

From: James Kreidler
To: kellymkelly@comcast.net; "Kellie "Sullivan (SEC)""; clerk@townsend.ma.us; "Steve" "Sheldon"
Cc: "Carolyn Smart"; "Kathy Spofford"; "Kelly Merrill"; selectmancindyking@gmail.com; gnclark613@gmail.com
Subject: RE: Public Records Request
Date: Friday, April 14, 2017 9:50:22 AM

Ms. Kelly,

At the risk of engaging in a needless debate here, the Secretary of State's "Guide to the Massachusetts Public Records Law" (<http://www.sec.state.ma.us/pre/prepdf/guide.pdf>) provides, on page one, that:

Specific statutory exemptions have been created by the legislature. There are non-statutory exemptions as well called common law exemptions. Non-statutory exemptions include the common law attorney client privilege and the work product privilege. These exemptions permit the agency or municipality to withhold a record from the public.

I trust that this clarifies the issue for you.

In an extended effort at trying to satisfy your concern I will review the documents withheld one more time.

Regards,

Jim

James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertantly create a violation of the open meeting law.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL Chapter 4, Section 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL Chapter 66

From: kellymkelly@comcast.net [mailto:kellymkelly@comcast.net]
Sent: Friday, April 14, 2017 8:11 AM
To: 'Kellie 'Sullivan (SEC)'; James Kreidler; clerk@townsend.ma.us; Steve' 'Sheldon
Cc: 'Carolyn Smart'; 'Kathy Spofford'; 'Kelly Merrill'; selectmancindyking@gmail.com; gnclark613@gmail.com
Subject: Re: Public Records Request

Mr. Kreidler,

To be clear, you are denying me any communion between the Chief and town counsel for none of the exemptions listed and allowed under public records law?

In the past, you have provided me and others communication from town counsel, including his legal opinions. However, now you are withholding these documents for an exemption not specifically allowed under public records law, documents and emails that were paid for by town resources?

Please clarify your position,

Kelly

Sent from XFINITY Connect Mobile App

----- Original Message -----

From: James Kreidler
To: Kelly Kelly, clerk@townsend.ma.us, Steve' 'Sheldon, 'Kellie 'Sullivan (SEC)"
Cc: 'Carolyn Smart', 'Kelly Merrill', gnclark613@gmail.com, selectmancindyking@gmail.com, James M. Kreidler, 'Kathy Spofford'
Sent: April 13, 2017 at 9:40 PM
Subject: RE: Public Records Request

Ms. Kelly,

Attached please find a PDF of all responsive documents to your request below.

There were other email documents between Chief Eaton and Town Counsel that have been withheld pursuant to the non-statutory common law attorney client privilege exemption.

In accordance with 950 CMR 32.08(1), you may make an administrative appeal of this response to the Supervisor of Public Records. You further have the right to seek judicial review of this response by commencing a civil action in Superior Court.

Regards,

Jim
James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

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From: kellymkelly@comcast.net [<mailto:kellymkelly@comcast.net>]
Sent: Sunday, March 26, 2017 2:28 PM
To: clerk@townsend.ma.us; Kreidler, James; Sheldon, Steve
Cc: Carolyn Smart; Kelly Merrill; gnclark613@gmail.com; selectmancindyking@gmail.com
Subject: Public Records Request

Today's Date: March 26, 2017
Town Administrator
Town of Townsend, Massachusetts, 01469
RE: Massachusetts Public Records Request

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10).I request that I be provided with the following:

1. Any and all communication between any of the three investigators originally contacted to investigate Lt. Giancotti, as referenced in the "Parker Report," so called with any town employee or official, including but

not limited to any member of the Board of Selectmen, the Town Administrator, the Police Chief, or Town Counsel .

2. Any communication between the Town Administrator, Board of Selectmen, Town Counsel and Police Chief, or any combination thereof, regarding the three investigator's decisions to not begin or continue the investigation into Lt. Giancotti.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. Electronic copies instead of paper would be acceptable. If you need me to supply a thumb-drive, let me know.

If you expect costs to exceed \$10.00 each, please provide a detailed fee estimate for EACH request before proceeding.

The Public Records Law requires you to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

Please respond to this email when you receive it in your office so I may have a record of your receipt for my records.

Sincerely,
Kelly Kelly
5 Taurus Lane
Townsend, MA 01469



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