

# **N.Y. Pub. Auth. Law § 2049-AA**

Section 2049-AA - Short title

This title shall be known and may be cited as the "Oneida-Herkimer solid waste management authority act".

*N.Y. Pub. Auth. Law § 2049-AA*

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# N.Y. Pub. Auth. Law § 2049-BB

## Section 2049-BB - Definitions

As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Area of operation" means either or both the counties of Oneida and Herkimer.
2. "Authority" means the public benefit corporation created by section two thousand forty-nine-cc of this title, known as the Oneida-Herkimer solid waste management authority.
3. "Bonds" means the bonds, notes or other evidences of indebtedness issued by the authority pursuant to this title and the provisions of this title relating to bonds and bondholders which shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.
4. "Construction" means the acquisition, erection, building, alteration, repair, improvement, increase, enlargement, extension, reconstruction, renovation or rehabilitation of a solid waste management-resource recovery facility; the inspection and supervision thereof; and the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other actions incidental thereto.
5. "Cost" as applied to any project, means and includes the cost of construction, the cost of the acquisition of all property, both real and personal and improved and unimproved, the cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of relocating tenants or other occupants of the buildings or structures on such land and the cost of acquiring any lands to which such building or structures may be moved or relocated, the cost of all systems, facilities, machinery, apparatus and equipment, financing charges, interest prior to, during and after construction to the extent not paid or provided for from revenues or other sources, the cost of engineering and architectural surveys, plans and specifications, the cost of consultants' and legal services, the cost of lease guarantee, credit enhancement or bond insurance, other expenses necessary or incidental to the construction of such project and the financing of the construction thereof, including the amount authorized in the resolution of the authority providing for the issuance of bonds to be paid into any reserve or other special fund from the proceeds of such bonds and the financing of the placing of any project in operation, including reimbursement to either of the counties, any municipality, state agency, the state, the United States government or any other person for expenditures that would be costs of the project hereunder had they been made directly by the authority.
6. "Counties" means the counties of Oneida or Herkimer, or Oneida and Herkimer individually, as shall be determined by the usage of such terms in this title.
7. "Governing body" means the members of the authority constituting and acting as the governing body of the authority.
8. "Legislative body" or "legislative bodies" means either or both of the county legislatures of the counties of Oneida and Herkimer.
9. "Municipality" means any county, city, town, village, improvement district, or area established under the town law, refuse district established under the county law, district or

area having powers similar to a refuse district created under any general or special law, or public corporation of the state, or any combination thereof.

**10.** "Person" means any natural person, partnership, association, joint venture or corporation, exclusive of a public corporation.

**11.** "Project" means any solid waste management-resource recovery facility, and any appurtenances thereto necessary or desirable to promote the efficiency or effectiveness of any facility, the planning, development, financing, construction, operation, or maintenance of which is authorized to be undertaken in whole or in part by the authority pursuant to this title.

**12.** "Real property" means lands, structures, franchises and interests in land, waters, lands underwater, riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interests including, but not limited to, easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgment, mortgages or otherwise and all claims for damage for such real property.

**13.** "Resource recovery" means the separation, extraction and recovery of usable materials, energy or heat from solid waste through source separation, recycling centers or other programs, projects or facilities.

**14.** "Revenues" means all rates, fees, rents, charges and other income derived by the authority from its operation.

**15.** "Solid waste" means all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the commissioner of environmental conservation pursuant to section 27-0903 of the environmental conservation law.

**16.** "Solid waste management-resource recovery facility" or "facility" means any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for or is incidental to the collecting, receiving, transporting, storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution and related plants and facilities, sanitary landfills, leachate treatment facilities, plants and facilities for

compacting, composting or pyrolyzation of solid wastes, secure land burial facilities, landspreading facilities, surface impoundments and waste oil storage, reprocessing and recycling facilities, incinerators, and other solid waste disposal, reduction or conversion facilities and resource recovery equipment, source separation equipment and disposal equipment as defined in subdivisions four and five of section 51-0903 of the environmental conservation law. Any such facility producing either electricity or shaft horsepower and useful thermal energy shall constitute a co-generation facility as designated in subdivision two-a of section two of the public service law.

