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I N   S E N A T E

June 18, 2010

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Introduced by Sen. LARKIN -- 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 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 REVIEW-  
17    ING 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.