§ 2045-e. Powers of the agency. The agency 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 agency, hold, sell, lease, mortgage or otherwise dispose of property, real, personal or mixed, or any interest therein, without limitation, for its corporate purposes; provided, however, that (i) the agency shall not have the power of eminent domain, (ii) the acquisition by the agency of any real property designated as the site for any facility shall be subject to prior approval by the county legislature, and (iii) in selecting the location for any such site the agency shall give consideration to the present and any proposed land use character of the area in which such site is to be located and the zoning laws or regulations, if any, otherwise generally applicable to such area;

4. To receive, 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 agency may deem proper;

5. To plan, develop 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 county and to own and operate, maintain, repair, improve, reconstruct, enlarge, and extend, subject to the provisions of this title, any of its projects acquired or constructed under this title, and to sell, lease, mortgage or otherwise dispose of any project or part thereof to any person or public corporation, subject to such conditions and limitations as the agency may determine to be in the public interest;

6. To assist in the planning, development and construction of and the

financing of the cost of any solid waste management-resource recovery facility to be located in the county whether or not such solid waste management-resource recovery facility is to be owned or operated by the agency, which assistance may include loans to any person or public corporation. Any such solid waste management-resource recovery facility producing either electricity or shaft horsepower and useful thermal energy shall constitute a co-generation facility as defined in subdivision two-a of section two of the public service law;

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

8. To contract with the county, other municipalities, state agencies, public corporations or persons within or without the county, for the purpose of receiving, treating and disposing of solid waste including without limitation to contract with persons for the delivery of all solid waste generated within a stated area to a specific solid waste management-resource recovery facility;

9. 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 agency, which by-laws and all amendments thereto, duly certified by the secretary of the agency, shall be filed in the office of the agency and in the office of the clerk of the county, and to provide for the enforcement of such by-laws by legal or equitable proceedings which are or may be provided or authorized by law. In addition, the county legislature shall have power to prescribe that violations of specific by-laws of the agency shall constitute offenses or infractions and provide for the punishment of violations thereof by civil penalty;

10. With the consent of the county executive, to use officers or employees of the county and to pay a proper portion of the compensation or costs for the services for such officers or employees;

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

12. To enter, with the consent of the county executive, on any lands, waterways and premises for the purpose of making surveys, soundings, and examinations, and liability therefor shall not exceed actual damages;

13. To borrow money and to issue bonds and to fund or refund the same, and to provide for the rights of the holders thereof;

14. Subject to any limitations imposed by any contract pursuant to subdivision two of section two thousand forty-five-t of this title, to determine classification of users, to fix and collect, including directly from service recipients, including owners of real property within the county from whom waste is disposed at agency facilities, rates, rentals, fees and other charges for the use of the facilities of, or services rendered by, or any commodities furnished by, the agency, which rates, rentals, fees and other charges may be different for each classification of users and may reflect the source and composition of solid waste and may provide for fee reductions to the user in proportion to waste generated or to reflect participation in source separation programs, and to contract with any municipality in the county 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 agency, 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 agency, together with proper reserves for debt service, depreciation, maintenance and contingencies and all other obligations and indebtedness of the agency. In any instance where the county is or would be required by law, with respect to solid waste management, to conduct a public hearing in connection with a contract, lease, service agreement, classification of user, rate, rental, fee or other charge, the agency shall not enter into such contract, lease, service agreement, or establish, fix, or revise any classification of user, rate, rental, fee or other charge unless and

until the agency has held a public hearing at which interested persons have had an opportunity to be heard concerning the same, provided however, that if the county has conducted a public hearing in connection with such contract, lease, service agreement, classification of user, rate, rental, fee or other charge, the agency shall not be required to hold a public hearing. Notice of such public hearing shall be published at least ten days before the date set therefor, in at least one newspaper of general circulation in the county. Such notice shall set forth the date, time and place of such hearing and shall include a brief description of the matters to be considered at such meeting. A copy of the notice shall be filed in the office of the clerk of the county and shall be available for inspection by the public. At any such hearing, any interested persons shall have an opportunity to be heard concerning the matters under consideration. Any decision by the agency at such public hearing shall be in writing and be made available in the office of the agency for public inspection during regular office hours. All rates, rentals, fees and other charges for the use of the facilities of, or services rendered by, the agency and billed directly by the agency to the service recipient pursuant to a classification of users adopted by the agency as herein provided shall be a lien upon the real property upon which, or in connection with which, services were provided, as and from the first date fixed for payment of such rates, rentals, fees and other charges. Any such lien shall take precedence over all other liens or encumbrances, except taxes or assessments. The treasurer of the agency shall prepare and transmit to the respective legislative body of each municipality, on or before the first day of December in each year, a list of those properties within each respective municipality for which such services were provided and from which the payment of rates, rentals, fees and other charges are in arrears for a period of thirty days or more after the last day fixed for payment of such rates, rentals, fees and other charges without penalty. The list shall contain a brief description of the properties for which such services were provided, the names of the persons or corporations liable to pay for the same, and the amount chargeable to each, including penalties and interest computed to December thirty-first of that year. Each governing body shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the

various municipalities under the heading "solid waste disposal charge". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the treasurer of the agency. Alternatively, the legislative body of any municipality which provides solid waste collection service to all or a portion of the properties within its boundaries using municipally owned and operated collection vehicles may execute an agreement with the agency to collect and be responsible for the collection of, on behalf of the agency, any overdue or delinquent rates, rentals, fees or other charges and such municipality shall have the power to pay directly to the agency such overdue or delinquent rates, rentals, fees and other charges whether or not they are actually collected from the service recipients of such municipality. The legislative body of any such municipality entering into such an agreement with the agency on or after the effective date of this subdivision, shall be required prior to entering into such an agreement, to provide notice of, and convene a public hearing on such an agreement under the same terms and conditions of public notice and hearing required of the agency pursuant to this subdivision.

All of the provisions of the tax law of the state governing enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such unpaid rates, rentals, fees and other charges. Except as may be otherwise expressly permitted under this title, any such rates, rentals, fees and other charges shall be fixed without discrimination among the municipalities within the county entering into contracts with the county pursuant to section two thousand forty-five-t of this title on or before the first date on which the county enters into a contract with the agency pursuant to paragraph (i) of subdivision two of such section two thousand forty-five-t of this title. The agency shall in no event fix any such rates, rentals, fees or other charges with respect to municipalities entering into such contracts with the county subsequent to such date in amounts less than those fixed with respect to municipalities entering into such contracts with the county on or before such date;

15. To accept gifts, grants, loans or contributions from the United

States, the state or any agency 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 agency; and

16. To make payments to, and settle claims asserted by owners of property in proximity to and adversely affected by, landfill facilities of the agency 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 agency landfill facility or the activities undertaken therein. The amount and manner of such payments shall be determined by resolution of the agency, and shall be based on real estate market studies and/or appraisals undertaken at the direction of the agency, in such form and substance satisfactory to the agency. The agency shall 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 agency by a date specified by the agency. Any payments made pursuant to the provisions of this subdivision shall be considered a cost of the agency in the computation of rates, fees, and charges in accordance with subdivision fourteen of this section.

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