

Board of Legislators Meeting Agenda



800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 1, 2023

7:00 PM

Legislative Chambers

Regular Meeting

CALENDAR 10 (CONSENT)

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

CALL TO ORDER

MINUTES APPROVAL

April 17, 2023, 7pm - Regular Meeting

PUBLIC COMMENT

Speakers_____

PUBLIC HEARING

1. [2022-261](#) PH-Office of Housing Counsel

A Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel." [Public Hearing set for May 1, 2023 at 7:30 p.m.]. LOCAL LAW INTRO: 2022-262.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND HOUSING

Speakers_____

*Please see Standing Committee Item No. 2022- 262 for back-up.

2. [2023-147](#) PH - For-Hire Vehicle Law Amendment

A "LOCAL LAW amending Chapter 270 of the Laws of Westchester County to delete provisions in subdivision (3) of section 270.124 with respect to base station owners and a vehicle immobilization program to enforce the provisions of the Westchester County For-Hire Vehicle Law." [Public Hearing set for May 1, 2023 at 7:30 p.m.]. LOCAL LAW INTRO: 2023-149.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION

Speakers _____

*Please see Standing Committee Item No. 2023- 149 for back-up.

UNFINISHED BUSINESS

1. [2023-152](#) **ACT - Enter into Agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP for Board of Elections re: Guzman v. Westchester County**

AN ACT authorizing the designation and retention of the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP to represent the Westchester County Board of Elections and Commissioners Colety and Nelson in their official capacity, pursuant to the Laws of Westchester County in connection with the matter Guzman v. Westchester County.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

*Please note: This item was held over from the April 17, 2023, and appears here as an item of Unfinished Business for ACTION.

ACT _____ - 2023 VOTE _____

I. COMMUNICATIONS**A. COUNTY EXECUTIVE**

1. [2023-181](#) **ACT-Coachman Family Center Storm Water Drainage Pipe Easement**

AN ACT authorizing the County of Westchester to accept all necessary property rights from the City of White Plains in connection with the County's construction and on-going maintenance of a subterranean stormwater drainage pipe.

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION

2. [2023-182](#) **ACT-Revised Investment Policy**

AN ACT amending the Investment Policy for the County of Westchester, pursuant to New York State General Municipal Law Section 39.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

- SI. 3. [2023-185](#) **IMA-Mandated Preventive Respite Care and Services-Rockland County**

AN ACT authorizing the County of Westchester to enter into an Intermunicipal Agreement with Rockland County in order to provide mandated preventive respite care and services to

eligible children at risk of foster care placement and their families residing in Rockland County, on a space available basis, for the term commencing on March 1, 2023 and expiring on February 28, 2026.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HUMAN SERVICES, HUMAN RIGHTS & EQUITY

SI. 4. [2023-186](#) APPT-Commissioner of Human Resources-Denig

A RESOLUTION appointing Lisa M. Denig, Esq. as the Westchester County Commissioner of Human Resources effective April 24, 2023.

COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS

SI. 5. [2023-187](#) PH-Establishing a Subcommittee of the African American Advisory Board

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester." [Public Hearing set for _____, 2023 at _____.m.]. LL Intro: 2023-188.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND APPOINTMENTS

SI. 6. [2023-188](#) LOCAL LAW-Establishing a Subcommittee of the African American Advisory Board

A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND APPOINTMENTS

SI. 7. [2023-189](#) ACT-Equity in Environmental Legislation Act

AN ACT declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.

COMMITTEE REFERRAL: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE

SI.8. [2023-190](#) ACT-Lead-Free Parks Act

AN ACT establishing enhanced testing for lead in potable water systems at Westchester County Parks.

COMMITTEE REFERRAL: COMMITTEES ON HEALTH AND PARKS & RECREATION

SI. 9. [2023-191](#) ACT-Renewable Energy Database Act

AN ACT establishing a municipal renewable energy system siting database.

COMMITTEE REFERRAL: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE

B. COUNTY ATTORNEY**C. LEGISLATORS****D. OTHERS****II. NOTICES & PETITIONS****1. [2023-180](#) CLERK OF THE BOARD: MWBE 2022 Annual Report**

Forwarding the Westchester County Minority, Women Business Enterprises (MWBE's) 2022 Annual Report.

FOR INFORMATIONAL PURPOSES ONLY- NO REFERRAL NECESSARY

III. STANDING COMMITTEES**1. [2022-262](#) LOCAL LAW-Office of Housing Counsel**

A "LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel."

SUBMITTED BY: COMMITTEES ON LEGISLATION AND HOUSING

Local Law Intro No. 262 - 2022

VOTE _____

2. [2023-149](#)

A LOCAL LAW amending Chapter 270 of the Laws of Westchester County to delete provisions in subdivision (3) of section 270.124 with respect to base station owners and a vehicle immobilization program to enforce the provisions of the Westchester County For-Hire Vehicle Law.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION

Local Law Intro No. 149 - 2023

VOTE _____

SI. 3. [2023-68](#) APPT-Council for Seniors-Lombardi

A RESOLUTION appointing Francis Lombardi as the District 14 representative member of the Westchester County Council for Seniors for the term January 1, 2023 to December 31, 2025.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023

VOTE _____

SI. 4. [2023-110](#) APPT-Women's Advisory Board-Mullen

A RESOLUTION appointing Francile Albright Mullen as the District 11 representative member of the Westchester County Women's Advisory Board for the term March 8, 2023 to December 31, 2023.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023 VOTE _____

SI. 5. [2023-116](#) REAPPT-African American Advisory Board-Bradshaw-Soto

A RESOLUTION reappointing Jill Bradshaw-Soto, Esq., as a member of the Westchester County African American Advisory Board for the term February 27, 2023 to December 31, 2024.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023 VOTE _____

SI. 6. [2023-117](#) REAPPT-African American Advisory Board-Morton

A RESOLUTION reappointing Phillip Morton as a member of the Westchester County African American Advisory Board for the term February 27, 2023 to December 31, 2024.

SUBMITTED BY: COMMITTEE ON APPOINTMENTS

RESOLUTION _____ - 2023 VOTE _____

SI. 7. [2023-171](#) CBA-A0137-Airfield Heavy Equipment

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project A0137 Airfield Heavy Equipment.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2023 VOTE _____

SI. 8. [2023-172](#) BOND ACT-A0137-Airfield Heavy Equipment

A BOND ACT authorizing the issuance of TWO HUNDRED EIGHTY-THREE THOUSAND (\$283,000) DOLLARS in bonds of Westchester County to finance Capital Project A0137 - Airfield Heavy Equipment.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2023 VOTE _____

SI. 9. [2023-173](#) ACT-Enter Into Grant Agreement-FAA-A0137

AN ACT to authorize the County of Westchester to apply for and enter into a grant agreement with the United States of America, acting through the Federal Aviation Administration for Capital Project A0137 - Airfield Heavy Equipment.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2023

VOTE _____

SI. 10.2023-183 ACT-CSEA Agreement

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860, Unit 9200 for a five (5) year period commencing on January 1, 2023 and ending on December 31, 2027.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

***Please note: This County Executive communication was placed directly into committee for immediate consideration.**

ACT _____ - 2023

VOTE _____

IV. SPECIAL ORDERS

MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS

1. 2023-179 Memorial Resolutions 8-2023

HON. TERRY CLEMENTS: Ottavio DeVivo, Patricia A. Tocci

HON. MARGARET A. CUNZIO: Elizabeth A. Lawrence, Richard H. Wolff, Roger P. Casey, Mary Ann Dowd Cappiello

HON. DAMON R. MAHER: William Plunkett, Esq., Leroy Fadem, Sister Mary Jo Lyons

HON. JAMES NOLAN: Ervin "Larry" Oakes, Nancy Peteshel

HON. DAVID J. TUBIOLO: Nancy Peteshel, George Risbano, Gertrude Kelly Hamilton, Joseph Hamilton

ADJOURNMENT

Next meeting: May 15, 2023 at 7pm.

RESOLUTION NO. S3-2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 262-2022, entitled "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the Creation of the Office of Housing Counsel." The public hearing will be held at 7:30 p.m. on the 17 day of April, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

April 17th, 2023

Margaret A. Cio

Deputy Clerk



Manciphan

D. M. M.

C. M. M.

Legislation

Manciphan

Henry J. Zell

D. M. M.

J. V.

Housing

RESOLUTION NO. 54 - 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 149- 2023, entitled "A LOCAL LAW amending Chapter 270 of the Laws of Westchester County to delete certain provisions in subdivision (3) of section 270.124 regarding a vehicle immobilization program to enforce the provisions of the Westchester County For-Hire Vehicle Law."

The public hearing will be held at 7:30 p.m. on the 17th day of April, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

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

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm Wilson Elser Moskowitz Edelman & Dicker LLP (the “Firm”) to represent the Westchester County Board of Elections (the “BOE”) and Commissioners Colety and Nelson in their official capacity, as needed (the “Services”), in connection with the matter *Guzman v. Westchester County*, Index No. 58258/2023 (the “Case”). Your Committee is advised that the term of the proposed Agreement will commence retroactive to March 21, 2023 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement.

By way of background, your Committee is advised that this lawsuit challenges the 2022 Redistricting performed by the Board of Legislators, alleging that the adopted districts violate various NYS statutory and constitutional provisions. The lawsuit seeks to invalidate the adopted districts and to have a special master appointed to draw new districts.

The County Attorney has advised your Committee that the BOE, and Commissioners Colety and Nelson in their official capacity (“the BOE Respondents”), have indicated that they are not taking a position in this proceeding. As such, it is appropriate for the BOE Respondents to have separately retained counsel.

The County Attorney has further advised your Committee that the BOE is entitled to representation, as it is an independent Board of the County, pursuant to the Laws of Westchester County § 158.11(2), and that Commissioners Colety and Nelson are entitled to defense and indemnification as they have confirmed that they shall cooperate in the defense of the action against the County, and are not seeking to take a position adverse to the County.

Therefore, pursuant to the Laws of Westchester County § 297.31(2)(b)(i), the County Attorney has determined that representation of the BOE Respondents by the Office of the County Attorney would be inappropriate, and therefore recommends that your Honorable Board approve the attached Act to authorize the retention of independent counsel for the BOE Respondents in this matter.

The County Attorney has further advised your Committee that, under the proposed Agreement, the Firm will be paid a total amount not-to-exceed Twenty-Five Thousand Dollars (\$25,000.00), payable at the rate of Three Hundred Dollars (\$300.00) per hour for John Flannery; Two Hundred Fifty Dollars (\$250.00) per hour for senior associates; and One Hundred Twenty-Five Dollars (\$125.00) per hour for paralegals. In addition, the Firm will be reimbursed, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

The County Attorney has advised your Committee that procurement of the Services would, normally, be conducted in accordance with Section 7 of the Westchester County Procurement Policy and Procedures ("Section 7"). Under Section 7, the County is required to "solicit quotations, statements or other information regarding [the] experience, qualifications and capability to perform the proposed services" of "no fewer than three persons customarily performing such services." However, due to the time-sensitive nature of the Case, and the need to take immediate steps to ensure that the BOE's interests are protected, there was insufficient time to follow the normal solicitation procedure.

The County Attorney has advised your Committee that, in lieu of that longer process, his office determined that the Firm can competently and readily provide the Services, and that the hourly rates proposed are reasonable in light of his office's knowledge of the overall marketplace for legal services. The County Attorney has advised your Committee that, since this means that the County will not be able to rely upon Section 7 as the procurement basis for the proposed Agreement, his office will seek authority from the Board of Acquisition and Contract to exempt this procurement from compliance with the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that the proposed Agreement does 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 adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: April 17th, 2023
White Plains, New York

COMMITTEE ON

C:JPG-04/05/23

[Handwritten signatures: David J. L. and Nancy E. Dan]
[Handwritten signatures: Nancy E. Dan and Carol B. M.]
[Handwritten signature: Carol B. M.]

[Handwritten signature: David J. L.]
[Handwritten signature: Nancy E. Dan]
[Handwritten signature: Carol B. M.]

Budget & Appropriations
[Handwritten signature: L. R. M.]

Law & Major Contracts
[Handwritten signature: R. L. M.]

Dated: April 17, 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.



COMMITTEES ON

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Wilson Elser Index No. 58258/2023

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 25,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101_18_1000_4923 The term will commence retroactive to March 21, 2023 and continue until the County no longer has an interest in the case or the County terminates the agreement.

Potential Related Operating Budget Expenses: Annual Amount \$0

Describe: An act authorizing the designation and retention of the law firm of Wilson Elser Moskowitz, Edelman & Dicker LLP to represent the County BOE and Commissioners Colety and Nelson in connection with the matter of Guzman v. Westchester County, Index No. 58258/2023.

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: _____

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

Current Year: \$0

Next Four Years: \$0

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: April 14, 2023

Reviewed By: 

PH

Budget Director

Date: 4/14/23

ACT NO. 2023 - _____

AN ACT authorizing the designation and retention of the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP to represent the Westchester County Board of Elections, and Commissioners Colety and Nelson in their official capacity, pursuant to the Laws of Westchester County § 297.31(2)(b)(i), in connection with the matter *Guzman v. Westchester County*, Index No. 58258/2023.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP (the “Firm”) to represent the Westchester County Board of Elections (the “BOE”), and Commissioners Colety and Nelson in their official capacity (“the BOE Respondents”), as needed, pursuant to the Laws of Westchester County § 297.31(2)(b)(i), (the “Services”), in connection with the matter, *Guzman v. Westchester County*, Index No. 58258/2023 (the “Case”).

§2. The Agreement shall be for a term that will commence retroactive to March 21, 2023 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement. For the Services rendered, the Firm shall be paid a total amount not-to-exceed Twenty-Five Thousand Dollars (\$25,000.00), payable at the rate of Three Hundred Dollars (\$300.00) per hour for John Flannery; Two Hundred Fifty Dollars (\$250.00) per hour for senior associates; and One Hundred Twenty-Five Dollars (\$125.00) per hour for paralegals. In addition, the Firm will be reimbursed, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.


§3. The Firm is hereby authorized to take any and all steps that are reasonably necessary to represent the BOE Respondents in matters concerning the Case and the Services, in accordance with the terms to be specified in the Agreement.

§4. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§5. This Act shall take effect immediately.

April 27, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Coachman Family Center Storm Water Drainage Pipe Easement.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Attached for your consideration is a proposed Act, which if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the City of White Plains.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 27, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is a proposed Act which, if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the City of White Plains, or the current owner of record (the "City") over approximately seventy (70) feet of property located in the City's surface parking lot located south of E. Post Road and north of the Chester-Maple Parking Garage in White Plains, New York (the "Property") in order to facilitate the County's construction and on-going maintenance of an approximately seventy (70) feet long twelve (12) inch high-density polyethylene ("HDPE") subterranean stormwater drainage pipe that will run from the east property line of the County-owned Coachman Family Center located at 1 Chester Avenue in White Plains and connect to an existing manhole within the City's parking lot.

The Department of Public Works and Transportation (the "DPW&T") has advised that the easement and approximately seventy (70) feet long twelve (12) inch HDPE subterranean stormwater drainage pipe that will connect to the City's closed drainage system, are necessary to serve as an overflow for the drainage from the Coachman Family Center property located at 1 Chester Avenue in White Plains. The permanent easement shall be at no cost to the County.

DPW&T has further advised that the County must obtain this easement in order to perform this necessary work and to fund a portion of the work with proceeds that were previously authorized in connection with Capital Project BSS14–Infrastructure Improvements to Shelter Facilities – Coachman Family Center (2015-2019), by Bond Act No. 114-2022 in the amount of \$965,000.

The Planning Department has advised that since the above capital project was classified as a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, no further environmental review is

required for the associated easement. As you know, your Honorable Board may use such expert advice to make its own conclusion.

Based on the importance of project to the County and the necessity of the easement, your favorable action on the annexed Act is most respectfully requested.

Very truly yours,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/jpi
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act which, if adopted, would authorize the County of Westchester (the "County") to acquire a permanent easement from the City of White Plains, or the current owner of record (the "City") over approximately seventy (70) feet of property located in the City's surface parking lot located south of E. Post Road and north of the Chester-Maple Parking Garage in White Plains, New York (the "Property") in order to facilitate the County's construction and on-going maintenance of an approximately seventy (70) feet long twelve (12) inch high-density polyethylene ("HDPE") subterranean stormwater drainage pipe that will run from the east property line of the County-owned Coachman Family Center located at 1 Chester Avenue in White Plains and connect to an existing manhole within the City's parking lot.

The Department of Public Works and Transportation (the "DPW&T") has advised that the easement and approximately seventy (70) feet long twelve (12) inch HDPE subterranean stormwater drainage pipe that will connect to the City's closed drainage system, are necessary to serve as an overflow for the drainage from the Coachman Family Center Building located at 1 Chester Avenue in White Plains. The permanent easement shall be at no cost to the County.

DPW&T has further advised that the County must obtain this easement in order to perform this necessary work and to fund a portion of the work with proceeds that were previously authorized in connection Capital Project BSS14—Infrastructure Improvements to Shelter Facilities – Coachman Family Center (2015-2019), by Bond Act No. 114-2022 in the amount of \$965,000.

The Planning Department has advised that since the above capital project was classified as a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, no further environmental review is required for the associated easement. Your Committee has

reviewed the annexed SEQRA documentation prepared by the Planning Department and concurs with this conclusion.

Your Committee has carefully considered and recommends approval of the proposed Act.

Dated: , 2023

White Plains, New York

COMMITTEE ON

c/jpi 4.24.23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BSS14

☒ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

**** EASEMENT LEGISLATION ONLY BOND ACT PREVIOUSLY APPROVED -> NO FISCAL IMPACT ****

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

5

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$

-

Finance Department:

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):

\$

-

Potential Related Revenues (Annual):

\$

-

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded:

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: Thomas M. Rooney Jr.

