

6834--A

I N   S E N A T E

March 28, 2012

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Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT validating certain findings and determinations with respect to bond anticipation notes issued by the village of Webster, in the town of Webster, county of Monroe, and to legalize and authorize the issuance of obligations of such notes

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

1     Section 1. Legislative findings. (a) It is hereby found and deter-  
2     mined that the village board of trustees of the village of Webster, in  
3     the town of Webster, county of Monroe, and the village treasurer of such  
4     village undertook the following described actions in relation to the  
5     issuance of certain bond anticipation notes of said village:  
6     (1) Pursuant to resolutions adopted by said village board of trustees  
7     on September 14, 2006 and September 28, 2006 and a certificate of the  
8     village treasurer of said village dated October 4, 2006, said village  
9     issued its bond anticipation note, dated October 4, 2006, in the princi-  
10    pal amount of \$715,000 maturing on October 3, 2007 to finance the cost  
11    of the object or purpose consisting of the reconstruction and rehabili-  
12    tation of said village's sewage treatment plan grit system. Thereafter,  
13    pursuant to a resolution adopted by said village board of trustees on  
14    September 27, 2007 and a certificate of the village treasurer of said  
15    village dated October 3, 2007, said bond anticipation note was renewed  
16    by the issuance of a renewal bond anticipation note, dated October 3,  
17    2007, in the principal amount of \$715,000 maturing on October 3, 2008.  
18    Thereafter, pursuant to a certificate of the village treasurer of said  
19    village dated October 3, 2008, a principal payment of \$50,000 was made  
20    on said renewal bond anticipation note and said note was again renewed  
21    by the issuance of a renewal bond anticipation note, dated October 3,  
22    2008, in the principal amount of \$665,000 maturing on October 2, 2009.  
23    Thereafter, pursuant to a resolution adopted by said village board of  
24    trustees on September 24, 2009 and a certificate of the village treasur-

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

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1 er of said village dated October 2, 2009, a principal payment of \$25,000  
2 was made on said renewal bond anticipation note and said note was again  
3 renewed by the issuance of a renewal bond anticipation note, dated Octo-  
4 ber 2, 2009, in the principal amount of \$640,000 maturing on October 1,  
5 2010. Thereafter, pursuant to a resolution adopted by said village  
6 board of trustees on September 23, 2010 and a certificate of the village  
7 treasurer of said village dated October 1, 2010, a principal payment of  
8 \$20,000 was made on said renewal bond anticipation note and said note  
9 was renewed by the issuance of a renewal bond anticipation note, dated  
10 October 1, 2010, in the principal amount of \$620,000 maturing on Septem-  
11 ber 30, 2011. Thereafter, pursuant to a resolution adopted by said  
12 village board of trustees on September 29, 2011 and a certificate of the  
13 village treasurer of said village dated October 3, 2011, a principal  
14 payment of \$15,000 was made on said renewal bond anticipation note and  
15 said note was renewed by the issuance of a renewal bond anticipation  
16 note, dated October 3, 2011, in the principal amount of \$605,000 matur-  
17 ing on October 2, 2012.

