§ 2049-tt. Pledge by counties; contracts with municipalities; powers of municipalities. 1. The counties are hereby authorized to pledge to and agree with the holders of any bonds that the counties will not limit or impair the rights hereby vested in the authority to purchase, construct, own and operate, maintain, repair, improve, increase, enlarge, extend, reconstruct, renovate, rehabilitate or dispose of any project, or any part or parts thereof, for which bonds of the authority shall have been issued, to establish and collect rates, rents, fees and other charges referred to in this title and to fulfill the terms of any agreements made with the holders of the bonds or with any public corporation or person with reference to such project or part thereof, or in any way impair the rights and remedies of the bondholders, until the bonds, together with interest thereon, including interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders are fully met and discharged.

2. The counties and one or more municipalities within the area of operation, or the authority and the counties, shall have power to contract from time to time between or among themselves, or among themselves and with the authority, in relation to the collecting, receiving, transporting, storage, processing or disposal of recyclables and/or solid waste or for the purchase or use of any materials, energy, by-products or residue generated by or resulting from the operation of any solid waste management-resource recovery facility. Any such contract to which the authority, the counties or any municipality within the area of operation are parties may include provisions stipulating the minimum and/or maximum rates, rentals, fees and other charges to be collected for the use and availability of facilities. Any contract may also include provisions: (a) requiring any such county or municipality to deliver, or cause to be delivered, periodically to a specified facility or facilities all or any portion of the solid waste generated, originated or brought within such county or municipality or minimum amounts of solid waste and providing for specified minimum periodic payments whether or not such delivery of any such solid-waste is made; (b) reserving to any such county or municipality, and granting by the authority to any such county or municipality, a portion of or the

entirety of the capacity of a solid waste management-resource recovery facility as any such county or municipality determines is reasonably necessary to meet its present and reasonably anticipated needs and providing for specified minimum periodic payments in consideration thereof, or (c) requiring the counties to pay such amounts as shall be necessary to assure the continued operation and solvency of the authority, all such payments to be determined and paid in such manner and at such times as may be provided in such contract.

3. To further the governmental and public purposes of the authority, including the implementation of any contract or proposed contract contemplated by this title, and in recognition of the public policy of the state in the area of the control and management of solid waste and solid waste disposal activities to displace competition with regulation or monopoly public control, the counties and all other municipalities within the area of operation, as instrumentalities of the state, shall have the power to adopt and amend local laws, ordinances and regulations imposing appropriate and reasonable limitations on competition with respect to collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste or the recovery by any means of any material or energy product or resource therefrom, including, without limiting the generality of the foregoing, local laws requiring that all solid waste generated, originated or brought within their respective boundaries, subject to such exceptions as may be determined to be in the public interest, shall be delivered to a specified solid waste management-resource recovery facility; provided, however, that any such local law, ordinance or regulation enacted by the counties shall take precedence over and shall supersede any inconsistent provisions of any such local law, ordinance or regulation enacted by any other municipality within the area of operation. Any such local law shall be adopted in accordance with the procedure provided by the municipal home rule law, except that no such local law shall be subject to either mandatory or permissive referendum. Any such local law may include provisions for the enforcement thereof and penalties for the violation thereof, which may provide, but shall not be limited to providing, that any violation of a local law shall constitute an offense or infraction, and may provide that any violation may be punished by civil penalty,

fine or other monetary charge, and/or, the suspension or revocation of permits or licenses granted by any other jurisdiction with respect to the collecting, receiving, transporting, delivery or storing of solid waste. For the purposes of this section, solid waste shall have the meaning set forth in subdivision fifteen of section two thousand forty-nine-bb of this title, but shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling. Upon the adoption of any local law, ordinance or regulation pursuant to this section, the counties or other municipality shall file a verified copy of such local law, ordinance or regulation with the commissioner of the department of environmental conservation; provided, however, that the failure to so file such a local law, ordinance or regulation shall not invalidate such local law, ordinance or regulation. Upon the adoption or amendment of any local law or ordinance pursuant to section one hundred twenty-aa of the general municipal law, either or both counties, by their respective legislative body, is authorized and empowered to delegate and assign to the authority, in whole or in part, by contract and on such terms as the parties may agree, the administration and implementation of the source separation and recycling program. Such delegation and assignment powers should be in addition to any other contracting powers and authority the counties may have under this section.

4. The counties are hereby authorized to resell or otherwise dispose of all or any part of the materials, energy, by-products or residue purchased from the authority pursuant to this section. Any resale of or other disposition may be made in such manner as the counties may deem proper and upon such terms and conditions as may be agreed upon by the parties thereto.

5. The counties and all other municipalities within the area of operation shall have power to perform such other acts, to enter into such other contracts, including contracts between or among themselves, execute such instruments and to undertake such future proceedings as shall be determined necessary or desirable to effectuate the purpose of this title, including the making of gifts, grants, loans or contributions to the authority.

6. Any contract entered into by the counties or other municipality pursuant to this section may be for such term or duration, not to exceed twenty-five years, as may be agreed upon by the parties thereto.

7. Any contract entered into pursuant to this section to which the authority shall be a party may be pledged by the authority as security for any issue of bonds, and may be assigned, in whole or in part, by the authority, to any public corporation or person which shall construct, purchase, lease or otherwise acquire any solid waste management-resource recovery facility, or part thereof, financed in whole or in part by the authority.