§ 202-f. Construction or installation of certain improvements in state highways and county roads. 1. In the event of the construction, reconstruction or relocation of a state highway or county road in any town outside of an existing water, water storage and distribution, sewer, sewage disposal or drainage district, the town board of such town, after a public hearing as hereinafter provided, may, at the time of such construction, reconstruction or relocation, install or construct such improvements in the right-of-way in such state highway or county road as it may determine to be in the public interest for future use by any such district or extension thereof in such town. The town board shall cause a plan of the proposed improvement and an estimate of the cost thereof to be prepared by the town engineer or, if there be no town engineer, an engineer duly licensed by the state of New York. When the plan and estimate of the cost have been completed, the town board shall call a public hearing thereon and cause a notice thereof to be published in the official newspaper of said town, if any, or if none, in any newspaper which could be designated as the official newspaper of the town, the first publication thereof to be not less than ten nor more than twenty days before the day set therein for said public hearing, and shall also cause a copy of such notice to be posted on the sign-board of the town maintained pursuant to subdivision six of section thirty of this chapter not less than ten nor more than twenty days before the date designated for such public hearing as aforesaid. In the event that the town maintains a website, such information may also be provided on the website. Such notice shall describe in general terms the proposed improvement, shall specify the estimated cost thereof and state the time when and the place where such town board will meet to hear all persons interested in the subject matter thereof. If the town board shall decide after such public hearing and upon the evidence given thereat that it is in the public interest to install or construct the proposed improvement, such town board shall direct the engineer to prepare definite plans and specifications and make a careful estimate of the expense, and, with the assistance of the town attorney or an attorney employed for that purpose, to prepare a proposed contract for the execution of the work. Thereupon, such town board shall examine such definite plans, specifications, estimate and the proposed contract, and may reject the same or make such modifications or changes therein as shall seem

necessary and desirable, and adopt the same and cause the improvement to be installed or constructed in accordance therewith.

2. The expense of any improvement authorized pursuant to this section shall be a town charge and shall be assessed, levied and collected in the same manner and at the same time as other town charges; provided, however, that nothing herein contained shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of any improvement authorized pursuant to this section. Any such improvement shall be deemed to be a district or special improvement authorized by article twelve of this chapter within the meaning of subdivision two of paragraph b of section 35.00 of the local finance law. The expense of any such improvement shall not exceed the amount stated as the estimated cost thereof in the notice of the public hearing thereon.

3. The town board may authorize the use of any improvement installed or constructed pursuant to this section by any water, water storage and distribution, sewer, sewage disposal or drainage district, or extension thereof, thereafter established in such town, provided the entire expense of such improvement, together with the expense of the construction of the original improvement for such district or extension, shall not exceed the maximum amount proposed to be expended as stated in the petition, or, in the case of a water storage and distribution district or sewage disposal district, the notice of hearing, for the establishment or extension of such district. Whenever the town board shall authorize the use of any improvement installed or constructed pursuant to this section by any district or extension thereof, the same shall become a part of such district or extension thereof and the entire cost of such improvement, including the expense of maintenance thereof, shall be a charge against such district or extension and shall be assessed, levied and collected in the same manner as other charges against such district or extension.

4. No improvement shall be installed or constructed within any state highway or county road pursuant to this section until the state commissioner of transportation or the county superintendent of highways, as the case may be, shall have granted his written consent thereto,

which consent may be made subject to such conditions as may be determined necessary or desirable to prevent undue interference with the work of constructing, reconstructing or relocating such highway or road.

5. In any town which is located wholly or partly within the Adirondack park which contains state lands subject to taxation assessed at more than thirty per centum of the total taxable assessed valuation of such town as determined from the latest completed assessment roll of such town, no expenditure shall be made or contract let for the purposes authorized in this section, unless the state comptroller, on behalf of the state, shall consent to such expenditure. In all other cases, the consent of the state comptroller shall not be required for any expenditure pursuant to this section.