

Combined Petition for a Consolidated Town of Tuxedo

To the Honorable Supervisor and Town Board:

We the people of the Town of Tuxedo, in order to form a better and more effective municipal government, to guard against the threat of future wasteful, redundant, and overlapping government, and to protect the environment by authorizing the Town to regulate intruding facilities as villages and cities do now, petition as follows:

Goal -- to consolidate the Town with a Village to be incorporated to give the Town greater flexibility and authority to provide services to its residents, and to allow greater economy and efficiency, while protecting against the wasteful proliferation of overlapping governments by authorizing the Town to exercise the powers of a village while continuing to operate as a town. The Petition proposes to retain the existing relationship between the Town and the Village of Tuxedo Park, a Village with a unique history and status. The Petition is combined as it does not seek to form a village without the consolidation with the Town. Such a result would defeat the purpose of the Petition by creating an overlapping and redundant government. Because a single government will exist before, during, and after this Petition is approved and finalized, the Town will avoid the threat of wasteful proliferation of additional governments, which in turn will prevent future financial burdens to the Town and its taxpayers if a new government were incorporated in the future without consolidation.

Authority – This Petition is authorized by the home rule provisions of the NYS Constitution, the NY Village Law and the New NY Government Reorganization and Citizen Empowerment Act. It is a proposed elector-initiated consolidation plan pursuant to statute.

Procedure -- This Petition seeks to incorporate a new Village of Tuxedo extending to the entire borders of the Town, but excluding the Village of Tuxedo Park which is entirely within the Town. This incorporation will proceed under Article 2, Incorporation, of the NY Village Law. Immediately, the newly incorporated Village shall be consolidated with the Town of Tuxedo pursuant to Title 2, Consolidation of Local Government Entities, of the New NY Government Reorganization and Citizen Empowerment Act. Upon the holding of required public hearings, validation of the Petition, and specified proceedings, a public referendum will be held on the Combined Petition to approve the consolidated entity. The entire Town, including Tuxedo Park residents, votes to approve the Consolidation Plan. If approved by majorities in both the Town outside Tuxedo Park (the incorporation) and the whole Town (the consolidation), the elector-initiated consolidation plan shall be approved by the Town Board. After further publication, notice, and hearing(s), the Consolidation Plan, as may be amended, shall take effect, subject to permissive referendum. Thereafter, the newly consolidated town-village will continue to operate as a town while possessing powers, privileges, and protection appurtenant to villages. The historic relationship between the Town of Tuxedo and Village of Tuxedo Park shall continue as it has been.

Examples – There currently are five coterminous, consolidated or partly consolidated town-villages in New York: Mount Kisco, Harrison, Scarsdale, Green Island, and East Rochester. This Petition aims to follow the coterminous town-villages of Harrison and Scarsdale in Westchester County, which were created by forming a new village under Article 2 of the Village Law. At least four other legal mechanisms for the creation of the other three town-villages above have been identified, which are inapplicable to this combined Petition.

The Village and Town of Woodbury is an example of an overlapping, redundant municipal structure. This Petition is combined because Petitioners seek to avoid the problems created in the Village and Town of Woodbury, wherein the two entities were never consolidated after the incorporation procedure. This Petition has chosen to forgo Woodbury's example and instead follow the consolidation provisions set forth in the New NY Government Reorganization and Citizen Empowerment Act since the power of the people to choose their governance is the bedrock of American democracy.

Tolling Provision – This Combined Petition follows two separate statutory authorizations. The procedures can proceed together to permit the specified Combined Referendum. However, since the procedures may lose synchronicity, the Petitioners authorize a tolling of timeframes to permit the Combined Petition to proceed in parallel.

Incorporation Petition Provisions:

Basis – The Petition is signed by at least 20% of the electors of the incorporation area.

Village Name – Village of Tuxedo

Population – The incorporation area has at least 500 regular inhabitants.

Boundaries – The incorporation area is coterminous with the entire boundary of a refuse district (RG001) pursuant to § 2-200(1)(b).

Designated Representative Persons:

_____, _____
_____, _____
_____, _____

Description of Incorporation Area – The entire boundaries of the Town of Tuxedo exclusive of the Village of Tuxedo Park. The incorporation area is coterminous with the entire boundary of the Town refuse district pursuant to § 2-200(1)(b).

