

OCT 18 2005

BOARD OF APPEALS



JOHN E. PHELAN, JR., ED.D.
 Superintendent of Schools
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October 13, 2005

VIA FAX & FIRST CLASS MAIL

Wayne Davies, Esq.
 Chairman, Hopkinton Board of Appeals
 Town Hall, 3rd Floor
 18 Main Street
 Hopkinton, MA 01748

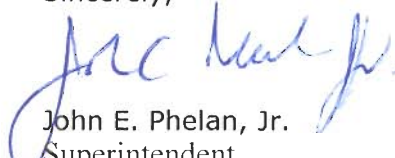
Re: Hopkinton School Committee's September 19, 2005 Appeal of Administration Decision

Dear Chairman Davies:

This letter acknowledges receipt of Mr. Foster's September 29, 2005 letter requesting that the School Committee fund part of the fees for the Board of Appeals' counsel in this matter. The School Committee wishes to go on record as objecting to the Board's imposition of such fees and expressly reserves its right to contest that the Board is without authority to impose such fees on the School Committee.

Nevertheless, because the Board is of the opinion that a failure to pay such fees within ten (10) days may result in an automatic denial of the School Committee's appeal, we have decided to pay these fees under protest. Accordingly, Director of Finance, Mr. Geoffrey MacDonald, worked with Town Accountant, Ms. Heidi Kriger, to execute a transfer of funds in the amount of \$500 from the School Committee's legal expense account to the Board of Appeals 53G account. The School Committee reserves all rights to contest the imposition of this and any future fees.

Sincerely,


 John E. Phelan, Jr.
 Superintendent

cc: Mr. David Stoldt Chair, Hopkinton School Committee
 Mr. David Hammacher Chair, School Building Committee
 Joseph A. Barra, Esq.