§ 2053-v. 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, treatment or disposal of solid waste or for the purchase or use of any materials, energy, byproducts or residue generated by or resulting from the operation of any solid waste management facility. Any such contract to which the authority, the county 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 or availability of facilities. Any contract to which the authority, the county and any municipality within 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 and any municipality within the county to pay, within appropriations available therefor, such amounts as shall be necessary to assure the continued operation and solvency of the authority, such payments to be determined and paid in such manner and at such times as may be provided in such contract or contracts.

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 that the basic responsibility for the planning and operation of solid waste management facilities remains with local governments; and further recognizes the county's role as planning unit under section 27-0107 of the environmental conservation law. 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 county and all other municipalities within the county 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, treating 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 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 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. 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 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 same meaning as defined in section two thousand fifty-three-b of this title. Upon the adoption of any local law, ordinance or regulation pursuant to this section, the county or municipality shall file with the commissioner of the department of environmental conservation a verified copy of such local law, ordinance or regulation; provided, however, that failure to so file such a local law, ordinance or regulation shall not invalidate such local law, ordinance or regulation. The foregoing provisions of this subdivision shall not be construed to limit, alter or abridge the powers granted to the county under the provisions of chapter five hundred sixty-nine of the laws of nineteen hundred ninety-one, as amended.

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 thirty 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.