§ 1120-c. Clifton Park water authority. 1. A public corporation to be known as the Clifton Park water authority, is hereby created for the public purposes and charged with the duties and having the powers provided in this title. The authority shall be a body corporate and politic constituting a public benefit corporation, the objects of which in the judgment of the legislature cannot be attained under general laws. The authority shall be governed by a board of five members, who shall be residents of the town of Clifton Park and be appointed by the Clifton Park town board. The first members shall be appointed for the following terms of office: the two most junior council members on the town board shall each appoint one member for a term ending on December thirty-first of the third year following the year in which this title shall have become law; the other two council members on the town board shall each appoint one member for a term ending on December thirty-first of the fourth year following the year in which this title shall have become law; and the town supervisor shall appoint a member for a term ending on December thirty-first of the fifth year following the year in which this title shall have become law. No elected officials shall be members of the water authority. Subsequent appointments of members shall be made by a vote of the majority of the members of the town board for a term of five years ending in each case on December thirty-first of the last year of such term. All members shall continue to hold office until their successors are appointed and qualify. In no event shall more than three members belong to the same political party. Vacancies shall be filled in the manner provided for subsequent appointments. Vacancies, occurring otherwise than by expiration of term of office, shall be filled for the unexpired terms. Members may be removed from office for the same reasons and in the same manner as may be provided by law for the removal of officers of the town. They shall receive no reimbursement for the ordinary expenses of attending meetings, but may by resolution of the authority be allowed their expenses of a special or extraordinary nature.

2. The powers of the authority shall be vested in and be exercised by the board at a meeting duly called and held where a quorum of three members are present. No action shall be taken except pursuant to the favorable vote of at least three members. The board may delegate to one

or more of its members, officers, agents or employees such powers and duties as it may deem proper.

3. The officers of the authority shall consist of a chairman, vice-chairman and a treasurer, who shall be members of the authority, and a secretary, who need not be a member of the authority. The chairman shall be appointed by the town supervisor for a one year term coinciding with the calendar year and the remaining officers shall be appointed by the chairman and shall act in such capacities at the pleasure of the chairman. The chairman may be appointed to subsequent terms without limitations. In addition to the secretary, the board may appoint and at pleasure remove such additional officers and employees as it may determine necessary or desirable for the performance of the powers and duties of the authority which positions shall be in exempt class of civil service, and fix and determine their qualifications, duties and compensation, subject to the provisions of the civil service law of the state and such rules as the civil service commission may adopt and make applicable to the authority. The board may also from time to time contract for expert professional services. The treasurer shall execute a bond, conditioned upon the faithful performance of the duties of his or her office, the amount and sufficiency of which shall be approved by the board and the premium therefor shall be paid by the authority.

4. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, any municipality, or any public benefit corporation, shall forfeit his or her office or employment by reason of his or her acceptance or appointment as a member, officer, agent or employee of the authority, nor shall service as such member, officer, agent or employee be deemed incompatible or in conflict with such office, membership or employment; provided, however, that no elected official shall be a member of the authority.

5. (a) The town supervisor shall file on or before March thirty-first of the year following the year in which this title shall have become a law, in the office of the secretary of state, a certificate signed by the town supervisor setting forth:

(1) the name of the authority;

(2) the names of the members appointed by the town board and their terms of office; and

(3) the effective date of this title. The authority shall be perpetual in duration, except that if such certificate is not filed with the secretary of state on or before such date, then the corporate existence of the authority shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved. The town supervisor may file in the office of the secretary of state an amended certificate signed by him or her setting forth any change in the name of the authority. The failure of the town supervisor to file an amended certificate shall not in any way affect the corporate existence of the authority.

(b) Except as provided in paragraph (a) of this subdivision, the authority and its corporate existence shall continue until terminated by law, provided, however, that no such law shall take effect so long as the authority shall have bonds or other obligations outstanding unless adequate provision has been made for the payment or satisfaction thereof. Upon termination of the existence of the authority, all of the rights and properties of the authority then remaining shall pass to and vest in the town.

6. Neither the public service commission nor any other board or commission of like character, shall have jurisdiction over the authority in the management and control of its properties or operations or any power over the regulations of rates fixed or charges collected by the authority.

7. It is hereby determined and declared, that the authority and the carrying out of its powers and duties are in all respects for the benefit of the people of the town and the state for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the authority is and will be performing an essential governmental function in the exercise of the powers conferred upon it by this title.

8. In carrying out its functions the authority shall take into consideration the local zoning and planning regulations as well as local

comprehensive land use plans.