

Islip Resource Recovery Agency

Established 1982



Enabling Legislation

New York Town Of Islip Resource Recovery Agency

TITLE 13-C

TOWN OF ISLIP RESOURCE RECOVERY AGENCY

- Section 2046-a. Short title.
2046-b. Definitions.
2046-c. The Islip resource recovery agency.
2046-d. State and town not liable on bonds or notes.
2046-e. Transfer of property.
2046-f. Powers.
2046-g. Bonds and notes.
2046-h. Remedies of bondholders and noteholders.
2046-i. Actions against agency.
2046-j. Moneys of the agency.
2046-k. Transfer of officers and employees.
2046-l. Agreements of the state.
2046-m. Bonds and notes as legal investments.
2046-n. Tax exemption.
2046-o. Tax contract.
2046-p. Disinterested officers.
2046-q. Audit and annual report.
2046-r. Limited liability.
2046-s. Contracts.
2046-t. Agreements with the town.
2046-u. Title not affected if in part unconstitutional or ineffective.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-a. Short title

Currentness

This title may be cited as the "Islip resource recovery agency act".

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.



Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-b. Definitions

Currentness

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

1. "Agency" shall mean the public benefit corporation created by section two thousand forty-six-c of this title and deemed a public authority.
2. "Bonds and notes" shall mean the bonds, notes or other obligations issued by the agency pursuant to this title and the provisions of this title relating to bonds and bondholders shall apply with equal force and effect to notes and noteholders unless the context otherwise clearly requires.
3. "Construction" shall mean the erection, building, acquisition, alteration, reconstruction, improvement, extension of a solid waste management-resource recovery facility; the inspection and supervision thereof; and the architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, procedures and other actions incidental thereto.
4. "Cost", as applied to any project, shall include the cost of acquisition of any project, the cost of construction, the cost of acquisition of all property, including real property and other property, both real and personal and unimproved, the cost of demolishing, removing or relocating any buildings or structures on land so acquired, in addition to the cost of acquiring any land to which such buildings may be moved or relocated, the cost of all systems, facilities, machinery and equipment, financing charges, interest prior to, during and after construction to the extent not paid or provided from revenues or other sources, the cost of engineering and architectural surveys, plans and specifications, the cost of legal services, the cost of lease guarantee or bond or note insurance, other expenses necessary or incidental to the completion of such project and the financing of the construction thereof, including the amount authorized in the resolution providing for the issuance of bonds or notes to be paid into any reserve or other special fund from the proceeds of such bonds or notes and the financing of the placing of any project in operation, including reimbursement to the town for expenses with the prior approval of the agency, that would be costs of the project hereunder had they been made directly by the agency.
5. "Governing body" shall mean the directors of the agency.
6. "Municipality" shall mean any county, city, town, village, school district, fire district or a county or town or village or a portion of an improvement district.
7. "Person" shall mean any natural person, partnership, association, joint venture or corporation, exclusive of a public utility corporation.

8. "Project" shall mean any solid waste management-resource recovery facility, the planning, financing, construction or maintenance of which is authorized to be undertaken, in whole or in part, by the agency pursuant to this title and real property required in connection therewith.

9. "Real property" shall mean lands, structures, franchises and interests in land, waters, lands under water, riparian air rights and any and all things and rights included within said term and includes not only fee simple absolute and all lesser interests including, but not limited to, easements, rights of way, uses, leases, licenses and all other hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens the judgments, mortgages or otherwise.

10. "Revenues" shall mean all rates, fees, rents, charges and other income derived by the agency from its operations.

11. "Resource recovery" shall mean the separation, extraction and recovery of usable materials, energy or heat from waste through source separation, recycling centers or other programs, projects or facilities.

12. "Solid waste" shall mean all putrescible and non-putrescible solid wastes, including, but not limited to, substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue and construction debris and offal, but not including sewage and other highly diluted water-carried materials or those in gaseous form, source, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended¹, and waste which appears on the list of hazardous waste promulgated by the Environmental Conservation Law pursuant to section 27-0903 of the environmental conservation law.

13. "Solid waste management-resource recovery facility" or "facility" shall mean any facility, plant, works, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used and employed beyond the initial solid waste collection process for the receiving, transporting, storage, processing or disposal of waste or the recovery by any means of any material or energy product or resource therefrom including but not limited to, transfer stations, baling facilities, rail haul or maritime facilities, processing systems, resource recovery and electric generating facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation², incinerators, and other solid waste disposal, reduction or conversion facilities and resource recovery equipment as defined in subdivisions four and five of section 51-0903 of the environmental conservation law.

