

STATE OF NEW YORK

S. 6717

A. 8254

1985-1986 Regular Sessions

SENATE—ASSEMBLY

June 26, 1985

IN SENATE -- Introduced by Sens. McHUGH, PADAVAN, ANDERSON, DONOVAN, LOMBARDI, STAFFORD -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nortz, Zimmer, O'Neil) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public authorities law, in relation to creating the development authority of the north country and providing for its powers and duties and for the powers and duties of the counties of Jefferson, Lewis and St. Lawrence and the municipalities therein in relation thereto and making appropriations therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Article eight of the public authorities law is amended by
2 adding a new title twenty-nine to read as follows:
3 TITLE 29
4 DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY ACT
5 Section 2700. Short title.
6 2701. Statement of legislative findings and purposes.
7 2702. Definitions.
8 2703. Development authority of the north country.
9 2704. Powers of the authority.
10 2705. Special powers with regard to planning.
11 2706. Special powers of participating counties and municipali-
12 ties with respect to certain facilities.
13 2707. Special powers with regard to solid waste management
14 facilities.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

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- 1 2708. Environmental applications, proceedings, approvals and
 2 permits.
 3 2709. Special powers with regard to sewerage facilities.
 4 2710. Special powers with regard to water facilities.
 5 2711. Bonds of the authority.
 6 2712. Bonds as legal investments.
 7 2713. Exemption from taxation of bonds.
 8 2714. Moneys of the authority.
 9 2715. Agreement of the state.
 10 2716. Remedies of holders of bonds.
 11 2717. Actions against the authority; court proceedings; pref-
 12 erences; venue.
 13 2718. Limitation of liability; indemnification.
 14 2719. Exemption from taxation of property and income.
 15 2720. Assistance by state officers, departments, boards and
 16 commissions.
 17 2721. State, counties and municipalities not liable on bonds.
 18 2722. Contracts of the authority.
 19 2723. Annual reports.
 20 2724. Separability.
 21 § 2700. Short title. This title shall be known and may be cited as the
 22 "development authority of the north country act".
 23 § 2701. Statement of legislative findings and purposes. It is hereby
 24 found, determined and declared that there is an immediate need to insti-
 25 tute a comprehensive, coordinated program of economic development activ-
 26 ities in the three county area comprised of the counties of Jefferson,
 27 Lewis and St. Lawrence which surround the United States Army base at
 28 Fort Drum in order to provide the region with the capability to effec-
 29 tively plan and develop the infrastructure needs of the region required
 30 by the population increase forecast due to the expansion of the United
 31 States Army facilities at Fort Drum. It is further declared to be
 32 desirable to create a regional development authority of the north county
 33 to provide the region with the capability to effectively and efficiently
 34 communicate with the United States Army to optimize the economic and
 35 social impact on the region of the Army's plans to locate the 10th Moun-
 36 tain Division at Fort Drum. It is further found and declared that such
 37 needs are a matter of essential state concern and that such authority is
 38 necessary to provide for the health, safety and welfare of the people of
 39 the participating counties and the state. The authority shall carry out
 40 its purposes and responsibilities directly and through agreements with
 41 state and local entities, authorities and the United States Department
 42 of the Army. It is further declared that the authority shall be created
 43 as a public benefit corporation and that the corporate programs and pow-
 44 ers conferred under this title and the expenditures of public moneys
 45 pursuant thereto are in furtherance of a valid public interest and pu-
 46 blic purpose.
 47 § 2702. Definitions. As used in this title, the following words and
 48 terms shall have the following meanings unless the context indicates
 49 another or different meaning or intent:
 50 1. "Authority" shall mean the public benefit corporation created by
 51 section twenty-seven hundred three of this title, known as the develop-
 52 ment authority of the north country.
 53 2. "Bonds" shall means the bonds, notes or other evidences of indeb-
 54 tedness issued by the authority pursuant to this title and the provi-
 55 sions of this title relating to bonds and bondholders shall apply with

1 equal force and effect to notes and noteholders, respectively, unless
2 the context otherwise clearly requires.

3 3. "Construction" shall mean the acquisition, erection, building, al-
4 teration, improvement, increase, enlargement, extension, reconstruction,
5 renovation or rehabilitation of any project financed under the provi-
6 sions of this title; the inspection and supervision thereof; and the en-
7 gineering, architectural, legal, fiscal and economic investigations and
8 studies, surveys, designs, plans, working drawings, specifications,
9 procedures and other actions preliminary or incidental thereto.

10 4. "Cost" as applied to a project or any portion thereof financed un-
11 der the provisions of this title embraces all or any part of the cost of
12 construction and acquisition of all lands, structures, real or personal
13 property, rights, rights-of-way, franchises, easements and interests ac-
14 quired or used for a project, the cost of demolishing or removing any
15 buildings or structures on land so acquired, including the costs of
16 relocating tenants or other occupants of the building or structures on
17 such land and the cost of acquiring any lands to which such buildings or
18 structures may be moved, the cost of all machinery and equipment,
19 financing charges, interest, reserves for principal and interest and for
20 extensions, enlargements, additions, replacements, renovations and im-
21 provements, cost of engineering, financial and legal services, plans,
22 specifications, studies, surveys, estimates of cost and of revenues, ad-
23 ministrative expenses, expenses necessary or incident to determining the
24 feasibility or practicability of constructing the project and such other
25 expenses as may be necessary or incident to the construction and ac-
26 quisition of the project, the financing of such construction and ac-
27 quisition and the placing of the project in operation, including all
28 costs relating to the refinancing or satisfaction of existing indebted-
29 ness; and any reimbursements to any municipality, state agency, the
30 state, the United States or any other person or public corporation for
31 expenditures that would be costs of any project hereunder had they been
32 made directly by the authority.

33 5. "Existing sewer system" shall mean all sewers, including, without
34 limitation, trunk, intercepting, connecting, lateral and other sewers,
35 storm water drains, pumping stations, disposal or treatment plants or
36 works, structures, appliances, equipment and other adjuncts thereto,
37 comprising the portion of the system of sewerage owned by any partici-
38 pating county or municipality within a participating county, as
39 delineated on a map filed by the governing body of such county or munic-
40 ipality with the secretary of the state of New York pursuant to this
41 title.

42 6. "Municipality" shall mean any county, city, town, village, refuse
43 district under the county law, improvement district under the town law,
44 any other such instrumentality, including any agency, authority or pu-
45 blic corporation of the state, or any of the foregoing, or any combina-
46 tion thereof.

47 7. "Participating counties" shall mean the counties of Jefferson, St.
48 Lawrence and Lewis.

49 8. "Person" shall mean any natural person, partnership, association,
50 joint venture or corporation, exclusive of a public corporation.

51 9. "Project" shall mean a sewerage facility, solid waste management
52 facility, water facility, or any portion of which, the planning,
53 development, financing, acquisition, construction, operation or mainten-
54 ance is authorized to be undertaken in whole or in part by the authority
55 pursuant to this title.

- 1 10. "Real property" shall mean lands, structures, improvements
2 franchises and interests in land, including lands under water, water-
3 front property, marginal streets and riparian rights, space rights and
4 air rights and any and all other things and rights usually included
5 within said term and any fixtures, equipment and articles of personal
6 property affixed to or used in connection therewith. Real property shall
7 also mean and include any and all interests in such property less than
8 full title, such as easements, incorporeal hereditaments and every es-
9 tate, interest or right, legal or equitable, including terms for years
10 and liens thereon by way of judgments, mortgages or otherwise, and also
11 all claims for damages for such real estate.
- 12 11. "Resource recovery" shall mean the separation, extraction or
13 recovery of usable materials, energy or heat from solid waste through
14 source separation, incineration, recycling centers or other programs,
15 projects or facilities.
- 16 12. "Revenues" shall mean all rates, fees, rents, charges and other
17 income derived by the authority from its operations.
- 18 13. "Sewerage facility" shall mean a system of trunk, intercepting and
19 connecting, lateral and outlet sewers, storm water drains, pumping and
20 ventilating stations, disposal or treatment plants or works, and other
21 appliances and structures, which in the judgment of the authority will
22 provide an effectual and advantageous means for relieving the partici-
23 pating counties and municipalities within the participating counties
24 from pollution created by the sewage and waste and relieving the partici-
25 ipating counties and municipalities within the participating counties
26 from inadequate sanitary and storm water drainage by providing for the
27 sanitary disposal or treatment of the sewage thereof, or such sections
28 or parts of such systems as the authority may from time to time deem it
29 proper or convenient to construct, consistent with purpose of this
30 title.
- 31 14. "Solid waste" shall mean all putrescible and non-putrescible solid
32 wastes, including, but not limited to, materials or substances discarded
33 or rejected, whether as being spent, useless, worthless or in excess to
34 the owners at the time of such discard or rejection or for any other
35 reason, is being accumulated, stored, or physically, chemically or bi-
36 ologically treated prior to being discarded, has served its intended
37 use, or is a manufacturing or mining by-product, including, but not lim-
38 ited to, garbage, refuse, and other discarded solid materials, including
39 solid waste materials resulting from industrial, commercial, mining and
40 agricultural operations and from community activities, sludges from air
41 or water pollution control facilities or water supply treatment facili-
42 ties, rubbish, ashes, contained gaseous material, incinerator residue,
43 demolition and construction debris and offal, but not including sewage
44 and other highly diluted water-carried materials or substances and those
45 in gaseous form, special nuclear or by-product material within the mean-
46 ing of the Atomic Energy Act of 1954, as amended, and waste which ap-
47 pears on the list of hazardous waste promulgated by the commissioner of
48 environmental conservation pursuant to section 27-0903 of the environ-
49 mental conservation law.
- 50 15. "Solid waste management facility" shall mean any facility, plant,
51 works, system, building, structure, improvement, machinery, equipment,
52 fixture or other real or personal property which is to be used, occupied
53 or employed for or is incidental to the collecting, receiving, trans-
54 porting, storage, processing, or disposal of solid waste or the recovery
55 by any means of any material or energy product or resource therefrom in-

