

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of November 2010.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 4,326.50	\$ 4,326.50
A1255-004				
A013	Copies of Records		\$ 473.25	\$ 473.25
A1255-004				
A013	Certificates of Marriage		\$ 300.00	\$ 300.00
A2501-014				
A046	Electrician - Active		\$ 1,300.00	\$ 1,300.00
A2501-014				
A046	Electrician - Inactive		\$ 160.00	\$ 160.00
A2501-016				
A047	Stationary Engineers		\$ 5,670.00	\$ 5,670.00
A2501-021				
A048	Amusement Games		\$ 240.00	\$ 240.00
A2542-000				
A053	Dogs/N County Treasurer	\$ 307.85	\$ -	\$ 307.85
A2542-000				
A053	Dogs/NYS Agr.& Mkts	\$ 117.00	\$ -	\$ 117.00
A2542-000				
A053	Additional Dogs		\$ 1,857.15	\$ 1,857.15
A2545-001				
A054	Marriage License/NYSHD	\$ 675.00	\$ 225.00	\$ 900.00
A1255-002				
A123	Commissioners of Deeds		\$ 15.00	\$ 15.00
A2545-021				
A316	Vending		\$ 760.00	\$ 760.00
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 390.23	\$ -	\$ 390.23
A2545-023				
A318	Hunters Fees		\$ 22.77	\$ 22.77
A1255-003				
A499	Notary Fee		\$ 6.00	\$ 6.00
A1255-005	Dog Release		\$ 450.00	\$ 450.00

A528				
TA63008				
A597	Marriage Performance		\$ 525.00	\$ 525.00
A1255-006-				
A696	Photos/passport-license		\$ 18.00	\$ 18.00
TOTAL:		<u>\$ 1,490.08</u>	<u>\$ 16,348.67</u>	<u>\$ 17,838.75</u>

Check #	<u>50705</u>	Niagara County Treasurer	\$ 307.85
Check #	<u>50735</u>	NYS Dept.of Arg. & Mkts	\$ 117.00
Check #	<u>50703</u>	NYS Health Department	\$ 675.00
		NYS DEC	
Check #	<u>ET</u>	RAU	\$ 390.23

Item #2

**SUBJECT: LETTER OF AWARD FOR CONSULTANT SERVICES FOR
FOUNDATION INVESTIGATION AND DESIGN AT EARL BRYDGES LIBRARY**

Based on the New York State Department of Transportation mandated merit selection process, please be advised that TRM Architect has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to TRM Architect at its Proposal Price of \$95,130.00. Funding is available in code H0904.2004.0904.0453.000.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Item #3

The Department of Community Development issued a Request for Proposals (RFP) on December 1, 2010 for Asbestos Services including bulk sample analysis, air monitoring and project monitoring relative to proposed City demolition projects. The following proposals were received by the Department and were rated based on accuracy and compliance with the required elements of the RFP, including the ability to deliver services in a timely manner, prior experience in asbestos project management and the related fee schedule.

<u>Contractor</u>	<u>Fee Not to Exceed</u>
Stohl Environmental, LLC	\$289,700
UNYSE Environmental Consultants	\$293,600
AFI Environmental	\$383,432

It is the recommendation of the undersigned that a contract be awarded to Stohl Environmental, LLC, at a fee not to exceed \$289,700, for a 24 month period beginning January 1, 2011 and ending December 31, 2012. It is anticipated that demolitions during that period will be funded 50% with Community Development Block Grant funds and 50% with 99-H Casino Revenue. Therefore, funding for asbestos services should come from the following budget codes:

Community Development Budget Code:	CD1.8666.0000.0450.500	(\$144,850)
99-H Casino Revenue Budget Code:	H0910.2009.0910.0449.599	
		(\$144,850)

Will the Council vote to so approve and authorize the Mayor to execute a funding agreement in a form acceptable to the Corporation Counsel?

Item #4

The 2011 N.F.C. Development Corp. operating budget requires an additional \$5,000.00 to meet anticipated expenses. As you recall, NFC is being funded entirely with casino revenues, to free economic development efforts from CDBG regulations. Funds are available from the local share of casino revenues received by the City. State Finance Law §99-h funds may be used to accommodate and enhance economic development.

