



Board of Selectmen

Date of Meeting: Monday, February 8th, 2021
Time: 6:30 PM – 9:30 PM
Members Present: Chair Jamie Underwood; Selectmen Matt Mecum and Seth Ridinger;
April Steward, Town Administrator; Town Counsel, Stephen Madaus and
Alison Mack, Administrative Assistant to the Board

The meeting commenced at 6:30 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81801735470?pwd=WGR3anRuN1FtdEhuaG9yZDBPYs9vQT09>

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Confirming Member Access:

April Steward, Town Administrator recited the following:

Members, when I call your name, please respond in the affirmative.

- Seth Ridinger: Yes
- Jamie Underwood: Yes
- Matthew Mecum: Yes

Staff, when I call your name, please respond in the affirmative.

- Alison Kennedy: Yes
- Stephen Madaus: Yes

Introduction:

April Steward started off the meeting by stating the following: Good evening everyone. This Open Meeting of the Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, the Board of Selectmen is convening by video conference via Zoom App as posted on the Town's Website identifying how the public may join. Please note that this meeting is being recorded, and that some attendees are participating by video conference. Accordingly, please be aware that other folks may be able to see you, and that take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.

Meeting Materials

All supporting materials that have been provided members of this body are available on the Town's website unless otherwise noted. The public is encouraged to follow along using the posted agenda unless The Chair notes otherwise.

Meeting Business Ground Rules (Jamie Underwood)

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- I will introduce each speaker on the agenda. After they conclude their remarks, the Chair will go down the line of Members, inviting each by name to provide any comment, questions, or motions. Please hold until your name is called. Further,
 - Please remember to mute your phone or computer when you are not speaking.
 - Please remember to speak clearly and in a way that helps generate accurate minutes.
- For any response, please wait until the Chair yields the floor to you and state your name before speaking.
- If members wish to engage in colloquy with other members, please do so through the Chair, taking care to identify yourself.

For Items with Public Comment:

After members have spoken, the Chair will afford public comment as follows:

- The Chair will first ask members of the public who wish to speak to identify their names and addresses only.
- Once the Chair has a list of all public commentators, I will call on each by name and afford 3 minutes for any comments.
- Finally, each vote taken in this meeting will be conducted by roll call vote.

BOH Update on COVID-19:

Matt has been working with the BOH and Lyons Club to get a consistent message out across the board to help guide seniors to where they can go to get vaccinated. He mentioned he spoke with Representative Kilcoyne last week regarding the issues as well.

Dennis Costello stated that the Boylston BOH has an emergency meeting coming up. They have been looking at 6-7 different avenues to get residents over 75 vaccinated, and still looking at a bunch of different angles with a couple of hospitals. He is hoping that they will have an answer at the end of this week to order vaccines for the town, however it may not be available for the town for 2-3 weeks. The BOH is looking at bringing on a vaccine coordinator for Phase 3 with the public. Right now, it's a full-time problem and they are not full-time staff, looking for someone to be the point person in town. Dennis mentioned there has been budget restraints in the last two years and those are showing up right now as an impediment to the board.

Update In numbers:

- Since pandemic – 235 positive cases
- Have been in the red in the last several reporting periods. Meaning they have had 25 positive cases
- Last reported period, which ended Jan 30th we had 32 positive cases; 28 were still in quarantine as of the 30th
- To date, we currently have 7 positive cases in Boylston, which has been a significant drop in numbers.
- The 9:30 PM curfew has been lifted in the state for restaurants, bars and other venues
- A couple serious complaints have been reported regarding a few businesses in town and they are in the process of checking those out

Budget Restraints:

- Dennis mentioned that as the Health Agent they used to be very active in Region 2, but they have not been in the past two years.
- Boylston belongs to the Region 2 Health and Medical Coordinating Coalition
- Still does some of the drills to be in Region 2, but has not been involved in the Planning Process for this Region in 24 months
- The newer Regional Group was the state picking out a bunch of unenrolled departments or Boards of Public Health; these were towns that had no affiliation with larger groups. Boylston was assigned to a group spearheaded by the Worcester Regional Planning Commission, tasked with grouping towns together in order for them to apply to grants and other things for a particular group.
- The only group close to us is Northborough
- All of Dennis' time and planning with that group ended up being with Harrington Hospital in Southbridge; very good model that he has been trying to sell that to UMass Memorial in Worcester

