

7129--B

Cal. No. 315

I N   S E N A T E

March 15, 2010

---

Introduced by Sens. STEWART-COUSINS, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend chapter 118 of the laws of 1969, relating to a separate union free school district in the town of Greenburgh in the county of Westchester, in relation to clarifying the authority of the Greenburgh North Castle Union Free School District to lease certain properties located outside of its boundaries and to establish that the Greenburgh North Castle Union free school district number twelve and St. Christopher's Inc. are "private not-for-profit schools"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Chapter 118 of the laws of 1969, relating to a separate  
2     union free school district in the town of Greenburgh in the county of  
3     Westchester is amended by adding a new section 2-a to read as follows:  
4     S 2-A. NOTWITHSTANDING ANY OTHER LAW, RULE, OR REGULATION TO THE  
5     CONTRARY, IN ADDITION TO THE POWERS GRANTED BY SECTION TWO OF THIS ACT,  
6     SUBJECT TO THE APPROVAL OF THE NEW YORK STATE EDUCATION DEPARTMENT, THE  
7     BOARD OF EDUCATION SHALL BE AUTHORIZED TO LEASE PROPERTIES LOCATED AT  
8     623 BLOOMING GROVE TURNPIKE, IN THE TOWN OF NEW WINDSOR, COUNTY OF  
9     ORANGE FOR THE PURPOSE OF PROVIDING INSTRUCTION TO STUDENTS ENROLLED IN  
10    THE SCHOOL DISTRICT.  
11    S 2. The actions of the board of education of the Greenburgh North  
12    Castle Union Free School District in entering a lease of properties  
13    located at 623 Blooming Grove Turnpike, in the town of New Windsor,  
14    county of Orange prior to the effective date of this act are hereby  
15    ratified, validated and confirmed notwithstanding its location outside  
16    of the school district boundaries.  
17    S 3. (a) Notwithstanding any provision of law to the contrary, the  
18    Greenburgh North Castle union free school district number twelve, of the

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

LBD16443-05-0

1 towns of Greenburgh and North Castle, in the county of Westchester,  
2 created pursuant to chapter 118 of the laws of 1969, as amended and St.  
3 Christopher's Inc. shall each, to the extent necessary or applicable to  
4 effectuate the provisions of this section, be deemed to be a "private  
5 not-for-profit school" within the provisions of title four of article  
6 eight of the public authorities law, chapter 698 of the laws of 1991 and  
7 chapter 294 of the laws of 1998, solely for the purposes of assuming the  
8 obligations of the McQuade foundation in connection with the dormitory  
9 authority's "The McQuade foundation insured revenue bonds, series 2005",  
10 and not for the purposes of any other law, rule, regulation or statute.  
11 Provided further, that, notwithstanding the assumption of such obli-  
12 gations, the Greenburgh North Castle union free school district number  
13 twelve shall be permitted to operate the capital facilities financed by  
14 the proceeds of the McQuade foundation insured revenue bonds, series  
15 2005 for the purposes of providing services pursuant to such school  
16 district's contracts with other public school districts or social  
17 services districts for the education of children with handicapping  
18 conditions pursuant to article eighty-one or eighty-nine of the educa-  
19 tion law.

20 (b) Notwithstanding any provision of law to the contrary, the dormito-  
21 ry authority, St. Christopher's Inc. and the Greenburgh North Castle  
22 union free school district number twelve, of the towns of Greenburgh and  
23 North Castle, in the county of Westchester, are each hereby authorized  
24 to enter into such agreements as the dormitory authority deems reason-  
25 able or necessary to comply with the requirements of subdivision (a) of  
26 this section and to provide for the performance of the obligations of  
27 St. Christopher's Inc. and the Greenburgh North Castle union free school  
28 district number twelve, in accordance with the provisions of title four  
29 of article eight of the public authorities law, chapter 698 of the laws  
30 of 1991, chapter 294 of the laws of 1998 and the dormitory authority's  
31 contract with the holders of the McQuade foundation insured revenue  
32 bonds, series 2005. In furtherance thereof, the Greenburgh North Castle  
33 union free school district number twelve, St. Christopher's Inc. and the  
34 dormitory authority are hereby authorized to enter into one or more  
35 leases or other agreements pursuant to which the Greenburgh North Castle  
36 union free school district number twelve and St. Christopher's Inc.,  
37 among other things, shall: (i) agree to pay annual rentals in an amount  
38 sufficient to pay the principal and interest due on the McQuade founda-  
39 tion insured revenue bonds, series 2005 as such annual rentals come due  
40 and any other amounts payable to the dormitory authority under such  
41 agreements; and (ii) pledge to the dormitory authority, as security for  
42 their respective obligations under such leases or other agreements, that  
43 part of the tuition payments payable by public school districts and  
44 social services districts for services rendered by the Greenburgh North  
45 Castle union free school district number twelve as determined by the  
46 commissioner of education pursuant to section four thousand four of the  
47 education law.

48 (c) Upon the assumption of the aforesaid obligations of the McQuade  
49 foundation by the Greenburgh North Castle union free school district  
50 number twelve, of the towns of Greenburgh and North Castle, and St.  
51 Christopher's Inc., all amounts currently or hereafter held by the state  
52 comptroller in the private not-for-profit school capital facilities  
53 financing reserve account established for the McQuade foundation shall  
54 continue to be held to provide for the payment of such assumed obli-  
55 gations and applied in accordance with the provisions of paragraph f of  
56 subdivision thirty-one of section sixteen hundred eighty of the public

1 authorities law. In addition, every public school district and social  
2 services district shall make payment of the tuition payments referenced  
3 in subdivision (b) of this section to the state comptroller for deposit  
4 into the financing reserve fund account established pursuant to para-  
5 graph f of subdivision thirty-one of section sixteen hundred eighty of  
6 the public authorities law.

7 (d) Nothing in this chapter shall authorize the Greenburgh North  
8 Castle union free school district number twelve, of the towns of Green-  
9 burgh and North Castle, and St. Christopher's Inc. from effectuating the  
10 transactions authorized under this act without first obtaining any  
11 governmental approvals, consents, licenses, permits and accreditation  
12 otherwise required under law, which shall include but not be limited to  
13 programmatic approval of the commissioner of education.

14 (e) Nothing in this chapter shall be construed to impair the validity  
15 of the McQuade foundation insured revenue bonds, series 2005 and such  
16 bonds shall, in all respects, continue to be valid and binding obli-  
17 gations of the dormitory authority authorized under and governed by the  
18 provisions of title four of article eight of the public authorities law,  
19 chapter 698 of the laws of 1991 and chapter 294 of the laws of 1998,  
20 including, without limitation subdivision thirty-one of section sixteen  
21 hundred eighty of the public authorities law, except as is expressly  
22 provided in this section.

23 S 4. This act shall take effect immediately.