**17.** "Source separation" means the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

**18.** "State" means the state of New York.

*N.Y. Pub. Auth. Law § 2049-BB*

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# N.Y. Pub. Auth. Law § 2049-CC

Section 2049-CC - Oneida-Herkimer solid waste management authority

1. A corporation known as the Oneida-Herkimer 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 ten members, four of whom shall be appointed by the legislative body of the county of Oneida, three of whom shall be appointed by the county executive of the county of Oneida, and three of whom shall be appointed by the legislative body of the county of Herkimer. The first members appointed by the legislative body of the county of Oneida shall be appointed for the following staggered terms of office: one member: five year term; one member: four year term; one member: three year term; one member: two year term. The first members appointed by the county executive of the county of Oneida shall be appointed for the following staggered terms of office: one member: five year term; one member: four year term; one member: three year term. The first members appointed by the legislative body of the county of Herkimer shall be appointed for the following staggered terms of office: one member: five year term; one member: four year term; one member: three year term. Subsequent appointment of members by each legislative body and such county executive 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 or county executive 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 or county executive for the unexpired terms. Members may be removed from office by the county executive or by the legislative body of the county 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 receive such compensation for their services on a per diem basis as the legislative bodies of the counties shall determine and 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 five 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 ten members which the authority would have would there be not 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, the counties, 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.** Each of the counties electing to participate in the authority shall file on or before December thirty-first of the year in which this title shall take effect, in the office of the secretary of state, a certificate signed by the chairman of its legislative body setting forth: (a) the name of the authority; (b) the names of the members appointed by such county legislature and the county executive of such county, where applicable, and their terms of office; and (c) the effective date of this title. The authority shall be perpetual in duration, except that if such certificate is not filed with the secretary of state on or before such date than 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. Upon 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 counties.

**5.** In the event that the chairman of the county legislature of only one of the counties shall file in the office of the secretary of state the certificate described in subdivision four of this section, then the solid waste management authority provided for in this title shall be created as the solid waste management authority for such county and the authority shall be created to serve the area of such county and shall have all powers set forth in this title. In such event, the authority shall be known as the solid waste management authority of that county, this title shall be known and cited as the solid waste management authority act of that county, the area of operation shall be limited to that county, legislative body or legislative bodies shall mean the legislative body of that county, the membership of the authority shall consist of the members to be appointed by the legislative body and, if such certificate shall be filed by the chairman of the county legislature of the county of Oneida, by the county executive of such county and all references to the counties or each of the counties shall mean the county in which such chairman shall have filed such certificate. All other references or provisions in this title to more than one county shall be deemed to refer solely to such participating county, it being the intention of this section to permit the creation of the authority for only one county if such other county shall elect not to participate.

**6.** 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 counties 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.

*N.Y. Pub. Auth. Law § 2049-CC*

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## N.Y. Pub. Auth. Law § 2049-DD

Section 2049-DD - Advances on behalf of authority; transfer of property to authority; acquisition of property for authority

**1.** In addition to any powers granted to it by law, the legislative body of the counties may, from time to time, appropriate by resolution sums of money to defray project costs or any other costs and expenses of the authority. Subject to the rights of bondholders, each such legislative body may determine if the moneys so appropriated shall be subject to repayment by the authority to any such county and, in such event, the manner and time or times for such repayment.