14. "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.

15. "State" shall mean the state of New York.

16. "Town" shall mean the town of Islip.

17. "Town board" shall mean the town board of the town of Islip.

Credits

(Added L.1982, c. 632, § 2.)

1 42 USCA § 2011 et seq.

2 So in original. Probably should be "pyrolyzation".

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-c. The Islip resource recovery agency

Currentness

1. A corporation known as the "Islip resource recovery agency" is hereby created for the purposes and charges and having the powers provided in this title. The agency shall be a body corporate and politic constituting a corporation. Its membership shall consist of a board of five directors comprised, ex-officio, of the members of the town board. A quorum of the governing body shall consist of at least three members for the transaction of any business or the exercise of any power. At any meeting of the agency where a quorum is present, the governing body shall have the power to act by a majority of all its members. The agency may delegate to one or more of its members, or its officers, agents such powers and duties as it may deem proper. No member of the agency shall be appointed or serve as an employee of the agency. The members of the agency shall receive no compensation for their services but shall be reimbursed for all their actual and necessary expenses incurred in connection with the carrying out of the purposes of this title.

2. The officers of the agency shall consist of a president, executive vice-president, treasurer and a secretary. The president shall be appointed by the governing body for a term not to exceed five years. The executive vice-president shall possess such professional qualifications as may be established by the commissioner of environmental conservation and shall perform such powers and duties as may be determined by the governing body. The agency shall have an office of executive vice-president at any time after the completion of construction of any project. The president and secretary shall execute bonds, each conditioned on the faithful performance of the duties of his office, the sufficiency of each of which shall be approved by the governing body, and the premium therefor shall be paid by the agency. The agency may appoint an attorney who may be an officer of the agency, to act as its general counsel. Other officers may be appointed as the agency may deem proper. The agency may also from time to time contract for expert and professional services. No member of the agency shall be eligible to serve as an officer of the agency.

3. Notwithstanding any inconsistent provisions of this or any other law, general, special or local, no officer or employee of the state, or of any municipality thereof, shall be deemed to have forfeited or shall forfeit his office or employment benefits provided under the retirement and social security law by reason of his acceptance of appointment as an officer or employee of the agency, provided, however, that no member of the town board shall be eligible for appointment as an officer or employee of the agency.

4. It is hereby determined and declared that the agency and the carrying out of its powers, purposes and duties are for the benefit of the people of the town and the state, for the improvement of their health, welfare and prosperity. Its purposes are public purposes and that the agency is and will be performing an essential governmental function of the powers conferred upon it by this title.

5. The agency and its corporate existence shall continue until terminated by law, provided, however, that no such termination shall have effect so long as the agency shall have bonds, notes or other obligations outstanding, unless adequate provision is made for the payment of such obligations.

for the payment or satisfaction thereof. Upon termination of the existence of the agency, all of the rights and agency then remaining shall pass to and be vested in the town in accordance with such law.

6. From time to time, the town board may, by resolution, appropriate moneys to be advanced to the agency for defraying project costs or any other costs and expenses of the agency. The moneys so advanced shall be repaid subject to the rights of the holders of any bonds or notes, at such time and in such manner as may be agreed by the agency and the town board.

7. There shall be an annual independent audit of the accounts and business practices of the agency performed by outside auditors nominated by the director of the division of the budget. Any such auditor shall serve no more than two consecutive years.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

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§ 2046-d. State and town not liable on bonds or notes

Currentness

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

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

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§ 2046-e. Transfer of property

Currentness

The town is authorized and empowered to give, grant, sell, convey, loan, license the use of or lease, to the agency or facility of the town which is useful in connection with the exercise by the agency of its powers under this gift, grant, sale, conveyance, loan, license or lease shall be upon such terms and conditions, subject to the right of any bonds or notes, as the agency and the town may agree.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

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Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-f. Powers