Sarah S. mentioned that when they meet tomorrow, she wants to coordinate the information to one person. There is a lot of information coming in and it is difficult to keep up with it. Jamie mentioned

they appreciate the hard work they are putting in and will get an update in the next couple weeks from them.

Representative Kilcoyne Legislative Update:

Representative Meg Kilcoyne is our new State Representative who came to the meeting to formally introduce herself; this is the first of many conversations she plans on having with the Town of Boylston. Rep Kilcoyne stated that this is a very unique time to be in government – unprecedented Health Crisis. She is glad she got to hear from Sarah and Dennis from the BOH and where they are at. This rollout has not gone as smooth as it could have been and was deeply concerned with the lack of Regional Planning on this rollout and how it has gone so far. She has met with her colleagues in the House. One item she was pleased to see the Governor move on is the mass vaccination site opening in Worcester and is hopeful this will help alleviate the commute to get vaccinated for the seniors. She offered to be available for further meetings if needed.

Looking for some federal funding coming in soon and the House is trying to press funding that would help regionalize some of these efforts even further. The email was received prior to the meeting and plans to forward it over to April.

Non COVID related items:

- *House 4937* – Home Rule Petition: Did not cross the finish line. They will be filing that again. Local approval is still good, so they will not have to go to Town Meeting and will refile it.
- *House 3936* – Did not get through the Senate so he will need to refile that as well. Have reached out to Governor Baker to get some answers.
- Has to do with the Regional School Committee
- Jamie mentioned this will hold up other boards. Rep Kilcoyne mentioned that she will flag that for the Governor's office. Rep Kilcoyne stated that she is unsure of the deadline but will circle back. April stated that right now, the Town Clerk is advising they we cannot pull papers until this issue is resolved.

Introduction:

- Newly elected to the 12 Worcester District
 - Worked for Harold Naughton for the past 10 years.
 - Excited to continue to serve these communities and work with everyone to make Boylston as good as it can be.

Seth asked what the timeline would be for House 3936. Rep Kilcoyne mentioned that it will be impacted by the Legislative cycle. The Clerk and the House have pushed it back to February 19th. It won't be able to move forward until committees are set; committees' assignments are going to be released within the next couple of weeks and will be able to begin conducting business. The committee needs to be formed and then the bill needs to be assigned a committee; committees will be assigned within the next couple of weeks. Rep Kilcoyne said most likely the end of February, the beginning of March. April mentioned that Representative Naughton used to earmark funds for the Municipal Police Training Academy and asked what her take on it was. Rep Kilcoyne stated that she will flag to get into this next budget and will want to continue to advocate for that.

Matt congratulated Rep Kilcoyne on her win and for her time last week. Rep Kilcoyne stated that it's a really unique time and if anyone has anything that needs to be advocated for, she is always happy to have a formal conversation/informal conversation regarding any issues. It is very helpful to see what is going on the ground to be able to raise concerns to the Governor. Every place in the Commonwealth is different and has different needs that they need to address. Rep Kilcoyne mentioned she is looking forward to continuing these conversations and that her virtual door is always open.

Memorandum of Understanding Discussion for 100 Shrewsbury St. LIP: Adam Costa:

- Seth Ridinger recused himself at 7:10 PM for this portion of the meeting.

April mentioned that Attorney Costa and herself have been meeting with Mr. Levine and his client, Mr. Vinacasa; They have been getting down into the details of the MOU; as far as she is aware, they are still in the process and asked Attorney Costa to speak regarding where they are at. Attorney Costa mentioned that he has been working with April and Lou Levine and his client in the past several months, to try and fashion a development agreement. In exchange for the BOS on giving a friendly 40B project, developers will often offer certain incentives to the town that will benefit the town. He hoped they would have a form of the development agreement to show the board today, however they aren't quite there yet. They have exchanged versions of a development agreement but weren't quite ready to share the document to the public.

