**§ 2050-cc. Eastern Rensselaer county solid waste management authority.** 1. A corporation known as the Eastern Rensselaer county solid waste management 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. It shall consist of a maximum of seventeen members and a minimum of six members, one member appointed by each legislative body of the towns constituting the authority. Each member shall be appointed to serve a five year term. Subsequent appointment of members by each legislative body shall be made 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. Vacancies shall be filled by the affected legislative body in the manner provided for in the original appointment. Vacancies, occurring otherwise than by expiration of term of office, shall be filled by the affected legislative body for the unexpired terms. Members may be removed from office by the legislative body of the town which appointed such members for inefficiency, neglect of duty or misconduct in office; provided, however, that such member shall be given a copy of the charges against him and an opportunity of being heard in person, or by counsel, in his defense upon not less than ten days notice. The members of the authority shall be reimbursed for all their actual and necessary expenses incurred in connection with the carrying out of the purposes of this title. The powers of the authority shall be vested in and be exercised by the governing body at a meeting duly called and held and a majority of the members shall constitute a quorum. No action shall be taken except pursuant to the favorable vote of not less than a majority of the members which the authority would have would there be no vacancies and were none of the members disqualified from acting. The governing body may delegate to one or more of its members, officers, agents or employees such powers and duties as it may deem proper.

2. The officers of the authority shall consist of a chairman, a vice-chairman and a treasurer, who shall be members of the authority, and a secretary, who need not be a member of the authority. Such officers shall be appointed by the governing body and shall serve at the

pleasure of the governing body. In addition to the secretary, the governing body may appoint and at pleasure remove an attorney, engineer and executive director which positions shall be in the exempt class of civil service and such additional officers and employees as they may determine necessary for the performance of the powers and duties of the authority, and fix and determine their qualifications, duties and compensation, subject to the provisions of the civil service law. The governing body 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 office, the amount and sufficiency of which shall be approved by the governing body and the premium therefor shall be paid by the authority.

3. Notwithstanding any inconsistent provisions of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, Rensselaer county, the towns, any other municipality, or any public benefit corporation, shall forfeit his or her office of employment by reason of his or her acceptance of 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.

4. The chairman of the town legislature of each of the towns shall file on or before December thirty-first, nineteen hundred ninety, in the office of the secretary of state, a certificate approved by the legislature setting forth: (a) the name of the authority; (b) the name of the member appointed by such town legislature; (c) a verified copy of a duly adopted local law or ordinance as prescribed in section one hundred twenty-aa of the general municipal law; and (d) the effective date of this title. The authority shall be perpetual in duration, except that if any town shall not file such certificate, such town shall not be included within the definition of "towns" as such term is defined in subdivision eighteen of section two thousand fifty-bb of this title, and further, if such certificate is not filed by six or more towns 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; provided, however, that no such

termination 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. Prior to 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 towns in such manner as shall be determined by the towns.

5. 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 towns 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.