STATE OF NEW YORK

4251

2017-2018 Regular Sessions

IN SENATE

February 7, 2017

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

AN ACT to validate, ratify and confirm certain findings and determinations with respect to bond anticipation notes issued by the town of Knox, in the county of Albany, and to legalize and authorize the issuance of certain obligations of such town

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. (a) It is hereby found and determined that the town board of the town of Knox, in the county of Albany, and the town supervisor of such town undertook the following described actions in relation to the issuance of certain bond anticipation notes of such town:

Pursuant to resolutions adopted by the town board of the town of Knox on August 24, 2009, authorizing the issuance of bonds in the amount of $1,219,981 and September 8, 2009, authorizing the issuance of a bond anticipation note in the amount of $1,219,981, and the town issued its bond anticipation note, dated September 8, 2009, in the principal amount of $1,219,981 maturing on September 8, 2010 to finance the cost of the object or purpose consisting of the renovations and additions to its town hall. Thereafter, pursuant to a resolution adopted by such town board, on August 10, 2010, a principal payment of $80,000 was made on said bond anticipation note and said note was renewed by the issuance of a renewal bond anticipation note dated September 8, 2010 in the principal amount of $1,139,981 maturing on September 7, 2011. Thereafter, pursuant to a resolution adopted by the town board, on August 9, 2011, a principal payment of $160,000 was made on said renewal bond anticipation note and said note was again renewed by the issuance of a renewal bond anticipation note, dated September 8, 2011, in the principal amount of $979,981 maturing on September 7, 2012. Thereafter, pursuant to a resolution adopted by the town board, on August 14, 2012, a principal payment

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

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of $180,000 was made on said renewal bond anticipation note and said note was again renewed by the issuance of a renewal bond anticipation note, dated September 8, 2012, in the principal amount of $799,981 maturing on September 7, 2013. Thereafter, pursuant to a resolution adopted by the town board, on August 13, 2013, a principal payment of $80,000 was made on said renewal bond anticipation note and said note was again renewed by the issuance of a renewal bond anticipation note, dated September 6, 2013, in the principal amount of $719,981 maturing on September 6, 2014. Thereafter, pursuant to a resolution adopted by the town board, on August 19, 2014, a principal payment of $80,000 was made on said renewal bond anticipation note and said note was again renewed by the issuance of a renewal bond anticipation note, dated September 5, 2014, in the principal amount of $639,981 maturing on September 6, 2015. Thereafter, pursuant to a resolution adopted by the town board, on August 11, 2015, a principal payment of $80,000 was made on said renewal bond anticipation note and said note was again renewed by the issuance of a renewal bond anticipation note, dated September 4, 2015, in the principal amount of $559,981 maturing on September 6, 2016. Thereafter, pursuant to a resolution adopted by the town board, on September 13, 2016, an additional principal payment of $80,000 was made on said renewal bond anticipation note and said note is currently outstanding in the principal amount of $479,981.

(b) It is hereby further found and determined that the bond anticipation notes and renewal bond anticipation notes described in subdivision (a) of this section were not issued in compliance with the applicable provisions of the local finance law, in that: (1) the town board of the town of Knox had not, prior to the issuance of such bond anticipation notes, adopted a bond resolution in accordance with sections 31.00 and 32.00 of the local finance law, which was subject to a permissive referendum in accordance with subparagraph 1 of paragraph b of section 35.00 of the local finance law, for the purpose of authorizing the issuance of bonds of said town in anticipation of which such bond anticipation notes were issued; and (2) in the case of the renewal bond anticipation notes dated September 5, 2014 and September 4, 2015 described in subdivision (a) of this section, the term of said notes extended more than five years beyond the date of issuance of the applicable original bond anticipation note dated September 8, 2009.

§ 2. Refinancing the outstanding bond anticipation notes. Notwithstanding the defects described in section one of this act, the bond anticipation notes and renewals thereof issued by the town of Knox, as described in such section of this act, and all resolutions, acts and proceedings heretofore adopted or taken by the town board and the town supervisor of such town in relation thereto, are hereby validated, ratified, and confirmed. Subject to the adoption by the town board of the town of Knox of a bond resolution in accordance with sections 31.00 and 32.00 of the local finance law, such town is hereby authorized to hereinafter issue bonds or renewal bond anticipation notes in the aggregate principal amount not to exceed $480,000 for the purpose of refinancing the outstanding bond anticipation notes issued for the object or purpose described in subdivision (a) of section one of this act; provided, however, that:

(a) the bond resolution shall not be subject to a permissive referendum in accordance with subparagraph 1 of paragraph b of section 35.00 of the local finance law;

(b) notwithstanding the provisions of paragraph b of section 23.00 and paragraph b of section 21.00 of the local finance law, said town may issue one additional renewal bond anticipation note maturing not later than September 6, 2017 for the object or purpose described in subdivision (a) of section one of this act, and may provide for the first installment payment on the bonds issued for such objects or purposes to be made on any date on or before September 6, 2017; and

(c) in the event that the renewal bond anticipation note, dated September 4, 2015, described in subdivision (a) of section one of this act has, prior to the effective date of this act, been amended to extend the maturity date thereof, been renewed by another renewal bond anticipation note, or been redeemed in full, said town, following enactment of this act, shall have the authority, notwithstanding any such extension, renewal or redemption, to issue the bonds or renewal bond anticipation notes as authorized by the bond resolution required by this section.

§ 3. Issuance of bonds. 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.

§ 4. Severability clause. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction, to be invalid, such 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 thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.