Currentness

The agency shall have the power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To acquire, hold or lease, in the name of the agency or to sell, mortgage, lease, or otherwise dispose of property mixed, or any interest therein, without limitation for its corporate purposes, provided that the agency may not dispose of property without the town except with the consent of the town board of the town in which such property is located within the boundaries of a village, with the consent of the board of trustees of such village;
4. To receive, collect, transport, process, dispose of, sell, store, convey, recycle and deal with, in any lawful manner, solid waste and any by-products thereof now or hereafter developed or discovered, including energy generated at any facility;
5. To condemn with consent of town board and the supervisor in the name of the agency, pursuant to the eminent domain procedure law, any real property within the town required by the agency to carry out the powers granted by this title;
6. To plan, construct and develop projects and to have the right to contract in relation thereto with the town, municipalities or persons within or without the town and to own, acquire and purchase real property in connection therewith and to own and operate, maintain, repair, improve, reconstruct, enlarge and extend, subject to the provisions of this title, any of its properties acquired or constructed under this title, and to sell, lease, mortgage or otherwise dispose of all or part thereof to any persons or municipality, subject to such conditions and limitations as the agency may determine to be in the public interest;
7. To assist in the planning, construction and development of and the financing of the cost of any solid waste management resource recovery facility to be located in the town whether or not such facility is to be owned or operated by the town. The assistance may include loans to any person or public corporation. Any such solid waste management resource recovery facility producing either electricity or shaft horsepower and useful thermal energy shall constitute a co-generation facility as defined in subdivision two-a of section two of the public service law;
8. To receive from the United States, the state, the town, any other municipality or public corporation or person or from other sources as the agency may deem proper, solid waste for the purpose of treatment or disposal thereof, and to sell and dispose of any products or by-products of such process of treatment or disposal, as the agency may deem proper;

9. To contract with the town, other municipalities, state agencies or authorities, or persons for the purpose of receiving and disposing of solid waste by the agency;

10. To adopt by-laws for the management and regulation of its affairs, subject to agreements with bondholders and rules for the receiving and disposing of solid waste and charges therefor. A copy of such rules and by-laws, and thereto, duly certified by the secretary of the agency shall be filed in the office of the agency;

11. To use officers or employees of the town, subject to the payment to the town by the agency of a proper compensation or costs for the services of such officers or employees;

12. To make contracts and to execute all necessary or convenient instruments, including evidences of indebtedness or nonnegotiable;

13. To enter with consent of the town supervisor on any lands, waterways and premises for the purpose of receiving soundings and examinations, and liability therefor shall not exceed actual damages;

14. To borrow money and to issue negotiable bonds or notes or other obligations and to fund or refund the same for the rights of the holders of its bonds or notes;

15. To fix and collect rates, rentals, fees and other charges for the use of the facilities of, or services rendered commodities furnished by the agency so as to provide revenues sufficient at all times to pay, as the same shall be principal and interest on the bonds, notes or other obligations of the agency together with the maintenance of therefor, in addition to paying, as the same shall become due, the expenses of operating and maintaining the agency, together with proper reserves for debt service, depreciation, maintenance and contingencies and all other and indebtedness of the agency;

16. To accept grants, loans or contributions from the United States, the state or any agency or instrumentality of or any municipality or individual, by bequest or otherwise, and to expend the proceeds for any purposes of the agency however, that any resource recovery facility or project constructed with state assistance shall be designed and constructed proven technology acceptable to the commissioner of environmental conservation;

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

Credits

(Added L.1982, c. 632, § 2. Amended L.1989, c. 159, § 1.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-g. Bonds and notes

Currentness

1. The agency shall have the power and is hereby authorized from time to time to issue bonds and notes, in accordance with the applicable provisions of the uniform commercial code, in such principal amounts as it may determine to be necessary for the cost of any project or for any other corporate purpose, including incidental expenses in connection therewith. The principal amount of bonds and notes shall in no event exceed fifty million dollars in outstanding indebtedness at any time, except as such amount has been approved in advance of issuance by the qualified voters of the town of Islip at a public referendum pursuant to the rules and regulations of the state board of elections. The agency 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 obtain a federal guarantee of any bonds or notes. The agency shall have power from time to time to refund any bonds or notes issued in connection with the issuance of new bonds or notes whether the bonds or notes to be refunded have or have not matured, and may also refund any bonds or notes partly to refund bonds or notes then outstanding and partly for any other corporate purpose. Bonds or notes issued by the agency may be general obligations secured by the faith and credit of the agency or may be special obligations secured by any one or more of particular revenues or other moneys as may be designated in the proceedings of the agency under which such bonds or notes shall be authorized to be issued and subject to any agreements with the holders of outstanding bonds and notes and any particular revenues or moneys.

