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

6310

I N S E N A T E

January 24, 2012

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

AN ACT to legalize and validate certain acts and proceedings of the town board of the town of Vienna, Oneida county, in relation to the establishment of extension number one to the hamlet of Vienna water district in said town and certain obligations issued to finance the improvements therefor

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

Section 1. Legislative findings. (a) It is found and determined that: (i) the town board of the town of Vienna, Oneida County, has heretofore taken steps to establish a water district extension in said town pursuant to article twelve-A of the town law known as extension number one to the hamlet of Vienna water district with improvements to be constructed at a maximum estimated cost of six hundred sixty-five thousand dollars; (ii) pursuant to section two hundred nine-d of the town law by order dated November fifteenth, two thousand six, said town board called a public hearing for the establishment thereof to be held on the sixth of December, two thousand six, on which date said public hearing was duly held after due and proper legal notice thereof; (iii) by resolution dated the sixth of December, two thousand six, adopted effective immediately, said town board determined the public interest of the improvements therefore at said maximum estimated cost; (iv) on January seventeenth, two thousand seven, the town board did readopt the resolution previously adopted on the sixth of December, two thousand six, effective immediately, and published a notice of adoption thereof; (v) the town board on January seventeenth, two thousand seven, did also adopt a bond resolution authorizing the issuance of obligations in the amount of six hundred sixty-five thousand dollars to pay the cost of the improvements therefor; (vi) on the twenty-fourth of January, two thousand seven, the legal notice of estoppel of said bond resolution was published in the official newspaper of the town in accordance with the provisions of title six of the local finance law; and (vii) no action, suit or

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

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proceedings contesting the validity of obligations to be issued thereunder was filed within the twenty day period provided therein.

(b) It is further found and determined that pursuant to section two hundred nine-f of the town law said town was not required to apply for permission of the state comptroller to establish said extension as the typical cost of the typical property did not exceed the threshold therefor.

(c) It is further found and determined that: (i) the town board of the town of Vienna, Oneida county, has thereafter taken steps to establish said water district extension in said town pursuant to article twelve-A of the town law known as extension number one to the hamlet of Vienna water district at a revised maximum estimated cost of seven hundred thirty thousand dollars, an increase of sixty-five thousand dollars over that previously authorized; (ii) pursuant to section two hundred nine-h of the town law, by order dated July fifth, two thousand seven, said town board called a public hearing for the establishment of said extension at the revised maximum estimated cost thereof to be held on the twenty-fifth of July, two thousand seven, on which date said public hearing was duly held after due and proper legal notice thereof; (iii) pursuant to section two hundred nine-h of the town law, by resolution dated September twenty-sixth, two thousand seven, adopted subject to permissive referendum, said town board determined that it was in the public interest to establish said extension number one to the hamlet of Vienna water district and to make the improvements therefor at said revised maximum estimated cost; (iv) a notice of adoption of the aforesaid resolution subject to permissive referendum was duly posted and published in the manner prescribed by such section within ten days after the adoption thereof; (v) no petition for referendum was filed as to the establishment of said extension at said revised maximum estimated cost; (vi) the town board thereafter did adopt a bond resolution on November seventh, two thousand seven, authorizing the issuance of additional obligations in the amount of sixty-five thousand dollars to pay the additional portion of the cost of the improvements for the establishment of said extension; (vii) on the tenth of November, two thousand seven, the legal notice of estoppel of said bond resolution was published in the official newspaper of the town in accordance with the provisions of the title six of the local finance law; and (viii) no action, suit or proceeding contesting the validity of obligations to be issued thereunder was filed within the twenty day period provided therein.

(d) It is further found and determined that pursuant to section two hundred nine-f of the town law said town was not required to apply for permission of the state comptroller to establish said extension at the revised maximum estimated cost as the typical cost of the typical property did not exceed the threshold therefor.

(e) It is further found and determined that in order to pay the cost of the improvements in such extension, which is an assessable improvement, said town issued a bond anticipation note dated October first, two thousand seven, in the principal amount of six hundred sixty-five thousand dollars and maturing October first, two thousand eight, pursuant to the bond resolution dated the seventeenth of January, two thousand seven. Upon the maturity thereof, such note was paid in full with the proceeds of a statutory installment bond issued to the New York state environmental facilities corporation, in the amount of seven hundred one thousand, seven hundred eighty-two dollars which included thirty-six thousand seven hundred eighty-two dollars in additional borrowing in addition to the amount needed to refinance said bond anticipation note,

said bond entitled "E.F.C. Drinking Water Statutory Installment Bond-2008" dated the twenty-sixth of June, two thousand eight, issued pursuant to the bond resolutions dated and duly adopted on the seventeenth of January, two thousand seven, and the tenth of November, two thousand seven, as to which legal notices of estoppel as described in section eighty-one of the local finance law had been duly published and as to which the twenty day period limitation described in section eighty-two of the local finance law had elapsed without any action, suit or proceeding contesting the validity of obligations to be issued thereunder.

S 2. All actions heretofore taken and proceedings had by the town board of the town of Vienna, Oneida county, in connection with the establishment of said extension number one to the hamlet of Vienna water district and the obligations thereof described in section one of this act are hereby legalized, validated and confirmed, notwithstanding any failures, defects, irregularities, or omissions with respect thereto or any other failures, defects, irregularities or omissions in any acts or proceedings of said town board taken with respect thereto.

S 3. The expenses of the said water district shall be levied on the real property located therein on an ad valorem basis.

S 4. This act shall take effect immediately.