1 cluding, but not limited to, recycling centers, transfer stations,
2 shredding or baling facilities, rail haul or maritime facilities, col-
3 lection vehicles, processing systems, resource recovery facilities,
4 steam and electric generating and transmission facilities, including
5 auxiliary facilities to supplement or temporarily replace such generat-
6 ing facilities, steam distribution facilities, sanitary landfills,
7 leachate treatment facilities, plants and facilities for compacting,
8 composting or pyrolyzation of solid wastes, secure land burial facili-
9 ties, landspreading facilities, surface impoundments and waste oil
10 storage, reprocessing and refining facilities, incinerators and other
11 solid waste disposal, reduction or conversion facilities, and "resource
12 recovery equipment" and "disposal equipment" as such terms are defined
13 in subdivisions four and five of section 51-0903 of the environmental
14 conservation law. Any such facility producing either electricity or
15 shaft horsepower and useful thermal energy shall constitute a co-
16 generation facility as defined in subdivision two-a of section two of
17 the public service law.

18 16. "Source separation" shall mean the segregation of recyclable
19 materials from the solid waste stream at the point of generation for
20 separate collection, sale or other disposition.

21 17. "State" shall mean the state of New York.

22 18. "United States" shall mean the United States of America or any
23 department, agency or instrumentality thereof acting on behalf of the
24 United States of America.

25 19. "Water facility" shall mean any water supply or distribution sys-
26 tem or systems, including any plants, works, instrumentalities or parts
27 thereof and appurtenances thereto, lands, easements, rights in land and
28 water rights, right-of-way, contract rights, franchises, approaches,
29 connections, dams, reservoirs, water mains and pipe lines, pumping sta-
30 tions and equipment, or any other property incidental to and included in
31 such system or part thereof, and any improvements, extensions and
32 betterments.

33 20. "Community facility" shall mean any facility in the participating
34 counties that provides for the health, education and welfare of the
35 residents of the region within such participating counties, including
36 but not limited to medical facilities, housing facilities, educational
37 facilities, transportation facilities, municipal service facilities, and
38 cultural and social facilities.

39 § 2703. Development authority of the north county. 1. A corporation
40 known as the development authority of the north county is hereby
41 created for the public purposes and charged with the duties and having
42 the powers provided in this title. The authority shall be a body cor-
43 porate and politic constituting a public benefit corporation. Its mem-
44 bership shall consist of a board of thirteen members chosen as follows:
45 five non-voting members appointed by the governor, one of whom shall be
46 upon the recommendation of the temporary president of the senate, and
47 one of whom shall be upon the recommendation of the speaker of the as-
48 sembly; two members, who shall be residents of the county of Jefferson,
49 shall be appointed by the board of supervisors of such county; two mem-
50 bers, who shall be residents of the county of Lewis, shall be appointed
51 by the county legislature of such county; two members who shall be resi-
52 dents of the county of St. Lawrence, shall be appointed by the county
53 legislature of such county; and two members, who shall be residents of
54 the city of Watertown, shall be appointed by the common council of the
55 city of Watertown. The local governing bodies of each of the participat-

1 ing counties and the city of Watertown shall adopt resolutions providing
2 for the appointments of such members and shall transmit copies of such
3 resolutions to the governor, the temporary president of the senate and
4 the speaker of the assembly before such members take office. The first
5 members of the authority shall be appointed for the following terms from
6 the effective date of their appointment: one member to be appointed by
7 the county legislatures of each of the counties of Lewis and St.
8 Lawrence, the two members appointed by the governor upon the recommenda-
9 tion of the temporary president of the senate and the speaker of the as-
10 sembly and one member to be appointed by the common council of the city
11 of Watertown for a term of four years; one member to be appointed by the
12 board of supervisors or county legislature of each of the counties of
13 Lewis, Jefferson and St. Lawrence, and three members appointed by the
14 governor for a term of two years; one member to be appointed by the
15 board of supervisors of the county of Jefferson and one member to be ap-
16 pointed by the common council of the city of Watertown for a term of two
17 years. The voting members of the authority shall choose from their num-
18 ber a chairman by majority vote of such members then in office. Each
19 member shall continue in office until such member's successor has been
20 appointed and qualifies. Each appointment following the expiration of
21 the original terms of appointment shall be for a term of four years. In
22 the event of a vacancy occurring in the office of any member, other than
23 by the expiration of a member's term, such vacancy shall be filled for
24 the balance of the unexpired term, if applicable, in the same manner as
25 the original appointment.

26 2. The powers of the authority shall be vested in the voting members
27 thereof in office from time to time and a majority of voting members and
28 a majority of non-voting members shall constitute a quorum at any meet-
29 ing of the authority. In cases of a tie vote, the chairman shall cast an
30 additional vote. No vacancy in the membership of the authority shall im-
31 pair the right of such members to exercise all the rights and perform
32 all the duties of the authority. Any action taken by the authority under
33 the provisions of this title may be authorized at a meeting of the
34 authority by resolution approved by a majority of the total number of
35 voting members then in office, which resolution shall take effect imme-
36 diately, or, unless inconsistent with the provisions of article seven of
37 the public officers law, any action may be taken by a resolution circu-
38 lated or sent to each member of the authority, which shall take effect
39 at such time as all of the voting members then in office shall have
40 signed an assent to such resolution and such assents are filed with the
41 minutes of the proceedings. Any non-voting member who serves as an of-
42 ficer or employee of the state, or any political subdivision thereof,
43 shall be entitled to designate a representative to attend, in his or her
44 place, meetings of the board and to act in his or her behalf. Written
45 notice of such designation shall be furnished to the board by the desig-
46 inating member prior to any meeting attended by his representative. Any
47 representative shall serve at the pleasure of the designating member. No
48 representative shall be authorized to delegate any of his duties or
49 functions to any other person. The authority may delegate by resolution
50 to one or more of its members, officers, agents and employees such pow-
51 ers and duties as the voting members may deem proper.

52 3. The members of the authority shall serve without salary, but each
53 member shall be entitled to reimbursement for actual and necessary ex-
54 penses incurred by such member in the performance of the official duties
55 as a member, and each member, shall receive a per diem allowance of one

1 hundred dollars when rendering services as a member, provided that the
2 per diem allowances to any member in any one fiscal year shall not ex-
3 ceed the sum of five thousand dollars or, in the case of the chairman,
4 ten thousand dollars.

5 4. Subject to the provisions of this subdivision, members of the
6 authority may engage in private employment, or in a profession or
7 business. The members, officers and employees of the authority shall be
8 deemed to be state officers or employees and the authority shall be
9 deemed to be a state agency solely for the purposes of sections seventy-
10 three and seventy-four of the public officers law, which sections are
11 hereby made applicable to the authority and its members, officers and
12 employees.

13 5. Notwithstanding any inconsistent provisions of this or any other
14 law, general, special or local, no officer or employee of the state, or
15 of any political subdivision thereof, shall be deemed to have forfeited
16 or shall forfeit any public office or employment by reason of such
17 person's acceptance of a membership on the authority; provided, however,
18 a member who holds such other public office or employment shall receive
19 no additional compensation or allowance for services rendered pursuant
20 to this title, but shall be entitled to reimbursement for the actual and
21 necessary expenses incurred in the performance of such services.