2. The bonds and notes shall be authorized by resolution of the governing body, shall bear such date or dates as may be determined at such time or times, shall bear interest at such rate or rates, be in such denominations, be in such form, be registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such places and be subject to such terms of redemption as such resolution or resolutions may provide, provided that any renewal thereof shall mature more than five years after the date of issue of the original note and provided that any original note shall mature more than forty years after the date of the original issuance. The bonds and notes of the agency shall be sold at public or private sale at such price or prices as the agency shall determine, provided that the term of any sale of bonds shall be approved in writing by the state comptroller where such sale is not to the state comptroller or the director of the division of the budget where such sale is to the state comptroller. The agency may pay all expenses and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof.

3. Any resolution or resolutions authorizing any bonds or notes or any issue thereof may contain provisions, in addition to the provisions of this section, as to the terms and conditions of the contract with the holders thereof, as to:

(a) pledging all or any part of the moneys or revenues derived by the agency from the ownership or operation of any property in connection with, any project or projects or any part or parts thereof to secure the payment of the bonds or notes issued in connection with the issue thereof, subject to such agreements with bondholders or noteholders as may then exist;

(b) the amount, use and disposition of the rates, rentals, fees and other charges to be fixed and collected by the agency.

- (c) the setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;
- (d) limitations on the right of the agency to restrict and regulate the use of the properties in connection with which bonds or notes are issued;
- (e) limitations on the purpose to which the proceeds of sale of bonds or notes may be applied;
- (f) limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be secured and the refunding of outstanding or other bonds or notes;
- (g) the procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent is to be obtained;
- (h) the creation of special funds into which any moneys or revenues of the agency may be deposited;
- (i) the terms and provisions of any mortgage or trust deed or indenture securing the bonds or notes or under which bonds or notes may be issued;
- (j) vesting in a trustee or trustees such property, rights, powers and duties in trust as the agency may determine, and including any or all of the rights, powers and duties of the trustee appointed by the bondholders or noteholders in their own title, and limiting or abrogating the right of the bondholders or noteholders to appoint a trustee under this title, and the rights, powers and duties of such trustee;
- (k) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the agency to the bondholders or noteholders and providing the rights and remedies of the bondholders or noteholders in the event of a 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 agency to sell or otherwise dispose of its properties;
- (m) limitations on the amount of money derived from the properties to be expended for operating, administrative and other expenses of the agency;
- (n) the protection and enforcement of the rights and remedies of the bondholders or noteholders;
- (o) the obligations of the agency in relation to the construction, maintenance, operation, repairs and insurance of the properties, the safeguarding and application of all moneys and the requirements for the supervision and approval of the work of the engineers in connection with construction, maintenance and operation of such properties;
- (p) the payment of the proceeds of bonds and notes and other moneys and revenues of the agency to a trustee or other person and for the method of disbursement thereof with such safeguards and restrictions as the agency may determine;
- (q) any other matters, of like or different character which in any way affect the security or protection of the bonds or notes.

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

5. Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other securities, revenues, moneys, accounts, contract rights, general intangibles or other personal property made or created by this instrument shall be valid, binding and perfected from the time when such pledge is made or other security interest attaches without delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid and perfected against all parties having claims of any kind in tort, contract or otherwise against the agency irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created need be recorded or filed.

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

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

8. The agency, subject to such agreements with bondholders or noteholders as may then exist, shall have the funds available therefor to purchase bonds or notes of the agency, which shall thereupon be cancelled, at a price (a) if the bonds or notes are then redeemable, the redemption price then applicable plus accrued interest to the date of payment thereon, or (b) if the bonds or notes are not then redeemable, the redemption price applicable on the date of such purchase upon which the bonds or notes become subject to redemption plus accrued interest to such date.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

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§ 2046-h. Remedies of bondholders and noteholders

Currentness

Subject to resolutions adopted pursuant to paragraph (j) of subdivision three of section two thousand forty-six.

1. In the event that the agency shall default in the payment of principal of or interest on any issue of bonds or notes shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days in the event that the agency shall fail or refuse to comply with the provisions of this title or shall default in any manner with the holders of any issue of bonds or notes, the holders of twenty-five per cent in aggregate principal amount of such bonds or notes, 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 a deed to be recorded, may appoint a trustee to represent such bonds or notes for the purpose herein provided.