Will the Council vote to approve operating grant as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #5

**SUBJECT: SUPPLEMENTAL SCOPE & BUDGET FOR PROFESSIONAL ENGINEERING SERVICES
CITY HALL EXTERIOR RESTORATION PHASE II**

It is the recommendation of the undersigned that the design phase and construction administration of Phase II of this project be awarded to HHL Architects, LLC in an amount not to exceed \$24,000.00. Funding is available through the special project fund balance.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Item #6

**SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS FROM BATH
AVENUE TO NIAGARA FALLS NORTH CITY LINE - PIN 5045.24
CHANGE ORDER #5 - \$0.00**

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of \$ 7,713,000.00.

In conjunction with the additional watermain replacement added to this project via previous orders on contract, please find the undersigned's request to increase the amount of existing watermain abandonments required to the amount of \$22,022.00. This additional work will be up to 95% reimbursable through existing State agreements. Please note that current underruns and items not presently in use will allow the additional tasks to be performed with no change (\$0.00) to the existing contract at this time.

Will the council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Agenda Item #7

The following are the result of bids based on the lowest "Base Bid" received on December 20, 2010, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT #1</u>	<u>ALT #2</u>	<u>ALT #3</u>	<u>ALT #4</u>	<u>TOTAL BID</u>
Allstate Gel Con Inc. 31 Ransier Drive West Seneca, N.Y. 14224	\$103,000	\$14,400	\$7,260	\$20,940	\$6,480	\$152,080.00
J.A. Gulick Window Co.	\$189,800	\$34,700	\$13,700	\$26,600	\$17,400	\$282,200.00
Infinity Glass & Rest, LLC	\$154,900	\$12,100	\$5,700	\$16,000	\$8,500	\$197,200.00

It is the recommendation of the undersigned that this project be awarded to the "Base Bid" low bidder Allstate General Contracting Inc., at their Total Bid of \$152,080.00. Funding is available in Code H0904.2004.0904.0443.000.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Item #8

SUBJECT: Appointment of Records Management Officer

The New York State Arts & Cultural Law requires that all local governments have a records management program. Furthermore, the Mayor must designate a local officer to be the records management officer, subject to approval by the City Council.

Due to the recent retirement of the City's designated records management officer (Sherry Shepherd-Corulli) a vacancy now exists. I therefore recommend Beth Finnegan, the Records/Asset Aide in the Purchasing Division, be appointed the City's records management officer.

Item #9

**RE: Agreement between UCS and the City of Niagara Falls for Court Cleaning and Minor Repairs (Contract #300230)
New Agreement with Budget for SFY 2010-2011**

Council Members:

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2008 through March 31, 2013 and is divided into annual 1-year periods.

Under Section 1 of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2010 and terminating on March 31, 2011.

The maximum compensation for this Renewal Contract period shall be \$296,485.00.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

Item #10

RE: Agreement for Grant Writing Services

Council Members:

At your December 13th meeting, you appropriated \$30,000 to provide for grant writing on a part-time basis. It has now been determined that it is beneficial to the City to have the services performed pursuant to contract.

Will the Council authorize the City to enter into a non-exclusive consultant agreement with Sherry L. Shepherd-Corulli to provide grant writing and grant administration services to the City, on a mutually agreed hourly rate which, in total, will not exceed \$30,000 in 2011, and authorize the Mayor to enter into and execute an agreement in a form acceptable to the Corporation Counsel?

Item #11

RE: Additional Funding for the ZOOM Project

At the City Council meeting held on December 13, 2010 the City Council approved funding from Casino Revenues in the amount of \$83,704.00 to fund the position of Associate Deputy Director of the ZOOM project. Attached hereto is a copy of the ZOOM project proposed budget which shows a total proposed project budget in the amount of \$263,757.00 for 2011, inclusive of the \$83,704.00 amount (for salary and benefits for the Associate Deputy Director) previously approved. This means there is now a request for funding of an additional \$180,053.00 from Casino Revenues for the 2011 ZOOM project budget for a total project budget of \$263,757.00.

Will the Council approve this additional funding amount of \$180,053.00?

