

ACT 119 - 2024

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the "Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services (the "Department"), to enter into inter-municipal agreements ("IMAs") with the municipalities listed in Exhibit "A" attached to the Act (the "Municipalities"), for services to be funded with grants received from the New York State Office for the Aging ("NYSOFA") under Titles III-B, III-C and the Nutrition Services Incentive Program ("NSIP") of the Older Americans Act of 1965, as amended ("OAA"). Each of the IMAs will be for terms corresponding to the terms of the grant agreements between NYSOFA and the County ("Grant Agreements"), commencing retroactively on January 1, 2024 and continuing through December 31, 2024, except for the IMAs for the provision of NSIP services, which terms will commence retroactively on October 1, 2023 and continue through September 30, 2024. The IMAs funded with grants received from NYSOFA under the Grant Agreements will be in the total aggregate not-to-exceed amounts set forth below:

IMAs

Title III-B	Title III-C & NSIP
\$230,021	\$1,373,856

Your Committee is advised that the services to be provided under the IMAs with the funds received under the OAA for Titles III-B and III-C and NSIP are as follows: (i) nutrition services, such as congregate and home delivered meals; (ii) regional kitchen equipment, supplies, repairs and vehicle expenses; and (iii) transportation services, to help seniors remain in their homes and community (collectively, the "Services").

Your Committee is further advised that by resolution approved on February 22, 2024, the Westchester County Board of Acquisition and Contract duly authorized the Department to enter into the Grant Agreements with NYSOFA.

Your Committee is also advised that the Department has complied with the Westchester County Procurement Policy and Procedures (the “Policy”), noting that the IMAs are exempt from procurement pursuant to section 3(a) iii of the Policy, which exempts contracts with “... any State and any political subdivision, agency or instrumentality thereof,” and pursuant to section 3(a) xix of the Policy, which exempts “any procurement for the purpose of entering into a contract with persons to provide direct services to senior citizens.”

Notwithstanding that the procurement for the Services is exempt from the Policy, the Services are funded with federal grant monies and are, therefore, subject to the Federal Procurement Requirements in accordance with Section 11 of the Policy. The Federal procurement regulations (2 CFR§ 200.320), require that contracts in amounts greater than \$10,000 and up to \$250,000, be procured by obtaining price or rate quotations from an adequate number of qualified sources, unless such contracts are deemed to be “non-competitive” procurements. Because the Services are being provided directly by the respective Municipalities using their own resources (i.e., senior centers, buses, food service providers, equipment, etc.), it has been determined that the Services constitute non-competitive procurements in accordance with 2 CFR§ 200.320 (c)(2), in that due to the nature and extent of the services being provided, the Services are only available from those single sources.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed IMAs does not meet the definition of an action under the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

Your Committee has been advised that the passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board.

Your Committee believes that adoption of the proposed Act is necessary to effectively carry out these worthwhile services to Westchester County residents. Accordingly, after due

consideration, your Committee recommends adoption of the annexed Act.

Dated: June 10th, 2024
White Plains, New York

Handwritten signatures and text on the left side of the page:
- *Donald J. Tubiolo*
- *John*
- *Murray*
- *Devin*
- *John*
- *John*
- *John*
- *John*

Handwritten signatures and text on the right side of the page:
- *John*
- *John*
- *John*
- *John*

COMMITTEE ON

C: cmc/04.03.2024

Budget & Appropriations

Veterans, Seniors & Youth

Dated: June 10, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

Handwritten signature of Colin J. Smith in black ink.Handwritten signature of John H. Stein in black ink.

FISCAL IMPACT STATEMENT

SUBJECT: IIIC2/NSIP NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 440446

Total Current Year Revenue \$ 440446

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 263-85-T942 (IIIC2); 263-85-T939 (NSIP)

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 440446

Describe: Funding received from the Federal Government under the Older American's Act.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Without these funds, the Department would not be able to provide seniors with Home Delivered Meals, Nutrition Services Incentive Program, supplement regional kitchen equipment, supplies, repairs and vehicle expenses as needed.

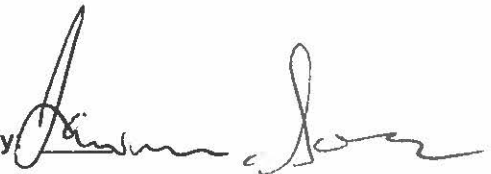
Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

Reviewed By: 

Budget Director

5/28/24

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIIB NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 230021

Total Current Year Revenue \$ 230021

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 263-85-T686

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 230021

Describe: Funding received from the Federal Government under the Older American's Act.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Without these funds, the Department would not be able to provide Transportation services to Seniors in Westchester.

