



TOWN OF OSSINING

The Volunteer Spirited Town

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Wayne Spector
Town Attorney

January 31, 2014

Hon. Susanne Donnelly, Town Supervisor
Members of the Town Board
Town of Ossining
16 Croton Avenue
Ossining, New York 10562

Dear Madame Supervisor and Town Board Members,

You have asked me to review the letter dated January 14, 2014 from the Briarcliff Manor Village Manager with the attached letter from Daniel Pozin, Esq., outside counsel to the Village, of the same date. I note that the letters have been posted on the Village's website in connection to the 17/20 annexation process.

I find it necessary to correct and clarify what I believe are several mischaracterizations and/or misstatements regarding the remarks that I made during the December joint hearing. If there is any question about the substance of my comments, I believe the transcript of the hearing, available on the Town's website, will clear up any confusion caused by the Village Manager's and Mr. Pozin's letters.

As to Mr. Pozin's comments about Special Districts, he and I appear to agree on the main point, that the New York General Municipal Law exactly states that Special district boundaries will not be altered as a result of annexation. The balance of Mr. Pozin's remarks on this subject, however, appear to represent his opinion of possible steps that may be available to change Special District boundaries. The sections of law he references, however, are not related to annexation. To state that those "remedies" are available to 17/20 is potentially misleading because it presumes the Town would take the suggested steps, even if not in the overall best interest of the Town. At best it is highly speculative given the clear language of the Law that specifically governs annexation.

I find the other point raised by Mr. Pozin, and restated by the Village Manager, regarding my comments on the number of petition signatures, baffling. It was clearly stated at the meeting that the Town was not challenging the Petitions or that they met the required standards as to the required number of signatures. My reference to the number of petition signatures, and again the transcript will bear me out, was that the Town and Village Boards, according to the authorities that I researched, could consider the number of signatures (as a percent of eligible voters) as a factor in determining whether 17/20 and the Village of Briarcliff Manor have the requisite unity of purpose and facilities, one of the necessary factors in reviewing annexation.

There was no need to review the procedures employed to verify petition signatures, a moot point given the Town's acceptance of the petitions and completely irrelevant to that portion of my remarks addressed in the two letters. I do stand by my remarks in the context that they were made and I'm certain the audience was intelligent enough to understand them. As you know, one of the major purposes of the joint hearing was to provide the public an opportunity to be heard on

issues germane to the annexation process. You had asked me to prepare a statement which would provide guidance and focus to the audience members as to matters the Town Board believed were critical in allowing it to conduct its mandated consideration of the requested annexation. That was the purpose of my statement which was approved, in advance, by the Town Board. I did also clearly state that the opinions stated were my own, based upon my research. Attorneys can and do often disagree on points of law. If Mr. Pozin disagrees with my conclusions I welcome the opportunity to hear his conclusions and the reasoning behind them.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read 'Wayne H. Spector', written over a horizontal line.

Wayne H. Spector, Esq.
Ossining Town Attorney