**2.** The counties or any other municipality within the area of operation, may give, grant, sell, convey, loan, license the use of or lease to the authority any property or facility which is useful in connection with the exercise by the authority of its powers under this title. Any such gift, grant, sale, conveyance, loan, license or lease shall be for such consideration, be upon such terms and conditions, subject to the rights of the holders of any bonds, as the authority and such county or other municipality may agree. Any such gifts, grant, sale, conveyance, loan or license shall not be subject to referendum, permissive or mandatory. The authority, in furtherance of any purchase, conveyance or lease of any property or facility from any county or other municipality, may assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by such county or other municipality for such property or facility. For purposes of section 136.00 of the local finance law, any agreement by the authority to assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by any such county or other municipality shall, so long as such agreement shall continue to be honored by the authority, cause such bonds or notes to be deemed to have been refunded and any such county or other municipality may deduct from its gross indebtedness any outstanding indebtedness contracted for such property or facility to be acquired by the authority.

**3.** The counties may acquire by purchase or condemnation real property in the name of such counties or county for any corporate purpose of the authority.

**4.** Notwithstanding the provisions of any other law, general, special or local, real property acquired by the authority or the counties from the state may be used for any corporate purpose of the authority.

*N.Y. Pub. Auth. Law § 2049-DD*

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# N.Y. Pub. Auth. Law § 2049-EE

## Section 2049-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, 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.
4. To collect, receive, extract, transport, process, dispose of, sell, store, convey, recycle, and deal with, in any lawful manner and way, solid waste generated within the area of operation 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 counties, 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, which assistance may include loans to any person or public corporation.
7. To collect or receive, from the counties, any other municipality located wholly or partially within the area of operation or public corporation or person, solid waste generated within the area of operation 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 provided, however, that the authority may collect and receive recyclable material regardless of the place of generation of such recyclable materials.
8. To contract with the counties, 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 provided, however, that no solid waste generated outside of the area of operation, other than recyclable materials, shall be received, collected, treated, or disposed of by the authority.

**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 counties, 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, or the chief executive officer of the legislative body of any other municipality, to use officers or employees of such county 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 to fund 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 forty-nine-ff 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 provide for fee reductions to the user in proportion to waste generated or to reflect participation in source separation programs, and to contract with the counties 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 counties. 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 counties 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 as and from the first date fixed for payment of such rates, rentals, fees and other charges. 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 county, on or before the first day of December in each year, a list of those properties within each respective county 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 county 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 counties 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 counties, municipality, political subdivision or taxing district.

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

*N.Y. Pub. Auth. Law § 2049-EE*

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# **N.Y. Pub. Auth. Law § 2049-FF**

Section 2049-FF - Governmental capacity of the authority and municipalities

The counties, other municipalities within the area of operation and the authority, in carrying out their respective powers and duties under this title, shall be deemed to be acting in a governmental capacity. The construction, operation and maintenance of any project financed in whole or in part by the authority shall be deemed to be the performance of an essential governmental function by the authority acting in its governmental capacity, whether such project shall be owned or operated by the authority or by any person or other public corporation.

*N.Y. Pub. Auth. Law § 2049-FF*

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# N.Y. Pub. Auth. Law § 2049-GG

## Section 2049-GG - Transfer of officers and employees

Any officer or employee of the counties or any other municipality within the area of operation, under civil service, who is selected by the authority may, with the consent of the chief executive officer of the legislative body of the employing county or municipality, be transferred to the authority and shall be eligible for such transfer and appointment, without examination, to applicable offices, positions and employment under the authority. The salary or compensation of any such officer or employee, after such transfer, shall be paid by the authority. Any such officers or employees so transferred to the authority pursuant to this section who are members of or benefit under any existing pension or retirement fund or system shall continue to have all rights, privileges, obligations and status with respect to such fund or system as are now prescribed by law, but, during the period of their employment by the authority, all contributions to such fund or system to be paid by the employer on account of such officers or employees shall be paid by the authority. All such officers or employees so transferred to the authority who have been appointed to positions under the rules and classifications of the personnel officer of the county or other employing municipality shall have the same status with respect thereto after transfer to the authority as they had under their original appointment.