22 6. A member may be removed from office by the board for inefficiency,
23 neglect of duty, conflict of interest or misconduct in office after the
24 authority has given such member a copy of the charges against him or her
25 and an opportunity to be heard in person, or by counsel in his defense,
26 upon not less than ten days notice. If any member shall be so removed,
27 there shall be filed with the chairman of the authority a complete
28 statement of the charges made against such member and the finding of
29 such board thereon, together with a complete record of the proceeding.

30 7. The authority and its corporate existence shall continue until ter-
31 minated by law, provided, however, that no such law shall take effect so
32 long as the authority shall have bonds, notes or other obligations out-
33 standing, unless adequate provision has been made for the payment
34 thereof. Upon termination of the existence of the authority, all of the
35 rights and properties of the authority then remaining shall pass to and
36 be vested in the counties in accordance with such law.

37 § 2704. Powers of the authority. Except as otherwise limited by this
38 title, the authority shall have power:

39 1. to make and alter by-laws for the regulation of its affairs and the
40 conduct of its business;

41 2. to adopt an official seal and alter the same at pleasure;

42 3. to maintain a principal office in the city of Watertown, and
43 regional offices at such place or places as it may designate within the
44 participating counties;

45 4. to sue and be sued;

46 5. to make and execute contracts and all other instruments necessary
47 or convenient for the exercise of its powers and functions under this
48 title;

49 6. pursuant to a plan approved, or amended and approved, pursuant to
50 section twenty-seven hundred five of this title, in connection with any
51 project, to determine the feasibility, location and character of such
52 project and to acquire, construct, or to acquire any interest in or
53 right to capacity in, and to reconstruct, renovate, replace, maintain,
54 repair, enlarge, extend, operate, lease, as lessee or lessor, and regu-
55 late such project, to enter into contracts for any or all of such pur-

- 1 poses, to enter into contracts for the management and operation of a
2 project and, to enter into contracts for any or all of such purposes,
3 including contracts for the management and operation of such project and
4 to sell, lease, mortgage or otherwise dispose of any project or part
5 thereof to the state, any person, public corporation or municipality;
6 7. to borrow money and to issue bonds of the authority for any of its
7 corporate purposes, to secure the same with its revenues or other funds
8 and otherwise to provide for and secure the payment thereof and to
9 provide for the rights of holders thereof and to fund or refund the
10 same.
11 8. to make contracts and to execute all necessary or convenient in-
12 struments, including evidences of indebtedness, negotiable or nonnegoti-
13 able in each case for securing its bonds or to provide direct payment of
14 any costs which the authority is authorized to pay;
15 9. subject to any limitation imposed or authorized by law, to fix and
16 revise from time to time and charge and collect rates, rents, fees and
17 charges for the use of and for the services furnished or to be furnished
18 by a project or any portion thereof and to contract with any person,
19 partnership, association or authority or other body public or private
20 including a public corporation in respect thereof provided, however,
21 that the authority shall not have the power, within any city, to collect
22 rentals, charges, rates or fees from the owners of real estate, or the
23 occupants of real estate (other than the occupants of premises owned or
24 controlled by such authority, or by the state or any civil division
25 thereof), for services or facilities furnished or supplied in connection
26 with such real estate, if such services or facilities are of a character
27 or nature that as of the enactment of this act or formerly were fur-
28 nished or supplied by the city, unless the electors of the city shall
29 approve the granting to such authority of such powers by a majority vote
30 at a general or special election in such city;
31 10. pursuant to a plan approved, or amended and approved, pursuant to
32 section twenty-seven hundred five of this title and upon approval by
33 resolution of the governing body of the county in which such property is
34 located, to condemn, in the name of the authority, pursuant to the emi-
35 nent domain procedure law, any real property within the participating
36 counties required by the authority for any project to carry out the pow-
37 ers granted by this title;
38 11. to employ consulting engineers, architects, attorneys, account-
39 ants, construction and financial experts, superintendents, managers, and
40 such other agents as may be necessary in its judgment, and to fix their
41 compensation;
42 12. pursuant to a plan approved, or amended and approved, pursuant to
43 section twenty-seven hundred five of this title, to assist in the plan-
44 ning, development and construction of and the financing of, the cost of
45 any project whether or not such project is to be owned or operated by
46 the authority, including any project as defined in title one of article
47 eighteen-A of the general municipal law, provided, however, that the
48 authority shall not assist in the construction of or financing of the
49 cost of a project as defined in title one of article eighteen-A of the
50 general municipal law unless such project has first been approved by
51 resolution of the governing body of each municipality in which such pro-
52 ject is located;
53 13. to receive and accept loans, grants, aid in any form, gifts or
54 contributions from any source of either money, property, labor or other

1 things of value and, subject to the provisions of this title, to comply
2 with the terms and conditions thereof;

3 14. to enter into any lease of or to mortgage any property, project
4 and the site thereof;

5 15. subject to any agreement with the holders of its bonds, to invest
6 moneys of the authority not required for immediate use in obligations of
7 the state or the United States or obligations the principal and interest
8 of which are guaranteed by the state or the United States or in certifi-
9 cates of deposit or time deposits secured in such manner as the
10 authority shall determine, or in obligations of any agency of the state
11 or the United States which may from time to time be legally purchased by
12 savings banks within the state as an investment of funds belonging to
13 them or in their control, or in any other obligations in which the comp-
14 troller of the state is authorized to invest pursuant to section ninety-
15 eight of the state finance law or any successor provision of law;

16 16. subject to any agreement with the holders of its bonds, to pur-
17 chase bonds, of the authority out of any funds or moneys of the
18 authority available therefore, and to hold, cancel or resell the bonds;

19 17. to contract to render and to render such services to the United
20 States, or any public agency, public authority, municipality or politi-
21 cal subdivision of the state, as the United States, such public agency,
22 public authority, municipality or political subdivision shall request,
23 with respect to the custody, administration, management or servicing of
24 obligations, projects and property of such entity, including but not
25 limited to the use of the premises, personnel and property of the
26 authority, and may provide for reimbursement to the authority for any
27 expenses necessarily incurred by the authority in rendering such ser-
28 vices;

29 18. to appoint such officers, employees and agents as it may require,
30 prescribe their duties and qualifications and fix their compensation;

31 19. to establish such reserves as the authority deems necessary or ap-
32 propriate;

33 20. to acquire by lease, purchase or gift, hold and dispose of real
34 and personal property (whether tangible or intangible), which are
35 located within the state, or any interest therein, for its corporate
36 purposes, and, subject to any agreement with the holders of its bonds,
37 to sell any mortgage or loan or other personal property acquired by the
38 authority, at a public or private sale and at such price or prices as it
39 shall determine;

40 21. to enter into agreements, in its discretion, to pay annual sums in
41 lieu of taxes to any municipality, political subdivision or taxing dis-
42 trict of the state in respect of any real property which is owned by the
43 authority and located in such municipality, political subdivision or
44 taxing district;

45 22. to contract with persons, municipalities and the United States for
46 the use of projects and for the fixing and collection of rates, rentals,
47 fees and other charges for the use of such projects, or services rend-
48 ered by, or any commodities furnished by the authority so as to provide
49 revenues sufficient at all times to pay, as the same shall become due,
50 the principal and interest on the bonds, notes or other obligations of
51 the authority together with the maintenance of proper reserves therefor,
52 in addition to paying, as the same shall become due, the expenses of
53 operating and maintaining the properties of the authority, together with
54 proper reserves for debt service, depreciation, maintenance and cont-
55 ingencies and all other obligations and indebtedness of the authority;

1 23. to coordinate the activities of state agencies and authorities to
2 provide community facilities in the region;

3 24. to participate in federal programs for the insurance of loans in-
4 cluding programs which require the authority to share any loss arising
5 out of any loan insured by the federal government; and

6 25. to do all things necessary or convenient to carry out the purposes
7 of the authority.

