§ 1078. Powers. The powers and duties of the authority shall be as follows:

1. To sue and be sued.

2. To have a seal and alter the same.

3. To acquire, in the name of the authority, lease, hold and dispose of 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. (a) 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 incidental to and included in such system or part thereof, and any improvements, extensions and betterments, situated wholly within the county for the purpose of supplying water for domestic, commercial and public purposes at retail to individual consumers within the county of Suffolk or at wholesale in the manner provided by subdivision seven of this section as a means of so acquiring for such purposes, and subject to the approval of the public service commission, the authority may purchase all of the stock of any existing privately owned water corporation or company, and thereafter, within a reasonable time, such water corporation or company shall be dissolved.

(b) To condemn in the name of the authority, except where located in another county, 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 incidental to and included in such system or part thereof, and any improvements, extensions and

betterments for the purpose of supplying water for domestic, commercial and public purposes at retail to individual consumers within the county of Suffolk or at wholesale in the manner provided by subdivision seven of this section. The authority shall exercise the power of condemnation hereby granted in the manner provided either by the condemnation law or by the Suffolk county improvement act. 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 municipality unless such municipality shall consent thereto.

(c) To construct, develop and operate 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 within the county of Suffolk, 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 within such county; and to own and operate, maintain, repair, improve, reconstruct, enlarge and extend, subject to the provisions of this title, any of its properties acquired or constructed under this title, all of which, together with the acquisition of such properties are hereby declared to be public purposes.

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

5. To purchase water in bulk from any person, private corporation or municipality when necessary or convenient for the operation of such water supply and distribution system. To sell water in bulk to any not-for-profit corporation, public corporation, private corporation or person at its regular retail rates.

6. To fix, alter, charge and collect rates and other charges for the use of water by the inhabitants of the county or other consumers

thereof, at reasonable rates to be determined by the authority for the purpose of providing for the payment of the expenses of the authority, the construction, improvement, repair, maintenance and operation of the water supply and distribution system of the authority, the payment of the principal of and interest on the obligations of the authority, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

7. To sell water by volume to any or all municipalities or privately owned public water supply and distribution systems in such county. The fact that any municipality has procured or is about to procure an independent source of water supply shall not prevent such municipality from purchasing water from the authority. Subject to the approval of the board of supervisors of Suffolk county to sell any water not needed in such county to any municipality or privately owned public water supply and distribution system outside of the county in which created. Not only may the authority sell any surplus water it may have developed, but it may, with the consent of such board of supervisors, develop and provide a sufficient amount of water so as to supply water outside of the county to any municipality or privately owned public water supply and distribution system.

8. To make contracts and execute all instruments necessary or convenient.

9. To make by-laws for the management and regulation of its affairs and the regulation of and the charges made for water sold.

10. To appoint officers, agents and employees.

11. To enter upon any lands, waters and premises for the purpose of making surveys, soundings, drillings and examinations.

12. To enter into cooperative agreements with other water authorities, municipalities, or utility companies, for the interconnection of facilities, the exchange or inter-change of services and commodities or for any other lawful purposes necessary or desirable to effect the

purposes of this title, provided, however, that any such agreement with a municipality located in a county, other than Suffolk county, shall be subject to the approval of the board of supervisors of such county, if any.

12-a. To enter into a contract or contracts with the board of supervisors of Suffolk 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 Suffolk 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 Suffolk county would be subject in relation to advertising and awarding any such contracts for supplies, equipment or public works.

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

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 unless the governing board of such municipality shall adopt a resolution requesting the authority to sell water in such area.

Notwithstanding any other provision of law, the authority may not approve by resolution or otherwise make a final determination regarding a construction project for any new structure which exceeds thirty feet in height unless it holds a public hearing in the municipality where the construction will take place not less than fifteen days after notice has been given as hereinafter provided. Notice of such public hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area affected by the proposed construction project.