Title: Reimbursement Manager

Department: Dept. of Social Services

Date: 4/24/23

Reviewed By: [Signature]

Budget Director

Date: 4/25/23

TO: John Paul Iannace, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner



DATE: March 10, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR COACHMAN
FAMILY CENTER STORMWATER DRAINAGE PIPE EASEMENT**

Pursuant to a request by the Department of Recreation, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the acquisition of a permanent easement from the City of White Plains, or the current owner of record, over property located in the City's surface parking lot located south of East Post Road and north of the Chester-Maple Parking Garage in White Plains, in order to facilitate proposed drainage improvements at the County-owned Coachman Family Center, located at 1 Chester Avenue in White Plains. The easement is needed to allow the County to install and maintain a stormwater drainage pipe that will run from the east property line to an existing manhole within the City's parking lot, a distance of approximately 70 feet.

The proposed drainage improvements are a component of capital project BSS14 - Infrastructure Improvements to Shelter Facilities – Coachman Family Center (2015-2019), which provides for site and infrastructure improvements at this County-owned shelter facility. On September 12, 2022, the Westchester County Board of Legislators approved Bond Act No 114-2022 to fund this capital project. Since the capital project was classified as a Type II action, no further environmental review is required for the associated easement.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Tami Altschiller, Assistant Chief Deputy County Attorney
Suzette Lopane, Principal Planner
Claudia Ng Maxwell, Associate Environmental Planner

ACT NO. _____ - 2023

AN ACT authorizing the County of Westchester to accept all necessary property rights from the City of White Plains in connection with the County's construction and on-going maintenance of a subterranean stormwater drainage pipe.

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


Section 1. The County of Westchester (the "County") is hereby authorized to accept all necessary property rights from the City of White Plains or the current owner of record (the "City"), including but not limited to, a permanent easement, in connection with the County's construction and on-going maintenance of a subterranean stormwater drainage pipe to be constructed under the City-owned surface parking lot located south of E. Post Road and north of the Chester-Maple Parking Garage in the City.

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

§3. This Act shall take effect immediately.

April 27, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **Act – Revised Investment Policy.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration is legislation which, if approved, would establish a revised Policy for Investing and Protecting Public Funds for the County of Westchester (the "County"), pursuant to New York State General Municipal Law Section 39 (the "Investment Policy"). The annexed Act, if approved by your Honorable Board, would authorize the adoption of a revised Investment Policy that would amend the list of the County's depository banks.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration is legislation which, if approved, would establish a revised Policy for Investing and Protecting Public Funds for the County of Westchester (the "County"), pursuant to New York State General Municipal Law Section 39 (the "Investment Policy"). The annexed Act, if approved by your Honorable Board, would authorize the adoption of a revised Investment Policy that would amend the list of the County's depository banks.

In order to comply with the provisions of General Municipal Law Section 39, your Honorable Board has from time to time established a comprehensive Investment Policy detailing County government operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of County government funds. In order to comply with the provision above, the Investment Policy is reviewed annually by the Finance Department (the "Department") and submitted to your Honorable Board for its approval. The Investment Policy currently in effect addresses several topics, including but not limited to the following: (1) a list of permitted types of investments of the County Government; (2) procedures and policies to secure in a satisfactory manner the County's financial interest in investments; (3) standards for written agreements pursuant to which investments are made; (4) procedures for monitoring, control, deposit and retention of investments and collateral; (5) standards for security and custodial agreements with banks or trust companies authorized to do business in the State of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the County; (6) standards for the diversification of investments and firms with whom the County transacts business; and (7) standards for the qualification of investment agents which transact business with the County, such as criteria covering credit worthiness, experience, capitalization, size and other factors that make a firm capable and qualified to do business with the County.

As your Honorable Board is aware, the Investment Policy was last amended by Act No. 2022-20 by revising the list of the County's approved depository banks.

The Department has advised that the County currently has twenty-two (22) approved depositories, and at the present time the County has significant deposits with four (4) of these banks. Limits for each bank vary in accordance with the size of the bank and the County's history with the institution.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

I am further advised by the Department that the current banking environment is very different from a year ago. The Federal Reserve Bank's (the "Federal Reserve") policy rate is now set to 4.75% to 5.00%, up from nearly zero one year ago. Markets still expect the Federal Reserve to keep its inflation-fighting efforts, despite high profile bank failures that have recently rattled the financial system. On March 12, 2023, New York State regulators closed Signature Bank ("Signature"). The Federal Deposit Insurance Corporation ("FDIC") took control of Signature, which had \$110.36 billion in assets and \$88.59 billion in deposits at December 31, 2022. Concurrently with the closure of Signature, the U.S. Treasury Department and other bank regulators issued a joint statement that all of the depositors of Signature would be made whole.

I am further advised that on March 13, 2023, the County withdrew all of its deposits from Signature. Signature will be removed from the approved depository list contained in Section VII of the Investment Policy.

The forty (40) former branches of Signature now operate under New York Community Bancorp's Flagstar Bank, National Association ("Flagstar") which is a wholly owned subsidiary of New York Community Bancorp, Inc. All depositors of Signature Bridge Bank, N.A., formed due to Signature's closure as discussed above, automatically became depositors of Flagstar. The County has been in contact with the banking team that handled the County's business at Signature for many years. The team remains in place and is promising the same service and very competitive rates in a seamless manner. Flagstar reported assets of \$90 billion and deposits of \$59 billion as of December 31, 2022. Flagstar is a Michigan-based bank that has one of the largest residential mortgage servicers in the United States and was ranked number eighty-two (82) on the Federal Financial Institutions Examination Council's list of 4,157 commercial banks in the United States insured by the FDIC. The Department is recommending that Flagstar be added to the approved depository list with a credit limit of \$200 million. This is as a replacement for the removal of Signature which had a credit limit of \$500 million.

I am further advised by the Department that on April 2, 2022, M&T Bank Corporation ("M&T") announced the acquisition of People's United Financial ("People's"). The combined company creates a \$200 billion banking franchise. The conversion of People's customers to the M&T system is complete. As such, the People's brand no longer exists. Both M&T and People's currently appear on the County's approved depository list. Therefore, the revised Investment Policy will eliminate People's from the list. At the same time, the Department would like to raise M&T's approved maximum deposit amount from its current \$100 million to \$300 million which is what People's was approved for on its own.

Mahopac National Bank, also known as Tompkins Mahopac Bank, has been rebranded to simply Tompkins. In addition to Mahopac National Bank, other small banks owned by Tompkins are now a part of the rebranding. The new institution reports assets of \$7.6 billion as of December 31, 2022. This is as opposed to the \$1.6 billion reported by Tompkins Mahopac as of December 31, 2021. The Department is requesting that the approved deposit limit remain at \$25 million for Tompkins. Only the name will be changed from Mahopac National Bank to Tompkins.

Lastly, I am advised by the Department that other smaller bank mergers have occurred which require the removal of an additional bank from the approved depository list. This bank no longer exists and the County has had no activity with them for several years and has no relationship with the larger acquiring bank. Sussex Bank was acquired by Provident Bank. The Department would like to remove Sussex Bank from the approved depository list.

Therefore, the Commissioner of Finance is requesting the following changes to the list of approved depositories contained in Section VII of the Investment Policy:

CURRENT:

<u>Depository</u>	<u>Total Dollar Limits</u> <u>Expressed in Millions</u>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
4. Bank of America	500
5. Key Bank	100
6. M&T Bank (Manufacturers and Traders Trust Company)	100
7. J.P. Morgan Chase Bank	500
8. Capital One N.A.	50
9. Signature Bank	500
10. Wells Fargo	500
11. U.S. Bancorp	100
12. Webster Bank, N.A.	300
13. ConnectOne Bancorp, Inc.	25
14. Mahopac National Bank	25
15. The Bank of New York Mellon	100
16. Valley National Bank	10
17. PCSB Commercial Bank	25
18. Morgan Stanley	100
19. Customers Bank	50
20. Peoples United, N.A.	300
21. Sussex Bank	10
22. Orange Bank & Trust Company	25

PROPOSED:

<u>Depository</u>	<u>Total Dollar Limits</u> <u>Expressed in Millions</u>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
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16. PCSB Commercial Bank	25
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18. Customers Bank	50
19. Orange Bank & Trust Company	25
20. Flagstar Bank, National Association	200

The proposed revisions to the Investment Policy do 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.

I respectfully recommend approval of the annexed Act revising the Investment Policy for the County of Westchester.

Sincerely,



George Latimer
County Executive

GL/KH/LC

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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if approved, would establish a revised Policy for Investing and Protecting Public Funds of the County of Westchester (the “County”), pursuant to New York State General Municipal Law Section 39 (the “Investment Policy”). The annexed Act would authorize the adoption of a revised Investment Policy that would amend the list of the County’s depository banks.

In order to comply with the provisions of General Municipal Law Section 39, your Honorable Board has from time to time established a Comprehensive Investment Policy detailing County government operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of County government funds. The Investment Policy is reviewed annually by the Department of Finance (the “Department”) and submitted to your Honorable Board for its approval. The Investment Policy currently in effect addresses several topics, including but not limited to the following: (1) a list of permitted types of investments of the County Government; (2) procedures and policies to secure in a satisfactory manner the County’s financial interest in investments; (3) standards for written agreements pursuant to which investments are made; (4) procedures for monitoring, control, deposit and retention of investments and collateral; (5) standards for security and custodial agreements with banks or trust companies authorized to do business in the State of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the County; (6) standards for the diversification of investments and firms with whom the County transacts business; and (7) standards for the qualification of investment agents which transact business with the County, such as criteria covering credit worthiness, experience, capitalization, size and other factors that make a firm capable and qualified to do business with the County.

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combined company creates a \$200 billion banking franchise. The conversion of People's customers to the M&T system is complete. As such, the People's brand no longer exists. Both M&T and People's currently appear on the County's approved depository list. Therefore, the revised Investment Policy will eliminate People's from the list. At the same time, the Department would like to raise M&T's approved maximum deposit amount from its current \$100 million to \$300 million which is what People's was approved for on its own.

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14. The Bank of New York Mellon	100
15. Valley National Bank	10
16. PCSB Commercial Bank	25
17. Morgan Stanley	100
18. Customers Bank	50
19. Orange Bank & Trust Company	25
20. Flagstar Bank, National Association	200

Your Committee is advised that the proposed revisions to the Investment Policy do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Your Committee has referred to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of your Honorable Board, and concurs with this conclusion.

Please note that an affirmative vote of a majority of the voting members of your Honorable Board is required in order to adopt the annexed Act.

Your Committee has carefully considered this matter and recommends that your Honorable Board adopt the annexed Act amending the Investment Policy for the County of Westchester.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON
c: LAC/4.12.23

FISCAL IMPACT STATEMENT

SUBJECT: Amend Investment Policy 2023

☐ 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 \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☒ Other (explain)

Identify Accounts:

Potential Related Operating Budget Expenses: Annual Amount \$ none

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: The amendments to the Investment Policy are designed to keep the policy up to date for depositories & broker/dealers. The maximization of safety and return is the goal, but can not be quantified.

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

Current Year: _____

Next Four years: _____

Prepared by: Mario Arena

Title: ZDeputy Commissioner of Finance

Department: Finance

Reviewed By: 

Budget Director

4/28/23

If you need more space, please attach additional sheets.

ACT NO. ____ - 2023

AN ACT amending the Investment Policy for the County of Westchester, pursuant to New York State General Municipal Law Section 39.

NOW, THEREFORE, BE IT ENACTED by the Westchester County Board of

Legislators as follows:

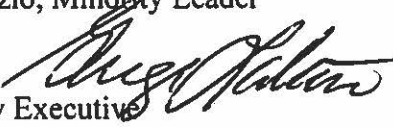
Section 1. Pursuant to New York State General Municipal Law Section 39, the annexed Investment Policy for the County of Westchester (the “County”), which details the County’s operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of funds of the County, is hereby amended. The annexed Investment Policy shall supersede all prior versions of said policy.

§2. This Investment Policy shall be reviewed on an annual basis by the County.

§3. This Act shall take effect immediately.

April 27, 2023

TO: Hon. Catherine Borgia
Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **IMA – Rockland County
- Mandated Preventive Respite Care & Services.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement (“IMA”) with Rockland for the provision of mandated preventive respite care and services for eligible Rockland children and their families.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

April 27, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board:

Pursuant to New York State Social Services Law Section 409-a, the County of Westchester ("County") is charged with providing mandated preventive respite care and services to eligible children and their families residing in Westchester County. The County provides these services to eligible youth at risk of foster care placement and their families, through a contract with The Children's Village, Inc. ("Children's Village"), for the operation of a Runaway and Youth Shelter located at 35 Hammond House Road at the County's Valhalla Campus (the "Respite Shelter"). The County incurred a fixed cost of \$412,832.00 for the year 2022 for the operation of the Respite Shelter, regardless of the utilization of the facility in order to guarantee capacity. The County of Rockland ("Rockland") closed its respite shelter on March 1, 2013 and at Rockland's request, since that time, the County has provided respite services to its eligible youth on a space-available basis. The Respite Shelter has the capacity to provide such services to Rockland since on most days full capacity has not been reached. If and when the Respite Shelter does reach full capacity, Rockland would have to find alternative placement.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement ("IMA") with Rockland for the provision of mandated preventive respite care and services for eligible Rockland children and their families, for the term commencing on March 1, 2023 and expiring on February 28, 2026, for consideration payable to the County at the rate of \$200.00 per diem per child. It is anticipated that the County could offset the County's costs incurred with Children's Village to operate the Respite Shelter by as much as \$34,200.00 per year over the three-year term of the IMA, for a total sum of \$102,600.00.

The Planning Department has advised that the proposed IMA does 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.

Office of the County Executive

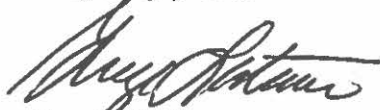
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: (914) cco@westchestergov.com



I believe that the proposed IMA with Rockland is in the best interests of the County since it will decrease the costs incurred with the Respite Shelter for Westchester County tax payers. I therefore, recommend that your Honorable Board approve the annexed legislation.

Very truly yours,

A handwritten signature in dark ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

GL/KMM/CMC

Att.

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Upon a communication from the County Executive, your Committee has been advised that, pursuant to New York State Social Services Law Section 409-a, the County of Westchester (“County”) is charged with providing mandated preventive respite care and services to eligible children and their families residing in Westchester County. The County provides these services to eligible youth at risk of foster care placement and their families, through a contract with The Children’s Village, Inc. (“Children’s Village”) for the operation of a Runaway and Youth Shelter located at 35 Hammond House Road at the County’s Valhalla Campus (the “Respite Shelter”). The County incurs a fixed cost of \$412,832.00 for the year 2022 for the operation of the Respite Shelter regardless of the utilization of the facility in order to guarantee capacity. The County of Rockland (“Rockland”) closed its respite shelter on March 1, 2013 and at Rockland’s request, since that time, the County has provided respite services to its eligible youth on a space-available basis. The Respite Shelter has the capacity to provide such services to Rockland since on most days full capacity has not been reached. If and when the Respite Shelter does reach full capacity, Rockland would have to find alternative placement.

The County Executive has forwarded legislation which would authorize the County to enter into an intermunicipal agreement (“IMA”) with Rockland for the provision of mandated preventive respite care and services for eligible Rockland children and their families, for the term commencing on March 1, 2023 and expiring on February 28, 2026, for consideration payable to the County at the rate of \$200.00 per diem per child. It is anticipated that the County could offset the County’s costs incurred with Children’s Village to operate the Respite Shelter by as much as \$34,200.00 per year over the three-year term of the IMA, for a total sum of \$102,600.00.

The Planning Department has advised that the proposed Agreement does 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. Therefore, no further environmental review is required. Your Committee concurs with this conclusion.

Your Committee has been advised that a majority of the voting strength of the Board of Legislators is required to adopt the annexed Act.

After review and careful consideration, your Committee recommends favorable action upon the proposed legislation.

Dated: , 2023
White Plains, New York

COMMITTEE ON
C/CMC 04.20.2023

FISCAL IMPACT STATEMENT

SUBJECT: Rockland County County DSS, IMA

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 28,130

Total Current Year Revenue \$ 34,200

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: Expense 101-22-8900-5960

Revenue 101-22-8900-9718

Potential Related Operating Budget Expenses: Annual Amount \$28,130

Describe: \$164.50 per care day for 171 care days are anticipated to be needed.

Potential Related Operating Budget Revenues: Annual Amount \$34,200

Describe: Rockland County DSS will reimburse Westchester the cost of their placements in the program as they no longer have their own facility. They will reimburse Westchester approximately \$102,600 over the life of this agreement. \$200.00 per care day for 250 care days.

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

Current Year: _____

Next Four Years: Westchester will receive approximately \$102,600 over the life of this 3-year agreement. Westchester will net an additional \$18,210 over 3 years (\$6,070 x 3) for assisting Rockland DSS with these placements.

Prepared by: Thomas M. Rooney Jr.

Title: Reimbursement Manager

Department: Social Services


Date: April 14, 2023

Reviewed By: W5

Budget Director

Date: 4/26/23

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**

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 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- _____

AN ACT authorizing the County of Westchester to enter into an Intermunicipal Agreement with Rockland County in order to provide mandated preventive respite care and services to eligible children at risk of foster care placement and their families residing in Rockland County, on a space-available basis, for the term commencing on March 1, 2023 and expiring on February 28, 2026.

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 an Intermunicipal Agreement (“IMA”) with the County of Rockland (“Rockland”) for the term commencing on March 1, 2023 and expiring on February 28, 2026, to provide mandated preventive respite care and services to eligible children at risk of foster care placement and their families residing in Rockland County, on a space-available basis, at the County’s Runaway and Youth Shelter located at 35 Hammond House Road at the County’s Valhalla Campus (the “Respite Shelter”).


§2. Rockland shall pay the County at the rate of \$200.00 per diem per child placed at the Respite Shelter for the term of the IMA.

