

ACT 46 - 2023

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

DRAFT  
GRANT AGREEMENTS  
ON FILE

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the “Act”) which, if approved, would authorize the County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), to enter into grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”) to accept grant funds made available to the County under Titles III-B, III-C & the Nutrition Services Incentive Program (“NSIP”), III-D and III-E of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amounts set forth below. The Grant Agreements will be for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023, except for the grant agreement for NSIP which will commence retroactive to October 1, 2022 and continue through September 30, 2023. Additionally, authority is requested 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 the grants received from NYSOFA under the Grant Agreements in the total aggregate not-to-exceed amounts set forth below, for terms corresponding to the term of each grant.

**Grant Amounts**

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$1,090,544	\$2,109,951	\$62,413	\$565,141

**IMAs**

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$230,021	\$1,401,772	\$0	\$0

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 & NSIP are: (i) nutrition services, such as congregate and home delivered meals; and (ii) regional kitchen equipment; supplies; repairs & vehicle expenses; and transportation services, to help seniors remain in their homes and community (the “Services”). Your Committee is further advised that a portion of the remaining grant funds under Titles III-B and III-C will be allocated for contracts with non-municipal agencies, with the balance retained by the Department for the provision of various direct services to seniors. It should be noted that no services will be provided under IMAs with the funds received under the OAA for Titles III-D and III-E. Instead, the entire Title III-D funding will be

retained by the Department to provide the Health Promotion-Chronic Disease Self-Management Program and the Evidence Based Program, while the Title III-E funding will be allocated to provide various services to seniors, with a portion retained by the Department to provide various direct services to seniors.

Your Committee is advised that the Department has complied with the Westchester County Procurement Policy and Procedures (the “Policy”), noting that the Grant Agreements with NYSOFA do not constitute a procurement, and that the IMAs are exempt from the Policy pursuant to section 3(a) iii thereof, which exempts contracts with “. . . any State and any political subdivision, agency or instrumentality thereof.” The IMAs are also exempt 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.”

Although these services are exempt from the Policy, they are funded with Federal grant monies and, as such are, pursuant to Section 13 of the Policy, subject to Federal procurement requirements. 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 the 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 these 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.

Your Committee notes that this Honorable Board passed similar authorizing legislation pursuant to Act No. 37 - 2022. However, the existing authorization expired on December 31, 2022 and a new authorization will be needed to enter into new agreements.

The Planning Department has advised that based on its review, the proposed agreements with NYSOFA and the proposed IMAs do not meet the definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

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 this worthwhile program. Accordingly, after due consideration, your Committee recommends adoption of the annexed Act.

Dated: February 13, 2023  
White Plains, New York

Manuella  
Cach Park  
James J. Bell Johnson  
[Signature]  
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Manuella  
James J. Bell Johnson  
Joe Alon

COMMITTEES ON  
Budget & Appropriations      Seniors & Youth

Dated: February 13, 2023  
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.*

**Budget & Appropriations**



**Seniors & Youth**



# FISCAL IMPACT STATEMENT

SUBJECT: IIIB - excluding NR & Yonkers I & A Svcs

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      \$ 1699300

Total Current Year Revenue \$ 1030079

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-24-4957

263-85-T686

Potential Related Operating Budget Expenses:

Annual Amount \$ 669221

Describe: County Match Funds

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Revenues:

Annual Amount \$ 1030079

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

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\_\_\_\_\_

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

Current Year:      The Department would not be able to provide Transportation, Legal Services, Homemaker, Housekeeping, Consumer Directed In-Home Services (CDIS), Sr. Center Rec and Ed, and In-Home Contact & Support to Seniors in Westchester.

Next Four years:

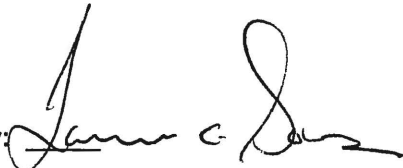
Estimated to be same as above each year.

\_\_\_\_\_  
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Prepared by: Sandra Brown

Title:      Director of Program Development II

Department: Senior Programs & Svcs.

*DL*  
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    \$ 1613714

Total Current Year Revenue \$ 1375085

Source of Funds (check one):     Current Appropriations

Transfer of Existing Appropriations     Additional Appropriations     Other (explain)

Identify Accounts: 101-24-4957

263-85-T941

Potential Related Operating Budget Expenses:    Annual Amount \$ 238629

Describe: County Match Funds

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\_\_\_\_\_  
\_\_\_\_\_

Potential Related Revenues:    Annual Amount \$ 1375085

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

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\_\_\_\_\_

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

Current Year:    The Department would not be able to provide seniors with Congregate Meals, Nutrition Education, Senior Center Recreation and Education and supplement regional kitchen equipment, repairs and supplies as needed.

#### Next Four years:

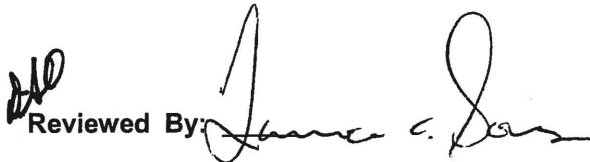
Estimated to be same as above each year.

\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Sandra Brown

Title:    Director of Program Development II

Department: Senior Programs & Svcs.

