

TOWN OF TUXEDO TOWN BOARD
DRAFT CONSOLIDATION PLAN
COMBINED INCORPORATION AND CONSOLIDATION PROCEDURE

February 10, 2020

It is the intention of the Town of Tuxedo Town Board and the Town Supervisor that the following comprises the final Consolidation Plan as proposed by the Town Board, which is a modification of the original elector-initiated proposed Consolidation Plan, pursuant to Article 17-A of the New York State General Municipal Law:

Governments to be Consolidated – The Town of Tuxedo and the Village of Tuxedo (incorporated on December 23, 2019).

Consolidated Entity – “The Town of Tuxedo”.

Rights, Duties, and Obligations – The Town of Tuxedo, as consolidated, 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, except in the matters of the governance of Tuxedo Park. This is because the relationship between the Town of Tuxedo and the Village of Tuxedo Park shall not be affected by the consolidation.

Specifically, the Town of Tuxedo, as consolidated, shall be empowered to regulate and restrict the height, number of stories and sizes of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residences, or other purposes pursuant to New York Village Law § 7-700. This explicitly includes the power to prevent certain infrastructure, including pipelines, from traveling through the Town of Tuxedo’s geographical borders.

In addition, should additional rights, powers, and privileges be granted by the New York State Legislature to villages and/or towns in the future, the Town may determine to adopt such additional powers.

Territorial Boundaries - The boundaries of the Town of Tuxedo, as consolidated, shall be the current boundaries of the Town and the Village of Tuxedo.

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

Organization and Officials – The Town of Tuxedo 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, with the exception that the Town Supervisor will not possess the Chief Executive Powers of a Village Mayor, as described below.

The role of each elected official, including the Town Supervisor, shall not change. There is no intent to give the Town Supervisor the Chief Executive Powers of a Village Mayor. Specifically, the Town Supervisor will remain as a Town Supervisor and will not function as a Village Mayor. Each elected official shall have the following role, with no change in powers:

The Town Supervisor and Town Board Members will also have the powers of a Village Trustee.
The Town Clerk will also have the powers of a Village Clerk.

In addition, the Town of Tuxedo officials will retain the same fiduciary duties. This means that the officials will have a fiduciary duty to the newly created, consolidated municipal entity: the Town of Tuxedo.

Costs and Savings – The proposed Consolidation Plan is designed to minimize transition costs once the Town transforms into a consolidated town-village.

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 of Consolidation, as filed and recorded with the Secretary of State, is _____, 2020. In accordance with General Municipal Law § 763, said date shall be no less than forty-five days after final approval of the Consolidation Plan pursuant to § 762 or 764.

Notice of Hearing on Consolidation Plan – The public hearing on this proposed Consolidation Plan shall be held on March 23, 2020 at 7:00 pm at the Tuxedo Town Hall pursuant to General Municipal Law § 762.