§3. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

April 27, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **RES – Appointment of Commissioner of Human Resources.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is a Resolution appointing Lisa M. Denig, Esq., Westchester County Commissioner of Human Resources, effective April 24, 2023.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

Office of the County Executive

April 26, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Members of the Board of Legislators:

In accordance with Section 110.21 of the Laws of Westchester County, transmitted herewith for your approval is a resolution to confirm the appointment, effective April 24, 2023, of Lisa Denig as Commissioner of Human Resources for a term to expire on April 23, 2029.

I have made a thorough review of Ms. Denig's credentials, experience and job performance, and have determined that her appointment as Westchester County Commissioner of Human Resources is in the best interests of the Department of Human Resources and of the County, generally.

Therefore, I most respectfully recommend and urge your Honorable Board to adopt the attached resolution confirming the appointment, effective April 24, 2023, of Lisa Denig as Commissioner of Human Resources for a term to expire on April 23, 2029.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

GL/nn
Enclosure



George Latimer
County Executive

April 5, 2023

Ms. Lisa Denig
89 South Kensico Avenue
Valhalla, NY 10595

Dear Ms. Denig,

It is my pleasure to appoint you as Commissioner of the Westchester County Department of Human Resources, effective April 24, 2023. Please be advised that while this appointment authorizes you to immediately assume the duties and responsibilities of said office, your appointment as Commissioner of the Westchester County Department of Human Resources is subject to confirmation by the Westchester County Board of Legislators. The Commissioner of Human Resources performs the duties of the Personnel Officer for the County of Westchester and is therefore appointed to serve a six-year term of office as provided for in Section 15(1)(b) of the New York State Civil Service Law. Accordingly, once confirmed by the Westchester County Board of Legislators, your term of office as Commissioner of Human Resources will expire on April 23, 2029 unless otherwise terminated as provided by law.

As you know, the Department of Human Resources is responsible for the operation of personnel administration for the County.

Pending your confirmation by the Board of Legislators and in accordance with New York State law, you must take and file an oath of office in the Office of the Westchester County Clerk. Please be advised that your failure to take and file such an oath within thirty days of the date of this letter, or within thirty days after the commencement of your term of office, will result in the office of Commissioner of Human Resources being deemed vacant.

We look forward to working with you.

Sincerely,

George Latimer
Westchester County Executive

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: ce@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Lisa M. Denig, Esq.

Valhalla, New York · 347-837-1290 · lisadenig@yahoo.com

BAR ADMISSIONS

Admitted to practice in New York (2010), Connecticut (2009), the Southern District of New York (2010), the Second Circuit Court of Appeals (2012), and the United States Supreme Court (2013).

EXPERIENCE

NEW YORK STATE OFFICE OF COURT ADMINISTRATION, White Plains and NYC, NY

Principal Settlement Coordinator, 9th JD, September 2022 – Present

Serve as liaison to judges, attorneys, litigants and bar associations to promote Presumptive ADR and persuade parties to choose to pursue ADR earlier in the process; create policies and procedures for new mediation programs and settlement parts; work with stakeholders to expand mediation trainings; promote mediation and settlement through panel presentations and conferences.

Counsel to the Chief Judge of the State of New York, October 2021 – September 2022

Analyzed the briefs submitted on cases before the Court of Appeals and discuss possible outcomes with the Chief Judge; wrote opinions and orders on these cases; answered motions for leave to appeal in both criminal and civil matters; served as the Chief Judge's liaison for the Presumptive ADR program, the Landlord/Tenant Committee and various Bar Associations.

Special Counsel for ADR Initiatives, May 2019 – October 2021

Created and implemented the Chief Judge's Presumptive ADR Initiative in the NYC Supreme Courts; created the policies and procedures for each ADR plan in all five boroughs in NYC as well as Family, NYC Civil and Surrogates Court; monitored and administered the mediation panels; created the standards and guidelines for admitting mediators to rosters admission; created and implemented training programs for panel mediators; assigned and reviewed cases sent to mediation; joined forces with IT to create a data-driven, digital tracking system; presented at conferences and events to communicate the purpose and procedures of the program; filed year-end reports, complete with statistics and outcomes.

WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE, White Plains, NY

Bureau Chief, Special Litigation, April 2017 – April 2019

Managed and supervised the Assistant District Attorneys assigned to the Special Litigation Bureau in the Appeals Division, including reviewing and editing their submissions to various courts and assigning work; managed the entire Special Litigation caseload, including all administrative tasks; answered Federal Habeas Corpus petitions, Second Circuit briefs, CPL 440 motions and hearings, as well as attended court conferences and argued before the Second Circuit; reviewed and answered all Wrongful Conviction claims; oversaw all civil lawsuits filed against the District Attorney's Office; made presentations to local schools and community groups; oversaw all extraditions.

Bureau Chief, Strategic Planning and Crime Control Strategies, January 2017 – March 2017

Managed the Office's community relations division, including school and community group presentations, special events, and office brochures; oversaw the administration of the GIVE grant; managed the Reentry program; created the Office Annual Report; and implemented new initiatives.

Acting Executive Assistant District Attorney, February 2016 – December 2016

Advisor and assistant to the Acting District Attorney; oversaw all matters related to personnel including hiring, promotions and discipline; worked closely with the Chief Administrator to create the annual

budget; oversaw the Communications and Community Relations Bureaus; managed the administration of all grants; attended meetings related to policy and case management.

Assistant District Attorney, Appeals and Special Litigation Division, August 2011 – January 2016
Researched and wrote oppositions to post conviction motions and appeals by defendants, including Federal Habeas Corpus petitions, CPL 440 motions, appeals in the Second Circuit and the Second Department. Handled all extradition matters.

PACE LAW SCHOOL, White Plains, NY

Adjunct Professor, September 2022 – Present

Teach *Survey of Dispute Resolution* to upper class law students; create and implement simulations in negotiations, mediation and arbitration; coordinate guest speakers; create syllabus, power point presentations, and grade written papers; advise students.

MONROE COLLEGE, CRIMINAL JUSTICE DIVISION, New Rochelle, NY

Adjunct Professor, January 2013 – December 2013

Taught evening division classes in the Criminal Justice Division including “Prisons and Punishment in the United States” and “Criminology.” Created syllabi, power point presentations and exams. Arranged field trips to the Westchester County Jail, as well as guest speakers from the pertinent fields studied.

THE HONORABLE LISA M. SMITH, U.S.M.J., S.D.N.Y., White Plains, NY

Judicial Law Clerk, September 2009 – August 2011

Researched and wrote Decisions and Orders and Report and Recommendations on all matters. Managed full caseload including overseeing discovery disputes and conferences. Handled preliminary criminal matters such as arraignments and bail hearings. Assisted with trials, jury selections, etc.

PUTNAM COUNTY EXECUTIVE ROBERT BONDI, Carmel, NY

Chief of Staff, January 2006 – May 2009

Managed over 500 County personnel and supervised 20 County departments. Negotiated union contracts and handled all personnel grievances. Assisted County Executive in formulating the annual County budget. Wrote the annual State of the County speech and yearly budget address. Chaired numerous committees. Conducted all media relations. Advised County Executive on all major policy decisions.

NEW YORK STATE SENATOR VINCENT L. LEIBELL, Carmel, NY

Director of Communications, May 2001 – January 2006

Wrote and distributed press releases and acted as spokesperson to the media. Drafted and designed direct mail pieces. Wrote articles for the Senator’s website. Coordinated special events.

EDUCATION

CLINTON SCHOOL OF PUBLIC SERVICE, UNIVERSITY OF ARKANSAS, Little Rock, AK
Masters in Public Service received May 2020

GPA: 4.0

PACE UNIVERSITY SCHOOL OF LAW, White Plains, NY

Juris Doctor received May 2009, *Magna Cum Laude*

GPA: 3.70 Rank: Top 5%

Honors: PACE LAW REVIEW, Case Note and Comment Editor; Best Oralist, Pace Grand Moot Court Competition; Dean’s List (all semesters); Dean’s Scholar, Federal Income Tax course; Justice Sondra Miller Scholarship; Dean Janet Johnson Scholarship; Pace Law Merit Scholarship.

VASSAR COLLEGE, Poughkeepsie, NY

Bachelor of Arts in Political Science received May 2002, *Magna Cum Laude*

GPA: 3.75 **Honors:** Phi Beta Kappa; Dean's List (all semesters).

WESTCHESTER COMMUNITY COLLEGE, Valhalla, NY

Associate of Arts received May 2000, *Summa Cum Laude*

GPA: 4.0

Honors: Abeles Scholar; Eastern Community College Social Science Award; Alfred B. Delbello Scholarship; Karena Somerville Women in Communications Scholarship; Stephen J. Friedman Memorial History Award; WCC Curriculum Award in Social Science;

PUBLICATIONS

"The Perfect Storm: Why Judicial Selection is the Right Remedy for New York State in the Wake of *Torres v. Board of Elections*," Westchester County Bar Association Journal, Spring 2007.

ASSOCIATIONS AND INTERESTS

Westchester Women's Bar Association, President (2017-2018); Co-Chair of the Appeals, ADR, and Public Relations Committees (2015-present); Founder and Facilitator of the WWBA Book Club (September 2017-present); Vice-President (2016-2017), Corresponding Secretary (2015-2016), Recording Secretary (2014-2016), Chair of New Lawyers and Legislation Committees (2010-2015).

Pace Law School, Board of Visitors, Board Member (Jan. 2018-present).

Pace Law School, Women in the Law Committee, Steering Committee member (September 2018-present); Chair of the Community Outreach Committee (September 2018-present).

Westchester Community College Foundation Board, Member and Co-Chair of the Scholarship Committee (February 2021-present).

Westchester Community College Alumni Board, President (March 2022 – present); Vice President/Nominations Committee (March 2020-present); Board Member (Dec. 2018-March 2020).

Westchester Community College, Paralegal Program Advisory Board, Member (Nov. 2019-present).

Foster Parent, recently fostered an 11 year old girl.

Mount Pleasant Democrat Committee, Co-chair and District Leader (Sept. 2020-Oct. 2021); Secretary (November 2019-2020); Member at Large (October 2018-2019).

Habitat for Humanity, Putnam County, President (2014 – 2016); Board Member (2010 – 2013).

Certified Spin Instructor, New York Sports Club (May 2014 – March 2020).

First Baptist Church of Brewster, Sunday School Coordinator/Teacher (2011 – present); Leadership Committee (2018-present).

Animal Haven, NYC, Volunteer/Foster (September 2019-October 2021).

Hillside Food Outreach, Volunteer Food Deliverer (February 2018-present).

Certified Mediator, Columbia University, September 2019.

AWARDS

Attorney Innovator of the Year, New York Law Journal (November 2020).

Pioneer Award, New York County Lawyers Association (March 2021)

RESOLUTION - 2023

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

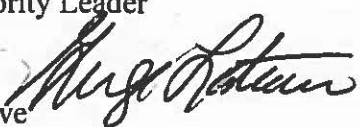
WHEREAS, the County Executive having on the 24th day of April, 2023, appointed Lisa Denig as Commissioner of the Westchester County Department of Human Resources, effective April 24, 2023, for a term to expire on April 23, 2029, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby confirmed.

Dated: 2023
White Plains, New York

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **LOCAL LAW –
Establishing a Subcommittee of the Westchester County African
American Advisory Board.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is a Local Law amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African American Advisory Board. This amendment may be referred to as the “Addressing Asthma in Communities of Color Amendment.”

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Local Law, which would amend Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester. This amendment may be referred to as the “Addressing Asthma in Communities of Color Amendment.”

According to a recent Westchester County Department of Health Community Health Assessment, nearly 10% of adults within the County reported having asthma, with the rates higher among the County’s Black and Hispanic residents. Additionally, the New York State 2021 Health Equity Reports—which present data on health outcomes for cities and towns with a 40% or greater non-White population—highlight the prevalence of asthma in communities of color in Westchester County. These reports show that the rates of emergency department visits for asthma in Yonkers, Peekskill, and Mt. Vernon far exceeded both the New York State and Westchester County averages, for all ages of patients, and particularly for patients ages 0-4 years.

Asthma is a treatable disease, but access to healthcare for ethnic minorities and communities of color is often hampered by socioeconomic disparities, shortages of primary care physicians in minority communities, and language and literacy barriers, among other things. Clear disparities have emerged, showing that the burden of asthma falls disproportionately on African American, Black, and Hispanic populations, and especially on children in these communities. In recent years, children have died preventable deaths in the County as a result of untreated asthma.

The attached Local Law, if adopted, would create a Subcommittee of the African American Advisory Board, to: study asthma risk factors for people of color in Westchester County, identify existing barriers to asthma treatment and care among racial and ethnic minorities, develop strategies for addressing the lack of health care in these communities, and launch a County-wide asthma

awareness campaign to educate County residents about the disease, its symptoms, and the ability to better manage asthma through prevention and treatment.

This legislation is patterned after proposed New York State legislation (S.410A, A.5828 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") 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 the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Addressing Asthma in Communities of Color Amendment.

Sincerely,



GEORGE LATIMER

County Executive

GL/nn

¹ The bill was passed with overwhelming support in both the Senate and the Assembly. On November 23, 2022, the Governor vetoed the bill, along with 38 others that would have established various commissions and task forces, because of their collective fiscal impact (which was not accounted for in the State Financial Plan), and the potential for creating duplication, unnecessary bureaucracy, and staffing burdens on state agencies. The Governor did note the importance of many of the proposed studies, task forces, and commissions in the vetoed bills, however, and accordingly directed state agencies and her office to address the issues identified in the bills with existing resources to the extent practicable.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.” This amendment may be referred to as the “Addressing Asthma in Communities of Color Amendment.”

Your Committee is aware that, according to a recent Westchester County Department of Health Community Health Assessment, nearly 10% of adults within the County reported having asthma, with the rates higher among the County’s Black and Hispanic residents. Additionally, the New York State 2021 Health Equity Reports—which present data on health outcomes for cities and towns with a 40% or greater non-White population—highlight the prevalence of asthma in communities of color in Westchester County. These reports show that the rates of emergency hospital visits for asthma in Yonkers, Peekskill, and Mt. Vernon far exceeded both the New York State and Westchester County averages, for all ages of patients, and particularly for patients ages 0-4 years.

Your Committee understands that asthma is a treatable disease, but that access to healthcare for ethnic minorities and communities of color is often hampered by socioeconomic disparities, shortages of primary care physicians in minority communities, and language and literacy barriers, among other things. Clear disparities have emerged, showing that the burden of asthma falls disproportionately on African American, Black, and Hispanic populations, and especially on children

in these communities. In recent years, children have died preventable deaths in the County as a result of untreated asthma.

Your Committee is informed that this Local Law, if adopted, would create a Subcommittee of the African American Advisory Board, to study asthma risk factors for people of color in Westchester County; identify existing barriers to asthma treatment and care among racial and ethnic minorities; develop strategies for addressing the lack of health care in these communities; and launch a County-wide asthma awareness campaign to educate County residents about the disease, its symptoms, and the ability to better manage asthma through prevention and treatment.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.410A, A.5828 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning,

¹ The bill was passed with overwhelming support in both the Senate and the Assembly. On November 23, 2022, the Governor vetoed the bill, along with 38 others that would have established various commissions and task forces, because of their collective fiscal impact (which was not accounted for in the State Financial Plan), and the potential for creating duplication, unnecessary bureaucracy, and staffing burdens on state agencies. The Governor did note the importance of many of the proposed studies, task forces, and commissions proposed in the vetoed bills, however, and accordingly directed state agencies and her office to address the issues identified in the bills with existing resources to the extent practicable.

dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated: _____, 2023

White Plains, New York

COMMITTEE ON

SCM—04/12/23

RESOLUTION NO. ____ – 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled “A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.” The public hearing will be held at __.m. on the ____ day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

A LOCAL LAW amending Section 277.421 of the Laws of Westchester County to add a provision to establish a Subcommittee of the Westchester County African-American Advisory Board to study the high rates of asthma in communities of color in the County of Westchester.

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

Section 1. Section 277.421 of the Laws of Westchester County is hereby amended by adding a subsection to subdivision (1) to read as follows:

Sec. 277.421. - Advisory Board established.

1. There shall be a Westchester County African-American Advisory Board which shall consist of an odd number of members of not less than nine, and not more than 45. The members shall have demonstrated their concern for and interest in the African-American population.

a. Members shall be appointed by the County Executive and shall serve for a term of two years, except that of the members first appointed to such board, 60 percent shall be appointed for a term of one year and 40 percent for a term of two years. Upon the expiration of the term of office of any member, his or her successor shall be appointed to membership on such board for a term of two years. Any member subsequently appointed to the board shall be appointed for a two-year term. The Director of the Office of Affirmative Action may serve as an ex officio member at the discretion of the board. Members shall be residents of Westchester County. One member shall be designated by the County Executive as Chairman. A vacancy in the membership shall be filled in the same manner as the original appointment.

b. Each member shall have the ability and willingness to give the necessary amount of time to the responsibility of being a board member.

c. A Subcommittee shall be established to study the high rates of asthma in minority communities in Westchester County. The County Executive shall appoint five (5) members to such Subcommittee from among Advisory Board members. The County Commissioners of Health, Social Services and Planning or their designees shall serve as Ex-Officio members of such Subcommittee.

The Subcommittee shall be tasked with:

(i) assessing the asthma risk factors for the minority

residents of the County;

(ii) identifying existing barriers to quality asthma treatment and care among

racial and ethnic minorities;

(iii) developing evidence-based intervention strategies for addressing the lack of

health care in these communities; and

(iv) launching a County-wide asthma awareness campaign to educate

County residents about the disease, its symptoms, and the ability to better

manage asthma through prevention and treatment.

The Subcommittee shall consult with representatives of minority and

low-income communities, health care professionals with knowledge and

experience in the prevention and treatment of asthma, and community

groups that advocate for environmental justice issues. The Subcommittee shall deliver an

annual report addressing various asthma program successes, new trends, data and issues

surrounding minority populations suffering from asthma to the County Executive and Board of Legislators beginning September 1, 2025, and annually thereafter.

