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

8334

I N S E N A T E

June 24, 2010

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to payments in lieu of taxes by the Town of Hempstead industrial development agency and the Nassau county industrial agency for a project in the village of Garden City

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

Section 1. Subdivisions 2, 3 and 4 of section 905 of the general municipal law, as added by a chapter of the laws of 2010 amending the general municipal law relating to the town of Hempstead industrial development agency and the Nassau county industrial agency, as proposed in legislative bills numbers S. 7157-B and A. 10033-C, are amended to read as follows:

2. Prior to the approval of any application for a payment in lieu of taxes (PILOT) agreement by the agency for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead, the written consent of the chief executive officer of the affected village shall be obtained. The agency shall also obtain the approval, by three-fifths majority, of the village governing body prior to any PILOT agreement being approved by the agency for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead. In addition, the agency shall obtain an impact analysis to determine the impact on the village of the project and the planned PILOT agreement. The applicant for such PILOT agreement shall bear the costs related to the required impact analysis. The agency and the village governing body shall jointly select a qualified entity to conduct the impact analysis. The membership of the agency, when reviewing applications and approving PILOT agreements for projects located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead, shall include at least one member of such village's governing body and at least three at large members drawn from a cross section of the village community.

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

LBD17830-01-0

3. The agency shall review any PILOT agreement for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead after the third year of entering into such PILOT agreement, and every third year thereafter, and adjust the PILOT agreement accordingly based on changes to the assessed value and tax rate of all other real properties located in such villages.

4. A PILOT agreement for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead shall not be renewed or renegotiated until a full forensic audit has been completed of the accounts of the party obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency. The agency and the village governing body shall jointly choose a qualified entity to conduct such forensic audit. The party that is obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency shall bear the costs of preparing such forensic audit. The village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead may request from the office of the state comptroller an audit or review of the forensic audit prior to the renewal or renegotiation of a PILOT agreement for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead.

S 2. Subdivisions 2, 3 and 4 of section 922 of the general municipal law, as added by a chapter of the laws of 2010 amending the general municipal law relating to the town of Hempstead industrial development agency and the Nassau county industrial agency, as proposed in legislative bills numbers S. 7157-B and A. 10033-C, are amended to read as follows:

2. Prior to the approval of any application for a payment in lieu of taxes (PILOT) agreement by the agency for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead, the written consent of the chief executive officer of the affected village shall be obtained. The agency shall also obtain the approval, by three-fifths majority, of the village governing body prior to any PILOT agreement being approved by the agency for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead. In addition, the agency shall obtain an impact analysis to determine the impact on the village of the project and the planned PILOT agreement. The applicant for such PILOT agreement shall bear the costs related to the required impact analysis. The agency and the village governing body shall jointly select a qualified entity to conduct the impact analysis. The membership of the agency, when reviewing applications and approving PILOT agreements for projects located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead, shall include at least one member of such village's governing body and at least three at large members drawn from a cross section of the village community.

3. The agency shall review any PILOT agreement for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead after the third year of entering into such PILOT agreement, and every third year thereafter, and adjust the PILOT agreement accordingly based on changes to the assessed value and tax rate of all other real properties located in such villages.

4. A PILOT agreement for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead shall not be renewed or renegotiated until a full forensic audit has been completed of the accounts of the party obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency. The agency and the

village governing body shall jointly choose a qualified entity to conduct such forensic audit. The party that is obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency shall bear the costs of preparing such forensic audit. The village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead may request from the office of the state comptroller an audit or review of the forensic audit prior to the renewal or renegotiation of a PILOT agreement for a project located in the village of Freeport, THE VILLAGE OF GARDEN CITY or the village of Hempstead.

S 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2010 amending the general municipal law relating to the town of Hempstead industrial development agency and the Nassau county industrial agency, as proposed in legislative bills numbers S. 7157-B and A. 10033-C, takes effect.