18 (2) Pursuant to resolutions adopted by said village board of trustees  
19 on September 14, 2006 and September 28, 2006 and a certificate of the  
20 village treasurer of said village dated October 4, 2006, said village  
21 issued its bond anticipation note, dated October 4, 2006, in the princi-  
22 pal amount of \$400,000 maturing on October 3, 2007 to finance the cost  
23 of the object or purpose consisting of the reconstruction, rehabili-  
24 tation, painting and metalizing of said village's water tank located at  
25 1073 Webster Road within said village. Thereafter, pursuant to a resol-  
26 ution adopted by said village board of trustees on September 27, 2007  
27 and a certificate of the village treasurer of said village dated Octo-  
28 ber 3, 2007, a principal payment of \$25,000 was made on said bond antic-  
29 ipation note and said note was renewed by the issuance of a renewal bond  
30 anticipation note, dated October 3, 2007, in the principal amount of  
31 \$375,000 maturing on October 3, 2008. Thereafter, pursuant to a certifi-  
32 cate of the village treasurer of said village dated October 3, 2008, a  
33 principal payment of \$25,000 was made on said renewal bond anticipation  
34 note and said note was again renewed by the issuance of a renewal bond  
35 anticipation note, dated October 3, 2008, in the principal amount of  
36 \$350,000 maturing on October 2, 2009. Thereafter, pursuant to a resol-  
37 ution adopted by said village board of trustees on September 24, 2009  
38 and a certificate of the village treasurer of said village dated October  
39 2, 2009, a principal payment of \$25,000 was made on said renewal bond  
40 anticipation note and said note was again renewed by the issuance of a  
41 renewal bond anticipation note, dated October 2, 2009, in the principal  
42 amount of \$325,000 maturing on October 1, 2010. Thereafter, pursuant to  
43 a resolution adopted by said village board of trustees on September 23,  
44 2010 and a certificate of the village treasurer of said village dated  
45 October 1, 2010, a principal payment of \$20,000 was made on said renewal  
46 bond anticipation note and said note was renewed by the issuance of a  
47 renewal bond anticipation note, dated October 1, 2010, in the principal  
48 amount of \$305,000 maturing on September 30, 2011. Thereafter, pursuant  
49 to a resolution adopted by said village board of trustees on September  
50 29, 2011 and a certificate of the village treasurer of said village  
51 dated October 3, 2011, a principal payment of \$25,000 was made on said  
52 renewal bond anticipation note and said note was renewed by the issuance  
53 of a renewal bond anticipation note, dated October 3, 2011, in the prin-  
54 cipal amount of \$280,000 maturing on October 2, 2012.

55 (3) Pursuant to resolutions adopted by said village board of trustees  
56 on April 23, 2009 and May 28, 2009 and a certificate of the village

1 treasurer of said village dated June 5, 2009, said village issued its  
2 bond anticipation note, dated June 5, 2009, in the principal amount of  
3 \$500,000 maturing on June 4, 2010 to finance the cost of the object or  
4 purpose consisting of the reconstruction and rehabilitation of, upgrades  
5 and improvements to, and acquisition and installation of equipment at,  
6 said village's sewage treatment plant located at 613 Webster Road,  
7 Webster, New York. Thereafter, pursuant to a resolution adopted by said  
8 village board of trustees on June 1, 2010 and a certificate of the  
9 village treasurer of said village dated June 4, 2010, a principal  
10 payment of \$25,000 was made on said bond anticipation note and said note  
11 was renewed by the issuance of a renewal bond anticipation note, dated  
12 June 4, 2010, in the principal amount of \$475,000 maturing on June 3,  
13 2011. Thereafter, pursuant to a resolution adopted by said village board  
14 of trustees on May 26, 2011 and a certificate of the village treasurer  
15 of said village dated June 3, 2011, a principal payment of \$10,000 was  
16 made on said renewal bond anticipation note and said note was again  
17 renewed by the issuance of a renewal bond anticipation note, dated June  
18 3, 2011, in the principal amount of \$465,000 maturing on June 1, 2012.

19 (b) It is hereby further found and determined that the bond antic-  
20 ipation notes and renewal bond anticipation notes described in subdivi-  
21 sion (a) of this section were not issued in compliance with the applica-  
22 ble provisions of the local finance law, in that: (i) the village board  
23 of trustees of the village of Webster in each case had not, prior to the  
24 issuance of such bond anticipation notes, adopted a bond resolution in  
25 accordances with sections 31.00 and 32.00 of the local finance law,  
26 which was subject to a permissive referendum in accordance with para-  
27 graph a of section 36.00 of the local finance law, for the purpose of  
28 authorizing the issuance of bonds of said village in anticipation of  
29 which such bond anticipation notes were issued; (ii) in the case of the  
30 renewal bond anticipation notes dated October 1, 2010, described in each  
31 of paragraphs one and two of subdivision (a) of section one of this act,  
32 a principal portion of each such note was not redeemed and the unre-  
33 deemed portion of such note was not further renewed until after the  
34 September 30, 2011 maturity date thereof; and (iii) in the case of each  
35 of the renewal bond anticipation notes, dated October 3, 2011, described  
36 in paragraphs one and two of subdivision (a) of section one of this act,  
37 the term of said note extended more than five years beyond the date of  
38 issuance of the applicable original bond anticipation note dated October  
39 4, 2006.