§ 2. This Local Law shall take effect immediately.

EANY SUPPORTS

Environmental

Advocates

NY

Memo #14

Addressing Asthma in Communities of Color

[A.5828 \(Reyes, et al.\)](#)

[S.410-A \(Biaggi, et al.\)](#)

Explanation:

This bill will help address the long-standing and chronic issue of disproportionate rates of asthma in communities of color by requiring the Department of Health to create a Minority Coordinating Council on Asthmatic Affairs. The Council will assess asthma risk factors in communities of color, identify existing treatment barriers in these communities, develop intervention strategies and implement an asthma awareness campaign.

According to the World Health Organization, about half of asthma cases are due to environmental factors. Environmental risk factors for asthma include indoor and outdoor allergens like air pollution, smoke, chemical irritants, dust, mold, and pollen. Particle pollution, specifically particulate matter 2.5, is [the largest environmental risk factor](#) in the United States, and has been linked to the development of asthma in children. [The majority of airborne](#) pollution is a result of the combustion of fossil fuels for transportation, power plants and industries.

Asthma rates are disproportionally high among people of color, with Black children almost twice as likely to develop asthma than white children according to the [New York State Department of Health](#). These high asthma rates in communities of color are closely linked with areas of high air pollution. The West Bronx is the most polluted census tract in the Northeast, where more than [90% of residents](#) are people of color, and children in the Bronx [are twice as likely](#) to be hospitalized for asthma, and more likely to die of asthma.


Asthma rates in communities of color can be prevented and reduced in part by reducing air pollution within those communities. By creating a Minority Coordinating Council on Asthmatic Affairs, the Department of Health in coordination with the Department of Environmental Conservation, will be able to recommend localized solutions to reducing air pollution which will result in lower asthma rates and healthier communities. The Climate Leadership and Community Protection Act (CLCPA) requires state agencies to consider the impact that a decision will have on disadvantaged communities and the impact on the climate. The work of this Council will complement the CLCPA by demonstrating how harmful pollution is to the health of New Yorkers, and how especially deadly it continues to be for communities of color.

Summary:

This bill would establish a Minority Coordinating Council on Asthmatic Affairs within the Department of Health. The Council will assess asthma risk factors for residents of color within the state, identify barriers to treatment and care, develop intervention strategies and create an awareness and education campaign to manage asthma rates in communities of color through prevention and treatment. Members of the Council would include representatives from low-income communities of color, healthcare professionals, and leaders from environmental justice groups.

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **Act – Equity in Environmental Legislation Act.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester, which may be referred to as the “Equity in Environmental Legislation Act.”

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester. This Act may be referred to as the “Equity in Environmental Legislation Act.”

This Act provides additional protections to residents of the County of Westchester by affirming that all County residents must be treated equally regarding the development and enforcement of policies and regulations of environmental laws. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all residents of Westchester County under environmental law is a necessary step towards environmental justice.

In the County, New York State and across the nation, marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the poorest in the County and the State. This is a trend that can be reversed if equal treatment is applied to all communities.

By explicitly stating in this Act that the policy of Westchester County is to treat all residents equally under environmental laws and policies, this policy can be used to guide decision-making regarding environmental issues. Laws, regulations and policies will need to take into account the mandate of equal treatment with respect to such environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm.

By requiring equal treatment under environmental laws and policies, this policy can be used to guide decision-making in the County. Policies and regulations will need to take into account the mandate of equal treatment with respect to environmental regulations and policies at all levels which

will provide protection to disadvantaged communities that have been the targets of environmental harm.

In addition, this Act will ensure that the environmental philosophy and policy which guides the County of Westchester, provides much needed environmental justice for all County residents. This legislation will also assert that all County residents, regardless of any identity, status or orientation will be treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the County of Westchester.

This legislation is patterned after proposed New York State legislation (S.1232, A.9057 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") 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 the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Equity in Environmental Legislation Act.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn
Enclosure

¹ The Senate passed the bill; the Assembly bill did not advance out of committee.



EANY SUPPORTS



Memo #7

Equity in Environmental Conservation Law

[A.9057 \(Galef, et al.\)](#)

[S.1232 \(Gianaris, et al.\)](#)

Explanation:

This bill provides additional protections to New Yorkers under the Environmental Conservation Law by affirming that all people must be treated equally regarding the development and enforcement of policies and regulations of environmental laws. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all people under environmental law is a necessary step towards environmental justice.

In New York state and across the nation marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the [poorest in the state](#). This is a trend that can be reversed if equal treatment is applied to all communities.

By explicitly stating that all people must be treated equally under environmental laws, the intent of the State is made clear and can be used to guide decision-making. Policies and regulations will need to take into account the mandate of equal treatment with respect to environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm. This bill will ensure that the environmental philosophy and policy which guides the State of New York provides much needed environmental justice for all people.

Summary:

This legislation amends the Environmental Conservation Law, subdivision 1 of section 1-0101 by adding paragraph b to declare that all people regardless of any identity, status or orientation are treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the state of New York.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.” This Act may be referred to as the “Equity in Environmental Legislation Act.”

Your Committee is advised that this Act provides additional protections to residents of the County of Westchester by affirming that all County residents must be treated equally regarding the development and enforcement of environmental laws, regulations and policies. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all residents of Westchester County under environmental law is a necessary step towards environmental justice.

Your Committee is further advised that in the County, New York State and across the nation, marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York and Westchester County, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the poorest in both the County and State. This is a trend that can be reversed if equal treatment is applied to all communities.

Your Committee is informed that by explicitly stating in this Act that the policy of Westchester County is to treat all residents equally under environmental laws and policies, this policy can be used to guide decision-making in environmental issues. Laws, regulations and policies will need to take into account the mandate of equal treatment with respect to such environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm.

Your Committee is further informed that this Act will ensure that the environmental philosophy and policy which guides the County of Westchester provides much needed environmental justice for all County residents. This legislation will also assert that all County residents, regardless of any identity, status or orientation will be treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the County of Westchester.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.1232, A.9057 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning,

¹ The Senate passed the bill; the Assembly bill did not advance out of committee.

dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: _____, 2023
White Plains, New York

SDK-4 12 23

COMMITTEE ON

ACT NO.

-2023

An Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.

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

Section 1. It is the policy of the County of Westchester that all people, regardless of group identity, including race, culture, national origin, income, gender identity or expression, disability, or community of residence, shall be treated equally with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

§ 2. The County of Westchester shall foster, promote, create and maintain conditions under which people and nature can thrive in harmony with each other, and achieve social, economic and technological progress for present and future generations.

§ 3 It is a basic right of all Westchester County residents to live and work in safe, healthful, productive and aesthetically and culturally pleasing surroundings.

§4. This policy of environmental justice is based on the concept of fundamental fairness that all people in the County of Westchester, should be free from:

- a. any disproportionate exposure or risk of exposure to pollution; and


- b. the cumulative negative impacts resulting from the disparate concentration of polluted sites or environmental facilities licensed, regulated or approved by County agencies.

§5. No County resident should be deprived of locally accessible open space or other environmental benefits due to lack of political or economic strength.

§6. This Act shall take effect immediately.

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **Act – Lead-Free Parks Act.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act establishing enhanced testing for lead in potable water systems at Westchester County Parks, which may be referred to as the "Lead-Free Parks Act."

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act establishing enhanced testing for lead in potable water systems at Westchester County Parks, which may be referred to as the “Lead-Free Parks Act.”

Studies have shown that there is no safe level of lead exposure, and that children are especially vulnerable to facing life-long damage from exposure to lead. Even low levels of lead in children can cause neurological damage, impaired hearing, slowed growth, and anemia. Recently, drinking water tested in New York City parks showed high levels of lead, demonstrating the need to establish testing in Westchester County Parks.

If adopted, this Act would establish a process for monitoring and remediating drinking-water quality in the County’s public parks, to ensure that drinking water remains potable. The monitoring and testing—and, if actionable lead levels are found, the warning, remediation, and abatement—will be carried out by the County Department of Health, in conjunction with the County Department of Labs and Research and the County Department of Parks, Recreation and Conservation as appropriate. Importantly, while State requirements for potable water mandate that lead concentration not exceed 0.015 milligrams per liter of water, given children’s particular sensitivity to any amount of lead exposure, this Act establishes an even lower threshold for lead concentration: if the concentration of lead is greater than 0.005 milligrams per liter, then the water will need to be treated to bring the lead concentration down.

This legislation is patterned after proposed New York State legislation (S.147A, A.5524 of 2023-2024).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

¹ On March 22, 2023, the bill passed the Senate and was delivered to the Assembly where it was referred to committee. Prior versions of the bill have been introduced over the last several legislative sessions, but the bill has never passed in both the Senate and the Assembly. During the 2021-2022 legislative session, the bill passed the Senate (S.1256B) but did not advance out of committee in the Assembly (A.4551B).

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") 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 the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Lead-Free Parks Act.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act establishing enhanced testing for lead in potable water systems at Westchester County Parks.” This Act may be referred to as the “Lead-Free Parks Act.”

Your Committee is aware studies have shown that there is no safe level of lead exposure, and that children are especially vulnerable to facing life-long damage from exposure to lead. Even low levels of lead in children can cause neurological damage, impaired hearing, slowed growth, and anemia. Recently, drinking water tested in New York City parks showed high levels of lead, demonstrating the need to establish testing in Westchester County Parks.

Your Committee is informed that this Act would establish a process for monitoring and remediating drinking-water quality in the County’s public parks, to ensure that drinking water remains potable. The monitoring and testing—and, if actionable lead levels are found, the warning, remediation, and abatement—will be carried out by the County Department of Health, in conjunction with the County Department of Labs and Research and the County Department of Parks, Recreation and Conservation as appropriate. Importantly, while State requirements for potable water mandate that lead concentration not exceed 0.015 milligrams per liter of water, given children’s particular sensitivity to any amount of lead exposure, this Act establishes an even lower threshold for lead concentration: if the concentration of lead is greater than 0.005 milligrams per liter, then the water will need to be treated to bring the lead concentration down.

Your Committee acknowledges that this legislation is patterned after proposed New York

State legislation (S.147A, A.5524 of 2023-2024).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) 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 the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: , 2023
White Plains, New York

COMMITTEE ON

SCM—04/21/23

¹ On March 22, 2023, the bill passed the Senate and was delivered to the Assembly where it was referred to committee. Prior versions of the bill have been introduced over the last several legislative sessions, but the bill has never passed in both the Senate and the Assembly. During the 2021-2022 legislative session, the bill passed the Senate (S.1256B) but did not advance out of committee in the Assembly (A.4551B).

ACT NO.

-2023

An Act establishing
enhanced testing for lead in
potable water systems at
Westchester County Parks.

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

Section 1. This Act institutes a process for monitoring and remediating drinking-water quality in the County's public parks, to ensure that drinking water remains potable. Studies have shown that no amount of lead exposure is safe for children. If ingested by a child, lead may have harmful effects on that child's growth, behavior, and ability to learn; lead may also cause anemia, kidney damage, and hearing loss. The results generated by recent water testing in public parks in New York City show alarmingly high levels of lead. This demonstrates the need for more stringent testing in the County's parks.

§ 2. Definitions.

1. "County Parks lead action level" means the concentration of lead greater than 0.005 milligrams per liter, which, when exceeded, triggers the need for treatment or remedial action.
2. "First-draw tap sample" means, for the purposes of lead analysis, a one-liter sample of water collected from a cold water tap after the water has stood in the plumbing system for at least six hours and is collected without flushing the tap.
3. "Potable water" means water which meets the drinking water quality requirements established in Part 5 of the New York State Sanitary Code.

§ 3. Testing Potable Water Systems for Lead.

In each park under the jurisdiction of the County, the County Department of Health (“Health Department”) shall conduct first-draw tap sample testing of systems intended for persons’ consumption of potable water, in order to monitor for lead contamination consistent with the County Parks lead action level. The testing shall be conducted by the Health Department and the results shall be analyzed by the County Department of Labs and Research. Such periodic first-draw tap sample testing shall occur at least once every three years.

§ 4. Finding of Lead Contamination.

1. A finding of lead contamination shall be made when water tested consistent with Section 3 of this Act meets the County Parks lead action level.
2. Upon a finding of lead contamination, the Commissioner of the Health Department, or the Commissioner’s designee, shall immediately transmit a copy of the results of all such testing and any lead remediation plans to the Commissioner of the County Department of Parks, Recreation and Conservation (the “Parks Department”).
3. The Health Department, in cooperation with the Parks Department, shall:
 - a. Provide County Park visitors with an adequate supply of safe, potable water for drinking until future tests indicate lead levels below the County Parks lead action level.
 - b. Conspicuously post warnings to park visitors regarding the contamination at the subject County Park.
 - c. Post warnings, test results, and any remediation plans on the public websites of the Health and Parks Departments.
 - d. Abate such contamination within ninety days, or as soon as possible thereafter.

§ 5. Promulgation of Rules and Regulations.

The Commissioner of the Health Department, or the Commissioner's designee, in consultation with the Parks Department Commissioner, may promulgate rules and regulations regarding the testing of potable water subject to the provisions of this Act. If such rules and regulations are promulgated, all water testing undertaken pursuant to this Act must conform to the promulgated rules and regulations.

§ 6. This Act shall take effect 180 days after enactment, except that the Commissioner of Health may develop a plan for testing County parks in accordance with Section 3 of this Act that involves completing the first round of testing in County Parks over a period of one year from the effective date of this Act.



EANY SUPPORTS Lead-Free Parks



Memo # 1

[S.147 \(Gianaris, et al.\)](#)

Explanation:

This legislation requires testing and remediation of lead in drinking water at New York's state and local parks. With young children at highest risk of life-long damage from this neurotoxin, New York must take steps to ensure its parks are lead-free.

There is no safe level of lead exposure. Even low levels of lead in children can cause neurological damage, impaired hearing, slowed growth, and anemia.

Recent drinking water testing in New York City parks demonstrates the urgent need to establish testing statewide. Between [May and August 2019](#), 293 water fountains in 196 city parks detected lead above 15 parts per billion (ppb) in at least one sample. Many more fountains had detectable levels of lead below 15 ppb, which will continue to pose risks to children. New York recently lowered its action level for lead in school drinking water to 5 ppb.

Under this legislation, all state and local parks must test for lead in drinking water at least once every three years and conduct remediation within 90 days wherever the lead action level, set at 5 parts per billion (ppb), is exceeded.

Summary:


The bill amends Section 1110 of the Public Health Law to require testing and remediation of lead in drinking water at New York's state and local parks.

Memorandum

Office of the County Executive
Michaelian Office Building

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Renewable Energy Database Act.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act establishing a municipal renewable energy system siting database, which may be referred to as the "Renewable Energy Database Act."

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act establishing a municipal renewable energy system siting database, which may be referred to as the “Renewable Energy Database Act.”

The implementation of renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation. Municipalities within the County have expressed interest in siting renewable energy systems within their boundaries, but some may need assistance with technical expertise or information to attract developers.

This Act will help municipalities within the County develop renewable energy projects, by establishing a database to promote the siting of renewable energy systems on municipal property. The County-hosted database would allow municipalities to publish information on a public-facing website, including their renewable energy goals, to help position renewable energy systems on municipal property. Consistent with the Act, the database would be actively managed and updated regularly by the Director of the County’s Office of Energy Conservation and Sustainability.

This legislation is patterned after proposed New York State legislation (S.9474, A.9602 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) 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 the Board of Legislators.

¹ Neither the Senate bill nor the Assembly bill advanced out of committee.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Renewable Energy Database Act.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn
Enclosure



EANY SUPPORTS Renewable Energy Database



[S.9474 \(May\)](#)

[A.9602 \(Cusick, et al.\)](#)

Explanation:

The 2019 Climate Leadership and Community Protection Act (CLCPA) requires 70% renewable energy by 2030 and 100% zero-emission electricity by 2040. In order for New York State to meet these ambitious and vital mandates, it must be as easy as possible for municipalities across the state to deploy renewable energy systems.

This legislation directs NYSERDA to create and maintain a centralized, publicly accessible database where local governments can identify municipally owned parcels that are available to host renewable energy systems. The regularly updated database would include detailed information about the properties, the type of renewable systems desired by the municipality, and any local laws that would have to be considered in the state's Office of Renewable Energy Siting Permitting Process. These properties would also be eligible to participate in NYSERDA's Build Ready Program to expedite permitting for any would-be developers.

The database will serve as another tool the state can use to achieve the renewable energy and zero-emission mandates of the CLCPA. It will help provide certainty for renewable energy developers by acting as a one-stop shop to match developers with willing municipal partners. With technical and permitting assistance from NYSERDA, communities can repurpose otherwise undesirable land and be assured that they will be able to enjoy the health and economic benefits renewable energy systems deliver on their terms.

Summary:

This bill would amend the public authorities law directing NYSERDA to create and manage a municipal renewable energy system siting database and to provide technical assistance to help promote renewable energy siting on municipally owned land. The bill would amend section 1902 of the public authorities law by adding municipally owned lands available for renewable siting to the list of properties prioritized by NYSERDA's Build Ready Program.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act establishing a municipal renewable energy system siting database.” This Act may be referred to as the “Renewable Energy Database Act.”

Your Committee is aware that the implementation of renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation.

Your Committee has been informed that municipalities within the County have expressed interest in siting renewable energy systems within their boundaries, but may need assistance with technical expertise or information to attract developers.

Your Committee is advised that this Act will help municipalities within the County develop renewable energy projects, by establishing a database to promote the siting of renewable energy systems on municipal property. The County-hosted database would allow municipalities to publish information on a public-facing website, including their renewable energy goals, to help position renewable energy systems on municipal property. The database would be actively managed and updated regularly by the Director of the County’s Office of Energy Conservation and Sustainability.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.9474, A.9602 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) 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 the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: , 2023
White Plains, New York

COMMITTEE ON

SCM—04/12/23

¹ Neither the Senate bill nor the Assembly bill advanced out of committee.

