

Lisa Tomyl

From: Peter J. Berry [pjberry@comcast.net]
Sent: Tuesday, September 29, 2015 11:28 AM
To: Lisa Tomyl
Cc: Katie Green
Subject: Re: CPA Study Committee Applicant

Hi Lisa: Please add Carolyn Kilpatrick's appointment as a citizen at large member of the CPA Study Committee to the consent agenda for the Oct. 5 meeting. Thanks.

Peter J. Berry

39 Faulkner Hill Road

Acton, MA 01720

(508) 423-0467 (C)

(978) 264-0265 (H)

From: "Lisa Tomyl" <ltomyl@acton-ma.gov>
To: "Peter Berry" <pjberry@comcast.net>
Sent: Tuesday, September 29, 2015 8:56:47 AM
Subject: CPA Study Committee Applicant

If you can interview prior to this Thursday at noon, I can get it on the consent agenda for Monday.

-----Original Message-----

From: ATH-MGR-COPIER@acton-ma.gov [mailto:ATH-MGR-COPIER@acton-ma.gov]
Sent: Tuesday, September 29, 2015 8:35 AM
To: Lisa Tomyl
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

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VOLUNTEER COORDINATING COMMITTEE

VOLUNTEER APPLICATION

TOWN HALL
472 MAIN STREET
ACTON, MA 01720

TELEPHONE (978) 929-6611

FAX (978) 929-6350

EMAIL VCC@ACTON-MA.GOV

Residents interested in serving on a Town Board, Committee or Commission are requested to complete this form and send it to the Office of the Town Manager at Town Hall.

(Please print or type)

Date: 8/5/2015

Title Mr. (Mrs.) Ms. Dr.	First Name Carolyn	Last Name Kilpatrick
Street Address 9 Devon Drive		
Phone Number(s) 978 263 8449		Email Address cjkilpatrick9@comcast.net

Please indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: CPA Study Committee

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: no

Do you have any time restrictions? no

Are you a United States Citizen? yes Are you a Documented Resident Alien of Acton? _____

How long have you lived in Acton? 45 yrs In Massachusetts? 45

Present occupation and employer (Optional: attach resume): retired

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? no

Education and special training: college and 23 years in Insurance

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc.: I was a Trustee of the Acton Woman's Club. who over the past 5 years worked on receiving 3 CPA grants to make the Woman's Club handicapped accessible and to preserve and improve this historic building in Acton Center. I would like to show appreciation to the Town by volunteering for this Committee.

The Acton Volunteer Committee met September 28,2015 and interviewed Carolyn Kilpatrick for a position on the CPA study committee. She is very active in the Acton Woman's Club and would like to show her appreciation to the Town for the CPA grant given to the Woman's Club. The Club won't be applying for another grant so there won't be a conflict of interest. She is a long time Acton resident and and plans to attend a meeting at the next scheduled time.

We recommend that we forward Carolyn Kilpatrick for further consideration for the CPC.

Jean Lane, VCC

September 14, 2015

To: The Selectman Liaison for the CPA Study Committee

Subj: VCC Recommendation of Walter Foster for the CPA Study Committee

Walter Foster has submitted a Volunteer Application to serve on the CPA Study Committee.

Walter has served on the BoS (chair twice), the CPA since its inception and served on the standing committee to adopt the CPA originally and numerous other committees in Acton. The only concern of a member of the VCC was a possible conflict of interest. We posed that question to Walter and his response was:

"I do not consider that my membership on the CPC would pose any sort of a conflict and that I can remain a fair and impartial contributor to the charge set forth by the Selectmen. First, the work related to the financing structure is determined by the statute (i.e. set amount adopted by the Town, certain % match from the state) so the review of that structure and any report is very fact related as is the history of the all projects funded. Similarly, the projects were all passed and authorized at town meeting so the review consists of actions approved by the Town and my membership does not and will not impact the input I can share with the committee. Second, I remain very open minded and take very seriously the charge to the Committee and would be mindful of the goals set forth by the Selectmen. Third, I am the at large member of the committee and as such am responsible to the entire Acton community as my role. Fourth, Peter Berry is the selectman who is running the committee and he currently is also a member of the CPC so current membership by action of the Board itself appears to recognize the value of having some familiarity with the CPC. Mr. Berry in fact served as the CPC's chair previously and I have had the honor to serve with him prior to his current term on the BoS. Fifth – the current cycle would not any way impact the work of the committee nor vice versa. As this year's projects would only be brought to town meeting for approval in the Spring, the substantive work of the standing committee does not appear to implicate any day to day issues with this year's cycle. Sixth – I believe there are numerous other members of the committee who are not on the CPC (some are in fact prior members) and as I have in the past while on the Planning Board, CPC and the BoS remain respectful of their opinions and the group's consensus output will reflect are very objective viewpoint because of the variety of input. I hope this addresses your question and that I understood it correctly."

His record of achievement and people skills makes his appearance before the VCC redundant and unnecessary. I therefore ask that he be allowed to bypass the VCC and be directly considered by the Selectman Liaison for membership on the CPA Study Committee.

