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

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:

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. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "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

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

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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. THE AGENCY SHALL PROVIDE A WRITTEN REPORT TO THE VILLAGE OF FREEPORT, THE VILLAGE OF GARDEN CITY AND THE VILLAGE OF HEMPSTEAD DOCUMENTING ANY AND ALL VARIANCES OR CHANGES TO THE PROJECTED REVENUES OF SUCH VILLAGES FROM ANY SUCH PILOT AGREEMENT.

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 A FORENSIC 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. The opening paragraph of section 922 of the general municipal law, as amended by chapter 474 of the laws of 1988, 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 (HEREINAFTER REFERRED TO IN THIS SECTION AS "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 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 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 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 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 immediately.