Item #12

RE: Request for Approval to Settle and Pay Claim of Margaret Gabriele
1114 James Avenue, Niagara Falls, New York 14305

Date Claim Filed:	August 16, 2010
Date Action Commenced:	N/A
Date of Occurrence:	August 9, 2010
Location:	Intersection of New Road and Porter Road.
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Richard Buckman
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$604.80
Make Check Payable to:	Margaret Gabriele
Conditions:	General Release to City, approved by Corporation Counsel.

Item #13

Resolutions 2010-96 & 2010-97

Please be advised that Mayor Paul A. Dyster on December 14, 2010 duly approved the following:

1. Resolution 2010-96, relative to Amending Chapter 1313 and Schedule 8 of the "Zoning Ordinance"
2. Resolution 2010-97, relative to Technical Amendments to "Zoning Ordinance".

Item #14

**RE: City Council Agenda Item:
2011 Empire Zone Administrative Board Appointments**

Council Members:

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

The Empire Zone is closed to new applicants. Existing certified businesses must continue to submit Business Annual Reports and local Zone Administrative Boards are still responsible for receiving and processing them.

All of the current board members wish to remain for an additional year. Accordingly, the following individuals are proposed for reappointment to the Niagara Falls Empire Zone Administrative Board for 2011:

- Community Representative** Mrs. W. Lee Whitaker, Niagara Falls Housing Authority;
- Labor Relations Representative** Mr. Thomas Pryce, Iron Workers Local #9;
- Human Resource & Educational Representative** Mr. Paul Parise, Niagara County Employment & Training Dept.;
- Industrial Representative** Mr. Art Ray Sr., A. B. Ray Associates;
- Industrial Representative** Mr. Abdul Labi, PEMCO;
- Banking Representative** Mrs. Lucy Muto, HSBC Bank;
- Zone Resident Representative** Mr. Eddie Palmore; and
- Economic Development Representative** Mr. Thomas Bruss, Niagara Falls Small Business Development Center

Resumes for each individual are available on request.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2011, or until appointment of replacements?

Agenda Item #15

RELATIVE TO
RESOLUTION FOR USE OF POLLING PLACE FOR THE
SPECIAL REFERENDUM VOTE

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, a Special School Vote for a Special Referendum Vote (Capital Projects) will be held on Tuesday, February 15th, 2011.

Attached is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York. The Niagara Falls City Council approves of this request.

Agenda Item #16

RELATIVE TO THE 2011 COUNCIL MEETING SCHEDULE

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York,
that it hereby adopts the following 2011 City Council Meeting dates as the
official 2011 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

4PM ---- Work Session --7pm --- Council Meeting

**January 10th (reorganization
meeting)
January 24th**

**February 7th
February 22nd - Tuesday**

**March 7th
March 21st**

**April 4th
April 18th**

**May 2nd
May 16th
May 31st - Tuesday**

**June 13th
June 27th**

**July 11th
July 25th**

AUGUST RECESS

**September 6th - Tuesday
September 19th**

**October 3rd
October 17th**

**November 1st - Tuesday
November 14th
November 28th**

**December 12th
December 27th - Tuesday**

Agenda Item #17

RELATIVE TO APPOINTMENTS TO THE NIAGARA FALLS
YOUTH BOARD

BY:
Council Member Charles Walker

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Youth Board for the expiration dates which appears opposite his/her name:

<u>REAPPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Noreen Chatmon 444 Memorial Parkway Niagara Falls, NY 14303	12/31/2013
Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305	12/31/2013
Vincent Cancemi 3992 McKoon Avenue Niagara Falls, NY 14305	12/31/2013
Alexandrea Dell (Adult as of 1/1/2011) 1303 Roselle Avenue Niagara Falls, NY 14305	12/31/2011
Michael Montanaro (Youth) 2757 LaSalle Avenue Niagara Falls, NY 14305	12/31/2011
<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Rick Williams 2761 Falls Street Niagara Falls, NY 14303	12/31/2013
Rashad Travis (Youth for 1 year) 2495 Woodlawn Avenue Niagara Falls, NY 14301	12/31/2011

Agenda Item #18

RELATIVE TO REAPPOINTMENTS TO THE
NIAGARA FALLS BOARD OF APPEALS

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Board of Appeals, for the expiration date, which appears opposite his name:

