§ 1054. Powers of the authority. The authority shall have power:

1. To sue and be sued;

2. To have a seal and alter the same at pleasure;

3. To acquire, in the name of the authority, lease, hold and dispose of personal property or any interest therein for its corporate purposes, including the power to purchase prospective or tentative awards in connection with the exercise of the power of condemnation hereinafter granted;

4. To purchase, in the name of the authority, any water supply system, water distribution system, including plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property, real, personal or mixed, incidental to and included in such system or part thereof, and any improvements, extensions, and betterments, situated within the county of Erie, provided however that the authority shall have the power to purchase any source of supply, or water supply system or any part thereof situated without the county of Erie; and in connection with the purchase of such properties the authority may assume any obligations of the owner of such properties and, to the extent required by the terms of any indentures or other instruments under which such obligations were issued, the authority may assume and agree to perform convenants and observe the restrictions contained in such instruments; and furthermore the owner of any properties, which the authority is authorized to acquire, is hereby authorized to sell or otherwise transfer the same to the authority, whereupon the authority shall become charged with the performance of all public duties with respect to such properties with which such owner was charged and such owner shall become discharged from the performance thereof, and in the case of a sale or other transfer of properties of a public utility corporation pursuant to this provision, it shall be lawful to dissolve such corporation;

5. To condemn, in the name of the authority, any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property, real, personal or mixed, incidental to and included in any such source of supply or any such system or parts thereof, and any improvements, extensions and betterments, situated within the county of Erie, and to condemn any necessary source of supply or water supply system, or any parts thereof, situated without the county of Erie. The authority shall exercise the power of condemnation hereby granted in the manner provided in the condemnation law or in the manner provided by law for the condemnation of land by the county of Erie. Upon the taking of the constitutional oath of office by the commissioners of appraisal and the filing of such oaths, title to the properties described in the condemnation proceedings shall become and be vested in the authority as hereinafter provided in this title and such authority shall be entitled to enter into possession of the property condemned and to operate the same for its corporate purposes. Upon the vesting of title in the authority, any person entitled to a final award shall have and retain a lien upon such property to secure the payment of such compensation with interest, as shall be directed to be paid by the final order in the condemnation proceeding. The lien shall be discharged and satisfied by payment of the compensation, with interest directed to be paid by the final order, less any sums, with interest paid in advance of the determination of the final award in condemnation as hereinafter provided. In the exercise of such power of condemnation, the property being condemned shall be deemed, when so determined by the authority, to be for a public use superior to the public use in the hands of any other person, association, or corporation, provided, however, that the authority shall have no power to condemn property the legal title to which is vested in a municipal corporation or political subdivision of the state unless such municipal corporation or political subdivision shall consent thereto;

6. To construct and develop any water supply system, water

distribution system, including plants, works, instrumentalities, or parts thereof, and appurtenances thereto, dams, reservoirs, water mains, pipe lines, pumping stations and equipment, or any other property incidental to or included in such system or part thereof, and to acquire, by condemnation in the manner provided by this title, or by purchase, lands, easements, rights in land, and water rights and rights-of-way in connection therewith; and to own and operate, maintain, repair, improve, reconstruct, enlarge and extend, subject to the provisions of this title, any of its properties acquired hereunder, all of which, together with the acquisition of such properties are hereby declared to be public purposes;

6-a. To do all things necessary to construct and maintain water transmission and distribution mains and appurtenances thereto to provide wholesale or retail supplies of water to the town of Hanover, village of Silver Creek, and the Seneca Nation of Indians, Cattaraugus reservation upon the adoption of a resolution of the governing body of any such municipality or Indian tribe requesting that the authority sell water to their municipality or tribe and the adoption of a consenting resolution by the governing body of the water utility serving such municipality or tribe should such a water utility then exist;

7. To sell, lease, convey, or otherwise dispose of any distribution system or improvements thereto which the authority may acquire or construct to any municipal corporation or town water district or to the county;

8. To produce, develop, distribute and sell water, water services, facilities and commodities within or without the territorial limits of the district; and to purchase water from any municipal corporation, town water district, person, association or corporation; provided, however, that water may be sold at retail to individual consumers only within the county of Erie and further provided that in exercising the powers granted by this title, the authority shall not sell water in any area which is served by a water system owned or operated by a municipality or special improvement district unless the governing board of such municipality or district shall adopt a resolution requesting the

authority to sell water in such served area;

9. To acquire, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or interest therein, for its corporate purposes;

10. To make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, rules for the sale of water and the collection of rents and charges therefor. Such rules may provide for the discontinuance or disconnection of the supply of water for non payment of water rents, rates or charges. The authority shall not discontinue or disconnect the supply of water except in the manner and upon such notice as is required of a water-works corporation pursuant to subdivision three-a of section eighty-nine-b of the public service law. A copy of such rules and by-laws, and all amendments thereto, duly certified by the secretary of the authority shall be filed in the office of the clerk of the county and thereafter published once in two newspapers having a general circulation in the county. Violation of such rules shall be a misdemeanor punishable by fine, not exceeding fifty dollars, or by imprisonment for not longer than thirty days, or both. Exclusive jurisdiction is hereby conferred upon the local criminal courts of the county, outside the city of Buffalo, which have trial jurisdiction, to hear and determine, subject to the provisions of the criminal procedure law, any violation of this title;