8 § 2705. Special powers with regard to planning. The authority shall
9 prepare or cause to be prepared a report on the impact of the expansion
10 of the Fort Drum Military Reservation on existing projects and community
11 facilities within the participating counties. Based upon the findings of
12 such report, the authority shall prepare or cause to be prepared a plan
13 for the development or construction of projects, including projects
14 defined in title one of article eighteen-A of the general municipal law
15 which the authority intends to finance or assist in the financing of,
16 and community facilities necessary to meet the needs of individuals,
17 business enterprises, and governmental facilities, including military
18 facilities within the participating counties. In formulating such plan
19 or plans, the authority shall consult and cooperate with the planning
20 authorities in the area of its operations. The authority may request and
21 use existing studies, plans, surveys, data and other materials completed
22 by or under development by any state agency or municipality. The
23 authority shall file copies of such plan with the common council of the
24 city of Watertown and the county legislatures or board of supervisors of
25 the participating counties and the governing body of any municipality
26 within the participating counties affected by such plan and any authori-
27 ties or industrial development agencies within the participating county
28 if such entity is substantially affected by the plan in relation to its
29 property or projects. The plan or plans shall contain information
30 regarding the facilities that the authority intends to provide or
31 proposes be provided by other means and information regarding the ser-
32 vices the authority contemplates providing or proposes be provided by
33 other means and the estimated costs and the proposed method of
34 financing. During sixty days after the filing of any plan, said plan
35 shall be available for public inspection at the office or offices of the
36 authority and at such other places in the areas affected, within the
37 participating counties, as the authority may designate. Not earlier than
38 thirty days after the filing of said plan, a public hearing on said plan
39 shall be held by the authority. Notice of such a hearing shall be given
40 to the legislative bodies and affected entities aforesaid by publication
41 once a week for two weeks prior to the said hearing at the time and
42 place fixed by the authority in newspapers of general circulation within
43 the areas affected, to be selected by the authority. The last publica-
44 tion date shall not be less than five days before said hearing. Any
45 amendments that the authority may adopt to the plan shall be adopted
46 only after complying with the filing notice and hearing requirements
47 provided for in this section. Within thirty days following the adoption
48 of any plan or amendments, the authority shall provide a copy of such
49 plan or amendments of such hearing to the legislative bodies and af-
50 affected entities as aforesaid.

51 § 2706. Special powers of participating counties and municipalities
52 with respect to certain facilities. 1. Any participating county and one
53 or more municipalities within the participating county, shall have the
54 power to enter into contracts, leases or agreements from time to time
55 between or among themselves and with the United States, or between and

1 among themselves and the United States and with the authority in connec-
2 tion with a solid waste management facility in relation to the collect-
3 ing, receiving, transporting, storage, processing or disposal of solid
4 waste or for the purchase or use of any materials, energy, by-products
5 or residue generated by or resulting from the operation of any such
6 solid waste management facility; in connection with a sewer facility in
7 relation to the collection, receiving, transporting, storage, processing
8 or disposal of sewage or for the purchase or use of any materials,
9 energy, by-products or residue generated by or resulting from the opera-
10 tion of any such sewer facility; in connection with a water facility in
11 relation to the supplying, providing, storage, processing, purification,
12 transportation, distribution and sale of water resulting from or used in
13 connection with any such water facility. Any such contract, lease or
14 agreement to which any participating county or any municipality is a
15 party may include provisions stipulating the minimum rates, rentals,
16 fees and other charges to be collected for the use of any such services,
17 the availability of such services, including demand charges, and for the
18 use and availability of such facilities and to pay all amounts due under
19 the contracts, which may be amounts calculated to provide for payment
20 and security for any bonds including, without limitation, such debt ser-
21 vice coverage as the authority deems adequate for the bonds. Any such
22 contract lease or agreement to which the authority or any participating
23 county or any municipality are parties may include provisions (i) in
24 connection with a solid waste management-resource recovery facility
25 obligating such participating county or municipality to deliver or cause
26 to be delivered, periodically to a solid waste management facility all
27 or any portion of the solid waste generated in such participating county
28 or municipality for processing or disposal and to make periodic payments
29 for such processing or disposal whether or not delivery of any such
30 solid waste shall be made, subject only to such exceptions, terms and
31 conditions as may be provided therein; (ii) in connection with a sewer
32 facility obligating such participating county or municipality to trans-
33 port or cause to be transported to a sewer facility all or any portion
34 of the sewage generated in such participating county or municipality for
35 processing or disposal and to make periodic payments for such processing
36 and disposal whether or not any sewer is transported to the sewer facil-
37 ity for such processing or disposal, subject only to such exceptions,
38 terms and conditions as may be provided therein; (iii) in connection
39 with a water facility obligating such participating county or municipal-
40 ity to obtain or cause to be obtained from a water facility all or any
41 portion of the water used or consumed in such participating county or
42 municipality and to make periodic payments for the supply of such water
43 whether or not any water is used or consumed from such facility, subject
44 only to such exceptions, terms and conditions as may be provided
45 therein. To further the governmental and public purposes of the
46 authority, including the implementation of any contract or proposed con-
47 tract contemplated by this title, any participating county and all
48 municipalities within any participating county shall have power to adopt
49 and amend local laws imposing appropriate and reasonable limitations on
50 competition including, without limiting the generality of the foregoing,
51 local laws requiring that all solid waste generated or originated within
52 their respective boundaries or portions thereof, subject to such excep-
53 tions as may be determined to be in the public interest, shall be
54 delivered to a specified solid waste management facility or facilities;
55 that all sewage generated or originated within their respective boun-

1 daries or portions thereof, subject to such exceptions as may be deter-
2 mined to be in the public interest, shall be delivered to a specified
3 sewage facility or facilities; that all water used or consumed within
4 their respective boundaries or portion thereof, subject to such excep-
5 tions as may be determined to be in the public interest, shall be sup-
6 plied, transported or distributed by a specified water facility or
7 facilities. Any such local law shall be adopted in accordance with the
8 procedure provided by the municipal home rule law. Nothing contained in
9 this title shall be deemed or construed to alter the power granted under
10 section twenty hundred forty-eight-s of this chapter.

11 2. Each participating county and each such municipality is hereby
12 authorized to resell or otherwise dispose of all or any part of the
13 materials, energy, by-products or residue purchased, received or ob-
14 tained from the authority pursuant to subdivision one of this section.
15 Any resale or other disposition may be made in such manner as such par-
16 ticipating county or such municipality may deem proper and upon such
17 terms and conditions as may be agreed upon by the parties thereto.

18 3. Each participating county and each such municipality shall have the
19 power to perform such other acts, to enter into such other contracts,
20 including contracts between or among themselves, execute such instru-
21 ments and to undertake such future proceedings as shall be determined
22 necessary or desirable to effectuate the purpose of this title, includ-
23 ing the making of gifts, grants, loans or contributions to the
24 authority.

25 4. Notwithstanding any other law, general, special or local, any con-
26 tract entered into by a participating county or municipality in connec-
27 tion with, or in any manner relating to any project may be for such term
28 or duration as may be agreed upon by the parties thereto, including that
29 any such contract may provide that the same shall remain in full force
30 and effect so long as the bonds issued for or in connection with such
31 project, including any renewals thereof, shall remain outstanding or un-
32 til adequate provision has been made for the payment or satisfaction
33 thereof.

34 5. Any contract entered into pursuant to this section to which the
35 authority shall be a party may be pledged by the authority as security
36 for any issue of bonds, and may be assigned, in whole or in part, by the
37 authority to any public corporation or person which shall construct,
38 purchase, lease or otherwise acquire any project, or part thereof,
39 financed in whole or in part by the authority.

40 § 2707. Special powers with regard to solid waste management
41 facilities. The authority shall have power:

42 1. to collect, receive, extract, transport, process, dispose of, sell,
43 store, convey, recycle and deal with, in any lawful manner an way, solid
44 waste or by-products thereof now or hereafter developed or discovered,
45 including any energy or steam generated by the operation of any facility
46 on such terms and in such manner as the authority may deem proper;

47 2. to collect or receive from the United States, the state, any munic-
48 ipality or public corporation or person solid waste for the purpose of
49 treatment or disposal thereof, with the right of the authority to sell
50 and dispose of any by-products, including energy or steam, of such pro-
51 cess of treatment or disposal, as the authority may deem proper; and

52 3. to contract with counties, municipalities, state agencies, public
53 corporations, or persons and the United States for the purpose of col-
54 lecting, receiving, treating and disposing of solid waste, including,
55 without limitation, to contract with counties, municipalities, state

1 agencies, public corporations the United States or persons for the
2 delivery of solid waste generated within a stated area to a specific
3 facility.