2. Such trustee may, and upon written request of the holders of twenty-five per centum in aggregate principal amount of such bonds or notes outstanding, shall in his or its own name:

(a) by suit, action or proceeding in accordance with the civil practice law and rules, enforce all rights of such holders or noteholders, including the right to require the agency to collect rentals, rates, fees and charges adequate to satisfy the agreement as to, or pledge of such rentals, rates, charges and other fees and to require the agency to carry out the agreements with the holders of such bonds or notes to perform its duties under this title;

(b) bring suit upon such bonds or notes;

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

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

(e) declare all such bonds or notes due and payable, and if all defaults shall be made good, then with the consent of twenty-five per centum in aggregate principal amount of such bonds or notes then outstanding, to annul such bonds or notes and its consequences.

3. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate to carry out any functions specifically set forth herein or incident to the general representation of bondholders or noteholders and enforcement and protection of their rights.

4. The supreme court shall have jurisdiction of any suit, action, or proceeding by the trustee on behalf of such bondholders or noteholders. The venue of any such suit, action or proceeding shall be laid in the county of Suffolk.

5. Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days notice to the governing body and president of the agency.

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 properties the revenues of which are pledged for the security of the bonds or notes of such issue and such receiver may enter and take possession of such properties and subject to any pledge or agreement with holders of bonds or notes shall take possession of other property derived from such part or parts of the properties and proceed with any construction thereon or reconstruction of any property, real or personal in connection therewith which the agency is under obligation to do, and to reconstruct such part or parts of the properties and collect and receive all revenues thereafter arising therefrom and perform the public duties and obligations of the agency under the direction of the court. In any suit, action or proceeding brought by the trustee or receiver, the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and disbursements allowed by the court shall be a first charge on any revenues derived from the properties.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

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§ 2046-i. Actions against agency

Currentness

1. In every action against the agency for damages, for injuries to real or personal property or for the destruction of personal injuries or death, the complaint shall contain an allegation that at least thirty days have elapsed since claim or claims upon which such action is founded were presented to a member of the agency or other office for such purpose and that the agency has neglected or refused to make an adjustment or payment thereof.
2. Except in an action for wrongful death, an action against the agency founded on tort shall not be commenced more than one year after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been served within the time limited by and in compliance with all the requirements of section fifty-e of the general municipal law. An action against the agency for wrongful death shall be commenced in accordance with the notice of claim and time limit of title eleven of article nine of this chapter.
3. The agency may require any person, presenting for settlement an account or claim for any cause whatever against the agency to be sworn before a director, counsel or an attorney, officer or employee of the agency designated for such purpose to answer such account or claim and when so sworn to answer orally as to any facts relative to such account or claim. They shall have power to settle or adjust all claims in favor of or against the agency.
4. The rate of interest to be paid by the agency upon any judgment for which it is liable, other than a judgment on promissory notes, shall not exceed nine per centum per annum.

Credits

(Added L.1982, c. 632, § 2. Amended L.1990, c. 804, § 76.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

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§ 2046-j. Moneys of the agency

Currentness

All moneys of the agency from whatever source derived shall be paid to the treasurer of the agency and shall be deposited forthwith in a bank or banks in the state designated by the agency. The moneys in such accounts shall be payable to the treasurer upon requisition by the agency or of such other person or persons as the agency may authorize. All deposits of such moneys shall be secured by obligations of the United States or of the state or of any political subdivision thereof having a market value equal at all times to the amount on deposit and all banks and trust companies are authorized to guarantee such deposits. To the extent practicable, consistent with the cash requirements of the agency, all such moneys shall be deposited in interest bearing accounts. The agency shall have power, notwithstanding the provisions of this section, to deal with the holders of any of its bonds or notes as to the custody, collection, security, investment and payment of an account of the agency, or any moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes or carry out any such contract notwithstanding that such contract may be inconsistent with the provisions of this section. All moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits may be secured in the same manner as moneys of the agency and all banks and trust companies are authorized to deal with the holders of any of its bonds or notes, any money held in trust or otherwise for the payment of bonds or notes, any money not required for immediate use or distribution may, at the discretion of the agency, be invested in those obligations of the state pursuant to the provisions of section ninety-eight-a of the state finance law. Subject to any agreements with the holders of any of its bonds or notes, the agency with the approval of the state comptroller shall prescribe a system of accounts.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

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§ 2046-k. Transfer of officers and employees