ACT NO.

-2023

An Act establishing a
municipal renewable energy
system siting database.

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

Section 1. This Act establishes a database for municipalities within the County that are interested in siting renewable energy systems on available land within their boundaries. This database will allow municipalities to publish their renewable energy goals and will facilitate the development of renewable energy systems. Implementing renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation.

§ 2. For the purposes of this Act, the term “renewable energy systems” means systems that generate electricity or thermal energy through the use of any of the following technologies: solar thermal, photovoltaics, on-land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

§ 3. The Director of the County’s Office of Energy Conservation and Sustainability (the “Director”), or the Director’s designee, shall establish and manage a municipal renewable energy siting database to help municipalities within the County facilitate the deployment of renewable energy systems on municipal property within their boundaries.

§ 4. Any municipality seeking to participate in the database shall be entitled to provide information to the Director to be included in the database. The database shall be publicly available and, at a minimum, include the following information:

- a. the contact information for a designated municipal representative;
- b. the type or types of renewable energy systems that the municipality is interested in developing;
- c. an estimate of the amount and type of available municipal property;
- d. a summary of applicable municipal laws concerning the environment or public health safety to facilitate compliance with any applicable permitting process;
- e. any other information the Director deems relevant.

§ 5. The database shall be actively managed and updated regularly by the Director or the Director's designee.

§ 6. The County's Department of Planning shall provide any technical assistance to help promote siting.

§ 7. The Director is required to engage in outreach efforts to the municipalities within the County, in order to educate them about the existence and function of the database.

§ 8. This Act shall take effect 180 days after enactment.

George Latimer
County Executive

Westchester County Minority, Women Business Enterprises [MWBEs] Expenditure and Utilization Report, Fiscal Year 2022

Recognizing the important role that minority and women-owned businesses play in local economies, laws have been established to provide a policy framework for their development. This annual report provides Westchester County's overall 2022 MWBE expenditure and participation statistics, including analysis by industry, by department and historical trends.

New York State (NYS) Executive Law Article 15-A (§§ 310-318) governs the requirements for the participation of minority and women-owned business enterprises ("MWBEs") in NYS contracting. The purpose of Article 15-A is to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation in state contracting. It also establishes the Division of Minority and Women's Business Development ("DMWBD") to oversee the statewide MWBE program, manage the certification of MWBEs and to maintain a directory of those certified with NYS.

By extension, Chapter 308 of the Westchester County Charter codifies the County's goal to encourage, promote and increase the participation of minority and women-owned businesses in contracts and projects solicited by all County departments. To promote the development of MWBEs and to achieve increased participation by MWBEs in the procurement process, Chapter 308 establishes the following requirements:

- (1) all County departments are to keep accurate records of MWBE participation in the awarding of contracts and procurements;
- (2) an annual report identifying the extent of MWBE participation in County procurements by all departments is prepared and filed with the County Executive and the Board of Legislators;
- (3) the Office of Economic Development oversees the County's MWBE program, manages the County certification process and maintains a directory of those certified with Westchester County;
- (4) establishes a Technical Assistance Plan Committee charged with providing educational, technical and informational assistance to MWBEs on the public bidding and purchasing procurement process. Support is also provided to all County Departments in their efforts to promote MWBE participation in their procurement process.

Early 2020, the Office of Economic Development announced important changes to the MWBE program. In particular, percentage goals for MWBE participation by industry category were established as follows: 20% each for construction and contractual/professional services and 10% for commodities. Information about the County's MWBE program, including the certification application and directory of certified businesses can be found on the Office of Economic Development website: <http://www.westchestercatalyst.com/programs-incentives/minority-and-women-owned-business-program/>.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

2022 MWBE Expenditure and Utilization Statistics

Westchester County's Office of Economic Development, the Bureau of Purchase & Supplies and the individual departments have been working collaboratively to advance Chapter 308's goals to promote equality in economic opportunities and eliminate barriers to MWBE participation in County procurement and contracting. This has resulted in significant increases towards the County's MWBE utilization goals. For the first time, we are proud to announce that Westchester County ('WC') has exceeded County Executive Latimer's overall 20% MWBE participation goal, and brought the County closer to NYS's aspirational 30% goal.

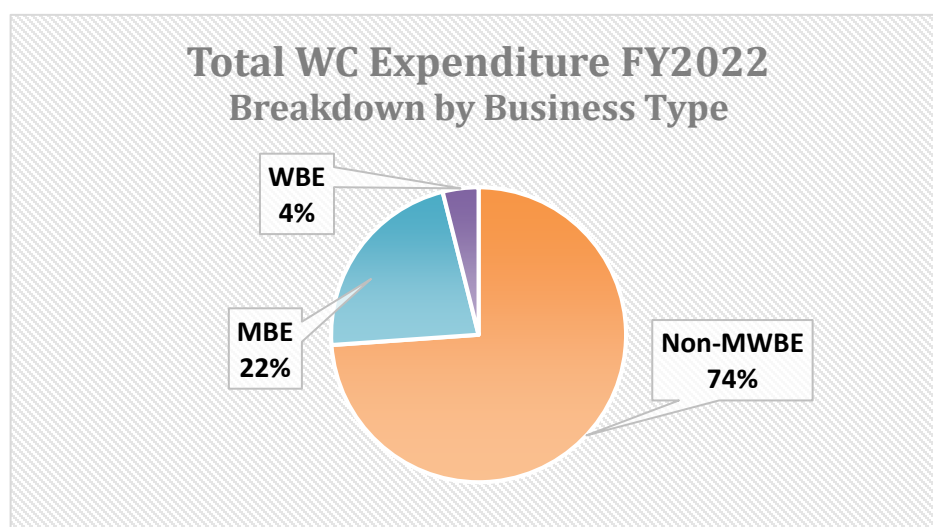
Westchester County MWBE Utilization and Expenditure

Of all awarded contracts in 2022, eligible expenditures countywide totaled \$365,071,149.82. Eligible contracts are those that are available to the public-at-large for such contracts under bids, RFPs, RFIs and RFQs. Total expenditures do not include earmarked contracts that are not put out for public solicitation, including but not limited to funds for designated recipients, sole source, IMAs, and federal pass-through monies.

Fiscal Year 2022, WC's overall MWBE utilization rate was 26.11%, exceeding the goal set by the County Executive of 20%. The total MWBE expenditures totaled \$95,320,254.66, with minority-owned businesses taking the lion share at 22% utilization rate, and women-owned businesses at 4%. Please note the MBE data includes businesses that are both minority and women-owned businesses.

Fiscal Year 2022		
T O T A L S	Countywide MWBE Utilization	26.11%
	Eligible Expenditure	\$365,071,149.82
	MWBE Utilization	\$ 95,320,254.66
	Minority Business Enterprise (MBE) Utilization	\$ 80,992,721.34
	Women Business Enterprise (WBE) Utilization	\$ 14,327,533.32

2022 Westchester County MWBE Utilization and Expenditure Breakdown



WC MWBE Utilization and Expenditure by Industry

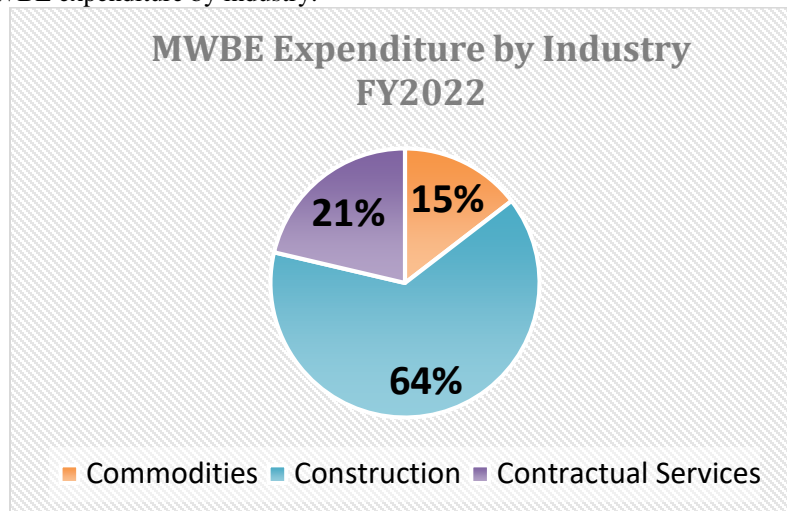
Westchester County expenditures continue to be impacted by ongoing supply chain disruptions and rising inflation, making the procurement process very challenging at times. During FY22, overall County expenditure was down by 13% from \$418M in FY2021. Despite the reduction in expenditure and existing constraints, Westchester County surpassed its collective MWBE goal of 20%. The MWBE participation rates by industry category are: Commodities 24.11% (goal 10%), Construction 41.21% (goal 20%), and Contractual Services 12.77% (goal 20%). This strong performance is a testament to the resilient nature of MWBEs and the role they are playing in the economic recovery of the County, as well as the ongoing commitment of Westchester County to support a diverse supplier base.

The 3 industry categories are: Commodities (consisting of supplies, materials, equipment and services related thereto), Construction and Contractual (Professional) Services.

	MBE	WBE	Total MWBE Utilization	Total Expenditure	MWBE Utilization Rate
Commodities	\$ 11,773,651.50	\$ 2,105,854.32	\$ 13,879,505.82	\$ 57,571,730.17	24.11%
Construction	\$ 56,112,740.45	\$ 4,987,945.00	\$ 61,100,685.45	\$ 148,281,293.86	41.21%
Contractual Services	\$ 13,106,329.39	\$ 7,233,734.00	\$ 20,340,063.39	\$ 159,218,126.06	12.77%
Totals	\$ 80,992,721.34	\$14,327,533.32	\$ 95,320,254.66	\$ 365,071,150.09	26.11%

WC MWBE Expenditure by Industry

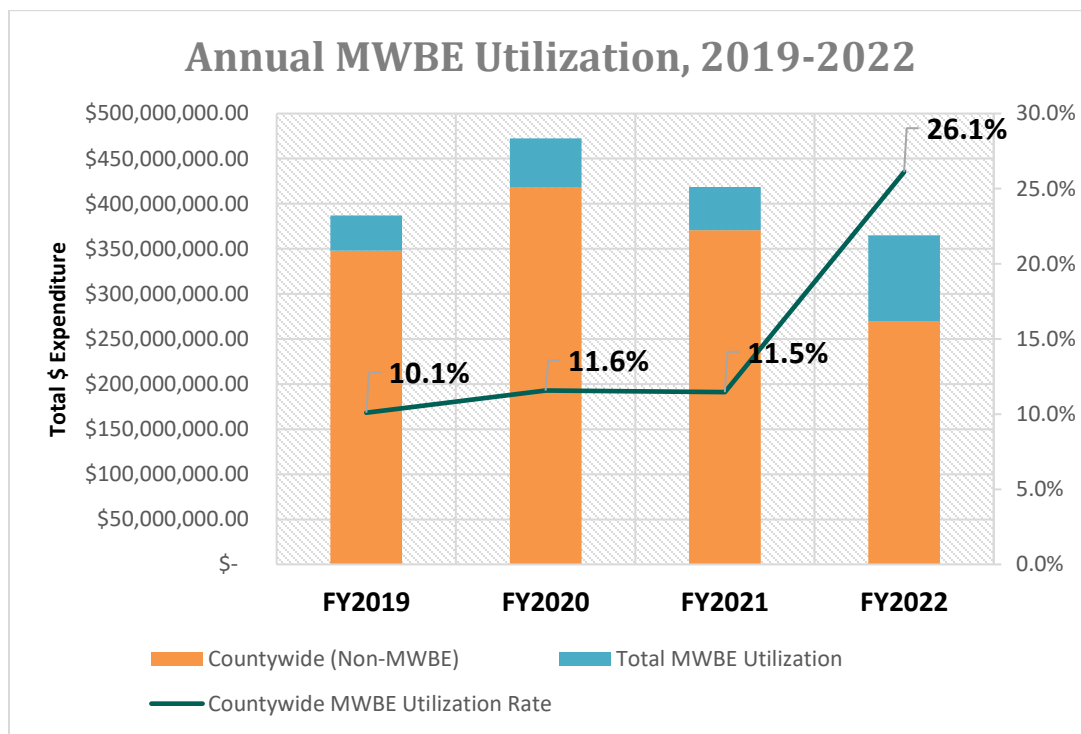
The construction industry represents the majority of the total MWBE Expenditure of \$95,320,254.66. This chart shows the breakdown of the total MWBE expenditure by industry.



	MWBE Expenditures	MWBE By Industry
Commodities	\$ 13,879,505.82	15%
Construction	\$ 61,100,685.45	64%
Contractual Services	\$ 20,340,063.39	21%
Total	\$ 95,320,254.66	

Historical Trends: Annual Westchester County MWBE Utilization and Expenditure 2019-2022

		FY2019	FY2020	FY2021	FY2022
T O T A L S	Countywide MWBE Utilization Rate	10.1%	11.6%	11.5%	26.1%
	Total MWBE Utilization	\$ 39,046,929.33	\$ 54,625,577.00	\$ 47,930,458.46	\$ 95,320,254.66
	Total County Expenditure	\$386,896,023.60	\$472,385,848.00	\$418,388,801.70	\$365,071,149.82



This table lists each department in alphabetical order, and includes the department's total eligible expenditures and the MWBE utilization expenditure and rate. Regardless of the department's utilization levels, every department is encouraged to reach out to the Office of Economic Development and the Bureau of Purchase & Supplies and explore creative ways to continue supporting the MWBE community. This is an on-going effort.

Department Name	Total Eligible Expenditure	MBE Utilization	WBE Utilization	Total MWBE Utilization	MWBE %
Community Mental Health	\$ 5,114,651.50	\$ 1,325.00	\$ 1,025.00	\$ 2,350.00	0.05%
Consumer Protection	\$ 5,000.00	\$ -	\$ -	\$ -	0%
Corrections	\$ 18,433,478.00	\$ 27,318.00	\$ 70,000.00	\$ 97,318.00	0.53%
County Executive's Office	\$ 35,000.00	\$ 35,000.00	\$ -	\$ 35,000.00	100.00%
Economic Development	\$ 3,504,230.00	\$ 112,000.00	\$ -	\$ 112,000.00	3.20%
Emergency Services	\$ 9,992,647.00	\$ -	\$ 20,000.00	\$ 20,000.00	0.20%
Environmental Facilities	\$ 17,492,556.58	\$ 782,700.00	\$ 370,086.00	\$ 1,152,786.00	6.59%
Finance	\$ 10,100,392.00	\$ 672,735.00	\$ -	\$ 672,735.00	6.66%
Finance - BPS	\$ 57,571,730.17	\$ 11,773,651.50	\$ 2,105,854.32	\$ 13,879,505.82	24.11%
Health - General Contracts	\$ 4,709,671.00	\$ 2,227,163.00	\$ 1,330,699.00	\$ 3,557,862.00	75.54%
Human Resources	\$ 5,085.00	\$ -	\$ -	\$ -	0.00%
Human Rights Commission	\$ 168,500.00	\$ 81,000.00	\$ 40,000.00	\$ 121,000.00	71.81%
Information Technology	\$ 7,585,790.00	\$ 1,638,167.00	\$ 1,432,133.00	\$ 3,070,300.00	40.47%
Labs and Research	\$ 125,000.00	\$ -	\$ -	\$ -	0.00%
Law	\$ 852,437.39	\$ -	\$ 15,000.00	\$ 15,000.00	1.76%
Office For Women	\$ 2,516,440.75	\$ -	\$ -	\$ -	0.00%
Office For People w Disabilities	\$ -	\$ -	\$ -	\$ -	0.00%
Parks, Recreation & Conservation	\$ 923,951.65	\$ -	\$ 140,950.00	\$ 140,950.00	15.26%
Planning	\$ 4,445,830.67	\$ 302,015.25	\$ -	\$ 302,015.25	6.79%
Probation	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 25,000.00	100.00%
Public Safety	\$ 536,176.95	\$ 123,553.34	\$ -	\$ 123,553.34	23.04%
Public Works & Transportation	\$ 208,828,523.16	\$ 63,095,689.25	\$ 8,416,211.00	\$ 71,511,900.25	34.24%
Senior Programs	\$ 1,387,636.00	\$ 5,864.00	\$ -	\$ 5,864.00	0.42%
Social Services	\$ 10,021,687.00	\$ 41,690.00	\$ 253,690.00	\$ 295,380.00	2.95%
Tourism	\$ 610,000.00	\$ -	\$ 100,000.00	\$ 100,000.00	16.39%
Youth Bureau	\$ 79,735.00	\$ 72,850.00	\$ 6,885.00	\$ 79,735.00	100.00%
Totals	\$ 365,071,149.82	\$ 80,992,721.34	\$ 14,327,533.32	\$ 95,320,254.66	26.11%

TO: HONORABLE BOARD OF
LEGISLATORS COUNTY OF WESTCHESTER

Your Committee recommends passage of "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel."

Your Committee is informed that according to the 2020 Annual Homeless Assessment Report (AHAR) to Congress by the U.S. Department of Housing and Urban Development, New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers experiencing homelessness. Moreover, as stated in a 2016 report by Stout Risius Ross, a global advisory firm, a staggering 1.2 million households are behind on rent and landlords are actively trying to evict more than 236,000 tenants statewide. According to the Right to Counsel NYC Coalition, 220,000 evictions are pending in New York courts, including town, village, and justice courts.

Your Committee is further informed that currently, low-income tenants in Westchester County do not have guaranteed access to legal counsel in eviction proceedings. Across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. According to the Westchester County Right to Counsel Coalition ("WCRTCC"), in normal years, when more than 10,000 eviction proceedings are filed in Westchester County Courts, 93% of landlords are represented by counsel, while only 7% of tenants have attorneys. Programs that provide legal counsel at no cost to low income tenants, have proven to be very successful at preventing evictions and protecting tenants' rights. This program is needed in the county, especially now, given the number of residents facing eviction and that an ever-growing number of people who are housing insecure has increased since the onset of the COVID-19 pandemic. Eviction judgments are made on average in about 4 minutes, and settlements are often reached in a court hallway, away from the judge. Without representation, tenants are often evicted on false premises of lease violations they didn't commit or excess rent that they do not legally owe.

