

3887

2011-2012 Regular Sessions

I N S E N A T E

March 8, 2011

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

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:

2
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.

LBD10080-01-1

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.

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

19 S 2. The opening paragraph of section 922 of the general municipal
20 law, as amended by chapter 474 of the laws of 1988, is designated subdi-
21 vision 1 and three new subdivisions 2, 3 and 4 are added to read as
22 follows:

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

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

48 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT,
49 THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE
50 RENEWED OR RENEGOTIATED UNTIL A FULL AUDIT HAS BEEN COMPLETED OF THE
51 ACCOUNTS OF THE PARTY OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES PURSU-
52 ANT TO THE PILOT AGREEMENT WITH THE AGENCY. THE AGENCY AND THE VILLAGE
53 GOVERNING BODY SHALL JOINTLY CHOOSE A QUALIFIED ENTITY TO CONDUCT SUCH
54 AUDIT. THE PARTY THAT IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES
55 PURSUANT TO THE PILOT AGREEMENT WITH THE AGENCY SHALL BEAR THE COSTS OF
56 PREPARING SUCH AUDIT. THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN

1 CITY OR THE VILLAGE OF HEMPSTEAD MAY REQUEST FROM THE OFFICE OF THE
2 STATE COMPTROLLER AN AUDIT OR REVIEW OF THE AUDIT PRIOR TO THE RENEWAL
3 OR RENEGOTIATION OF A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE
4 VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY OR THE VILLAGE OF HEMP-
5 STEAD.
6 S 3. This act shall take effect immediately.