4 § 2708. Environmental applications, proceedings, approvals and
5 permits. 1. Any application in relation to the purposes of or contem-
6 plated by this title, or any proceeding commenced by any participating
7 county or any municipality, with the department of environmental conser-
8 vation, the department of transportation or any other state agency or
9 instrumentality or with the United States environmental protection
10 agency or any other federal agency or instrumentality shall inure to and
11 for the benefit of the authority to the same extent and in the same man-
12 ner as if the authority had been a party to such application or proceed-
13 ing, and the authority shall be deemed a party thereto, to the extent
14 not prohibited by any federal law. Any license, approval, permit or
15 decision issued or granted pursuant to or as a result of any such appli-
16 cation or proceeding shall inure to the benefit of and be binding upon
17 the authority and shall be assigned and transferred by the town to the
18 authority, unless such assignment and transfer is prohibited by federal
19 law.

20 2. All such applications, proceedings, licenses, approvals, permits
21 and decisions shall further inure to and for the benefit of and be bind-
22 ing upon any person leasing, acquiring, constructing, maintaining, using
23 or occupying any project financed in whole or in part by the authority.

24 § 2709. Special powers with regard to sewerage facilities. The
25 authority shall have power:

26 1. to acquire, construct, purchase or lease, in the name of the
27 authority, any sewerage facility, sewer system, including plants, works,
28 instrumentalities or parts thereof and appurtenances thereto, lands,
29 easements, rights in land and water rights, rights-of-way, contract
30 rights, franchises, approaches, connections and pipe lines, pumping sta-
31 tions and equipment or any other property incidental to and included in
32 such sewerage facility system or part thereof, and any improvements, ex-
33 tensions and betterments, situated within the participating counties for
34 the purpose providing adequate sanitary and storm water drainage to
35 users, including the United States, within the participating counties;
36 and as a means of so acquiring for such purposes, the authority may pur-
37 chase all of the assets of any existing privately owned sewerage cor-
38 poration or company;

39 2. to have and take ownership, jurisdiction, control, possession and
40 supervision of any existing sewer system and any sewer facility
41 financed, constructed or acquired pursuant to this title; to maintain,
42 operate, reconstruct and improve the same as a comprehensive sewerage
43 system and to make additions, betterments and extensions thereto, and to
44 have all the rights, privileges and jurisdiction necessary or proper for
45 carrying such power into execution. No enumeration of powers in this or
46 any other general, special or local law shall operate to restrict the
47 meaning of this general grant of power or to exclude other powers com-
48 prehended within this general grant;

49 3. to dispose of the sewage and waste of all persons, public corpora-
50 tions, the state, and the United States in the participating counties;

51 4. upon the filing by the governing body of any municipality within a
52 participating county with the secretary of state of the state of New
53 York, of its certificate delineating the existing sewer system and such
54 municipality's intention and desire to transfer the existing sewer sys-
55 tem to the authority, thereupon, and by virtue of this title, the exist-

1 ing sewer system, together with all contracts, books, maps, plans, pap-
2 ers and records of whatever description pertaining to subjects or mat-
3 ters relating to the design, construction, operation and affairs of the
4 existing sewer system shall be assigned, transferred and dedicated to
5 the use of and be in the possession of and under the jurisdiction, con-
6 trol and supervision of the authority and the authority is empowered to
7 take possession thereof for its uses and purposes. The authority shall
8 thereafter have complete jurisdiction, control, possession and supervi-
9 sion of the existing sewer system and of all the facilities in the
10 municipality for the disposal of sewerage and storm water, and shall
11 continue to exercise such power for a period not to exceed thirty years
12 as contained in such certificate and so long thereafter as any of the
13 bonds and liabilities of the authority shall remain unpaid or shall not
14 have otherwise been discharged. When all of the bonds and liabilities of
15 the authority shall have been paid in full or shall have otherwise been
16 discharged and the authority shall have ceased to exist, the powers,
17 jurisdiction and duty of the authority shall cease and the property and
18 assets acquired or held by it pursuant to this section, together with
19 any additions within the boundaries of such municipality shall thereaf-
20 ter become the property of, and shall be under the jurisdiction, con-
21 trol, possession and supervision of such municipality;
22 5. to establish a schedule of rates, rentals or charges, to be called
23 "sewer rents," to be collected from all real property served by its
24 sewerage facilities, and to prescribe the manner in which and the time
25 at which such sewer rents are to be paid, provided that in no event
26 shall the authority collect rents within any city within a participating
27 county, and to change such schedule from time to time as may be deemed
28 advisable. Such sewer rents may be determined by the authority on any
29 equitable basis. Prior to the final adoption or modification of such
30 schedule of sewer rents, the authority shall adopt a proposed schedule
31 of such sewer rents and publish notice thereof once a week for three
32 successive weeks in each participating county served by the authority's
33 sewer facilities. The notice so published shall be dated as of the date
34 of first publication thereof and shall state that the proposed schedule
35 of sewer rents will remain open for inspection in the office of the
36 authority for thirty days from the date of such notice, and that objec-
37 tions thereto may be filed during said period with the authority by any
38 person conceiving himself aggrieved thereby. The authority shall hear
39 and examine any such complaints and may modify the proposed schedule and
40 shall adopt a final schedule of sewer rents within sixty days after the
41 date of said notice. The schedule of sewer rents so adopted shall
42 thereafter be the sewer rents to be charged all real property served by
43 the sewer facilities of the authority. From and after the due date
44 thereof, such sewer rents shall constitute a lien upon the real property
45 served by the facilities. In the event that any such sewer rent shall
46 remain unpaid for a period of ninety days, the authority, or for
47 property within any city within a participating county, such city, may
48 bring and maintain an action in the supreme court for the foreclosure of
49 such lien;
50 6. to adopt regulations in accordance with law providing that the
51 authority shall shut off the supply of water to any premises upon which
52 sewer rents have not been paid until the sewer rents are paid, together
53 with provision for an equitable charge for restoring water service to
54 said premises.

1 § 2710. Special powers with regard to water facilities. The authority
2 shall have power:

3 1. to acquire, construct, purchase or lease, in the name of the
4 authority, any water facility, water supply system, water distribution
5 system, including plants, works, instrumentalities or parts thereof and
6 appurtenances thereto, lands, easements, rights in land and water
7 rights, rights-of-way, contract rights, franchises, approaches, connec-
8 tions, dams, reservoirs, water mains and pipe lines, pumping stations
9 and equipment, wells or any other property incidental to and included in
10 such system or part thereof, and any improvements, extensions and bet-
11 terments, situated within the participating counties for the purpose of
12 supplying water for domestic, commercial and public purposes within the
13 participating counties to any person, the state, any public corporation
14 or the United States; and as a means of so acquiring for such purposes,
15 the authority may purchase all of the assets of any existing privately
16 owned water corporation or company;

17 2. to have and take ownership, jurisdiction, control, possession and
18 supervision of any existing water system and to construct and develop
19 any water facility including any water supply system or water distribu-
20 tion system, including plants, works, instrumentalities, or parts
21 thereof, and appurtenances thereto, dams, reservoirs, water mains, pipe
22 lines, pumping stations and equipment, wells, or any other property in-
23 cidental to or included in such system or part thereof within the par-
24 ticipating counties and to acquire, by condemnation, as provided in this
25 section or otherwise lands, easements, rights of land, and water rights
26 and rights-of-way within the participating counties; or to purchase or
27 lease lands, easements, rights in land, and water rights and rights-of-
28 way in connection therewith within the participating counties and to own
29 and operate, maintain, repair, improve, reconstruct, enlarge and extend,
30 subject to the provisions of this title, any of its properties acquired
31 or constructed under this title, all of which, together with the ac-
32 quisition of such properties are hereby declared to be public purposes;

33 3. to establish a schedule of rates, rentals or charges, to be called
34 "water rents," to be collected from all real property served by its
35 water facilities, and to prescribe the manner in which and the time at
36 which such water rents are to be paid, provided that in no event shall
37 the authority collect rents within any city within a participating
38 county, and to change such schedule from time to time as may be deemed
39 advisable. Such water rents may be determined by the authority on any
40 equitable basis. Prior to the final adoption or modification of such
41 schedule of water rents, the authority shall adopt a proposed schedule
42 of such water rents and publish notice thereof once a week for three
43 successive weeks in each participating county served by the authority's
44 water facilities. The notice so published shall be dated as of the date
45 of first publication thereof and shall state that the proposed schedule
46 of water rents will remain open for inspection in the office of the
47 authority for thirty days from the date of such notice, and that objec-
48 tions thereto may be filed during said period with the authority by any
49 person conceiving himself aggrieved thereby. The authority shall hear
50 and examine any such complaints and may modify the proposed schedule and
51 shall adopt a final schedule of water rents within sixty days after the
52 date of said notice. The schedule of water rents so adopted shall
53 thereafter be the water rents to be charged all real property served by
54 the sewer facilities of the authority. From and after the due date
55 thereof, such water rents shall constitute a lien upon the real property

