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

5271

2013-2014 Regular Sessions

I N S E N A T E

May 15, 2013

Introduced by Sen. GALLIVAN -- 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 certain industrial development agencies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 898-a of the general municipal law, as added by chapter 995 of the laws of 1972, is amended to read as follows:

S 898-a. Town of Lancaster industrial development agency. For the benefit of the town of Lancaster in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of THE TOWNS OF LANCASTER, CHEEKTOWAGA AND WEST SENECA, ALSO PROVIDED THAT NO EXERCISE OF THE POWERS BY SUCH AGENCY WITH RESPECT TO THE ACQUISITION OF REAL PROPERTY WHETHER BY PURCHASE, CONDEMNATION OR OTHERWISE, OUTSIDE THE CORPORATE LIMITS OF the Town of Lancaster SHALL BE VALID UNTIL THE TOWN BOARD OF THE TOWN WITHIN WHOSE CORPORATE LIMITS SUCH REAL PROPERTY IS LOCATED PASSES A RESOLUTION IN SUPPORT OF THE EXERCISE OF THIS POWER, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the

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

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Town of Lancaster. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

S 2. Section 901-a of the general municipal law, as added by chapter 364 of the laws of 1973, is amended to read as follows:

S 901-a. Town of Clarence, Erie county, industrial development agency. For the benefit of the town of Clarence, Erie county, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of THE TOWNS OF CLARENCE, ALDEN, ELMA, MARILLA AND NEWSTEAD, ALSO PROVIDED THAT NO EXERCISE OF THE POWERS BY SUCH AGENCY WITH RESPECT TO THE ACQUISITION OF THE REAL PROPERTY WHETHER BY PURCHASE, CONDEMNATION OR OTHERWISE, OUTSIDE THE CORPORATE LIMITS OF the town of Clarence SHALL BE VALID UNTIL THE TOWN BOARD OF THE TOWN WITHIN WHOSE CORPORATE LIMITS SUCH REAL PROPERTY IS LOCATED PASSES A RESOLUTION IN SUPPORT OF THE EXERCISE OF THIS POWER, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Clarence. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

S 3. Section 914-a of the general municipal law, as added by chapter 579 of the laws of 1973, is amended to read as follows:

S [914-a] 914-B. Town of Amherst industrial development agency. For the benefit of the town of Amherst in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the power and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of THE TOWNS OF AMHERST, GRAND ISLAND AND TONAWANDA, ALSO PROVIDED THAT NO EXERCISE OF THE POWERS BY SUCH AGENCY WITH RESPECT TO THE ACQUISITION OF REAL PROPERTY WHETHER BY PURCHASE, CONDEMNATION OR OTHERWISE, OUTSIDE THE CORPORATE LIMITS OF the town of Amherst SHALL BE VALID UNTIL THE TOWN BOARD OF THE TOWN WITHIN WHOSE CORPORATE LIMITS SUCH REAL PROPERTY IS LOCATED PASSES A RESOLUTION IN SUPPORT OF THE EXERCISE OF THIS POWER, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be

appointed by the governing body of the town of Amherst. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

S 4. Section 925-t of the general municipal law, as amended by chapter 466 of the laws of 1991, is amended to read as follows:

S 925-t. Town of Concord industrial development agency. 1. For the benefit of the town of Concord and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF CONCORD INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of THE TOWNS OF CONCORD, BRANT, COLDEN, COLLINS, HOLLAND, NORTH COLLINS, SARDINIA AND WALES, ALSO PROVIDED THAT NO EXERCISE OF THE POWERS BY SUCH AGENCY WITH RESPECT TO THE ACQUISITION OF REAL PROPERTY WHETHER BY PURCHASE, CONDEMNATION OR OTHERWISE, OUTSIDE THE CORPORATE LIMITS OF the town of Concord SHALL BE VALID UNTIL THE TOWN BOARD OF THE TOWN WITHIN WHOSE CORPORATE LIMITS SUCH REAL PROPERTY IS LOCATED PASSES A RESOLUTION IN SUPPORT OF THE EXERCISE OF THIS POWER, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Concord. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter. To the extent that the foregoing provisions of this subdivision or of title one of this article are inconsistent with the provisions of subdivision two of this section, the provisions of such subdivision two shall be controlling.

2. The provisions of subparagraph two of paragraph (b) of subdivision one of section eight hundred fifty-six of this article shall not apply to the town of Concord industrial development agency and the agency as created and constituted pursuant to the other provisions of this article is continued until otherwise altered or terminated pursuant to law.

S 5. Section 925-v of the general municipal law, as amended by chapter 441 of the laws of 1994, is amended to read as follows:

S 925-v. Town of Hamburg industrial development agency. 1. For the benefit of the town of Hamburg in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of THE TOWNS OF HAMBURG, AURORA, BOSTON, EDEN, EVANS AND ORCHARD PARK, ALSO PROVIDED THAT NO EXERCISE OF THE

POWERS BY SUCH AGENCY WITH RESPECT TO THE ACQUISITION OF REAL PROPERTY WHETHER BY PURCHASE, CONDEMNATION OR OTHERWISE, OUTSIDE THE CORPORATE LIMITS OF the town of Hamburg SHALL BE VALID UNTIL THE TOWN BOARD OF THE TOWN WITHIN WHOSE CORPORATE LIMITS SUCH REAL PROPERTY IS LOCATED PASSES A RESOLUTION IN SUPPORT OF THE EXERCISE OF THIS POWER, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Hamburg. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

2. Notwithstanding the provisions of subdivision two of section eight hundred fifty-six of article eighteen-A of this chapter, the agency shall consist of not less than three nor more than nine members who shall be appointed by the governing body of the town of Hamburg.

S 6. This act shall take effect immediately.