

July 22, 2014 City Council Resolutions

Resolution 6A

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

**RESOLUTION OF THE GLEN COVE CITY COUNCIL
ADOPTING A NEGATIVE DECLARATION OF
ENVIRONMENTAL SIGNIFICANCE FOR THE ADOPTION OF
A LOCAL LAW AMENDING THE CITY OF GLEN COVE
ZONING ORDINANCE PROHIBITING HOOKAH LOUNGES
IN ALL CITY ZONING DISTRICTS,**

WHEREAS, pursuant to Section 280-23(B) of the City Code, the City Council of the City of Glen Cove has drafted and is considering adoption of a local law amending the Zoning Ordinance to prohibit Hookah Lounges within all zoning districts in the City of Glen Cove (the "Proposed Action"); and

WHEREAS, the proposed action will change the allowable uses within 25 or more acres of a zoning district and is therefore a Type 1 action pursuant to 6 NYCRR 617 (SEQR); and

WHEREAS, the City Council is the only agency that has authority to approve, directly undertake or fund the action; and

WHEREAS, the City Council assumed lead agency status on June 24, 2014 and distributed a Part 1 Environmental Assessment Form containing relevant information with regard to the proposed local law; and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to SEQR and General Municipal Section 239-m:

1. The City Council adopts a Part 2 Environmental Assessment Form (attached) identifying no potential environmental impacts associated with proposed action.
2. The City Council adopts a Negative Declaration of Environmental Significance (attached) indicating that the adoption of the proposed local law will not result in significant adverse environmental impacts and that an Environmental Impact Statement will not be prepared.

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

Local Law 04-2014

RESOLUTION OF THE GLEN COVE CITY COUNCIL REFERRING THE MATTER OF AN AMENDMENT TO CHAPTER 280 (ZONING) OF THE CITY CODE OF ORDINANCES WITH RESPECT TO THE ADOPTION OF AN AMENDMENT TO THE GLEN COVE CODE OF ORDINANCES MAKING HOOKAH LOUNGES A PROHIBITED USE IN ALL ZONING DISTRICTS THROUGHOUT THE CITY.

WHEREAS, the purpose of the proposed Amendment is to ban and prohibit Hookah Parlors in all Zoning Districts in the City of Glen Cove; and

WHEREAS, the Amendment is in furtherance of the public health, safety and welfare of the City, and in the public interest. There are documented health risks associated with the smoking of tobacco or other substances through hookah pipes including the inhalation of higher concentrations of toxins than found in cigarette smoke. Hookah parlors have also been associated with certain illegal and antisocial activities, including underage drinking and their presence in a community exacerbates the inherent dangers of tobacco use around nontobacco users, exposes children to smoking, and increases the potential for minors to associate smoking and tobacco with a healthy lifestyle; and

WHEREAS, The City of Glen Cove recognizes the dangers of smoking, in any form, to the youth of the City and the public at large; and therefore

BE IT RESOLVED, that the City Council hereby amends Chapter 280, Article X, to add Section 45.3- Prohibitions applicable to all districts.

Chapter 280

Article X- Districts

Section 45.3- Prohibitions applicable to all districts

280-45.3 - Prohibitions applicable to all districts

A. Hookah Lounges shall be prohibited in all zoning districts within the City of Glen Cove.

Local Law 04-2014 shall take effect immediately upon its filing in the Office of the Secretary of State.

Resolution 6C

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that Section 98-11B (Impoundment of bicycles by police; penalties for offenses) of the City Code of Ordinances is hereby amended as follows:

Remove:

B. The violation of any of the provisions of this chapter shall constitute a violation and shall subject the violator to a fine not exceeding \$15.

Add:

B. The violation of any of the provisions of this chapter shall constitute a violation and shall subject the violator to a fine not exceeding \$75.

