§ 1048-h. Transfer of water systems by the city to the water board. 1. The city may, acting by resolution of the common council of the city, enter into an agreement with the water board for the transfer to the water board, for use in the exercise of its corporate powers and purposes, of the water system of the city as the same then shall be owned by the city. Any such agreement may provide for the transfer of title of such system by deed, lease or other arrangement to the water board. To the extent not inconsistent with this title, any such agreement may impose such limitations or conditions as may be agreed upon by and between the city and water board with respect to the power of the water board to sell or otherwise dispose of any property acquired by the board pursuant to such agreement, and may provide for or authorize the water board to surrender to the city, property no longer required by the water board for its public purposes. Notwithstanding the provisions of any general, special or local law or charter to the contrary, any action taken by the city pursuant to this subdivision shall not be subject to a permissive or mandatory referendum.

2. Any such agreement shall set forth the liabilities of the city which it is contemplated are to be paid by the water board from moneys available to it; provided, however, that such agreement does not require the water board to assume the liabilities of the city; provided further, notwithstanding the foregoing, the city shall continue to be the record owner for real estate tax purposes of any facilities located outside of its municipal boundaries. Notwithstanding the provisions of any general, special or local law or charter to the contrary, any moneys received by the city in consideration for the transfer of such water system to the water board may be deposited in the general fund of the city and used for any lawful city purpose.

3. Any such agreement may provide for the payment by the city to the water board from any funds of the city, of such amount as may be determined appropriate for use by the water board.

4. The city and the water board are hereby authorized and empowered to make or enter into any contracts, agreements, deeds, leases, conveyances or other instruments as may be necessary or appropriate to effectuate

the purposes of this title, and they shall have power and authority to do so and to authorize the doing of all things incidental, desirable or necessary to implement the provisions of this title.

5. Notwithstanding the foregoing provisions of this section, no agreement contemplated by this section shall become effective for any purpose unless and until the same shall have been approved in writing by resolution of the authority.

6. Upon the filing by the water board with the clerk of the city and the secretary of state of a copy of the instruments or documents effectuating the transfer authorized by this section, the water board shall take possession of the water system of the city thereby transferred.

7. Any application filed or proceeding heretofore commenced in relation to the water system transferred to the water board pending with the state departments of environmental conservation or health or any other state agency or with the United States environmental protection agency or any other federal agency or instrumentality shall inure to and for the benefit of the water board and be binding upon the water board to the same extent and in the same manner as if the water board had been a party to such application or proceeding from its inception, and the water board shall be deemed a party thereto to the extent not prohibited by any federal law. Any license, approval, permit or decision heretofore or hereafter issued or granted pursuant to or as a result of any such application or proceeding shall inure to the benefit of and be binding upon the water board and shall be assigned and transferred by the city to the water board unless such assignment and transfer is prohibited by federal law.

8. The rules and regulations of the water board may provide for the discontinuance or disconnection of the supply of water by the city for non-payment of fees, rates, rents or other charges therefor imposed by the water board, provided such discontinuance or disconnection of any supply of water shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to

subdivisions three-a, three-b and three-c of section eighty-nine-b and section one hundred sixteen of the public service law. A copy of all by-laws, rules and regulations and amendments thereto, duly certified by the secretary of the water board, shall be filed in the offices of the clerk of the city and the secretary of state within three months and thereafter published once in the official newspaper of the city. Violation of such rules and regulations shall subject the offending party to a civil penalty in an action brought by the water board, not exceeding one hundred dollars for each day the violation continues. Jurisdiction is hereby conferred upon the city court to hear and determine, subject to the provisions of the civil practice law and rules, any violation of such rules and regulations.