

From: Benjamin Putnam [Benj@ndp-law.com]
Sent: Monday, October 21, 2019 10:58 AM
To: Kathleen Ramsay
Subject: RE: Creek Road

Hi Kathleen,

The general guidance in my October 2016 email still stands, but I do think that as time continues to pass without the road being reopened, the Town becomes increasingly vulnerable to a challenge that it has failed to act "with reasonable dispatch."

Given the complexity of the issues and the fact that the Town is still actively working on trying to identify a cost-effective solution, I think the Town still has a decent argument that it is acting with reasonable dispatch. However, if someone were to push the issue by filing a petition, it's possible that the Town would be given a firm time limit to get the road back open.

To avoid the cost of legal proceedings, as well as the risk of having the court dictate a particular solution, it would be advisable for the Town to try to reach a final decision in the relatively near future, and then begin the necessary steps to either repair or discontinue/reclassify the portions of the road in question.

Let me know if you have any further questions at this point.

Benj

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