

**CITY OF GLEN COVE
MINUTES
CITY COUNCIL
JANUARY 28, 2020**

Mayor Tenke called the meeting to order at 7:30 p.m. and asked Dean Yoder to lead those assembled in the Pledge of Allegiance.

PRESENT: Mayor Tenke, Councilpersons Silverman, Totino, Fugazy Scagliola, Perrone, Lupenko Ferrante, and Stevenson-Mathews

ABSENT: None

ALSO PRESENT: City Clerk, Gaspare Tumminello, City Attorney Gregory Kalnitsky

Mayor Tenke moved that the Minutes of January 14, 2020 be approved and adopted. Councilman John Perrone seconded the motion. Motion was unanimously adopted.

Mayor Tenke presented the Warrants for adoption. Councilman Gaitley Stevenson-Mathews seconded the motion. Motion was unanimously adopted.

Payroll Warrant	1/23/2020	General Fund	\$701,937.75
		Water Fund	\$19,486.52
Warrants	1921	General Fund	\$194,379.00
		Water Fund	\$36,370.86
		Capital Fund	\$37,361.82
		Insurance Fund	14,670.05
		Trust Fund	\$100.00
		Prepaid Invoice	\$0.00
	2002	General Fund	\$367,414.29

Mayor Tenke presented Resolutions 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and Ordinance 6J.

Mayor Tenke moved to table resolution 6-I. Clerk Tumminello “Let the record reflect, we received correspondence from Fredrick, from law firm Campolo, Middleton & McCormick, which is being made part of the City Councils record.”

Resolution 6-I

RESOLUTION OF THE GLEN COVE CITY COUNCIL REFERRING LIVINGSTON DEVELOPMENT CORPORATION’S CONCEPT PLAN AND APPLICATION

**NARRATIVE FOR INCENTIVE BONUSES FOR THE VILLA AT GLEN COVE,
LOCATED AT 135 GLEN COVE AVENUE, GLEN COVE, NEW YORK**

WHEREAS, the Villa at Glen Cove is located at 135 Glen Cove Ave., Glen Cove, New York more specifically described at Section 21, Block 244, Lot 55, 60, 61, 66 and Section 21, Block 38, Lots 152, 196 (1 Ralph Young Ave.), 202 (5 Ralph Young Ave) and 203 (8 Craft Ave) of the Nassau County Land and Tax Map; and

WHEREAS the Livingston Development Corporation has submitted an application for a concept plan and application narrative for incentive bonuses to the Glen Cove City Council, in accordance with Chapter 280, Article XV, Section 280-73.3(H) of the Glen Cove City Code; and

WHEREAS Chapter 280, Article XV, Section 280-73.3(H-5) of the Glen Cove City Code mandates the referral of a concept plan and application narrative for incentive bonuses to the Planning Board of the City of Glen Cove upon receipt of same by the Glen Cove City Council; and

NOW, THEREFORE, BE IT RESOLVED, The Glen Cove City Council hereby refers the matter to the City of Glen Cove Planning Board in accordance with Section 280-73 (H – 5) for its report and recommendation

Councilwoman Lupenko Ferrante seconded the motion. Motion was adopted by a vote of 5 ayes and 1 nay with Councilman Stevenson-Mathews voting nay and Councilwoman Silverman abstaining.

Mayor Tenke moved to amend resolution 6-H to add another case. Councilwoman Silverman requested the amendment also includes a \$5,000 cap.

Councilman Totino seconded the motion. Motion was unanimously adopted.

Mayor Tenke moved for the adoption of resolutions 6A, 6B (as amended), 6C, 6D, 6E, 6F, 6G, and 6H (as amended), and Ordinance 6J.

Resolution 6-A

BE IT RESOLVED, that Deputy Mayor or Controller or Principal Account Clerk shall have the authority to sign and execute checks on behalf of the City of Glen Cove for American Community Bank, Bank of America and Capital One N. A., and any other banking institution which the city maintains an account; effective January 1, 2020 – December 31, 2020.

Resolution 6-B

BE IT RESOLVED, that the City Council authorizes the Mayor to approve retainer agreement for Michael Cerrito, subject to a cap of \$5,000.

Resolution 6-C

BE IT RESOLVED, that the City Council authorizes budget transfers and amendments as submitted and reviewed by the City Controller.

(See attached)

Resolution 6-D

BE IT RESOLVED, that the City Council authorizes the Mayor to grant a sign permit to Glen Cove Jr Soccer Club for the Spring Soccer Registration on Monday, January 20, 2020.

Resolution 6-E

BE IT RESOLVED, that the City Council authorizes the City of Glen Cove to join the Long Island Water Conference Purchasing Cooperative, by and between the members of the Long Island Water Conference and to enter into a cooperative/inter-municipal agreement.

Resolution 6-F

BE IT RESOLVED, that the City Council authorizes Joe Scarfo, William Byrne, Michael Mc Cauley, Salvatore Gallace, and Robert Breuning to attend training classes, offered by 2020 New York State Building Officials Conference, Westchester Chapter, on February 11, March 10, April 13, and May 12 at a cost of \$210.00 each.