Resolution 6D

Resolution **TABLED** by Mayor Spinello and seconded by Councilman Gallo

**RESOLUTION OF THE CITY OF GLEN COVE CITY COUNCIL WAIVING ITS RIGHT OF
FIRST REFUSAL WITH RESPECT TO THE INITIAL SALE**

OF LOT B AND/OR LOT C IN THE NORTH MANOR ESTATES PROPERTY

WHEREAS, Glen Cove Property, LLC (the “Applicant”) is the owner of the property known as the Glen Cove Mansion Hotel and Conference Center, an estate property consisting of 54.5 acres located at 200 Dosoris Lane, Glen Cove, New York, described on the Nassau County Land and Tax Map as Section 30, Block 87, Lots 2, 3 and 4 (f/k/a Lot 1) (the “Property”);

WHEREAS, by Resolution adopted on July 23, 2013, the City Council rezoned the Property from R-1 One Acre Residence District, to R-1 with Estate Preserve (E) Floating Zone District (the “Rezoning”); and

WHEREAS, by Resolution adopted on September 17, 2013, the City of Glen Cove Planning Board approved a Final Subdivision of the Property into three (3) distinct lots or “areas” pursuant to the Estate Preserve (E) Floating Zone District (the “Estate District”) regulations set forth in Section 280-73.5 of the City Zoning Ordinance (the “3-Lot Subdivision,” collectively with the Rezoning, the “Approvals”), in connection with a proposed project known as North Manor Estates; and

WHEREAS, consistent with the Approvals and the Estate District regulations, the three areas under the 3-Lot Subdivision consist of Lot A (tax lot 2, comprising 22.69 acres), Lot B (tax lot 3, comprising 19.04 acres), and Lot C (tax lot 4, comprising 12.75 acres), all as depicted on the Final Estate Preservation Subdivision Map of Glen Cove Mansion, prepared by Nelson & Pope, last revised April 4, 2013; and

WHEREAS, also consistent with the Approvals and the Estate District regulations, the Applicant recorded a Declaration of Easements, Covenants and Restrictions (the “Declaration”), together with the Preservation Plan For Glen Cove Mansion (the “Preservation Plan”), in the Nassau County Clerk’s Office on March 31, 2014 at Liber 13060, page 238; and

WHEREAS, the Declaration provides, among other things, that the City has a right of first refusal in the event that ownership of Lot B and/or Lot C is proposed to be conveyed to a third party or an entity unrelated to the Applicant; and

WHEREAS, under the right of first refusal, the City must be promptly notified in writing of any bona fide offer from a third party to purchase Lot B and/or Lot C, and the City has the right to purchase said Lot(s) on the same material terms and conditions offered by such third party, provided that the City exercises its right in writing within sixty (60) days of notification of the offer; and

WHEREAS, according to the Applicant, its effort to market the Property for sale has been adversely affected by the City’s right of first refusal with respect to Lot B and/or Lot C; and

WHEREAS, the Applicant, through its attorneys, has requested that the City waive its right of first refusal under Section 7 of the Declaration solely for the initial sale of Lot B and/or Lot C, in order to improve the marketability of said Lots and the overall Property; and

WHEREAS, the City is willing to waive its right of first refusal for the initial sale of Lot B and/or Lot C, as requested by the Applicant, provided that all other terms and conditions of the Declaration and Preservation Plan remain valid, binding and in effect, in order to ensure the preservation of the historic mansion and its grounds; and

WHEREAS, the City does not desire at this time to expend public monies to purchase Lot B and/or Lot C, and thus there is no harm to the City in waiving its right of first refusal for the initial sale of said Lots; and

NOW, THEREFORE, BE IT RESOLVED, that, for the reasons stated in this Resolution, the City Council hereby waives the City's right of first refusal as set forth in Section 7 of the Declaration solely for the initial sale of Lot B and/or Lot C; and

BE IT FURTHER RESOLVED, that all other terms and conditions of the Declaration and Preservation Plan remain valid, binding and in effect, and are unchanged by this Resolution; and

BE IT FURTHER RESOLVED, that the right of first refusal set forth in Section 7 of the Declaration shall apply to any subsequent proposed conveyance of Lot B and/or Lot C, it being the intent of the City Council that this waiver shall consist of a one-time waiver as a courtesy to the Applicant, which waiver shall expire on January 22, 2016; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Resolution 6E

Resolution **REMOVED** by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, the Mayor is hereby authorized to enter into an Inter-Municipal Cooperation agreement between the City of Glen Cove and County of Nassau, New York for the undertaking of municipal improvement projects and other purposes, as authorized by Article 5-G of the General Municipal Law of the State of New York and that this action is classified as a Type II, which actions under the SEQR regulation, do not require any further environmental review.

