

ACT 141 - 2023

**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, would authorize the County of Westchester (the “County”), acting by and through its Department of Senior Programs and Services (the “Department”), to retroactively amend grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”), for the following programs: the Community Services for the Elderly Program (“CSE”), the Expanded In-home Services for the Elderly Program (“EISEP”), the UNMET Need Program (“UNMET NEED”), the Wellness in Nutrition Program (“WIN”), and the Nutrition Service Incentive Program (“NSIP”). The proposed Act will: (i) retroactively reduce the funding amount allocated for the WIN/NSIP Grant Agreements from \$1,301,964 to \$1,182,964 in order to correct a clerical error made under your Honorable Board’s original authorization; (ii) retroactively increase funding under the CSE Grant Agreement by \$197,620, under the EISEP Grant Agreement by \$19,270, and under the combined WIN & NSIP Grant Agreements by \$229,813; (iii) retroactively extend the term of the EISEP and UNMET NEED Grant Agreements from April 1, 2023 through December 31, 2023; (iv) retroactively amend Act No. 39-2022 to reduce the amount of WIN/NSIP funding allocated under inter-municipal agreements (“IMAs”) with the municipal corporations listed in Exhibit “A”, attached to Act No 39-2022 (the “Municipalities”), from \$1,022,172 to \$903,172 in order to correct a clerical error made under your Honorable Board’s original authorization; and (v) retroactively amend the IMAs to increase the CSE funding allocation by \$35,061, the EISEP funding allocation by \$13,499, and the combined WIN/NSIP funding allocation by \$119,349.

Your Committee is advised that on April 25, 2022 by Act No. 39-2022, your Honorable Board authorized the County to enter into various Grant Agreements with NYSOFA to accept grant funds made available to the County from New York State under, *inter alia*, the CSE, EISEP, and the combined WIN/NSIP programs. Act No. 39-2022 further authorized the County, *inter alia*, to enter into IMAs with the Municipalities listed in Exhibit “A” attached to Act No. 39-2022. Thereafter, by Act No. 157-2022, approved on November 14, 2022, your Honorable Board authorized the County to amend the CSE and UNMET NEED Grant Agreements to increase funding.

Your Committee is advised that due to a clerical error, the amount authorized under Act No. 39-2022 for the WIN/NSIP Grant Agreements was incorrect. In order to correct this error, it will be necessary to retroactively amend the WIN/NSIP Grant Agreements to reduce the aggregate not-to-exceed amount allocated thereunder from \$1,301,964 to \$1,182,964.

In addition, NYSOFA recently informed the Department that it has increased funding for the CSE Grant Agreement, for the EISEP Grant Agreement, and for the combined WIN/NSIP Grant Agreements. In order for the County to receive this additional funding, it will be necessary to retroactively amend the CSE, EISEP and WIN/ NSIP Grant Agreements in order to increase the not-to-exceed amounts thereunder, as set forth below:

Grant Amounts

	CSE	EISEP	WIN/NSIP
Original Grant Amount	\$1,575,319	\$2,517,305	\$1,182,964 (as revised)
Amount of first increase	+\$44,951	N/A	N/A
Amount of this increase	+\$197,620	+\$19,270	+\$229,813
Total Amended Grant Amount	\$1,817,890	\$2,536,575	\$1,412,777

Your Committee is advised that in order for the Department to be able to fully expend funding under the EISEP and UNMET NEED Grant Agreements, NYSOFA has authorized an extension of these Grant Agreements from April 1, 2023 through December 31, 2023. As such, authority is further requested to retroactively amend said Grant Agreements to extend the terms thereof through December 31, 2023. It should be further noted that any unexpended funds remaining during the extension period of these Grant Agreements will be utilized by the Department (at the discretion of the Commissioner of the Department) for Department salaries and/or to increase the contract amount for agreements with home care agencies.

Your Committee is further advised that due to a second clerical error, WIN/NSIP funding authorized under Act No. 39-2022 for IMAs with the Municipalities was incorrect. In order to correct this error, it will be necessary to retroactively amend Act No 39-2022 in order to reduce the aggregate not-to-exceed amount of WIN/NSIP funding from \$1,022,172 to \$903,172.