Mr. Costa shared his screen to show the Development Agreement – Summary of Terms Draft. (On File in the BOS Office). He was hoping to review this information with the board and get some general feedback from them tonight on these eight components. If the board is comfortable with them then over the next week or two they can out these into final form and have an agreement for the Board to review as a whole and potentially sign.

Jamie asked what the timeline of the overall project is as one of the conditions is that it gets done this year; What is the builders expected timeline to go before the board? The Housing Production Plan is looking to have that done by July. Attorney Levine mentioned that his guess/estimation would be that if they submit a LIP application to the state by the beginning of March, it will take the state 4-5 months optimistically to review and approve it. Even though it is a LIP application, the DHCD will send it back to the community for a comment period. DHCD requires an appraisal which could be another couple months. Mr. Levine stated that he believes the earliest the permitting process would be done would be by the end of the year. Adam agreed with Mr. Levine and added that in regarding to the HPP there is usually a 120 day turn around time; once the application is complete, there is a 90-day time. His interpretation of the regulations is that when units count on the subsidized housing inventory, they count when the permit issues. Jamie mentioned that it looks like we both could possibly be running on the same timeline; Mr. Levine agreed.

Matt mentioned that the subcommittee and the Master Plan Steering Committee are working expeditiously on it to get it submitted. Mr. Levine thinks this will take a little more than two weeks and wants to submit the LIP application and MOU together so that the board can simultaneously

sign both agreements. He mentioned that he will keep April and Adam in the loop of when they are sending over the LIP application.

- Seth Ridinger rejoined the meeting at 7:42PM

Police Chief Report to the BOS:

Jan: 11th-14th – IMC Training for new operating system
Jan 12th – Wiring and Installation of cameras commenced
Jan 13th – MA Chiefs Zoom Meeting
Jan 14th – Movie folks did a movie site survey.
Jan 15th – Ticket Hearings at Clinton District Court
Jan 15th – Took first COVID Shot at Marlborough Hospital
Jan 19th – Received notification that Boylston PD was accepted into the North Worcester County Drug Force; Had applied and favorably considered. However, there is no Drug Task Force in Central MA, it was disbanded.
Jan 19th – Officer Riveras first shift; working out well
Jan 20th – Attended the Town and Marble Zoom meeting
Jan 21st - SGT Annunziata attended Grand Jury – Stolen Check case
Jan 26th – Recall work which was completed
Jan 28th - Comp day for recall of privately owned vehicle
Jan 30th – Officer Monaghues first shift - working out well
Feb 1st – IMC Go live date
Feb 4th – Taser Recertification
Feb 8th – Training
Feb 10th – Central MA Chiefs Zoom
Feb 21st – Marble will have a site set up; requesting overnight detail to safeguard the property.
- Shooting Dates were Feb 22nd and March 7th

Police Chief mentioned that he would like to add a third Detective Patrolmen position to the ranks; Officer Ryle. They are getting more and more investigative requirements and drug activity passing through the town. With all the development in town and the changes, he believes that its time to add this. The Chief placed an AD up in the Police Station and Matt Ryle was the one officer who was interested; he has some experience in this area. The Chief requested the support from the BOS since it would be a stipend increase of \$3,500. It would be a second shift position which would help with having someone available during this shift.

Matt mentioned he is always going to defer the need of the Chief for this situation and for a \$3,500 stipend, it seems to make sense to him. Seth mentioned that he does think it is a good idea, however he would like to push it off for a week or two to review the budget to see if they could neutralize costs. The Chief mentioned that he would relinquish that money out of his own salary because it is best for the town. Seth stated that although it is appreciated, no one would ask him to do that, He would just feel more comfortable to creatively find a way to pay for that.