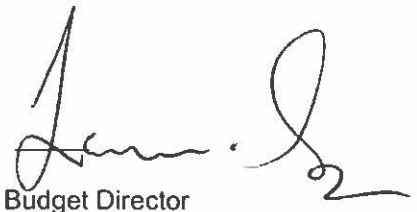
Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

DAO
Reviewed By: 
Budget Director

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: IIIC1/NSIP NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 933410

Total Current Year Revenue \$ 933410

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 263-85-T941 (IIIC1) 263-85-T939 (NSIP)

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 933410

Describe: Funding received from the Federal Government under the Older American's Act.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Without these funds, the Department would not be able to provide seniors with Congregate Meals, Nutrition Services Incentive Program, and supplement regional kitchen equipment, supplies, repairs and vehicle expenses as needed.


Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown


Title: Director of Program Development II

Department: Senior Programs & Svcs.

^{1/10} Reviewed By: 
Budget Director
5/28/24

If you need more space, please attach additional sheets.

TO: George Latimer, County Executive
Kenneth Jenkins, Deputy County Executive
John Nonna, County Attorney

FROM: David Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: January 8, 2024

SUBJECT: **ACTIVITIES NOT SUBJECT TO STATE ENVIRONMENTAL QUALITY REVIEW**

As required by the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (“SEQR”), the Board of Legislators (“BOL”) is the body that must assess the environmental significance of all actions that the BOL has discretion to approve, fund or directly undertake. The Planning Department has historically conducted the necessary environmental review for the BOL to undertake its responsibility under SEQR. Additionally, contracts going before the Board of Acquisition and Contracts (“BAC”) must be reviewed for conformance with SEQR.

Pursuant to Section 617.2(b) of SEQR, “Actions” are defined as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

As has been done in prior years, the Planning Department, in an attempt to streamline the process for SEQR review and related document preparation for the BOL and BAC, has created a list of categories of activities **that do not meet the definition of an “action”** as defined in SEQR. This list (attached) references activities that are routine and which do not change the use, appearance or condition of any natural resource or structure, nor do they involve policies or regulations that may affect the environment. The creation of this list in no way eliminates the BOL’s or BAC’s responsibilities under SEQR. Rather, it establishes a workflow for items that are routine and do not, under the law, require environmental review.

Accordingly, the Planning Department advises that no environmental review is required and no SEQR documentation is necessary for submission with BOL legislation or with resolutions or contracts requiring BAC approval regarding activities on the attached list.

County departments and agencies may reference this memorandum in the legislation in order to document compliance with SEQR for actions listed herein. This memorandum should be considered in effect until rescinded or replaced, with replacements typically occurring annually in mid-January. As such, this memorandum should be kept on file with the Clerk of the Board of Legislators. Legislation should include a statement similar to the following: "The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators."

This memorandum will be distributed to all Commissioners as part of County operations.

Please contact me if you have any questions.

Att.

cc: Malika Vanderberg, Clerk and Chief Administrative Officer to the Board of Legislators
Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Steve Bass, Director of Intergovernmental Relations
Paula Friedman, Assistant to the County Executive
Stacey Dolgin-Kmetz, Chief Deputy County Attorney
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner, Department of Planning

**ACTIVITIES THAT DO NOT MEET THE DEFINITION OF AN “ACTION”
PURSUANT TO SEQR AND ARE, CONSEQUENTLY, NOT SUBJECT TO SEQR**

1. **BUDGETS AND AMENDMENTS**

- Municipal budgets and amendments to them – The budgeting process merely sets aside funds without a commitment to their expenditure. Operating expenditures are typically for government-related activities that would also not meet the definition of an action. Even the establishment of the Capital Budget is not subject to SEQR because many of the capital projects are usually not definitive enough with respect to potential impacts to be reviewable at the time the budget is adopted. However, any subsequent authorization, such as bonding, to undertake a particular capital project is an action that requires SEQR compliance before it may be approved.
- The transfer of funds within the County operating and capital budgets for the purpose of balancing accounts – It is understood that these actions are purely budgetary, where accounts with excess funds are moved to accounts with existing or anticipated deficits. It is further understood that the activities covered by these accounts have either already occurred or been reviewed in accordance with SEQR, are Type II actions or actions that are not subject to SEQR, or are actions that will require future approval prior to being undertaken, at which time further SEQR review may be appropriate.
- Rescissions or reduction of bond acts to cancel unspent funds.

2. **SERVICES**

- Consultant services – Contracts or agreements that provide for administrative services, training, reports for Boards and Commissions, but not including studies or design of physical improvements, which has been listed under SEQR as Type II.
- Social Services – Actions or agreements that provide services to persons in need, such as employment assistance, family/domestic intervention and respite care.
- Youth services – Actions or agreements that provide for youth services, such as a Resource Allocation Plan, Invest-in-Kids Program, after-school programs, camp programs and head-start programs.
- Senior programs & services – Actions or agreements that provide for services to seniors, such as provision of information/education, home care, nutrition & transportation assistance, caregiver support, and acceptance of federal and state grants providing for such services (e.g., OAA Title III grants and NYSOFA grants, including CSE, CSI, CRC, EISEP, NYSTP, WIN & NSIP).
- Public Safety services – programs that promote public safety, such as STOP-DWI and Police Night Out; intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies, including E-911; acceptance and administration of grants for law enforcement programs (e.g., JAG).
- Fire services – Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services – Contracts for outside counsel, litigation or associated monetary settlements and collections.