Additionally, authority is requested to amend existing IMAs with the Municipalities listed in Exhibit "A", attached to Act No 39-2022, as follows:

	CSE	EISEP	WIN/NSIP
Original Grant Amount	\$253,019	\$97,352	\$903,172 (as revised)
Amount of increase	+\$35,061	+\$13,499	+\$119,349
Amended Grant Amount	\$288,080	\$110,851	\$1,022,521

Except as specifically amended hereby, all remaining terms and conditions contained in the CSE, EISEP and WIN & NSIP Grant Agreements, and all remaining terms and conditions contained in the IMAs with the Municipalities, shall remain in full force and effect upon the parties.

Your Committee is informed 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.” They 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.

The Planning Department has advised that based on its review, the proposed amendments to the CSE, EISEP, and WIN & NSIP Grant Agreements with NYSOFA and the proposed amendments to the 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 amending the Grant Agreements and the IMAs to increase funding is in the best interest of the County and, therefore, recommends your Honorable Board’s favorable action on the annexed proposed Act.

Dated: July 24th, 2023

White Plains, New York

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COMMITTEE ON

Budget & Appropriations

Seniors & Youth

FISCAL IMPACT STATEMENT

SUBJECT: CSE 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 \$ 2460063

Total Current Year Revenue \$ 1817890

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-24-4957

263-85-T047

Potential Related Operating Budget Expenses: Annual Amount \$ 642173

Describe: County Match Funds required in order to receive CSE State funding.

Potential Related Revenues: Annual Amount \$ 1817890

Describe: Funding received from the New York State Office for the Aging for Community Services for the Elderly.

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

Current Year: Without these funds, the Department would not be able to provide Case Management, Information & Assistance; Senior Center Recreation & Education, Health Promotion, Transportation, Food Distribution, Food Stamp Counseling and volunteer programs to seniors in Westchester County.

Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown



Reviewed By: _____



Title: Director of Program Development II

Budget Director

Department: Senior Programs & Svcs.

DATE: 7/24/23

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: EISEP 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 \$ 3525233

Total Current Year Revenue \$ 2536575

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 24-101-4957

263-85-T048

Potential Related Operating Budget Expenses: Annual Amount \$ 988658

Describe: County Match Funds required in order to receive EISEP State funding.

Potential Related Revenues: Annual Amount \$ 2536575

Describe: Funding received from the New York State Office for the Aging for Expanded In-Home Services to the Elderly.

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

Current Year: Without these funds, the Department would not be able to provide In-Home Personal Care Services, Case Management; Personal Emergency Response Systems; In-Home Contact & Support and Adult Day Care to seniors in Westchester.

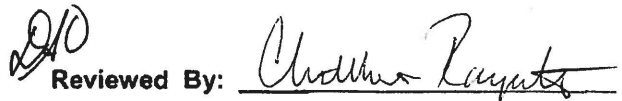
Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

Title: Director of Program Development II

Department: Senior Programs & Svcs.

 Reviewed By: _____

Budget Director

DATE : 7/24/23

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: UNMET 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 \$ 1036658

Total Current Year Revenue \$ 1036658

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 263-85-T1006

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _____

Potential Related Revenues: Annual Amount \$ 1036658

Describe: Funding received from the New York State Office for the Aging to provide unmet need services to the Elderly.

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

Current Year: Without these funds, the Department would not be able to provide In Home Services, Case Management, Transportation, Sr. Rec and Ed, Public Information, and InHome Contact & Support to seniors in Westchester.

Next Four years:

Estimated to be same as above each year.

Prepared by: Sandra Brown

SB
Reviewed By: Christine Lanzetta

Title: Director of Program Development II

Budget Director

Department: Senior Programs & Svcs.

DATE: 7/24/23

If you need more space, please attach additional sheets.

FISCAL IMPACT STATEMENT

SUBJECT: WIN/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 \$ 1412777

Total Current Year Revenue \$ 1412777

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 263-85-T928

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: _

Potential Related Revenues: Annual Amount \$ 1412777

Describe: Funding is received from the New York State Office for the Aging for the Wellness in Nutrition Program

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

Current Year: Without these funds, the Department would not be able to provide Home Delivered Meals and Nutrition Education and counseling 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.

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Reviewed By: Christine Rappaport

Budget Director

DATE : 7/24/23

If you need more space, please attach additional sheets.

AN ACT authorizing the County of Westchester to retroactively amend various 2022 - 2023 grant agreements with the New York State Office for the Aging and to retroactively amend existing 2022 – 2023 inter-municipal agreements with local municipalities funded by the aforesaid grants.