The Chief mentioned that he received an email from April regarding the budget and per FinCom he was requested to resubmit and not include the third officer that they were projecting for a July 1st start date; it would be an officer with 10 years of service and would help with no overtime on the weekends. Jamie mentioned that he is firmly on board and defers to the Chief on these matters and that the \$3,500 stipend does not bother him as much. Matt mentioned that with the new developments, it brings on additional needs and frankly as a town, they have not kept up with that. They have a responsibility to make sure they keep the tax rate low, however they also need to make sure they are providing the right services at the right levels. The Board decided to wait until the next meeting to discuss.

Fire Chiefs Report:

Call Volume for 2020 – 901 Runs

COVID has actually slowed down the EMS calls in town however they have picked up a lot on mutual aid to Worcester and Shrewsbury.

Summarize COVID:

- Everyone on the Fire Department who has requested a vaccine has gotten the first dose.
- The Chief has received his second dose earlier today
- They are getting theirs done at Marlborough Hospital.
- The Chief has had several conversations with Matt Mecum regarding getting vaccines and also the BOH
- They have several EMTs in town that are able to administer it IF they can get it. Also, a doctor who lives in town has mentioned that he is able to as well.
- Received the first amount of funding from FEMA for reimbursement of COVID expenses.
- Received a Grant for additional personal tech equipment - \$3,500. Additional PPE

Grants:

- Applied for 2 grants:
 - \$190,000 to replace SCBA
 - \$615,000 to consolidate two vehicles into one.
 - received a nice letter from Senator Warrens office
- Applied for a \$10,000 grant through the MA Dept of Fire Services
 - Passed the first round
- Received 2 supplemental grants \$5,400 – COVID related supplies and equipment.
- FY22 budget was submitted as requested with zero increase in funding.
 - Really need to look at payment for on-call firefighters and EMTs; believes it is time to look at making their pay competitive. The board agreed.

The Chief thanked the Board for his 3-year contract and looks forward to continuing his work with the town. He mentioned that the full-time staff members have entered into an agreement to unionize, signed contract. He does not really know where it is coming from and stated that his staff has not spoken to him about it. He thanked Selectmen Mecum for the work he has been doing with the vaccines and believes that Rep Kilcoyne will be a good voice for the Town. Seth thanked the Chief for going after these grants and asked about replacing the SBCA. Seth then asked for a

comparison on the number of calls from 2019-2020; the Chief responded that they are up around 200 calls, increasing every year.

Highway Superintendents Report:

- Regular routine winter work is being done; Tree work and a taking care of some potholes on roads.
 - Working with the light department in taking out the right trees; do not have a large tree budget so going to look into that in the future.
- They have hired a new employee, Mr. Lopez. A great fit for the town and has been with them for about three weeks.
 - They had an employee injured back in December, but he has returned to full time work. With the storms, they have been out some pretty long hours; their budget is dwindling. Not at the point where he can say they will overspend but it is fast approaching especially with the upcoming storms.
- They have been doing some monthly trainings inhouse.
- Have been doing some Facebook live events to show residents what is going on and how the work is done; people seem to be enjoying it.

Cemetery:

- 1 burial so far
- Tree work has been done a little bit as well.

Jamie asked about a sign at Hillside blinking and saying starting road work starting Feb 22nd. Steve said he will look into it and get back to them.

Blind Driveway Sign Request; 220 Sewall Street:

A resident at 220 Sewall Street has reached out and requested to have a blind driveway sign placed on the road. Steve went to the area and did some brush work; they have more than 120 feet of sight line view on the left side. It was discussed that maybe a mirror be placed to see cars coming around the corner. Steve does not believe that the sign will solve the issue. Matt mentioned that he believes the resident is now looking for permission to put a mirror up instead. Jamie mentioned that he has no problem with them putting up a mirror. Seth agreed.

Matt Mecum made a motion to allow the residents of 220 Sewall Street to install a mirror for traffic visibility across the street, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Seth requested that the Rifle Range be notified that a mirror has been approved to be hung up. Steve mentioned that it is town owned land, and they are able to do that.

