§ 1230-h. Transfer of facilities by the city of Niagara Falls or any municipality. 1. The city or any municipality may, by resolution approved by a majority of the entire voting strength of the applicable governing body of the board of the city or municipality, as the case may be, enter into an agreement with the water board for the transfer, by deed, lease or other arrangement, to the water board, for use in the exercise of its corporate powers and purposes, of any property, real, personal or mixed or any interest therein, constituting a water, wastewater or storm water facility or facilities or otherwise owned by it. Any such property offered to be transferred to the water board within the period commencing on the date the certificate described in paragraph (a) of subdivision five of section twelve hundred thirty-e of this title shall be filed by the mayor and terminating three hundred sixty-five days thereafter shall be accepted by the water board in the physical condition in which it then exists. Any such agreement shall state the consideration, if any, for such transfer and shall provide that the authority shall assume the obligation to pay any or all outstanding indebtedness of the transferring body relating to the system and/or pay all or part of any purchase or acquisition price in cash or in installments over such period of years, at such rate of interest, if any, and may be subject to such other terms and conditions as the water board, the authority, the city or municipality, as the case may be, shall agree to be fair, adequate and reasonable. Notwithstanding the provisions of any general, special or local law or charter to the contrary, any action taken by the city or any municipality 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 or of any municipality in which it is contemplated are to be paid by the authority or the water board from moneys available to it.

3. Any such agreement may provide for the payment by the city or any municipality to the water board of any funds, including the remaining proceeds of any bonds or notes issued for any facility of the system, to be transferred by the city or municipality to the water board as may be determined appropriate by the city or such municipality and the water

board.

4. The city, any municipality, the authority and the water board, or any combination thereof, 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 relating to the transfer of system facilities 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 system facilities or any part thereof of the city or any municipality thereby transferred.

7. Any application filed or proceeding heretofore commenced in relation to any facility of the 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 or state 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 or applicable municipality to the water board unless such assignment and transfer is prohibited by federal or state law.