  
Reviewed By: James C. Davis

Budget Director

2/1/23

If you need more space, please attach additional sheets.

# FISCAL IMPACT STATEMENT

SUBJECT: IIC2/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    \$ 828639

Total Current Year Revenue \$ 734866

Source of Funds (check one):     Current Appropriations

Transfer of Existing Appropriations     Additional Appropriations     Other (explain)

Identify Accounts: 101-24-4957

263-85-T942

Potential Related Operating Budget Expenses:    Annual Amount \$ 93773

Describe: County Match Funds

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\_\_\_\_\_  
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Potential Related Revenues:    Annual Amount \$ 734866

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

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\_\_\_\_\_

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

Current Year:    The Department would not be able to provide Home Delivered Meals, Nutrition Education Nutrition Counseling 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.

<sup>910</sup>  
Reviewed By: 

Budget Director

2/1/23

If you need more space, please attach additional sheets.

# FISCAL IMPACT STATEMENT

SUBJECT: IIID     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    \$ 94167

Total Current Year Revenue \$ 62413

Source of Funds (check one):     Current Appropriations

Transfer of Existing Appropriations     Additional Appropriations     Other (explain)

Identify Accounts: 101-24-4957

263-85-T943

Potential Related Operating Budget Expenses:    Annual Amount \$ 31754

Describe: County Match Funds

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\_\_\_\_\_  
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Potential Related Revenues:    Annual Amount \$ 62413

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

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\_\_\_\_\_

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

Current Year:    The Department would not be able to provide Health & Wellness and Chronic Disease Self-Management programs to seniors in Westchester County.

\_\_\_\_\_

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.

*DL*  
Reviewed By:   
Budget Director

2/1/23

If you need more space, please attach additional sheets.



# FISCAL IMPACT STATEMENT

SUBJECT: IIIE     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    \$ 791142

Total Current Year Revenue \$ 565141

Source of Funds (check one):     Current Appropriations

Transfer of Existing Appropriations     Additional Appropriations     Other (explain)

Identify Accounts: 101-24-4957

263-85-T448

Potential Related Operating Budget Expenses:    Annual Amount \$ 226001

Describe: County Match Funds

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\_\_\_\_\_  
\_\_\_\_\_

Potential Related Revenues:    Annual Amount \$ 565141

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

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\_\_\_\_\_

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

Current Year:    The Department would not be able to provide services under the National Family Caregiver Program; including caregiver and grandparent information, assistance, counseling, support groups, training and public information, escort assistance, and personal locator services.

### 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.

*B/D*  
Reviewed By: 

Budget Director

2/1/23

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to enter into grant agreements with the New York State Office for the Aging to accept grant funds under Titles III-B, III-C, Nutrition Services Incentive Program (“NSIP”), III-D and III-E of the Older Americans Act and also to enter into inter-municipal agreements with local municipalities for services to be funded by Titles III-B, III-C & NSIP grants under 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 grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”) to accept grant funds made available to the County under Titles III-B, III-C & NSIP, III-D and III-E of the Older Americans Act (“OAA”), in the total aggregate not-to-exceed amounts set forth below. The Grant Agreements will be for a term commencing retroactive to January 1, 2023 and continuing through December 31, 2023, except for the grant agreement for NSIP, which will commence retroactive to October 1, 2022 and continue through September 30, 2023:

**Grant Amounts**

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$1,090,544	\$2,109,951	\$62,413	\$565,141

§2. The County is further authorized to enter into inter-municipal agreements (“IMAs”) with the municipalities listed in Exhibit “A”, attached hereto and made a part hereof, for services to be funded by grants received by the County from NYSOFA under OAA, in the total aggregate not-to-exceed amounts set forth below, for terms corresponding to the term of each grant.

**IMAs**

Title III-B	Title III-C & NSIP	Title III-D	Title III-E
\$230,021	\$1,401,772	\$0	\$0

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

§4. The services to be provided under the IMAs with the funds received under the OAA for Titles III-B and III-C & NSIP shall include: nutrition services, such as congregate and home delivered meals; regional kitchen equipment; supplies; repairs & vehicle expenses; and transportation services. A portion of the remaining Title III-B and III-C funding shall be allocated for contracts with non-municipal agencies, with the balance retained by the Department for the provision of various direct services to seniors.

§5. There will be no services provided under IMAs with the funds received under the OAA for Titles III-D and III-E. Instead, the entire Title III-D funding will be retained by the Department to provide the Health Promotion-Chronic Disease Self-Management Program and the Evidence Based Program, while the Title III-E funding will be allocated to provide various services to seniors, with a portion retained by the Department to provide various direct services to seniors.

§6. 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.

§7. This Act shall take effect immediately.

**EXHIBIT "A"**

**LIST OF MUNICIPALITIES AND SERVICES**

<b>GRANT: III-B</b>	<b>GRANTS: III-C-1, III-C-2 &amp; NSIP</b>
<b><u>SERVICES</u></b>	<b><u>SERVICES</u></b>
<b>Transportation</b>	<b>Meals and Other-Regional Kitchen Equipment, Supplies, Repairs &amp; Vehicle Expenses</b>
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 )  
 )  
WESTCHESTER COUNTY ) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 46 - 2023, 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 March 6, 2023, and approved by the County Executive on March 9, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 10<sup>th</sup> day of March, 2023.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