Approval of meeting minutes: 01/25/2021

Matt Mecum made a motion to approve the meeting minutes from 01/25/2021, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Building Inspectors Report:

Tony mentioned that the reports are being printed differently due to the new permitting software and provided an example in his report. Jamie mentioned that it looks like it's going to be a busy year coming up. Tony mentioned there are weeks like this where it snows and not much is getting done because of all the delays and then there are going to be weeks where it's extremely busy.

Seth asked about Morgan Circle and if there are 4-5 units left being constructed. Tony responded that there are 4 units that are off to the side, that are outside of Morgan Circle. Two of those, he has done up to the insulation inspection; they continue to do construction and are moving towards doing occupancies. The other two he hasn't gone in to do the frame yet. There are one or two more that are ready for occupancies, but as this goes on more and more there is less leverage the town has. Seth asked when the occupancy permits will be issued, and Tony stated that it all depends on how fast things move. Two of them are being worked on and the other two are just sitting there so it means that he does not have a buyer yet; when you have someone interested in buying the property it tends to move much quicker.

Board Goals Discussion:

Matt reviewed the board goals and ran through them:

- *Town Planner* – Hired
- *Master Plan Committee*: Got that off the ground
 - Master Plan Survey: 175 surveys received. CMRPC has stated they would like 8%-10% back; on track
 - \$40,000 grant received to offset some of the costs
- *Housing Production Plan Sub Committee*: has been meeting twice a month
 - Survey was completed
 - Looking to have an open forum in March virtually.
 - Looking to submit a final plan to the state by early May – early June
- *Affordable Housing Inventory*: HPP will help with that. If LIP moves forward that will help us get to our quotas but is unsure of how much headway we have made reviewing our housing inventory as it stands stand. Probably falls on the Town Planner and at this point he has a lot on his plate. Seth mentioned he has spoken with Paul about it and once the HPP is complete it is something he will better be able to look into.
- *Reviews*: April touched on how we are planning on doing a step plan for the next fiscal year. This is a work in progress.
- *Moral at Town Hall*: Sent out survey and in the midst of COVID, we didn't do too much with it. Matt stated that he is willing to look into it more and doesn't want that to fall on the back burner as it is very important. He would like to set up some time and review those surveys again. Jamie mentioned that this year has been a very difficult time and agrees that with that goal, they have done as much as they could; hopefully when this is over, we can send out another survey to get some feedback.
 - Seth mentioned that he wants to make sure that they set some type of schedule for Department Head reviews and who reports to them.

Town Administrators Report to the BOS:

1. Library Director Search: After reviewing numerous resumes and interviewing three finalists, the Library Search Committee put forward Erica Hout as their top candidate before the Library Trustees for their consideration. I am happy to announce that the Library Trustees announced that Erica was selected to be Boylston's new Library Director. With Erica's knowledge of the community and her high regard for customer service, I am positive that the town will continue to receive the best library experience possible. I would like to wish Erica the best of luck in her new position.
2. Affordable Housing Units: The Planning Board has been in discussion with the developer at Lilymere Estates about compliance with the town's Inclusionary Zoning By-Law. The developer had opted to pay a fee in lieu of building the affordable units. Attorney Madaus and the developer's attorney have entered discussions to apply the formula found in the Inclusionary Zoning By-Law. Once the fee is determined it will go before the Planning Board, and then be presented to the Board of Selectmen for approval.

Discuss/Vote on fee in lieu of building affordable units at Morgan Circle:

Town Counsel, Stephen Madaus stated that the developer seemed to be unaware of this issue and talk to his client. Stephen told him he needs to act quickly as time is of the essence. Stephen received a response by email, questioning how he reads the by-law and mentioning that payments in three different cycles is not a payment plan and overall received significant pushback. Stephen stated that if anyone has an agreement with this developer it would be helpful if he were able to review it. Jamie mentioned that he looked for meeting minutes from the Planning Board and he could not find any.