Inhabitants – A list of registered voters is maintained by the Orange County Board of Elections and is incorporated herein by reference.

Report of Incorporation – Upon an approval by the electors of the incorporation, the Town Clerk shall file a report of incorporation in accordance with law. No further actions to organize the newly incorporated Village pending the effective date of the Elector Initiated Consolidation Plan.

Elector Initiated Consolidation Provisions:

Basis – The Petition is signed by at least 10% of the electors of the Town of Tuxedo.

Contact Person – The contact person is the first designated person above.

ELECTOR INITIATED CONSOLIDATION PLAN (the Act presumes the preparation of a Consolidation Plan following the referendum. In order that the electors be better informed, the Petitioners propose the following Consolidation Plan which may be amended, subject to permissive referendum, in accordance with the procedures set forth in the Act.):

Governments to be Consolidated – The Town of Tuxedo and the Village of Tuxedo.

Consolidated Entity – The Town of Tuxedo.

Rights, Duties, and Obligations – The consolidated Town of Tuxedo shall have all the existing rights, duties, and obligations of a town, together with the rights, duties, and obligations of a village. In the case of conflict, the Town may determine which shall be applicable. The relationship between the Town of Tuxedo and the Village of Tuxedo Park shall not be affected by the consolidation.

Territorial Boundaries - The boundaries of the consolidated Town of Tuxedo shall be current boundaries of the Town.

Type and/or Class – The Town of Tuxedo shall be a consolidated town-village municipality.

Organization and Officials – The Town shall remain organized as a Town and shall have the same officials, both elected and appointed. Officials shall have the additional powers of corresponding village officials.

Costs and Savings – The proposed Consolidation Plan is designed to minimize transition costs once the Town transforms into a consolidated town-village. While there are no immediate costs and/or savings to the Town as a result of this Petition, this Petition will prevent the costs associated with the future threat of proliferation of additional, unconsolidated municipal governments. The existence of multiple unconsolidated municipal governments, as seen in the Village and Town of Woodbury, creates additional expenses for residents as overlapping municipal governments in turn creates overlapping taxes for the provision of redundant residential services.

Assets -- The Town's assets are as set forth in its annual report, incorporated herein by reference. The Consolidation Plan will not affect Town assets.

Liabilities & Indebtedness – The Town's liabilities and indebtedness are set forth in its annual report and are incorporated herein by reference. The Consolidation Plan will not affect the Town's liabilities and indebtedness.

Terms of Disposition – The Town will retain its assets, liabilities, and indebtedness.

Laws, Rules, & Regulations – The Town's laws, rules, and regulations, as may be amended from time to time, shall remain in full force and effect, and shall be administered and enforced accordingly.

Effective Date of Consolidation – The effective date shall be determined in accordance with post-referendum proceedings required by the Act.

Hearing Times, Dates, & Places – Hearing times, dates, and places for the Plan shall be determined in accordance with post-referendum proceedings required by the Act.

Wherefore, Petitioners request that the Supervisor and Town Board act upon this Combined Petition in accordance with law.

Signature Pages following:

Signature Page for the Foregoing Combined Petition for a Consolidated Town of Tuxedo

We the undersigned electors and legal voters of the Town of Tuxedo, New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of the Town of Tuxedo and the proposed incorporation area of the proposed Village of Tuxedo for their approval or rejection at a referendum held for that purpose, the foregoing proposal to consolidate the Town of Tuxedo with the proposed Village of Tuxedo. The proposal to incorporate a new Village of Tuxedo to be consolidated with the Town of Tuxedo is based on the petition of 20% of the electors of the proposed incorporation area. Petitioner is familiar with the contents and purpose of the Combined Petition and the boundaries of the territory sought to be incorporated.

-----Residents of Village of Tuxedo Park do not vote on the new Village incorporation, only on the Consolidation.-----

In witness whereof, we have signed our names on the dates indicted next to our signatures.

Date	Name-print under signature	Home Address	Resident of Village of Tuxedo Park (Y/N)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

I, _____, residing at _____, Tuxedo, NY am a duly qualified voter of New York State. Each of the person that have signed this petition sheet containing ____ signature have signed their names in my presence of the dates indicated above and identified themselves to be the same person who signed the sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit, and if it contains a materially false statement, shall subject me to the penalties of perjury.

Date: _____ Witness Signature (Print name under) _____