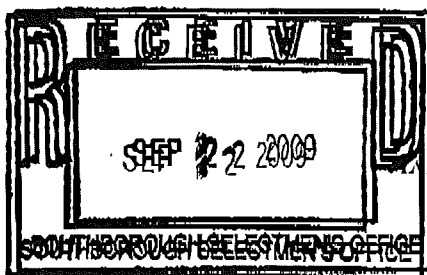


ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW



277 MAIN STREET
VICTORIA BUILDING
SECOND LEVEL • ATRIUM SUITE
SOUTHBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
FAX (508) 485-2804

September 22, 2009

Susan F. Fitzgerald
[REDACTED]

Southborough, MA 01772

Re: Blog Comments Southborough Police Search Committee

Dear Ms. Fitzgerald,

Please be advised that this office represents the Town of Southborough and its government agencies as the General Town Counsel. We have been furnished a series of electronic communications by an individual under the pseudonym "Marty," which has been displayed through the blog on your website. Certain comments have been made about the citizen volunteer, duly appointed Police Search Committee wrongly suggesting improprieties under State law.

In this regard, we would ask and expect that you would furnish the contact information for Marty and/or Marty's attorney so that we may raise our concerns directly with his attorney or him if he is not represented.

It is our intention to confer with such counsel relative to the statements made and documented in the blog on your website.

This correspondence is sent with the complete reservation of rights and remedies to the Town of Southborough, its Boards, agencies and Town Officials.

Thank you for your anticipated cooperation in this regard.

Very truly yours,


Aldo A. Cipriano, Esq.
Town Counsel

Cc: Barry Bachrach, Special Counsel
Board of Selectmen
Town Administrator ✓
Police Chief Search Committee

September 30, 2009

Aldo A. Cipriano, Esq.
277 Main Street
Marlborough, MA 01752

Re: My Southborough blog comments

Dear Mr. Cipriano,

I am writing in reply to your letter dated September 22, 2009. After careful consideration, I have decided not to turn over contact information for the My Southborough commenter 'Marty'.

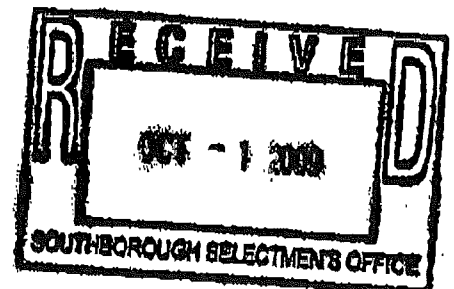
However, I believe there is another way to address your concerns about implied improprieties on the part of the Police Search Committee. It seems the best way to rectify the situation would be to set the record straight about how the committee operated. To that end, I invite you to guest post on my blog. The guest post could be authored by you, the selectmen, the committee members, or any other designated official, and would give you the opportunity to disseminate the correct information to interested residents.

Please feel free to contact me at mysouthborough@gmail.com or [REDACTED] to arrange the details of the guest post.

Sincerely,


Susan Fitzgerald

cc: Town Administrator
Board of Selectmen



cc: Selectmen
10-1-09

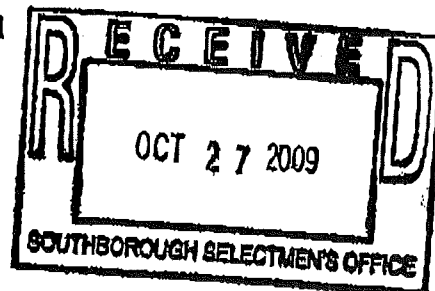
ALDO A. CIPRIANO
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October 27, 2009

Susan F. Fitzgerald
MySouthborough.com
[REDACTED]
Southborough, MA 01772

First Class and Certified Mail
Return Receipt Requested
7009 0080 002 2352 4818



Re: Correspondence of September 30, 2009

Dear Ms. Fitzgerald,

We acknowledge your response correspondence of September 30, 2009 which has been carefully evaluated.

The second paragraph of your correspondence suggests that rectification of how the Police Chief Search Committee operated is appropriate to "set the record straight." You then offer a guest post authored by me, as the General Town Counsel of the Town, with other Town Officials to "disseminate the correct information to interested residents." Please note that your proposed offer and comments are flawed in a variety of ways.

First off, there is nothing to rectify as to how the citizen volunteers of the Police Chief Search Committee "operated." They administered their duties in complete conformance with their direction as an ad-hoc Committee to the Board of Selectmen and pursuant to applicable provisions of state statute.

Secondly, offering a General Legal Counsel for the Town the opportunity to guest post may serve your blog purposes, but does not recognize the seriousness of the role or duties of a Government Counsel in regard to this matter. We have been instructed by the Town Officers to investigate certain comments made on your blog as they may be beyond any protected speech commentary.

Clearly inaccurate remarks have been made about Government Officials on a blog administered by you, alleging that a citizen volunteer Committee acted contrary to regulatory state law.

Our duty is to investigate potentially actionable conduct or remarks made on your blog.

We strongly suggest that you more closely monitor remarks made on the communication site ensuring that when individuals speak to issues that they do so accurately and without false allegations of violating state law.

More importantly however, this correspondence to you is a notice to preserve all internet addresses, IP addresses and electronic communications of every form as to the comments received relative to the Police Chief Search Committee, including but not limited to those received as to Marty and that no deletions or erasures be made relative to any such data.

We urge you to furnish this correspondence to your own legal counsel who we would be glad to speak with at any time in regard to this matter.

This correspondence is sent with a complete reservation of rights and remedies to the Town of Southborough.

Very truly yours,



Aldo A. Cipriano, Esq.
Town Counsel

Cc: Board of Selectmen
Town Administrator
Barry Bachrach, Special Counsel