§ 16-0115. Municipal participation in federal program; raising and disbursement of funds; local cooperation agreements.

1. Prior to the commencement of any federal flood protection project, the governing body of any benefiting municipality or municipalities must execute a local cooperation agreement which will specify the cost to be borne by the municipality. The moneys so required shall be paid by such benefiting municipality or municipalities and shall be raised by tax or pursuant to the local finance law, or in accordance with any local charter or law, as the case may be. All such funds shall be paid by such benefiting municipality or municipalities in a manner specified in a local cooperation agreement.

2. The non-federal share of any costs related to development of any flood control project required by the federal government shall be borne by the state except for construction costs which shall be shared in accordance with the percentages specified in paragraphs (a) and (b) of subdivision three of this section.

3. The assignment of responsibility for all required non-federal items of cooperation shall be specified in the local cooperation agreement as follows:

(a) the state shall bear fifty percent of those costs required by the federal government including lands, easements, rights-of-way, relocations, and cash contributions if any.

(b) the benefiting municipality or municipalities shall bear fifty percent of those costs required by the federal government including lands, easements, rights-of-way, relocations, and cash contributions if any.

(c) the costs of all lands, easements, rights-of-way and relocations borne by the state or a benefiting municipality or municipalities shall be a credit against the respective shares of the state and the benefiting municipality or municipalities.

(d) the operation and maintenance of the project, once constructed, shall be the responsibility of the benefiting municipality or municipalities in accordance with the guidance and direction of the state and under the controlling principle that flood control is the

primary purpose.

(e) replacement of project facilities shall be the responsibility of the state provided that replacement is not due to deferred maintenance.

4. Notwithstanding any other provisions of this section, for any flood control project for which a local cooperation agreement was developed or a letter of intent was furnished to the federal government before January first, nineteen hundred eighty-seven, the state of New York shall not pay less than the total costs of all lands, easements, rights-of-way, bridges and relocations, with the exception of lands owned by the benefiting municipality or municipalities and the relocation of facilities owned by the benefiting municipality or municipalities.

5. Any local cooperation agreement may include such additional terms and conditions as the commissioner may determine to be necessary.