

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

**DRAFT  
IMA ON FILE**

Your Committee is recommending the approval of an Act which would authorize the County of Westchester ("County"), acting by and through its Department of Public Safety ("Department"), to enter into an inter-municipal agreement ("IMA" or "Agreement") with the Town of Kent, New York ("Kent") in order to have its public safety employees utilize the County's Firing Range ("Firing Range") located at the County's Police Academy in Valhalla, New York, also known as Grasslands Reservation in the Town of Mount Pleasant, New York ("Police Academy") for firearms training. The IMA will be for a period of five (5) years, commencing on November 1, 2022 and expiring on October 31, 2027. Each party shall have the right to terminate the agreement on thirty (30) days' prior notice to the other.

In exchange for the use of the Firing Range, which will be staffed by a Department's safety officer, Kent will pay a flat fee of Three Thousand Ninety and 00/100 (\$3,090.00) Dollars per eight (8) hour tour, for a maximum number of thirty-six (36) officers in attendance. The Firing Range will be operated under the direction of the Department's safety officer. Kent will adhere to all instructions issued by the Department's safety officer. Kent shall have the option of requesting the Department to provide a firearms instructor to assist with the training process of its employees. If Kent requests a firearms instructor, Kent shall pay an additional fee equal to \$108.18 per hour or \$865.44 per eight (8) hour tour. Any Kent employee attending the Firing Range shall be responsible to bring his/her own weapons and ammunition.

In the event that police officers from Kent provide instruction at the Police Academy, under separate agreement between the County and Kent, the Commissioner of the Department, or his duly authorized designee, may provide Kent with a credit equal to one (1) eight - hour tour at the Firing Range for each seven (7) hours of instruction at the Police Academy.

The County has entered into a number of IMAs with municipalities throughout Westchester County since 2008, the last IMA which your Honorable Board authorized was on May 10, 2021 by Act No. 2021 - 83 with respect to the Town of Carmel, and with respect to Kent, the last IMA which your Honorable Board authorized on August 7, 2017 by Act 2017 - 149, to use the Firing Range for firearms

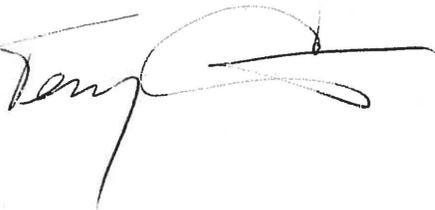
training. The program has proven successful, and it is recommended that the County continue to allow Kent to take part in this valuable program.

Your Committee is further advised by the Planning Department that this is not an action subject to the State Environmental Quality Review Act. Therefore, no further environmental review is required. Please refer to the annexed memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with the Planning Department's conclusion.

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

Your Committee has carefully considered the proposed Act and recommends your Honorable Board's favorable action on the annexed Act.

Dated: *June 21<sup>st</sup>*, 2022.  
White Plains, New York



*June 22<sup>nd</sup>*

*~~for~~ TBC  
ved at public  
by [signature]*

**COMMITTEE ON**

C:CMC/DPS/Kent.05.12.2022

*Public safety*

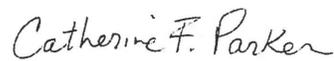
*Budget & Appropriations*

Dated: June 22, 2022  
White Plains, New York

***The following members attended the meeting remotely, pursuant to Chapter 56 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

Committee(s) on:

**Budget & Appropriations**



Dated: June 21, 2022  
White Plains, New York

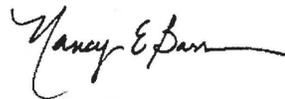
***The following members attended the meeting remotely, pursuant to Chapter 56 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

Committee(s) on:

**Public Safety**



Margaret A. Conzio



# FISCAL IMPACT STATEMENT

SUBJECT: Kent to Utilize Firing Range  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND       AIRPORT FUND       SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense      \$ \_\_\_\_\_

Total Current Year Revenue      \$ \_\_\_\_\_

Source of Funds (check one):       Current Appropriations       Transfer of Existing Appropriations

Additional Appropriations       Other (explain)

Identify Accounts:      In exchange for use of the Firing Range, an instructor will be supplied to the Academy or a flat rate of \$3,090.00 will be charged to the Town.

Potential Related Operating Budget Expenses:      Annual Amount \_\_\_\_\_

Describe:      Town of Kent's public safety employees will utilize County Firing Range.

Potential Related Operating Budget Revenues:      Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_

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

Current Year: \_\_\_\_\_

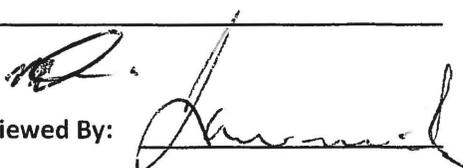
Next Four Years: \_\_\_\_\_

Prepared by:      Siva Gopalkrishna

Title:      Director of Administrative Services

Department:      Public Safety

Date:      May 16, 2022

Reviewed By: 

Budget Director

Date:      5/24/22

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

FROM: David Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: January 14, 2022

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

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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 part of the Planning Department’s ongoing review of its processes, we are streamlining the process for SEQR review and related document preparation for the BOL and BAC. The most effective method to achieve a more timely SEQR review is to create 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 SEQ. 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 SEQ 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 SEQ for actions listed herein. 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 14, 2022, 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  
Norma Drummond, Commissioner 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, Police Night Out, and intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies.
- Fire services – Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services – Contracts for outside counsel, litigation or associated monetary settlements.

- 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).

WCDP  
JAN 2022

ACT NO. 2022- 78

AN ACT authorizing the County of Westchester, acting by and through its Department of Public Safety, to enter into an inter-municipal agreement with the Town of Kent in order to have its public safety employees from Kent utilize the County's Firing Range located at the County's Police Academy in Valhalla, New York, for firearms training.

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

**Section 1.** The County of Westchester ("County"), acting by its Department of Public Safety ("Department"), is authorized to enter into an inter-municipal agreement ("IMA") with the Town of Kent, New York ("Kent") in order to have its public safety employees utilize the County's Firing Range ("Firing Range") located at the County's Police Academy in Valhalla, New York, also known as Grasslands Reservation in the Town of Mount Pleasant, New York ("Police Academy"), for firearms training.

§2. In exchange for the use of the Firing Range, which will be staffed by a Department's safety officer, Kent will pay a flat fee of Three Thousand Ninety and 00/100 (\$3,090.00) Dollars per eight (8) hour tour, for a maximum number of thirty-six (36) officers in attendance. The Firing Range will be operated under the direction of the Department's safety officer. Kent will adhere to all instructions issued by the Department's safety officer. Kent shall have the option of requesting the Department provide a firearms instructor to assist with the training process of its employees. If Kent requests a firearms instructor, Kent shall pay an additional fee equal to \$108.18 per hour or \$865.44 per eight (8) hour tour. Any Kent employee attending the Firing Range shall be responsible to bring his/her own weapons and ammunition.

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§3. The IMA will be for a period of five (5) years, commencing on November 1, 2022 and expiring on October 31, 2027. Each party shall have the right to terminate the agreement on thirty (30) days' prior written notice to the other.

§4. The County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents and take all actions necessary and appropriate to accomplish the purposes hereof.

§5. This Act shall take effect immediately.

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 78 - 2022, 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 27, 2022, and approved by the County Executive on June 29, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 30<sup>th</sup> day of June, 2022.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

