

February 2, 2021

**CITY OF GLEN COVE**  
**MINUTES OF THE**  
**CITY COUNCIL EMERGENCY MEETING**  
**FEBRUARY 2, 2021**

Mayor Tenke called the meeting to order at 6:31 p.m. and Councilman Totino 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 G. Tumminello, City Attorney Gregory Kalnitsky

Councilwoman Silverman announced at the beginning of the meeting that she was recusing herself and turned off her video.

Mayor Tenke presented resolution 6A.

**6-A – Resolution**

**WHEREAS**, an Article 78 proceeding has been commenced by Roni Epstein against the Planning Board of the City of Glen Cove, City Council of the City of Glen Cove, 135 Glen Cove Ave. Corp., Livingston Development Corp., Gaspare Tumminello, and Gregory Kalnitsky (Nassau County Sup. Ct. Index No. 615029/2020) seeking to (1) vacate, annul and set aside the planning board’s resolution dated November 20, 2020 approving the amended site plan application of Livingston Development Corp and 135 Glen Cove Ave Corp to permit a 176-unit residential apartment complex including the supplemental findings statement pursuant to SEQRA adopted in connection therewith with respect to the property located at 135 Glen Cove Avenue in the City and to (2) reverse a denial of Marsha Silverman and Roni Epstein’s FOIL appeal dated December 23, 2020 and ordering the city clerk to produce such records and awarding reasonable attorney fees and costs associated with such denial (the “Proceeding”); and

**WHEREAS**, by letter retainer agreement dated December 16, 2020, the City of Glen Cove City Council retained Chase, Rathkopf & Chase, LLP (“CRC”) to serve as special counsel to the City of Glen Cove and its boards, agencies, officers and departments (collectively the “City”) with respect to land use matters in the City for the one-year period commencing January 1, 2021 and ending on December 31, 2021 (the “CRC Retainer Agreement”); and

**WHEREAS**, pursuant to the CRC Retainer Agreement, CRC was also retained to represent “the City, the Boards and their members in any civil litigation including, but not limited to, Article 78 proceedings brought to review any actions of the City Council or the Boards. ”; and

**WHEREAS**, Leventhal, Mullaney & Blinkoff, LLP (“LMB”) has submitted a proposed letter of engagement to represent the City Respondents in the Proceeding; and

**WHEREAS**, the City hereby finds and determines that it is in the best interests of the Planning Board of the City of Glen Cove, City Council of the City of Glen Cove, Gaspare Tumminello, and Gregory Kalnitsky (the “City Respondents”) if CRC and LMB were authorized to represent all such named parties (in their official capacities) in regard to the Proceeding in that the interests of all such City Respondents in the Proceeding are consistent with each other, and none of those City named parties are adverse to any other such City party; and

**WHEREAS**, the City further finds and determines that it is in the best interests of the City Respondents if CRC and LMB were able to share with each of those named City persons all relevant information with respect to the legal services provided by CRC and LMB with respect to the Proceeding.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the Mayor to retain CRC and LMB to provide such legal services as may be necessary and required for the defense of the Proceeding on behalf of the City Respondents on the terms and conditions specially set forth in the Retainer Agreement and Letter of Engagement, to wit: the firms shall be paid for legal services based on the time spent and at the hourly rate of \$300 for an attorney and reimbursed for its out of pocket costs and expenses in the performance of the legal services with respect to the Proceeding; and

**BE IT FURTHER RESOLVED** that CRC and LMB are hereby further authorized to disclose to and share with the City Respondents any confidential client information resulting from their past, present or future special services to the City in relation to the Proceeding.

Mayor Tenke moved for the adoption of resolution 6A. Councilman Totino seconded the motion. Motion was adopted, with Councilwoman Silverman abstaining.

There being no further business before the City Council, Mayor Tenke adjourned the meeting at 7:30p.m.

Gaspare G. Tumminello  
City Clerk