Resolution 6-G

BE IT RESOLVED, that the City Council authorizes the Mayor to enter into a contract with Hornblower Metro Ferry, LLC, for the Operation of the City of Glen Cove Ferry Service

WHEREAS, the City of Glen Cove is desirous of establishing a City of Glen Cove Ferry Service; and

WHEREAS, the City of Glen Cove must comply with strict deadlines to retain its eligibility for grant funding in connection with the City of Glen Cove Ferry service; and

WHEREAS, the City of Glen Cove is desirous of contracting with a third party to operate the City of Glen Cove Ferry Service; and

WHEREAS, the City of Glen Cove has previously selected Hornblower Metro Ferry, LLC, (“Hornblower”) after reviewing various proposals submitted in response to a Request for Proposals; and

WHEREAS, the City of Glen Cove is desirous of entering into a contract with Hornblower Metro Ferry, LLC, (“Hornblower”) to operate the City of Glen Cove Ferry Service; and

WHEREAS, the City Council of the City of Glen Cove must authorize the Mayor to agree to certain key and essential terms with Hornblower prior to the negotiation and execution of a more complete written contract; and

WHEREAS, Hornblower has offered to be the sole, exclusive operator of the City of Glen Cove Ferry Service for a period of two years, wherein Hornblower shall negotiate landing rights and obtain regulatory permits at its own expense; and

WHEREAS, Hornblower and the City of Glen Cove have agreed to commit to certain essential terms to be included in a forthcoming contract which include a minimum of 2080 annual service hours at a rate of \$1,500 per hour of operation; and

BE IT RESOLVED, that the City Council of the City of Glen Cove hereby authorizes the Mayor to enter into a contract with Hornblower Metro Ferry, LLC, for the purpose of operating the City of Glen Cove Ferry Service, wherein Hornblower Metro Ferry, LLC, shall be, the sole exclusive operator of the City of Glen Cove Ferry Service for a period of time not to exceed two years; wherein Hornblower shall negotiate landing rights and obtain all necessary

regulatory permits at its own expense and at no expense to the City of Glen Cove; wherein Hornblower shall provide a minimum of 2,080 annual service hours at a rate that shall not exceed \$1,500 per hour of operation; and that said contract shall include terms not inconsistent with those delineated herein, and shall also include such other terms and conditions as the Mayor shall deem fit.

Resolution 6-H

BE IT RESOLVED, that the City Council authorizes the Mayor to appoint special counsel.

WHEREAS, the City of Glen Cove has appointed a new City Attorney effective January 22, 2020; and

WHEREAS, the current City Attorney has four open cases in its litigation inventory; and

WHEREAS, the Mayor and the City Council feel that having the former City Attorney continue to represent the City on certain open cases is in the best interests of the City; and

WHEREAS, the Mayor and the City Council would like to appoint the Law Offices of Charles G. McQuair & Associates P.C. to continue to represent the City as special counsel with regard to the a single open matter; and

NOW, THEREFORE BE IT RESOLVED by the Glen Cove City Council as follows:

1. The Mayor is hereby authorized to execute a retainer agreement with the Law Offices of Charles G. McQuair & Associates P.C with an hourly rate not to exceed the sum of \$195.00 per hour for the continued representation of the City in the matter of People v. Robert Blackwood; and

2. The appointment of special counsel shall be effective January 28, 2020 and shall continue for so long as the City Attorney shall deem fit for the matter of People v. Robert Blackwood; and Capiello v. Harding, Glen Cove & DEC and shall be subject to a cap of \$5,000.

Ordinance 6-J

BOND ORDINANCE OF THE CITY OF GLEN COVE, NEW YORK, ADOPTED JANUARY 28, 2020, AUTHORIZING THE PAYMENT BY THE CITY OF CERTAIN AMOUNTS DUE TO EMPLOYEES OF THE CITY AS A RESULT OF THEIR SEPARATION FROM EMPLOYMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$800,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION

THE CITY COUNCIL OF THE CITY OF GLEN COVE, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Glen Cove, in the County of Nassau, New York (herein called the "City") is hereby authorized to make payments to employees of the City upon their separation from employment, as may be approved by the City Council, including but not limited to, cash payment for separation incentives and/or payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation and any other forms of payment required to be paid to such employees upon separation from employment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$8000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$800,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$800,000 are hereby authorized to be issued to finance the appropriation referred to herein.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 106 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the objects or purposes for which said bonds are authorized.

(c) The proposed maturity of the bonds authorized by this ordinance will exceed five (5) years.

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as

prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Controller, the chief fiscal officer of the City.

Section 6. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the “*Glen Cove*

Herald Gazette,” a newspaper published in Glen Cove, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

The adoption of the foregoing ordinance was seconded by Councilman Perrone and duly put to a vote on roll call, which resulted as follows:

AYES: Seven

NOES: None

The ordinance was declared adopted.

Councilman Perrone seconded the motion. Resolutions 6A, 6B (as amended), 6C, 6D, 6E, 6F, and 6G, and Ordinance 6J were unanimously adopted.

Resolutions 6H (as amended) was adopted by a vote of six (6) ayes and one (1) nay with Councilwoman Silverman voting nay

There being no further business before the City Council, Mayor Tenke adjourned the meeting at 9:41p.m.

Gaspare G. Tumminello
City Clerk