

## [NY CLS Pub A, Art. 8, Title 13-M](#)

Current through 2023 released Chapters 1-134

***New York Consolidated Laws Service > Public Authorities Law (Arts. 1 — 11) > Article 8  
Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

## **Title 13-M Rockland County Solid Waste Management Authority**

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### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

[NY CLS Pub A, Art. 8](#)

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## [NY CLS Pub A § 2053-a](#)

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-a. Short title**

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This title shall be known and may be cited as the “Rockland County Solid Waste Management Authority Act.”

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

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## [NY CLS Pub A § 2053-b](#)

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-b. Definitions.**

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

1. “Animal shelter” shall mean any facility, building, or structure, where temporary or permanent housing and care is provided to stray, abandoned, abused, seized, impounded, owner-surrendered or otherwise unwanted animals.
2. “Animal management services” shall mean any and all services provided to promote animal care and to protect public health and safety, including, but not limited to the following services: providing housing and care for stray, abandoned, abused, seized, impounded, owner-surrendered or otherwise unwanted animals in an animal shelter; the processing and disposal of animal waste; the disposal of dead wildlife removed from roadways following wildlife-vehicle collisions; providing animal control; and any other similar service related thereto.
3. “Authority” shall mean the public benefit corporation created by section two thousand fifty-three-c of this title, known as the Rockland county solid waste management authority and shall also hereby be known as Rockland Green.
4. “Bonds” shall mean 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 and shall apply with equal force and effect to notes and obligations and noteholders and obligation holders, respectively, unless the context otherwise clearly requires.
5. “Construction” shall mean the acquisition, erection, building, alteration, improvement, increase, enlargement, extension, reconstruction, renovation or rehabilitation of a solid waste management facility or animal shelter; 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 subject to the provisions of section two thousand fifty-three-f of this title.
6. “Cost,” as applied to any project, shall mean and include the cost of construction, the cost of the acquisition of all property, including real property and other property, both real and personal and improved and unimproved, subject to the provisions of section two thousand fifty-three-f of this title, 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, including the cost of acquiring any lands to which such buildings 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 consultant, legal and other professional services, the cost of lease guarantee or bond insurance and the cost of other expenses necessary or incidental to 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, the financing of the placing of any project in operation and reimbursement to the county, any municipality, any state agency, the state, the United States

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government or any other person for expenditures that would be costs of the project hereunder had they been made directly by the authority.

7. "County" shall mean the county of Rockland.
8. "Governing body" shall mean the members of the authority constituting and acting as the governing body of the authority.
9. "Municipality" shall mean any county, city, town, village, district or any combination thereof.
10. "Person" shall mean any natural person, partnership, association, joint venture or corporation, exclusive of a public corporation.
11. "Project" shall mean any solid waste management facility or animal shelter, 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" shall mean 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 judgments, mortgages or otherwise.
13. "Resource recovery" shall mean the separation, extraction and recovery of usable materials, energy or heat from solid waste through source separation, recycling centers, composting, combustion or other programs, projects or facilities.
14. "Revenues" shall mean all rates, fees, rents, charges, receipts and other income derived by the authority from its operations.
15. "Solid waste" shall mean all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances which are discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or which are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or which are manufacturing by-products, 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](#) or any scrap or other material of value held for purposes of materials recycling other than materials designated as recyclables, pursuant to section one hundred twenty-aa of the general municipal law.
16. "Solid waste management facility" or "facility" shall mean 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 beyond the initial solid waste collection process for the receiving, transporting, storage, processing, treatment, 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, material recovery facilities, mixed waste processing facilities, household hazardous waste facilities, transfer stations, shredding facilities, baling facilities, rail haul or maritime facilities, 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 facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid wastes or manufacturing or enhancing the value of materials or commodities recovered from solid waste, 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](#).

17. “Solid waste management plan” shall mean the Rockland county integrated solid waste management plan as it may be adopted, amended and supplemented from time to time in accordance with [section 27-0107 of the environmental conservation law](#).

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

19. “State” shall mean the state of New York.

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993; [L 2022, ch 553, § 1](#), effective August 17, 2022.

Annotations

## Notes

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### Amendment Notes

The 2022 amendment by [ch 553, § 1](#), added 1 and 2; redesignated former 1 as 3; added “and shall also hereby be known as Rockland Green” in 3; redesignated former 2 through 17 as 4 through 19; added “or animal shelter” in 5; added “or animal shelter” in 11; and substituted “non-putrescible” for “nonputrescible” in 15.