Resolution 6F

1Resolution **REMOVED** by Mayor Spinello and seconded by Councilman Councilman
Jimenez

WHEREAS, the City of the Glen Cove has entered into an intermunicipal agreement with the County of Nassau wherein the County of Nassau will pay the City of Glen Cove to procure I-Pad on behalf of the After 3 Program; and

WHEREAS, the City Council has caused a review of the action to be made, pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), and Part 617 of the implementation regulations (6 NYCRR Part 617.5(c) (25); and

WHEREAS, there were no potential adverse environmental impacts of the proposed action which were identified during the course of the review, now, therefore be it

RESOLVED, that the City Council of the City of Glen Cove hereby confirms and ratifies that the City of Glen Cove shall act as lead agency in connection with this matter; and further

RESOLVED, that this action is classified as a Type II action(purchase of equipment) pursuant to SEQRA, and based upon its review issues a Negative Declaration that indicates the project will not produce any significant effects on the environment.

Resolution 6G

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

**A RESOLUTION AUTHORIZING THE FORMATION OF THE GLEN COVE LOCAL
ECONOMIC ASSISTANCE CORPORATION.**

WHEREAS, the City Council of the City of Glen Cove, New York (the “City”) has determined that it is in the best interests of the City to form a local development corporation to promote and conduct economic development activities in the City and to assist the City with financing various purposes; and

WHEREAS, a local development corporation to be named the GLEN COVE LOCAL ECONOMIC ASSISTANCE CORPORATION (the “Corporation”) will be formed under section 1411 of the New York Not-for-Profit Corporation Law (the “N-PCL”); and

WHEREAS, the powers and purposes of the Corporation will serve to complement the powers of the Glen Cove Industrial Development Agency or any other industrial development agency in the State of New York which has the authority under the New York General Municipal Law within the geographic boundaries of the City (collectively, the "IDA") and to assist the City with financing various purposes, such powers of the Corporation to include the power to acquire, construct, renovate, equip, lease or sell certain facilities, including, but not limited to, facilities for not-for-profit corporations; to acquire, improve, maintain, equip and furnish projects; to issue bonds, notes and other obligations to finance or refinance such projects and facilities or City purposes and to provide other assistance in connection with such projects and facilities or City purposes; to lease or sell such projects and collect rent and installment sale payments; to sell and convey any and all of its property whenever the board of directors shall find such action to be in furtherance of the purposes for which it was organized; thus enabling the Corporation to finance or refinance transactions, including, but not limited to, transactions that the IDA or the City, respectively, cannot finance or refinance under applicable law; and

WHEREAS, under Internal Revenue Service ("IRS") guidance, the Corporation must meet certain requirements in order for it to qualify as an entity eligible to issue tax-exempt bonds on behalf of the City which include: (1) the Corporation is formed only after the governing body of the City has given its formal approval to the creation of the Corporation and to the form of Certificate of Incorporation; (2) the Board of Directors of the Corporation is elected by the governing body of the City and serves without compensation; (3) the Corporation's corporate powers include the power to acquire, improve, maintain, equip and furnish projects; to lease such projects and collect rent; to sell and convey any and all of its property whenever the Board of Directors shall find such action to be in furtherance of the purposes for which it was organized; and to issue bonds for the purpose of carrying out any of its powers; (4) all bonds are payable solely out of revenues and receipts derived from the leasing or sale by the Corporation of its projects, or from loans made by the Corporation; (5) the City is not liable for the payment of principal or interest on any of the bonds of the Corporation; (6) the Corporation is exempt from all state taxation, and interest on bonds issued by the Corporation is exempt from state taxes; (7) the Corporation is a nonprofit corporation and no part of its net earnings may inure to the benefit of any private person; and (8) upon dissolution of the Corporation, the title to all property owned by it shall vest in and become the property of the City; and

WHEREAS, Section 1411(c) of the N-PCL provides local development corporations with authority to issue bonds to carry out their purposes and Section 1411(f) of the N-PCL

provides that the income and operations of such corporations are exempt from state taxation; and

