

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of “AN ACT amending Act No. 5 of 2024, as amended by Act No. 20 of 2024” and “AN ACT amending Act No. 6 of 2024, as amended by Act No. 21 of 2024.”

Your Committee is advised that, on January 22, 2024, your Honorable Board adopted Act Nos. 5 and 6 of 2024 (collectively, the “Original Acts”), authorizing the County of Westchester (“County”) to (i) fix the tax distribution spreadsheets apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024; and (ii) determine the amounts of County taxes to be levied against the towns and cities together with County Tax Warrants for the collection of such taxes for the year 2024.

Your Committee is also advised that on February 15, 2024, your Honorable Board adopted Act Nos. 20 and 21 of 2024, which amended the Original Acts (together with the Original Acts, hereinafter collectively referred to as the “Approved Acts”), in order to delete and replace in its entirety, with updated information, (i) the tax distribution spreadsheets apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024; and (ii) the amounts of County taxes to be levied against the towns and cities together with County Tax Warrants for the collection of such taxes for the year 2024.

Your Committee is advised that, due to a clerical error, the equalization and apportionment of sewer taxes for the County’s Peekskill Sanitary Sewer District needs to be amended with respect to the Town of Cortlandt, the City of Peekskill, the Town of

Somers and the Town of Yorktown, necessitating an amendment to the Approved Acts. Your Committee is advised that these municipalities have not yet levied their taxes, allowing for correction this year under Section 122.81 of the Laws of Westchester County.

Accordingly, your Committee is advised of a proposed Act prepared by the Westchester County Commissioner of Finance, which if adopted by your Honorable Board, would amend Act No. 5 of 2024, as amended by Act No. 20 of 2024, in order to delete and replace in its entirety, with updated information the tax distribution tables apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024, in order to reflect the revised apportionment of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown required by the County's Peekskill Sanitary Sewer District.

Your Committee is also advised of a second proposed Act which, if adopted by your Honorable Board, would amend Act No. 6 of 2024, as amended by Act No. 21 of 2024, in order to delete and replace in its entirety, with updated information, the amounts of Special District taxes and other charges against the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown, and adjustments thereto and levying such apportioned amounts for the purposes therein set forth against such towns and cities for year 2024, in order to reflect the revised apportionment of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown required by the County's Peekskill Sanitary Sewer District.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed acts do 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(2)(b). 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 recommends the adoption of these Acts.


Dated: March 18th, 2024
White Plains, New York



COMMITTEE on



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. - 2024

AN ACT amending Act No. 5 of 2024, as amended by Act No. 20 of 2024.

WHEREAS, the Westchester County (“County”) Peekskill Sanitary Sewer District has recently revised its sewer taxes apportionment for the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown; and

WHEREAS, based upon the revised percentages of sewer taxes with respect to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown as required by the County’s Peekskill Sanitary Sewer District, it is necessary to amend Act No. 5 of 2024, as amended by Act No. 20 of 2024.

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

Section 1. Act No. 5 of 2024, as amended by Act No. 20 of 2024, is hereby further amended by deleting certain tables annexed thereto, and replacing those tables with the ones annexed hereto to reflect the revised percentages of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown as required by the County’s Peekskill Sanitary Sewer Districts.

§2. That the share of taxes to be paid by the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown is hereby fixed and determined as set forth in the aforesaid tables annexed hereto and made part hereof.

§3. That the amount of tax to be collected from each such town and city in said tables set forth, is hereby levied against each such town and city.

§4. This Act shall take effect immediately.