## Research References & Practice Aids

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### Federal Aspects:

The Atomic Energy Act of 1954, cited in statutory text, appears generally as [42 USCS §§ 2011](#) et seq.

### Hierarchy Notes:

[NY CLS Pub A, Art. 8](#)

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## [NY CLS Pub A § 2053-c](#)

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-c. Rockland county solid waste management authority**

1. Upon compliance with the requirements of subdivision seven of this section, a corporation known as the Rockland county solid waste management authority shall be deemed to have been created hereby 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. In order to be more consistent with the authority's goals, mission and objectives, the authority shall also be known as Rockland Green.
2. The authority shall consist of seventeen members. Eight members shall be members of the county legislature. Five of the eight legislative members shall be appointed by the chairman of the county legislature and three shall be appointed by the minority leader of the county legislature, subject in each case to confirmation by a majority of the county legislature. No such appointment shall be effective unless there shall be, among the legislative members of the authority, a resident of each of the five towns in the county. Residency shall be determined as of the effective date of appointment, and subsequent changes in residency shall not effect the validity of the appointment or the authority of the legislative member to serve in the authority. Each of the legislative members of the authority initially appointed and certified to the secretary of state shall serve for a term ending on January fifteen, nineteen hundred ninety-four. Subsequent appointments of legislative members of the authority shall be made in the same manner and for terms of two years. All legislative members shall continue to hold office until their successors are appointed and qualify. Vacancies occurring otherwise than by expiration of term shall be filled in the same manner, respectively, for the unexpired term. Members may be removed from office for the same reasons and in the same manner as provided by law for the removal of officers of the county. Appointments to fill expired and unexpired terms shall be made within sixty days upon receipt of notification by the chairman of the board of supervisors that a vacancy exists.
3. Five members of the authority shall consist, ex officio, of the supervisors of the five towns in the county. The term of each town supervisor serving ex officio as a member of the authority shall coincide with such member's term of elective office. No person shall be both an appointed member from the county legislature and a town supervisor serving ex officio as a member of the authority. Two members of the authority shall be appointed by and shall serve at the pleasure of the county executive of the county. Two members shall be mayors of villages contained within the county of Rockland and shall be appointed by the county legislature upon the recommendation of the Rockland county conference of mayors. The term of each mayor serving as a member of the authority shall coincide with such member's term of elective office, not to exceed two years. No such mayor shall be selected from a village that has failed to sign the intermunicipal recyclables management agreement. Such mayors are to be selected from different towns within Rockland county, and for the purposes of determining which town a mayor is determined to be from, if the jurisdiction of the municipality in which a mayor presides spans more than one town, that mayor shall not be restricted from appointment because one portion of his jurisdiction is coterminous with that of another mayor chosen as a member of the authority. Any member of the authority, whether appointed or serving ex officio, may be removed from office by a vote of ten members of the authority for gross neglect of duty, misconduct, maladministration or malfeasance in office, including the unexcused failure to attend three consecutive regular meetings of the authority.

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4. The members of the authority shall receive no compensation for their services but shall be reimbursed for all of 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 where a quorum of eight members is present. No action shall be taken except by the favorable vote of at least eight members. 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. The officers of the authority shall be selected by the authority and shall serve in such capacities at the pleasure of the authority. In addition to such officers, the authority may appoint and at its pleasure remove an executive director, attorney and engineer, which positions shall be in the exempt class of the civil service, and such additional officers and employees as it may deem necessary, and may determine and fix their qualifications, duties and compensation, subject to the provisions of the civil service law. The authority may delegate to one or more of its members, officers, agents or employees any such powers as it may deem proper. The authority may also contract for expert professional services. The treasurer shall execute a bond conditioned on the faithful performance of the duties of his or her office, the amount and sufficiency of which shall be approved by the governing body and the premium for which shall be paid by the authority.

5. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state, any municipality or any public benefit corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a member, officer, agent or employee of the authority, nor shall service as a member, officer, agent or employee of the authority be deemed incompatible or in conflict with such office, membership or employment. The members and employees of the authority shall be subject to all requirements of state and county law pertaining to ethics and financial disclosure to which members of the county legislature and employees of the county, respectively, are subject.