- Medical Services – Contracts with medical providers for medical examinations, testing, vaccinations or medical treatment of County employees or the public.
- Mental Health Services – Contracts with agencies to provide treatment, services or education related to mental health.

3. PERSONNEL MATTERS

- Actions related to employment or employees.
- Contracts for temporary staff assistance.
- Legislation pertaining to establishment and membership of boards and commissions.

4. FINANCES

- Tax Anticipation Notes.
- Bond acts to finance tax certiorari payments.
- Banking contracts/agreements for money management services.
- Mortgage tax receipts disbursements (County Clerk).
- Refinancing of affordable housing mortgages.
- Payment in Lieu of Taxes (PILOT) agreements.

5. LAWS

- New laws or amendments of existing laws that regulate the sale or use of products for the protection of public health.
- New laws or amendments of existing laws that regulate businesses for the protection of consumers.
- Pertaining to consumer protection, not including professional licensing, which have been classified as Type II.
- Pertaining to animal welfare, excluding regulations involving habitat management.
- Pertaining to public safety.
- Pertaining to taxation, such as establishment of new taxes or tax exemptions.
- Pertaining to establishment or modification of fees.
- Pertaining to notices, publications and record keeping.
- Pertaining to hiring or contracting procedures.
- Pertaining to the functioning of County government, such as term limits, board appointments, etc. that do not impact the environment.

6. MISCELLANEOUS

- Amendments to existing agreements for changes in name or consultants.
- Education/training programs, contracts for clinical instruction.
- Prisoner Transport IMAs.
- Tourism Promotion Agency designation.
- Software licenses.

- IMAs for temporary housing in existing facilities (homeless, inmate, troubled youths, domestic violence victims).
- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP
JAN 2024

ACT NO. 119 – 2024

AN ACT authorizing the County of Westchester to enter inter-municipal agreements with local municipalities for services to be funded under Titles III-B, III-C and NSIP grants of the Older Americans Act.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), be and hereby is authorized to enter into inter-municipal agreements (“IMAs”) with the municipalities listed in Exhibit “A” attached hereto (the “Municipalities”), for services to be funded with grants received from the New York State Office for the Aging (“NYSOFA”) under Titles III-B, III-C and the Nutrition Services Incentive Program (“NSIP”) of the Older Americans Act, as amended (“OAA”), each for a term commencing retroactively on January 1, 2024 and continuing through December 31, 2024, except that the term for the IMAs for NSIP services, will commence retroactively on October 1, 2023 and continue through September 30, 2024, in the total aggregate not-to-exceed amounts set forth below:

IMAs

Title III-B	Title III-C & NSIP
\$230,021	\$1,373,856

§2. The contract amounts for each IMA shall be determined at the discretion of the Commissioner of the Department.

§3. The services to be provided under the IMAs with the OAA funds for Titles III-B and III-C and NSIP shall include: (i) nutrition services such as congregate and home delivered meals; (ii) regional kitchen equipment, supplies, repairs and vehicle expenses; and (iii) transportation services.

§4. The County Executive or his authorized designee is hereby empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

EXHIBIT "A"

2024 LIST OF MUNICIPALITIES AND SERVICES

GRANT: III-B <u>SERVICES</u>	GRANTS: III-C-1, III-C-2 & NSIP <u>SERVICES</u>
Transportation	Meals and Other-Regional Kitchen Equipment, Supplies, Repairs & Vehicle Expenses
Town of Cortlandt	Town of Cortlandt
Town of Eastchester	Town of Eastchester
Town of Greenburgh	Town of Greenburgh
Town of Mamaroneck	Town of Mamaroneck
Village/Town of Mount Kisco	Village/Town of Mount Kisco *
Town of Mount Pleasant	Town of Mount Pleasant
City of Mount Vernon	City of Mount Vernon *
City of New Rochelle	City of New Rochelle
Town of Ossining	Town of Ossining
City of Peekskill	City of Peekskill *
Village of Port Chester	Village of Port Chester
Town of Somers	Town of Somers
City of White Plains	City of White Plains
City of Yonkers	City of Yonkers
Town of Yorktown	Town of Yorktown *

Note:

- ALL municipalities listed above under Title III-B will provide Transportation Services
- ALL municipalities listed above under III-C-1, III-C-2 & NSIP will provide Meals, EXCEPT that ONLY those marked with an asterisk (*) will also provide Other-Regional Kitchen Equipment, Supplies, Repairs & Vehicle Expenses

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 119 - 2024, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 17, 2024, and approved by the County Executive on June 18, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 19th day of June, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

