§ 2041-d. Powers of the authority. The authority shall have the power:

1. To sue and be sued.

2. To have a seal and alter the same.

3. To acquire in the name of the authority, hold, sell, lease, mortgage or otherwise dispose of property, real, personal or mixed, or any interest therein, without limitation, for its corporate purposes.

4. To condemn, in the name of the authority pursuant to the eminent domain procedure law, any real property within the area of operation and required by the authority to carry out the powers granted by this title.

5. To collect, receive, extract, transport, process, dispose of, sell, store, convey, recycle, and deal with, in any lawful manner and way, solid waste and any products or by-products thereof now or hereafter developed or discovered, including any energy generated by the operation of any solid waste management resource recovery facility. Any such disposal or sale may be effected on such terms and in such manner as the authority may deem proper.

6. To plan, develop, purchase and construct projects and to pay the cost thereof and to have the right to contract in relation thereto with municipalities or persons within or without the area of operation and to own and operate, maintain, repair, improve, reconstruct, renovate, rehabilitate, replace, enlarge, increase and extend, subject to the provisions of this title, any of its projects acquired or constructed under this title, and to enter into contracts for any and all such purposes and for the management and operation of a project, and to sell, lease, mortgage or otherwise dispose of any project or part thereof to the state, any person, public corporation, or municipality, subject to such conditions and limitations as the authority may determine to be in the public interest.

7. To assist in the planning, development and construction of and the financing of the cost of any project to be located in the area of

operation whether or not such project is to be owned or operated by the authority, which assistance may include loans to any person or municipality.

8. To collect or receive from the United States, the state, any participating county, any other municipality, public corporation, corporation or person, solid waste for the purpose of treatment or disposal thereof, with the right of the authority to sell and dispose of any products or by-products, including energy, of such process of treatment or disposal, as the authority may deem proper.

9. To contract with any participating county, other municipalities, state agencies, public corporations, corporations or persons within or without the area of operation, for the purpose of collecting, receiving, treating and disposing of solid waste, including, without limitation, to contract with participating counties, other municipalities, state agencies, public corporations or persons for the delivery of all solid waste generated within a stated area to a specific facility.

10. To make by-laws for the management and regulation of its affairs and, subject to agreements with bondholders, for the regulation of the use of any project or other property of the authority, which by-laws and all amendments thereto, duly certified by the secretary of the authority, shall be filed in the office of the authority and in the office of the clerk of the legislative body of each participating county, and to provide for the enforcement of such by-laws by legal or equitable actions or proceedings which are or may be provided or authorized by law. In addition, the legislative bodies shall have power to prescribe that violations of specific by-laws of the authority, including, without limitation, any failure to comply with any by-law requiring the payment of any fee or other charge by any person in connection with the delivery of solid waste to any facility or any other use of any facility by such person, shall constitute offenses or infractions and provide for the punishment of violations thereof.

11. With the consent of the chairman of the legislative body of a participating county or the legislative body of any municipality, to use

the officers or employees of such participating county or any municipality within a participating county and to pay a proper portion of the compensation or costs for the services for such officers or employees. Provided, however, that a full time officer, member or employee shall not be compensated in the aggregate in an amount in excess of such officer's, member's or employee's full time compensation without the express approval of the county legislature.

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 or premises within the area of operation for the purpose of making surveys, soundings, and examinations, any liability for which shall not exceed actual damages.

14. To borrow money and to issue bonds for any of its corporate purposes, to secure the same with its revenues or other funds, to fund or refund the same, and to provide for the rights of the holders thereof.

15. Subject to any limitations imposed by any contract pursuant to subdivision one of section two thousand forty-one-t of this title, to fix and collect rates, rentals, fees and other charges for the use of the facilities of, or services rendered by, or any commodities furnished by, the authority and to contract with any participating county, other municipality or person in respect thereto, so 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 expenses of operating and maintaining the properties of the authority, together with proper reserves for debt service, depreciation, maintenance and contingencies and all other obligations and indebtedness of the authority, provided, however, that the authority shall not have the power, within any city, to collect rentals, charges, rates or fees from the owners of real estate, or the occupants of real estate (other than the occupants of premises owned or

controlled by the authority, or by the state or any civil division thereof), for services or facilities furnished or supplied in connection with such real estate, if such services or facilities are of a character or nature that, as of the effective date of this title, are or formerly were furnished or supplied by the city, unless the electors of the city shall approve the granting to the authority of such powers by a majority vote at a general or special election in the city.

16. To accept gifts, grants, loans or contributions from the United States, the state or any authority or instrumentality of either of them, or any municipality or from any person, by bequest or otherwise, and to expend the proceeds for any corporate purposes of the authority.

17. To enter into agreements, in its discretion, to pay annual sums in lieu of taxes to any municipality, political subdivision or taxing district of the state in respect to any real property which is owned by the authority and located in such municipality, political subdivision or taxing district.

18. To establish standards and criteria which shall be used to determine if real property shall be utilized in conjunction with any solid waste management program provided, however, that in no instance shall such standards and criteria provide for the placement of sanitary landfills, leachate treatment facilities, secure land burial facilities, landspreading facilities, surface impoundments and waste oil storage facilities over a primary public water supply aquifer or principal aquifer. Once such standards and criteria are established, no real property shall be acquired except in accordance with such standards and criteria. Such standards and criteria shall be established after a public hearing in each participating county upon such proposed standards and criteria, which public hearing shall be on at least ten days notice in a newspaper or newspapers of general circulation in the counties of Montgomery, Otsego and Schoharie. Such notice shall also be sent by regular mail to the clerk of each municipality in such three counties, including the clerk of each county.

19. To make payments to, and settle claims asserted by owners of

property in proximity to and adversely affected by, landfill facilities of the authority in order to compensate such owners in whole or in part for diminution of the value of their property, if any, directly resulting from the siting of the authority landfill facility or the activities undertaken therein. The amount and manner of such payments shall be determined by resolution of the authority, and shall be based on real estate market studies and/or appraisals undertaken at the direction of the authority, in such form and substance satisfactory to the authority. The authority may establish rules and regulations setting forth the specifications pursuant to which real estate market studies and/or appraisals shall be conducted and such other rules and regulations as may be necessary to effectuate the purposes of this subdivision. Such rules and regulations shall include a requirement that all property owners requesting payments in accordance therewith must file a claim with the authority by a date specified by the authority. Any payments made pursuant to the provisions of this subdivision shall be considered a cost of the authorities in the computation of rates, fees, and charges in accordance with subdivision fifteen of this section.

20. In addition to the power granted by subdivision seventeen of this section, to make payments to and settle claims asserted by municipalities either adversely affected by landfill facilities of the authority, or, in which landfill facilities of the authority are located to compensate such municipalities for additional municipal service support, monitoring and similar activities occasioned by the siting, construction, and operation of said landfill. The amount and manner of such payments shall be determined by resolution of the authority in its discretion and shall be utilized by the recipient municipality in conformance with the purposes heretofore set forth. Any payments made pursuant to the provisions of this subdivision shall be considered a cost of the authority and may be included in the computation of rates, fees and charges in accordance with this section.

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