6. In addition to any powers granted to it by law, the county legislature may appropriate by resolution with the concurrence of the county executive sums of money to defray project costs or any other costs and expenses of the authority to be incurred prior to the first issuance of bonds. Subject to rights of bondholders, the county legislature with the concurrence of the county executive may determine if the moneys so appropriated shall be subject to repayment by the authority to the county and, in such eventuality, the manner and schedule for such repayment.

7.

(a) The county shall file on or before the twelve month anniversary of the date on which this title shall have become a law, in the office of the secretary of state, a resolution of the county legislature adopted following a public hearing approving the creation of the authority, together with a certificate approved by the county legislature and signed by the county executive setting forth: (1) the name of the authority; (2) the names of the initial members; and (3) the effective date of this title. The authority shall be perpetual in duration, except that if such resolution and certificate are not filed with the secretary of state on or before such date, then the power of the legislature of the county to approve the creation of the authority shall thereupon lapse, the authority shall not be deemed to have been created hereby and shall not exist or be deemed to have existed, and the provisions of this title shall no longer have any force or effect.

(b) Except as provided in paragraph (a) of this subdivision, the authority and its corporate existence shall continue until terminated by law; provided, however, that no such law 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 county.

8. It is hereby determined that the authority and the carrying out of its powers and duties are in all respects for the benefit of the people of the county 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.

9. In exercising the powers conferred upon it by this title, the authority shall at all times act in accordance with, and be in compliance with, the provisions of the solid waste management plan.

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993; amd, [L 1998, ch 223, § 1](#), eff July 7, 1998; [L 2022, ch 553, § 2](#), effective August 17, 2022.

Annotations

## Notes

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### Amendment Notes

The 2022 amendment by ch 553, § 2, added the third sentence of 1.

## Research References & Practice Aids

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### Hierarchy Notes:

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## [NY CLS Pub A § 2053-d](#)

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-d. Transfer of property to authority; acquisition of property by county for authority**

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1. The county or any other municipality may give, grant, sell, convey, loan, license the use of or lease to the authority any property or facility which is useful to the authority in order to carry out its powers and duties under this title. Any such transfer of property shall be upon such terms and conditions, subject to the rights of the holders of any bonds, subject to the provisions of section two thousand fifty-three-f of this title, as the authority and the county or other municipality may agree.
2. Notwithstanding the provisions of any other law, general, special or local, real property acquired by the authority, subject to the provisions of section two thousand fifty-three-f of this title, or the county from the state may be used for any corporate purpose of the authority.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-e. Powers of the authority**

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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. In selecting the location for any real property to be acquired or leased, the authority shall give consideration to the present and any proposed land use character of the area in which such site is to be located and shall be subject to and exempt from the zoning laws or regulations, if any, otherwise generally applicable to such area to the same extent that the county is subject to and exempt from the zoning laws or regulations otherwise generally applicable to such area. The authority shall not acquire or lease any interest in real property except upon compliance with the procedure set forth in section two thousand fifty-three-f of this title.
4. To condemn in the name of the authority pursuant to the eminent domain procedure law, any real property within the county and required by the authority to carry out the powers granted by this title, subject to the provisions of section two thousand fifty-three-f of this title.
5. To collect, receive, transfer, transport, process, dispose of, sell, store, convey, recycle, compost, combust and deal with, in any lawful manner and way, solid waste and any products or by-products thereof now or hereafter developed or discovered, including any recovered materials, compost or energy produced or generated by the operation of any solid waste management facility. Any such disposal or sale may be effected on such terms and in such manner as the authority may deem proper.
6. To plan, develop and construct projects and to pay the cost thereof and to contract in relation thereto with municipalities or persons within or without the county and to own and operate, maintain, repair, improve, reconstruct, enlarge and extend, subject to the provisions of this title, any of its projects acquired or constructed under this title, and to sell, lease, mortgage, grant a security interest in, pledge, encumber, or otherwise dispose of any project or part thereof to any person, municipality or public corporation, subject to such conditions and limitations as the authority may determine to be in the public interest, and to apply for, hold and perform its obligations under any permit, license, approval, or other legal entitlement which may be required for its projects, services or exercise of powers.
7. To assist in the planning, development, construction and operation of and the financing of the cost of any solid waste management facility to be located in the county whether or not such solid waste management facility is to be owned by the authority, which assistance may include loans to any person or public corporation.
8. To collect or receive from the United States, the state, the county, any other municipality or public corporation or person, subject to the limitations of section two thousand fifty-three-f of this title, solid waste for the purpose of treatment or disposal thereof, with the right of the authority to sell and dispose

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of any products or by-products (including recovered materials, compost or energy) of such process of treatment or disposal, as the authority may deem proper.