Currentness

Any officer or employee of the town selected by the agency may, with the consent of the town, be transferred to the agency. The salary or compensation of any such officer or employee shall, after such transfer, be paid and fixed by the agency. Notwithstanding the provisions of this title any such officers or employees so transferred to the agency pursuant to this section, who are members of or beneficiaries under any existing pension or retirement system, shall continue to have the same rights, privileges, obligations and status with respect to such fund, system or systems as are now prescribed by the period of their employment by the agency, all contributions to any pension or retirement system to be paid on account of such officers or employees, shall be paid by the agency.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-1. Agreements of the state

Currentness

The state does pledge to and agree with the holders of the bonds or notes that the state will not limit or alter the rights of the holders of the bonds or notes vested in the agency to acquire, construct, maintain, operate, reconstruct and improve any project, or part or portion thereof, which bonds or notes shall have been issued, to establish and collect rates, rentals, fees and other charges referred to in the bonds or notes and to fulfill the terms of any agreement made with the holders of the bonds or notes, or in any way impair the rights of such bondholders or noteholders, until the bonds or notes together with interest thereon, interest on any unpaid principal, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders of the bonds or notes are fully met and discharged.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-m. Bonds and notes as legal investments

Currentness

The bonds and notes are hereby made securities in which all public officers and bodies of this state and all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, savings banks and savings associations, including savings and loan associations, building and loan associations, companies, trusts, estates, or guardianships under the control of individual administrators, guardians, executors, other individual fiduciaries, and other persons carrying on a banking business, and all other persons whatsoever may hereafter be authorized to invest in bonds or notes or other obligations of the state, may properly and lawfully use funds including capital in their control or belonging to them. The bonds or 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 which the deposit of bonds or notes or other obligations of this state is now or may hereafter be authorized.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-n. Tax exemption

Currentness

1. It is hereby determined that the creation of the agency and the carrying out of its corporate purposes is in the benefit of the people of the town and the state and is a public purpose, and the agency shall be regarded as a governmental function in the exercise of the powers conferred upon it by this title and shall not be required to pay taxes or assessments upon any of the real property or improvements thereon acquired by it or under its jurisdictional supervision or upon its activities or any filing, recording or transfer fees or taxes in relation to instruments filed or transferred by it or on its behalf.

2. The bonds and notes issued pursuant to this title, together with the income therefrom, and all its fees, charges, revenues, receipts and other moneys received or to be received, pledged to pay or secure the payment of such shall at all times be free from taxation, except for estate and gift taxes and taxes on transfers.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-0. Tax contract

Currentness

The state covenants with the purchasers and with all subsequent holders and transferees of bonds or notes issued pursuant to this title, in consideration of the acceptance of and payment for the bonds or notes that the bonds agency issued pursuant to this title and the income therefrom, and all moneys, funds and revenues pledged to payment of such bonds or notes, shall at all times, be free from taxation except for estate and gift taxes and tax

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-p. Disinterested officers

Currentness

It shall be a misdemeanor for any director, officer, agent or employee of the agency to be in any way or ma directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefor, whic empowered by this title to make.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-q. Audit and annual report

Currentness

In conformity with the provisions of section five of article ten of the constitution, the accounts of the agency shall be under the supervision of the state comptroller. The agency shall annually submit to the governor and the state comptroller and the state legislature a detailed report pursuant to the provisions of sections two thousand five hundred, two thousand five hundred one, two thousand five hundred two and two thousand five hundred three¹ of title one of article nine of this constitution. One copy of such report shall be filed with the town clerk.

Credits

(Added L.1982, c. 632, § 2.)

¹ Now Public Authorities Law §§ 2800, 2801, 2802, 2803.

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-r. Limited liability

Currentness

Neither the directors of the agency, nor the town or any other municipality, nor any person, or persons acting agency, while acting within the scope of their authority, shall be subject to any personal liability resulting from construction, reconstruction, maintenance or operation of any project or from carrying out any of the powers in this title; provided, however, that this section shall not be held to apply to any independent contractor.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-s. Contracts

Currentness

All contracts or orders, for work, material or supplies performed or furnished in connection with construction, shall be made by the agency pursuant to resolution of the governing body except as hereinafter provided. Such awards, when made, shall be made in compliance with paragraph (e) of subdivision four and subdivision seven of section one hundred and one of the general municipal law. In any construction contract, the agency may provide a program for the payment of damages 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-two of the general municipal law and the term "contract" used in such subdivision six shall mean the agency.

