

Resolution offered by Mayor Suozzi and seconded by Councilman DiLeo

RESOLUTION OF THE GLEN COVE CITY COUNCIL RE-AFFIRMING ITS AUTHORIZATION OF ZARIN & STEINMETZ TO SERVE AS SPECIAL COUNSEL TO THE CITY FOR SPECIAL DEVELOPMENT PROJECTS, INCLUDING SERVING AS CO-COUNSEL TO THE CITY ATTORNEY REGARDING 4 PARK PLACE CORPORATION, AS WELL AS SERVING AS SPECIAL COUNSEL TO THE CITY IN LITIGATION REGARDING THE GLEN COVE FERRY TERMINAL AND BOAT BASIN PROJECT

WHEREAS, on or about May 24, 2012, the City of Glen Cove Building Department issued a Notice of Violation and Order to Remedy (the "Notice") to 4 Park Place Corporation ("Defendant") regarding its use and operations at 4 Park Place, Glen Cove, New York, otherwise known as Parcel ID Number 21.A-569 (the "Site"); and

WHEREAS, the Notice required Defendant to correct the zoning and building violations (the "Violations") stated therein within fourteen (14) days; and

WHEREAS, Defendant did not correct the Violations within the referenced time period; and

WHEREAS, given the serious threat to the environment and Glen Cove Creek as a result of Defendant's junkyard operations at the Site, which use is expressly prohibited under the applicable I-3 zoning regulations, in or about June 2012 the Mayor asked the law firm of Zarin & Steinmetz to assist the City Attorney, as Co-Counsel, in prosecuting the Violations against Defendant; and

WHEREAS, the Mayor believed that he had the authority to make such request of Zarin & Steinmetz pursuant to City Council Resolution 6B, entitled "2012 Annual Professional Contracts," dated January 10, 2012, by which the City Council approved the retention of Zarin & Steinmetz to serve as "City Attorney for Special Development Contracts"; and

WHEREAS, the City Council has always intended for that appointment to refer to all projects or matters relating in any way to the Glen Cove Creek waterfront and its redevelopment; and

WHEREAS, with respect to the terms of Zarin & Steinmetz's retention as Special Counsel, Resolution 6B refers to a Professional Contract entered into between the Mayor and Zarin & Steinmetz on or about March 30, 2011, for Zarin & Steinmetz to serve as Special Counsel in connection with the City's Special Development Projects (the "Retainer"); and



WHEREAS, under such authorization, Zarin & Steinmetz also represents the City with respect to a Complaint filed by the City on March 16, 2012, in Supreme Court, Nassau County, arising from the faulty design of the bulkhead constructed in connection with the Glen Cove Ferry Terminal and Boat Basin Project along Glen Cove Creek, captioned *City of Glen Cove v. AECOM USA, Inc. and Halcrow Engineers, P.C.*, Index No. 600479-2012 (Sup. Ct. Nassau Cty.), and related matters (the "Ferry Litigation"); and

WHEREAS, pursuant to the above-referenced Resolution 6B and Retainer, on or about June 19, 2012, Zarin & Steinmetz, as Co-Counsel to the City Attorney, filed a Zoning Enforcement Action against Defendant in Glen Cove City Court, and also filed an Order to Show Cause, seeking an Order directing Defendant to cease and desist all uses and operations at the Site until all of the Violations are cured; and

WHEREAS, the action commenced in the Glen Cove City Court by the City, with Zarin & Steinmetz serving as Co-Counsel to the City Attorney, is captioned *People of the State of N.Y. v. 4 Park Place Corp.* (Index No. 314-12); and

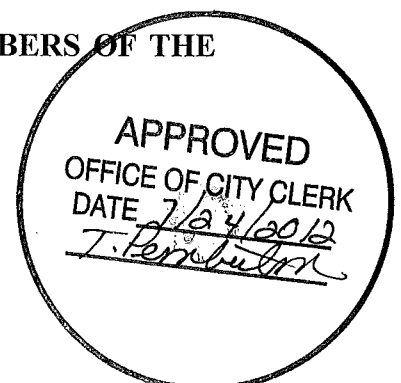
WHEREAS, during the pendency of the Court proceedings on the City's Motion for Injunctive Relief, Defendant's counsel raised an issue regarding whether Zarin & Steinmetz was properly retained by the City to represent it and serve as Co-Counsel to the City Attorney in this action; and

WHEREAS, by Order dated July 12, 2012, the Hon. Richard J. McCord denied Defendant's motion in which it alleged that Zarin & Steinmetz was improperly retained and that the Court therefore did not have jurisdiction over this matter; and

WHEREAS, notwithstanding Resolution 6B, the Retainer, and Judge McCord's July 12th decision, the City Council wishes, in an abundance of caution, to clarify and re-affirm that Zarin & Steinmetz is authorized to serve as Special Counsel to the City for Special Development Projects, including serving as Co-Counsel to the City Attorney in commencing and prosecuting all necessary proceedings against Defendant with respect to its illegal junkyard and other operations at the Site, as well as in defending the City in any claim, action or appeal commenced by Defendant, in any Court of competent jurisdiction; and

WHEREAS, the City Council also wishes to clarify and re-affirm that Zarin & Steinmetz is authorized to represent the City as Special Counsel in the Ferry Litigation, and that the City Council authorized Zarin & Steinmetz to file the above-referenced Complaint in the Ferry Litigation; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GLEN COVE CITY COUNCIL, AS FOLLOWS:



Section 1. The City Council re-affirms its authorization of the law firm of Zarin & Steinmetz to serve as Special Counsel to the City for Special Development Projects, including serving as Co-Counsel to the City Attorney in commencing and prosecuting all necessary proceedings against Defendant with respect to its illegal junkyard and other operations at the Site, as well as in defending the City in any claim, action or appeal commenced by Defendant, in any Court of competent jurisdiction.

Section 2. The City Council re-affirms its authorization of Zarin & Steinmetz to serve as Special Counsel to the City for Special Development Projects, including serving as Special Counsel to the City in the Ferry Litigation, and that the City Council authorized Zarin & Steinmetz to file the Complaint in the Ferry Litigation on March 16, 2012, in the Supreme Court, Nassau County.

Section 3. The Mayor of the City of Glen Cove is hereby authorized, on behalf of the City of Glen Cove, to execute any agreements and deliver any documentation necessary to effectuate the acts authorized by this resolution.

Section 4. The execution of any agreements by the Mayor shall evidence the City Council's approval of the terms thereof.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Gallo	VOTING	Aye
Councilman Tenke	VOTING	Aye
Councilman DiLeo	VOTING	Aye
Councilman Spinello	VOTING	Aye
Councilman Famiglietti	VOTING	Aye
Councilman Jimenez	VOTING	Absent
Mayor Suozzi	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