WHEREAS, the Corporation shall be formed under the N-PCL and shall be subject to all the provisions of the N-PCL as modified by Section 1411 and the Corporation shall be formed with the specific purposes which are stated in the Certificate of Incorporation as follows: "The Corporation is formed and shall be operated exclusively for the public purpose and the charitable purpose, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, of lessening the burdens of government by fulfilling the purposes now or hereafter referred to in Section 1411 of the N-PCL within the City. More specifically, the Corporation shall act as a local development corporation for the City by conducting activities that will relieve and reduce unemployment; promote and provide for additional and maximum employment; better and maintain job opportunities; instruct or train individuals to improve or develop their capabilities for such jobs; carry on scientific research for the purpose of aiding the City by attracting new industry to the City; or by encouraging the development of, or retention of, an industry in the City; and lessening the burdens of government and acting in the public interest."; NOW, THEREFORE, be it

RESOLVED, that the City approves the formation of the Corporation under the N-PCL as a local development corporation and the City will be the sole member of the Corporation; and be it further

RESOLVED, that the Corporation shall be the Glen Cove Local Economic Assistance Corporation; and be it further

RESOLVED, that the Corporation shall have no fewer than three (3) Directors nor more than seven (7) Directors appointed by this City Council, which Directors may, but shall not be required to be, appointed from among the members of the Glen Cove Industrial Development Agency, who shall serve at the pleasure of this City Council of the City of Glen Cove, New York (the "City Council") and shall serve without compensation; and be it further

RESOLVED, that the following are duly appointed as the initial members of the Corporation's Board of Directors, to serve until their successors are appointed and have been qualified:

Reginald A. Spinello

Michael DeLuise

Vincent Hartley

David Zatlin; and be it further

RESOLVED, that the Board of Directors are hereby empowered, authorized and directed to take all actions as may be required in furtherance of the designation of the Corporation; and be it further

RESOLVED, that the Certificate of Incorporation, in substantially the form attached to these resolutions, is hereby approved and adopted; and be it further

RESOLVED, that this City Council hereby finds and determines that the Mayor of the City of Glen Cove is authorized to take such actions and execute such documents as are necessary or appropriate to carry out these resolutions; and be it further

RESOLVED that pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 N.Y.E.C.L. section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., the foregoing is a "Type II Action" within the meaning of Section 617.5 of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

Resolution 6H

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City's policy on Crossing Guards be revised to provide the assignment pay differential any Crossing Guard permanently assigned to Post 12 (Glen Cove Avenue and Burns Avenue).

Resolution 61

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes the sale of City Vehicle, 1999 tan Chevy Venture, L54992, 1GNDX03E0XD129614, to Glen Clove Boxing Club for the amount of \$1.

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes the Mayor to enter into an agreement with Frank Ciotta & Associates, Inc., for the preparation of an appraisal report, for Section 30, Block 42, Lot 335, for a fee not to exceed \$950.

Resolution 6K

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Attorney is hereby authorized to settle the following claim in full and final settlement thereof:

<u>Name</u>	<u>Claim Number</u>	<u>Amount</u>
Alan Bauman	GC 14-2475	\$275.00
Wilma Mainwaring	GC 13-2439	\$137.20

Resolution 6L

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes the Nicholas Pedone Foundation, Ltd. to host the annual "Nicholas Pedone 5K Run/Walk, on September 7, 2014, and the following roads, 9:00 a.m. to 11:00 a.m.:

Dosoris Lane

Lattingtown Road

Old Tappan Road

Walnut Road

Resolution 6M

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes La Fuerza Unida De Glen Cove, Inc. to host a Hispanic-American Street Fair, September 28, 2014, and the closing of Bridge Street, 12:00 p.m. through 5:00 p.m.

Resolution 6N

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes Glen Cove Boys & Girls Club to erect 20 lawn signs, July 31, 2014 through August 4, 2014, to advertise "Great Futures Campaign Launch & Pep Rally".

Resolution 60

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes North Country Reform Temple to erect 20 lawn signs, July 23, 2014 through August 5, 2014, to advertise annual "Yard Sale".

Resolution 6P

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes the Youth Bureau to enter into an extension lease agreement with Ludus Realty, LLC, for the lease of 70 Forest Avenue, Suite 2C, to be used for office space for Glen Cove After 3 Program.

Resolution 6Q

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes St. Paul's Nursery School to erect 20 lawn signs, August 11, 2014 through August 25, 2014, to advertise annual "Nursery School Registration".

