§ 2047-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 in the acquisition of any real property designated as the site for any facility, the agency shall give consideration to the present and any proposed land use character of the area in which the site is to be located and the zoning laws or regulations, if any, otherwise generally applicable to such area.

4. To take by eminent domain, subject to the approval of the county legislature and the county executive in the name of the agency, pursuant to the eminent domain procedure law, within the area of operation any real property required by the agency to carry out the powers granted by this title.

5. To collect, 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.

6. 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.

7. 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.

8. To collect or 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;

9. To contract with the county, other municipalities, state agencies, public corporations or persons within or without the county, for the purpose of collecting, 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.

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 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.

11. 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.

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 with the consent of the county executive, waterways and premises within the county for the purpose of making surveys, soundings, and examinations, and liability therefor shall not exceed actual damages.

14. To borrow money and to issue bonds and 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 two of section two thousand forty-six-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 agency 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.

16. 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

17. To negotiate a fee per ton of waste processed or other benefit with the municipality hosting a solid waste management facility; and

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