REAPPOINTMENT

Zachary Casale 12/31/2013
668 Orchard Parkway
Niagara Falls, New York 14301

Anthony Scricco, Sr. 12/31/2013
260 - 66th Street
Niagara Falls, New York 14304

Agenda Item #19

RELATIVE TO APPOINTMENTS AND RE-APPOINTMENT TO THE
NIAGARA FALLS PLANNING BOARD

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individuals are hereby appointed to the
City of Niagara Falls Planning Board for the expiration date,
which appears opposite his/her name:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Mark Grozio 640 - 73 rd Street Niagara Falls, NY 14304	12/31/2013

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
(To fill the unexpired term of Angelo D'Aloise who has resigned Hal Faba 3010 Macklem Avenue Niagara Falls, NY 14305	12/31/2011

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Laurie Davis 1316 - 24 th Street Niagara Falls, NY 14301	12/31/2013
Paulette Shine 2915 - 21 st Street Niagara Falls, NY 14305	12/31/2013

Agenda Item #20

RELATIVE TO APPOINTMENT TO THE
NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

BY:

Council Member Kristen Grandinetti

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Historic Preservation Commission effective December 31, 2010,
for the expiration date which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Christopher M. Stoianoff 2126 North Avenue Niagara Falls, NY 14305	12/31/2014

RESOLUTION RELATIVE TO AMENDING CHAPTER 701
OF THE CODIFIED ORDINANCES ENTITLED
“ANIMALS, FOWL AND DOGS”

By: Council Member Robert Anderson, Jr.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled “Animals, Fowl and Dogs” is hereby amended by adding a new Section 701.01 entitled “Definitions”, amending Section 701.06 entitled “Owning, Harboring or Keeping a Barking Dog”, adding a new Section 701.07 entitled “Licensing of Dogs”, adding a new Section 701.08 entitled “Identification of Dogs” and amending Section 701.99 entitled “Penalty” to read as follows:

CHAPTER 701
ANIMALS, FOWL AND DOGS

701.01 **DEFINITIONS**

As used in this article, the following terms shall have the meanings indicated:

AGRICULTURE AND MARKETS LAW – the Agriculture and Markets Law of the State of New York in effect as of the effective date of this article, as amended by this article and as amended thereafter.

CLERK – means the City Clerk, or Deputy City Clerk, of the City of Niagara Falls, where licenses are to be validated or issued.

DETECTION DOG – means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG – means any member of the species canis familiaris.

DOG CONTROL OFFICER – any person authorized from time to time to enforce the provisions of the Agriculture and Markets Law of the State of New York and provisions set forth in this article.

GUIDE DOG – means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR – means to provide food or shelter to any dog or cat.

HEARING DOG – means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – means a tag which sets forth a permanent municipal identification number, as required by the provisions set forth in this article.

CITY – means City of Niagara Falls.

OWNER – means any person who harbors or keeps any dog, cat or other animal.

PERSON WITH DISABILITY – means any person with a disability as that term is defined in Subdivision 22 of Section 292 of the New York State Executive Law.

POLICE WORK DOG – means any dog owned or harbored by any municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

SENIOR RESIDENT – means any resident of the City age 65 or older.

SERVICE DOG – means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person’s parent, guardian or other legal representative. SERVICE DOG shall also refer to dogs defined herein as a DETECTION DOG, GUIDE DOG, HEARING DOG, POLICE WORK DOG, THERAPY DOG, and WORKING SEARCH DOG.

THERAPY DOG – means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing home, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

WAR DOG – means any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – means any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

[701.01] **701.02** FOWL AND LIVESTOCK PROHIBITED IN RESIDENTIAL DISTRICTS.

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[701.02] **701.03** CONSENT OF PROPERTY OWNERS TO KEEP PETS; PERMIT.

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701.04 DOGS AT LARGE

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701.05 SEIZURE AND IMPOUNDING OF DOGS

...

701.06 OWNING, HARBORING OR KEEPING A BARKING DOG.

No person owning, harboring or keeping any dog or dogs shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, howling or making other loud or unusual noises for ten or more continuous minutes.

Any person who owns, harbors or keeps any dog who is barking, howling or making other loud or unusual noises at any time of the day or night, shall impound said dog in the owner's or keeper's home or residence.