Your Committee is advised that in 2017, New York City became the first city in the country to pass legislation requiring legal counsel be provided to tenants in eviction proceedings. Since then, as stated in the New York City Office of Civil Justice 2020 Annual Report, landlords are suing tenants less and 86 percent of tenants who had a lawyer provided to them won their case and were able to remain in their homes. The Stout Risius Ross 2016 Report also indicates that New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder and Baltimore have created programs that provides legal counsel to tenants and have seen up to a 77 percent reduction in evictions. Across the country, movements for statewide legislation to provide legal counsel to tenants are gaining traction. Washington State, Connecticut, and Maryland have recently passed such legislation while states such as Minnesota, Nebraska, and Delaware are seriously considering similar action. There is currently a bill pending in the New York State legislature to establish a Right to Counsel in eviction proceedings within the state.

Your Committee is further advised that the WCRTCC has indicated that an eviction is a stigma which follows a family forever by cutting off access to safe, stable housing from reputable landlords and perpetuating the cycle of poverty for generations. Evictions make it harder to rent another apartment and cause psychological trauma especially for children who lose the security of believing their parents can provide a home. Eviction proceedings are complex processes that are nearly impossible to navigate alone. The Right to Counsel NYC Coalition reports that evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences. Moreover, evictions disproportionately impact black and brown tenants, with women facing the greatest burdens. The WCRTCC further states that feasibility studies have routinely shown that programs providing attorneys at no cost to low-income tenants in eviction proceedings are significantly less expensive than expected, sometimes even saving the jurisdiction money. Studies have shown that programs that provide legal counsel to tenants save public money that would be otherwise spent on shelter and emergency room costs and homeless services.

Your Committee is informed that according to the WCRTCC, programs that provide legal counsel to tenants reduce the number of eviction filings, which in turn reduces the strain on local courts. In addition, attorneys can help connect low-income tenants to financial assistance

when necessary and help tenants raise defenses based on poor housing conditions. This ensures that financial assistance does not go towards delinquent landlords who do not maintain their properties, thereby reducing the financial assistance needed to keep tenants housed, and compelling necessary repair to help preserve the housing stock. Attorneys for tenants can ensure that landlords do not overcharge tenants. All Westchester County residents should have equal opportunities for safe and stable housing which an access to counsel program can provide.

Your Committee is further informed, that this proposed legislation, if enacted, will establish an Office of Housing Counsel within the County Department of Social Services to be administered by a Director, responsible for provision of an access to counsel program in Westchester County. Six months after being hired, the Director will be required to issue an implementation plan for establishment of a county-wide program to provide access to legal services for income-eligible tenants and occupants (a person whose household income is at or below 300 percent of the federal poverty guidelines or 60 percent of the County Area Median Income), who has legal standing in a covered proceeding. A covered proceeding is any proceeding in any court in the County or any administrative agency administering housing programs which involves: the eviction of a covered individual, challenges to rent increases based upon a landlord's failure to provide proper notice, maintaining or restoring a covered individual's occupancy of a residential rental premises, possession of a residential premises for the non-payment of rent or a holdover; restoration or maintenance of essential services; an administrative proceeding which would result in the termination of tenancy, rental subsidy, or other rental assistance; and any appeal of the foregoing.

Your Committee is advised that the legal services provided to covered individuals pursuant to this program will be at no cost to the not-for-profit organizations or qualified professionals selected by the County pursuant to the County procurement process. In addition, the Director will undertake community engagement and education to inform tenants of their ability to access legal counsel in covered proceedings. Annual reports on the implementation of this program and efforts at community engagement and education will be required as well. As many Westchester residents are at risk of losing their homes, especially now in the aftermath of the pandemic, it is critical to establish a county-wide access to legal counsel program in .

Westchester.

Your Committee is further advised that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 14, 2021, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: April 17, 2023
White Plains, New York

Margaret A. Cyio (WOP)

Robert J. L.

[Signature]

Manuella
[Signature]

Legislation

Cathy [Signature]

COMMITTEE ON

Manuella
Senell-John John
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Housing

Dated: April 17, 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

Committee(s) on:

Legislation



Housing



FISCAL IMPACT STATEMENT

SUBJECT: Office of Housing Counsel

☐ 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 \$ 250,000 Full year salary and benefits of director

Total Current Year Revenue \$ _____

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: Personal and Contractual Services within DSS

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

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

Current Year: _____

Next Four years: At full implementation, the Office of Housing Counsel and its associated activities will increase County share net expenditures by approximately \$15-20 million annually. the estimate is reflective of the costs of the Office and its mission, reduced by estimated local share savings related activities within DSS.

Prepared by: William Olli

Title: Assistant Budget Director

Department: Budget

Reviewed By: 

Budget Director

4/17/23

If you need more space, please attach additional sheets.

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

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

Section 1. A new Chapter 187 is hereby added to the Laws of Westchester

County to read as follows:

Chapter 187

OFFICE OF HOUSING COUNSEL

Sec. 187.11. Short Title.

Sec. 187.21. Purpose.

Sec. 187.31. Definitions.

Sec. 187.41. Director, Appointment, Term.

Sec. 187.51. Director, Powers and Duties.

Sec. 187.61. Provision of Legal Services.

Sec. 187.71. Annual Report.

Sec. 187.81. Rules and Regulations.

Sec. 187.91. Severability.

Sec. 187.101. Reverse Preemption

Sec. 187.11 Short Title.

This Chapter shall be known as and cited as “The Office of Housing Counsel.”

Sec. 187.21 Establishment, Purpose

There shall be a program known as the Office of Housing Counsel located within the Department of Social Services, the purpose of which is to provide legal counsel to individuals in housing matters involving covered proceedings. The provision of housing counsel will guarantee that qualified individuals in covered proceedings are provided high quality legal representation at the County’s expense, except where the state of New York, the federal government, or any other outside entity has already made funds available to provide legal representation to qualified individuals in covered proceedings. This program will enable tenants and occupants facing covered proceedings to be given a fair chance

to access legal protections and stay in their homes. The Office of Housing Counsel will ensure that tenants and occupants involved in covered proceedings will be provided with professional client centered legal representation.

Sec. 187.31 Definitions.

- a. Brief legal assistance. Individualized legal assistance provided in a single consultation by a designated organization or qualified professional to a covered individual in connection with a covered proceeding.
- b. Designated community group. A not-for-profit organization that has the capacity to conduct tenant outreach, engagement, education and information provision, as determined by the Director.
- c. Covered individual. A tenant or occupant of residential rental premises located within the County including any tenant or occupant in a building operated by a public housing authority who has legal standing in a covered proceeding.
- d. Covered proceeding. Any proceeding in any of the courts in the County or before any administrative agency administering housing programs which involves:
 - i. the eviction of a covered individual;
 - ii. any action, proceeding or challenge to a rent level based upon a landlord's failure to provide proper notice of a rent increase as required by the New York State Housing Stability and Tenant Protection Act of 2019 and any amendments thereto;
 - iii. maintaining a tenant or occupant in possession of their residential premises or restoring a tenant or occupant to occupancy of their residential rental premises;
 - iv. possession of residential premises for the non-payment of rent or a holdover;
 - v. restoration and/or maintenance of essential services, the deprivation of which has caused or may cause the client to vacate the residential rental premises;
 - vi. an administrative proceeding conducted by a public housing authority or other administrative agency which would result in the termination of tenancy, rental subsidy, or other rental assistance; or
 - vii. an appeal of any of the foregoing.

- e. Department. The Department of Social Services.
- f. Designated organization. One or more not-for-profit organizations or associations that have the capacity to provide legal services and have been designated by the County to provide legal services pursuant to the County procurement process and any other County laws and procedures related to County contracts.
- g. Director. The person who administers the Office of Housing Counsel and reports to the Commissioner of Social Services.
- h. Full legal representation. Ongoing legal representation provided by any designated organization or qualified professional to an income-eligible individual and all legal advice, advocacy and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.
- i. Housing court. Any court located in Westchester County in which covered proceedings are adjudicated.
- j. Income-eligible individual. A covered individual whose annual gross household income is not in excess of either 300 percent of the federal poverty guidelines as updated periodically in the federal register by the United States Department of Health and Human Services pursuant to subsection (2) of section 9902 of title 42 of the United States code or 60 percent of the county AMI (Area Median Income) as updated periodically by the United States Department of Housing and Urban Development, whichever is higher.
- k. Legal services. Either brief legal assistance or full legal representation.
- l. Occupant. A person, other than a tenant or a member of a tenant's immediate family, occupying residential rental premises with the consent of the tenant or tenants.
- m. Qualified Professional. Lawyers with experience handling landlord tenant matters and who have been designated by the County to provide legal services pursuant to the County procurement process and any other County laws and procedures related to County contracts.
- n. Tenant. A person occupying or entitled to occupy a residential rental premises who is either a party to the lease or rental agreement for such premises.

Sec. 187.41. Director; appointment, qualifications, term

- a. The County Executive shall appoint a Director. The following qualifications shall be preferred in the appointment of the Director: possession of a license to practice law in the State of New York, administrative experience, knowledge and experience in covered proceedings, and commitment to ensuring quality representation in landlord tenant matters;
- b. The Director shall serve full time and shall not engage in the private practice of law during their appointment;
- c. The Director shall report to the Commissioner of Social Services.
- d. The position of Director shall be designated in the exempt class for purposes of civil service jurisdictional classification

Sec. 187.51. Director; Powers and Duties

In addition to the requirements set forth in Sections. 187.61, 187.71, 187.81, and 187.101 of this Chapter, the Director shall:

- a. be the administrative head of the office, and shall have the duty to ensure that all covered individuals and income eligible individuals are provided with quality legal representation as soon as practicable in a covered proceeding;
- b. develop and monitor policies, standards and operational procedures of the Office of Housing Counsel regarding preparation of a Request For Proposals (RFP) to obtain designated organizations or qualified professionals, for the provision of legal counsel including but not limited to: qualifications for attorneys providing legal counsel, number of attorneys required at each housing court or any administrative proceedings, limitations on attorney caseloads, method of payment for attorneys, supervision and review of attorney caseloads and quality of legal representation;
- c. in consultation with the Commissioner of Social Services, the Budget Director and the Commissioner of Human Resources, identify the staffing needs necessary to administer the Office of Housing Counsel program;
- d. recommend to the Commissioner of Social Services and designated organizations and qualified professionals to provide legal services to covered individuals in covered proceedings based upon the response to the RFP and ensure that any contracts for designated organizations and qualified professionals are approved by the appropriate body or board;
- e. meet regularly with appropriate persons from the designated organizations and qualified professionals to review cases, attorney work

product, caseloads and case outcomes;

- f. prepare an annual Budget proposal for the Office of Housing Counsel as part of the Budget for the Department for submission to the County Budget Department pursuant to County law and policy;
- g. maintain records of accounts and expenditures of the Office of Housing Counsel in compliance with all applicable law and County policy;
- h. serve as an information resource;
- i. establish procedures for submission, investigation and resolution of complaints from clients, client family members, co-counsel, opposing counsel and the Judiciary regarding legal representation;
- j. ensure compliance with County laws, policies and procedures;
- k. make application for other sources of state and federal funding or from any other funding resources to meet the budgetary and programmatic needs of the Office of Housing Counsel;
- l. prepare an Annual Report regarding the housing counsel program for submission to the County Executive and County Board of Legislators. The Annual Report shall also be posted online;
- m. undertake community engagement and education regarding access to counsel by working with designated community groups to educate and inform tenants and occupants about their rights in covered proceedings, including but not limited to holding know your rights education sessions, distributing written information to tenants and occupants and facilitating referrals of tenants and occupants to designated community groups.
- n. meet regularly with the Supervising Judge of the Ninth Judicial District, local courts, and any other appropriate Court personnel to discuss Court procedures and any other programmatic issues related to the provision of counsel in covered proceedings; and
- o. any other duties necessary to carry out the purposes of this Chapter.

Sec. 187.61 Provision of Legal Services.

- a. No later than six (6) months following appointment of a Director, the Director shall produce an implementation plan for establishment of a County-wide program to provide access to legal services for covered individuals in covered proceedings through designated organizations or qualified professionals. Such program shall ensure that:

1. all covered individuals receive access to brief legal assistance as soon as practicable in a covered proceeding; and
 2. all income-eligible individuals receive access to full legal representation as soon as practicable in a covered proceeding.
- b. The Director shall comply with all County budgetary procedures and submit estimates for the operation of the Office of Housing Counsel for the ensuing year to the Commissioner of the Department of Social Services for submission as part of the Department's proposed Budget.
 - c. The Director shall provide updates to the County Executive and the Chairperson of the County Board of Legislators on the development of a County-wide implementation plan upon request of either the County Executive or Chairperson of the County Board of Legislators.
 - d. The County shall annually review the performance of designated organizations and qualified professionals.
 - e. Any legal services performed by a designated organization and qualified professionals pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization and qualified professionals pursuant to any other program, agreement, or contract.
 - f. Nothing in this Chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the County or any agency, official, or employee thereof.

Sec. 187.71 Reporting.

- a. Following implementation of any part of a program to provide legal services to covered individuals pursuant to this Chapter, the Director shall prepare an Annual Report which shall be submitted to the County Executive, the County Board of Legislators and shall be posted online, no later than December 31st of each year containing information for the preceding 12 months of each year;
- b. The Annual Report shall contain, to the extent such information is available, a review of the program established by this Chapter and information regarding implementation of such program and shall include but not be limited to:
 1. The estimated number of covered individuals;
 2. The number of individuals receiving legal services, including the following characteristics of such individuals;

- i. City and postal code of residential rental premises;
 - ii. Household size;
 - iii. Estimated length of tenancy or occupancy;
 - iv. Approximate household income;
 - v. Type of legal services provided.
3. Outcomes immediately following the provision of full legal representation, as available, subject to applicable privacy and confidentiality restrictions, including but not limited to, the number of:
 - i. Case dispositions allowing individuals to remain in their residential rental premises;
 - ii. Case dispositions requiring individuals to be displaced from their residential rental premises;
 - iii. Instances where the attorney was discharged or withdrew;
4. The number of non-payment and holdover petitions filed in housing court, warrants of eviction issued in housing court, and residential evictions conducted by marshals;
5. Expenditures for the program established pursuant to this Chapter;
6. Community engagement and education activities conducted pursuant to this Chapter detailing metrics from designated community groups, including but not limited to:
 - i. number of buildings in which outreach was conducted;
 - ii. number of know your rights education sessions held;
 - iii. number of attendees at education sessions;
 - iv. number of people referred to nonprofits for legal assistance;
and
 - v. number of community forums conducted.

Sec. 187.81. Rules and Regulations

The Director shall establish rules and regulations for the administration of the Office of Housing Counsel.

Sec. 187.91. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this ordinance, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Sec 187.101. Expiration.

This Local Law shall expire four (4) years after the implementation plan produced by the Director pursuant to Section 187.61(a) has been submitted to the County Board of Legislators. By December 31st of year three (3) after the implementation plan produced by the Director pursuant to Section 187.61(a) has been submitted to the County Board of Legislators, the Director of the Office of Housing Counsel shall forward a report to the County Executive and County Board of Legislators containing a comprehensive review of the establishment and implementation of the program to provide access to legal services relating to evictions and other housing related issues as delineated in this Local Law, throughout the County of Westchester.

§2. This Local Law shall take effect thirty (30) days after enactment.

A LOCAL LAW amending Chapter 270 of the Laws of Westchester County to delete provisions in subdivision (3) of section 270.124 with respect to base station owners and a vehicle immobilization program to enforce the provisions of the Westchester County For-Hire Vehicle Law.

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

Section 1. Chapter 270 of the Laws of Westchester County is hereby amended to delete certain portions of subdivision (3) to section 270.124 to read as follows:

(3) Vehicle Immobilization Program

1. As used in this section,

(a) the phrase “vehicle immobilizer”, also known as a “boot”, shall mean any device, approved by the commission, which is locked to the wheel of a vehicle to prevent the vehicle from being driven.

(b) the phrase “unanswered summons” shall mean any summons issued pursuant to section 270.117 of the Laws of Westchester County which remain outstanding, unanswered or defaulted by the respondent.

2. In addition to any other penalties provided for in this Chapter, a vehicle immobilizer may be applied to any vehicle whose owner has either:

(a) failed to pay civil penalties resulting from violations of this Chapter as against the owner of the vehicle[,]or the driver of the vehicle [and/or the owner of the base station where the vehicle is affiliated,] which exceed \$1,000; or

(b) a total of five or more unanswered summonses from violations of the For-Hire Vehicle Law as against the owner of the vehicle or[,] the driver of the vehicle.[and/or the owner of the base station where the vehicle is affiliated.]

3. The Commission and/or its designee shall notify the owner of the vehicle or[,] the driver of the vehicle [and/or the owner of the base station where the vehicle is affiliated], that a vehicle immobilizer may be attached to their vehicle(s) if the outstanding civil penalties are not paid within

thirty (30) days or if the unanswered summonses are not finally satisfied within thirty (30) days.

4. Upon applying a vehicle immobilizer, the commission and/or any authorized person or entity designated by the commission shall provide written notification to the owner of the vehicle [and the base station owner to which the vehicle is affiliated, if any,] of the procedure by which the outstanding civil penalties or unanswered summonses shall be satisfied and the vehicle immobilizer removed. Such written notice shall be made as soon as practicable but in no event later than two (2) business days after which the vehicle immobilizer has been applied. The driver of the vehicle, if present, shall be notified immediately following the application of the vehicle immobilizer of the procedure by which the outstanding civil penalties or unanswered summonses may be satisfied.