Charlie Aaronson
For the VCC



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ACTON, MA 01720

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FAX (978) 929-6350
EMAIL VCC@ACTON-MA.GOV

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(Please print or type)

Date: 7/28/15

Title <input checked="" type="radio"/> Mr. <input type="radio"/> Mrs. <input type="radio"/> Ms. <input type="radio"/> Dr.	First Name Walter	Last Name Foster
Street Address 3 Jesse Drive		
Phone Number(s) (w) 617-342-6853 cell = 978-760-1323		Email Address wfoster@eckertseamans.com

Please indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: _____

for CPA Study Committee at-large position

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: Planning Bd -

Board of Selectmen - 2 terms (6 yrs) served as chair & member
CPA since its inception - also served on standing committee to adopt CPA originally
Numerous other ad hoc committees

Do you have any time restrictions? yes - I work in Boston during the working day

Are you a United States Citizen? yes

Are you a Documented Resident Alien of Acton? _____

How long have you lived in Acton? 2/4rs

In Massachusetts? 53yrs

Present occupation and employer (Optional: attach resume): Attorney

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No

Education and special training: Law school

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc.: I have been an

advocate to increase the CPA participation on level for some time and have worked
hard to make the CPA a success in Town. I would like to be involved in the next
phase as well.

Thank you for your interest. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee at vcc@acton-ma.gov.

Current membership may be obtained through the Town Manager's office at Town Hall, manager@acton-ma.gov / (978) 929-6611.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC Interview

Applicant Called _____

Schedule Date & Time _____

Recommendation _____

Board, Committee or Commission

Appointing Body

Selectmen / Manager / Moderator

Interview Date _____

Appointed Date _____

Term _____

Member / Alternate / Associate

Notification of Appointment

Recommendation Sent _____

Received by VCC _____

Committee Notified _____

Applicant Notified _____

No Openings at this time

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Walter M. Foster

Member

Two International Place
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Boston, MA 02110

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E: wfoster@eckertseamans.com

V-Card



Walter Foster maintains an extensive practice in employment law, business litigation, municipal law, and pension law, where he provides counsel to both private and public sector employers on the legal and regulatory standards that govern the modern workplace. In addition, Walter helps international businesses open and operate in the US and abroad and helps them navigate the complex regulatory and legal framework in today's international economy. His public sector clients include the Massachusetts Bay Transportation Authority and the Melrose Retirement Board. Walter has over 25 years of trial and appellate experience including business disputes, non-compete litigations and employment related disputes. Notably he has handled numerous jury trials and public hearings involving claims of sex harassment, disability, race, national origin, gender, age, sexual orientation and religious discrimination before the state and federal courts, the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission.

As part of his appellate practice, Walter has appeared on several occasions before the Massachusetts Supreme Judicial Court including a case concerning the constitutional right of a jury trial in discrimination law cases.

Walter previously worked as an assistant attorney general (AAG) in Massachusetts, defending numerous state agencies and departments in administrative law appeals, and currently serves as Special Assistant Attorney General. As a former AAG, he represented the Contributory Retirement Appeals Board, and various other regulatory agencies in state court. He has a working knowledge of the complex and organic state retirement statute chapter 32 and drafted an opinion of the Attorney General concerning the applicability of specific retirement provisions under the state's retirement statute to the judicial branch.

Walter conducts discrimination and workplace investigations and drafts workplace policies. He provides advice concerning employment contracts, non-competition agreements and wage and hour compliance issues. Walter also provides comprehensive consultation services and training sessions. These services assist business clients in designing policies that promote a professional work environment compliant with state and federal laws. This also helps reduce or prevent the incidence of disruptive employment-related claims.

Representative Matters

- Handles intra-family shareholder disputes, involving breach of fiduciary duties and freeze out of shareholder.
- Successfully defended a complex race discrimination case before the Mass. Commission Against Discrimination involving a failure to promote claim;
- Defeated a constitutional challenge in Superior Court to an employee drug-testing policy involving random drug testing;
- Defended a complex business contract claim involving multi-national parties and Uniform Commercial Code violations;
- Won a defense verdict in Superior Court on a disparate impact race-based claim involving progressive discipline issues in a union environment;
- Successfully defended a wrongful termination claim under the Americans with Disabilities Act in Superior Court;
- Involved in a successful appeal to the U.S. Supreme Court concerning the modifications of court-entered consent decrees.

Practice Groups

Litigation
Labor and Employment

Education

J.D., Columbia University School of Law
B.A., *cum laude*, Dartmouth College

Admissions

Massachusetts State Courts
U.S. Court of Appeals for the First Circuit
U.S. Supreme Court

Professional Affiliations

Boston Bar Association
Massachusetts Bar Association
Massachusetts Association of Public Pension Attorneys

Community Involvement

Former selectman and Chairman for the Town of Acton, Mass
Former Planning Board member, Town of Acton
Member of the local Community Preservation Committee
Member, 495 Referral Group of Business Network International

Special Recognition

Selected for inclusion in *Massachusetts Super Lawyers*

Articles

- "[Federal Court Applies New Earned Sick Time Law to Massachusetts Employees Governed by CBAs.](#)" *Eckert Seamans Labor & Employment Alert*, July 2015.
- "[New Domestic Violence Leave Law in Massachusetts.](#)" *Eckert Seamans Labor & Employment Alert*, January 2015.

Presentations

- "Affordable Care Act (ACA) Forum," co-presenter with Rob Trautlein of Aetna, for the New England Council, October 2014.

Quoted

- "SJC rules ex-teacher guilty in child porn case can keep pension," quoted, *The Boston Herald*, August 2014.

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