§ 2051-t. Contracts with municipalities; powers of municipalities. 1. The county and one or more municipalities within the county, or the authority and the county, shall have power to contract from time to time between or among themselves, or among themselves and with the authority, in relation to the receiving, transporting, storage, processing or disposal of 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 facility. Any such contract to which the authority and any municipality within the county are parties may include provisions stipulating the maximum rates, rentals, fees and other charges to be collected for the use of facilities. Any contract to which the authority and the county are parties may include provisions (i) requiring the periodic delivery to the particular facilities of minimum amounts of solid waste and providing for specified minimum period payments whether or not such delivery is made, or (ii) requiring the county to pay, within appropriations available therefor, such amounts as shall be necessary to assure the continued operation and solvency of the agency, such payments to be determined and paid in such manner and at such times as may be provided in such contract.

2. In recognition of existing state policy, as declared in title one of article twenty-seven of the environmental conservation law, the legislature hereby affirms the primacy of the local and regional role in resource recovery procedures. To further the governmental and public purposes of the authority, including the implementation of any contract or proposed contract contemplated by this title, the county and all other municipalities within the county shall have 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, and shall further have the power to adopt and amend local law 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 facility or facilities; provided however, that any such local law enacted by the county shall take precedence over and

shall supersede any inconsistent provisions of any such local law enacted by a municipality with the county. 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. For the purposes of this section, solid waste shall have the same meaning as defined in section two thousand fifty-one-b 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 participating county or municipality shall file with the commissioner of the department of environmental conservation a verified copy of such local law, ordinance or regulation.

3. The county is 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 subdivision one of this section. Any resale or other disposition may be made in such manner as the county may deem proper and upon such terms and conditions as may be agreed upon by the parties thereto.

4. The county and all other municipalities within the county 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.

5. Except as otherwise provided by section one hundred twenty-w of the general municipal law, any contract entered into by a 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.

6. 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 facility, or part thereof, financed in whole or in part by the authority.