Intro. Res. No. 1627-2011 Laid on Table 8/2/2011
Introduced by Legislator Eddington

**RESOLUTION NO. 695 -2011, AUTHORIZING USE OF SMITH POINT COUNTY BEACH PROPERTY BY THE AMERICAN CANCER SOCIETY, FOR THE AMAZEDNESS KITE FLY**

**WHEREAS**, the American Cancer Society would like to host an event called the Amazedness Kite Fly at Smith Point County Beach; and

**WHEREAS**, the Amazedness Kite Fly will be held on Saturday, September 17, 2011 from 12:00 p.m. to dusk, with a rain date set for Sunday, September 18, 2011; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of One Hundred and 00/100 Dollars ($100.00), payment of which shall be guaranteed by the American Cancer Society; and

**WHEREAS**, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured has been provided by the American Cancer Society; and

**WHEREAS**, the use of County property for the Amazedness Kite Fly 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, more particularly Smith Point County Beach, by the American Cancer Society, in consideration of the payment of One Hundred and 00/100 Dollars ($100.00), for the purpose of hosting the Amazedness Kite Fly on Saturday, September 17, 2011 from 12:00 p.m. to dusk, with a rain date set for Sunday, September 18, 2011, 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 the American Cancer Society 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 American Cancer Society 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 Amazedness Kite Fly by the American Cancer Society at Smith Point County Beach; and be it further

**4th** **RESOLVED**, that the American Cancer Society 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: AUG 16 2011

APPROVED BY:

County Executive of Suffolk County

Date: AUG 29 2011

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 August 16, 2011 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. 1627 Res. No. 695 August 16, 2011

**Motion:**
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

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

**Second:**
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, 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 | Thomas MURATORE | ✓ | | | | |
| 6 | Sarah S. ANKER | ✓ | | | | |
| 7 | Jack EDDINGTON | ✓ | | | | |
| 9 | Ricardo MONTANO | ✓ | | | | |
| 10 | Thomas CILMI | | | | ✓ | |
| 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