

ACT 155 - 2022

**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 would authorize the County of Westchester (the "County"), acting by and through its Department of Senior Programs and Services (the "Department"), to enter into two (2) grant agreements (individually referred to as the "Grant Agreement," and collectively as the "Grant Agreements") with the State of New York, acting by and through its Office for the Aging ("NYSOFA"), to accept grant funds made available to the County under the Health Insurance Information, Counseling and Assistance Program ("HIICAP") and the Medicare Improvements for Patients and Providers Act ("MIPPA"), noting that both grants are comprised of federal and New York State funds, in the total aggregate not-to-exceed amounts set forth below:

Grant Amounts

| HIICAP | MIPPA |
|----------|----------|
| \$55,244 | \$52,972 |

Your Committee has been advised that there will be no inter-municipal agreements ("IMAs") for any services to be funded with the grants received from NYSOFA under the Grant Agreements. The HIICAP funding will be used by the Department to provide Information Contacts services. Similarly, the MIPPA funding will be used by the Department to provide Medicare Counseling services. Any necessary services contracts will be submitted to the Board of Acquisition and Contract for approval.

Your Committee has been further advised that the Grant Agreement for HIICAP will be for a term deemed to commence retroactively on April 1, 2022 and continuing through March 31, 2023, and the Grant Agreement for MIPPA will be for a term commencing retroactively on September 1, 2022 and continuing through August 31, 2023.

Your Committee notes that this Honorable Board has previously authorized the County enter into similar grant agreements to accept federal and state grant funds made available to the County under the HIICAP and MIPPA pursuant to Act No. 91 – 2021, which was approved by your Honorable Board on May 24, 2021.

Your Committee is further advised by the Planning Department that the proposed Grant Agreements with NYSOFA described above do not meet the definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. 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. Accordingly, the Planning Department recommends that no further environmental review is required, and your Committee concurs with this conclusion.

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 has been advised that adoption of the proposed Act is necessary to effectively carry out these worthwhile programs. Accordingly, after due consideration, your Committee recommends adoption of the annexed Act.

Dated: *October 24th*, 2022
White Plains, New York

October 26th, 2022

David J. Lubio
Colin O'Neil
James J. Kelly
John J. ...
...
COMMITTEE ON
...

Joe ...
James J. Kelly

C: cmc/10.06.2022

Budget & Appropriations

Seniors & Youth

Dated: October 24, 2022
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

A handwritten signature in black ink, appearing to be "James J. ...", is centered on the page.

Dated: October 26, 2022
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: **SENIORS & YOUTH**

A handwritten signature in black ink, appearing to read "Nancy E. Barr". The signature is written in a cursive style with a long horizontal flourish extending to the right.

FISCAL IMPACT STATEMENT

SUBJECT: MIPPA 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 \$ 52972

Total Current Year Revenue \$ 52972

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 263-85-T-962

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 52972

Describe: Funding received from NYS and the Federal Government for Medicare Improvements for Patients and Providers Act.

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

Current Year: The Department would not be able to provide outreach and assistance to Medicare beneficiaries with limited incomes who may be eligible for the Medicare Part D Subsidy Program or the Medicare Savings Program.

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.

D/O

Reviewed By: _____

Budget Director

10/11/22

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: HIICAP 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 \$ 55244

Total Current Year Revenue \$ 55244

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 263-85-T945

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 55244

Describe: Funding received from the Federal Government for the Health Insurance Information, Counseling and Assistance Program

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

Current Year: The Department would not be able to provide counseling and information on all health insurance programs for seniors including Medicare and HMOs.

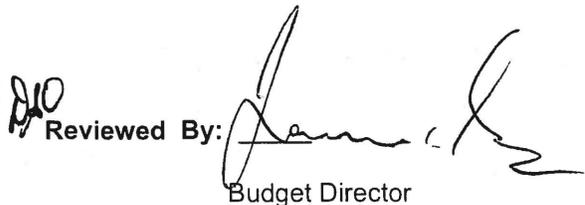
Next Four years:

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

10/11/22

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 
Director of Environmental Planning

DATE: January 14, 2022

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 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 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. 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 - 155

AN ACT authorizing the County of Westchester to enter into grant agreements with the State of New York, acting by and through its Office for the Aging, to accept grant funds under the Health Insurance Information, Counseling and Assistance Program (“HIICAP”) and the Medicare Improvements for Patients and Providers Act (“MIPPA”), noting that both grants are comprised of federal and New York State funds.

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

Section 1. The County of Westchester (the “County”) be and hereby is authorized to enter into two (2) grant agreements (individually referred to as the “Grant Agreement,” and collectively as the “Grant Agreements”) with the State of New York, acting by and through its Office for the Aging (“NYSOFA”), to accept grant funds made available to the County under the Health Insurance Information, Counseling and Assistance Program (“HIICAP”) and the Medicare Improvements for Patients and Providers Act (“MIPPA”), noting that both grants are comprised of federal and New York State funds, in the total aggregate not-to-exceed amounts set forth below:

Grant Amounts

| HIICAP | MIPPA |
|----------|----------|
| \$55,244 | \$52,972 |

The HIICAP funding will be used by the Department to provide Information Contacts services. The MIPPA funding will be used by the Department to provide Medicare Counseling services.

§2. The Grant Agreement for HIICAP will be for a term deemed to commence retroactively on April 1, 2022 and continuing through March 31, 2023, and the Grant Agreement for MIPPA will be for a term commencing retroactively on September 1, 2022 and continuing through August 31, 2023.

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

§4. 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. 155 - 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 November 14, 2022, and approved by the County Executive on November 17, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 18th day of November, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

