

11451

I N A S S E M B L Y

June 14, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Calhoun) --
read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to the town of
Chester and the Orange county industrial agency

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

- 1 Section 1. The opening paragraph of section 912 of the general municipal law, as amended by chapter 390 of the laws of 1972, is designated
2 subdivision 1 and three new subdivisions 2, 3 and 4 are added to read as
3 follows:
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5 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
6 TAXES (PILOT) AGREEMENT BY THE AGENCY FOR A PROJECT LOCATED IN THE TOWN
7 OF CHESTER, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE
8 AFFECTED TOWN SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN THE
9 APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE TOWN GOVERNING BODY PRIOR TO
10 ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT LOCATED
11 IN THE TOWN OF CHESTER. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT
12 ANALYSIS TO DETERMINE THE IMPACT ON THE TOWN OF THE PROJECT AND THE
13 PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH PILOT AGREEMENT SHALL
14 BEAR THE COSTS RELATED TO THE REQUIRED IMPACT ANALYSIS. THE AGENCY AND
15 THE TOWN GOVERNING BODY SHALL JOINTLY SELECT A QUALIFIED ENTITY TO
16 CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING
17 APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR PROJECTS LOCATED IN
18 THE TOWN OF CHESTER, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH TOWN'S
19 GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS
20 SECTION OF THE TOWN COMMUNITY.
21 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
22 IN THE TOWN OF CHESTER AFTER THE THIRD YEAR OF ENTERING INTO SUCH PILOT
23 AGREEMENT, AND EVERY THIRD YEAR THEREAFTER, AND ADJUST THE PILOT AGREEMENT
24 ACCORDINGLY BASED ON CHANGES TO THE ASSESSED VALUE AND TAX RATE OF
25 ALL OTHER REAL PROPERTIES LOCATED IN SUCH TOWN.
26 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE TOWN OF CHESTER
27 SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A FULL FORENSIC AUDIT HAS
28 BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY OBLIGATED TO MAKE PAYMENTS

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

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1 IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE AGENCY. THE
2 AGENCY AND THE TOWN GOVERNING BODY SHALL JOINTLY CHOOSE A QUALIFIED
3 ENTITY TO CONDUCT SUCH FORENSIC AUDIT. THE PARTY THAT IS OBLIGATED TO
4 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
5 AGENCY SHALL BEAR THE COSTS OF PREPARING SUCH FORENSIC AUDIT. THE TOWN
6 OF CHESTER MAY REQUEST FROM THE OFFICE OF THE STATE COMPTROLLER AN AUDIT
7 OR REVIEW OF THE FORENSIC AUDIT PRIOR TO THE RENEWAL OR RENEGOTIATION OF
8 A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE TOWN OF CHESTER.
9 S 2. This act shall take effect immediately.