1 served by the facilities. In the event that any such water rent shall
2 remain unpaid for a period of ninety days, the authority, or for
3 property within any city within a participating county, such city, may
4 bring and maintain an action in the supreme court for the foreclosure of
5 such lien;
6 4. to adopt regulations in accordance with law providing that the
7 authority shall shut off the supply of water to any premises upon which
8 water rents have not been paid until the water rents are paid, together
9 with provision for an equitable charge for restoring water service to
10 said premises;
11 5. to sell water, however acquired, by volume and at retail to consum-
12 ers including the United States within the participating counties for
13 domestic, commercial, industrial and public purposes, or by volume or in
14 bulk and at wholesale to any or all persons, public corporations, the
15 United States or any privately owned public water supply and distribu-
16 tion systems in the participating counties. To sell any water not needed
17 in such participating counties by volume and at retail to consumers
18 without the participating counties for domestic, commercial, industrial
19 and public purposes, or by volume or in bulk and at wholesale to any
20 municipality, public corporation or privately owned public water supply
21 and distribution system outside of the participating counties, provided
22 that the authority shall not sell water in any area outside of the par-
23 ticipating counties unless the governing board of the municipality
24 wherein such area is located shall enter into an agreement with the
25 authority for service or sale of water by it in such area or shall by
26 resolution request the authority to sell water within such area. Any
27 agreement between a municipality outside of the participating counties
28 and the authority for the sale of water to or within such municipality
29 shall be subject to the approval of the legislative body of the partici-
30 parting county or counties wherein the water facility supplying such
31 water is located. In addition to the powers hereinbefore granted the
32 authority may develop and provide a sufficient amount of water so as to
33 supply water outside of the participating counties to sell such water to
34 consumers, any person, public corporation or privately owned public
35 water supply and distribution system provided however, that no such sale
36 shall be made without the approval of the legislative body of the county
37 in which the water facility supplying such water is located;
38 6. to purchase water in bulk or by volume from any person, private
39 corporation or municipality when necessary or convenient for the opera-
40 tion of any water supply and distribution system developed by it, or
41 when necessary or convenient for resale under the authority and provi-
42 sions of subdivision three of this section; and
43 7. to enter into cooperative agreements with other water authorities,
44 municipalities, persons, or public benefit corporations, for the inter-
45 connection of facilities, the exchange or inter-change of services and
46 commodities, and to enter into contracts for the construction of water
47 supply and distribution systems by the authority for any municipality
48 upon such terms and conditions as shall be determined to be reasonable
49 including, but not limited to, the reimbursement of all costs of such
50 construction provided, however, that any such agreement with a munici-
51 pality located in a county, shall be subject to the approval of the
52 legislative body of such county; and
53 8. to enter into a contract or contracts with the board of supervisors
54 or county legislatures of each participating county for the acquisition,
55 construction and development of a water supply and distribution system,

1 or any part or parts thereof and to contract for the operation and
2 management of such water supply and distribution system.

3 § 2711. Bonds of the authority. 1. (a) The authority shall have power
4 and is hereby authorized from time to time to issue its bonds in such
5 principal amount as, in the opinion of the authority, shall be necessary
6 to provide sufficient funds for achieving its corporate purposes, in-
7 cluding the construction, acquisition, reconstruction, rehabilitation,
8 improvement or refinancing of projects and subject to the provision of
9 this title, any project as defined in title one of article eighteen-A of
10 the general municipal law, the payment of interest on bonds of the
11 authority, establishment of reserves to secure such bonds, and all other
12 expenditures of the authority incident to and necessary or convenient to
13 carry out its corporate purposes and powers. In addition, the authority
14 may, in anticipation of the issuance of bonds or the receipt of appro-
15 priations, grants, reimbursements, revenues or other funds, issue notes
16 the principal of or interest on which or both shall be payable out of
17 the proceeds of bonds of the authority or appropriations, grants, reim-
18 bursements, revenues or other funds of the authority. The authority may
19 also enter into bank loan agreements, lines of credit and other security
20 agreements and obtain for or on its behalf letters of credit in each
21 case for securing its bonds or to provide direct payment of any costs
22 which the authority is authorized to pay.

23 (b) The authority shall have power, from time to time, to issue rene-
24 wal notes, to issue bonds or other obligations to pay notes and whenever
25 it deems refunding expedient, to refund any bonds by the issuance of new
26 bonds, whether the bonds to be refunded have or have not matured, and to
27 issue bonds partly to refund bonds then outstanding and partly for any
28 other purpose. The refunding bonds shall be sold and the proceeds ap-
29 plied to the purchase, redemption or payment of the bonds, including any
30 interest thereon, to be refunded.

31 2. Except as may otherwise be expressly provided by the authority, ev-
32 ery issue of its bonds shall be general obligations of the authority
33 payable out of any moneys, assets or revenues of the authority, subject
34 as to priority only to any agreements with the holders of particular
35 bonds theretofore or thereafter made pledging, assigning or creating a
36 lien upon any particular moneys, assets or revenues. The authority may
37 provide by agreement with the holders of its bonds that such bonds shall
38 be payable solely from and secured by particular revenues and property
39 of the authority.

40 3. The bonds shall be authorized by a resolution or resolutions of the
41 authority adopted as provided by this title; provided, however, that any
42 such resolution authorizing the issuance of bonds may delegate to one or
43 more members or to an officer of the authority the power to issue such
44 bonds from time to time and to fix the details of any such issue of
45 bonds by an appropriate certificate of such member, members or officer.

46 4. The bonds of the authority shall bear such date or dates, mature at
47 such time or times, bear interest at such rate or rates (simple or
48 compounded), if any, be of such denominations, be in such form, be exe-
49 cuted in such manner, be payable in such medium of payment, at such
50 place or places within or without the state, and be subject to such
51 terms of redemption prior to maturity, as may be provided by such
52 resolution or resolutions or such certificate with respect to such
53 bonds, as the case may be; provided, however, that no bond or other
54 obligations shall mature more than forty years after the date of issue

1 thereof and no notes or renewal thereof shall mature more than five
2 years after the date of issue of the original notes.

3 5. The bonds of the authority may be sold by the authority at such
4 price or prices, at public or private sale, provided that no issue of
5 bonds may be sold at private sale unless the terms of such sale shall
6 have been approved in writing by (i) the state comptroller, where such
7 sale is not to such comptroller, or (ii) the director of the state divi-
8 sion of the budget, where such sale is to such comptroller, in such man-
9 ner and from time to time as may be determined by the authority, and the
10 authority may pay all expenses, premiums and commissions which it may
11 deem necessary or advantageous in connection with the issuance and sale
12 thereof.

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

18 7. Any resolution or resolutions authorizing any bonds or any issue
19 thereof or any trust indenture or indentures relating to such bonds may
20 contain provisions, which shall be a part of the contract with the hol-
21 ders thereof, as to:

22 (a) pledging, assigning or creating a lien on all or any part of the
23 rates, rentals, fees and charges made or received by the authority, and
24 all or any part of the moneys received or to be received as repayment of
25 loans, to secure the payment of the bonds or of any issue thereof, sub-
26 ject to such agreement with the holders of the authority's bonds as may
27 then exist;

28 (b) pledging, assigning or creating a lien on all or any part of the
29 assets of the authority, including mortgages and obligations securing
30 the same, to secure the payment of the bonds, subject to such agreements
31 with the holders of the authority's bonds as may then exist;

32 (c) the establishment and maintenance of reserves or sinking funds and
33 the regulation and disposition thereof;

34 (d) limitations on the purpose to which the proceeds of sale of any
35 issue of bonds then or thereafter to be issued may be applied and pledg-
36 ing such proceeds to secure the payment of the bonds or of any issue
37 thereof;

38 (e) limitations on the issuance of additional bonds, the terms upon
39 which additional bonds may be issued and secured and the refunding of
40 outstanding bonds;

41 (f) the procedure, if any, by which the terms of any contract with the
42 holders of bonds may be amended or abrogated, the amount of bonds the
43 holders of which must consent thereto, and the manner in which such con-
44 sent may be given;

45 (g) limitations on the amount of moneys to be expended by the
46 authority for operating, administrative or other expenses of the
47 authority;

48 (h) the creation of special funds into which any moneys of the
49 authority may be deposited;

50 (i) vesting in a trustee or trustees such property, rights, powers and
51 duties in trust as the authority may determine, which may include any or
52 all of the rights, powers and duties of the trustee appointed by the
53 holders of bonds pursuant to this title, and limiting or abrogating the
54 right of the holders of bonds to appoint a trustee pursuant to this
55 title or limiting the rights, powers and duties of such trustee;

1 (j) defining the acts or omissions to act which shall constitute a
2 default in the obligations and duties of the authority and providing for
3 the rights and remedies of the holders of bonds in the event of such
4 default, providing, however, that such rights and remedies shall not be
5 inconsistent with the general laws of this state and other provisions of
6 this title; and

7 (k) any other matters, of like or different character, which in any
8 way affect the security or protection of the bonds and the rights of the
9 holders thereof.