*N.Y. Pub. Auth. Law § 2049-GG*

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# N.Y. Pub. Auth. Law § 2049-HH

## Section 2049-HH - Bonds of the authority

1. The authority shall have the power and is hereby authorized from time to time to issue bonds in such principal amounts as it may determine to be necessary to pay the cost of any project or for any other corporate purpose, including incidental expenses in connection therewith. The authority shall have power from time to time to refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose. Bonds issued by the authority may be general obligations secured by the faith and credit of the authority or may be special obligations payable solely out of particular revenues or other moneys as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject as to priority only to any agreements with the holders of outstanding bonds pledging any particular property, revenues or moneys. The authority may also enter into loan agreements, lines of credit and other security agreements and obtain for or on its behalf letters of credit, insurance, guarantee or other credit support to the extent now or hereafter available, in each case for securing its bonds or to provide direct payment of any costs which the authority is authorized to pay.

2. Bonds shall be authorized by resolution of the authority, be in such denominations and bear such date or dates and mature at such time or times, as such resolution may provide, provided that bonds shall mature within thirty years from the date of original issuance of any such bonds. Obligations with a maturity of five years or less from the date of their original issuance may be denominated as notes. Bonds shall be subject to such terms of redemption, bear interest at such rate or rates, which may vary from time to time, be payable at such times, be in such form, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, shall be subject to tender to the authority with or without extinction or cancellation and be subject to such terms and conditions as such resolution may provide. Bonds may be sold at public or private sale for such price or prices as the authority shall determine, provided that no bonds of the authority shall be sold by the authority at private sale unless such sale and the terms thereof have been approved in writing by the state comptroller, which such sale is not to the comptroller, or by the state director of the budget, where such sale is to the comptroller. The authority may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance and sale of bonds.

3. Any resolution or resolutions authorizing bonds or any issue of bonds may contain provisions which may be a part of the contract with the holders of the bonds thereby authorized as to:

- (a) Pledging all or any part of the revenues, other moneys or property, of the authority to secure the payment of the bonds, including but not limited to any contracts, earnings or proceeds of any grant to the authority received from any private or public source, subject to such agreements as may then exist;

- (b)** The setting aside of reserves and the creation of sinking funds and the regulations and disposition thereof;
- (c)** Limitations on the purpose to which the proceeds from the sale of the bonds may be applied;
- (d)** The rates, rents, fees and other charges to be fixed and collected by the authority and the amount to be raised in each year thereby and the use and disposition of revenues;
- (e)** Limitations on the right of the authority to restrict and regulate the use of the project or part thereof in connection with which bonds are issued;
- (f)** Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding or other bonds;
- (g)** The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;
- (h)** The creation of special funds into which any revenues or moneys may be deposited;
- (i)** The terms and provisions of any trust, mortgage, deed or indenture securing the bonds under which the bonds may be issued;
- (j)** Vesting in a trustee or trustees such properties, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to section two thousand forty-nine-ii of this title and limiting or abrogating the rights of the bondholders to appoint a trustee under such section or limiting the rights, duties and powers of such trustee;
- (k)** Defining the acts or omission to act which may constitute a default in the obligations and duties of the authority to the bondholders and providing for the rights and remedies of the bondholders in the event of such default including as a matter of right the appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this title;
- (l)** Limitations on the power of the authority to sell or otherwise dispose of any project or any part thereof;
- (m)** Limitations on the amount of revenues and other moneys to be expended for operating, administrative or other expenses of the authority;
- (n)** The payment of the proceeds of bonds, revenues and other moneys to a trustee or other depository, and for the method of disbursement thereof with such safeguards and restrictions as the authority may determine; and
- (o)** Any other matters of like or different character which in any way affect the security or protection of the bonds or the rights and remedies of bondholders.

4. In addition to the powers herein conferred upon the authority to secure its bonds, the authority shall have power in connection with the issuance of bonds to enter into such agreements as the authority may deem necessary, convenient or desirable concerning the use or disposition of its revenues or other moneys or property, including the mortgaging of any property and the entrusting, pledging or creation of any other security interest in any such revenues or other moneys or property and the doing of any act, including refraining from doing any act, which the authority would have the right to do in the absence of such agreements. The authority shall have power to enter into amendments of any such agreements within the powers granted to the authority by this title and to perform such agreements. The provisions of any such agreements may be made a part of the contract with the holders of bonds of the authority.

5. Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other security interest in revenues, moneys, accounts, contract rights, general intangibles or other personal property made or created by the authority shall be valid, binding and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding and perfected against all parties having claims of any kind in tort, contract or perfected against the authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

6. Whether or not the bonds are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the bonds are hereby made negotiable instruments within the meaning of and for the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

7. Neither the members of the authority nor any person executing bonds shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof.

8. The authority, subject to such agreements with bondholders as then may exist, shall have power out of any moneys available therefor to purchase bonds of the authority which shall thereupon be cancelled, at a price not exceeding (a) if the bonds are then redeemable, the redemption price then applicable, plus accrued interest to the next interest payment date, (b) if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to the next interest payment date.

*N.Y. Pub. Auth. Law § 2049-HH*

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# N.Y. Pub. Auth. Law § 2049-II

## Section 2049-II - Remedies of bondholders

Subject to any resolution or resolutions adopted pursuant to subdivision three of section two thousand forty-nine-hh of this title:

- 1.** In the event that the authority shall default in the payment of principal or of interest on any issue of bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title or shall default in any agreement made with the holders of any issue of bonds, the holders of twenty-five percent in the aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county in which the principal office of the authority is located and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purpose herein provided.
- 2.** Such trustee may, and upon written request of the holder of twenty-five per centum in principal amount of such bonds outstanding, shall in his or its own name:

  - (a)** By action or proceeding in accordance with the civil practice law and rules, enforce all rights of the bondholders, including the right to require the authority to collect rents, rates and charges adequate to carry out any agreement as to, or pledge of, such rents, rates and charges and to require the authority to carry out any other agreements with the holders of such bonds to perform its duties under this title;
  - (b)** Bring an action or proceeding upon such bonds;
  - (c)** By action or proceeding, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;
  - (d)** By action or proceeding, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and
  - (e)** Declare all such bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.
- 3.** Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.
- 4.** The supreme court shall have jurisdiction of any action or proceeding by the trustee on behalf of such bondholders. The venue of any such action or proceeding shall be laid in the county where the principal office of the authority is located.
- 5.** Before declaring the principal of bonds due and payable, the trustee shall first give thirty days notice in writing to the authority.

6. Any such trustee whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the project, the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with holders of such bonds, shall take possession of all moneys and other property derived from such part or parts of the project and proceed with any construction thereon or the acquisition of any property, real or personal, in connection therewith that the authority is under obligation to do, and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom, subject to any pledge thereof or agreement with bondholders relating thereto, and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from the project.

*N.Y. Pub. Auth. Law § 2049-II*

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# **N.Y. Pub. Auth. Law § 2049-JJ**

Section 2049-JJ - State, counties and municipalities not liable on authority bonds

Neither the state, the counties nor any other municipality or public corporation shall be liable on the bonds of the authority and such bonds shall not be a debt of the state, the counties or any other municipality or public corporation, and such bond shall contain on the face thereof, a statement to such effect.

*N.Y. Pub. Auth. Law § 2049-JJ*

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# N.Y. Pub. Auth. Law § 2049-KK

## Section 2049-KK - Moneys of the authority

All moneys of the authority from whatever source derived shall be paid to the treasurer of the authority and shall be deposited forthwith in interest bearing accounts in a bank or banks in the state designated by the governing body. The moneys in such accounts shall be paid out on check of the treasurer upon requisition by the governing body or of such other person or persons as the governing body may authorize to make such requisitions. All deposits of such moneys shall be secured by obligations of the United States, the state or of the counties of a market value equal at all times to the amount on deposit and all banks and trust companies are authorized to give such security for such deposits. The authority shall have power, notwithstanding the provisions of this section, to contract with the holders of any bonds as to the custody, collection, security, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and carry out any such contract notwithstanding that such contract may be inconsistent with the provisions of this section. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority and all banks and trust companies are authorized to give such security for such deposits. Any moneys of the authority not required for immediate use or disbursement may, at the discretion of the authority, be invested in those obligations specified pursuant to the provisions of section ninety-eight-a of the state finance law. Subject to the provisions of any contract with bondholders and with the approval of the comptroller, the authority shall prescribe a system of accounts.