5. In the event that a vehicle is immobilized in a location where it cannot legally remain, said vehicle may be towed to a location designated by the commission. Law enforcement personnel may also tow a vehicle that has been immobilized for public safety reasons as well as to protect the immobilized vehicle.

6. The commission shall not authorize the release of any immobilized or towed vehicle until all of the following fees, fines, and penalties have been paid in full:

- (a) fees relating to the application of the vehicle immobilizer;
- (b) fees, if any, relating to transport of any passenger, who was in the vehicle at the time that the vehicle immobilizer was applied. This fee, if any, shall be the same amount that the passenger was being charged for his or her transport that was interrupted when the vehicle immobilizer was applied;
- (c) fees for towing, if applicable;
- (d) storage, if applicable; and
- (e) the underlying fine or civil penalty.

7. The unauthorized removal or destruction of a vehicle immobilizer may result in a criminal prosecution in accordance with the provisions of the New York State Penal Law and the New York State Criminal Procedure Law.

§2. This Local Law shall take effect immediately.

RESOLUTION - 2023

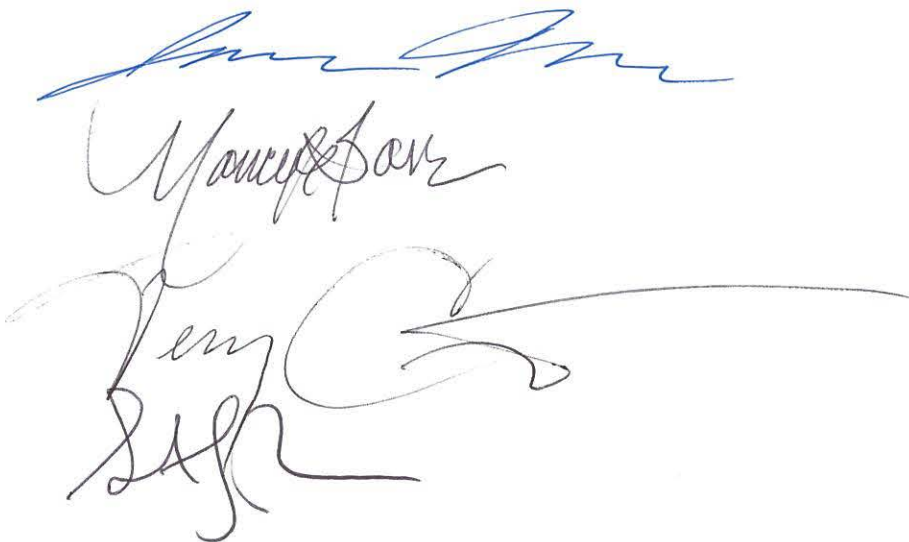
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 1st day of January, 2023, recommended the appointment of Francis Lombardi, of Bronxville, New York, as the District 14 representative member of the Westchester County Council for Seniors, for a term to commence January 1, 2023 and to expire on December 31, 2025, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 17th day of April, 2023, approved the appointment of Francis Lombardi to the Westchester County Council for Seniors; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: April 17, 2023
White Plains, New York



COMMITTEE ON APPOINTMENTS

RESOLUTION - 2023

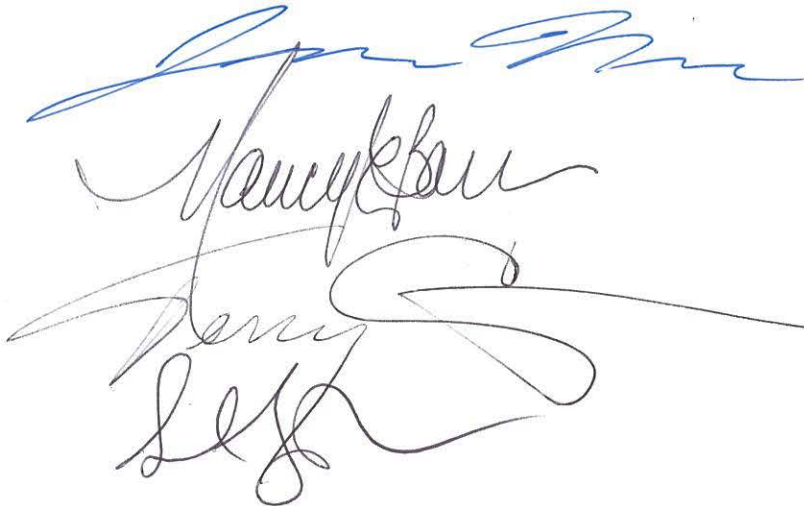
TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 8th day of March, 2023, recommended the appointment of Francile Albright Mullen of Pelham, New York, as the District 11 representative member of the Westchester County Women's Advisory Board, for a term to commence on March 8, 2023, and expire on December 31, 2023, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 17th day of April, 2023, approved the appointment of Francile Albright Mullen to the Westchester County Women's Advisory Board; NOW THEREFORE BE IT

RESOLVED, that said appointment be and is hereby approved.

Dated: April 17, 2023
White Plains, New York

Three handwritten signatures are present. The top signature is in blue ink and appears to be 'John P. ...'. The middle signature is in black ink and appears to be 'Francile Albright Mullen'. The bottom signature is in black ink and appears to be 'Lef ...'.

COMMITTEE ON APPOINTMENTS

RESOLUTION - 2023


TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 27th day of February, 2023, recommended the reappointment of Jill Bradshaw-Soto, Esq. of Port Chester, New York, as a member of the Westchester County African American Advisory Board, for a term to commence on February 27, 2023, and expire on December 31, 2024, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 17th day of April, 2023 approved the reappointment of Jill Bradshaw-Soto, Esq. as a member of the Westchester County African American Advisory Board; NOW THEREFORE BE IT

RESOLVED, that said reappointment be and is hereby approved.

Dated: April 17, 2023
White Plains, New York

Three handwritten signatures in blue ink, stacked vertically. The top signature is the most legible, appearing to be 'Mance' followed by a surname. The middle and bottom signatures are more stylized and difficult to decipher.

COMMITTEE ON APPOINTMENTS

RESOLUTION - 2023

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Executive having on the 27th day of February, 2023, recommended the reappointment of Phillip Morton of Elmsford, New York, as a member of the Westchester County African American Advisory Board, for a term to commence on February 27, 2023, and expire on December 31, 2024, in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; and

WHEREAS, the Committee on Appointments, having on the 17th day of April, 2023 approved the reappointment of Phillip Morton as a member of the Westchester County African American Advisory Board; NOW THEREFORE BE IT

RESOLVED, that said reappointment be and is hereby approved.

Dated: April 17, 2023
White Plains, New York



COMMITTEE ON APPOINTMENTS

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

Your Committee is in receipt of a communication from the County Executive recommending approval of an act (“Act”) which, if adopted, would authorize the County of Westchester (“County”), to apply for and enter into a grant agreement for funding from the Federal Aviation Administration (“FAA”) for capital project A0137 – Airfield Heavy Equipment (“A0137”). Also transmitted is an act which, if adopted, would authorize the County to amend its current-year capital budget for A0137 (the “Capital Budget Amendment”), as well as a related bond act which would authorize the County to issue bonds in connection with A0137 (“Bond Act”), which was prepared by the law firm Harris Beach PLLC.

The Act would authorize the County to apply for and enter into a grant agreement with the FAA for funds to refurbish 8 pieces of heavy equipment at the Westchester County Airport (“Airport”). The Airport has advised that the FAA has indicated it will fund up to 90% of the estimated cost of \$5,541,250 for A0137, resulting in an FAA grant in the amount of approximately \$4,981,500. In addition, the New York State Department of Transportation will contribute \$276,750 and the County’s share for A0137 will be \$283,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to decrease the cash appropriation for A0137 by \$150,000, increase the amount of bonds and/or notes authorized by \$283,000 and increase the non-County share amount by \$2,408,250. The Airport has advised that the Capital Budget Amendment is necessary due to a significant increase in material costs and supply chain disruptions since initial estimates were obtained early in 2022.

The proposed Bond Act would authorize the County to issue \$283,000 in bonds of the County to finance the cost of acquisition and refurbishment of airfield heavy equipment for the Airport.

The Airport has advised that the equipment refurbishment is part of the FAA's Airport Capital Improvement Program, which is an annual entitlement-based funding source directly linked to passenger volume. The FAA authorizes such funding to assure life safety compliance in aircraft firefighting and snow removal operations. As such, it is critical to maintain this equipment in compliance with FAA regulations for the safety of the traveling public.

Following authorization of bonding for A0137, it is anticipated that the refurbishments for each piece of equipment will take approximately one year. Equipment will be staggered in and out of rotation in groups.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this Project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered this matter and has concluded that it is in the best interest of the County to adopt the Act to authorize the County to apply for and enter into a grant agreement with the FAA, as well as adopt the act to amend the County's current-year capital budget and adopt the related Bond Act.

Your Committee is advised that an affirmative vote of a majority of your Honorable Board is required to adopt the Act, while an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: May 1st, 2023
White Plains, New York

Deborah F. ...
[Signature]
Yancy & Ban
James J. ...
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Yancy & Ban
[Signature]
[Signature]
Callan Park

COMMITTEE ON

s: MG/4-10-23

Budget & Appropriations

Public Works & Transportation

Dated: May 1, 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.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0137

☐ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☒ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 283,000 PPU 15 Anticipated Interest Rate 2.46%

Anticipated Annual Cost (Principal and Interest): \$ 22,819

Total Debt Service (Annual Cost x Term): \$ 342,285

Finance Department: Interest rates from April 13, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): N/A

Potential Related Revenues (Annual): N/A

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 3

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: Brian Hegt

Title: Assistant to Commissioner

Department: Public Works & Transportation

Date: 4/13/23


Reviewed By: 

204/13/23

Budget Director

Date: 4/13/23

TO: Michelle Greenbaum, Senior Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: April 10, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0137 AIRFIELD HEAVY EQUIPMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
04-07-2023 (Unique ID: 2196)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Brian Hegt, Assistant to the Commissioner, Department of Public Works & Transportation
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: April 10, 2023

RE: **Capital Budget Amendment –
A0137 Airfield Heavy Equipment**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project A0137 Airfield Heavy Equipment will fund the refurbishment of airfield equipment that is necessary and required to main the safe and efficient operation of the airport.

A Capital Budget Amendment in the amount of \$133,000 is being requested due to a significant increase in material costs and supply chain disruptions since the initial estimates were obtained early in 2022. This project was classified as a PL1, project without physical planning aspects of concern to the Planning Board in the 2023 Report on the Capital Project Requests adopted July 5, 2022.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
Blanca Lopez, Deputy Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

ACT No. _____ 2023

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project A0137 Airfield Heavy
Equipment

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$3,000,000	\$2,541,250	\$5,541,250

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$0	\$283,000	\$283,000
Non County Shares	\$2,850,000	\$2,408,250	\$5,258,250
Cash	<u>\$150,000</u>	<u>-\$150,000</u>	<u>\$0</u>
Total	\$3,000,000	\$2,541,250	\$5,541,250

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$283,000 BONDS OF THE COUNTY OF WESTCHESTER (THE "COUNTY"), OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND REFURBISHMENT OF AIRFIELD HEAVY EQUIPMENT FOR THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,541,250; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE APPLICATION OF \$5,258,250 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK AND THE ISSUANCE OF \$283,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$283,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition and refurbishment of airfield heavy equipment for the County Airport, all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said class of objects or purposes, including preliminary

costs and costs incidental thereto and the financing thereof is \$5,541,250. The plan of financing includes the application of \$5,258,250 expected to be received from the United States of America and/or the State of New York and the issuance of \$283,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said class of objects or purposes, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$283,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing

agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 , 20__ and approved by the County Executive on , 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day
of , 20__.

(SEAL)

The Clerk and Administrative Officer
of the County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$283,000 BONDS OF THE COUNTY OF WESTCHESTER (THE "COUNTY"), OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND REFURBISHMENT OF AIRFIELD HEAVY EQUIPMENT FOR THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,541,250; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE APPLICATION OF \$5,258,250 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK AND THE ISSUANCE OF \$283,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose:

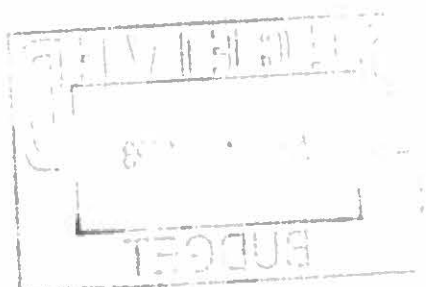
to finance cost of the acquisition and refurbishment of airfield heavy equipment for the County Airport, all as set forth in the County's current year Capital Budget, as amended

amount of obligations to be issued
and period of probable usefulness:

\$283,000; fifteen (15) years

Dated: _____, 20__
White Plains, New York

Clerk and Administrative Officer of the County Board of
Legislators of the County of Westchester, New York



CAPITAL PROJECT FACT SHEET

Project ID:* A0137	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-28-2023
Fact Sheet Year:* 2023	Project Title:* AIRFIELD HEAVY EQUIPMENT	Legislative District ID: 6.
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 2196

Overall Project Description

This project provides for the refurbishment of Airfield equipment that is necessary and required to maintain the safe and efficient operation of the Airport.

<input checked="" type="checkbox"/> Best Management Practices	<input type="checkbox"/> Energy Efficiencies	<input type="checkbox"/> Infrastructure
<input checked="" type="checkbox"/> Life Safety	<input type="checkbox"/> Project Labor Agreement	<input type="checkbox"/> Revenue
<input type="checkbox"/> Security	<input type="checkbox"/> Other	

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	5,541	0	3,000	0	0	0	0	2,541
Less Non-County Shares	5,258	0	2,850	0	0	0	0	2,408
Net	283	0	150	0	0	0	0	133

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: Funding is requested to facilitate the following equipment refurbishments through the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP).

*Refurbishment of 1 ARFF Fire Fighting Truck

*Refurbishment of 2 Major Plow Trucks, 2 Major Snow Blowers and 3 Front Mounted Brooms

Financing Plan for Current Request:

Non-County Shares:	\$ 5,258,250
Bonds/Notes:	283,000
Cash:	0
Total:	\$ 5,541,250

SEQR Classification:

TYPE II

Amount Requested:

283,000

Comments:

There are several actions being requested in this item: 1) Legislation to apply for and enter into a grant agreement with the Federal Aviation Administration (FAA) to refurbish 8 pieces of heavy equipment. 2) Legislation to authorize bonding for the County's share of the total cost of equipment (5%). 3) A Capital Budget Amendment to amend the County's 2023 Capital Budget. The Federal grant is a part of the FAA's Airport Improvement Program (AIP). Airports are entitled to a certain amount of AIP funding each year, based on passenger volume. Each project under the AIP comes with a 90%-5%-5% cost share with the state and local governments each picking up 5%. The County's share, pending approval of bond authorization, would be \$283,000. The Capital Budget Amendment to the County's 2023 Capital Budget is necessary due to a significant increase in material costs and supply chain disruptions since the initial estimates were obtained early in 2022. Upon acceptance of the CBA, the new Federal share is \$4,981,500; the new State share is \$276,750 and; the new County share is \$283,000 for a total project cost of \$5,541,250.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	3,000,000	REFURBISHMENT OF ARFF FIREFIGHTING TRUCK.

Total Appropriation History:

3,000,000

Total Financing History:

0

Recommended By:**Department of Planning**

WBB4

Date

04-07-2023

Department of Public Works

RJB4

Date

04-07-2023

Budget Department

DEV9

Date

04-10-2023

Requesting Department

GAM4

Date

04-10-2023

AIRFIELD HEAVY EQUIPMENT (A0137)

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,000			3,000					
Non County Share	(2,850)			(2,850)					
Total	150			150					

Project Description

This project provides for the refurbishment of Airfield equipment that is necessary and required to maintain the safe and efficient operation of the Airport.

Current Year Description

The current year request refurbishment of ARFF firefighting truck.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023		150,000	2,850,000	3,000,000

Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.



Inter Office Memorandum
Office of the Westchester County Attorney
Contracts Bureau

To: Larry Soule

From: Carla M. Chaves

A handwritten signature in black ink, appearing to be "CMC", followed by a small dash.

Re: Bond Act, Capital Budget Amendment and Grant Acceptance Authorization A0137.

Date: April 13, 2023

Thank you for your prompt attention to this matter. Please don't hesitate to call me at Ext. 2430.

CMC/cmc
Enclosures

HONORABLE BOARD OF LEGISLATORS
WESTCHESTER COUNTY

Your Committee is in receipt of a communication from the County Executive pertaining to approval of the Agreement between the County of Westchester and the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860, Unit 9200 ("CSEA" or "the Union") on a five (5) year contract commencing on January 1, 2023 and ending on December 31, 2027 ("Memorandum of Agreement" or "Agreement"). A copy of the Agreement is attached. All provisions of the prior collective bargaining agreement shall remain in full force and effect except as agreed to be modified by the provisions contained in the Memorandum of Agreement.

Upon approval, all terms and conditions of the Agreement shall be implemented as soon as practicable, except those that may have an implementation dates that occurs at a specific period within the Agreement period. All terms and conditions that have no specific implementation date shall become effective on the first day of the Agreement.

The provisions of the Agreement that require this Honorable Board's consideration and approval in compliance with the Public Employees' Fair Employment Act ("Taylor Law") are outlined below:

1. Compensation – Article IV, Section 3 shall be amended as follows:

The following wage increases and retroactive payments shall be payable to bargaining unit members:

- a. Effective January 1, 2023, and retroactive to that date, each step of the salary schedule in effect on December 31, 2022 shall be increased by two and three-quarters percent (2.75%).

- b. Effective January 1, 2024, each step of the salary schedule in effect on December 31, 2023 shall be increased by two and three-quarters percent (2.75%).
- c. Effective January 1, 2025, each step of the salary schedule in effect on December 31, 2024 shall be increased by two and three-quarters percent (2.75%).
- d. Effective January 1, 2026, each step of the salary schedule in effect on December 31, 2025 shall be increased by three percent (3%).
- e. Effective January 1, 2027, each step of the salary schedule in effect on December 31, 2026 shall be increased by three percent (3%).

