

ACT 154 - 2023

**HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act, which if approved by your Honorable Board, will authorize the County of Westchester (the “County”) acting by and through its Youth Bureau (the “County” or “County Youth Bureau”), to amend Act 2023 – 71, in order to remove one of the inter-municipal agreements with the City of Yonkers for the provision of the Youth – Community Affairs Development (Y-CAD) program, for a not-to-exceed amount of \$23,303.00, that was included on the list set forth therein of inter-municipal agreements for the implementation of the New York State’s Office of Children and Family Services (“OCFS”) Youth Development Program (“YD Program”), and replace it with an inter-municipal agreement with the Village of Port Chester (“Port Chester IMA”), for the implementation of a Summer Youth Employment program, for the same not-to-exceed amount of \$23,303.00. The total aggregate amount allocated for all the IMAs under the OCFS’s YD Program of \$244,842.00 remains unchanged.

Act 2023 - 71 authorized the County to 1.) execute and submit to the State of New York (the “State”) a resource allocation plan (the “Plan”), which qualified the County to receive certain State reimbursements through OCFS, in the amount of \$873,903.00, for youth services programs and related administrative activities, for a program period of nine (9) months, commencing January 1, 2023 and terminating September 30, 2023, under the following funding streams: (i) YD Program; (ii) Runaway and Homeless Youth Act; and (iii) the newly created program entitled “Youth Sports and Education Opportunity Funding;” and 2.) enter into the IMAs with the indicated Municipalities for the provision of positive youth development programs under the OCFS’s YD Program, for the program period of nine (9) months, from January 1, 2023 through September 30, 2023, for a total aggregate amount not to exceed \$244,842.00.

Your Committee is further advised that the County Youth Bureau has been informed by the City of Yonkers that they declined the funds to run the Y-CAD Program this year and that the Village of Port Chester expressed interest in implementing a Summer Youth Employment program to address additional program needs for its youth residing in the Village of Port Chester.

Your Committee is also advised that the proposed Port Chester IMA will benefit additional youth residing in the Village of Port Chester by providing them with opportunities to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults.

In addition, your Committee is advised that the proposed Port Chester IMA is exempt from the Westchester County Procurement Policy pursuant to section 3(a) xviii thereof, regarding programs and services for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of Westchester County.

The Planning Department has advised your Committee that the proposed Port Chester IMA does not meet the definition of an action under the 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 12, 2023, which is on file with the Clerk of your Honorable Board. Your Committee concurs with this conclusion.

Your Committee believes that the County's entering into the Port Chester IMA will benefit youth residing in the Village of Port Chester by funding a Summer Youth Employment program that will provide them with opportunities to actively acquire the skills and abilities needed to grow up to be competent, caring and healthy adults. Therefore, your Committee recommends adoption of the proposed Act amending Act 2023 – 71.

Your Committee is advised that except as expressly modified herein, all other terms of Act 2023 – 71 will remain unchanged.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the attached Act. Accordingly, your Committee recommends the annexed proposed Act for adoption.

Dated: July 24<sup>th</sup>, 2023

White Plains, New York

Henry B. Johnson

Joe [unclear]  
and [unclear]

[unclear]

Walter Mohr

Nancy [unclear]

David J. Tubolo

Henry B. Johnson

Nancy [unclear]

David J. Tubolo

[unclear]

COMMITTEE ON

Budget & Appropriations

Seniors & Youth

# FISCAL IMPACT STATEMENT

SUBJECT: NYS OCFS 2023 Allocation/Municipalities

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      \$ 899,561

Total Current Year Revenue \$ 873,903

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations       Additional Appropriations       Other (explain)

Identify Accounts: Operating Acct: 101-11-0400-OBJ 1010, 165-42-4750-OBJ 1010, 101-0400-OBJ 4436, 263-11-530Y-OBJ 4380, 263-11-108Y-OBJ 4380, Rev Source 9734

Potential Related Operating Budget Expenses:      Annual Amount \$ 145,156

Describe: Youth Bureau Staff Salary Exp for YDP and required match for RHY Programs: \$86,663 under 101-11-0400-1010; RHY Prog Exp as reqd local match \$20,993 under 101-11-0400-4436 and under 165-42-4575-1010 West Cty Park & Rec Staff salary exp \$37,500.

Potential Related Revenues:      Annual Amount \$ 873,903

Describe: Reimbursements by State to YB Non Profit Orgs \$270,000 (263-11-530Y-9584) Municipalities \$244,842 (263-11-530Y-9584) RHYA Program \$62,980 (263-11-108Y-9584) YDP & RHYA Admin \$81,998 (101-11-0400-9734) NY Sports \$176,583 (263-11-530Y-9584) and WCPRF \$37,500 (165-42-4750-9734)

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

Current Year:      \$25,658 Youth Bureau

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\_\_\_\_\_

Next Four years: NA

\_\_\_\_\_

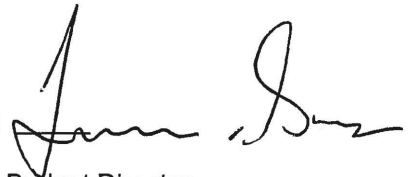
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Prepared by: Bernie Dean


Title:      Financial Administrator

Department: CEO/Youth Bureau

*JD*  
Reviewed By:   
Budget Director  
7/15/23

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   
Assistant Commissioner

DATE: January 12, 2023

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

Activities not Subject to SEQ  
January 12, 2023  
Page 2

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 12, 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, including E-911.
- 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).
- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP  
JAN 2023

ACT NO. 2023 - 154

AN ACT authorizing the County of Westchester to amend Act 2023 – 71 to remove one of the inter-municipal agreements with the City of Yonkers from the list set forth therein of inter-municipal agreements for the implementation of the New York State’s Office of Children and Family Services Youth Development Program, and replace it with an inter-municipal agreement with the Village of Port Chester.

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

**Section 1.** Section 2 of Act 2023 – 71, is hereby amended in order to remove one of the inter-municipal agreements with the City of Yonkers for the provision of the Youth – Community Affairs Development (Y-CAD) program, for a not-to-exceed amount of \$23,303.00, that was included on the list set forth therein of inter-municipal agreements for the implementation of the New York State’s Office of Children and Family Services (“OCFS”) Youth Development Program (“YD Program”), and replace it with an inter-municipal agreement with the Village of Port Chester (“Port Chester IMA”), for the implementation of a Summer Youth Employment program, for the same not-to-exceed amount of \$23,303.00.

**§2.** The County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents appropriate and necessary to effectuate the purposes hereof.

**§3.** 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. 154 - 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 8<sup>th</sup> day of August, 2023.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

