

6948

I N S E N A T E

April 7, 2014

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

AN ACT making certain findings and determinations with respect to certain bond anticipation notes issued by the village of Whitehall, in the town of Whitehall and county of Washington, validating and legalizing such notes, and authorizing the issuance of obligations of such village with respect thereto

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

1 Section 1. Legislative findings. It is hereby found and determined
2 that, pursuant to a bond resolution dated October 1, 2007, the board of
3 trustees of the village of Whitehall, in the town of Whitehall and coun-
4 ty of Washington, authorized the issuance of serial bonds of the village
5 in an aggregate principal amount not to exceed \$5,000,000, and bond
6 anticipation notes in anticipation of the sale of such bonds, to finance
7 the construction of certain improvements to such village's sewer system
8 in order to bring it into compliance with a consent order agreement
9 between the village and the department of environmental conservation;
10 that in order to finance the cost of the capital improvements authorized
11 by said bond resolution: (i) on October 29, 2007, the village issued a
12 bond anticipation note in the principal amount of \$900,000, maturing on
13 October 28, 2008; (ii) on October 28, 2008, the village issued a bond
14 anticipation note in the principal amount of \$900,000, maturing on Octo-
15 ber 27, 2009, to renew in full the bond anticipation note maturing on
16 October 28, 2008; (iii) on March 23, 2009, the village issued a bond
17 anticipation note in the principal amount of \$1,200,000, maturing on
18 October 27, 2009; (iv) on October 27, 2009, the village made a principal
19 payment of \$30,000 on the \$900,000 principal amount bond anticipation
20 note maturing on such date and issued a bond anticipation note in the
21 principal amount of \$2,070,000, maturing on October 26, 2010, to renew
22 the balance of such note and to renew in full the \$1,200,000 principal
23 amount bond anticipation note also maturing on October 26, 2010; (v) on
24 October 26, 2010, the village made a principal payment of \$30,000 on the
25 bond anticipation note maturing on such date and issued a bond antic-

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

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1 ipation note in the principal amount of \$2,040,000, maturing on October
2 25, 2011, to renew the balance of such note; (vi) on March 10, 2011, the
3 village made a principal payment of \$40,000 on the bond anticipation
4 note maturing on October 25, 2011; (vii) on October 25, 2011, the
5 village made a principal payment of \$30,000 on the bond anticipation
6 note maturing on such date and issued a bond anticipation note in the
7 principal amount of \$1,970,000, maturing on October 24, 2012, to renew
8 the balance of such note; (viii) on March 21, 2012, the village made a
9 principal payment of \$40,000 on the bond anticipation note maturing on
10 October 24, 2012; (ix) on October 24, 2012, the village made a principal
11 payment of \$30,000 on the bond anticipation note maturing on such date
12 and issued a bond anticipation note in the principal amount of
13 \$2,000,000, maturing on October 23, 2013, to renew the balance of such
14 note and to finance additional costs of said capital improvements; (x)
15 on March 21, 2013, the village made a principal payment of \$40,000 on
16 the bond anticipation note maturing on October 23, 2013; and (xi) on
17 October 23, 2013, the village made a principal payment of \$70,000 on the
18 bond anticipation note maturing on such date and issued a bond antic-
19 ipation note in the principal amount of \$1,990,000, maturing on October
20 22, 2014, to renew the balance of such note and to finance additional
21 costs of said capital improvements; that certain of said principal
22 payments were not in compliance with the applicable provisions of the
23 local finance law because the principal payments made on October 27,
24 2009, October 26, 2010, March 10, 2011 and March 21, 2012 were made from
25 the proceeds of said bond anticipation notes and not from a source other
26 than the proceeds of said bond anticipation notes as required by the
27 provisions of sections 21.00 and 23.00 of the local finance law.

28 S 2. Notwithstanding the defects described in section one of this act,
29 the bond anticipation notes and renewals thereof issued by the village
30 of Whitehall, as described in section one of this act, and all resol-
31 utions, acts and proceedings adopted or taken by the board of trustees
32 and the treasurer of such village in relation thereto, are hereby vali-
33 dated, ratified and confirmed. Such village is hereby authorized to
34 issue bonds and bond anticipation notes in anticipation of the sale of
35 such bonds, pursuant to the bond resolution dated October 1, 2007 in an
36 aggregate principal amount not to exceed \$4,690,000 to finance the cost
37 of the purpose described in section one of this act.

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

42 S 4. If any clause, sentence, subdivision, paragraph, section or part
43 of this act be adjudged by any court of competent jurisdiction to be
44 invalid, and after exhaustion of all further judicial review, the judg-
45 ment shall not affect, impair or invalidate the remainder thereof but
46 shall be confined in its operation to the clause, sentence, subdivision,
47 paragraph, section or part of this act directly involved in the contro-
48 versy in which the judgment shall have been rendered.

49 S 5. This act shall take effect immediately.