The bidder whose bid is accepted shall give security for the faithful performance of the contract, and such security shall be in the manner the agency 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 agency and the sufficiency of such security shall, in the absence of justification and acknowledgment, be approved by the agency. All bids or proposals shall be publicly opened by the governing body or its duly authorized agent. If the bidder whose bid or proposal has been accepted shall neglect or refuse to execute the contract within five days after written notice that the contract has been awarded to him on his bid or proposal, or if he does not execute the contract and give proper security, the agency shall have the right to declare his security void and any work shall be abandoned by any contractor, the agency may, if it determines that the public interest is thereat, require the contractor on behalf of the agency any or all subcontracts made by such contractor for such work and all such subcontracts shall be void 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 agency or the town upon any obligation of the agency or of the town. Every contract involving the purchase of more than five thousand dollars when made and entered into as herein provided for shall be executed in duplicate, one copy of which shall be held by the agency and one copy of which shall be delivered to the contractor. The agency may modify, ratify and confirm any request for proposals, invitation for sealed bids, plans, specifications and notices heretofore published by the town with respect to any proposed project, and the agency may adopt, utilize, accept and confirm any proposals submitted to the town and heretofore or hereafter received and publicly opened by the town. The provisions of this section shall supersede any inconsistent provisions of the general municipal law, any other general, special or local law of the agency shall be deemed an authority for the purpose of section twenty-six hundred four¹ of this chapter.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-t. Agreements with the town

Currentness

1. The town is hereby authorized to pledge to and agree with the holders of the bonds and notes that:

(a) The town will not limit or alter the rights hereby vested in the agency to acquire, construct, maintain, reconstruct any project, to establish and collect rates, rents, fees and other charges and to fulfill the terms of any agreement with the holders of the bonds and notes, or in any way impair the rights and remedies of the bondholders or note holders of the bonds or notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs in connection with any action or proceeding by or on behalf of the bondholders or noteholders, are fully met and discharged.

(b) Subject to such exceptions and limitations as may be deemed in the public interest, no facilities except those constructed and operated by the agency will be acquired, constructed or operated by the town, or by any public corporation the members or the majority of which are appointed by the town board, until all bonds and notes of the agency, interest thereon, 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 or noteholders are fully met and discharged.

2. The town is hereby authorized from time to time to contract with the agency in relation to the receiving, transporting, processing or disposal of solid waste or for the purchase or use of materials, energy, by-products or residue resulting from the operation of any solid waste management-resource recovery facility. Such contracts may be agreed upon by the parties, but not exceeding forty years, and without limiting the generality of the foregoing provisions requiring (i) the periodic delivery of minimum amounts of solid waste and specified minimum per ton whether or not such delivery is made, and (ii) the payment, within appropriations available therefor, of such amounts as may be necessary to assure the continued operation and solvency of the agency, such payments to be determined in a reasonable manner and at such times as may be provided in such contracts.

3. To further the governmental and public purposes of the agency, including the implementation of any contract contemplated by this title, the town and all other municipalities within the town are hereby authorized to adopt and amend local laws imposing appropriate and reasonable limitations on competition within the town in the areas within any incorporated villages in the town, with respect to collecting, receiving, transporting, delivering, processing, and disposing of solid waste or the recovery by any means of any material or energy product or resource, including, without limiting the generality of the foregoing, local laws requiring that all solid waste generated within their respective boundaries, subject to such exceptions as may be determined to be in the public interest, be delivered to a specified solid waste management-resource recovery facility; provided, however, that any such local law adopted by the town shall take precedence over and shall supersede any inconsistent provisions of any such local law adopted by any other municipality within the town. Any such local law shall be adopted in accordance with the procedure provided by the home rule law, except that no such local law shall be subject to either mandatory or permissive referendum.

Public Authorities Law (Refs & Annos)

Chapter 43-A. Of the Consolidated Laws

Article 8. Miscellaneous Authorities (Refs & Annos)

Title 13-C. Town of Islip Resource Recovery Agency (Refs & Annos)

§ 2046-u. Title not affected if in part unconstitutional or ineffective

Currentness

If any provision of any section of this title or the application thereof to any person or circumstance shall be a by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the contro was rendered, and shall not affect or invalidate the remainder of any provision of any section of this title or of any part thereof to any other person or circumstance and to this end the provisions of each section of this declared to be severable. Nothing contained in this title shall be held to alter or abridge the powers and duties o of environmental conservation.

Credits

(Added L.1982, c. 632, § 2.)

Current through L.2010.