

## Remaining Timeline of Events Regarding the Combined Petition for Incorporation and Consolidation

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The below timeline represents the remaining steps in the Incorporation and Consolidation Process as of the date of this memorandum. The Report of Incorporation (“Report”) was refiled on October 25, 2019, pursuant to the New York State Department of State (“DOS”) request for clarification on several items. We expect to receive confirmation that the refiled Report was accepted and filed in the Secretary of State’s office by early November 2019. At this point, the Tuxedo Town Clerk shall receive a certification, under the Secretary of State’s seal, that the Report was filed, giving the date of filing thereof pursuant to New York State Village Law § 2-234. The new Village of Tuxedo will therefore be incorporated as of this date of filing.

The Town Board also met on August 12, 2019 to discuss reorganization as required pursuant to General Municipal Law § 760.

- 1) **Within 180 days after the initial meeting on August 12 (i.e. by Monday, February 10, 2020),** the Town Board must prepare a finalized Consolidation Plan based off of the elector-initiated Consolidation Plan and approve it by resolution. Our office will propose a draft Plan for consideration by the Town Board.
- 2) **No later than 5 business days after the proposed Plan is approved,** the Plan must be displayed, posted on the Town website, and published at least once per week for 4 successive weeks (this should correspond to the public hearing date in Step 3, so that the four weeks immediately precede the hearing).
- 3) **Within 35 to 90 days after the resolution of preliminary approval in Step 1,** one or more public hearings must be held on the proposed Consolidation Plan. The public hearing(s) will authorize the Town Board to either fully approve the Plan as is or amend the Plan, based upon any comments received. There must be 10 days’ notice for the public hearing, but no more than 20 days.
- 4) **Within 60 days from the close of the last public hearing,** the Town Board may approve the final plan via resolution.
  - A. The resolution must include a copy of the final plan.
  - B. Contemporaneously, voters may call for a permissive referendum on the proposed consolidation pursuant to GML § 763.
- 5) **No later than 5 business days after the plan is either accepted as-is or amended,** a summary and copy of the final plan must be displayed within the Town Hall and posted on the Town’s website.
- 6) **The Town Board must wait 45 days after the approval date of the final plan** to ensure a second permissive referendum is not requested by the voters. If a second referendum is not requested, reorganization takes place according to the date specified in the Final Plan.
  - If a referendum is called for, **the second referendum must be held within 60 to 90 days after the resolution** in Step 11. A summary of the final plan must also be published once per week for four successive weeks prior to the second referendum.

- If the second referendum passes, reorganization takes place according to date specified in Final Plan. Certification of the results must be immediately filed with Secretary of State, Town Clerk, and Orange County Clerk. If second referendum fails, reorganization will not take place. At this point, any five electors can commence an Article 78 proceeding to compel compliance with the provisions of the article. This is known as a “court-ordered consolidation,” pursuant to GML §764.