- 9.** To contract with the county, other municipalities, state agencies, public corporations or persons within or without the county, for the purpose of receiving, treating and disposing of solid waste or for any other purpose authorized hereunder, including, without limitation, the power to contract with municipalities, state agencies, public corporations or persons for the delivery of all solid waste generated within a stated area to a specific solid waste management facility.
- 10.** To make rules, regulations and by-laws pertaining to and governing the management and regulation of its affairs and, subject to agreements with bondholders, the use of any project or other property of the authority and the provision of any service by the authority, which rules, regulations and 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 the county, and to provide for the enforcement of such rules, regulations and by-laws by legal or equitable proceedings which are or may be provided or authorized by law. In addition, the county legislature shall have power to prescribe that violations of specific rules, regulations and by-laws of the authority shall constitute violations and provide for the enforcement of violations thereof by civil penalties, including any such rules, regulations and by-laws requiring the payment of generator, user or hauler fees by any person in connection with the service or availability or service by any facility owned or under contract to the authority.
- 11.** With the consent of the county executive, to use officers or employees of the county and to pay a proper portion of the compensation or costs for the services for such officers or employees.
- 12.** To make contracts and to execute all necessary or convenient agreements, documents and instruments, including evidences of indebtedness, negotiable or non-negotiable.
- 13.** To enter on any lands, waterways or premises for the purpose of making surveys, soundings and examinations, any liability for which shall not exceed actual damages.
- 14.** To borrow money and to issue bonds and to fund or refund the same, and to provide for the right of the holders thereof.
- 15.** To procure insurance, letters of credit, lines of credit, or other credit enhancement with respect to its bonds or notes issued pursuant to this title, or facilities for the payment of tenders of such bonds or notes or facilities for the payment upon maturity of short-term notes not renewed.
- 16.** To enter into interest rate exchange or similar arrangements with any person under such terms and conditions as the authority may determine including, without limitation, provisions as to default or early termination and indemnification by the authority or any other party thereto for loss of benefits as a result thereof.
- 17.** To fix and collect, as more fully set forth in section two thousand fifty-three-g of this title, rates, rentals, fees and other charges for the use of the facilities of, or services provided by, or any commodities furnished by, the authority, and to contract with any municipality 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 and business of the authority and meeting all of its contractual and other obligations, together with proper reserves for debt service, depreciation, maintenance and contingencies and all other obligations and indebtedness of the authority.
- 18.** To enter into agreements, in its direction, to pay annual sums in lieu of taxes to any municipality in respect to any real property which is owned by the authority and located in such municipality, political subdivision or taxing district.
- 19.** To accept gifts, grants, loans or contributions from the United States, the state or any agency or instrumentality of either of them, or any municipality or from any person or public corporation, by bequest or otherwise, and to expend the proceeds for any corporate purposes of the authority.

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

**21.** To act as an agency, as such term is used in [section two hundred fifty-one of the county law](#).

**22.** The authority may acquire, hold, own, lease, establish, construct, effectuate, operate, maintain, renovate, improve, extend or repair any of its facilities through, and cause any one or more of its powers, duties, functions or activities to be exercised or performed by, no more than one wholly-owned subsidiary corporation of the authority for the sole purposes of operating an animal shelter and providing animal management services on behalf of one or more municipalities located in the county of Rockland pursuant to the agriculture and markets law. Such subsidiary corporation shall be deemed an animal shelter for the purposes of registration, inspection or any oversight required by law or regulation by the department of agriculture and markets. The authority may transfer to or from any such corporation, or between such corporations, any moneys, real property or other property or the services of any officers, employees or consultants for any of the purposes of this title. The directors or members of such subsidiary corporation shall be the same persons holding the offices of members of the authority. Such subsidiary corporation and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the authority and of the authority's property, functions and activities. Such subsidiary corporation shall be subject to the restrictions and limitations to which the authority may be subject. Such subsidiary corporation shall be subject to suit in accordance with section two thousand fifty-three-u this title. The employees of any such subsidiary corporation, except those who are also employees of the authority, shall not be deemed employees of the authority.

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

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993; [L 2022, ch 553, § 3](#), effective August 17, 2022.