Failure of any person to impound said dog upon the request of a police officer is a violation of this ordinance. Any person violating this section shall be fined **[ten dollars (\$10.00) Twenty-five Dollars (\$25.00)** for the first offense and **[twenty-five dollars (\$25.00) Fifty Dollars (\$50.00)** for the second or subsequent offense.

[701.07 LICENSING OF DOGS.

(a) No person shall own or harbor a dog unless licensed as provided in this article.

(b) Every person owning or harboring a dog shall make application to the City Clerk for a license. Licenses shall not be required for dogs under the age of six (6) months, which are not at large.

(c) Except as provided in Article 7, Section 109 of the Agriculture and Markets Law and except as to dogs owned by one or more persons each of whom is sixty-five years of age or older, the applicant shall pay to the City Clerk, at the time of making application, the following additional fees:

Ten dollars local license fee for each spayed or unspayed female dog and neutered or unneutered male dog.

(d) Any person who violates the provisions of this section shall be punished by a fine of not more than fifty dollars (\$50.00), except that where such person was found to have violated this section within the preceding five years, the fine shall be not more than One Hundred Dollars, (\$100.00), and where such person was found to have committed two or more such violations within the preceding five years, by a fine of not more than Two Hundred Fifty Dollars (\$250.00) or imprisonment for not more than fifteen days, or both.]

701.07 LICENSING OF DOGS.

(1) All dogs within the City of Niagara Falls four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk, a dog license application together with the license fee, any applicable license surcharges and such additional fees as may be established by the City of Niagara Falls. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same is already on file with the Clerk Each license shall be valid for a period of one year and shall not be transferable.

(2) The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by subdivision (1) of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

The application shall state the name, address and telephone number of each owner, the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises, and the sex and breed of each purebred dog over the age of over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by a license fee of \$25.00 and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision (1) herein. In addition to the purebred license fee imposed herein, each applicant for a purebred dog license shall pay a surcharge of \$3.00.

No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision (1) of this section, except when the new owner holds a valid purebred license.

(3) The fees for dog licenses are as follows:

(a) For each spayed or neutered dog: \$11.50

(b) For each unspayed or unneutered dog: \$17.50

(c) Notwithstanding the provisions of subdivisions (a) and (b) herein, the license fee for any dogs owned by one or more persons each of whom is sixty-five years of age or older is \$6.50 for each spayed or neutered dog and \$12.50 for each unspayed and unneutered dog.

(d) In addition to the license fee established by subdivisions (a), (b) or (c) herein, each applicant for a dog license shall pay a surcharge of \$1.00 if the dog to be licensed is spayed or neutered, or a fee of \$3.00 if the dog sought to be licensed in unspayed or unneutered.

(e) In addition to the license fees established above, each applicant for a dog license for a dog identified as unlicensed during an enumeration shall pay a surcharge of \$5.00 which shall be retained by the City of Niagara Falls and used to defray the cost of an enumeration of dogs living within the City of Niagara Falls. In the event the additional fees collected exceed the expenses incurred by the City in conducting an enumeration in any year, such excess fees may be used by the City for any other lawful purpose

(f) There shall be no fee for any license issued for any detection dog, guide dog, hearing dog, service dog, therapy dog, war dog, working search dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked detection dog, guide dog, hearing dog, service dog, therapy dog, war dog, working search dog or police work dog, as may be appropriate, by the City Clerk.

(g) In the event an owner fails to renew any license before the expiration of the current license, there shall be a fee of \$10.00 imposed for late renewal.

(h) In the event an owner has failed to pay the license fee for any required one year period prior to the current year (hereinafter "delinquent fees"), said owner must pay the amounts owed for the delinquent fees in addition to the license fee for the current year, plus late fees in accordance with subdivision (g) herein.

(i) Fees may be changed from time to time pursuant to the City Code and existing local law. License fees may also change based upon state surcharge payments.

701.08 IDENTIFICATION OF DOGS

Dogs shall be identified as follows:

(1) Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dogs at all time.

(2) The official identification number shall constitute the official identification of the dog to which it is assigned and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

(3) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge.

(4) No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

(5) The identification tag shall be imprinted with the "City of Niagara Falls", a unique identification number and the telephone number of the City Clerk's office.

(6) The cost for the identification tag shall be \$5.00. If an identification tag is lost or stolen, a new identification tag and new permanent municipal identification number will be issued at a cost of \$5.00 per replacement tag.

