

7017

I N   S E N A T E

April 14, 2014

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Introduced by Sen. GRIFFO -- 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 town of Clifton, in the county of St. Lawrence, validating and legalizing the same, and authorizing the issuance of obligations of such town 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 the town of Clifton, in the county of St. Lawrence, New York:  
3     (a) undertook the following described actions: (i) duly adopted a bond  
4     resolution on October 12, 2011, which was subsequently amended on March  
5     20, 2013, June 12, 2013 and July 24, 2013, authorizing the issuance of  
6     \$4,314,000.00 serial bonds for the establishment of a sewer district and  
7     wastewater treatment plant improvements for such district; (ii) issued a  
8     bond anticipation note on March 22, 2012 in the amount of \$150,000.00  
9     maturing one year from the date of issuance; (iii) issued a bond antic-  
10    ipation renewal note on March 21, 2013 for an additional year; (iv)  
11    refinanced the \$150,000 bond anticipation note with the partial proceeds  
12    of a \$667,000 New York State Environmental Facilities Corporation (EFC)  
13    Clean Water State Revolving Fund (CWSRF) financing which closed on  
14    September 26, 2013; and (v) pursuant to such CWSRF financing, issued a  
15    \$667,000 bond anticipation note to EFC dated September 26, 2013 and  
16    disbursed \$235,556.81 in CWSRF financing proceeds pursuant to the EFC  
17    bond anticipation note prior to February 25, 2014.  
18    (b) failed to obtain the permission of the state comptroller pursuant  
19    to paragraph 3 of section 104.10 of the local finance law prior to the  
20    issuance of: (i) the \$150,000 bond anticipation note on March 22, 2012;  
21    (ii) the \$150,000 bond anticipation renewal note on March 21, 2013; and  
22    (iii) the \$667,000 EFC bond anticipation note on September 26, 2013.  
23    (c) failed to make a principal payment on the \$150,000 bond antic-  
24    ipation renewal note on March 20, 2014 as required by subdivision b of

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

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1 section 23.00 of the local finance law but rather made the payment late  
2 on March 26, 2014.

3 S 2. Notwithstanding the defects described in section one of this act,  
4 the bond anticipation notes issued by the town and EFC in anticipation  
5 of the bonds authorized pursuant to each of the bond resolutions identi-  
6 fied in section one of this act, and all disbursements made in  
7 connection with the aforesaid bond anticipation notes, or resolutions,  
8 acts and proceedings adopted or taken by the board in relation thereto,  
9 are hereby validated, ratified and confirmed and the late principal  
10 payment made is forgiven. The town is hereby authorized to issue bonds  
11 or bond anticipation renewal notes to continue financing the objects and  
12 purposes authorized pursuant to the aforesaid bond resolutions over the  
13 period of probable usefulness thereof as set forth in section 11.00 of  
14 the local finance law.

15 S 3. Except as otherwise provided in this act, any obligations issued  
16 pursuant to this act shall be issued in accordance with the provisions  
17 of the local finance law.

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

25 S 5. This act shall take effect immediately.