes, expose wiring and removal of extension cords.
- Stove top burner/fryer fire suppression system inadequate for protecting all cooking appliances. Needs to be augmented, tested and inspected.
- Cooking exhaust hood does not provide adequate cover for type 1 cooking appliances.
- Vent exhaust from kitchen needs to be thoroughly cleaned and tested. Clogged with grease.
- Exit signs and emergency light fixtures need to be installed throughout building.
- Need to post signage for maximum occupancy and evacuation routes.
- Cross-connection devices need to be installed for sprinkler system and potable water.



NYS FIRE CODE VIOLATIONS – CPO Club

- Exit door on the second floor balcony is not functioning and needs to be replaced.
- Exit door to second floor fire escape is blocked.
- Exterior stairs need repair and must be tested for proper operation as a fire escape.
- Debris behind garage needs to be removed.
- Holes in attic floor need to be covered.
- Should secure licensed engineer to review structural work completed by club members on the second floor outside deck.
- Outside door and frame on storage shed needs to be replaced.
- Repair leaking roof.
- Garage is structurally unsafe and a health hazard.
- Floor tile and Mastic on 1st and 2nd floors contains asbestos. Heating pipe insulation is damaged in several locations and contains asbestos.