Annotations

## Notes

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### Amendment Notes

**The 2022 amendment by ch 553, § 3**, substituted “proper” for “property” in 11; added 22; and redesignated former 22 as 23.

## NOTES TO DECISIONS

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### 1. Awards

Trial court properly denied a losing bidder's petition—seeking review of the rejection of its proposal for a contract with a town—because the bidder failed to lodge a protest with the management authority's executive director pursuant to the authority's “Bid/Proposal Protest Procedures, the authority, as a public benefit corporation, was

separate from the State such that any limitations on its power to contract had to come from its enabling statute, not the General Municipal Law, and the Public Authorities Law did not require contracts such as the one at issue to be awarded to the “lowest responsible bidder.” [Matter of AAA Carting & Rubbish Removal, Inc. v Town of Stony Point, N.Y., 159 A.D.3d 1036, 74 N.Y.S.3d 276, 2018 N.Y. App. Div. LEXIS 2080 \(N.Y. App. Div. 2d Dep’t\)](#), app. denied, 32 N.Y.3d 901, 109 N.E.3d 1154, 84 N.Y.S.3d 854, 2018 N.Y. LEXIS 2522 (N.Y. 2018).

## Research References & Practice Aids

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### Hierarchy Notes:

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-f. Certain county rights**

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The authority shall not (1) acquire or lease any interest in real property, or (2) accept or permit the acceptance at facilities owned or under contract with the authority of solid waste originating outside the county, unless (i) at least forty-five days prior notice of the acquisition or lease of any interest in real property by the authority or any such acceptance of solid waste originating outside the county shall have been given to the county legislature, and (ii) no objection, by resolution of the county legislature, shall have been made and delivered to the agency within such forty-five days.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

### **Research References & Practice Aids**

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#### **Hierarchy Notes:**

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## [NY CLS Pub A § 2053-g](#)

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-g. Charges by the authority; method of collection.**

1. The authority may fix and collect, on any equitable basis, rates, rentals, fees and other charges for the use of facilities of or services or commodities provided by the authority or any subsidiary, including the availability of any of the foregoing from the authority. Such rates, rentals, fees and other charges may be fixed and collected from any person to whom such facilities, services or commodities are provided by or made available from the authority, including generators of solid waste and owners of real property upon which solid waste is generated. Such rates, rentals, fees and other charges may be the same or different for each classification of user or service recipient and may, by way of example, reflect the source and composition of solid waste and may provide for fee reductions to the users or service recipients in proportion to waste generated or to reflect participation in source separation programs. In any instance where the county is or would be required by law, with respect to solid waste management, to conduct a public hearing in connection with a user or rate, rental, fee or other charge, the authority shall not establish, fix, or revise any classification of user or service recipient, rate, rental, fee or other charge unless and until the authority has held a public hearing at which interested persons have had an opportunity to be heard concerning the same; provided however, that if the county has conducted a public hearing in connection with such rate, rental, fee or other charge, the authority shall not be required to hold a public hearing. Notice of any such public hearing shall be published at least ten days before the date set therefor, in at least one newspaper of general circulation in the county. 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 meeting. A copy of the notice shall be available for inspection by the public. At any such hearing, any interested persons shall have an opportunity to be heard concerning the matters under consideration. Any decision by the authority at such public hearing shall be in writing and be made available in the office of the authority for public inspection during regular office hours.

2. All rates, rentals, fees and other charges for the use of the facilities of, or services provided or made available by, the authority and billed directly by the authority to the user or service recipient pursuant to a classification of users or service recipients adopted by the authority as herein provided shall be a lien upon the real property upon which, or in connection with which, services are provided or made available, 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 municipality, on or before the first day of December in each year, a list of those properties within each respective municipality using such facilities or for which such services were provided or made available and from 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 such properties, the names of the persons or corporations liable to pay for the same, and the amount chargeable to each, including penalties and interest 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 headings "solid waste disposal charge" and "animal management charge", as appropriate. Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the treasurer of the authority.

Alternatively, the legislative body of any municipality which provides solid waste collection service to all or a portion of the properties within its boundaries using municipally owned and operated collection vehicles may execute an agreement with the authority to collect and be responsible for the collection of, on behalf of the authority, any overdue or delinquent rates, rentals, fees or other charges and such municipality shall have the power to pay directly to the authority such overdue or delinquent rates, rentals, fees and other charges whether or not they are actually collected from the users or service recipients of such municipality. All of the provisions of the tax law of the state governing 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.