(7) If there is a change of ownership, a new identification tag and new permanent municipal identification number will be issued to the new owner, who shall be charged a fee of \$5.00 for same.

(8) In the event of a change in ownership of any dog which has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Clerk. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Clerk. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of license or upon the time of such renewal.

[701.08] **701.09** LIMITATION OF NUMBER OF DOGS AND CATS

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[701.09] **701.10** EXCEPTIONS FOR LITTERS.

...

[701.10] **701.11**

...

[701.11] **701.12** REMOVAL OF DOG AND OTHER ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES.

...

[701.15] **PENALTY.**

A violation of any provision of Sections 701.08, 701.09, 701.10 and 701.11 of this Chapter shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.

701.99 **PENALTY.**

Any person violating Section 701.04 or Section 915.25(a) or 923.02(c) when the animal is a dog, shall be penalized fifty dollars (\$50.00) for the first offense. Each and every violation thereafter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty Dollars (\$250.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.]

701.99

PENALTY

Any person violating any of the Sections herein other than Section 701.06, or violating Section 915.25(a) or 923.02(c) of the Codified Ordinances of the City of Niagara Falls when the animal is a dog, shall be penalized fifty dollars (\$50.00) for the first offense. Each and every violation thereafter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty Dollars (\$250.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.

Bold and Underlining indicate **Additions.**

Bold and Brackets indicate **[Deletions]**

Agenda Item #22

RELATIVE TO AUTHORIZATION FOR PROJECT APPLICATION
FOR STATE AID FOR RECREATION AND YOUTH SERVICES

BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the application for funds as set forth on the attached Project Application/Resolution Certification Form.

PROJECT APPLICATION / RESOLUTION CERTIFICATION

Municipality: City of Niagara Falls Code: 2908

Project Year: From January 1, 2011 To December 31, 2011

Project Funding Categories Requested (Check all Applicable)	Total Budget (All Sources)	State Aid
<u> </u> R Recreation	\$ <u>116,611</u>	\$ <u>11,861</u>
<u> </u> S Youth Service	\$ <u>10,675</u>	\$ <u>10,675</u>
<u> </u> B Youth Bureau	\$ <u>163,975</u>	\$ <u>33,068</u>
Total Project Budget (All Sources):		\$ <u>191,261</u>
Total State Requested:		\$ <u>55,604</u>

MUNICIPALITY RESOLUTION CERTIFICATION

I, _____ clerk of the _____
of _____, do hereby certify that a resolution,
number _____, was properly passed on _____
by the Municipal Board, authorizing the above application, and
it is on file in this office.

Clerk: _____
Signature

**RELATIVE TO HONORING
CASMER E. LEONE, MD**

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on January 6, 2011, Dr. Casmer E. Leone, MD will celebrate his 90th birthday; and

WHEREAS, Dr. Leone was born Cosimo Epiphanio Leone on January 6th, 1921 in Niagara Falls, New York to immigrants Ignazio and Giusepina Leone who came to America from Cerda, Sicily; and

WHEREAS, Casmer grew up with 3 brothers and 3 sisters and lived among the neighborhoods of East Falls Street where he attended 13th Street School, South Junior High School and Niagara Falls High School; and

WHEREAS, In his early years, Casmer delivered newspapers for the Niagara Gazette and then later worked in various factories before graduating magna cum laude from Niagara University as a chemistry major. In 1943, Casmer enlisted in the Officers Candidate School of the U.S. Army where he held the rank of lieutenant. During that time, he met the beautiful Elpina P. Marinello and they were married on June 3rd, 1944; and

WHEREAS, Upon the war's end in 1945, Casmer attended Georgetown University Medical School in Washington, D.C. and graduated in 1951. He and Elpina returned to Niagara Falls where they raised a family of 7 children while Casmer practiced medicine as a General Practitioner. As a respected physician and family doctor, Casmer provided medical services to the people of Niagara Falls for over 52 years. In 1995, Casmer retired from the medical field and now enjoys spending time at home with his bride, Elpina. They have enjoyed over 65 years of married life.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulate Dr. Casmer E. Leone, MD as he celebrates his 90th Birthday and wishes much happiness to him and his entire family.