

ACT NO. ___ - 2026

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Mount Kisco for the Town to construct and install its complete streets project entitled “Mount Kisco Streetscape Sidewalk Improvements Phase 3B” on its municipally owned roads and real properties with the County reimbursing up to 50% of the costs incurred by the Town of Mount Kisco for construction and construction management related to the project for a term commencing on execution and terminating when the bonds issued for the construction of the project has been paid in full.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an intermunicipal agreement (the “IMA”) with the Town of Mount Kisco (the “Town of Mount Kisco”) for the Town of Mount Kisco to undertake and complete its complete street project entitled “Mount Kisco Streetscape Sidewalk Improvements Phase 3B” (the “Project”) to be located on South Moger Avenue (Town Road) between Kirby Plaza and Green Street and Briton Lane (Town Road), between Stewart Place and South Moger Avenue (collectively, the “Property”).

§2. The Project shall provide pedestrian safety and streetscape improvements along the South Moger Avenue corridor, including the reconstruction of sidewalks along South Moger Avenue, as well as upgrading crossings to meet accessibility standards and improving lighting along the corridor. The Project shall also include various streetscape improvements, such as brick pavers, ornamental lighting, benches, and landscaping, and adds a planted median along the corridor to provide traffic calming and serve as a pedestrian crossing island.

§3. The County shall reimburse up to 50% of the construction and construction management costs incurred by the Town of Mount Kisco and fund administrative costs related to the Project, in an amount

not to exceed One Million, Three Hundred Fifty-Five Thousand, Two Hundred Seventy-Five (\$1,355,275.00) dollars (the "Construction Fund Amount").

§4. Upon the request of the Town of Mount Kisco, the Department of Planning Commissioner or her duly authorized designee (the "Planning Commissioner") may in her sole discretion revise scope of work and/or the budget for the Project provided the Planning Commissioner shall have no authority to: (1) exceed the Construction Fund Amount without obtaining approval of the County Board of Legislators, or (2) make revisions to scope of work that require a further environmental review under State Environmental Quality Review Act without the environmental review being performed and approved by the County Board of Legislators.

§5. The County's obligation to finance a portion of the construction and construction management costs of the Project and administrative costs shall not exceed Construction Fund Amount. The County shall not be liable for any costs and expenses in excess of the Construction Fund Amount, and in the event the costs for the Project exceeds the Construction Fund Amount, the Town of Mount Kisco shall be solely liable to pay said excess.

§6. The term of the IMA shall commence upon execution and terminate when the bonds issued for the construction of the projects have been paid in full.

§7. The Town of Mount Kisco shall be responsible for the design, construction, operation, maintenance, security, repair, and proper supervision of the Project and its municipally owned roads and real properties, at its own cost and expense.

§8. Nothing in the IMA shall transfer any responsibility, maintenance, obligation, ownership or duty for any roadway, property, or portion of the Project or its municipally owned roads and real properties to the County, nor shall all or a portion of the Project or the Town of Mount Kisco municipally owned roads and real properties become or form a part of the County roadway system. All roadway(s) and/or other portions of the Project and Property are and will remain a part of the Town of Mount Kisco roadway system or jurisdiction with all responsibility, maintenance obligations, ownership, and duties continuing to be the full responsibility of the Town of Mount Kisco in all respects.

§9. The Town of Mount Kisco shall submit design plans, specifications, and construction documents for the project to the Planning Commissioner for written approval. The Planning Commissioner shall consult with the County's Department of Public Works and Transportation Commissioner or his duly authorized designee ("DPWT Commissioner"), in accordance with applicable law, and following consultation approve the design plans, specifications, and construction documents for the Project or provide comments to the Town of Mount Kisco, which shall be incorporated into the Town of Mount Kisco documents. Any amendments to the design plans, specifications, and/or construction documents, any additions, developments, improvements, or alterations to the Project, or any advertising and signage utilized by the Town of Mount Kisco in connection with the Project shall be subject to the prior written approval of the Planning Commissioner following consultation with the DPWT Commissioner in accordance with applicable law.

§10. The Project shall be accessible and open to all Westchester County residents.

§11. The IMA will include a provision granting the County an easement interest in the respective municipally owned roads and real properties listed in Section 1 above and the Project for the term of the IMA for the purpose of permitting the County to use and occupy the Property and Project for the purpose of funding construction of the Project. The County is authorized to accept such easement interest.

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

§13. This Local Law shall take effect immediately.