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993; [L 2022, ch 553, § 4](#), effective August 17, 2022.

Annotations

## Notes

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### Amendment Notes

**The 2022 amendment by ch 553, § 4**, added the 1 and 2 designation; added “or any subsidiary” in the first sentence of 1; and substituted “under the headings ‘solid waste disposal charge’ and ‘animal management charge’, as appropriate” for “under the heading ‘solid waste disposal charge’” in the fifth sentence of 2.

## Research References & Practice Aids

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### Hierarchy Notes:

[NY CLS Pub A, Art. 8](#)

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## [NY CLS Pub A § 2053-h](#)

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-h. Governmental capacity of the authority and municipalities**

The county, other municipalities within the county and the authority in carrying out the 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.

### **History**

Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-i. Transfer of officers and employees**

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Any officer or employee of the county under civil service or otherwise, selected by the authority, may, with the consent of the county executive, 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 funds 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 shall have the same status with respect thereto after transfer to the authority as they had under their original appointment.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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## [NY CLS Pub A § 2053-j](#)

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-j. Bonds of the authority**

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1. The authority shall have the power and is hereby authorized from time to time to issue bonds or notes 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 and is hereby authorized to enter into such agreements and perform such acts as may be required under any applicable federal legislation to secure a federal guarantee of any bonds. 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 and subject to any agreements with the holders of outstanding bonds pledging any particular 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 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, bear such date or dates and mature at such time or times as such resolution shall provide, except that notes and any renewals thereof shall mature within five years from the date of the original issuance and bonds and any renewals thereof shall mature within thirty years from the date of the original issuance of any such bonds or notes. The bonds and notes shall be subject to such terms of redemption, bear interest at such rate or rates payable at such times, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, 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. Bonds of the authority shall not be sold by the authority at private sale unless such sale and the terms thereof have been approved in writing by the state comptroller where such sale is not to be to such comptroller, or by the state director of the budget where such sale is to said 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 assets, contracts, investment securities, earnings or proceeds of any grant to the authority received from any private or public source, subject to such agreements with bondholders as may then exist;
  - (b) the setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;
  - (c) limitations on the purpose to which the proceeds from the sale of bonds may be applied;

## NY CLS Pub A § 2053-j

- (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, 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 trustees appointed by the bondholders pursuant to section two thousand fifty-three-i 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 the trustee;
- (k)** defining the acts or omissions 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, consistent 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, 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 otherwise against the authority irrespective of

whether or not such parties have notice thereof. No instrument by which such a pledge or security 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 all 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 or (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.

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

## Research References & Practice Aids

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## [NY CLS Pub A § 2053-k](#)

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-k. Remedies of bondholders**

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Subject to any resolution or resolutions adopted pursuant to subdivision three of section two thousand fifty-three-j of this title:

1. In the event that the authority shall default in the payment of principal of or 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 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 and proved or acknowledged in the same manner as 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 holders 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, fees and charges adequate to carry out any agreement as to, or pledge of, such rents, rates, fees 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.
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.

7. The county is authorized to pledge to and agree with the holders of the bonds that the county will not limit or impair the rights hereby vested in the authority to purchase, construct, maintain, operate, repair, improve, increase, enlarge, extend, reconstruct, renovate, rehabilitate or dispose of any project, or any part or parts thereof, for which bonds or notes 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 notes 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, with 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.

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-I. State, county and municipalities not liable on bonds**

Neither the state, county 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, county or any other municipality or public corporation, and such bonds shall contain, on the face thereof, a statement to such effect.

### **History**

Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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Management Authority (§§ 2053-a — 2053-z)***

### § 2053-m. 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 the county 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 to 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 ways 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](#), as amended from time to time. Subject to the provisions of any contract with bondholders and with the approval of the comptroller, the authority shall prescribe a system of accounts.

### History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

### Research References & Practice Aids

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#### Hierarchy Notes:

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## [NY CLS Pub A § 2053-n](#)

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Management Authority (§§ 2053-a — 2053-z)***

### § 2053-n. Bonds and notes as legal investment

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 notes, or other obligations of the state may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes 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 notes or other obligations of this state is now or hereafter may be authorized.

