

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

9735--A

I N A S S E M B L Y

March 29, 2012

Introduced by M. of A. JOHNS -- read once and referred to the Committee on Local Governments -- 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-
25 er of said village dated October 2, 2009, a principal payment of \$25,000

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

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

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

54 (3) Pursuant to resolutions adopted by said village board of trustees
55 on April 23, 2009 and May 28, 2009 and a certificate of the village
56 treasurer of said village dated June 5, 2009, said village issued its

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

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

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

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

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

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

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

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

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

38 S 5. This act shall take effect immediately.