

**RESOLUTION NO. 226 -2010, AUTHORIZING USE OF SMITH
POINT COUNTY PARK PROPERTY BY MASTIC BEACH FIRE
DEPARTMENT, INC., FOR PUBLIC-SAFETY SERVICES FUND
DRIVE**

WHEREAS, the Mastic Beach Fire Department responds to over one hundred calls at the Smith Point County Park each year; and

WHEREAS, the Mastic Beach Fire Department, Inc. (Department), would like to host a fund drive at Smith Point County Park in Shirley; and

WHEREAS, the fund drive for support of the public-safety services provided by the Department would be held from July 2, 2010 through July 4, 2010, and July 17, 2010 and July 18, 2010; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of Two Hundred and Fifty and 00/100 Dollars (\$250.00), plus public-safety services rendered by the Department to the Smith Point County Park, payment of which shall be guaranteed by the Department; and

WHEREAS, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured will be provided by the Department; and

WHEREAS, the use of County property for such fund drive for support of the public-safety services provided by the Department would promote and protect the public health, safety, and general welfare of the residents of Suffolk County; now, therefore be it

1st RESOLVED, that the use of County-owned property, i.e. the Smith Point County Park in Shirley, by the Mastic Beach Fire Department, Inc. (Department), in consideration of the payment of Two Hundred and Fifty and 00/100 Dollars (\$250.00), and in consideration of public-safety services rendered by the Department to the Smith Point County Park, for the purpose of hosting a fund drive by standing at the tollbooths with a sign asking the public to "help us save you", for support of the public-safety services provided by the Department from July 2, 2010 through July 4, 2010, and July 17, 2010 and July 18, 2010 between the hours of 7:00 a.m. and 4:30 p.m. each day is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from the Department, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

2nd RESOLVED, that before this event shall be permitted to occur, the Department 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 support of the public-safety services provided by the Department at Smith Point County Park in Shirley by the Department; and be it further

4th **RESOLVED**, that the Department 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 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: March 23, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 29, 2010