10 8. Any pledge or assignment made or lien created by the authority
11 shall be valid and binding from the time when the pledge or assignment
12 is made or the lien is created; the moneys or property so pledged, as-
13 signed or encumbered by the authority shall immediately be subject to
14 such pledge, assignment or lien without any physical delivery thereof or
15 further act; and such pledge, assignment or lien shall be valid and
16 binding as against all parties having claims of any kind in tort; con-
17 tract or otherwise against the authority, irrespective of whether such
18 parties have notice thereof. Neither the resolution nor any other in-
19 strument by which a pledge, assignment or lien is made or created need
20 be recorded or filed.

21 9. Neither the members of the authority nor any person executing the
22 bonds shall be liable personally on the bonds or be subject to any per-
23 sonal liability or accountability by reason of the issuance thereof.

24 10. The authority, subject to such agreements with the holders of the
25 authority's bonds as may then exist, shall have power out of any funds
26 available therefor to purchase bonds of the authority.

27 11. The state shall not be liable on bonds of the authority and such
28 bonds shall not be a debt of the state, and such bonds shall contain on
29 the face thereof a statement to such effect.

30 § 2712. Bonds as legal investments. The bonds of the authority are
31 hereby made securities in which all public officers and bodies of this
32 state and all municipalities and municipal subdivisions, all insurance
33 companies and associations, and other persons carrying on an insurance
34 business, all banks, bankers, trust companies, savings banks and savings
35 associations, including savings and loan associations, building and loan
36 associations, investment companies and other persons carrying on a bank-
37 ing business, all administrators, guardians, executors, trustees and
38 other fiduciaries, and all other persons whatsoever who are now or may
39 hereafter be authorized to invest in bonds or other obligations of the
40 state, may properly and legally invest funds, including capital, in
41 their control or belonging to them. The bonds are also hereby made
42 securities which may be deposited with and may be received by all public
43 officers and bodies of this state and all municipalities and municipal
44 subdivisions for any purpose for which the deposit of bonds of this
45 state is now or may hereafter be authorized.

46 § 2713. Exemption from taxation of bonds. It is hereby determined that
47 the creation of the authority is in all respects for the benefit of the
48 people of the state and for the improvement of their health, safety,
49 welfare, comfort and security, and that said purposes are public pur-
50 poses and that the authority will be performing an essential governmen-
51 tal function in the exercise of the powers conferred upon it by this
52 title. The state covenants with the purchasers and all subsequent hol-
53 ders and transferees of bonds issued by the authority, in consideration
54 of the acceptance of and payment for the bonds, that the bonds of the
55 authority, issued pursuant to this title and the income therefrom and

1 all its fees, charges, gifts, grants, revenues, receipts, and other
2 moneys received or to be received, pledged to pay or secure the payment
3 of such bonds shall at all times be free from taxation except for estate
4 or gift taxes and taxes on transfers.

5 § 2714. Moneys of the authority. 1. All moneys of the authority from
6 whatever source derived, except as otherwise authorized or provided in
7 this title, shall be paid to the authority and shall be deposited forth-
8 with in a bank or banks in the state designated by the authority. The
9 moneys in such accounts shall be withdrawn on the order of such person
10 or persons as the authority may authorize. All deposits of such moneys
11 shall, if required by the authority, be secured in such manner as the
12 authority may determine. The state comptroller and his legally
13 authorized representatives are authorized and empowered from time to
14 time to examine the accounts and books of the authority, including its
15 receipts, disbursements, contracts, leases, sinking funds, investments
16 and any other records and papers relating to its financial standing.
17 Such an examination shall be conducted by the comptroller at least once
18 in every five years; the comptroller is authorized, however, to accept
19 from the authority, in lieu of such an examination, an external examina-
20 tion of its books and accounts made at the request of the authority.

21 2. Notwithstanding any other provisions of this title related to the
22 investment of moneys of the authority, the authority shall have power to
23 contract with holders of any of its bonds, as to the custody, collec-
24 tion, securing, investment, and payment of any moneys of the authority,
25 of any moneys held in trust or otherwise for the payment of bonds, and
26 to carry out such contract. Moneys held in trust or otherwise for the
27 payment of bonds or in any way to secure bonds and deposits of such
28 moneys may be invested, secured in such manner as shall be set forth in
29 such contract or agreement, and all banks and trust companies are
30 authorized to give such security for such deposits. The authority shall
31 establish and may amend from time to time, guidelines for the investment
32 of its moneys, including those held in trust for the benefit of the hol-
33 ders of bonds, and shall file such guidelines in the authority's public
34 records within sixty days after the adoption of such guidelines or
35 amendments thereto.

36 3. Subject to the provisions of any agreement with the holders of
37 bonds and to the approval of the comptroller, the authority shall
38 prescribe a system of accounts.

39 4. The authority shall submit to the comptroller, within thirty days
40 of the receipt thereof by the authority, a copy of the report of every
41 external examination of the books and accounts of the authority.

42 § 2715. Agreement of the state. The participating counties and any
43 municipalities within their boundaries are authorized to and the state
44 does hereby pledge to and agree with the owners of any bonds issued by
45 the authority, that they will not limit or alter the rights hereby
46 vested in the authority to fulfill the terms of any agreements made with
47 the holders thereof, or in any way impair the rights and remedies of
48 such holders until such bonds, together with the interest thereon, with
49 interest on any unpaid installments of interest, and all costs and ex-
50 penditures in connection with any action or proceeding by or on behalf of
51 such holders, are fully met and discharged. The authority is authorized
52 to include this pledge and agreement of the state in any agreement with
53 the holders of such bonds.

54 § 2716. Remedies of holders of bonds. 1. In the event that the
55 authority shall default in the payment of principal of or interest on

1 any issue of bonds after the same shall become due, whether at maturity
2 or upon call for redemption, and such default shall continue for a
3 period of thirty days, or in the event that the authority shall fail or
4 refuse to comply with the provisions of this title, or shall default in
5 any agreement made with the holders of any issue of bonds, the holders
6 of twenty-five per centum in aggregate principal amount of the bonds of
7 such issue then outstanding, by instrument or instruments filed in the
8 office of the clerk of the county in which the principal office of the
9 authority is located, and proved or acknowledged in the same manner as a
10 deed to be recorded, may appoint a trustee to represent the holders of
11 such bonds for the purposes herein provided.

12 2. Such trustee may, and upon written request of the holders of
13 twenty-five per centum in principal amount of such bonds then outstand-
14 ing shall, in his or its own name:

15 (a) by suit, action or proceeding in accordance with the civil prac-
16 tice law and rules, enforce all rights of the holders of the authority's
17 bonds, including the right to require the authority to collect fees and
18 charges and interest adequate to carry out any agreement as to, or
19 pledge or assignment of or lien upon, such fees and charges and inter-
20 est, on properties and to require the authority to carry out any
21 other agreements with the holders of such bonds and to perform its
22 duties under this title;

23 (b) bring suit upon such bonds;

24 (c) by action or suit, require the authority to account as if it were
25 the trustee of an express trust for the holders of such bonds;

26 (d) by action or suit, enjoin any acts or things which may be unlawful
27 or in violation of the rights of the holders of such bonds;

28 (e) declare all such bonds due and payable, and if all defaults shall
29 be made good, then, with the consent of the holders of twenty-five per
30 centum of the principal amount of such bonds then outstanding, to annul
31 such declaration and its consequences.

32 3. Such trustee shall in addition to the foregoing have and possess
33 all of the powers necessary or appropriate for the exercise of any func-
34 tions specifically set forth herein or incident to the general represen-
35 tation of the holders of the authority's bonds in the enforcement and
36 protection of their rights.

37 4. The supreme court shall have jurisdiction of any suit, action or
38 proceeding by the trustee on behalf of such holders of the authority's
39 bonds. The venue of any such suit, action or proceeding shall be laid in
40 the county in which the principal office of the authority is located.

