S T A T E O F N E W Y O R K

S. 8180 A. 11450

S E N A T E - A S S E M B L Y

June 14, 2010

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jordan) -- read once and referred to the Committee on Local Governments

AN ACT in relation to making certain findings and determinations with respect to bond anticipation notes issued by the village of Whitehall, in the town of Whitehall, county of Washington, and validates and legalizes such notes; and authorizes the issuance of obligations of such bond anticipation notes with respect thereto

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

Section 1. Legislative findings. It is hereby found and determined that pursuant to bond resolutions dated January 25, 2005, January 26, 2006, July 6, 2006 and November 6, 2006, the village board of trustees of the village of Whitehall, in the town of Whitehall, county of Washington, authorized the issuance of $9,997,000 aggregate principal amount of serial bonds and bond anticipation notes of said village to finance the construction of certain improvements to the village's water system in order to bring the water system into compliance with the stipulation agreement between the village and the New York state department of health; that in order to finance the cost of the capital improvements authorized by said bond resolutions: (i) on February 24, 2005, the village issued a bond anticipation note in the principal amount of $200,000, maturing on February 23, 2006; (ii) on February 23, 2006, the village issued a bond anticipation note in the principal amount of $300,000, maturing on February 22, 2007, for the purpose of renewing in full the bond anticipation note maturing on February 23, 2006 and financing additional costs of said capital improvements; (iii) on February 22, 2007, the village made a principal payment of $5,000 on the bond anticipation note maturing on such date and refinanced the balance thereof by issuing on such date a renewal bond anticipation note in the principal amount of $295,000, maturing on February 21, 2008; (iv) on May

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

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17, 2006 the village issued a bond anticipation note in the principal amount of $100,000 maturing on May 16, 2007; (v) on May 16, 2007, the village refinanced the maturing principal of the bond anticipation note maturing on May 16, 2007 by issuing a renewal bond anticipation note in the principal amount of $100,000, maturing on May 15, 2008; (vi) on August 10, 2006 the village issued a bond anticipation note in the principal amount of $500,000, maturing on August 9, 2007; (vii) on December 7, 2006 the village issued a bond anticipation note in the principal amount of $1,500,000, maturing on December 6, 2007; (viii) on June 28, 2007, the village issued a bond anticipation note in the maximum principal amount of $7,462,287 to the New York state environmental facilities corporation, maturing on June 28, 2010, and on June 29, 2007 the village drew down $2,627,109.08 on such bond anticipation note for the purposes of refinancing and retiring in full the $2,395,000 outstanding aggregate principal amount of the bond anticipation notes maturing on February 21, 2008, August 9, 2007, December 6, 2007 and May 15, 2008, and financing additional costs of said capital improvements; and (ix) the village has drawn down an aggregate principal amount of $6,152,820.63 on the bond anticipation note maturing on June 28, 2010 and has made annual principal payments on said bond anticipation note of $7,500 on February 21, 2008, $10,500 on February 20, 2009 and $10,500 on February 18, 2010; that the said annual principal payments were not in compliance with the applicable provisions of the local finance law because said annual principal payments were in amounts less than the minimum redemption amounts necessary to comply with the amortization requirements of sections 23.00, 21.00 and 169.00 of the local finance law.

S 2. Notwithstanding the defects described in section one of this act, the bond anticipation notes and renewals thereof issued by the village of Whitehall, as described in section one of this act, and all resolutions, acts and proceedings heretofore adopted or taken by the board of trustees and the village treasurer of said village in relation thereto, are hereby validated, ratified and confirmed and any principal payment hereafter made by such village in 2010 on the bond anticipation note maturing on June 28, 2010 shall be deemed to be in compliance with the amortization requirements of sections 23.00, 21.00 and 169.00 of the local finance law. Such village is hereby authorized to hereinafter issue bonds or bond anticipation renewal notes in the aggregate principal amount of $7,768,500 for the object or purpose described in section one of this act.

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

S 4. If any clause, sentence, subdivision, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 5. This act shall take effect immediately.