*N.Y. Pub. Auth. Law § 2049-KK*

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# **N.Y. Pub. Auth. Law § 2049-LL**

Section 2049-LL - Bonds legal investment for fiduciaries

The bonds of the authority are hereby made securities in which all public officials and bodies of the state and all municipalities, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities for any purposes for which the deposit of bonds or other obligations of this state is now or hereafter may be authorized.

*N.Y. Pub. Auth. Law § 2049-LL*

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# N.Y. Pub. Auth. Law § 2049-MM

## Section 2049-MM - Agreement with the state

The state does hereby pledge to and agree with the holders of any bonds issued by the authority pursuant to this title that the state will not alter or limit 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, to fulfill the terms of any agreement made with or for the benefit of the holders of 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 bondholders, until the bonds, together with the 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 such holders, are fully met and discharged; provided, however, that this section shall not be construed to limit in any manner the ability of the state to alter, amend, or enforce laws or regulations to protect public health and the environment. The authority is authorized to include this pledge and agreement of the state in any agreement with bondholders.

*N.Y. Pub. Auth. Law § 2049-MM*

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# N.Y. Pub. Auth. Law § 2049-NN

Section 2049-NN - Exemption from taxes, assessments and certain fees

1. It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the counties and the state and is a public purpose and the authority shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this title and shall not be required to pay any taxes or assessments upon any property owned by it or under its jurisdiction, control or supervision or upon its activities, income and operations, or any filing, recording or transfer fees or taxes in relation to instruments filed, recorded or transferred by it or on its behalf provided, however, that the authority shall annually pay a sum in lieu of taxes to each of the municipalities in which any real property owned by or under its jurisdiction, control or supervision of the authority are located in an amount equal to the taxes and assessments which would have been levied upon such real property in an unimproved state had such real property been owned by a person whose real property is subject to taxation. The construction, use, occupation or possession of any property owned by the authority or the counties, including improvements thereon, by any person or public corporation under a lease, lease and sublease or any other agreement shall not operate to abrogate or limit the foregoing exemption, notwithstanding that the lessee, user, occupant or person in possession shall claim ownership for federal income tax purposes. Mortgages made or financed, directly or indirectly, by the authority shall be exempt from the mortgage recording taxes imposed by article eleven of the tax law.

2. Any bonds issued pursuant to this title together with the income therefrom as well as the property of the authority shall be exempt from taxes, except for transfer, and estate and gift taxes. The state hereby covenants with the purchasers and with all subsequent holders and transferees of bonds issued by the authority pursuant to this title, in consideration of the acceptance of any payment for the bonds, that the bonds of the authority issued pursuant to this title and the income therefrom and all revenues, moneys, and other property pledged to secure the payment of such bonds shall at all times be free from taxation, except for transfer, and estate and gift taxes.

*N.Y. Pub. Auth. Law § 2049-NN*

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# N.Y. Pub. Auth. Law § 2049-OO

## Section 2049-OO - Actions against authority

1. Except in an action for wrongful death, no action or special proceeding shall be prosecuted or maintained against the authority for personal injury or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of the authority or of any member, officer, agent or employee thereof, unless (a) a notice of claim shall have been made and served upon the authority within the time limit by and in compliance with section fifty-e of the general municipal law, (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused, and (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based. An action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter. Actions to recover damages for personal injury or injury to property caused by the latent effects of exposure to any substance or combination of substances, in any form, upon or within the body, or upon or within property, shall be governed by section two hundred fourteen-c of the civil practice law and rules.