2. Longevity – Article IV, Section 4 (“Longevity”) shall be amended as follows:

<u>Effective</u>	<u>1/1/2024</u>
After 5 years (hired on or before 12/31/18)	\$1,900
After 8 years (hired on or after 1/1/19)	\$1,900
After 10 years	\$2,100
After 15 years	\$2,400
After 20 years	\$3,000
After 25 years	\$4,000

3. Shift Differential – Article IV, Section 10, subsection A shall be amended as follows:

- a. Effective January 1, 2024, all employees who have a regular starting time of one o’clock (1:00 p.m.) or later or have a regular quitting time of twelve o’clock (12:00 p.m.) or earlier shall receive additional compensation while regularly working such second or third shift hours of one hundred dollars (\$100.00).
- b. Effective January 1, 2024, all employees who are regularly assigned to any twelve (12) hour work shift shall receive additional compensation while regularly working such shift of one hundred dollars (\$100.00).

4. Meal Reimbursement/Allowance – Amend Article IV, Section 10, subsection E to provide that employees shall receive meal reimbursements or meal allowances in accordance with the County Travel Policy.

5. Uniforms and Equipment

- a. Amend Article V, Section 2, subsection D, 2. to read as follows:

Additionally, Employees in the Department of Health, who are required to purchase and maintain uniforms, shall receive a yearly allowance of two hundred seventy-five dollars (\$275.00).

Employees required to wear work boots shall receive an annual boot reimbursement of up to two hundred dollars (\$200.00) with a receipt.

Employees who are not properly attired will receive one warning. On any subsequent occasion when the employee is not properly attired, they will be sent home without pay.

- b. Amend Article V, Section 2, subsection D, 5 to read as follows:

Mechanics at the Central County Garage shall receive a tool allowance of seven hundred fifty dollars (\$750.00) per annum payable in the month of December. New Employees shall receive a pro-rata payment based upon the number of months worked.

6. Tuition Reimbursement – Delete Article VIII, Section 11, subsection B.

7. Co-Payments – Effective upon full ratification of this Memorandum of Agreement, Article X, Section 1, subsection A, 1. shall be amended as follows:

Prescription Drug Co-Payments (for thirty (30) day retail supply):

Generic	\$0
Brand	\$30
Non-preferred	\$60

Outpatient Co-Payments

Emergency Room	\$50
Ambulatory Surgery	\$50
Doctors Office Visit	\$25
Laboratory/Radiology Tests	\$25
Physical Therapy	\$15
Chiropractic Treatment	\$25

8. Working Spouse Rule – Effective upon full ratification of this Memorandum of Agreement, delete Article X, Section 1, subsection A, 2.

9. Retiree Health Insurance – Article X, Section 1, subsection A, 6. shall be amended as follows:

Any employee hired on or after the date of full ratification of this Memorandum of Agreement, who qualifies for the County health plan, shall receive continued family and individual coverage according to the following:

- | | | |
|---------------------------------|---------------------|-------------------------|
| a. 25 years or more of service: | Individual coverage | 100% paid by the County |
| | Family coverage | 80% paid by the County |
| b. 20 years through 24 years | Individual coverage | 75% paid by the County |
| | Family coverage | 50% paid by the County |
| c. 10 years through 19 years: | Individual coverage | 50% paid by the County |
| | Family coverage | 25% paid by the County |

Your Committee has carefully considered the subject matter, the Agreement, and the attached Act and recommends approval of the Agreement. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
May 1st, 2023

Robert F. Fazio
Carl P. P...
St...
Theresa B...
James B...
...
COMMITTEE ON
David L. Tubolo
Quelli M...

Budget & Appropriations

Dated: May 1, 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

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive style with a large, stylized "S" at the end.

FISCAL IMPACT STATEMENT

SUBJECT: CSEA CBA 2023-27

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 7,129,750

Total Current Year Revenue \$ 3,965,195

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: Personal Service, State Aid and Federal Aid County-wide

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: 2024: Expenditures of \$16,601,277 and Federal and State Aid of \$6,243,004

2025: Expenditures of \$24,682,827 and Federal and State Aid of \$8,110,807

2026: Expenditures of \$33,741,511 and Federal and State Aid of \$10,492,256

2027: Expenditures of \$43,071,955 and Federal and State Aid of \$13,421,438

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: April 25, 2023

Reviewed By: 

Budget Director

Date: 4/26/23

MEMORANDUM OF AGREEMENT

Memorandum of Agreement by and between the County of Westchester (the "County") and the Civil Service Employees Association, Local 860, Local 1000, Unit 9200, AFSCME, AFL-CIO (the "CSEA"), dated this 30th day of March 2023.

WHEREAS, the County and CSEA are the parties to a collective bargaining agreement which expired on December 31, 2021 and a subsequent memorandum of agreement which expired on December 31, 2022; and

WHEREAS, authorized representatives for the County and CSEA met in good faith to negotiate a successor agreement and have done so in accordance with their statutory obligations; and

WHEREAS, the parties have reached a tentative agreement, which is subject to ratification by the membership of the CSEA and approval by the Westchester County Board of Legislators; it is stipulated and agreed as follows:

1. The duration of the agreement shall be from January 1, 2023 through December 31, 2027.
2. All proposals not addressed by this Memorandum of Agreement are withdrawn.
3. All provisions of the collective bargaining agreement which expired on December 31, 2021 and memorandum of agreement which expired on December 31, 2022 shall be incorporated into a successor agreement except as modified by this Memorandum of Agreement.
4. Compensation – Article IV, Section 3 shall be amended as follows:

The following wage increases and retroactive payments shall be payable to bargaining unit members:

- a. Effective January 1, 2023, and retroactive to that date, each step of the salary schedule in effect on December 31, 2022 shall be increased by two and three-quarters percent (2.75%).
- b. Effective January 1, 2024, each step of the salary schedule in effect on December 31, 2023 shall be increased by two and three-quarters percent (2.75%).
- c. Effective January 1, 2025, each step of the salary schedule in effect on December 31, 2024 shall be increased by two and three-quarters percent (2.75%).
- d. Effective January 1, 2026, each step of the salary schedule in effect on December 31, 2025 shall be increased by three percent (3%).
- e. Effective January 1, 2027, each step of the salary schedule in effect on December 31, 2026 shall be increased by three percent (3%).

5. Longevity – Article IV, Section 4 (“Longevity”) shall be amended as follows:

<u>Effective</u>	<u>1/1/2024</u>
After 5 years (hired on or before 12/31/18)	\$1,900
After 8 years (hired on or after 1/1/19)	\$1,900
After 10 years	\$2,100
After 15 years	\$2,400
After 20 years	\$3,000
After 25 years	\$4,000

6. Shift Differential – Article IV, Section 10, subsection A shall be amended as follows:

- a. Effective January 1, 2024, all employees who have a regular starting time of one o'clock (1:00 p.m.) or later or have a regular quitting time of twelve o'clock (12:00 p.m.) or earlier shall receive additional compensation while regularly working such second or third shift hours of one hundred dollars (\$100.00).
- b. Effective January 1, 2024, all employees who are regularly assigned to any twelve (12) hour work shift shall receive additional compensation while regularly working such shift of one hundred dollars (\$100.00).

7. Meal Reimbursement/Allowance – Amend Article IV, Section 10, subsection E to provide that employees shall receive meal reimbursements or meal allowances in accordance with the County Travel Policy.

8. Uniforms and Equipment

- a. Amend Article V, Section 2, subsection D, 2. to read as follows:

Additionally, Employees in the Department of Health, who are required to purchase and maintain uniforms, shall receive a yearly allowance of two hundred seventy-five dollars (\$275.00).

Employees required to wear work boots shall receive an annual boot reimbursement of up to two hundred dollars (\$200.00) with a receipt.

Employees who are not properly attired will receive one warning. On any subsequent occasion when the employee is not properly attired, they will be sent home without pay.

- b. Amend Article V, Section 2, subsection D, 5 to read as follows:

Mechanics at the Central County Garage shall receive a tool allowance of seven hundred fifty dollars (\$750.00) per annum payable in the month of December. New Employees shall receive a pro-rata payment based upon the number of months worked.

9. Tuition Reimbursement – Delete Article VIII, Section 11, subsection B.

10. Co-Payments – Effective upon full ratification of this Memorandum of Agreement, Article X, Section 1, subsection A, 1. shall be amended as follows:

Prescription Drug Co-Payments (for thirty (30) day retail supply):

Generic	\$0
Brand	\$30
Non-preferred	\$60

Outpatient Co-Payments

Emergency Room	\$50
Ambulatory Surgery	\$50
Doctors Office Visit	\$25
Laboratory/Radiology Tests	\$25
Physical Therapy	\$15
Chiropractic Treatment	\$25

11. Working Spouse Rule – Effective upon full ratification of this Memorandum of Agreement, delete Article X, Section 1, subsection A, 2.

12. Retiree Health Insurance – Article X, Section 1, subsection A, 6. shall be amended as follows:

Any employee hired on or after the date of full ratification of this Memorandum of Agreement, who qualifies for the County health plan, shall receive continued family and individual coverage according to the following:

a. 25 years or more of service:	Individual coverage	100% paid by the County
	Family coverage	80% paid by the County
b. 20 years through 24 years	Individual coverage	75% paid by the County
	Family coverage	50% paid by the County
c. 10 years through 19 years:	Individual coverage	50% paid by the County
	Family coverage	25% paid by the County

[CONTINUE TO PAGE 4 FOR SIGNATURES]

For the County

Charles Katum
Paul Gormey

For the CSEA

Hettie Adams
Randy Sparker

CSEA PROPOSAL 2023-27 (2.75% / 2.75% / 2.75% / 3.0% / 3.0%)				
2023				
	GEN FUND	TRUST FUNDS	DISTRICT FUNDS	ALL FUNDS
Wages (2.75%)	5,149,283	376,331	673,067	6,198,680
Longevity				
Shift	-	-	-	-
Sick Leave Buyout	-	-	-	-
Waivers	-	-	-	-
Pension	798,139	58,331	104,325	960,795
Payroll Taxes	411,428	30,069	53,778	495,275
Health Savings	(436,121)	(31,874)	(57,006)	(525,000)
Aid	(3,735,303)	(229,893)	-	(3,965,195)
NET COUNTY	2,187,426	202,965	774,165	3,164,555
2024				
	GEN FUND	TRUST FUNDS	DISTRICT FUNDS	ALL FUNDS
Wages (2.75%)	10,440,171	763,011	1,364,643	12,567,824
Longevity	943,586	61,645	115,745	1,120,976
Shift	275,864	3,775	117,338	396,977
Sick Leave Buyout	-	-	-	-
Waivers	-	-	-	-
Pension	1,764,482	127,822	229,460	2,121,764
Payroll Taxes	909,562	65,890	118,283	1,093,735
Health Savings	(581,494)	(42,498)	(76,008)	(700,000)
Aid	(5,881,049)	(361,954)	-	(6,243,004)
NET COUNTY	7,871,122	617,690	1,869,462	10,358,273
2025				
	GEN FUND	TRUST FUNDS	DISTRICT FUNDS	ALL FUNDS
Wages (2.75%)	15,876,558	1,160,324	2,075,238	19,112,120
Bonus				
Longevity	943,586	61,645	115,745	1,120,976
Shift	275,864	3,775	117,338	396,977
Sick Leave Buyout	-	-	-	-
Waivers	-	-	-	-
Pension	2,607,122	189,405	339,602	3,136,130
Payroll Taxes	1,343,930	97,635	175,060	1,616,624
Health Savings	(581,494)	(42,498)	(76,008)	(700,000)
Aid	(7,640,562)	(470,245)	-	(8,110,807)
NET COUNTY	12,825,004	1,000,042	2,746,975	16,572,020
2026				
	GEN FUND	TRUST FUNDS	DISTRICT FUNDS	ALL FUNDS
Wages (3.0%)	21,970,254	1,605,677	2,871,749	26,447,680
Bonus				
Longevity	943,586	61,645	115,745	1,120,976
Shift	275,864	3,775	117,338	396,977
Sick Leave Buyout	-	-	-	-
Waivers	-	-	-	-
Pension	3,551,645	258,435	463,062	4,273,142
Payroll Taxes	1,830,816	133,219	238,701	2,202,736
Health Savings	(581,494)	(42,498)	(76,008)	(700,000)
Aid	(9,883,940)	(608,316)	-	(10,492,256)
NET COUNTY	18,106,731	1,411,936	3,730,587	23,249,255
2027				
	GEN FUND	TRUST FUNDS	DISTRICT FUNDS	ALL FUNDS
Wages (3.0%)	28,246,761	2,064,390	3,692,157	34,003,307
Bonus				
Longevity	943,586	61,645	115,745	1,120,976
Shift	275,864	3,775	117,338	396,977
Sick Leave Buyout	-	-	-	-
Waivers	-	-	-	-
Pension	4,524,504	329,535	590,225	5,444,264
Payroll Taxes	2,332,309	169,870	304,251	2,806,430
Health Savings	(581,494)	(42,498)	(76,008)	(700,000)
Aid	(12,643,295)	(778,143)	-	(13,421,438)
NET COUNTY	23,098,234	1,808,574	4,743,708	29,650,517
GRAND TOTAL				82,994,620

Changes to the copay plan as provided would result in a roughly 1% savings to the plan costs associated with CSEA actives and retirees. The annual savings is estimated as follows:

CSEA Actives:	582,510
Retirees:	172,137
Total:	754,647

ACT NO. _____ 2023

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860, Unit 9200 for a five (5) year period commencing on January 1, 2023 and ending on December 31, 2027.

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

Section 1. All provisions of the prior collective bargaining agreement shall remain in full force and effect except as agreed to be modified by the provisions contained in the Memorandum of Agreement for the term commencing on January 1, 2023 and ending on December 31, 2027.

Section 2. Compensation: Article IV, Section 3 shall be amended as follows:

The following wage increases and retroactive payments shall be payable to bargaining unit members:

- a. Effective January 1, 2023, and retroactive to that date, each step of the salary schedule in effect on December 31, 2022 shall be increased by two and three-quarters percent (2.75%).
- b. Effective January 1, 2024, each step of the salary schedule in effect on December 31, 2023 shall be increased by two and three-quarters percent (2.75%).
- c. Effective January 1, 2025, each step of the salary schedule in effect on December 31, 2024 shall be increased by two and three-quarters percent (2.75%).

- d. Effective January 1, 2026, each step of the salary schedule in effect on December 31, 2025 shall be increased by three percent (3%).
- e. Effective January 1, 2027, each step of the salary schedule in effect on December 31, 2026 shall be increased by three percent (3%).

Section 3. Longevity – Article IV, Section 4 (“Longevity”) shall be amended as follows:

<u>Effective</u>	<u>1/1/2024</u>
After 5 years (hired on or before 12/31/18)	\$1,900
After 8 years (hired on or after 1/1/19)	\$1,900
After 10 years	\$2,100
After 15 years	\$2,400
After 20 years	\$3,000
After 25 years	\$4,000

Section 4. Shift Differential – Article IV, Section 10, subsection A shall be amended as follows:

- a. Effective January 1, 2024, all employees who have a regular starting time of one o’clock (1:00 p.m.) or later or have a regular quitting time of twelve o’clock (12:00 p.m.) or earlier shall receive additional compensation while regularly working such second or third shift hours of one hundred dollars (\$100.00).
- b. Effective January 1, 2024, all employees who are regularly assigned to any twelve (12) hour work shift shall receive additional compensation while regularly working such shift of one hundred dollars (\$100.00).

Section 5 Meal Reimbursement/Allowance– Amend Article IV, Section 10, subsection E to provide that employees shall receive meal reimbursements or meal allowances in accordance with the County Travel Policy.

Section 6 Uniforms and Equipment

- a. Amend Article V, Section 2, subsection D, 2. to read as follows:

Additionally, Employees in the Department of Health, who are required to purchase and maintain uniforms, shall receive a yearly allowance of two hundred seventy-five dollars (\$275.00).

Employees required to wear work boots shall receive an annual boot reimbursement of up to two hundred dollars (\$200.00) with a receipt.

Employees who are not properly attired will receive one warning. On any subsequent occasion when the employee is not properly attired, they will be sent home without pay.

- b. Amend Article V, Section 2, subsection D, 5 to read as follows:

Mechanics at the Central County Garage shall receive a tool allowance of seven hundred fifty dollars (\$750.00) per annum payable in the month of December. New Employees shall receive a pro-rata payment based upon the number of months worked.

Section 7 Tuition Reimbursement – Delete Article VIII, Section 11, subsection B.

Section 8 Co-Payments – Effective upon full ratification of this Memorandum of Agreement, Article X, Section 1, subsection A, 1. shall be amended as follows:

Prescription Drug Co-Payments (for thirty (30) day retail supply):

Generic	\$0
Brand	\$30
Non-preferred	\$60

Outpatient Co-Payments

Emergency Room	\$50
Ambulatory Surgery	\$50
Doctors Office Visit	\$25
Laboratory/Radiology Tests	\$25
Physical Therapy	\$15
Chiropractic Treatment	\$25

Section 9 Working Spouse Rule – Effective upon full ratification of this Memorandum of Agreement, delete Article X, Section 1, subsection A, 2.

Section 10 Article X, Section 1, subsection A, 6. shall be amended as follows:

Any employee hired on or after the date of full ratification of this Memorandum of Agreement, who qualifies for the County health plan, shall receive continued family and individual coverage according to the following:

- | | | |
|---------------------------------|---------------------|-------------------------|
| d. 25 years or more of service: | Individual coverage | 100% paid by the County |
| | Family coverage | 80% paid by the County |
| e. 20 years through 24 years | Individual coverage | 75% paid by the County |
| | Family coverage | 50% paid by the County |
| f. 10 years through 19 years: | Individual coverage | 50% paid by the County |
| | Family coverage | 25% paid by the County |

Section 11. This Act shall take effect immediately.