40 S 2. Notwithstanding the defects described in section one of this act,  
41 the bond anticipation notes and renewals thereof issued by the village  
42 of Webster, as described in section one of this act, and all resol-  
43 utions, acts and proceedings heretofore adopted or taken by the board of  
44 trustees and the village treasurer of said village in relation thereto,  
45 are hereby validated, ratified and confirmed. Subject to the adoption by  
46 the village board of trustees of the village of Webster of one or more  
47 bond resolutions in accordance with sections 31.00 and 32.00 of the  
48 local finance law, such village is hereby authorized to hereinafter  
49 issue: (a) bonds or renewal bond anticipation notes in the aggregate  
50 principal amount of \$590,000 for the purpose of refinancing the  
51 outstanding bond anticipation notes issued for the object or purpose  
52 described in paragraph 1 of subdivision (a) of section one of this act;  
53 (b) bonds or renewal bond anticipation notes in the aggregate principal  
54 amount of \$255,000 for the purpose of refinancing the outstanding bond  
55 anticipation notes issued for the object or purpose described in para-  
56 graph 2 of subdivision (a) of section one of this act; and (c) bonds or

1 renewal bond anticipation notes in the aggregate principal amount of  
2 \$455,000 for the purpose of refinancing the outstanding bond antic-  
3 ipation notes issued for the object or purpose described in paragraph 3  
4 of subdivision (a) of section one of this act; provided, however, that:

5 (1) each such bond resolution shall not be subject to a permissive  
6 referendum in accordance with paragraph a of section 36.00 of the local  
7 finance law;

8 (2) notwithstanding the provisions of paragraph b of section 23.00 and  
9 paragraph b of section 21.00 of the local finance law, said village may  
10 issue one additional renewal bond anticipation note maturing not later  
11 than October 4, 2013 for each of the objects or purposes described in  
12 paragraphs 1 and 2 of subdivision (a) of section one of this act, and  
13 may provide for the first installment payment on the bonds issued for  
14 such objects or purposes to be made on any date on or before October 4,  
15 2013; and

16 (3) in the event that the renewal bond anticipation note, dated June  
17 3, 2011, described in paragraph 3 of subdivision (a) of section one of  
18 this act has, prior to the effective date of this act, been amended to  
19 extend the maturity date thereof, been renewed by another renewal bond  
20 anticipation note, or been redeemed in full, said village, following  
21 enactment of this act, shall have the authority, notwithstanding any  
22 such extension, renewal or redemption, to issue the bonds or renewal  
23 bond anticipation notes described in clause (iii) of subdivision (b) of  
24 section one of this act for the purpose of refinancing such extended or  
25 renewed bond anticipation notes or for the purpose of reborrowing the  
26 principal amount of such redeemed bond anticipation notes up to the  
27 maximum principal amount set forth in such clause (iii).

28 S 3. Except as otherwise set forth in this act, the bonds and bond  
29 anticipation notes, and renewals thereof, issued pursuant to this act  
30 shall be issued in accordance with the provisions of the local finance  
31 law.

32 S 4. If any clause, sentence, subdivision, paragraph, section or part  
33 of this act be adjudged by any court of competent jurisdiction, to be  
34 invalid, such judgment shall not affect, impair or invalidate the  
35 remainder thereof, but shall be confined in its operation to the clause,  
36 sentence, subdivision, paragraph, section or part thereof directly  
37 involved in the controversy in which such judgment shall have been  
38 rendered.

39 S 5. This act shall take effect immediately.