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MAR 2 2005

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Russell McAllister, Town Administrator  
Town of Atkinson  
21 Academy Avenue  
Atkinson, NH 03811

RE: Article 2005-15 "Vietnam Honor Roll"  
Article 2005-16 "Petition Warrant Article Viet Nam Memorial"

Dear Russ,

It is my understanding that a question has arisen concerning a possible "conflict" between the language reflected in the above-captioned warrant articles, which both passed. It would appear obvious that the reduction of the amount to be raised under Article 2005-15 was intended to give permission for the two marble panels, however, did not include an appropriation for this purpose by the taxpayers of the Town of Atkinson. Article 2005-16 does not prohibit any additional monumentation concerning the Viet Nam Memorial area but appears to limit changes "between and including the flagpoles in front of the Town Hall".

I find language in a letter from Carol Grant, Adele Dillon, Coll. Lewis R. Adams and Martin Feuer as convincing where they state,

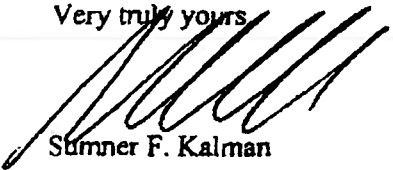
"Both legally passed warrant articles are binding on the town. When you compare the two articles, there actually is no conflict. By positioning the two name panels outside of the area between the two flagpoles, the legal requirements of both warrant articles are satisfied and the legally expressed wishes of the voters on each warrant article will be complied with."

This strikes me as an accurate statement which should address the unambiguous intent of both warrant articles.

If this conclusion does not end the matter, I would recommend that a "petition for declaratory judgment" be filed with the Rockingham County Superior Court to address the perceived ambiguity alleged by the complaining party.

Please feel free to contact me with any additional questions you may have concerning this or any other matter.

Very truly yours

  
Sumner F. Kalman

SFK/dw