11. With the consent of the county to use the officers, employees, facilities and equipment of the county, paying a proper portion of the compensation or cost;

12. To make contracts and to execute all necessary or convenient instruments, including evidences of indebtedness, negotiable or non-negotiable;

13. To enter on any lands, waterways and premises for the purpose of making surveys, soundings and examinations;

14. To borrow money and to issue negotiable bonds, notes or other

obligations and to fund or refund the same, and to provide for the rights of the holders of its obligations;

15. To fix rates and collect charges for the use of the facilities of, or services rendered by, or any commodities furnished by the authority such as to provide revenues sufficient at all times to pay, as the same shall become due, the principal and interest on the bonds of the authority together with the maintenance of proper reserves therefor, in addition to paying as the same shall become due the expense of operating and maintaining the properties of the authority together with proper reserves for depreciation, maintenance, and contingencies and all other obligations and indebtedness of the authority;

16. To enter into cooperative agreements with other water authorities, municipalities, counties, towns, villages, water districts, utility companies, individuals, firms or corporations, within or without the territorial limits of the district for the inter-connection of facilities, the exchange or interchange of services and commodities or for any other lawful purposes necessary or desirable to effect the purposes of this title;

17. To accept grants, loans or contributions from the United States, the state of New York, or any agency or instrumentality of either of them, or the county, or an individual, by bequest or otherwise, and to expend the proceeds for any purposes of the authority;

18. To do all things necessary or convenient to carry out the powers expressly given in this title.

19. To facilitate the determination of the economic practicability of any step contemplated by the authority or of any other fact or matter which the authority is now or may hereafter be authorized and empowered to decide or determine the authority may and in the case of any project involving an expenditure in excess of five hundred thousand dollars must conduct investigations, inquiries or hearings at such place or places as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of any officers of the authority or by or

before any person or persons appointed as its representative, and when ratified, approved or confirmed by the authority its action shall be and be determined to be the investigation, inquiry or hearing of the authority.

For the purpose of any such investigation, inquiry or hearing and for the purpose of such other action or powers as the authority may be authorized or empowered to take or exercise, it shall have jurisdiction of any and all persons, associations or corporations residing in or acting under and by virtue of the laws of or owning property within the state of New York and shall have the power to compel the attendance of witnesses and the production of any papers, books or other documents, and to administer oaths to all witnesses who may be called before it.

20. Upon the adoption of a resolution by the authority that it intends to acquire or to commence negotiations for the purpose of acquiring the property or any part thereof, of a public utility corporation, said public utility corporation shall give to the authority and its authorized representatives access to its books, records and accounts, or such portion thereof, as are descriptive of the property proposed to be acquired.

21. At any time after the entry of a judgment as provided in the condemnation law, the authority may make application to the court for an order directing that title to the property described in the proceeding shall vest in the authority in advance of the determination and payment of the final award in condemnation. Upon such application the court shall hear the proofs of the parties to the proceeding respecting the readiness and ability of the authority to pay to the person entitled such compensation with interest as the final order in the proceeding may direct to be paid. If the court shall be satisfied that the authority will be ready and able to pay said compensation with interest when ascertained, and that the person entitled thereto by such proofs and the provisions of this title, is reasonably assured of such payment, the court shall make an order vesting title to the property described in the authority, upon the taking and filing of the oath of office by the commissioners of appraisal, or at any stage of the proceeding

thereafter.

Upon the entry of said order with proof of service upon the parties to the proceeding, the authority shall be entitled to enter into possession of the property and to operate the same for its corporate purposes. Such order shall be enforced to obtain delivery of possession of the property in the manner provided for in section seventeen of the condemnation law.

22. Upon the vesting of title in the authority of the property described in a condemnation proceeding, or at any time thereafter the authority on notice to the parties to the proceeding may pay to any party or person entitled to an award for the property acquired, in advance of the determination of the final award, a sum of money to be determined by the authority. Such payment shall be made to the parties as their interests shall be determined by the court.

If the authority shall decide to make a partial payment in advance to any party or person entitled to an award, the interest on any sum so decided to be paid in advance shall cease to run on and after a date five days after such party or person shall have been notified by mail or otherwise that the authority is ready to pay the same.

When any such payment in advance shall have been made, the authority upon paying the final award for the property acquired, shall deduct from the total amount allowed as compensation, any sum advanced plus interest thereon from the date of the payment of such advance to the date of the final award in the proceeding.

23. To enter into a contract or contracts with the board of supervisors of Erie county for the acquisition, construction and development of a water supply and distribution system, or any part or parts thereof, on behalf of a county water district, and to contract for the operation and management of such county water district, all as provided in article five-a of the county law and article five-b of the general municipal law. Such water authority shall be deemed the agent of Erie county under any such contract. If such contract shall authorize the water authority to purchase supplies or equipment or to construct

public works, such authority shall be subject to all provisions of law to which Erie county would be subject in relation to advertising and awarding any such contracts for supplies, equipment or public works.