

6865

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to payments in lieu of taxes for projects approved by the town of Hempstead industrial development agency and the Nassau 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 905 of the general municipal law is designated subdivision 1 and three new subdivisions 2, 3 and 4 are added to read as follows:

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3
4 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
5 TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY
6 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT, THE VILLAGE
7 OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE
8 CHIEF EXECUTIVE OFFICER OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE
9 AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE
10 VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY
11 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT, THE VILLAGE
12 OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY
13 SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE
14 OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH
15 PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE REQUIRED IMPACT
16 ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT
17 A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE
18 AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR
19 PROJECTS LOCATED IN THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY
20 OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH
21 VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM
22 A CROSS SECTION OF THE VILLAGE COMMUNITY.

23 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
24 IN THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF

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

LBD10080-02-1

1 HEMPSTEAD AFTER THE THIRD YEAR OF ENTERING INTO SUCH PILOT AGREEMENT,
2 AND EVERY THIRD YEAR THEREAFTER, AND ADJUST THE PILOT AGREEMENT ACCORD-
3 INGLY BASED ON CHANGES TO THE ASSESSED VALUE AND TAX RATE OF ALL OTHER
4 REAL PROPERTIES LOCATED IN SUCH VILLAGES. THE AGENCY SHALL PROVIDE A
5 WRITTEN REPORT TO THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY
6 AND THE VILLAGE OF HEMPSTEAD DOCUMENTING ANY AND ALL VARIANCES OR CHANG-
7 ES TO THE PROJECTED REVENUES OF SUCH VILLAGES FROM ANY SUCH PILOT AGREE-
8 MENT.

9 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT,
10 THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE
11 RENEWED OR RENEGOTIATED UNTIL A FULL FORENSIC AUDIT HAS BEEN COMPLETED
12 OF THE ACCOUNTS OF THE PARTY OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES
13 PURSUANT TO THE PILOT AGREEMENT WITH THE AGENCY. THE AGENCY AND THE
14 VILLAGE GOVERNING BODY SHALL JOINTLY CHOOSE A QUALIFIED ENTITY TO
15 CONDUCT SUCH FORENSIC AUDIT. THE PARTY THAT IS OBLIGATED TO MAKE
16 PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE AGEN-
17 CY SHALL BEAR THE COSTS OF PREPARING SUCH FORENSIC AUDIT. THE VILLAGE OF
18 FREEPORT, THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD MAY
19 REQUEST FROM THE OFFICE OF THE STATE COMPTROLLER A FORENSIC AUDIT OR
20 REVIEW OF THE FORENSIC AUDIT PRIOR TO THE RENEWAL OR RENEGOTIATION OF A
21 PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT, THE
22 VILLAGE OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD.

23 S 2. The opening paragraph of section 922 of the general municipal
24 law, as amended by chapter 474 of the laws of 1988, is designated subdivi-
25 sion 1 and three new subdivisions 2, 3 and 4 are added to read as
26 follows:

27 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
28 TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY
29 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT, THE VILLAGE
30 OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE
31 CHIEF EXECUTIVE OFFICER OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE
32 AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE
33 VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY
34 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT, THE VILLAGE
35 OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY
36 SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE
37 OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH
38 PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE REQUIRED IMPACT
39 ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT
40 A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE
41 AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR
42 PROJECTS LOCATED IN THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY
43 OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH
44 VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM
45 A CROSS SECTION OF THE VILLAGE COMMUNITY.

46 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
47 IN THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF
48 HEMPSTEAD AFTER THE THIRD YEAR OF ENTERING INTO SUCH PILOT AGREEMENT,
49 AND EVERY THIRD YEAR THEREAFTER, AND ADJUST THE PILOT AGREEMENT ACCORD-
50 INGLY BASED ON CHANGES TO THE ASSESSED VALUE AND TAX RATE OF ALL OTHER
51 REAL PROPERTIES LOCATED IN SUCH VILLAGES.

52 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT,
53 THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE
54 RENEWED OR RENEGOTIATED UNTIL A FULL AUDIT HAS BEEN COMPLETED OF THE
55 ACCOUNTS OF THE PARTY OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES PURSU-
56 ANT TO THE PILOT AGREEMENT WITH THE AGENCY. THE AGENCY AND THE VILLAGE

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