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the City Council hereby authorizes La Fuerza Unida, Inc. to erect 20 lawn signs, September 15, 2014 through October 1, 2014, to advertise "Hispanic American Heritage Street Fair".

Resolution 7A-1

Resolution offered by Mayor Spinello and seconded by Councilwoman Panzenbeck

BE IT RESOLVED, that the following persons are hereby appointed to Parks and Recreation as indicated:

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Effective Date</u>
Jessica Crowley	EMT	\$10.50 per hour	7/7/14 – 8/15/14
Barbara Edwards	Recreation Leader	\$10.00 per hour	7/7/14 – 8/15/14
Brandon Oh	Recreation Leader	\$7.25 per hour	7/7/14 – 8/15/14
Diana Delgado	Recreation Leader	\$7.25 per hour	7/7/14 – 8/15/14
Sean Peet	Recreation Leader	\$7.25 per hour	7/7/14 – 8/15/14
Julio Bonilla	Recreation Leader	\$7.25 per hour	7/7/14 – 8/15/14
Giuliana Capobianco	Recreation Leader	\$7.25 per hour	7/7/14 – 8/15/14

Laura Sakhaee	Recreation Leader	\$7.25 per hour	7/7/14 – 8/15/14
Magdalene Muzante	Lifeguard	\$10.00 per hour	7/12/14 – 8/15/14

Budget Line: CR7140-51120

Resolution 7A-2

Resolution offered by Mayor Spinello and seconded by Councilwoman Panzenbeck

BE IT RESOLVED, that Resolution 7E, dated June 24, 2014, is hereby amended as follows as it is related to salaries only:

<u>Name</u>	<u>Salary Amended To</u>
Andrew LaRosa	\$14.50 per hour
Andrew Greenberg	\$14.25 per hour
Dane Caufield	\$8.25 per hour
Amber Solomito	\$8.75 per hour

Budget Line: CR7140-51120

Resolution 7A-3

Resolution offered by Mayor Spinello and seconded by Councilwoman Panzenbeck

BE IT RESOLVED, that Jose I. Benitez is hereby appointed as Park Maintainer, with Parks and Recreation, at an annual salary of \$49,604 (Grade 12 Step 4) effective July 28th, 2014.

Budget Line: CR7140-51101

Resolution 7B

Resolution offered by Mayor Spinello and seconded by Councilwoman Panzenbeck

WHEREAS, an examination for Assistant Site Manager was given and certified by the Municipal Civil Service Commission of Glen Cove; and

WHEREAS, an eligible list No. 61742 was established by the Glen Cove Municipal Civil Service Commission; and

WHEREAS, Heidi M. Jensen is certified as eligible under list No. 61742 by the Glen Cove Municipal Civil Service Commission;

NOW, THEREFORE, BE IT RESOLVED, that, effective July 23, 2014, Heidi M. Jensen is hereby appointed as Assistant Site Manager with the Senior Center with an annual salary of \$42,502 (Grade 10 Step 0).

Budget Line: A7030-51101

Resolution offered by Mayor Spinello and seconded by Councilwoman Panzenbeck

BE IT RESOLVED, that Daniel S. Ermmarino is hereby appointed as a Seasonal Laborer, with Water Department, at \$9.00 per hour effective July 23, 2014 and ending by November 30, 2014.

Budget Line: F8300-51120

Resolution 7D

Resolution offered by Mayor Spinello and seconded by Councilwoman Panzenbeck

BE IT RESOLVED, that Phil Congero, is hereby appointed as Harbormaster, with Harbor Patrol, at \$10.00 per hour, effective July 23, 2014 and ending by November 30, 2014.

Budget Line: A5720-51101

Resolution 9A

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the salary for John G. Testa, with Harbor Patrol, is hereby amended to \$15 per hour, retroactive to July 12, 2014.

Resolution 9B

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the salary for Rosa Rizzo, with the Building Department, is hereby amended to \$13.00 per hour, effective July 23, 2014.

Resolution 9C

Resolution offered by Mayor Spinello and seconded by Councilman Jimenez

BE IT RESOLVED, that the salary for Nicole Szafranski, is hereby amended to \$12.00 per hour, effective July 26, 2014.