### History

Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-o. Agreement with the state**

---

The state does hereby pledge to and agree with the holders of any bonds or notes 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, maintain, operate, 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 notes or with any public corporation or person with reference to such project or part thereof, or in any way to impair the rights and remedies of bondholders until the bonds or notes, 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.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-p. Exemption from taxes, assessments and certain fees**

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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 county 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, special ad valorem levies or special assessments upon any property owned by it or under its jurisdiction, control or supervision or upon its activities or any filing, recording or transfer fees or taxes in relation to instruments filed, recorded or transferred by it or on its behalf. The construction, use, occupation or possession of any property owned by the authority or the county, 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. The authority shall be deemed a public authority for the purposes of [section four hundred twelve of the real property 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 taxes. The revenues, moneys and all other property and all transactions and activities of the authority shall be exempt from all taxes and governmental fees or charges, whether imposed by the state or any municipality, including without limitation real estate taxes, franchise taxes, sales taxes or other excise 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 taxes.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-q. Actions against the authority**

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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](#), or (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.
5. 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 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.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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### Hierarchy Notes:

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Miscellaneous Authorities (Titles 1 — 35) > Title 13-M Rockland County Solid Waste  
Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-r. Contracts**

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1. All contracts or orders for work, material or supplies performed or furnished in connection with construction shall be awarded by the authority pursuant to resolution of the governing body except as hereinafter provided. Such awards, when applicable, shall be made in compliance with paragraph (e) of subdivision four and subdivision seven of [section one hundred twenty-w of the general municipal law](#). 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.
2. The person whose bid or proposal is accepted shall give security for the faithful performance of the contract, and such other security as the authority may require, and may be required to maintain any construction done under the contract for such period as shall be stipulated, all in the manner prescribed and required by the authority and the sufficiency of such security shall, in addition to the justification and acknowledgement, be approved by the authority. All bids or proposals shall be publicly opened by the governing body or its duly authorized agent. If the person whose bid or proposal has been accepted after advertising shall neglect or refuse to accept the contract within five days after written notice that the contract has been awarded to him on his bid or proposal or if he accepts but does not execute the contract and give proper security, the authority shall have the right to declare his deposit forfeited. In case any work shall be abandoned by any contractor, the authority may, if it determines that the public interest is thereby served, adopt on behalf of the authority any or all subcontracts made by such contractor for such work and all such subcontractors shall be bound by such adoption if made. No bid or proposal shall be accepted from or any contract awarded to any person or corporation who is in arrears to the authority or the county upon any obligation of the authority or of the county. Every contract 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 the county with respect to any proposed project. The provisions of this section shall supersede any inconsistent provisions of the general municipal law, or any other general, special or local law, or the charter of the county. The authority shall be deemed an authority for the purpose of [section twenty-eight hundred seventy-eight](#) of this chapter.
3. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency as that term is used in such article, and its contracts for design, construction, services and materials shall be deemed state contracts within the meaning of that term as set forth in such article.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-s. Interest in contracts prohibited**

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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 or 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.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-t. Audit and annual report**

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In conformity with the provisions of section five of article ten of the constitution, the accounts of the authority shall be subject to the supervision of the state comptroller and an annual audit shall be performed by an independent certified accountant. 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 this chapter, and a copy of such report shall be filed with the county executive and the chairman of the county legislature. 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 this chapter.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-u. Limited liability**

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Neither the members of the governing body, nor any municipality, officer or employee acting on 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.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

Annotations

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-v. Contracts with municipalities; powers of municipalities**