2. Wherever a notice of claim is served upon the authority, it shall have the right to demand an examination of the claimant relative to the occurrence and extent of the injuries or damages for which claim is made, in accordance with the provisions of section fifty-h of the general municipal law.

3. The authority may require any person, presenting for settlement an account or claim for any cause whatever against the authority to be sworn before a member, counsel or an attorney, officer or employee of the authority designated for such purpose, concerning such account or claim and when so sworn, to answer orally as to any facts relative to such account or claim. The authority shall have power to settle or adjust all claims in favor of or against the authority.

4. The rate of interest to be paid by the authority upon any judgment for which it is liable, other than a judgment on its bonds, shall be the rate prescribed by section three-a of the general municipal law. Interest on payments of principal or interest on any bonds in default shall accrue at the rate borne by such bonds from the due date thereof until paid or otherwise satisfied.

*N.Y. Pub. Auth. Law § 2049-OO*

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# N.Y. Pub. Auth. Law § 2049-PP

## Section 2049-PP - Contracts

All contracts or orders, for work, material and supplies performed or furnished in connection with construction, shall be awarded, when applicable, pursuant to paragraph (e) of subdivision four of section one hundred twenty-w of the general municipal law and such award shall be made by the authority pursuant to resolution of the governing body except as hereinafter provided. The authority, upon the receipt of proposals pursuant to a request for proposals issued in accordance with paragraph (e) of subdivision four of section one hundred twenty-w of the general municipal law, may, in its discretion, defer public announcement of proposed bids to facilitate and enhance the authority's ability to enter into negotiations with one or more proposers until such time as the authority shall determine to be in the best interest of the project, but in no event later than the date of the award of the contract. In any construction contract, the authority may provide a program for the payment of damages for delays and incentive awards in order to encourage timely project completion. An action, suit or proceeding contesting the validity of a contract awarded pursuant to this section, or the validity of the procedures relating to such award, shall be governed by the provisions of subdivision six of section one hundred twenty-w of the general municipal law and the term "municipality" as used in such subdivision six shall mean the authority. Every contract when made and entered into as herein provided for shall be executed in duplicate, one copy of which shall be held by the authority and one copy of which shall be delivered to the contractor. The authority may adopt, utilize, ratify and confirm any request for proposals, invitation for sealed bids, plans, specifications and notices heretofore or hereafter published by either of the counties with respect to any proposed project, and the authority may adopt, utilize, accept and confirm any bids or proposals submitted to either of the counties and heretofore and hereafter received and publicly opened by such county. The provisions of this section shall supersede any inconsistent provisions of the general municipal law, any other general, special or local law, or the charter of either county.

*N.Y. Pub. Auth. Law § 2049-PP*

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# **N.Y. Pub. Auth. Law § 2049-QQ**

Section 2049-QQ - Interest in contracts prohibited

It shall be a misdemeanor for any member of the governing body or any officer, agent, servant or employee of the authority to be in any way of manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefor which the authority is empowered by this title to make.

*N.Y. Pub. Auth. Law § 2049-QQ*

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# N.Y. Pub. Auth. Law § 2049-RR

Section 2049-RR - Audit and annual report

In conformity with the provisions of section five of article ten of the state constitution, the accounts of the authority shall be subject to the supervision of the state comptroller. The authority shall annually submit to the governor and state comptroller and to the state legislature a detailed report pursuant to the provisions of section two thousand eight hundred of title one of article nine of this chapter, and a copy of such report shall be filed with the chairman of each legislative body. The authority shall comply with the provisions of sections two thousand eight hundred one, two thousand eight hundred two and two thousand eight hundred three of title one of article nine of this chapter.

*N.Y. Pub. Auth. Law § 2049-RR*

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# **N.Y. Pub. Auth. Law § 2049-SS**

Section 2049-SS - Limited liability

Neither the members of the governing body, nor any municipality, officer or employee acting in its behalf, while acting within the scope of their authority, shall be subject to any personal liability resulting from the construction, maintenance or operation of any of the properties of the authority or from carrying out any of the powers expressly given in this title; provided, however, that this section shall not be held to apply to any independent contractor.

