§ 2050-ee. 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 within the area of operation, without limitation, for its corporate purposes and to take by eminent domain, in the name of the authority, pursuant to the eminent domain procedure law, any real property required to carry out its corporate purposes; provided, however, that in the acquisition of any real property designated as the site for any facility, the authority shall give consideration to the present and any proposed land use character of the area in which the site is to be located and zoning laws or regulations, if any, otherwise generally applicable to such area. The authority shall not determine to construct a facility outside of its area of operation without approval of the solid waste management planning unit (as that term is defined in section 27-0107 of the environmental conservation law) responsible for the municipality in which such facility is to be constructed and without the approval of the chief executive officer and local legislative body of such municipality. The authority shall not site a solid waste management-resource recovery facility within an agricultural district established pursuant to article twenty-five-AA of the agriculture and markets law.

4. 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.

5. To plan, develop and construct projects and to pay the cost thereof

and to have the right to contract in relation thereto with the towns, or other municipalities or persons within or without the area of operation and to own and operate, maintain, repair, improve, reconstruct, renovate, rehabilitate, replace, increase, enlarge, 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 any person or public corporation, municipality or the state, subject to such conditions and limitations as the authority 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 project to be located in the area of operation, whether or not such project is to be owned or operated by the authority.

7. To collect or receive from the United States, the state, any county within the state, the towns, any other municipality or public 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.

8. To contract with the towns, or other municipalities, state agencies, public 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 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 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 each of the legislative bodies of the towns, 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 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 by civil penalty.

10. With the consent of the appropriate legislative body of any other municipality, to use officers or employees of such town or municipality and to pay a proper portion of 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 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.

13. To borrow money and to issue bonds for any of its corporate purposes, to secure the same with its revenues or other funds 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 fifty-tt of this title, to determine classifications of users, 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, which rates, rentals, fees and other charges may be different for each classification of user and may reflect the source and composition of solid waste, and to contract with the towns or any 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. No such rates, rentals, fees and other charges for the use of the facilities of, or services rendered by, the authority shall be established, fixed or revised unless the authority shall have held a public hearing at which the users of the facilities of, or services rendered by, the authority together with the owners of property served or to be served and others interested have had the opportunity to be heard concerning the same. Notice of such public hearing shall be published by the authority at least ten days before the date set therefor in at least one newspaper having a general circulation in each of the towns. 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 hearing. A copy of the notice shall be filed in the office of the clerk of each of the towns and shall be available for inspection by the public. At any such hearing, any person shall have an opportunity to be heard concerning the matters under consideration. Any decision of the authority on matters considered at any such public hearing shall be in writing and shall be made available to any such person in the office of the authority during regular office hours. All rates, rentals, fees and other charges for the use of the facilities of, or services rendered by, the authority shall be a lien upon the real property upon which, or in connection with which, services were provided. Any such lien shall take precedence over all other liens or encumbrances, except taxes or assessments. The treasurer of the authority shall prepare and transmit to the respective legislative body of each town, on or before the first day of December in each year, a list of those properties within each respective town for which such services were provided and 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 interests 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 each respective town treasurer, who immediately shall pay the same over to the treasurer of the authority. All of the provisions of the tax laws of the state covering 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.

15. 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.

16. To enter into agreements, in its discretion, to pay annual sums in lieu of taxes to the towns or any other 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 towns, municipality, political subdivision or taxing district.

17. To covenant and consent that the interest on any of its bonds or notes issued pursuant to this title shall be includible, under the United States Internal Revenue Code of 1986, or any subsequent corresponding internal revenue law of the United States, in gross income of the holders of the bonds or notes to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includible in the gross income of the holders thereof under said Internal Revenue Code or any such subsequent law.

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