

Mr. Kreidler,

You had a meeting, with the Chair of the Bos and Chief Eaton. Unless this meeting was to discuss weekend plans or the like, we can safely assume this meeting was to discuss town issues or matters relating to the town. Since you did not claim a different exemption beyond saying it was not a public record but a personal one, it is also safe to say that no other exemption exists that would prohibit its release.

I will be appealing this matter to the department of public records.

It's unfortunate that town resources were used to pay Town Counsel to try to find a loophole to prohibit release of information to residents. The audio recording was referenced in a report you made public, thereby making the audio recording a public record as well.

Kelly

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**From:** "James Kreidler" <[jkreidler@townsend.ma.us](mailto:jkreidler@townsend.ma.us)>  
**To:** "kellymkelly" <[kellymkelly@comcast.net](mailto:kellymkelly@comcast.net)>, "sjs488" <[sjs488@comcast.net](mailto:sjs488@comcast.net)>  
**Cc:** [clerk@townsend.ma.us](mailto:clerk@townsend.ma.us)  
**Sent:** Friday, March 3, 2017 11:16:00 AM  
**Subject:** RE: Massachusetts Public Records Request

Ms. Kelly,

As you have stated, Chief Eaton did produce a personal recording device and asked if he could record a portion of the meeting, and he did so. He then took his personal device with him. The Chief recorded the discussion for his own reasons and not to generate a recording as a Police Department record or as part of his official duties. I sought and received a copy of the Chief's personal recording for my personal use as well. It too is not a department record of a part of my official duties.

Town Counsel advises that this recording is exempt from the Public Records Law pursuant to "Exemption (e)", G.L. c.4, §7(26)(e): **"notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit."** Any such records are statutorily exempted from the definition of "public records." Therefore, I do not have any record to produce that is responsive to your request.

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, §10A(c).

Regards,

Jim Kreidler

**From:** [kellymkelly@comcast.net](mailto:kellymkelly@comcast.net) [<mailto:kellymkelly@comcast.net>]  
**Sent:** Thursday, March 02, 2017 8:15 AM  
**To:** Jim Kreidler; sjs488  
**Cc:** [clerk@townsend.ma.us](mailto:clerk@townsend.ma.us)  
**Subject:** Re: Massachusetts Public Records Request

Mr. Kreidler,

On page 3 of the Ryan Strategies report, reference is made to a recording device used by Chief Eaton in a conversation held with you and Ms. Smart. Please provide access to that audio recording.

Thank you,

Kelly Kelly  
5 Taurus Lane  
Townsend, MA 01469

Sent from XFINITY Connect Mobile App

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

**From:** Jim Kreidler  
**To:** sjs488  
**Cc:** [clerk@townsend.ma.us](mailto:clerk@townsend.ma.us), [Kellymkelly@comcast.net](mailto:Kellymkelly@comcast.net)  
**Sent:** March 1, 2017 at 9:26 PM  
**Subject:** Re: Massachusetts Public Records Request  
Mr. Sheldon,

The town has no audio recordings from the Ryan Report.

Regards,

Jim Kreidler

Sent from Jim's iPhone

On Mar 1, 2017, at 1:29 PM, sjs488 <[sjs488@comcast.net](mailto:sjs488@comcast.net)> wrote:

So if I understand you correctly . There are no audio recordings ?

Sent via the Samsung Galaxy S® 4 mini™, an AT&T 4G LTE smartphone

----- Original message -----

From: Jim Kreidler <[jkreidler@townsend.ma.us](mailto:jkreidler@townsend.ma.us)>  
Date: 03/01/2017 1:15 PM (GMT-05:00)  
To: Stephen Sheldon <[sjs488@comcast.net](mailto:sjs488@comcast.net)>  
Cc: [clerk@townsend.ma.us](mailto:clerk@townsend.ma.us), [Kellymkelly@comcast.net](mailto:Kellymkelly@comcast.net)  
Subject: Re: Massachusetts Public Records Request

Mr. Sheldon,

The town has no public records responsive to your request.

Regards,

Jim Kreidler

Sent from Jim's iPhone

On Mar 1, 2017, at 11:07 AM, Stephen Sheldon <[sjs488@comcast.net](mailto:sjs488@comcast.net)> wrote:

Today's Date: March 1, 2016

Town Administrator / Town Clerk  
Town of Townsend  
Massachusetts, 01469  
RE:  
Dear Mr. Kreidler:

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:

- **Any and all audio recordings from the Ryan report. This would include any recording with The Town Administrator , Board of Selectmen and Chief of Police.**

As you are aware you have commented on this report to a news outlet which by law now makes it a public record.

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 calendar 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,

Stephen J Sheldon

18 Horseshoe Dr

Townsend, MA 0

1469

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2016.0.7998 / Virus Database