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

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:

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 subdivision 1 and three new subdivisions 2, 3 and 4 are added 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 TOWN OF CHESTER, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED TOWN SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE TOWN GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT LOCATED IN THE TOWN OF CHESTER. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT ON THE TOWN 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 TOWN 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 TOWN OF CHESTER, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH TOWN'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE TOWN COMMUNITY.

3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED IN THE TOWN OF CHESTER 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 TOWN.

4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE TOWN OF CHESTER SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A FULL FORENSIC AUDIT HAS 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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IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE AGENCY. THE AGENCY AND THE TOWN 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 TOWN OF CHESTER 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 TOWN OF CHESTER.

S 2. This act shall take effect immediately.