*N.Y. Pub. Auth. Law § 2049-SS*

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# N.Y. Pub. Auth. Law § 2049-TT

Section 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.

*N.Y. Pub. Auth. Law § 2049-TT*

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# N.Y. Pub. Auth. Law § 2049-UU

## Section 2049-UU - Solid waste facility reserve fund

The legislative bodies of the counties may establish a special fund, to be known as solid waste facility reserve fund of such county. There shall be credited to such reserve fund all amounts paid to such county and specifically designated by the payor for deposit in such reserve fund, together with such county moneys as may be appropriated thereto from time to time. Moneys in such reserve funds may be appropriated only for the purpose of paying amounts due from the county under the terms of any contract entered into pursuant to this title, for which an insufficient or no provision has otherwise been made, except that upon the adoption of a resolution by at least a two-third vote of the voting strength of such counties legislative body, all or any portion of the moneys in such reserve fund may be transferred to any other reserve fund established by the county pursuant to the general municipal law. To the extent not inconsistent with the provisions of this section, the management of such reserve fund and the investment of moneys therein shall be subject to the provisions of section six-h of the general municipal law.

*N.Y. Pub. Auth. Law § 2049-UU*

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# N.Y. Pub. Auth. Law § 2049-VV

Section 2049-VV - Transfer of environmental applications, proceedings, approvals and permits

**1.** Any application in relation to the purposes of or contemplated by this title heretofore filed, or any proceeding heretofore or hereafter commenced, by either of the counties with the state department of environmental conservation, the department of transportation or any other state authority or instrumentality or with the United States environmental protection agency or any other federal authority or instrumentality shall inure to and for the benefit of the authority to the same extent and in the same manner as if the authority had been a party to such application or proceeding from its inception, and the authority shall be deemed a party thereto, to the extent not prohibited by any federal law. Any license, approval, permit or decision heretofore or hereafter issued or granted pursuant to or as a result of any such application or proceeding shall inure to the benefit of and be binding upon the authority and shall be assigned and transferred by such county to the authority, unless such assignment and transfer is prohibited by federal law.

**2.** All such applications, proceedings, licenses, approvals, permits and decisions shall further inure to and for the benefit of and be binding upon any person leasing, constructing, maintaining, using or occupying any facility financed in whole or in part by the authority.

*N.Y. Pub. Auth. Law § 2049-VV*

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# **N.Y. Pub. Auth. Law § 2049-WW**

Section 2049-WW - Preference for actions or proceedings against authority

Any action or proceeding to which the authority or the people of the state may be parties, in which any question arises as to the validity of this title, shall be preferred over all other civil causes of action or cases, except election causes of action or cases, in all courts of the state and shall be heard and determined in preference to all other civil business pending therein, except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the authority or its counsel in any action or proceeding questioning the validity of this title in which the authority may be allowed to intervene. The venue of any such action or proceeding shall be laid in the supreme court of the county in which the principal office of the authority is located.

*N.Y. Pub. Auth. Law § 2049-WW*

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# **N.Y. Pub. Auth. Law § 2049-XX**

Section 2049-XX - Separability

If any section, clause or provision in this title shall be held by a court of competent jurisdiction to be unconstitutional or ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective, and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

*N.Y. Pub. Auth. Law § 2049-XX*

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# **N.Y. Pub. Auth. Law § 2049-YY**

Section 2049-YY - Effect of inconsistent provisions

Inssofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any county charter or any local law, ordinance or resolution of the counties or any other municipality, the provisions of this title shall be controlling. Nothing contained in this section shall be held to supplement or otherwise expand the powers or duties of the authority otherwise set forth in this title. Nothing contained in this title shall be held to alter or abridge the powers and duties of the department of environmental conservation or the department of health.

*N.Y. Pub. Auth. Law § 2049-YY*

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