Stephen mentioned that he watched one video where the topic was raised, and the developer couldn't figure out what was required so he mentioned he would pay the town like he paid Shrewsbury; Stephen is unsure where that came from. The Planning Board did not really react to it, and certainly did not vote on it, but the Planning Board can't waive the requirements of our by-law. The board should be aware that the initial reaction is push back but does not want to say too much at this time. Jamie mentioned that there have been two payments of \$50,000. Seth stated that he confirmed that there should be \$100,000 in a separate account; two different payments.

Tony stated that he was not involved in the conversation about it but was made aware of it. He does not know who was involved in the discussions about it and unsure who made this agreement. Stephen stated that it will have to be a discussion for another meeting, but it is a zoning requirement, and the Selectmen will have to do something; the remaining units could be sold and occupied, and they could still be talking about how the by-law reads.

Stephen mentioned the fact that they elected not to build affordable units on the site, they had to figure out the payment obligation. Stephen stated that some people along the way thought there was an agreement, but he has never seen it. Seth stated that he would like to

add that he started to look at this over a month ago; it originated from a Planning Board meeting from November 7th, 2018. The developer came to the meeting and mentioned he cannot comply with this for a number of reasons that Stephen alluded to. The developer mentioned what he did in Shrewsbury and the Planning Board chair said okay let's call it \$150,000 and find a place to park it; there was no formal vote or agreement. Seth stated that he feels it is very important to move forward with this as it is important for future projects in the town. Stephen stated that he never recognized it as an approval and that the Chair mentioned it will need to go before the Board of Selectmen. Seth stated that at the next BOS meeting in late November 2018 there was just a general conversation, but no vote. Stephen stated that it has not progressed as he would have hoped it would. Seth stated that it is important to make sure our bylaws are being followed and asked Attorney Madaus to figure out what the next steps may be. Tony asked the board to let him know which way they want him to react and he will. Matt stated that we need to hold the developer accountable to our by-law. If there was never any formal vote by the BOS that means the bylaw is what the bylaw is. We are setting the wrong precedent if we are not going to hold developers accountable. Jamie stated that his main concern would be that is excepting two payments, constitute an agreement? Stephen stated that we will not discuss that in open session. Jamie would like to have an executive session on this matter. Stephen stated that he would have a better sense by the end of this week; he agrees that this must come to a head sooner rather than later. The Board decided to hold an Executive Session on Tuesday, February 16th at 8:30 AM.

3. 85 Sewell Street: The Purchase and Sale Agreement for 85 Sewell Street was signed and sent to the seller's attorney on February 4th. Mirick O'Connell has ordered the title search on the parcel. The due diligence period ends on March 18th. The board can choose to terminate and receive the deposit back for any reason prior to March 18th and get the deposit back. After March 18, we can only get the deposit back if we fail to get the required Town Meeting vote.
4. Warrant: Today is the date selected to open the Town Warrant. I would ask that the board vote to open the warrant with a close date of Monday, March 8th.

Seth Ridinger motioned to Open the Town Warrant for the Annual Town Meeting tonight, and close the Warrant on Monday, March 8th, Matt Mecum seconded. Voted all in favor: Matt: Yes, Seth: Yes, and Jamie: Yes.

At 9:30 PM, Seth Ridinger made a motion to adjourn, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Respectfully submitted,

Alison Mack, Assistant to the Board of Selectmen

Meeting Materials

Agenda	On File in The Board of Selectmen's Office
Town Administrator's Report	On File in The Board of Selectmen's Office
Meeting Minutes 01/25/2021	On File in The Board of Selectmen's Office
Police Chief Report	On File in The Board of Selectmen's Office
Fire Chief Report	On File in The Board of Selectmen's Office
Highway Superintendent Report	On File in The Board of Selectmen's Office
Building Inspector Report	On File in The Board of Selectmen's Office
220 Sewall Street Sign Information	On File in The Board of Selectmen's Office
Tower Hill BG Events Update	On File in The Board of Selectmen's Office