1. The county and one or more municipalities within the county, or the authority and the county, shall have power to contract from time to time between or among themselves, or among themselves and with the authority, in relation to the receiving, transporting, storage, processing, treatment or disposal of solid waste or for the purchase or use of any materials, energy, byproducts [by-products]\* or residue generated by or resulting from the operation of any solid waste management facility. Any such contract to which the authority, the county and any municipality within the county are parties may include provisions stipulating the maximum rates, rentals, fees and other charges to be collected for the use or availability of facilities. Any contract to which the authority, the county and any municipality within the county are parties may include provisions (i) requiring the periodic delivery to the particular facilities of minimum amounts of solid waste and providing for specified minimum period payments whether or not such delivery is made, or (ii) requiring the county and any municipality within the county to pay, within appropriations available therefor, such amounts as shall be necessary to assure the continued operation and solvency of the authority, such payments to be determined and paid in such manner and at such times as may be provided in such contract or contracts.
2. In recognition of existing state policy, as declared in title one of article twenty-seven of the environmental conservation law, the legislature hereby affirms that the basic responsibility for the planning and operation of solid waste management facilities remains with local governments; and further recognizes the county's role as planning unit under [section 27-0107 of the environmental conservation law](#). To further the governmental and public purposes of the authority, including the implementation of any contract or proposed contract contemplated by this title, and in recognition of the public policy of the state in the area of the control and management of solid waste and solid waste disposal activities to displace competition with regulation or monopoly public control, the county and all other municipalities within the county shall have the power to adopt and amend local laws, ordinances and regulations imposing appropriate and reasonable limitations on competition with respect to collecting, receiving, transporting, delivering, storing, processing, treating and disposing of solid waste or the recovery by any means of any material or energy product or resource therefrom, and shall further have the power to adopt and amend local laws requiring that all solid waste generated, originated or brought within their respective boundaries, subject to such exceptions as may be determined to be in the public interest, shall be delivered to a specified facility or facilities; provided however, that any such local law enacted by the county shall take precedence over and shall supersede any inconsistent provisions of any such local law enacted by a municipality with the county. Any such local law shall be adopted in accordance with the procedure provided by the municipal home rule law, except that no such local law shall be subject to either mandatory or permissive referendum. Any such local law may include provisions for the enforcement thereof and penalties for the violation thereof, which may provide, but shall not be limited to providing, that any violation of a local law may be punished by civil penalty, fine or other monetary charge, and/or, the suspension or revocation of permits or licenses granted by any other jurisdiction with respect to the collecting, receiving, transporting, delivery or storing of solid waste. For the purposes of this section, solid waste shall have the same meaning as defined in section two

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\* The bracketed word has been inserted by the Publisher.

thousand fifty-three-b of this title. Upon the adoption of any local law, ordinance or regulation pursuant to this section, the county or municipality shall file with the commissioner of the department of environmental conservation a verified copy of such local law, ordinance or regulation; provided, however, that failure to so file such a local law, ordinance or regulation shall not invalidate such local law, ordinance or regulation. The foregoing provisions of this subdivision shall not be construed to limit, alter or abridge the powers granted to the county under the provisions of chapter five hundred sixty-nine of the laws of nineteen hundred ninety-one, as amended.

3. The county is hereby authorized to resell or otherwise dispose of all or any part of the materials, energy, by-products or residue purchased from the authority pursuant to subdivision one of this section. Any resale or other disposition may be made in such manner as the county may deem proper and upon such terms and conditions as may be agreed upon by the parties thereto.

4. The county and all other municipalities within the county shall have power to perform such other acts, to enter into such other contracts, including contracts between or among themselves, execute such instruments and to undertake such future proceedings as shall be determined necessary or desirable to effectuate the purpose of this title, including the making of gifts, grants, loans or contributions to the authority.

5. Except as otherwise provided by [section one hundred twenty-w of the general municipal law](#), any contract entered into by a municipality pursuant to this section may be for such term or duration, not to exceed thirty years, as may be agreed upon by the parties thereto.

6. Any contract entered into pursuant to this section to which the authority shall be a party may be pledged by the authority as security for any issue of bonds, and may be assigned, in whole or in part, by the authority to any public corporation or person which shall construct, purchase, lease or otherwise acquire any solid waste management facility, or part thereof, financed in whole or in part by the authority.

## History

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-w. Solid waste reserve fund**

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The county legislature may establish a special fund, to be known as the solid waste reserve fund of the county. There shall be credited to such reserve fund all amounts paid to the 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 fund 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-thirds vote of the voting strength of the county legislature, 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](#).

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-x. Environmental applications, proceedings, approvals and permits**

1. Any application in relation to the purposes of or contemplated by this title, or any proceeding commenced in relation thereto, by the county with the state department of environmental conservation, the department of transportation or any other state agency 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, and the authority shall be deemed a party thereto, to the extent not prohibited by any federal law. Any license, approval, permit or decision 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 the 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 be for the benefit of and be binding upon any person leasing, acquiring, constructing, maintaining, using or occupying any facility financed in whole or in part by the authority.

### **History**

Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-y. Separability**

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If any section, clause or provision in this title shall be held by a competent court 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.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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Management Authority (§§ 2053-a — 2053-z)***

### **§ 2053-z. Effect of inconsistent provisions**

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In so far as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of the county charter or any local law, ordinance or resolution of the county 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.

### **History**

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Add, [L 1993, ch 434, § 1](#), eff July 26, 1993.

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