Intro. Res. No. 1804-2009 Laid on Table 9/17/2009
Introduced by Legislator Browning

**RESOLUTION NO. 886-2009, AUTHORIZING USE OF SMITH POINT PARK PROPERTY BY ANTI-HAMPTONS, BETWEEN THE PORTS AND EVENT POWER, LONG ISLAND, FOR A TRIATHLON**

**WHEREAS**, the Anti-Hamptons, Between the Ports and Event Power (Organizations) would like to use Smith Point Park for the purpose of a Triathlon to benefit various charitable organizations in Suffolk County; and

**WHEREAS**, the Triathlon would be held on Sunday, August 8, 2010 between the hours of 6:00 a.m. and 1:00 p.m.; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of Four Hundred Dollars ($400.00), payment of which shall be guaranteed by the Organizations; and

**WHEREAS**, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured will be provided by Event Power; now, therefore be it

1st **RESOLVED**, that the use of County-owned property, Smith Point Park in Shirley, by Anti-Hamptons, Between the Ports and Event Power, in consideration of the payment of Four Hundred Dollars ($400.00), for the purpose of holding a Triathlon on August 8, 2010, between the hours of 6:00 a.m. and 1:00 p.m. is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from Event Power and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd **RESOLVED**, that before this event shall be permitted to occur, the Organizations must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for the benefit of various charitable purposes; and be it further

4th **RESOLVED**, that the Organizations shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

5th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: OCT 13 2009

APPROVED BY:

County Executive of Suffolk County

Date: OCT 28 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

*This is to Certify That I,* TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on October 13, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I* have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1864 Res. No. 886 October 13, 2009

**Motion:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**
Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|---|---|---|---|---|---|---|
| 1 | Edward P. ROMAINE | ✓ | | | | |
| 2 | Jay H. SCHNEIDERMAN | | | ✓ | | |
| 3 | Kate M. BROWNING | ↓ | | | | |
| 4 | Brian BEEDENBENDER | ↓ | | | | |
| 6 | Daniel P. LOSQUADRO | ↓ | | | | |
| 7 | Jack EDDINGTON | ↓ | | | | |
| 9 | Ricardo MONTANO | ↓ | | | | |
| 10 | Cameron ALDEN | ↓ | | | | |
| 11 | Thomas F. BARRAGA | ↓ | | | | |
| 12 | John M. KENNEDY, JR. | ↓ | | | | |
| 13 | Lynne C. NOWICK | ↓ | | | | |
| 14 | Wayne R. HORSLEY | ↓ | | | | |
| 15 | DuWayne GREGORY | ↓ | | | | |
| 16 | Steven H. STERN | ↓ | | | | |
| 17 | Lou D'AMARO | ↓ | | | | |
| 18 | Jon COOPER | ↓ | | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | ↓ | | | | |
| 8 | William J. LINDSAY, P.O. | ↓ | | | | |
| | Totals | 17 | — | 1 | — | — |

| MOTION |
|---|
| X Approve |
| ____ Table: _____ |
| ____ Send To Committee |
| ____ Table Subject To Call |
| ____ Lay On The Table |
| ____ Discharge |
| ____ Take Out of Order |
| ____ Reconsider |
| ____ Waive Rule ____ |
| ____ Override Veto |
| ____ Close |
| ____ Recess |
| APPROVED X FAILED ____ |
| No Motion ___ No Second ___ |

| RESOLUTION DECLARED |
|---|
| X ADOPTED |
| ____ NOT ADOPTED |

Roll Call ____ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature