

Kathy Spofford

From: Brian Riley <BRiley@k-plaw.com>
Sent: Thursday, May 11, 2017 11:22 AM
To: 'James Kreidler'; kspofford@townsend.ma.us
Subject: RE: Scheduling the special election for school debt exclusions

Jim, I had spoken to both Kathy and Carolyn S. after the 5/2 meeting, about how this might work or if two separate election dates would be required, etc. I wanted to give Kathy my opinion in case she got hit with the questions next week – didn't spend long and I can leave it off the bill.

Brian W. Riley, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1722
F: (617) 654 1735
C: (617) 909 9084
briley@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

From: James Kreidler [mailto:jkreidler@townsend.ma.us]
Sent: Thursday, May 11, 2017 11:07 AM
To: Brian Riley; kspofford@townsend.ma.us
Subject: RE: Scheduling the special election for school debt exclusions

Brian,

Can you tell me who asked for this opinion?

Jim

From: Brian Riley [mailto:BRiley@k-plaw.com]
Sent: Thursday, May 11, 2017 10:07 AM
To: kspofford@townsend.ma.us
Cc: 'James Kreidler'
Subject: Scheduling the special election for school debt exclusions

Hi, Kathy. After the May 2 session of Town Meeting, we spoke briefly about the scheduling of the election for the three NMRSD Prop 2½ questions, whether it could be on June 19 and whether there would be one or two ballots. In my opinion, there is no prohibition on holding two elections on the same day, although it does pose a variety of practical and administrative challenges with two check-ins, etc., and the Elections Division has traditionally advised against it for that reason. As for the ballot, the General Laws do not answer this, but my recommendation would be to use separate ballots. The Recall Act provides that if there is a previously scheduled Town election within 100 days, the "the board of selectmen shall hold the recall election on the date of said other election." Which suggests same date but different ballot.

That being said, however, it may be a moot question. G.L. c.54, §42C states that the Town Clerk shall not print any question on an official ballot "for which [s]he receives final written notice after the thirty-fifth day before such election." If my math is correct, that would require the BOS to call the special Prop 2½ election this coming Monday, May 15, in order to hold it on June 19 – and unless the Board already has a meeting scheduled for Monday with this issue on the agenda, it is too late to do so.

Any questions, please let me know.

Brian

Brian W. Riley, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1722

F: (617) 654 1735

C: (617) 909 9084

briley@k-plaw.com

www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.



Virus-free. www.avg.com

Kathy Spofford

From: Brian Riley <BRiley@k-plaw.com>
Sent: Monday, June 05, 2017 9:03 AM
To: 'Kathy Spofford'
Cc: 'James Kreidler'; Lauren F. Goldberg
Subject: RE: Appeals court decision

Will do, Kathy. Here's the latest – I just called the court clerk's office and was told that according to the docket, no decision has been issued yet. And the other attorneys on the case have not received a written decision yet either. My only guess is that the judge told his courtroom clerk to notify the parties what his decision would be, but for some reason the written decision did not get done. I'll let you know as soon as I do.

Brian W. Riley, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1722
F: (617) 654 1735
C: (617) 909 9084
briley@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

From: Kathy Spofford [mailto:kspofford@townsend.ma.us]
Sent: Monday, June 05, 2017 8:58 AM
To: Brian Riley
Subject: RE: Appeals court decision

Thanks, Brian. I would appreciate that. I want to call elections to be sure I am doing everything correctly but I need the ruling before I call.

Thanks,
Kathy

Kathleen M. Spofford
Town Clerk
Town of Townsend
272 Main Street
Townsend, MA 01469
978-597-1704
FAX: 978-597-8135

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 c. 4, s. 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL c. 66.

From: Brian Riley [<mailto:BRiley@k-plaw.com>]
Sent: Sunday, June 04, 2017 1:27 PM
To: jkreidler@townsend.ma.us
Cc: kspofford@townsend.ma.us
Subject: Appeals court decision

I am not in the office, but I just had someone check and no fax has arrived from the Court, and no email either. I'll call them first thing Monday and try to get a copy.

Brian W. Riley, Esq.
KP | LAW, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1722
F: (617) 654 1735
C: (617) 909 9084
briley@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.



This email has been checked for viruses by AVG antivirus software.
www.avg.com