

STATE OF NEW YORK

4251

2017-2018 Regular Sessions

IN SENATE

February 7, 2017

Introduced by Sen. AMEDORE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to validate, ratify and confirm certain findings and determinations with respect to bond anticipation notes issued by the town of Knox, in the county of Albany, and to legalize and authorize the issuance of certain obligations of such town

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 determined
2 that the town board of the town of Knox, in the county of Albany, and
3 the town supervisor of such town undertook the following described
4 actions in relation to the issuance of certain bond anticipation notes
5 of such town:
6 Pursuant to resolutions adopted by the town board of the town of Knox
7 on August 24, 2009, authorizing the issuance of bonds in the amount of
8 \$1,219,981 and September 8, 2009, authorizing the issuance of a bond
9 anticipation note in the amount of \$1,219,981, and the town issued its
10 bond anticipation note, dated September 8, 2009, in the principal amount
11 of \$1,219,981 maturing on September 8, 2010 to finance the cost of the
12 object or purpose consisting of the renovations and additions to its
13 town hall. Thereafter, pursuant to a resolution adopted by such town
14 board, on August 10, 2010, a principal payment of \$80,000 was made on
15 said bond anticipation note and said note was renewed by the issuance of
16 a renewal bond anticipation note dated September 8, 2010 in the princi-
17 pal amount of \$1,139,981 maturing on September 7, 2011. Thereafter,
18 pursuant to a resolution adopted by the town board, on August 9, 2011, a
19 principal payment of \$160,000 was made on said renewal bond anticipation
20 note and said note was again renewed by the issuance of a renewal bond
21 anticipation note, dated September 8, 2011, in the principal amount of
22 \$979,981 maturing on September 7, 2012. Thereafter, pursuant to a resolu-
23 tion adopted by the town board, on August 14, 2012, a principal payment

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

LBD09747-01-7

1 of \$180,000 was made on said renewal bond anticipation note and said
2 note was again renewed by the issuance of a renewal bond anticipation
3 note, dated September 8, 2012, in the principal amount of \$799,981
4 maturing on September 7, 2013. Thereafter, pursuant to a resolution
5 adopted by the town board, on August 13, 2013, a principal payment of
6 \$80,000 was made on said renewal bond anticipation note and said note
7 was again renewed by the issuance of a renewal bond anticipation note,
8 dated September 6, 2013, in the principal amount of \$719,981 maturing on
9 September 6, 2014. Thereafter, pursuant to a resolution adopted by the
10 town board, on August 19, 2014, a principal payment of \$80,000 was made
11 on said renewal bond anticipation note and said note was again renewed
12 by the issuance of a renewal bond anticipation note, dated September 5,
13 2014, in the principal amount of \$639,981 maturing on September 6, 2015.
14 Thereafter, pursuant to a resolution adopted by the town board, on
15 August 11, 2015, a principal payment of \$80,000 was made on said renewal
16 bond anticipation note and said note was again renewed by the issuance
17 of a renewal bond anticipation note, dated September 4, 2015, in the
18 principal amount of \$559,981 maturing on September 6, 2016. Thereafter,
19 pursuant to a resolution adopted by the town board, on September 13,
20 2016, an additional principal payment of \$80,000 was made on said
21 renewal bond anticipation note and said note is currently outstanding in
22 the principal amount of \$479,981.

23 (b) It is hereby further found and determined that the bond antic-
24 ipation notes and renewal bond anticipation notes described in subdivi-
25 sion (a) of this section were not issued in compliance with the applica-
26 ble provisions of the local finance law, in that: (1) the town board of
27 the town of Knox had not, prior to the issuance of such bond antic-
28 ipation notes, adopted a bond resolution in accordance with sections
29 31.00 and 32.00 of the local finance law, which was subject to a permis-
30 sive referendum in accordance with subparagraph 1 of paragraph b of
31 section 35.00 of the local finance law, for the purpose of authorizing
32 the issuance of bonds of said town in anticipation of which such bond
33 anticipation notes were issued; and (2) in the case of the renewal bond
34 anticipation notes dated September 5, 2014 and September 4, 2015
35 described in subdivision (a) of this section, the term of said notes
36 extended more than five years beyond the date of issuance of the appli-
37 cable original bond anticipation note dated September 8, 2009.

38 § 2. Refinancing the outstanding bond anticipation notes. Notwith-
39 standing the defects described in section one of this act, the bond
40 anticipation notes and renewals thereof issued by the town of Knox, as
41 described in such section of this act, and all resolutions, acts and
42 proceedings heretofore adopted or taken by the town board and the town
43 supervisor of such town in relation thereto, are hereby validated, rati-
44 fied, and confirmed. Subject to the adoption by the town board of the
45 town of Knox of a bond resolution in accordance with sections 31.00 and
46 32.00 of the local finance law, such town is hereby authorized to here-
47 inafter issue bonds or renewal bond anticipation notes in the aggregate
48 principal amount not to exceed \$480,000 for the purpose of refinancing
49 the outstanding bond anticipation notes issued for the object or purpose
50 described in subdivision (a) of section one of this act; provided,
51 however, that:

52 (a) the bond resolution shall not be subject to a permissive referen-
53 dum in accordance with subparagraph 1 of paragraph b of section 35.00 of
54 the local finance law;

55 (b) notwithstanding the provisions of paragraph b of section 23.00 and
56 paragraph b of section 21.00 of the local finance law, said town may

1 issue one additional renewal bond anticipation note maturing not later
2 than September 6, 2017 for the object or purpose described in subdivi-
3 sion (a) of section one of this act, and may provide for the first
4 installment payment on the bonds issued for such objects or purposes to
5 be made on any date on or before September 6, 2017; and

6 (c) in the event that the renewal bond anticipation note, dated
7 September 4, 2015, described in subdivision (a) of section one of this
8 act has, prior to the effective date of this act, been amended to extend
9 the maturity date thereof, been renewed by another renewal bond antic-
10 ipation note, or been redeemed in full, said town, following enactment
11 of this act, shall have the authority, notwithstanding any such exten-
12 sion, renewal or redemption, to issue the bonds or renewal bond antic-
13 ipation notes as authorized by the bond resolution required by this
14 section.

15 § 3. Issuance of bonds. Except as otherwise set forth in this act, the
16 bonds and bond anticipation notes, and renewals thereof, issued pursuant
17 to this act shall be issued in accordance with the provisions of the
18 local finance law.

19 § 4. Severability clause. If any clause, sentence, subdivision, para-
20 graph, section or part of this act be adjudged by any court of competent
21 jurisdiction, to be invalid, such judgment shall not affect, impair or
22 invalidate the remainder thereof, but shall be confined in its operation
23 to the clause, sentence, subdivision, paragraph, section or part thereof
24 directly involved in the controversy in which such judgment shall have
25 been rendered.

26 § 5. This act shall take effect immediately.