NOW, THEREFORE, 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 & Services, is hereby authorized to retroactively amend grant agreements (the “Grant Agreements”) with the New York State Office for the Aging (“NYSOFA”), for the following programs: the Community Services for the Elderly Program (“CSE”), the Expanded In-home Services for the Elderly Program (“EISEP”), the UNMET Need Program (“UNMET NEED”), and the Wellness in Nutrition & Nutrition Service Incentive Programs (“WIN/NSIP”), in order to: (i) retroactively reduce the funding amount allocated for the WIN/NSIP Grant Agreements from \$1,301,964 to \$1,182,964 in order to correct a clerical error made under Act No. 39-2022; and (ii) retroactively increase the amount of the CSE Grant Agreement, the EISEP Grant Agreement, and the combined WIN/NSIP Grant Agreements, as follows:

Grant Amounts

	CSE	EISEP	WIN/NSIP
Original Grant Amount	\$1,575,319	\$2,517,305	\$1,182,964 (as revised)
Amount of first increase	+\$44,951	N/A	N/A
Amount of this increase	+\$197,620	+\$19,270	+\$229,813
Total Amended Grant Amount	\$1,817,890	\$2,536,575	\$1,412,777

§2. The County is hereby further authorized to retroactively amend the EISEP and UNMET NEED Grant Agreements to extend the terms thereof from April 1, 2023 through December 31, 2023.

§3. The County is hereby further authorized to: (i) retroactively amend Act No. 39-2022 to reduce the amount of WIN/NSIP funding allocated for inter-municipal agreements (“IMAs”) with the municipal corporations listed in Exhibit “A”, attached to Act No. 39-2022 (the “Municipalities”), from \$1,022,172 to \$903,172 in order to correct a clerical error made under Act No. 39-2022; and (ii) retroactively amend the IMAs with the Municipalities to increase the CSE funding allocation, the EISEP funding allocation, and the combined WIN/NSIP funding allocation, as follows:

IMAs

	CSE	EISEP	WIN/NSIP
Original Grant Amount	\$253,019	\$97,352	\$903,172 (as revised)
Amount of increase	+\$35,061	+\$13,499	+\$119,349
Amended Grant Amount	\$288,080	\$110,851	\$1,022,521

§4. Except as specifically amended hereby, all remaining terms and conditions contained in the CSE, EISEP and WIN & NSIP Grant Agreements with NYSOFA, and all remaining terms and conditions contained in the IMAs with the Municipalities, shall remain in full force and effect.

§5. This Act shall take effect immediately.

THIS FIRST AMENDMENT made this _____ day of _____, 2023

by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 (hereinafter referred to as the "County")

and

_____, a municipal corporation organized under the laws of the State of New York, having an office and principal place of business at

hereinafter referred to as the "Municipality" and together with the County hereinafter referred to as the Parties)

WITNESSETH:

WHEREAS, the County, acting by and through its Department of Senior Programs and Services (the "Department") was awarded grants by the New York State Office for the Aging ("NYSOFA") pursuant to the Wellness In Nutrition Program ("WIN"), and the Nutrition Services Incentive Program ("NSIP") of the Older Americans Act to provide nutrition services to improve the well-being of those elderly persons who are at high nutritional risk (referred to herein as the "Programs"); and

WHEREAS, the County utilized a portion of the grant funding to enter into that certain inter-municipal agreement (the "Agreement") with the Municipality, dated _____, _____ whereby the Municipality agreed to provide home-delivered meals under the aforementioned Programs, for a term, which commenced retroactively on October 1, 2021 and continued through March 31, 2023, noting that the WIN services were performed during the period from April 1, 2022 through March 31, 2023, while the NSIP Services were performed during the period from October 1, 2021 through September 30, 2022, in an aggregate amount not-to-exceed \$_____; and

WHEREAS, the NYSOFA has subsequently increased funding for the combined

WIN & NSIP grants for the 2022 – 2023 term, and the Department will utilize a portion of the additional funds to increase the unit-cost rate for the home-delivered services provided by the Municipality under the original Agreement; and

WHEREAS, the Parties now desire to amend the Agreement in order to increase the unit-cost rate as specified in the attached revised Schedule “B”, thereby increasing the aggregate not-to-exceed amount of the Agreement for the combined WIN & NSIP Programs by \$_____, from \$_____ to \$_____. All capitalized terms not set forth herein shall have the same meaning as set forth in the Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and agreements contained herein, the Parties hereto agree as follows:

1. The Agreement between the Parties be and hereby is retroactively amended to increase the unit-cost rate as specified in the attached revised Schedule “B” (“Revised Schedule “B”); thereby increasing the aggregate not-to-exceed amount set forth in the original Agreement by \$_____.00, from an amount not-to-exceed \$_____.00 to a new amount not-to-exceed \$_____.00, for actual home-delivered meals previously provided by the Municipality for the 2022 – 2023 term. Therefore, Schedule “B” in the original Agreement is hereby deleted in its entirety and replaced with the Revised Schedule “B” that is attached hereto, and made a part hereof. Additionally, the Parties agree to amend Paragraph 3 of the Agreement by deleting it in its entirety and replacing it with the following language:

“ 3. The County shall reimburse the Municipality for the operation of the Programs described in Paragraph 1 hereof. Payment for services provided hereunder shall be made only for home-delivered meals actually delivered by the Municipality in accordance with the Programs, which payment shall be reduced by the County based upon actual meals delivered by the Municipality during the term of this Agreement, at the rate set forth in the Revised Schedule “B.” The foregoing obligation of the County to make payment is expressly conditioned upon the County’s receipt of the Notification of Grant Award Letter from NYSOFA and upon

compliance by the Municipality with all the terms and conditions contained in this Agreement. The total amount to be paid to the Municipality under this Agreement shall not exceed the aggregate sum of \$_____, in accordance with the Revised Schedule "B."

2. The Schedule "C" referenced in the original Agreement is hereby deleted in its entirety and replaced with the revised Schedule "C" (the "Revised Schedule "C") that is attached hereto and made a part hereof. The Municipality agrees to complete the Revised Schedule "C" and to comply with the Targeting and Poverty Guidelines as set forth therein.

3. This First Amendment shall be deemed retroactively effective as of October 1, 2021 through March 31, 2023, and the Agreement shall not be further modified or amended, except by an instrument in writing executed by the Parties.

4 The Municipality shall furnish the County with all required insurances specified in Schedule "A" pursuant to the original Agreement to cover the entire term of the Agreement.

5. Except as otherwise expressly provided herein, all other terms and conditions of the Agreement shall remain unmodified and remain in full force and effect upon the Parties.

6. This First Amendment shall not be effective until signed by both Parties and approved by the Office of the County Attorney.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment.

THE COUNTY OF WESTCHESTER

By _____
Mae Carpenter, Commissioner
Department of Senior Programs and Services

MUNICIPALITY:

[ENTER NAME OF MUNICIPALITY]

By _____
(Signature)

(Name)

(Title)

Approved by the Westchester County Board of Legislators pursuant to Act 39 - 2022 adopted on the 25th day of April, 2022 as amended by Act 157-2022 adopted on the 14th day of November 2022 and Act ____ - 2023 adopted on the ____ day of _____, 2023.

Approved:

Sr. Assistant County Attorney
The County of Westchester

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 2023 before me,
the undersigned, a Notary Public in and for said State, personally appeared
_____ personally known to me or proved to me
on the basis of satisfactory evidence to be the individual whose name is subscribed to the
within instrument and acknowledged to me that he/she executed the same in his/her capacity,
and that by his/her signature on the instrument, the individual, or the person upon behalf of
which the individual acted, executed the instrument; and, acknowledged if operating under
any trade name, that the certificate required by the New York State General Business Law
Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgement

CERTIFICATE OF AUTHORITY
(MUNICIPALITY)

I, _____,
(Official other than official signing contract)

certify that I am the _____ of
(Title)

the _____
(Name of Municipality)

a Municipal Corporation duly organized and in good standing under the laws of the State
of New York that _____
(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Municipality)

was, at the time of execution _____
(Title of such person)

of the Municipal Corporation and that said agreement was duly signed for and on behalf
of said Municipal Corporation by authority of its governing board, thereunto duly
authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 2023 before me, the
undersigned, a Notary Public in and for said State, _____
personally appeared, personally known to me or proved to me on the basis of satisfactory
evidence to be the officer described in and who executed the above certificate, who being
by me duly sworn did depose and say that he/she resides at

_____, and he/she is an
officer of said municipal corporation; that he/she is duly authorized to execute said
certificate on behalf of said corporation, and that he/she signed his/her name thereto
pursuant to such authority.

Notary Public
Date:

INSERT REVISED SCHEDULE "B" & REVISED SCHEDULE "C"

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 141 - 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 August 7, 2023, and approved by the County Executive on August 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 8th day of August, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