41 § 2717. Actions against the authority; court proceedings; preferences;
42 venue. 1. In any case founded upon death, personal injury, property
43 damage or tort a notice of claim shall be required as a condition prece-
44 dent to the commencement of an action or special proceeding against the
45 authority or any member, officer, appointee or employee thereof, and the
46 provisions of section fifty-e of the general municipal law shall govern
47 the giving of such notice. No action or proceeding of any kind shall be
48 commenced (i) prior to the expiration of thirty days from the date on
49 which the demand, claim or claims upon which the action is founded were
50 presented to a member of the authority or other officer thereof desig-
51 nated for such purpose nor (ii) more than one year and ninety days after
52 the cause of action therefor shall have accrued.

53 2. Any action or proceeding to which the authority or the people of
54 the state may be parties, in which any question arises as to the valid-
55 ity of this title, shall be preferred over all other civil causes of ac-

1 tion or cases except election causes of action or cases in all courts of
2 the state and shall be heard and determined in preference to all other
3 civil business pending therein except election causes, irrespective of
4 position on the calendar. The same preference shall be granted upon ap-
5 plication of the authority or its counsel in any action or proceeding
6 questioning the validity of this title in which the authority may be al-
7 lowed to intervene. The venue of any such action or proceeding shall be
8 laid in the supreme court of the county in which the principal office of
9 the authority is located.

10 § 2718. Limitation of liability; indemnification. 1. Neither the mem-
11 bers of the authority nor any person acting in its behalf, while acting
12 within the scope of their authority, shall be subject to any personal
13 liability resulting from carrying out any of the powers expressly given
14 in or authorized by this title.

15 2. The provisions of section eighteen of the public officers law shall
16 apply to members, officers, employees and agents of the authority in
17 connection with any and all claims, demands, suits, actions or proceed-
18 ings which may be made or brought against any of them arising out of any
19 determinations made or actions taken or omitted to be taken in com-
20 pliance with any obligations under or pursuant to the terms of this
21 title.

22 § 2719. Exemption from taxation of property and income. The property
23 of the authority, and its income and operations shall be exempt from
24 taxation or assessments of every kind and nature; nor shall the
25 authority be required to pay any filing or recording fee or transfer tax
26 of any kind on account of instruments filed or recorded by it or on its
27 behalf. Mortgages made or financed (directly or indirectly) by the
28 authority shall be exempt from the mortgage recording taxes imposed by
29 article eleven of the tax law.

30 § 2720. Assistance by state officers, departments, boards and
31 commissions. The department of audit and control, department of law, and
32 all other state officers, agencies, departments, boards, divisions and
33 commissions may render such services to the authority within their
34 respective functions as may be requested by the authority.

35 § 2721. State, counties and municipalities not liable on bonds.
36 Neither the state, the counties nor any other municipality or public
37 corporation shall be liable on the bonds of the authority and such bonds
38 shall not be a debt of the state, the counties, any other municipality
39 or public corporation, and such bonds shall contain on the face thereof,
40 a statement to such effect.

41 § 2722. Contracts of the authority. 1. Construction contracts let by
42 the authority shall be in conformity with the applicable provisions of
43 section one hundred thirty-five of the state finance law, provided, how-
44 ever, that in the case of industrial projects, whenever the authority
45 determines that trade secrets or other confidential information about
46 the prospective project occupant's business operations, products,
47 processes or designs would be revealed by public bidding, the require-
48 ments of section one hundred thirty-five of the state finance law with
49 respect to public bidding may be waived. In such event, separate specif-
50 ications shall be prepared for, and separate and independent contracts
51 shall be entered into, for the following three subdivisions of work to
52 be performed: (a) plumbing and gas fitting; (b) steam heating, hot water
53 heating, ventilating and air conditioning apparatus; and (c) electric
54 wiring and standard illuminating fixtures.

1 2. The authority may, in its discretion, assign contracts for supervi-
2 sion and coordination to the successful bidder for any subdivision of
3 work for which the authority receives bids. Any construction contract
4 awarded by the authority shall contain such other terms and conditions
5 as the authority may deem desirable. The authority shall not award any
6 construction contract except to the lowest bidder who, in its opinion,
7 is qualified to perform the work required and who is responsible and
8 reliable. The authority may, however, reject any or all bids or waive
9 any informality in a bid if it believes that the public interest will be
10 promoted thereby. The authority may reject any bid, if, in its judgment,
11 the business and technical organization, plant, resources, financial
12 standing, or experience of the bidder justifies such rejection in view
13 of the work to be performed.

14 3. Personal service contracts entered into by the authority shall be
15 subject to the provisions of section twenty-eight hundred seventy-nine
16 of this chapter.

17 § 2723. Annual reports. The authority shall submit to the governor,
18 the chairman of the senate finance committee, the chairman of the assem-
19 bly ways and means committee, the state comptroller and the state direc-
20 tor of the division of the budget within ninety days after the end of
21 its fiscal year, a complete and detailed report setting forth: (i) its
22 operations and accomplishments; (ii) its receipts and expenditures dur-
23 ing such fiscal year in accordance with the categories or classifica-
24 tions established by the authority for its operating and capital outlay
25 purposes, including a listing of all private consultants engaged by the
26 authority on a contract basis and a statement of the total amount paid
27 to each such private consultant; (iii) its assets and liabilities at the
28 end of its fiscal year, including a schedule of its loans and commit-
29 ments; and (iv) a schedule of its bonds outstanding at the end of its
30 fiscal year, together with a statement of the amounts redeemed and in-
31 curred during such fiscal year.

32 § 2724. Separability. If any clause, sentence, paragraph, action or
33 part of this title shall be adjudged by any court of competent juris-
34 diction to be invalid, such judgment shall not affect, impair or invali-
35 date the remainder thereof, but shall be confined in its operation to
36 the clause, sentence, paragraph, section or part thereof involved in the
37 controversy in which such judgment shall have been rendered.

38 § 2. The sum of five hundred thousand dollars (\$500,000), or so much
39 thereof as may be necessary, is hereby appropriated out of any monies in
40 the general fund for services and expenses related to the establishment
41 and operation of the development authority of the north country.
42 Notwithstanding the provisions of any general or special law, no part of
43 this appropriation shall be made available for payment for the purposes
44 designated until a certificate of availability shall have been issued by
45 the director of the budget, and a copy of such certificate of availabil-
46 ity, or any amendments thereto, filed with the state comptroller, the
47 chairmen of the senate finance committee and the assembly ways and means
48 committee. The monies hereby appropriated, when made available shall be
49 paid on the audit and warrant of the state comptroller on vouchers ap-
50 proved by a duly authorized officer of the authority.

51 § 3. The sum of two million dollars (\$2,000,000), or so much thereof
52 as may be necessary, is hereby appropriated out of any monies in the
53 general fund as an advance to the development authority of the north
54 country for services and expenses related to the establishment and oper-
55 ation of such authority. No part of this appropriation shall be made

1 available for payment for the purposes designated until certificate of
2 approval of availability shall have been issued by the director of the
3 budget, and a copy of such certificate, or any amendments thereto, filed
4 with the state comptroller, the chairman of the senate finance committee
5 and the chairman of the assembly ways and means committee. Provided,
6 however, the director of the budget shall not issue any certificate un-
7 til such authority has (i) prepared a plan describing its anticipated
8 activities, the specific purposes to be funded by such advance, a sche-
9 dule of the anticipated expenditures of such authority from such ad-
10 vance, and a schedule of anticipated bond or note issues or revenue col-
11 lections from which such advance shall be repaid; and (ii) entered into
12 a written agreement with the director of the budget pursuant to section
13 forty-a of the state finance law providing for repayment by such
14 authority to the state of New York of an amount equal to the total
15 amount expended by the state from this appropriation. The monies hereby
16 appropriated, when made available, shall be paid on the audit and war-
17 rant of the state comptroller on vouchers approved by the duly
18 authorized officer of the authority.

19 § 4. This act shall take effect immediately, provided however that the
20 authority shall not finance or participate in the financing of any pro-
21 ject in any participating county or a municipality which appoints mem-
22 bers to the board of the authority until such time as the governing body
23 of such participating county or such municipality has adopted a resolu-
24 tion providing for participation in the authority and has transmitted
25 copies of such resolution to the governor, the temporary president of
26 the senate and the speaker of the assembly, and has appointed members to
27 the board of such authority, and provided further, however, that no such
28 appointment shall be effective unless, within ninety days of the effec-
29 tive date of this act, such participating county or municipality has
30 adopted a resolution providing for participation in the authority.